

Document #1793-08-07-01 – Cecilia Pursues Freedom for Her Niece, Naneta

K4BL Abstract: Cecilia, an Afro-Indigenous woman—the daughter of María of the Patouca nation (Plains Apache)—sues *Don Juan Bautista Tounoir* on behalf of her niece, Naneta, for her freedom. Due to the supposed illegality of the enslavement of Indigenous people under Spanish Dominion, Cecilia’s legal argument begs that her niece be declared free on this basis due to her maternal descent or, failing that this be ordered by the court, that Naneta would still be valued in order for Cecilia to purchase her freedom under *cortación* proceedings. However, not only were the laws pertaining to Indian slavery frequently broken or outright ignored in Spanish Louisiana, including by members of the government, Naneta’s enslaver, Tounoir, died during the course of the legal proceedings against him.¹ His executor of estate, *Don Pedro Suavé*, refuses to grant her freedom outright, arguing that Naneta’s value cannot be subtracted from Tounoir’s succession inventory. The judge, therefore, orders each party to appoint an appraiser on their behalf to render an estimate of Naneta’s value.

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LHC Abstract: Proceedings instituted by Cecilia slave of *Don Juan Batista Tounoir* and daughter of an Indian woman named Maria and of a negro in order to obtain her freedom.

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Names: White - Baron de Carondelet, Francisco; Broutin, Francisco; Broutin, Francois; Gayoso, Manuel; Lemos, Manuel Gayoso de; Pedeslaux, Pedro; Sauv  Albasea, Pedro; Sauv , Pedro; Serrano, Manuel; Tounoir, Juan Bautista; Vidal, Nicolas Maria

Names: Native - Tounoir, Cecilia; (Tounoir), Naneta; (Germain), Mar a; Mar a of the Patouca nation

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Transcription (Spanish, diplomatic)	Translation (English, modern)
<p>[folio 32 recto] [digital 74]</p> <p style="text-align: right;">32)</p> <p>[Marginalia:]</p> <p>Presentado por la parte ante mi el S.^{no} a diez de hen.º de mil sete-cientos nov.^{ta} y ocho años expresando no saver fir- mar doy feè Broutin S.^{no}</p> <p>[Cuerpo:]</p> <p>Cecilia india libre vecina de esta Ciudad ante VS como haya lugar en drō pares y digo que me ha presentado por ante el presente S.^{nō} solicitando se declare por__ libre a mi sobrina Naneta esclava de Dⁿ Juan Bautista Tounoir residente en la Punta Cortada, por ser oriunda de indios q^e en todos los dominios de Su Magestad Catholica son reputados por Ciudadanos libre, y como en el tiempo que era de__ Gobernador en esta Provincia el Señor</p>	<p>[page #1] [digital 74]</p> <p style="text-align: right;">32)</p> <p>[Marginal note:]</p> <p>Presented on behalf of the party before me, the notary, on the 10th of January of seventeen-hundred and ninety- eight years, being that they do not know how to sign. I attest, Broutin, Notary.</p> <p>[Body:]</p> <p>Cecilia, <i>india libre</i> and citizen of this city, comes before Your Lordship, having place under equal law, and have presented myself before the notary present, requesting that you proclaim free my niece, Naneta, <i>esclava</i> of <i>Don</i> Juan Bautista Tounoir, resident of Punta Cortada (Pointe Coupée) for being an <i>oriunda de indios</i>ⁱⁱ that in all domains of His Catholic Majesty are reputed to be free citizens,</p>

Don Fran.^{co} Baron de Carondelet se preceptuó y ordenó a todos lo indios esclavos de no presentarse para reclamar su libertad htã que su Magestad determinase sobre el particular, no habiendo tenido htã ahora ninguna instrucción si los indios han de permanecer esclavos o libres, Le suplico a VS en esta virtud de declarar a la susodicha mi sobrina por libre o mandar se avalua para ~

[f. 32 verso] [dig.75]

rescatarla de la esclavitud en que se halla por el precio de su estimacion y a este efecto disponer que el pres^{te} Es^{nõ} dirija carta de oficio al nominado tounoir para que en primera ocasion remita su poder instrudo y expendado, y la india Naneta su esclava por tanto _____

AVS. Suplico se sirva proveer y mandar como pido con Justicia costas juro y para ello & _____

Por Cecilia

and in the time that he was Governor of this Province,
Don Francisco Baron de Carondelet, prescribed and ordered all the *indios esclavos* not to appear [before the *cabildo*] to reclaim their freedom until His Majesty has made a [final] determination on the matter [of O'Reilly's decree],ⁱⁱⁱ [and] not having made any instruction now whether the *indios* are to remain slaves or be freed, I beg Your Lordship on this virtue [alone] to declare the aforementioned, my niece, free, or [failing that] order she be valued for [this purpose that]

[p. #2] [dig.75]

she be rescued from the slavery in which she finds herself, at the price of her estimate, [through *coartación*]. And to this [first] effect [asked], order that the present notary send an official order to the named Tounoir so that at his very first occasion possible he remits his power over the *india* Naneta, his *esclava*, thusly.

To his Lordship, I beg you to provide and order as I request with due justice, I swear by it, etc.

For Cecilia

<p>[Firmado:] Felipe Guinault</p> <p>Librese la carta que esta parte pide para el fin que expresa reservandose proveér con audiencia de D.ⁿ Juan Bautista Touno= ir lo que corresponda sobre lo principal de su solicitud. _ _ _ _ _</p> <p>F[irmado:]. [Rubrica, Gayoso] [Rubrica, Vidal]</p> <p>Proveyolo El Señor D.ⁿ Manuel Gayoso de Lemos Brigadier de Los reals Extos ~</p> <p>[f. 33r] [dig.76]</p> <p style="text-align: right;">33)</p> <p>Governador grāl de esta Provincia de la Luisiana con dictamen y acuerdo del Señor Doctor Don Nicolas Maria Vidal Theniente Governador Auditor de Grrā de esta Prov.^a y Asesor grāl del Gov.^{no} de ella Por S.M. y lo rubricaron en la Ciudad de la N.^a Orleans à onze de Enero de mil Sett.s nov.ta y ocho años=em.^{do}=ocho==</p> <p>[moderno, círculo, a lápiz] 14</p>	<p>[Signed:] Felipe Guinault</p> <p>Dispatch the order that this party asks at the end, that [clearly] expresses we reserve the right to provisions [to bring forth before the] court <i>Don</i> Juan Bautista Tounoir [to verify] what corresponds within the principal of their request.</p> <p>[Signed:] [Rubric, Gayoso] [Rubric, Vidal]</p> <p>Thus ordered: [By] the Lord <i>Don</i> Manuel Gayoso de Lemos, Brigadier [General] of the Royal Armies,</p> <p>[p. #3] [dig.76]</p> <p style="text-align: right;">33)</p> <p>Governor General of this Providence of Louisiana with dictum and agreement of Lord Dr. <i>Don</i> Nicolas Maria Vidal, Lieutenant-Governor, Civil Legal Advisor of this Providence, and Adviser General of the Government by His Majesty, and it is signed in the City of New Orleans on the 11th of January, seventeen-hundred and ninety-eight.</p> <p>[modern, circled, in pencil] 14</p>
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<p>[Firmado:] Fran.^{co} Broutin S.^{no} Pub.^{co} [Rubrica, Broutin]</p> <p>N.ⁿ f.^a En el mismo dia lo hize saver a Cecilia Yndia Libre en supersona Doy fee_____</p> <p>[Firmado:] Broutin S.^{no} [Rubrica, Broutin]</p> <p>Nota: Que este mismo dia Yo el Es.^{no} he Escrito la Carta que se manda por el decreto antecedente a d.ⁿ Juan Bautista Tounoir y la he entregado a la Yndia libre Cecilia doy fee_____</p> <p>[Firmado:] Broutin S.^{no} [Rubrica, Broutin]</p> <p>[f. 33v] [dig.77]</p> <p>[en blanco]</p> <p>[f. 34r] [dig.78]</p> <p style="text-align: right;">34</p> <p>D.ⁿ Pedro Sauv� Albacea testamentario del difunto D.ⁿ Juan Baut.a Tournoir</p>	<p>[Signed:] Fransisco Broutin, Notary Public [Rubric, Broutin]</p> <p>Notarized and dated: On the same day I made known to Cecilia, <i>yndia libre</i>. I attest,</p> <p>[Signed:] Broutin Notary [Rubric, Broutin]</p> <p>Note: That on the same day, I, the notary, have written the injunction ordering the decree which precedes to <i>Don</i> Juan Bautista Tounoir, and I have given it to the the <i>yndia libre</i>, Cecilia. I attest,</p> <p>[Signed:] Broutin Notary [Rubric, Broutin]</p> <p>[p. #4] [dig.77]</p> <p>[blank]</p> <p>[p. #5] [dig.78]</p> <p style="text-align: right;">34</p> <p><i>Don</i> Pedro Sauv� testamentary executor of the late <i>Don</i> Juan Bautista Tournoir</p>
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en las diligencias que ha promovido Cecilia Yndia libre de esta Ciudad solicitando que su sobrina Naneta esclava del memorado difunto sea declarada libre, ò se avale para rescatarla por el precio de su estimacion, con el debido respeto digo: que se sirvió V.S. proveer que el Escrivano dirigiese carta de oficio al memorado difunto, para que en primera ocasion remitiese su poder instruido y expensado y la enunciada india Naneta, reservandose proveer con audiencia del mismo Tounoir lo que correspondiese sobre lo principal de la

[f. 34v] [dig.79]

solicitud de la antedicha Cecilia, y respecto a que por auto proveido por V.S. en las diligencias de la mortuoria del citado D.ⁿ Juan Baut.^a Tournoir esta prevenido proveer al imventario y estimacion de todos sus bienes en el Puesto de Punta Cortada donde residia a V.S. Suplico se sirva mandar que en aquel mismo imventario y estimacion se comprehenda la de la enunciada Yndia Naneta por no-

in the proceedings that have been brought forward based on the requests of Cecilia, *yndia libre*, of this city, that her niece, Naneta, slave to the commemorated deceased, to be declared free, or to have her appraised to rescue her [from slavery] based on the price of her estimate, with all due respect I say: That it served Your Lordship to provide the Notary to address an official letter to the commemorated deceased, so that at the first occasion he remit his authority [over the slave] as [sufficiently] instructed and expensed, along with the mentioned *india* Naneta, reserving the right for a [court] hearing with the same Tounoir regarding that which corresponds to the principal request of the

[p. #5] [dig.79]

aforementioned Cecilia and, with respect to the decree by Your Lordship in the mortuary proceedings of the stated *Don Juan Bautista Tournoir*, is prohibited from supplying the inventory and estimate of all [or any] of his property [located at] the Post of Punta Cortada (Pointe Coupée) where he resided. To Your Lordship, I beg an order be made [to obtain] that same [succession] inventory and [that] an estimate be agreed upon for the

deberse separar del cuerpo de bienes del ante dho difunto; que ella misma nombre un apreciador para que este junto con los demas que elijan las partes interesadas en dhā mortuoria procedan a su estimacion y que exhibiendo el importe en el que fuer avaluada sele otorgue su libertad

[f. 35r] [dig.80]

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conforme lo solicita, y a fin que todo lo referido tenga su cumplimiento se libre Despacho en forma al Comand.^{te} de Punta Cortada con incercion de este Escrito y de la providencia que recaiga Por tanto

A.V.S. Suplico se sirva proveer y mandar como pido que es justicia &a _____

Otro si: en atencion a que la mortuoria del referido D.ⁿ Juan Baut.^a Tounoir esta radicada en el ^{oficio del} presente Escrivano D.ⁿ Pedro Pedesclaux suplico a V.S. se sirva mandar corran ante el mismo en las diligencias que es Just.^a *ut Supra*

mentioned *Yndia* Naneta, because it [the slave's value] should not be separated from the whole of the property belonging to the aforementioned deceased, [and] that she too shall name an appraiser so that he, along with the other interested parties in the said estate, [can] proceed with her valuation, and that when she presents financial proof of having the amount at which she was estimated, may be granted her freedom [via *coartación*]

[p. #6] [dig.80]

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as per the request, and at the end of all the above being fulfilled, a written dispatch is issued in due form to the commander [of the Post] of Punta Cortada (Pointe Coupée) with the inclusion of this decree, and the order of remittance, thusly.

To his Lordship, I beg of you to provide and command what I have asked with justice, etc.

Furthermore, in view of the fact that the legal preparations made for the deceased, the said *Don* Juan Bautista Tournoir, is registered in the office of the present notary, *Don* Pedro Pedesclaux. I beg of Your Lordship to please order that they be drawn before the same

<p>Entre renglones=oficio del=vale__</p> <p>[Firmado:] P.^{dro} Sauv�</p> <p>En lo Principal, y otrosi como lo pide</p> <p>[Rubrica, Gayoso] [Rubrica, Serrano]</p> <p>Proveyolo el Se�or D.ⁿ Manuel Gayoso</p> <p>[f. 35v] [dig.81]</p> <p>de Lemos Brigadier de los R.^s Exercitos Gobernador General, Vice Patrono Real de las Provincias de la Luisiana, y Flori da Occidental e Ynspector de las tropas Veteranas y Milicias de ellas por Su Magestad que lo rubrico con el Se�or Licenciado D.ⁿ Manuel Serrano Asesor gr�al de la Yntendencia y alcalde de primera eleccion de esta Ciudad por Su Magestad en la Nueva Orleans a quince de Marzo de mil setecien tos noventa y ocho a�os _____</p> <p>[moderno, �rculo, a l�piz] 15</p> <p>[Firmado:] Pedro Pedesclaux S.^{no} pub.^{co}</p>	<p>proceedings, which is just. As stated above, as written in service of the final obligations to the dead.</p> <p>[Signed:] Pedro Suav�</p> <p>In this principal and all other matters requested,</p> <p>[Rubric, Gayoso] [Rubric, Serrano]</p> <p>Thus ordered: [By] the Lord <i>Don</i> Manuel Gayoso</p> <p>[p. #7] [dig.81]</p> <p>de Lemos, Brigadier [General] of the Royal Armies, Governor General, Royal Vice-Patron of the Provinces of Louisiana and Florida Occidental, and Inspector of all of our Veteran Troops and [Infantry] Militias by His Majesty, which is signed with the Lord <i>Don</i> Manuel Serrano, Esq., Advisor General of the Municipality and first elected <i>alcalde</i> of this city by His Majesty, in New Orleans, on [the] 15th of March of seventeen-hundred ninety-eight.</p> <p>[modern, circled, in pencil] 15</p> <p>[Signed:] Pedro Pedesclaux Notary Public</p>
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<p>[Rubrica, Pedesclaux]</p> <p>N.^N } En dicho dia lo hice saber a D.ⁿ Pedro__ Sauvé doy fé_____</p> <p>[Firmado:] Pedesclaux S.^{no}</p> <p>[Rubrica, Pedesclaux]</p> <p>Nota Que en el mismo dia se libró en tres foxas el despacho que se previene en el decreto an teced.^{te} y lo entregué a Dn Pedro Sauvé doy fe</p> <p>[Firmado:] Pedesclaux S.^{no}</p> <p>[Rubrica, Pedesclaux]</p>	<p>[Rubric, Pedesclaux]</p> <p>Notarized: On the said day, I made it known to <i>Don Pedro</i> Sauvé. I attest,</p> <p>[Signed:] Pedesclaux Notary</p> <p>[Rubric, Pedesclaux]</p> <p>Note: That on the same day, the dispatch referred to in the preceding decree was recorded in three pages and delivered to <i>Don Pedro Sauvé</i>, I attest.</p> <p>[Signed:] Pedesclaux Notary</p> <p>[Rubric, Pedesclaux]</p>
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- i. For more on Indigenous enslavement in Spanish Louisiana as well the descendants of María of the Patouca nation, see Leila K. Blackbird, "'It Has Always Been Customary to Make Slaves of Savages': The Problem of Indian Slavery in Spanish Louisiana Revisited, 1769-1803," *The William & Mary Quarterly* 80, no. 3 (July 2023): 525-558. María's grandchildren included Marie and Antoine Sarrazin of the Pointe Coupée Uprising.
- ii. An "*oriunda de indios*" can be translated as a native Indian of this country. It also denotes within legal contexts an Indigenous person who is transported from their home territory into a different imperial province. In María's case, she was captured and sold as a slave in Louisiana from Spanish Texas or *Nuevo México*.
- iii. O'Reilly's decree banning Indian slavery is discussed at length in the above cited journal article, which also contains a copy of his order signed and dated on December 7, 1769. It is revealed in a letter dispatched decades later by the Baron de Carondelet that the ban was never upheld and that the practice of enslaving Native and Black-Native people in Spanish Louisiana was still common.