

Registration and Deportation

Refugees, Regimes of Proof, and the Law in Jamaica, 1791–1828

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On August 10, 1816, Louis Nicholas Lecesne, a Frenchman born in Normandy and a naturalized British subject, died in Kingston, in the British colony of Jamaica.¹ Lecesne and his multiracial household of two free women of African descent and three mixed-race children had come to Kingston from Port-au-Prince in the French colony of Saint-Domingue in 1798 at the end of Great Britain's failed military intervention in the Haitian Revolution (1791–1804). In the years leading up to his death, Lecesne, together with his second wife, Charlotte, and their teenage son, Louis Celeste, interacted with a host of church and government authorities and notaries, leaving behind a tortuous paper trail across various archives. On March 5, 1814, Louis Celeste, then approximately fifteen to seventeen years of age, was baptized at the Anglican Church in Kingston (even though his parents were Roman Catholic).²

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¹ Registrar General's Department/Island Record Office, Twickenham Park, Jamaica (hereafter RGD/IRO), Wills Record, Liber Old Series (hereafter LOS), vol. 93, fos. 14v–15v, Lecesne, Louis N., Will, August 29, 1816.

² RGD/IRO, Kingston Copy Register, Baptisms, vol. ii, fo. 269; Jamaica Archives, Spanish Town (hereafter JA), Parish Register of Baptisms, Kingston, 1813–20, 1B/11/8/9/3, fo. 12; The National Archives, Kew, UK (hereafter TNA), CO 137/174, fo. 37^r, Certificate of baptism, Louis C. Lecesne (copy).

Sixteen days later, on March 21, Louis Nicholas Lecesne certified in front of a notary that Louis Celeste had been born a few days after the family's arrival in Kingston. By the end of the month, Louis Celeste had successfully applied to Kingston's magistrates for the granting of his "privilege papers," which would exempt him from some of the discriminatory measures against free people of color in Jamaica.³ In January 1816, Louis Nicholas registered that he had freed (manumitted) Charlotte in 1794, putting a number of documents from Saint-Domingue on record in the process.⁴ In 1817, the year after Louis Nicholas's death, Charlotte sprang into action and registered the fact that her deceased husband had sold her a female slave almost seventeen years earlier, submitting a receipt on record that explicitly identified her as a "free black woman."⁵

It is no accident that Louis Nicholas, Charlotte, and Louis Celeste Lecesne left ample traces across a number of archives. They were representative of a particular set of coerced migrants who became ever more visible during, and even characteristic of, the decades of war and revolution around 1800: refugees from centers of political and social conflict. Each of the political and social upheavals that shook the Atlantic and Mediterranean worlds, and the violent internecine and international conflicts that accompanied them, created major refugee movements. The four classic theaters of the Atlantic Age of Revolutions alone – the thirteen British colonies in North America, France, Saint-Domingue, and continental Spanish America – put more than a quarter-million people on the move. The 1798 arrival of the Lecesne household in Kingston – along with almost 3,000 people, including some 1,600 enslaved persons – was thus one chapter of a much larger "age of refugees," the flip side of the much-celebrated Age of Revolutions.⁶

³ TNA, CO 137/174, fos. 37^v, 346^v–348^r, Louis C. Lecesne, Petition to Governor, October 8, 1823; William Burge to William Bullock, February 17, 1825; Huntingdonshire Archives, Huntingdon, UK (hereafter HA), Manchester Collection, DDM10A/2, Stephen Lushington to William Courtenay, September 17, 1826 ("Yellow Book"), 263–66; TNA, CO 137/175, fo. 455^r, Affidavit by L. N. Lecesne (copy), March 21, 1814.

⁴ JA, 1B/11/6/47, fos. 26^r–27^r, Vaudreuil to Charlotte, entered January 25, 1816, Manumission of Slaves (1816).

⁵ RGD/IRO, Deeds, LOS vol. 667, fo. 98^r, Sale of slave, Louis Lecesne to Charlotte Lecesne, September 4, 1800, entered July 30, 1817.

⁶ On the numbers, see TNA, CO 137/100, fos. 161^r–162^v, Balcarres to Portland, October 29, 1798. More than 500 slaves were initially admitted. See National Library of Scotland, Edinburgh (hereafter NLS), Acc. 9769, 23/12/106, "État des nègres cultivateurs français réfugiés à la Jamaïque en conséquence de l'évacuation de St Domingue," s.d. [1799]. For broader discussions of revolutionary-era refugee movements, see Maya Jasanoff, "Revolutionary Exiles: The American Loyalist and French Émigré Diasporas," in David

A White man of European origin with relatively easy access to the status of a British national and the property rights associated therewith in the host territory, a formerly enslaved woman of African descent largely concerned with fending off efforts at her re-enslavement, and a politically and economically disadvantaged free man of color, the three Lecesnes belonged to a single family but also embodied some of the many boundaries that subdivided revolutionary-era refugees. While they were eventually considered, and dealt with, as a distinct type of mobile person, these refugees remained inextricably connected to those caught up in other forms of coerced mobility: enslaved captives and escapees from slavery, soldiers, and prisoners of war, and banished individuals and deported convicts – all of whose numbers surged during this period.

As in most other places that witnessed the arrival of large numbers of refugees, Jamaica had no clear-cut vocabulary – not to mention legal status – for them. This was by no means due to lack of need. Since the dramatic exodus of the American Loyalists in 1782–83, Jamaica – like many other places across the Caribbean – had been an important destination and place of transit for revolutionary-era refugees.⁷ When the island became one of the major points of arrival for refugees from Saint-Domingue in the 1790s and early 1800s, local authorities relied on an ill-defined system of ad hoc categorizations (such as “emigrants,” “loyalists,” or “refugees”) and proceeded with no clear notion of the differences between these terms.⁸ Moreover, many of the arrivals were

Armitage and Sanjay Subrahmanyam, eds., *The Age of Revolutions in Global Context, c. 1760–1840* (Basingstoke and New York, 2010), 37–58; Jan C. Jansen, “Flucht und Exil im Zeitalter der Revolutionen: Perspektiven einer atlantischen Flüchtlingsgeschichte (1770er–1820er Jahre),” *Geschichte und Gesellschaft* 44 (2018): 495–525; Friedemann Pestel, “The Age of Emigrations: French Émigrés and Global Entanglements of Political Exile,” in Laure Philip and Juliette Reboul, eds., *French Emigrants in Revolutionised Europe: Connected Histories and Memories* (Basingstoke, 2019), 205–31; Delphine Diaz, *En exil: Les réfugiés en Europe de la fin du XVIIIe siècle à nos jours* (Paris, 2021), 33–76.

⁷ On exiles in Jamaica from the American and Spanish American revolutions, see Maya Jasanoff, *Liberty’s Exiles: American Loyalists in the Revolutionary World* (New York, 2011), 245–77; Paul Verna, *Bolívar y los emigrados patriotas en el Caribe (Trinidad, Curazao, San Thomas, Jamaica, Haití)* (Caracas, 1983), 38–45.

⁸ See, for example, National Library of Jamaica, Kingston (hereafter NLJ), Ms. 72 (Nugent Papers), Box 1, 264N, “Account of money paid and advanced by George Atkinson, Agent General, by order of His Honor the Lieutenant Governor for the relief of French Emigrants,” December 31, 1793. On the categorization of mobility, and the refugee/migrant distinction in particular, see Michel Agier and Anne-Virginie Madeira, eds., *Définir les réfugiés* (Paris, 2017); Rebecca Hamlin, *Crossing: How We Label and React to People on the Move* (Stanford, CA, 2021). On the variety of concepts of “exile” and “refugees” during this period, see the roundtable series “Exiled: Identity

categorized – or categorized themselves – not as “refugees” or migrants but as imported slaves (although they may have been free before), evacuated army men, or prisoners of war.⁹ Despite the slipperiness, instability, and sometimes casual use of these categories, they often entailed major consequences for those concerned: They could mean freedom and a certain set of rights, assistance or even a state pension, on the one hand, or re-enslavement and military impressment, on the other. The range of possible outcomes included quasi-permanent residence in Jamaica, rejection or internment at the border, resettlement within British territories, or expulsion from them.

The sweeping official interactions and records of the Lecesne family are a testament to the uncertainties of classification and, by extension, legal status. Taking their case as a point of departure, this chapter focuses on the legal, and eventual long-term constitutional, dimensions of revolutionary-era refugee movements in the British Caribbean and across the Atlantic world. These embattled and intricate processes of classification did not bring about a well-defined special category of “exile” or “refugee.” On the contrary, it was a more encompassing category that arguably became the main legal framework for shaping and negotiating the status of refugees: alien. This chapter shows that governments’ responses to the arrival of these refugees led to a proliferation of so-called alien laws across the Americas and Europe and that, despite their seemingly universal and neutral character, these alien laws reflected the ambiguous status and multiple mobilities of refugees during this period. As can be seen in the major legal battle that would involve Louis Celeste Lecesne in the 1820s, the massive regulation of alien status also had long-standing ramifications during a period in which the terms of political membership and state belonging were in full transformation across the Atlantic world. The case also illustrates the

and Identification,” *Age of Revolutions*, May–June 2023, <https://ageofrevolutions.com/category/exiled-identity-and-identification>.

⁹ For self-categorization as “slave” and “prisoner of war,” respectively, see Rebecca J. Scott, *Was Freedom Portable? Wartime Journeys from Saint-Domingue to Jamaica to Cuba to Louisiana* (Kingston, 2013), 13–14; Ada Ferrer, *Freedom’s Mirror: Cuba and Haiti in the Age of Revolution* (New York, 2014), 176–77; Anna McKay’s chapter in this volume; and Jannik Keindorf, “Confusing Labels: French ‘Emigrants’ and ‘Prisoners of War’ in Jamaica during the Haitian Revolution,” *Age of Revolutions*, June 2023, <https://ageofrevolutions.com/2023/06/22/confusing-labels-french-emigrants-and-prisoners-of-war-in-jamaica-during-the-haitian-revolution>. On the connected histories of Saint-Domingue refugees, enslaved people, and French prisoners of war, see Gabriel Debien and Philip Wright, “Les colons de Saint-Domingue passés à la Jamaïque (1792–1835),” *Bulletin de la Société d’Histoire de la Guadeloupe* 26 (1975): 3–216; and Christian G. De Vito’s chapter in this volume.

ways in which refugees took part in shaping their status and carving out agency during a time in which legislators and state authorities sought to put unambiguous statuses and identities on record. It showcases how the law was interpreted and used by people with no legal training, and how their “vernacular” uses also found their way into the development of formal law.¹⁰

REGULATING AND DIFFERENTIATING ALIENS DURING AN AGE OF WARS AND REVOLUTIONS

Flight from revolutionary Saint-Domingue was not the only form of coerced migration that members of the Lecesne family endured. In November 1823, Louis Celeste Lecesne was arrested – along with two business partners, who, like him, were sons of refugees from Saint-Domingue – and expelled from Jamaica as an alien “of a most dangerous description.”¹¹ This action, ordered by the governor and referred to in official documents as “transportation” and “deportation,” had its foundation in the 1818 version of a law commonly known as the Alien Act of Jamaica.¹²

The Alien Act bundled and extended a series of measures that Jamaican legislators and governors had established, starting in the early 1790s, in response to the increasing arrival of refugees from neighboring Saint-Domingue.¹³ In contrast to the regulations concerning foreign prisoners of war, the alien acts did not provide for assistance, although this could

¹⁰ On “vernacular” uses of the law by people without legal training, see Sue Peabody and Keila Grinberg, eds., *Free Soil in the Atlantic World* (London, 2015); Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (Cambridge and New York, 2010), 23–30.

¹¹ TNA, CO 137/174, fo. 81, Governor’s Order in Council, November 28, 1823. For a detailed discussion of the resulting affair, see 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. Earlier discussions include Charles H. Wesley, “The Emancipation of the Free Colored Population in the British Empire,” *The Journal of Negro History* 19 (1934): 154–58; Patrick Bryan, “Émigrés: Conflict and Reconciliation: The French Émigrés in Nineteenth-Century Jamaica,” *Jamaica Journal* 7 (1973): 16; Gad J. Heuman, *Between Black and White: Race, Politics and the Free Coloreds in Jamaica, 1792–1865* (Westport, CT, 1981), 33–43; Edward Bartlett Rugemer, *The Problem of Emancipation: The Caribbean Roots of the American Civil War* (Baton Rouge, LA, 2008), 101–2; Matthew J. Smith, *Liberty, Fraternity, Exile: Haiti and Jamaica after Emancipation* (Chapel Hill, NC, 2014), 27–28; Michael Taylor, *The Interest: How the British Establishment Resisted the Abolition of Slavery* (London, 2020), 119–22.

¹² 59 Geo. III, c. 23 (1818), in *Laws of Jamaica: Comprehending All the Acts in Force...*, vol. 7 (Jamaica, 1824), 158–85.

¹³ For a more detailed discussion, see Jansen, “Aliens in a Revolutionary World.”

be granted on a case-by-case basis by the governor.¹⁴ Alien laws were essentially about limiting and controlling the movement of foreign refugees. They set strict limits on entry for foreigners, required their registration upon arrival, and regulated their movements within the territory. Most importantly, they included provisions for the extrajudicial removal of unwanted foreigners by the governor, thereby strengthening executive power over the courts.

The Jamaican alien legislation was part of a much broader, intercontinental push for migration control in the wake of revolutionary-era refugee movements and global warfare. Starting in the 1790s, residents and authorities across North and South America, the Caribbean, and Europe struggled to cope with surging numbers of foreign refugees. Governments and legislatures – wary of the spread of political turmoil – usually responded with a mix of selective aid and sweeping regulations to control and limit the arrival of foreign refugees and foreigners, writ large. These regulations made the decades around 1800 the heyday of alien legislation across the Atlantic world.¹⁵ Even in the Spanish Empire, long known for its restrictive immigration policies, the 1790s and early 1800s stood out. During that period, the Spanish Crown introduced harsh measures targeting migrants from revolutionary France and Saint-Domingue and even ended its long-standing policy of receiving enslaved escapees from foreign territories.¹⁶ In many territories – including the British metropole,

¹⁴ See, for example, NLJ, Ms. 72, Box 1, 264N, Amount of Money paid to French Emigrants, December 31, 1793; NLJ, Ms. 72, Box 3, 515N, Governor Nugent to Earl Camden, November 17, 1804. For more on prisoner of war regulations in this period, see Anna McKay's chapter in this volume.

¹⁵ Andreas Fahrmeir, Olivier Faron, and Patrick Weil, eds., *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* (Oxford, 2003); Jansen, "Aliens in a Revolutionary World."

¹⁶ Ángel Sanz Tapia, *Los militares emigrados y los prisioneros franceses en Venezuela durante la guerra contra la Revolución: Un aspecto fundamental de la época de la preemancipación* (Caracas, 1977); Julius S. Scott, *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution* (London, 2018), 59–68; Frédérique Langué, "Los Franceses en Nueva España a finales del siglo xviii: Notas sobre un estado de opinión," *Anuario de Estudios Americanos* 46 (1989): 219–41; Jesus Manuel González Beltrán, "Legislación sobre extranjeros a finales del siglo xviii," *Trocadero* 8–9 (1997): 103–18; Carrie Gibson, "The Impact of the Haitian Revolution on the Hispanic Caribbean, c.1791–1830," DPhil diss., University of Cambridge, 2010, 29–35, 74–133; Ferrer, *Freedom's Mirror*, esp. 17–82; Christina Soriano, *Tides of Revolution: Information, Insurgencies, and the Crisis of Colonial Rule in Venezuela* (Albuquerque, NM, 2018), 77–114, 196–205; Martin Biersack, *Geduldete Fremde: Spaniens Kolonialherrschaft und die Extranjeros in Amerika* (Frankfurt am Main, 2023), 305–55.

starting with the 1793 Aliens Act – it was the first time that aliens, as such, became the subject of written law.¹⁷

Alien laws across these various states and colonial territories grew out of particular political cultures and responded to particular threat scenarios. They usually applied to all foreigners, but also – explicitly or in practice – singled out particular groups. Broadly speaking, North Atlantic regulations focused on movements relating to the French Revolution, while South Atlantic ones concentrated on the Haitian Revolution. Jamaican regulations thus followed a broader regional pattern in primarily targeting migrants from Saint-Domingue, in particular people of African descent, both free and enslaved. At the time the Lecesne family moved to Kingston, Jamaican legislators outlawed the entry or presence of people categorized as slaves who had “inhabited or resided, or in any-wise shall have been living or abiding, in the island of St. Domingo.” They 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.”¹⁸ While they appeared to homogenize outsiders, alien laws made sure that statuses among aliens varied tremendously.

While they were (re-)regulating alien status during the 1790s and early 1800s, most governments could draw on preexisting efforts to control mobility. Since at least the Late Middle Ages, states across Europe and beyond required travelers to carry identity papers and badges of different sorts, and local authorities exercised the right to remove nonresident paupers and mobile poor (“vagrants”).¹⁹ In many cases, revolutionary-era alien laws built on these earlier legal frameworks, which allowed for the expulsion of categories of undesired individuals (both residents and

¹⁷ 33 Geo. III, c. 4. See Elizabeth Sparrow, “The Alien Office, 1792–1806,” *The Historical Journal* 33 (1990): 361–84; Margrit Schulte-Beerbühl, “British Nationality Policy as Counter-Revolutionary Strategy during the Napoleonic Wars,” in Fahrmeir, Faron, and Weil, eds., *Migration Control*, 55–70; Caitlin Anderson, “Britons Abroad, Aliens at Home: Nationality Law and Policy in Britain, 1815–1870,” DPhil diss., University of Cambridge, 2004, ch. 1; Kirsty Carpenter, *Refugees of the French Revolution: Émigrés in London, 1789–1802* (Basingstoke, 1999), 35–40; Juliette Reboul, *French Emigration to Britain in Response to the French Revolution* (Basingstoke, 2017), 63–67; Renaud Morieux, *The Channel: England, France and the Construction of a Maritime Border in the Eighteenth Century* (Cambridge, 2016), 296–307.

¹⁸ 39 Geo. III, c. 29 and c. 30, passed on March 14, 1799, in *Laws of Jamaica...*, vol. 3, quotes at 500 and 511.

¹⁹ For overviews, see Valentin Groebner, *Who Are You? Identification, Deception, and Surveillance in Early Modern Europe* (New York, 2007); Andreas Fahrmeir, *Citizenship: The Rise and Fall of a Modern Concept* (New Haven, CT, 2007), 9–26; Gérard Noiriel, ed., *Identification: Genèse d'un travail d'État* (Paris, 2007).

foreigners). In Jamaica, these legal traditions were shaped by the needs and views of the island's slave-holding elites. In contrast to the British metropole, with its long-standing punitive "transportation" system – and despite the use of the term for the removal of aliens during the revolutionary era – Jamaica appears to have had no regulations that allowed for the punitive removal or transportation of a free person.²⁰ Yet the island boasted a long tradition of racialized control of mobility.²¹ Long before the slave insurrection in Saint-Domingue broke out, local authorities in Jamaica had sought to control and regulate the whereabouts on land of foreign ship crews, especially seamen of color.²² But the most important source of mobility control and deportation were the laws targeting Jamaica's enslaved population. As with most other laws governing slavery, Jamaica's slave acts sought to discourage and closely monitor the movement of enslaved individuals through a passport or ticket system.²³ These laws also established punitive transportation – in fact, the sale – of enslaved people to non-British (mainly Spanish) colonies, and this form of punishment was commonly imposed by Jamaican slave courts.²⁴ Slave codes, in particular after a major uprising in 1760 (Tacky's Revolt), also threatened to punish free people of color by stripping them of their freedom and selling them off the island, although it is unclear to what extent such provisions were actually used.²⁵

²⁰ Jonathan Dalby, *Crime and Punishment in Jamaica: A Quantitative Analysis of the Assize Court Records, 1756–1856* (Mona, Kingston, 2000), 78–79; Diana Paton, "Punishment, Crime, and the Bodies of Slaves in Eighteenth-Century Jamaica," *Journal of Social History* 34 (2001): 936.

²¹ On the intersections of race and mobility control, see Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Durham, NC, 2015), 63–88.

²² Scott, *The Common Wind*, 40–49.

²³ *An Act to Repeal Several Acts and Clauses of Acts, Respecting Slaves, and for the Better Order and Government of Slaves, and for Other Purposes (1787)* (London, 1788), 10–11, 14–15. In comparative perspective, see Edward B. Rugemer, *Slave Law and the Politics of Resistance in the Early Atlantic World* (Cambridge MA, 2018), 40, 169.

²⁴ Robert Worthington Smith, "The Legal Status of Jamaican Slaves before the Anti-Slavery Movement," *Journal of Negro History* 30 (1945): 301; Diana Paton, "An 'Injurious' Population: Caribbean–Australian Penal Transportation and Imperial Racial Politics," *Cultural and Social History* 5 (2008): 449–52; Ebony Jones, "[S]old to Any One Who Would Buy Them': Convict Transportation and the Intercolonial Slave Trade from Jamaica after 1807," *Journal of Global Slavery* 7 (2022): 103–29; Clare Anderson, *Convicts: A Global History* (Cambridge, 2022), 100–32.

²⁵ Assembly of Jamaica, November 21, 1724 & January 21, 1725, *Journals of the Assembly of Jamaica*, vol. 2, 512, 516; Edward Long, *The History of Jamaica*, 3 vols. (London, 1774), 2:321. On the aftermath of Tacky's Revolt, see Vincent Brown, *Tacky's Revolt: The Story of an Atlantic Slave War* (Cambridge, MA, 2020), 209–16; Lisa Ford, *The King's Peace: Law and Order in the British Empire* (Cambridge, MA, 2021), ch. 4.

Rooted in these earlier efforts, Jamaica's legislation in the 1790s transferred these racialized policies of control and deportation to free individuals categorized as "aliens." The legislation was complemented by extrajudicial ad hoc measures taken by the governors, often through the extensive use of martial law. After the Second Maroon War (1795–96), Governor James Lindsay, 6th Earl of Balcarres, decided to deport more than 550 Maroons from Jamaica's Cockpit Country.²⁶ Balcarres also rounded up Saint-Domingue refugees of all backgrounds – especially free and (re)enslaved people of African descent – and shipped them off the island. In 1795, he bragged about having "pushed out of the Island above one thousand of the greatest scoundrels in the Universe, most of them Frenchmen of colour and a multitude of French negroes."²⁷ In late 1799 and early 1800, every White Frenchman without special approval and every freeman of color and free Black man older than twelve years, without exception, were ordered to leave the island. As a result, 1,000 to 1,200 Black Saint-Domingans were shipped off the island during the first months of 1800.²⁸ In December 1803, Balcarres's successor, George Nugent, set in motion another wave of expulsions, proclaiming that "all and every White Person or Persons, not being natural born subjects of His Majesty, and who have made returns of their slave" had to leave the island within a month.²⁹ Alien refugees of color also became a major source of forced military recruitment, along with the conscription of convicted criminals and purchased slaves. Several hundred Black Saint-Domingue refugees were used to fill the ranks of the newly established West India regiments.³⁰

²⁶ On the Maroons, Mavis C. Campbell, *The Maroons of Jamaica: A History of Resistance, Collaboration, and Betrayal* (South Hadley, MA, 1988), 209–49; Jeffrey A. Fortin, "'Blackened beyond Our Native Hue': Removal, Identity and the Trelawney Maroons on the Margins of the Atlantic World, 1796–1800," *Citizenship Studies* 10 (2006): 5–34; Ruma Chopra, *Almost Home: Maroons between Slavery and Freedom in Jamaica, Nova Scotia, and Sierra Leone* (New Haven, CT, 2018). For the larger picture, Clare Anderson, "Transnational Histories of Penal Transportation: Punishment, Labour and Governance in the British Imperial World, 1788–1939," *Australian Historical Studies* 47 (2016): 391–92.

²⁷ TNA, WO 1/92, fo. 143, Balcarres to Dundas, October 1795.

²⁸ NLS, Acc. 9769, 23/12/122; Order by J. Grant, G.O., December 31, 1799; TNA, CO 137/103, fos. 131^r–134^v, 252^r–253^v, Balcarres to Portland, December 8, 1799; Message from the Governor to the House of Assembly, February 6, 1800. Estimate by Debien and Wright, "Colons de Saint-Domingue," 147.

²⁹ NLJ, Ms. 72, Box 2, 633N, 492N, 869N, 870N and 871N, Proclamation by Nugent, November 25, 1803; George Kinghorn to Nugent, December 28, 1803; and "Reports of people to be removed from the island and those permitted to stay," December 28, 1803.

³⁰ NLS, Acc. 9769, 23/12/26–30, 57–58, Marquis de la Jaille, Loppinot, and Marquis de Contades to Balcarres, January 9, 19, and 26, 1800; Marquis de la Jaille and Marquis de

In contrast to the Aliens Act in the British metropole, the Jamaican alien legislation survived the “emergency” that had brought it to life. Jamaican governors and legislators continuously extended and sharpened their Alien Act well into the 1830s.³¹ This was because alien laws provided a flexible tool for the extrajudicial removal of unwanted individuals and for the suppression of internal social and political unrest. This use of the law can be seen in the case of Louis Celeste Lecesne. Lecesne was arrested and deported in a context of increased political mobilization for the full rights of British subjects among both Jamaica’s Jewish and free-colored communities.³² His deportation on charges of conspiratorial dealings with Haiti was prompted by his personal and professional ties to leading members of the political movement of the freemen of color, an association that had started only a few months earlier. In this respect, the Jamaican authorities’ use of the alien law was not unlike Cape governor Lord Charles Somerset’s contemporaneous use of *politieke uitzetting* (political removal), a British inheritance from the Dutch in the Cape Colony, to quell domestic opposition there.³³ In contrast to *politieke uitzetting*, however, the alien laws were based on what Paul Halliday has called a “classificatory approach to detention” and, one may add, deportation.³⁴ The largely unchecked use of this classificatory approach was limited to a predefined set of people: those not considered British subjects – something that the parliamentary Commission of Inquiry strongly endorsed for Jamaica and even seemed to consider a model for the Cape Colony.³⁵ This approach ran into problems, however, when a classification could not be established beyond doubt.

Contades to Balcarres, January 23, 1800; Marquis de la Jaille to Balcarres, January 27, 1800; Comte de Rouvray to Balcarres, January 19 and 26, 1800; TNA, CO 137/103, fos. 207^r–209^v, 272^r–273^v, Balcarres to Portland, January 2, 1800; Balcarres to Duke of York, January 29, 1800; National Army Museum, London (hereafter NAM), Acc. 1975-08-55, “Papers relating to the Earl of Balcarres period as commander-in-chief Jamaica, 1794–1801.” See also Brad Manera and Hamish Maxwell-Stewart’s chapter in this volume.

³¹ See, for example, 1 Vic. I, c. 18 (December 15, 1837), in *Laws of Jamaica...*, vol. 10, 18–42.

³² On these two political struggles, see Samuel J. Hurwitz and Edith Hurwitz, “The New World Sets an Example for the Old: The Jews of Jamaica and Political Rights 1661–1831,” *American Jewish Historical Quarterly* 55 (1965): 37–56; Heuman, *Between Black and White*; Trevor Burnard, *Jamaica in the Age of Revolutions* (Philadelphia, PA, 2020), 131–50.

³³ On this case and its legal and imperial ramifications, see Kirsten McKenzie’s chapter in this volume.

³⁴ Paul D. Halliday, *Habeas Corpus: From England to Empire* (Cambridge, MA, 2010), 310.

³⁵ *First Report of the Commissioners of Enquiry into the Administration of Criminal and Civil Justice in the West Indies: Jamaica* (London, 1827), 30–35; *Reports of the Commissioners*

REGISTRATION AND REGIMES OF PROOF

Jamaica's alien legislation was built on the notion of a clear-cut binary distinction between natural-born British subject on the one hand, and foreign-born alien on the other. This distinction put primacy on the place of birth. According to a legal tradition reaching 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 into life-long personal allegiance to the monarch, whereas an alien was born outside of it.³⁶ Place of birth thus constituted a "natural" denominator of belonging, but British subjecthood law also included, from its early beginnings, paths to subjecthood beyond the "natural" acquisition of allegiance. As the British Empire expanded, bringing a diversity of foreign-born aliens into the dominion of the Crown, British subjecthood started to brim with an increasing variety of temporary, partial, conditional, or quasi-subjecthood. In this regard, Early Modern British subjecthood was far from exceptional and was in line with that of most other European states and societies that defined political membership in degrees rather than clear-cut divisions, and that tended to place local rights of domicile above broader territorial notions of belonging.³⁷ The facts of long-term residence, establishment of a household, economic activity, and social integration were often as important as birthplace in determining one's social and political membership. This dimension – which is often associated with Spanish and Spanish American municipal citizenship – also became manifest in the Jamaican life of the Lecesne family. For roughly a quarter-century after their flight, the members of this family managed to live the lives of British subjects.

of Inquiry, Vol. I: Upon the Administration of the Government of the Cape of Good Hope (London, 1827), 16; see also Kirsten McKenzie's chapter in this volume.

- ³⁶ On the history of British subjecthood, see John W. Salmond, "Citizenship and Allegiance," *The Law Quarterly Review* 17 (1901): 270–82, 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 (1997): 73–146; Andreas Fahrmeir, *Citizens and Aliens: Foreigners and the Law in Britain and the German States, 1789–1870* (Oxford, 2000); Rieko Karatani, *Defining British Citizenship: Empire, Commonwealth and Modern Britain* (London, 2003); Anderson, "Britons Abroad"; Hannah Weiss Muller, *Subjects and Sovereign: Bonds of Belonging in the Eighteenth-Century British Empire* (Oxford, 2017).
- ³⁷ Altay Coşkun and Lutz Raphael, "Die Relevanz von Recht und Politik – eine Einführung," in Coşkun and Raphael, eds., *Fremd und rechtlos? Zugehörigkeitsrechte Fremder von der Antike bis zur Gegenwart* (Cologne, 2014), 48–53; Miri Rubin, *Cities of Strangers: Making Lives in Medieval Europe* (Cambridge, 2020).

While flexibility and adaptability thus continued to shape British imperial subjecthood well into the revolutionary period and beyond, the onslaught of alien laws strengthened countervailing tendencies. The statutory regulation of alien status pushed the legal framework away from the elastic boundaries between subject and alien and further toward a more rigid distinction between the two. In this regard, revolutionary-era alien laws were a driving force toward more clearly defined and homogeneous political communities, a process that is often ascribed to the national citizenship laws that emerged and spread during the same period.³⁸ While keeping clear of the widespread constitutional experiments of the period and of the idea that its residents were “citizens,” the British Empire still participated in the push to differentiate its members more clearly from nonmembers.

The sharper legal division between subject and alien put new emphasis on one particular “regime of proof” in determining individual subject and alien status: the production of written records.³⁹ Similar to revolutionary-era legislation in other territories and states, Jamaica’s alien laws included requirements for the written registration of every foreigner arriving at the border, an internal ticket system for resident aliens requiring renewal every six months, and efforts at creating a centralized registry of these data. These internal regulations complemented the system of official passports that was hastily set in place by countries of origin and states of arrival alike during the 1790s.⁴⁰

To be sure, official registration and identification practices were not at all new by then, nor had they been limited to Western Europe or the Atlantic world.⁴¹ They had been part of earlier efforts by state and nonstate actors (e.g., church authorities) to monitor the mobility of particular marginalized or subaltern groups.⁴² Poor relief, penal

³⁸ On citizenship during this period, see Pietro Costa, *Cittadinanza* (Rome, 2005), 47–57; Fahrmeir, *Citizenship*; Frederick Cooper, *Citizenship, Inequality, and Difference: Historical Perspectives* (Princeton, NJ, 2018), 45–75; René Koekoek, *The Citizenship Experiment: Contesting the Limits of Civic Equality and Participation in the Age of Revolutions* (Leiden, 2020).

³⁹ Taranqini Sriraman, *In Pursuit of Proof: A History of Identification Documents in India* (Oxford, 2018), xxvii.

⁴⁰ Gérard Noiriel, “Surveiller les déplacements ou identifier les personnes? Contribution à l’histoire du passeport en France de la Ire à la IIIe République,” *Genèses* 30 (1998): 77–100; John Torpey, *The Invention of the Passport: Surveillance, Citizenship, and the State* (Cambridge, 2000), 21–56.

⁴¹ For a global and long-term comparative panorama, see Keith Breckenridge and Simon Szreter, eds., *Registration and Recognition: Documenting the Person in World History* (Oxford, 2012).

⁴² With a focus on Europe, see Groebner, *Who Are You?*.

transportation, colonial domination, and slavery had been among the driving forces behind a variety of identification systems.⁴³ In Jamaica, the control of the mobility of enslaved and free-colored communities had included the use of a ticket system and would serve as a blueprint for the racialized system of internal control of aliens set up in the 1790s. The comprehensive legal frameworks of the revolutionary era thus expanded and systematized the production of written records relating to migrants, leading to a proliferation of “paper identities” during this period. Yet, as the sociologist John Torpey and others have argued, the real change brought about by revolutionary-era alien legislation was not just in the sheer volume of documents, but also in the very authority to document.⁴⁴ While means of identification for travelers (especially letters of introduction) had been issued by a variety of official and private actors and organizations, alien laws epitomized the sweeping ambition of state actors to monopolize the authority to issue and validate travel documents.

In Jamaica – as in most other places during this period – the realities fell far short of the ambitions of lawmakers and national or colonial authorities. The authority vested in the executive authorities, above all the governor, by the alien laws was contested in at least two ways. First, the lack of infrastructure and the noncompliance of the men and women on the ground set clear limitations on the reach of written documentation, and on state surveillance of refugees and aliens, more broadly. Despite sweeping ambitions, state control of foreigners in Jamaica remained incomplete and weak in practice. Many foreigners managed to slip under the radar of the Alien Officers and to bypass official documentation, and a considerable number remained in Jamaica without written authorization. The multiracial Lecesne household in Kingston is a case in point. Although they were not on the lists of those exempted from the government’s expulsion campaigns, Louis Nicholas Lecesne and his family resided on an estate in Saint Ann and, later, Saint Catherine before he went into business as a merchant and distiller in Kingston.⁴⁵ No less importantly, official documents lacked definitive proof about whether

⁴³ See, for example, for the case of India, Radhika Singha, “Settle, Mobilize, Verify: Identification Practices in Colonial India,” *Studies in History* 16 (2000): 151–98; Clare Anderson, *Legible Bodies: Race, Criminality and Colonialism in South Asia* (Oxford, 2004).

⁴⁴ Torpey, *The Invention of the Passport*, 6–10; Fahrmeir, *Citizenship*, 46–50.

⁴⁵ British Library, London, UK (hereafter BL), Add. MS 38232, fos. 140^r–141^v, 185^r–186^r, 187^{r-v}, Vaudreuil to Earl of Liverpool, June 29, 1798 and August 5, 1798; Mémoire du

Louis Celeste had been born before or after his parents' migration from Haiti, so it remained unclear, from the alien registry, whether he would fall into the category of foreign-born alien or natural-born subject. The newly created alien legislation – with its built-in classificatory approach to detention and deportation – did not provide for procedures for coping with such uncertainty of belonging. Furthermore, the authority exerted by state authorities on the basis of alien legislation was weakened in yet another way. Scholars of civil registration as a bureaucratic practice have pointed out that the production of written records was not a unilateral imposition of state power for the sake of turning populations into simplified, “legible,” and governable units.⁴⁶ While the push for registration may have come from state (or, for that matter, nonstate) authorities, registration processes were also often driven by those who were registered, since they could use these processes to advance their own interests and claims. Individual registration processes were thus shaped not only by the classification interests of the registering agency, but also by the registered individuals themselves, creating what the historians Keith Breckenridge and Simon Szreter have called a “dialectical tension between the legalistic fiction or convention of fixed, defined or stated identities, and the more messy social and cultural reality of individuals' capacities for having multiple attributed, aspirational, or imagined relations of identity and goals for their self-representation.”⁴⁷ These negotiation processes were

Comte de Vaudreuil, August 5, 1798; De Ladebat, Order, August 18, 1799; Memorial of the Comte de Vaudreuil to Henry Dundas, June 17, 1799; Vaudreuil to Balcarres, July 5, 1799; Lecesne to ‘Mon Général’ [Balcarres?], December 17, 1799; Memorandum, January 6, 1800; Note, s.d. [1800]; NLS, Acc. 9769, 23/12/61–67, William Dundas to Henry Dundas, July 21, 1800; RGD/IRO, Deeds, LOS vol. 482, fo. 181^r, Sale of slaves, Edward M. Whitehead to Lecesne, February 4, 1802; RGD/IRO, Deeds, LOS vol. 498, fos. 141^r–143^r, Mortgage, William Liddell and Louis N. Lecesne, February 20, 1802; RGD/IRO, Deeds, LOS vol. 464, fos. 113^{r-v}, Sale of Land, David Keith to John Escoffier, July 9, 1799.

⁴⁶ “Legibility” after James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, CT, 1998), 2; in the context of colonial penal transportation, Anderson, *Legible Bodies*.

⁴⁷ Keith Breckenridge and Simon Szreter, “Recognition and Registration: The Infrastructure of Personhood in World History,” in Breckenridge and Szreter, *Registration and Recognition*, 20. On this dialectical relationship, see also Estelle T. Lau, *Paper Families: Identity, Immigration Administration, and Chinese Exclusion* (Durham, NC, 2006); Sriraman, *In Pursuit of Proof*; with a stronger emphasis on state power, Jane Caplan and John Torpey, eds., *Documenting Individual Identity: The Development of State Practices in the Modern World* (Princeton, NJ, 2001); Gérard Noiriel, *L'identification: Genèse d'un Travail d'État* (Paris, 2007).

particularly intricate in moments of major social reconfiguration, even if the legal categories used in the registries often tended to conceal change and upheaval.⁴⁸

The myriad official paperwork created by the Lecesne family in Kingston between 1814 and 1817 was a testament to these dialectical tensions of registration. By that time, Louis Nicholas Lecesne had officially shaken off alien status. As a White man of European descent, he had been able to become a naturalized British subject as early as 1799 – a path barred to the Black and mixed-race members of his family.⁴⁹ Through their various interactions with church officials, magistrates, and notaries, these non-White family members created official paper trails that would help secure their status against persistent uncertainties. The first two recorded documents to mention Louis Celeste Lecesne's birth in Kingston (in 1798) were actually produced in 1814. One was the certificate of his late baptism with the Anglican Church. As the rector of the parish of Kingston later recalled, the dates and the places of birth mentioned in these certificates were largely unverified and followed the oral testimony given by Lecesne's parents – strong evidence of how registration processes could be shaped “from below.”⁵⁰ As was usual for the time, this certificate nevertheless served as proof of British birth when Louis Celeste applied for his so-called privilege papers a few weeks later. The underlying Privilege Act of 1813, which removed some discriminations against Jamaican free people of color, required such proof since it only applied to baptized persons born or manumitted in Jamaica.⁵¹ Within a month, Louis Celeste Lecesne had inscribed himself into Jamaica's regime of written proof. His certificate of baptism and his privilege papers marked the beginning of a paper trail that would underpin his claim to be a natural-born (i.e., Jamaican-born) British subject, and not a foreign-born (i.e., Haitian-born) alien.

The strategy employed by Louis Celeste points again to the overlaps between different forms of coerced mobility – and their legal frameworks – during this period. It also underscores the widespread engagement with the regime of written proof among enslaved or formerly

⁴⁸ Jean Hébrard, “Esclavage et dépendance dans les archives paroissiales et notariales des sociétés esclavagistes en transition: Le cas de Saint-Domingue à l'époque de la Révolution haïtienne,” *Esclavages & Post-esclavages* 1 (2019): 55–71.

⁴⁹ JA, 1B/11/1/36, fo. 221^r, Patent of Naturalization, Cesne, Le Jean Nicholas, January 23, 1799.

⁵⁰ TNA, CO 137/174, fo. 183^r, Isaac Mann to Bullock, July 27, 1824.

⁵¹ 54 Geo III, c. 20, *Laws of Jamaica...*, vol. 6, 249–50.

enslaved migrants, who also made up an important subgroup of revolutionary-era refugees.⁵² The Saint-Domingue diaspora to which the Lecesne family belonged included large numbers of Black or mixed-race women and men who were legally free, though in most cases politically discriminated against, and enslaved individuals, who had been brought along by their owners or were resettling as a means to gain freedom. These refugee groups moved across a complex and contradictory legal landscape. The slave trade and slavery itself had come under pressure in a few contexts and were temporarily abolished and then never restored in Haiti. In other regions, slave-based economies continued to thrive, and the legal situation of enslaved people deteriorated. In a volatile situation, in which the boundaries between freedom and unfreedom were unstable and could be redrawn on arrival at a new place of refuge, irreconcilable differences between the interests of subgroups of refugees surfaced. For enslaved or formerly enslaved men and women, moving across borders under these conditions could provide or sustain freedom in certain cases or bring about re-enslavement in others. Slave-owning refugees, by contrast, aimed at maintaining, restoring, or newly establishing their property claims over fellow migrants.

Refugees, local authorities, and civil society actors developed a variety of strategies to gain control of the uncertain situation, and among these strategies the production, occasional fabrication, and multiplication of documentary evidence stood out. Black Saint-Domingue refugees relied heavily on individual records that proved their freedom (i.e., manumission certificates) when taking refuge and fighting for their personal freedom and dignity in places where slavery was still in place, and they did so even when they were legally free, since the French abolition of slavery in February 1794, which made individual freedom papers, in principle, no longer necessary nor even possible.⁵³ The registration activities of Charlotte Lecesne, Louis Celeste's mother, in 1816–17 reflected these legal strategies of guarding against re-enslavement. Probably spurred by the impending death of Louis Nicholas, Charlotte's efforts created, for

⁵² Jansen, "Flucht und Exil," 515–19.

⁵³ See the case studies by Rebecca J. Scott, "She ... Refuses to Deliver Up Herself as the Slave of Your Petitioner": Émigrés, Enslavement, and the 1808 Louisiana Digest of the Civil Laws," *Tulane European and Civil Law Forum* 24 (2009): 115–36; Scott, "Paper Thin: Freedom and Re-enslavement in the Diaspora of the Haitian Revolution," *Law and History Review* 29 (2011): 1061–87; Rebecca J. Scott and Jean Hébrard, *Freedom Papers: An Atlantic Odyssey in the Age of Emancipation* (Cambridge, MA, 2012); Sue Peabody, "Free upon Higher Ground': Saint-Domingue Slaves' Suits for Freedom in U.S. Courts, 1792–1830," in David P. Geggus and Norman Fiering, eds., *The World*

the first time in Jamaica, an official paper trail corroborating her status as a free Black woman.⁵⁴ Members of the Lecesne family thus turned to similar strategies when confronted with uncertainty of status on various levels (subject/alien, freedom/slavery).

PROOF, BELONGING, AND CONSTITUTIONAL DEBATE

When they engaged in the mundane world of official paperwork in the mid-1810s, Charlotte and Louis Celeste Lecesne were certainly aware that official registration might one day bolster their claims to being a free woman and a natural-born British male subject, respectively. Just as certainly, they would not have anticipated that their records would be scrutinized, only a few years later, by the highest representatives of British politics. When he and his business partner and brother-in-law John Escoffery were first arrested under the Alien Act in October 1823, Lecesne claimed to be a natural-born British subject and thus exempt from the alien legislation.⁵⁵ His baptismal certificate and privilege papers, along with a number of affidavits from relatives, friends, and business partners, led Jamaica's Supreme Court to order his dismissal from prison, only for that ruling to be overturned by a new order of the governor, who claimed to have reviewed new evidence proving Lecesne to be both alien and dangerous. Deported to Haiti, Lecesne again used his written records to petition Jamaica's governor. It was only after Lecesne's claims failed to be heard that his case started to diverge from those of other foreigners – refugees of African descent from Saint-Domingue in particular – who had been deported from the British West Indies in massive numbers starting in the 1790s. Lecesne and his fellow deportees sailed to Great Britain in March 1824 to plead their case to antislavery activists and critics of the West Indies colonies. Soon their case began to make headlines in Great Britain. The radical activist and abolitionist Stephen Lushington brought

of the Haitian Revolution (Bloomington, IN, 2009), 261–83; Martha S. Jones, “Time, Space, and Jurisdiction in Atlantic World Slavery: The Volunbrun Household in Gradual Emancipation New York,” *Law and History Review* 29 (2011): 1031–60.

⁵⁴ On slave-ownership of free women of color, see Erin Trahey, “Among Her Kinwomen: Legacies of Free Women of Color in Jamaica,” *William and Mary Quarterly* 76 (2019): 257–88; Danielle Terrazas Williams, “‘My Conscience Is Free and Clear’: African-Descended Women, Status, and Slave Owning in Mid-Colonial Mexico,” *The Americas* 75 (2018): 525–54; Kit Candlin and Cassandra Pybus, *Enterprising Women: Gender, Race, and Power in the Revolutionary Atlantic* (Athens, GA, 2015).

⁵⁵ John Escoffery used a similar strategy, and his case was discussed in close association with Lecesne's. For the sake of clarity, this chapter focuses on Lecesne's case.

their case before the House of Commons in May 1824.⁵⁶ Four years of legal battles, inquiries, litigation, parliamentary debate, and pamphleteering ensued.

Lecesne, his fellow deportees, and their supporters both in Jamaica and Great Britain were able to cast their case in general terms and speak to a wider audience beyond the courtroom – a precondition for turning a local affair into an imperial scandal.⁵⁷ The case of the deported men of color added to the domestic pressure on the Tory government, which had already faced blowback over Catholic Emancipation and a string of other scandals in colonial territories. As with other public scandals surrounding extrajudicial deportations by colonial governments around the same time, governmental infringement of the rights of British subjects was the starting point of domestic public outrage.⁵⁸ The Lecesne affair became tied up in a much larger debate over the boundaries and substance of British subjecthood, and over imperial transformation and reform more broadly.⁵⁹ In the 1820s, this debate entered a crucial new phase and fed into major reform acts both in the metropole (Catholic Emancipation, 1829; electoral reform, 1832) and across the empire.⁶⁰ With Lecesne and his companions, the West Indies came into view, emerging as a stage upon which to consider the implications of these broader imperial transformations – with the question of slavery as well as Jewish and free-colored campaigns for full subjecthood looming large. The intricate issue of subjecthood extended into most of the central arenas of imperial reform discussed during this period. This included the challenge of creating a uniform rule of law across the empire and of balancing executive power with the jurisdiction of the judicial branch.

⁵⁶ *Hansard*, 2nd ser., May 21, 1824, vol. 11, 796–804; TNA, CO 137/176, fos. 6^r–9^v, Petition of Lecesne and Escoffery to the House of Commons, s.d. [1824].

⁵⁷ On the history of colonial/imperial scandals, see Nicholas B. Dirks, *The Scandal of Empire: India and the Creation of Imperial Britain* (Cambridge, MA, 2006); James Epstein, *Scandal of Colonial Rule: Power and Subversion in the British Atlantic during the Age of Revolution* (Cambridge, 2012); Kirsten McKenzie, *Imperial Underworld: An Escaped Convict and the Transformation of the British Colonial Order* (Cambridge, 2016); Callie Wilkinson, “Scandal and Secrecy in the History of the Nineteenth-Century British Empire,” *The Historical Journal* 65, no. 2 (2022): 545–69.

⁵⁸ These scandals are the subject of Kirsten McKenzie’s chapter in this volume.

⁵⁹ On these broader transformations, see C. A. Bayly, *Imperial Meridian: The British Empire and the World 1780–1830* (London and New York, 1989); P. J. Marshall, *The Making and Unmaking of Empires: Britain, India, and America c.1750–1783* (Oxford, 2005); Christopher L. Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill, NC, 2006); Lauren Benton and Lisa Ford, *Rage for Order: The British Empire and the Origins of International Law, 1800–1850* (Cambridge, MA, 2016).

⁶⁰ Benton and Ford, *Rage for Order*; McKenzie, *Imperial Underworld*.

But what made the Lecesne affair different was the fact that the deportees' subject status was itself in question. Louis Celeste Lecesne had lived the life of a British subject even though he lacked definite proof of this status. But the legal framework of alien legislation that formed the basis of his deportation, and determined the battle over it, did not allow room for such indeterminacy. For years, committees and commissions of inquiry, legal experts, ministers, and politicians compiled evidence to decide if the governor had illegally deported a British subject, or if he had used the vast legal powers vested in him by the alien legislation to protect British subjects from dangerous aliens. The quest for definitive written proof quickly turned into a critical assessment of the regime of written records. Ironically, it was representatives of the colonial government who cast doubt on the validity and veracity of the very official records that would have functioned, under normal circumstances, as proof of subjecthood.⁶¹ They did so by highlighting the social negotiation processes underlying official registration: What was the factual value of a baptismal record – arguably the most important identity paper in the British world at the time – if it contained unverified data from the family? What role did social relationships or even monetary transactions play in the acquisition of official privilege papers? Instead, the debate quickly turned into a broader discussion about what and who could testify for, and decide over, subjecthood: Was a White foreigner a more credible witness to Lecesne's subject status than a British subject of color?⁶² The colonial government went full circle in its invalidation of proof-based verification by arguing that the alien legislation's empowerment of the executive went so far as to entrust the governor with "the power of judging in the last resort who is an Alien."⁶³

Anxious to stop yet another embarrassing overseas affair, the British government decided that a solution to the dilemma would not be found in watertight proof of Lecesne's place of birth, but rather in a retreat from the matter. It decided that there was sufficient evidence to prove that Lecesne was born sometime between 1796 and 1798 in either Port-au-Prince or Kingston, and that further details were irrelevant, since

⁶¹ TNA, CO 137/174, fos. 346^v–348^r, Burge to Bullock, February 17, 1825; TNA, CO 137/176, fos. 434^{r-v}, Burge to George Murray, December 27, 1828; TNA, CO 318/66, fos. 161–62, Report of the Commissioners of Legal Inquiry, February 25, 1826.

⁶² HA, DDM10A/2, Lushington to Courtenay ("Yellow Book"), 154, 193–94, 222–23, 233, 269–70; TNA, CO 137/176, James Stephen to Wilmot Horton, January 22, 1825, fos. 92^r–99^r.

⁶³ Quote from TNA, CO 318/66, fo. 70, Report of the Commissioners of Legal Inquiry, February 25, 1826; longest justification of this position in TNA, CO 137/176, fos. 274–84, Burge to Murray, December 27, 1828.

Port-au-Prince had been occupied by British troops during this time. Even if his birthplace was Saint-Domingue, Lecesne had been “born under the protection of His late Majesty” and needed to be considered a “natural born subject of the King of England” and “consequently not subject to the Alien Law of Jamaica.”⁶⁴ The government sought to hide the decision behind a veneer of legality and conformity in accordance with long-held notions of British subjecthood. However, by deciding to define children born under temporary military occupation as British subjects, they dramatically shifted the boundaries of who could become a British subject by birth. They thus drew on a more flexible, “vernacular” practice of the law that accommodated the murky realities of revolutionary-era refugees in Jamaica. In fact, it had been Lecesne and his allies who had pushed for these vernacular notions of their subjecthood by circulating a previous legal opinion in which the Jamaican government itself had considered a White Saint-Domingue refugee as a natural-born British subject.⁶⁵

CONCLUSION

The extraordinary legal battle surrounding Louis Celeste Lecesne and his fellow deportees in the mid-1820s and the more mundane registration practices of the Lecesne family a decade earlier illustrate one core challenge of mobility and coercion around 1800: the need to translate the messy realities of revolutionary-era refugee migration into orderly categories of law. Like official actors in many states across the Atlantic world, British authorities in Jamaica had responded to the arrival of growing numbers of refugees in the 1790s by regulating the status of foreigners as such. Highly diverse refugee communities were thus subject to an apparently homogenous status as “aliens,” unless they happened to be categorized differently, for example as enslaved individuals or prisoners of war. While they drew sharper distinctions between those considered members of the British Empire and those considered nonmembers, alien laws also ensured that differences in race and origin, in particular, created wildly variegated statuses among aliens. Alien laws thus bore very thinly veiled connections to earlier and parallel efforts to control and regulate the

⁶⁴ TNA, CO 137/176, fos. 23r^f–24^r, William Huskisson to the Attorney and Solicitor General, November 10, 1827. See also TNA, CO 137/176, fo. 27^r, James Scarlett and N.C. Tindal to Huskisson, January 24, 1828; JA, 1B/5/14/5, Agents Out-Letter Books 1824–32, fos. 67^v–68^r, Huskisson to Charles Nicholas Pallmer, May 17, 1828.

⁶⁵ TNA, CO 137/175, fo. 578^r, Legal opinion by Burge, July 31, 1822; TNA, CO 137/177, fo. 19^r, Lushington to James Stephen, September 15, 1829.

mobilities of particular groups, such as enslaved people, free Blacks, and the poor. Alien legislation adopted and systematized bureaucratic practices of registration and written proof, and it provided the legal rationale for extrajudicial deportation – yet another widespread form of coerced mobility during this period. While extrajudicial deportation based on alien status may have represented a flexible tool of classification-driven executive power, it proved frail when opposition and increased public scrutiny revealed the underlying classifications to be blurry.

The administrative interactions of the Lecesne family and their all-out legal battle show the extent of their engagement with the law and the ways in which they sought to shape and negotiate their legal status. In doing so, the Lecesnes and other refugees were able to rely on vernacular experience in other relevant branches of the law, such as the legal distinctions governing freedom and slavery. As with freedom, belonging was not just granted or asserted by state authorities but could also be claimed and recrafted by those who sought it. The experience of mundane registration practices was not unique to the Lecesnes; on the contrary, it was something that they shared with their fellow refugees. But the legal battle during which they managed, in the context of a large-scale imperial reordering, to secure recognition of their vernacular notions of alien law by the most powerful empire of the time was certainly exceptional. Yet for all its drama, the latter would have been unthinkable without the former.