Florida Slaves, the "Saltwater Railroad" to the Bahamas, and Anglo-American Diplomacy

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The geographic and social conditions of the United States territory of Florida provided unusual modes of escape for bondpeople in the antebellum era. Many slaves fled and joined the Seminole Indians there, while other runaways grouped into autonomous or semi-autonomous maroon communities in the territory’s outback. Still other enslaved people sought freedom through less well known and poorly documented ventures, such as those fugitives who risked their lives sailing to the British-controlled Bahama Islands. This dangerous passage forced fugitives to face not only the unpredictable waters between the mainland and nearby islands but unscrupulous slave catchers as well. For those former slaves who successfully cleared these hurdles, Anglo-American entanglements over slavery and the slave trade presented still further challenges to securing permanent freedom in the islands.

This article examines one such escape via this water route to the black-majority Bahamas. The story sheds light on the shifting contours of a little-known but disruptive foreign policy dispute between the United States and Britain, and it also examines a "saltwater railroad" escape route from the American Southeast to the nearby Bahamas that may not have been exceptional. Although the topic has been largely ignored in specialized studies of the antebellum South, such mainland and Bahamas scholars as Larry Eugene Rivers, Rosalyn Howard, Gail Saunders, Whittington B. Johnson, and Howard Johnson have recently created new interest in the phenomenon of slave escapes across the water to the city of Nassau and the so-called Out Islands of the British Bahamas. Even so, few studies have thoroughly explored this subject or offered credible statistics on the number of American slave escapes along this route over time and the possible national and international

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significance of these types of self-liberating events. By building on this case study of seven fugitives who fled from St. Augustine, Florida, to Nassau in the early 1840s, historians can potentially expand scholarly understanding of a southern saltwater railroad that may have operated with some degree of success over time but whose precise numbers remain submerged in the historical record.

Readers perusing the St. Augustine Florida Herald and Southern Democrat on July 31, 1843, encountered an article with the headline “Negroes Absconded”:

On Tuesday morning last, our city was thrown into a state of unusual excitement by the announcement that the negroes composing the crew of the U.S. Transport Sch. Walter M, had absconded the night previous. It was ascertained that they had taken the schooners boat, compass, and spy glass, a quantity of bread, pork, and water. In the afternoon the Walter M's boat was found near Fishe’s Island about 2 miles south of the city, and towards night a large whale boat belonging to the pilots which had been hauled up and repaired, was missing. It appeared, beyond a doubt that the runaways had stolen the boat and put to sea for a long voyage, and it is presumed with the intention of making some of the Bahama Islands . . . . Besides the crew, three other negroes have gone with them. Among them the notorious Andrew who made some noise in the beginning of our Indian troubles. Two of the negroes belonged to W. H.

1See Larry Eugene Rivers, Slavery in Florida: Territorial Days to Emancipation (Gainesville, Fla., 2000); Rosalyn Howard, Black Seminoles in the Bahamas (Gainesville, Fla., 2002); Gail Saunders, Slavery in the Bahamas, 1648–1838 (1985; new ed., Nassau, Bahamas, 2000); Saunders, Bahamian Society after Emancipation (rev. ed.; Kingston, Jamaica, 2003); Howard Johnson, The Bahamas from Slavery to Servitude, 1783–1933 (Gainesville, Fla., 1996); Whittington B. Johnson, Race Relations in the Bahamas, 1784–1834: The Nonviolent Transformation from a Slave to a Free Society (Fayetteville, Ark., 2000); and, more recently, Astrid Melzner Whidden, “Links across the Gulfstream: The Florida/Bahamas Zone, 1780–1900” (Ph.D. dissertation, Florida International University, 2007). Peter T. Dalleo has attempted to estimate the numbers of “recaptives” and escaped slaves in the British Bahamas and found the task difficult given the imprecise numbers and origins reported by the port collectors and consular dispatches. As Dalleo has confirmed in his own research, and as the wide variation in the numbers of liberated and “runaway” slaves reported by Saunders, Howard Johnson, and Whittington Johnson indicate, it is problematic to attempt estimates of the numbers of escaped slaves from Florida or fugitives from other states who might have passed through Florida on their way to the Bahamas. While a tally remains elusive, the significance of the symbol of freedom represented by the British colony of refugees so near the coast of Florida may well have made the Bahamas a factor in a southern “saltwater railroad” for self-liberating slaves from the American South. Peter T. Dalleo, “Africans in the Caribbean: A Preliminary Assessment of Recaptives in the Bahamas, 1811–1860,” Journal of the Bahamas Historical Society, 6 (October 1984), 15–24, esp. 22n16. The authors are indebted to the following scholars for their intellectual contributions to this article: Abel A. Bartley, Leonard R. Lempel, Ronald L. Lewis, David B. Mock, Betsy L. Winsboro, and especially Paul Ortiz, director of the Samuel Proctor Oral History Program and associate professor of history at the University of Florida, and Walter Hixson, Distinguished Professor in the History Department at the University of Akron. The authors also wish to acknowledge the Journal of Southern History's anonymous referees for their insightful comments and suggestions for improving the initial and evolving drafts of this study. Florida Gulf Coast University bestowed its Senior Faculty Scholar Excellence Award, 2011–2012 on Irvin D. S. Winsboro, and he wishes to acknowledge the significant research support that recognition provided for this project.
In a slave-based economy like that of East Florida, the loss of such “faithful” labor to a foreign territory was, as the editor of the St. Augustine News noted, an affront “to the interests of the Southern States” that would not be taken lightly. Officials in East Florida quickly offered a $350 reward and “reasonable expenses” to any slave catchers in Florida, Georgia, or South Carolina who would pursue the maritime runaways. Indeed, these escapees became a cause célèbre for many proslavery elements, and not solely for the escapees’ former masters and regional slave catchers.

In subsequent issues of St. Augustine, Nassau, and Savannah, Georgia, newspapers, reports noted that the escapees had timed their flight to coincide with the anticipated appearance of a British ship in the vicinity of St. Augustine. Although it is not known whether a British vessel did appear at the expected time, the city council of St. Augustine soon made claims to the U.S. secretary of state that a “Power whose possessions are in our immediate neighborhood” in all likelihood created in “the Bahama Islands, a regularly organized system for the abduction of our slaves—or for aiding and abetting them in escaping from their owners.” Similar stories in regional newspapers noted that British ships regularly sailed the waters between St. Augustine and the British Bahamas and, in all probability, had assisted several saltwater escapees from Key West to reach Nassau only weeks before the St. Augustine venture. Since two of the St. Augustine fugitives had maritime experience in the waters off Florida’s east coast, it is feasible that they had confidence in their ability to guide the large whale boat they had commandeered to the island chain in the same manner as the Key West runaways had. Both maritime and land-based slaves in East Florida were familiar with this southern escape route toward the Gulf Stream from generational seafaring experiences, frequent contact with Seminoles who had long traded with the Bahamians, interactions with nonwhite Bahamian wreckers and divers working the waters off East

2 “Negroes Absconded,” St. Augustine Florida Herald and Southern Democrat, July 31, 1843, p. 2. Newspaper and documentary accounts of the escape and subsequent events failed to give additional information on the fugitives’ backgrounds and personal experiences.

Florida and the Keys, and their own underground communications networks. The St. Augustine fugitives had prepared for the short sea voyage by relieving the Walter M of a compass, a number of muskets and four hundred rounds of cartridges, a store of salt, provisions, and a container of freshwater. Despite the fugitives' preparations, the wind and currents soon drove them off course toward the southeast corner of the Florida peninsula, where they subsequently endured danger and hardship before they successfully navigated the approximately one hundred miles of saltwater to the British territory of the Bahamas.4

While the escape was in progress, unrelated moves that would affect the resolution of this matter were set into motion in faraway London and Washington, D.C. In London, George Hamilton-Gordon, fourth earl of Aberdeen, the foreign secretary, advised the Foreign Office and Parliament of the need for new legislation to address the status of fugitive slaves who might arrive in British territories from U.S. and French possessions. In particular, Aberdeen noted the lack of legal provisions for the return of such individuals when they had committed a crime in their homeland. He surmised that the only recourse the British government had was for Parliament to vote a "special act" to address individual incidents. Aberdeen argued that under current treaty obligations, only crimes of a serious nature (such as murder, robbery, arson, and forgery) commanded extradition. Fleeing from slavery was not a crime under British law, and, therefore, escaped slaves arriving in British territories like Canada and the Bahamas could not be claimed by their masters. The measure that Aberdeen proposed was designed to defuse potential diplomatic conflicts over this issue and thereby facilitate "amicable feelings between the two countries."5

In essence, Aberdeen wished both to preempt future diplomatic quandaries and to ameliorate disputes between Britain and America


5 "England and the United States," Baltimore Niles' National Register, August 12, 1843, pp. 374–75 (quotations on 375).
concerning the treatment of free black seamen and the suppression of the slave trade in the transatlantic world. Inasmuch as the Bahamas harbored escaped slaves from the region, there was a distinct possibility that American expansionists would direct the federal government’s eye toward the Bahamas. Indeed, that the Bahamas offered sanctuary during times of peace as well as war (for instance, the Second Seminole War, 1835–1842) had long proved a nettlesome issue for American slaveholders who frequently forwarded their complaints to Washington for diplomatic redress. The controversy dated back at least to Andrew Jackson’s invasion of Spanish Florida in 1818, when some two hundred blacks fled Florida across the saltwater to take refuge in the nearby Bahamas as slaveholder Jackson’s forces advanced. Many of those blacks (including some black Seminoles) directly or circuitously came to settle on Andros Island, where they prospered as sponge divers and wreckers in their new community of Red Bays. Rosalyn Howard and other scholars have concluded that the islands offered not only a convenient but also “a natural refuge” for black Seminoles in this period.  

During the Second Seminole War, the U.S. commanding general, Thomas S. Jesup, recorded that escaped slaves and “Indian negroes” fled in sizable numbers to the Bahamas. Florida territorial papers through the 1820s intermittently noted slave escapes to the Bahamas, sometimes in groups of up to thirty persons. Even as southern newspapers reported the “heinous” acts of British abolitionists and their northern sympathizers in assisting the St. Augustine fugitives, seven more slaves from the upper Gulf of Mexico region made an ill-fated attempt to sail across the channel to Nassau that culminated in a sensational federal magistrate’s trial in Pensacola.  


Aberdeen's premonition of diplomatic flare-ups over slavery and the British territories—in this case, the Bahamas—was grounded in historical experience.

In 1825 Great Britain's Colonial Office, with backing from the Home Office, angered southerners by proclaiming that American slaves arriving in the Bahamas would be declared as "free" as any person "who reaches British ground." The action further inflamed the passions of U.S. slave masters against Britain. Not only did the ruling immediately free 300 American runaways in the islands, but it also probably stimulated numerous other American bondpeople to contemplate freedom in the Bahamas. Within only a few years of this 1825 ruling, almost 130 slaves had fled to the Bahamas. The Collector of Customs and Admiral's Records show that another 165 American slaves were manumitted in the islands in subsequent years. British records and recent scholarship reveal that when the end of slavery came in the Bahamas in the 1830s, customs officials had recorded the entry of approximately 6,000 liberated or fugitive Africans from nearby waters or landmasses (no specific number is given for escaped slaves from the U.S. mainland). By the 1840s the Bahamas had more liberated or escaped slaves than any British colony in the Caribbean, a fact that certainly did not escape the attention of the U.S. government and southern slaveholders who were but a short sail from the Bahamas.8

The lure of the Bahamas and its isolated cays thus represented a persistent foreign policy issue for proslavery Americans by the time the St. Augustine fugitives floated to freedom in the islands. Not only did the archipelago offer sanctuary to fugitives, but the British navy also routinely stopped American ships in the Bahamas Channel and

8 House Executive Documents, 20 Cong., 2 Sess., No. 19: Message from the President of the United States, Transmitting the Information Required by a Resolution of the House of Representatives, of the 10th of May Last, in Relation to Negotiations with G. Britain upon the Subject of Fugitive Slaves, December 15, 1828 (Serial 184; Washington, D.C., 1828), 1-6, esp. Albert Gallatin to Henry Clay, September 26, 1827, pp. 4–5 (quotations on 5); Philip M. Hamer, "Great Britain, the United States, and the Negro Seamen Acts, 1822–1848," Journal of Southern History, 1 (February 1935), 3–28; Records of the Colonial Office (hereinafter cited as CO),
searched them for illegal slave trading under British "right of search" naval policies. Secretary of State Abel P. Upshur and many other Americans suspected that British intentions were to destroy "the rivalry and competition . . . of the United States," but officials in London countered that such proactive measures were necessary to suppress the African slave trade. Although historians debate the critical factors leading to Parliament's outlawing African slavery in Britain's colonies in 1833, the Royal Navy, in practice, had been stopping ships and interdicting the African slave trade since 1807. The United States had also agreed to end the importation of slaves in 1808 and to play an active role with Britain's West Africa Squadron in stopping the trade, as stipulated in the Webster-Ashburton Treaty of August 9, 1842 (also known as the Washington Treaty). Even so, the U.S. Navy, short on both ships and manpower, failed to aggressively fulfill this role.9

Meanwhile, the dynamics of the slave trade often provided friction points between Britain and the United States, especially regarding the Royal Navy's unilaterally proclaimed "search and seize" policies on the high seas. The issue came to a head in the case of a U.S. brig, the Tigris, which had been detained, searched, and declared a prize by the British brig Waterwitch, and the freeing of chattel aboard the damaged U.S. slaver Hermosa in Nassau in late 1840. Both cases resulted in sustained correspondences between Aberdeen and Edward Everett, the American minister to England. In 1841 the British brigantine Dolphin seized yet another alleged slaver, the barque Jones, and sent it as a prize to an admiralty court. That same year British abolitionists and American slaveholders condemned each other when the U.S. Supreme Court freed thirty-five Africans who had participated in the seizure of the Spanish slaver Amistad under the leadership of Joseph Cinqué. In this sensational case, the defense, conducted under former president John Quincy Adams, argued successfully that the Amistad

1723–1834, CO 23/81/54-56 and CO 23/84/840 (National Archives, Kew, England); "Reports of Liberated African Arrivals in the Bahamas from Governors' Correspondence," Bahamas Original Correspondence, 1808–1864, CO 25/53-174; Howard Johnson, Bahamas from Slavery to Servitude, 70; Saunders, Slavery in the Bahamas, 48.

mutineers were, in fact, illegal captives and as such were entitled to pursue whatever means necessary to secure their freedom under the norms of natural law and self-defense. Although abolitionists and foes of slavery on both sides of the Atlantic cheered the findings, both Washington and London were left wondering what the implications of the decision might be for international law and relations.¹⁰

Shortly following the Amistad trial, the United States faced a similar diplomatic controversy in the case of the Creole. In 1841 the 135 slaves aboard the Creole rebelled and commandeered the vessel en route from Virginia to New Orleans. The seaborne rebels killed a slave master and injured many of the white crew members before setting course for Nassau. The British reluctance to free the Creole fugitives and the American reactions to the event became further complicated days later when a crowd of black Bahamians attempted to free the slaves by force.¹¹

U.S. southerners found the British officials’ liberation of the chattel aboard the Creole a threat to slaveholders’ livelihood and property rights. Moreover, those slave traders pursuing America’s version of the Middle Passage by transporting slaves from the Chesapeake past the Bahamas to the booming western slave market at New Orleans demanded redress from Washington. South Carolina senator John C. Calhoun declared the implications of the Creole affair “shocking and outrageous” and of “greater magnitude to the section of the Union more immediately interested.” U.S. secretary of state Daniel Webster considered the act of liberation illegal because the slaves were under the jurisdiction of American law. British officials, under pressure from English antislavery groups to prevent extradition of fugitive slaves, rejected the American claim based on the argument that the incident

¹⁰ Edward Everett to Lord Aberdeen, February 21, 1842, in Great Britain Foreign Office, British and Foreign State Papers (170 vols.; London, 1841–1977), XXXI, 673–75; Everett to Aberdeen, March 1, 1842, ibid., 675–89; Aberdeen to Everett, March 17, 1842, ibid., 691–92; Everett to Aberdeen, March 29, 1842, ibid., 699–700; Everett to Aberdeen, May 3, 1842, ibid., 705–8; Aberdeen to Everett, May 20, 1842, ibid., 709–11; Everett to Aberdeen, September 16, 1842, ibid., 715–17; Aberdeen to Everett, October 5, 1842, ibid., 717–22. Also see Henry S. Fox to Lord Aberdeen, December 18, 1841, ibid., 672–73; Fox to Aberdeen, February 25, 1842, ibid., 692–93; and Howard Jones, Mutiny on the Amistad: The Saga of a Slave Revolt and Its Impact on American Abolition, Law, and Diplomacy (New York, 1987), 170–220.

¹¹ G. C. Anderson to Sir Francis Cockburn, November 13, 1841, in Great Britain Foreign Office, British and Foreign State Papers, XXXI, 689–91; Senate Documents, 27 Cong., 2 Sess., No. 51: Message from the President of the United States, Communicating, in Compliance with a
occurred in international waters and therefore U.S. law did not apply. The affair resulted in lengthy diplomatic exchanges and proved an annoyance for officials in both London and Washington. As a result, Aberdeen did not want another case to erupt in which fugitive slaves were the center of contention between the British and Americans as he calculated the application of Article X of the Webster-Ashburton Treaty. Aberdeen, as reported on the U.S. side of the Atlantic, particularly found troubling the verbiage addressing "the case of fugitive slaves," which would require all parties to proceed with "a great deal of caution and attention" since "the condition of a slave endeavoring to escape was to be regarded with much sympathy" in Great Britain.12

In his public utterances, Aberdeen noted that Article X of the Webster-Ashburton Treaty dealt exclusively with the problem of the extradition of criminals, a problem that had been at the very heart of the Creole incident. At that time, there was no extradition agreement between the United States and Great Britain; therefore, there was no legal basis for the incarceration of the maritime captives involved in the mutiny. In negotiating the treaty, the British minister to Washington, Alexander Baring, first Baron Ashburton, had not received any instructions from his home government to clarify that issue. Webster and his legal adviser and friend, Supreme Court justice Joseph Story, took the stance that the issue was one of international common law and, as such, there was no need to press the matter in negotiating the treaty. Even so, President John Tyler, a Virginian and slaveholder, was agitated by the issue and demanded that language be inserted into the document recognizing the property rights of masters of slaves who had

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escaped on the high seas to the Bahamas. Aberdeen found Tyler's reconceived vision of the treaty unacceptable and an impediment to the negotiations.\textsuperscript{13}

The resulting document included a vaguely worded promise in Article X to resolve matters "upon mutual requisitions" and to "deliver up to justice" fugitives upon the issuance of warrants by presiding jurists, but the treaty otherwise sidestepped the thorny issue. This outcome is not what southerner Tyler wanted, but given the other favorable clauses of the convention, particularly those addressing the long-simmering Canada–United States frontier disputes, the president muted his opposition to the treaty. The agreement seemed to paper over questions of the return of escaped slaves from Great Britain to the United States, but as the unfolding Florida fugitives dispute confirmed, the document invited future entanglements over this very issue.\textsuperscript{14}

To some proslavery advocates, many of whom maintained a lucrative exchange in cotton and other raw materials with Great Britain, Tyler’s acceptance of the treaty signaled that trade would grow and the issue of returning fugitive slaves would be settled. Northerners, like former president and now congressman John Quincy Adams, seized on this position as yet another example of southern duplicity in regard to human rights. Adams believed that the Tyler-Aberdeen compromise was but a mere "compromise between freedom and slavery," one that would not withstand a test in principle. After witnessing Tyler's appointment of John C. Calhoun as secretary of state, Adams again denounced the treaty as a means to silence those "Northern


political sopranos” who abhorred chattel slavery. Diplomatic historian Thomas A. Bailey has evaluated the treaty compromise as a destabilizing “half-loaf solution.”

Ironically, the American minister to the Court of St. James’s was former Massachusetts governor Edward Everett, who, like Adams, opposed slavery on moral grounds. When sent to London in November 1841, Everett had no chargé d’affaires to brief him on the protocol to negotiate delicate problems such as the seven fugitives from East Florida. As Secretary of State Webster was in the midst of treaty negotiations in Washington, the new minister received few instructions from home to guide him in his work. This situation left him in an awkward position. One of the first crises he faced in his new role was that of the Creole, requiring him to deal directly with Lord Aberdeen. Everett outlined his personal feelings about slavery and the incident in a letter to Massachusetts congressman Robert C. Winthrop: “God grant that the millstone may be taken from the neck of the country in some peaceful and constitutional way.” Everett’s antislavery conscience did not fit well with his position as the U.S. advocate for the so-called property rights of southerners.

While diplomats in Washington and London addressed the bilateral tensions resulting from the treaty’s ambiguity, politicians in St. Augustine caused yet another flash point by sending a letter of protest to the U.S. secretary of the treasury, John C. Spencer. According to the city officials, the welfare and property of Florida’s white inhabitants were endangered by the federal government’s unwillingness to patrol the coast of territorial Florida (more than 40 percent of whose population was enslaved) and by the anti-extradition policies of Great Britain. In the Floridians’ view, the leadership in London had induced Bahamian officials to hinder the return of the bondpeople who had escaped from Florida: the “seven slaves [had] succeeded in making their escape to the Bahama Islands, where they have ever since been sheltered and have no doubt been made free.” The white Floridians further accused the


16 Paul Revere Frothingham, Edward Everett: Orator and Statesman (Boston, 1925), 188–89, 236 (quotation).
Bahamians of being "agents and emissaries . . . tampering with our slaves and abducting them from their owners . . . ." The mayor and aldermen also disclosed that some slaves had been informed that a "British vessel would soon be off the port" to pick them up and take them to permanent freedom. For the powerful slaveholders of the U.S. territory of Florida, this foreign intervention was a clear and present threat to an established way of life.  

In 1843 the excitement generated by the seven runaways reached new levels, with Florida and Georgia newspapers sensationalizing their "murder and plundering" rather than echoing past coverage stating that the fugitives "had absconded." Recurring features assailed the federal government for not providing enough protection for the residents of the east coast of Florida, many of whom were recent homesteaders as provided for by the Armed Occupation Act of 1842. Both newspapers in St. Augustine, as well as the nationally significant *Niles' National Register* (based in Maryland), reported the alleged murder of a German immigrant, one John Henry Geireen, near Key Biscayne in southeast Florida. According to these reports, the escaped slaves had failed in their attempt to rob settlers along the Miami River and thereafter crossed Biscayne Bay, ransacked Geireen's domicile, and murdered him.  

By October 31, 1843, southern leaders and newspapers had further sensationalized the story by demanding that Florida territorial governor Richard K. Call invoke international treaty obligations to orchestrate the fugitives' return. To buttress that demand, the papers detailed the presumed chain of events leading up to the murder through the eyes of Geireen's daughter. According to the six-year-old's tale, she was alone when three armed black men entered the house and ransacked it. When she attempted to cry out, one of the men, violating a sacred taboo of the South, put his hand across the white girl's mouth and restrained her. As soon as she could, the child escaped. She found her brother and father fishing not far off. The elder Geireen stormed

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17 "Correspondence Between the City Council of St. Augustine and the Secretary of the Treasury," *St. Augustine News*, September 30, 1843, p. 2 (quotations). Also see "Superior Court—St. Johns and Mosquito Counties District of East Florida, Presentments," ibid., December 2, 1843, p. 2.

off, gun in hand, to confront the fugitives. Two shots were heard, but the daughter and her brother, fearing the worst, hid in the mangroves to escape detection. Early the next morning, sister and brother ventured out and discovered the body of their father lying in the sand. They were rescued from the key by a Mr. Ferguson (probably George W. Ferguson, the postmaster of the hamlet of Miami), who had been in search of the escapees. The children were thereafter cared for by two families in Key West.¹⁹

Key West officials were immediately notified of the incident. The commander of the Eighth Infantry Regiment ordered a contingent of twenty men under the command of Lieutenant Calvin Hetzel to proceed to Key Biscayne. Hetzel’s force searched every island, creek, and river in the area where the fugitives might be hiding. This party was joined by a detail from a revenue cutter and a small squadron of schooners, but the efforts proved futile. Reacting to these events, the St. Augustine Florida Herald and Southern Democrat warned, “If the negroes have reached the Bahamas, we fear that there will be more difficulty in bringing them to trial and punishment, than was at first apprehended. The question of [national] identity will arise in full force, and under the circumstances, we apprehend full proof will be required by the British authorities.”²⁰ The southerners’ fears may have been well placed. The British Nassau Royal Gazette remarked in its coverage of the incident, “From their landing here [Bahamas], they are now free men, and unless they have committed some crime, cannot, we believe, be further molested, as far as the late treaty goes.”²¹

As the disposition of the escaped slaves grew to be an issue of international proportions and accentuated the major fault line that slavery opened between the North and the South, the superior court for St. Johns and Mosquito Counties met in November and reported out a “Presentments” bill against the fugitives accused of the Key Biscayne murder. The indictment noted that the crime occurred on American soil and under American law and as such demanded that the U.S. government secure these criminals under extradition rules


²¹Quoted in “From Our Attentive Correspondent—Republican Office,” St. Augustine News, November 11, 1843, p. 2.
(rather than bilateral seafaring policies) and place them in custody for a trial and "such punishment as by our laws they be bound to have incurred." Upon this indictment, warrants were issued for the seven men as criminals, and the legal wheel was put into motion for their return, or so the aggrieved parties believed. Under orders of President Tyler, issued through Secretary of State Upshur, the U.S. marshal for the Southern District of Florida, Joseph B. Browne, was assigned the task of retrieving the alleged criminals from Bahamian authorities.22

In short order, Upshur, himself a native of slaveholding Virginia, notified the British that Browne had been authorized to receive the fugitives from British officials in Nassau. Upshur asked Minister Henry S. Fox in Washington for the necessary warrants for the arrest of the fugitives and requested that they be delivered to Browne on his arrival. Upshur explained to Fox that these men had been charged with murder in the U.S. territory of Florida and had fled on the open waters to New Providence in the Bahamas to escape justice. This request was issued under Article X of the Treaty of Washington. Upshur argued (under the direction of President Tyler) that the treaty compelled the British authorities to extradite the U.S. "gang of negroes" in question. Fox replied that the governor of the Bahamas had been sent the recently approved treaty language and would likely comply with Upshur's wishes. However, at the end of his dispatch, Fox added the proviso, "I have little doubt that the Governor of the Bahamas will at any rate be enabled (waiting such reference) to detain the accused parties in custody, if the evidence of criminality adduced shall be judged sufficient to meet the requirements of the treaty."23 If interpreted literally, Fox's words essentially consigned all treaty interpretations and obligations to his subordinates in the Bahamas. American southerners seized on this position as diplomatic apostasy. They subsequently put pressure on London

22 "Superior Court—St. Johns and Mosquito Counties District of East Florida, Presentments," St. Augustine News, December 2, 1843, p. 2 (quotation); Abel P. Upshur to Joseph B. Browne, November 25, 1843, in House Executive Documents, 28 Cong., 1 Sess., No. 160: Fugitive Criminals: Message from the President of the United States, Transmitting Copies of Papers Relative to Certain Fugitive Criminals from Florida (Serial 442; Washington, D.C., 1844), 3-4; hereinafter cited as Papers Relative to Certain Fugitive Criminals from Florida.

23 Abel P. Upshur to Henry S. Fox, November 20, 1843, in Papers Relative to Certain Fugitive Criminals from Florida, 2 (first quotation); Fox to Upshur, November 21, 1843, ibid., 2-3 (second quotation on 3). In the early 1840s, four different secretaries of state served in an unusually brief period; they were Daniel Webster (1841-1843), Hugh S. Legaré (secretary of state ad interim, 1843), Abel P. Upshur (1843-1844), and John C. Calhoun (1844-1845).
and Washington to not let such technicalities interfere with the return of fugitive slaves.

Lord Stanley, then serving as the British colonial secretary, had sent out copies of the treaty to all the governors of Great Britain’s colonies and instructed them to surrender fugitives in justifiable cases. Bahamas governor Sir Francis Cockburn acknowledged receipt of both the treaty and a separate dispatch from Minister Fox in the United States informing him of Browne’s mission and U.S. expectations. Cockburn reported to Stanley that he had consulted with the Crown’s law officer in Nassau about the possible arrest of the seven fugitives. Such an arrest would, this officer informed the governor, “in the present state of the matter, be illegal . . . but on the arrival of the agent shall be prepared to afford all due facility to the carrying into effect the provisions of the Treaty . . . for the mutual giving up of criminals by Great Britain and the United States.” Cockburn was willing to comply; however, the fugitives would be “dealt with” in Royal Courts “according to [British] law.” Those courts (rather than a Florida legal body) would need to issue the warrant for the arrest of the seven men, identified in the exchange of documents as Andrew Gue, Jasper Mickler, Robert Williams, William Hernandez, James Ashe, Harry (alias Henry) Fontaine, and Joe Williams. This measure would require a potentially lengthy public hearing and only thereafter the issuance of a warrant, if deemed legal and proper. International diplomacy and the question of national rights had now seemingly devolved to the level of local prerogatives in a British territory but a short sail from U.S. sovereign soil.24

Marshal Browne, in the meantime, sought the best advice as to what evidence would be needed to secure U.S. control of the fugitives. On December 17 Browne informed Upshur that he had met with the U.S. district attorney and the federal judge stationed in Key West: “Both concur in the opinion that certified copies of the indictments . . . will be all that is necessary. I am now prepared with this evidence, and shall leave here tomorrow for Nassau, N.P.”25 Browne arrived at the Bahamian island of New Providence on a U.S. schooner on December 24.

24 Sir Francis Cockburn to Lord Stanley, December 11, 1843, in “Fugitive Criminals (United States),” 3 (first quotation), in House of Commons Sessional Papers, 1844, Paper No. 64, XXXIX, 299, hereinafter cited as “Fugitive Criminals (United States),” using the page numbers from the document itself, rather those of the separately paginated volume; Joseph B. Browne to Sir Francis Cockburn, December 26, 1843, ibid., 6; Order of Sir Francis Cockburn, December 26, 1843, ibid., 8 (second and third quotations).

25 Joseph B. Browne to Abel P. Upshur, December 17, 1843, in Papers Relative to Certain Fugitive Criminals from Florida, 4.
He thereupon submitted his letter of intent and credentials as so "directed by the President" in preparation for securing those alleged to be guilty of "the robbery and murder," and he conferred with U.S. consul Timothy Darling while awaiting the judicial proceedings. On December 26 Browne presented his papers and authorizations to Governor Cockburn. He agreed to Browne's request and issued a warrant for a formal hearing to Chief Justice J. C. Lees. Upon this request, the chief justice asked two associates, Justices Robert Landelands and P. Z. Gahan, to join with him in reviewing the evidence. The proceedings seemed to be tipping in Browne's favor, yet in a subsequent letter to Upshur, Browne disclosed another concern for U.S. interests: he had "learned, from authentic sources, that legal counsel had been retained by an association of the inhabitants of the island, to resist the demand made on the part of my Government . . . ."26

Long a hotbed of resistance to slavery and a destination for regional liberated or escaped slaves, the islands had overseen the growth of a "proto-peasantry" with an Afro-Bahamian culture showing "quasi-independence" by the 1830s. Indeed, by the time U.S. officials were pursuing the Florida fugitives, the Crown and lesser officials had openly recognized the value of the black majority in the Bahamas as a "class of devoted subjects," and local imperial practices allowed blacks to own land, have access to education, and legally marry. Moreover, black Bahamians had grown strong enough in their collective efforts to pressure London for civil and human rights unknown in the antebellum South. Even if the white ruling class held racial beliefs similar to those of nearby American southerners, the nonplantation form of slavery in the isolated archipelago resulted in greater autonomy and de facto rights for blacks and less hierarchical social and economic stratification than in the United States. Forced labor itself had only existed on a minor scale in the islands until thousands of Loyalists from the Carolinas, Georgia, and East Florida who were fleeing the American Revolution relocated there with their slaves in an effort to create a new cotton kingdom. Although their attempts failed due to poor soil, the resulting racial variant in the Bahamas came to affect not only

26 Abel P. Upshur to Joseph B. Browne, November 25, 1843, ibid., 3-4 (quotations on 3); Browne to Upshur, December 17, 1843, and January 5, 1844, ibid., 4-5; Joseph B. Browne to Sir Francis Cockburn, December 25, 1843, and December 26, 1843, ibid., 5-6; Cockburn to Browne, December 26, 1843, ibid., 6; J. C. Lees to C. R. Nesbitt, December 27, 1843, in "Fugitive Slaves (United States)," 8.
27 Joseph B. Browne to Abel P. Upshur, January 5, 1844, in Papers Relative to Certain Fugitive Criminals from Florida, 4-5.
internal permutations in the islands but also certain diplomatic matters well into the future.28

As noted by Bahamas scholars such as Gail Saunders, white attitudes toward slavery and Creoles after the Loyalist migration and the British act to abolish the slave trade in 1807 transformed the islands into a racially tolerant outpost within the Atlantic and Caribbean. This shift occurred in large part because black contributions through a loose labor system of self-hire became necessary to the economic sustainability of the archipelago. As the nonwhite population grew in number and influence, blacks proved to be a factor in the colonial stability of the islands. Ever sensitive to the racial tensions of their New World colonies and the commercial necessity for an interracial symbiosis, the British promulgated a number of amelioration acts and ceded much control of the Bahamas to its Nassau Assembly, which in turn often bowed to local interests and demographic pressures. For years before Browne’s mission to Nassau, the colony had sought a delicate balance within a population that, in the late eighteenth century, included approximately two thousand white colonists and ten thousand blacks. The day-to-day dynamics of this process even allowed “free people of colour” to participate in legal indictments and both grand jury and petit jury proceedings parallel to “the just rights of the . . . subjects of the King.” Under these historical

circumstances, it was possible that the black citizens of Nassau would, indeed, retain the services of a “professional gentleman” to monitor and report on the legal proceedings for the seven Florida fugitives and that the local judiciary of New Providence would be particularly sensitive to these organized concerns by what Governor Cockburn termed a “friendly society [of] negroes.” Thus, as Browne arrived in the Bahamas, he might have faced a dynamic that fell outside the parameters of traditional diplomatic and legal discourse on both sides of the Atlantic. Browne prepared as best he could to argue the U.S. case in Nassau, but the proceedings did not evolve as he, federal officials in Washington, and nearby southern slaveholders might have wished.

A Mr. Wood, reputedly a competent attorney, represented the United States in the proceedings in the British Bahamas. With Browne in the courtroom on December 28, Wood presented the Florida indictment and the evidence given to him by the marshal. Much to the surprise of the justices, the affidavits given to them by Browne were “mere indictments, without any evidence upon which they were framed.” Chief Justice Lees did, however, note the lack of legal precedent in the nuances of the case and subsequently postponed a binding decision until the following day.

When they returned to the courtroom the next day, the justices handed down a ruling adverse to the interests of the United States. No depositions had been offered into evidence, no witnesses presented, and no other viva voce evidence of any kind placed before the court. In the words of the chief justice, “Had any such evidence been offered to us, we should, of course, have considered ourselves bound to receive it, and to issue our warrant for apprehending the offenders. . . . It is not enough for us to know that the American jury


thought the parties guilty—we ought to know the grounds upon which they thought them guilty."\(^{31}\)

Perhaps more telling for the American interest at the hearing was the court’s reliance on British sovereign rights in the matter rather than on treaty covenants. In an indirect reference to the treaty, the opinion stated that the hearing itself was predicated on “evidence, according to the laws of that part of her Majesty’s dominions.” While U.S. interests from the president down through the Congress and the judicial bodies in Florida presumed a case disposition based on Article X of the Webster-Ashburton Treaty, jurists in the Bahamas actually decided the case based on local interpretations and local interests. Though no mention is made in the court opinion, one can presume that the “legal counsel” and “association of the inhabitants,” to which Browne had referred in his letter to Secretary of State Upshur, had at the least lobbied the court for this narrow interpretation of treaty obligations regarding the fugitives. Indeed, in his report to the British minister Henry S. Fox in Washington, Governor Cockburn of the Bahamas noted that a “society here, composed of emancipated negroes,” played an active role “on the part of the accused.” While the historical record is unclear regarding the possibility that local blacks exerted pressure in the hearings, it is a matter of record that blacks had long assumed a role in judicial matters and in the freeing of American slaves (most recently, those aboard the *Creole*). They had also long exercised rights and duties unheard of in antebellum America. Indeed, in the slaveholding regions of the United States it was unthinkable that a court of law would “refuse to issue the warrant,” as the ruling flatly stated.\(^{32}\)

In reporting the proceedings to Upshur, Browne noted that he had obtained the best legal advice available under the circumstances, but that the Bahamian officials had rejected the argument based on the narrowest of legal interpretations under British imperial law. His legal counsel had advised him that U.S. “bills [indictments] of a jury were legal evidence, and, as such, would be received in British courts; and that neither the depositions nor *viva voce* testimony were at all necessary to facilitate and accomplish my instructions.” Browne further

\(^{31}\)“Opinion of the Court,” Nassau, December 29, 1843, in *Papers Relative to Certain Fugitive Criminals from Florida*, 7.

\(^{32}\)Ibid., 7 (first and sixth quotations); Joseph B. Browne to Abel P. Upshur, January 5, 1844, *ibid.*, 4 (second and third quotations); Sir Francis Cockburn to Henry S. Fox, December 30, 1843, in *“Fugitive Slaves (United States),”* 4 (fourth and fifth quotations); Whittington Johnson, *Race Relations in the Bahamas*, 174–81.
noted that he had deposed witnesses who knew the parties involved and could have identified them had the court pursued this line of questioning. Browne regretted to inform the secretary of the unexpected turn of events, but, as Browne pointed out, he was acting simply as an officer of the United States while relying on the advice of the area's leading legal minds. Browne left the Bahamas on December 31 and arrived in Key West on January 3, 1844. The seven escaped slaves did not accompany the marshal.

A few days after Browne's return, the St. Augustine News offered a report on his deployment in the Bahamas. Pointing out that Browne had acted with "great prudence, zeal and discretion," the newspaper praised his encouragement of warm feelings and courtesy between the officials in the Bahamas and those in the United States. However, the article also noted, "The negroes being still at large . . . we can but trust our own Government will sufficiently appreciate the importance of this subject, as a precedent, to pursue it to such an end as will vindicate the supremacy of our Territorial laws." Clearly, the editors of this southern newspaper did not regard Browne's failure to return with the escaped slaves as either a settled or a local matter.

In a later article, the Florida Herald and Southern Democrat featured the story with more diplomatic augmentation than had appeared in the initial story in the St. Augustine News. This article questioned the authority of the British government under the recently signed Webster-Ashburton Treaty to ignore the sovereign laws of the United States regarding slavery and property rights. It noted that Lord Ashburton, while negotiating the treaty, had pledged his government's backing in preventing any future incidents similar to that of the Creole. Even so, the paper declared that the attorney general of England, in discussing such a reading of the document, stated that under this treaty English officials in free territories were not bound to return escaped slaves to the United States. The newspaper further suggested that the decision, by extension, ensured freedom to any slave seeking freedom via the nautical route to the Bahamas. Accordingly, the editor surmised, all southerners should be alarmed.

33 Joseph B. Browne to Abel P. Upshur, January 5, 1844, in Papers Relative to Certain Fugitive Criminals from Florida, 4–5 (quotation on 5).
The newspaper found the proposition of refuge in the Bahamas for escaped slaves specious in light of the treaty language the British had accepted: "they claim that they shall have the power to revise our laws, look behind the decisions of courts, the findings of grand juries, take testimony themselves, and, on the whole, to say whether any offence against the laws of Great Britain has been committed to the United States. These arrogant pretensions, inconsistent as they are with the dealings of nations between each other[,] . . . nullify the treaty, in the rendition of fugitive slave criminals." The editor argued that Washington should take the position that the British interpretation of Article X (on extradition) was against the letter and spirit of the treaty and that this article should be abrogated or countermanded.\(^{36}\)

Concurrent with these events, the Florida territorial delegate to Congress, David Levy, argued that very point on the floor of the House of Representatives in Washington. He opened his attack on the Webster-Ashburton Treaty's Article X by proclaiming, "I regard this to be the most important subject to the interests of the Territory I represent . . . and to be one of the most important in a national point of view . . . and that the questions involved bring directly to the test the homogeneousness of the feelings that bind together the several sections of this Union."\(^{37}\) He hoped the matter would be referred to the House Committee on Foreign Affairs to investigate the incident and to report back that the tenth article of the treaty should be terminated. To buttress his position, Levy noted that Lord Ashburton, on his recent trip to New York, had advised a large group of abolitionists that the clause would not ensure the relinquishing of slaves to their masters. In Levy's report, "He there avowed the principle that crimes committed by slaves in effecting their escape would not be covered by the treaty; and declared that cases similar to that of the Creole would not be recognized as coming within its intent." This assertion, the delegate stated, was a great "indelicacy" from such an important foreign diplomat.\(^{38}\)

In addition to accusing Ashburton of duplicity on the extradition issue, Levy further argued that the language of the treaty was inconsistent with the reasoning of the Bahamian court in the case of the

\(^{36}\)Ibid.


\(^{38}\)Ibid., 247.
seven escapees. Quoting the treaty, he explained that each nation would “deliver up to justice all persons . . . charged with the crime of murder, or assault with intent to commit murder . . . ” He declared that the heinous crimes of murder and robbery had been committed in the case now under challenge. Levy then quoted the treaty, “Provided, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed.” For Levy, the grand jury indictment ought to have been evidence enough of the commission of a crime in the territory of Florida; to argue that an indictment could never be received as evidence, as the justices in Nassau had done, ran contrary to jurisdictional law in the American South, where the crimes had been committed. Levy declared that this was an insult to the national honor (as opposed to a sectional issue) and must be further addressed at the highest echelons between Washington and London.

Northern newspapers such as the New York Commercial Advertiser viewed Levy’s outburst as little more than “The Evil Spirit at Work,” with sectional “belligerent agitators” bent on fomenting war between the United States and Great Britain for their own narrow purposes. In contrast, southern newspapers quickly praised Levy’s speech. Typical of the press responses was that of the Apalachicola (Fla.) Commercial Advertiser in its March 11 edition: “The murderers, therefore, must go free, because they are negroes and slaves; no evidence, however strong, will be received by the British Government, unless the crime is one which that government recognizes. The Treaty is a mere nullity, and all the fair promises, and engagements of Lord Ashburton, ‘to keep good neighborhood,’ a mere pretence.” The article went on to suggest that Great Britain was encouraging American slaves to commit murder and theft by offering protection and freedom to those who landed in the Bahamas. The story claimed that all true southerners must be pleased to see that “our indefatigable Delegate” was one of the first on the national scene to call attention to this threat to the internal affairs of the United States.

39 Ibid., 250.
40 Ibid.
The same newspaper and others of the day followed the ongoing debate and reported that Levy’s northern opponents tried in vain to vote down the instructions to the committee. Congressman Joshua R. Giddings of Ohio replied to Levy in a lengthy and controversial speech in which he attempted to strike to the heart of the Florida delegate’s legal points. Giddings developed the theme that “[h]e knew not what was the extent to which this question of slavery was to be thrust upon this House” and “that he execrated the memory of the man who introduced the subject of slavery into this hall.” He was interrupted by shouts from the floor, but he persisted in his speech. Congressman John Pettit of Indiana then took the floor to oppose the abrogation of the tenth article of the treaty, going so far as to call it the only wholesome one in the document. One of the last to speak against Levy’s position was Massachusetts representative John Quincy Adams, who had recently defended the Amistad mutineers before the U.S. Supreme Court.

The former president, now the “Cicero” of Congress and a declared moral foe of slavery and its southern apologists, sidestepped the legal issue of murder (for which there could be no argument of self-defense as in the Amistad case) by arguing that there was no violation of the treaty and denouncing the harsh tone of its critics. Adams maintained that any attempt by slaveholders to gut or abrogate Article X was deplorable and would lead to diplomatic fallout between America and Britain. Already infuriated by the southern demands for the return of an Arkansas slave, Nelson Hacket, whose escape to Canada in 1841 led the Americans and British to resurrect debates over the extradition of accused criminals, Adams seemed to adopt and pursue the Bahamas incident with the same passion that he had shown during the earlier Hacket case. Following his antislavery successes in the Amistad trial and his dismay as the unfolding Hacket case complicated the bilateral extradition clause of the Webster-Ashburton Treaty, Adams’s decision to repulse the southern position on the seven escapees to Nassau is not surprising.


43 William Earl Weeks, John Quincy Adams and American Global Empire (Lexington, Ky., 1992), 190–91 (quotation on 190). Although he personally abhorred slavery, Adams was not an active participant in the abolitionist movement of his era. See Roman J. Zorn, “Criminal
Despite the robust sectional dispute in Washington over abrogating Article X, the House Committee on Foreign Affairs and its counterpart in the U.S. Senate notified President John Tyler of Virginia that they wished "for the immediate termination of the 10th article of the treaty." Tyler referred the matter to Secretary of State Upshur and subsequently to Upshur's replacement, Secretary of State John C. Calhoun. Expressing his feelings through the State Department, the president advised Congress that he regarded the British refusal to return the fugitives to be "clearly inconsistent with the provisions of the article, and the plainest dictates of reason." The seven-page report ended with the statement that the United States should respond to the Florida fugitives affair "in strong but respectful terms." The relatively minor incident of seven nautical escapees sailing south from Florida to the British Bahamas had mushroomed into an international issue of some gravity.44

In his associated correspondence, John C. Calhoun, the new secretary of state and leader of the southern bloc in Washington, wrote to Edward Everett, giving the American minister in London instructions regarding the U.S. position on the seven fugitives. Calhoun reiterated that the fugitives should have been "judged of by the laws of the country within whose jurisdiction the act was perpetrated" and that Everett must insist on a formal recognition of that position. The secretary found no room for debate on Article X—for him it was unassailable. As he stated to Everett concerning the British interpretation of the article, "such a construction of the proviso would not only be irreconcilable with the body of the agreement, but would, as I have stated, be inconsistent with the plainest dictates of reason."45 Everett now found himself, in the words of a biographer, "obliged to appear in the unfortunate light of seeming to oppose a Christian nation in her efforts to suppress a hideous traffic."46


44 Senate Documents, 28 Cong., 1 Sess., No. 125: Resolutions to Provide for the Termination of the 10th Article of the Treaty with Great Britain of 1842 (Serial 433; Washington, D.C., 1844), 1 (first quotation); John C. Calhoun to Edward Everett, August 7, 1844, in Fugitive Criminals from Florida: Message from the President, 1–7 (second quotation on 3; third quotation on 7).

45 John C. Calhoun to Edward Everett, August 7, 1844, in Fugitive Criminals from Florida: Message from the President, 3–4 (first quotation on 3; second quotation on 4).

46 Frothingham, Edward Everett, 238. Also see Edward Everett to John C. Calhoun, November 23, 1844, in Fugitive Criminals from Florida: Message from the President, 7–9.
Calhoun directed Everett to press forward on the issue of the salt-water fugitives from Florida. In writing to his son-in-law Thomas G. Clemson on August 12, 1844, the secretary referenced his dispatches to Everett: "One of those to Mr. E. is on the subject of the Seven Slaves in Florida . . . . The question involved is, whether it is a case within the provisions of the treaty. That I think I have established beyond controversy." On the same day, Calhoun wrote to Everett in London reminding him of the seven escaped slaves still ensconced in the Bahamas and asking what had been done since Everett's last dispatch. All he asked, Calhoun declared, was that the British government instruct the governor of the Bahamas to live up to the assurances given by Lord Ashburton. Calhoun wrote, "It is England, and not we, that has made the change in the condition of the negro portion of her population, which has led to the difficulty; and we have a right to insist that she shall adopt such proper precautions, as to prevent the change from injuriously affecting our rights or security." Calhoun did not think that this flouting of the treaty was an isolated incident. In his mind, John Bull was using this and other such incidents to foment "a war between races of the most deadly and desolating character." The end result would be Britain's espousing the cause "of the coulered [sic] races of all hues . . . against the white" and thereby gaining the upper hand in trade with all nations where people of color were a majority. Britain would then become the grand mercantilist of the globe, as it had long aspired to do. Calhoun persisted in this type of paranoia until the end of his life.

The remaining correspondence between the secretary and his minister was of a similar nature, with the former asking the latter to persuade or pressure the British to recognize the American position. Everett replied that he had, indeed, presented Calhoun's stance but that Lord Aberdeen and the rest of the Foreign Office had responded only with evasive allusions to the British interpretation and application of "indictment." Even when Aberdeen did admit that there was some merit to Calhoun's argument, he stated, according to Everett, "that an indictment is not, of itself, (under the


48 John C. Calhoun to Edward Everett, August 12, 1844, ibid., 603–5 (quotation on 605).

act of Parliament for carrying the treaty into effect,) sufficient ground for giving up a fugitive,” and the Foreign Office declined to act further. Aberdeen’s evasiveness can be traced in part to the uproar in the House of Commons over the Hacket extradition case and the seven slaves from Florida that reverberated through the abolitionist circles of London. In the end, Aberdeen fully recognized that the English public and its representatives in the House of Commons simply were not prepared to allow Article X to set a precedent for the wholesale return of fugitive slaves from British territories to U.S. slave catchers.

Calhoun would not brook this sort of intransigence. In frustration, he wrote to Everett in the following months, “Your account of the conference with Lord Aberdeen gives us nothing satisfactory on this important point. He, indeed, disavows the opinion of the Nassau judges . . . and declares that the argument in illustration of the court was not adopted by him; and, consequently, as far as the government was concerned, no inference like that on which my despatch dwelt could be drawn from it.” If the court had misinterpreted the treaty, should not Lord Aberdeen see to it that the fugitives were returned? As the secretary concluded, “any other construction, would make the extradition portion of the treaty in a great measure nugatory.” When Calhoun left the office of secretary of state in March 1845, nothing more had been accomplished in regard to the bilateral conundrum of the Florida fugitives. The ex-bondpeople remained free men in the Bahamas, and Louis McLane of Maryland replaced Everett in London later that same year.

As this event unfolded, other Anglo-American disputes soon overshadowed the storm clouds of Florida’s saltwater runaways. Most notably, the rise of “Oregon Fever” in the United States alarmed the British and led them to resurrect an offer to arbitrate the boundary dispute between the two nations. Lord Aberdeen knew the British position was tenuous. Moreover, he did not wish a war to arise from failed measures to compromise with the New World power now bent on territorial aggrandizement as its so-called manifest destiny. Once the Oregon issue appeared settled, President James K. Polk turned his expansionist eye on California and accompanying Mexican territory.

50 Edward Everett to John C. Calhoun, November 23, 1844, in Fugitive Criminals from Florida: Message from the President, 7. Also see “Fugitive Criminals (United States).”
51 John C. Calhoun to Edward Everett, January 28, 1845, in Fugitive Criminals from Florida: Message from the President, 9–12 (first quotation on 10; second quotation on 11–12); Frothingham, Edward Everett, 249–63.
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(including present-day Nevada, Utah, Arizona, and New Mexico). War followed in 1846.

In the face of these affairs, London and Washington addressed diplomatic concerns more pressing than the seven escaped slaves. Even though the issue subsided in scope, it left Floridians in particular and southerners in general suspicious that the British had used the incident to attack slavery through diplomatic chicanery and, in the process, to inspire bondpeople to sail to safe harbor in the Bahamas. Put simply, the principle that slaves could escape forced servitude via a short saltwater route to the British Bahamas was one that continued to frighten masters and planters in the South and to complicate Anglo-American affairs until the firing on Fort Sumter. Indeed, the seven fugitives from St. Augustine merely joined a historical slave exodus from Florida to the Bahamas; sizable groups of men, women, and children sailing to freedom in the islands were reported in the newspapers right up to the Civil War. The historical record, although not precise on the number of such missions and runaways, nevertheless suggests that these escapes were not isolated events.52

On another level, these types of slave escapes challenge historians to rethink the stereotypical “Bound for the North Star” imagery of the Underground Railroad. Indeed, scholars have long documented sustained and creative slave escapes to the Native American peoples of Florida and the West, but much less is known of the “third pathway” from Texas to Mexico, recently documented as carrying over four thousand escapees by the eve of the Civil War. The experience of the seven fugitives from Florida to the Bahamas suggests even a fourth pathway over the saltwater that deserves further exploration within the general context of “new historical geographies” grounded in “a greater spatialization” not limited by “the enclosure of the nation,” as historian Thomas Bender has argued in Rethinking American History in a Global Age. Certainly, a shifting of focus away from the traditional historical geographies of flight to the American North toward underanalyzed areas in the Atlantic world such as the Bahamas and the Caribbean (San Juan, Puerto Rico, and

Port-au-Prince, Haiti, for example) may well place black people nearer the center of antebellum narratives as they escaped through the leaky frontiers of slavery wherever they existed, including nautical escapes southward.\(^{53}\)
