Document #1793-02-15-04 – Mariana Secures Freedom for her Sister, Pelagia

<u>K4BL Abstract</u>: Mariana Marcos (*alias* Voisin), *negra libre*, filed a freedom suit to compel the emancipation of her sister, Pelagie, who is enslaved by Pierre Olivier D'Anneville, for the price of her fair valuation. Successful in her suit, Mariana's sister Pelagie is ordered free by the Spanish *audiencia* at New Orleans. As an example of the *coartación* process, it not only demonstrates the changes that were made to slave law during the Spanish period, but it also highlights the importance of kinship to both enslaved and free people of color in Louisiana.

https://www.lacolonialdocs.org/document/17899

WPA Card:

LHC RG2 Feb. 15, 1793 (4) Civ. WPA 2981 SP 119

<u>WPA Abstract</u>: Suit brought by <u>Mariana Voisin</u> (Mariana Marcos), free black woman, to compel the emancipation of her sister, <u>Pelagie</u>, slave of <u>Pierre Olivier Darmeville</u> [sic].

6 fo. Sp. (Feb 15, 1793-Feb 23, 1793) Gov./Ximenez

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Names: Black - Voisin, Marianne; Voisin, Mariana; Marcos, Mariana; alias Voisin, Marianne Marcos;

Pelagie; (Darmeville), Pelagie; (D'Erneville), Pelagie; (D'Anneville), Pelagia

Names: White - Darmeville, Pierre Olivier; D'Erneville, Pierre Olivier; D'Anneville, Pierre Olivier; Don

Pedro Olivier; Canes, Francisco Ramon; Canes, Juan Ramón "*el Curro*"; Carondelet, Francisco Luis Hector Baron de: Guinault. Felipe: Guinault. Santiago: Liotau. Luis: Liotau.

Francisco Luis riector Baron de, Guinaunt, Fenipe, Guinaunt, Santiago, Llotau, Luis, Llota

Loüis; Vidal, Nicolás María; Ximenez, Carlos; Ximenes, Carlos

Names: Native - n/a

Keywords - *coartación*, emancipation, family, free people of color, freedom, freedom suit, kinship, manumission, valuation

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[folio 0 recto] [digital 2]	[page #1] [digital 2]
Año de 1793	Year 1793
Promovidos por Mariana Marcos con	Proceedings for Mariana Marcos versus
tra D ⁿ Pedro Olivier sobre que sale es	Don Pedro Olivier in order to get an estimate
time para obtener su Libertad	to obtain her freedom.
N.° 119	No. 119
juez el s ^{or}	Judge, the Lord
Gov. or	Governor
Esc. ^{no} Ximenes	Notary, Ximenes
[moderno a lániz roja] #2050	[modern in red nancil] #2050
[moderno, a lápiz rojo] #3059	[modern, in red pencil] #3059
[moderno, a lápiz] Feb 15, 1793	[modern, in pencil] Feb. 15, 1793
[moderno, a lápiz rojo] #2981	[modern, in red pencil] #2981
[f. 0 verso] [dig.3]	[p. #2] [dig.3]
[en blanco]	[blank]
[f. 1r] [dig.4]	[p. #3] [dig.4]
1	1
Mariana Marcos alias Voisin	Mariana Marcos, <i>alias</i> Voisin,
negra libre vecina de esta Ciudad, ante V.	negra libre, householder of this city, [comes]
como mas haya lugar en drô paresco y digo	before you,
que tengo una hermana mia esclava de	in conformity with the law, stands and states:

Dⁿ Olivier Darmeville llamada Pelagia alaqual deseando dar la libertad por el precio de su Justa tasacion paraq^u se verifique nombro por mi Apreciador Dⁿ [Francisco] Ramon Cane [Canes] *alias* de Curro suplicando a V____ haberla por nombrado precediendo su accep^{on} y Juramento y hacer saber a la otra parte nombre el suyo dentro del termino de dos dias y de lo contrario se elegir de oficio paraq^u ambos procedan a dha estimacion por tanto

That I have a sister of mine, *esclava* of *Don* Olivier D'Anneville, named Pelagia, for whom I wish to grant freedom for the price of her fair valuation, so for that reason I have named as my appraiser *Don* [Francisco] Ramón Canes, known as *el Curro*, i pleading of Your Lordship

to have the aforenamed, following your acceptance,

take [his] oath, and make known to the other party [to] name their [appraiser] within two days, otherwise he shall be chosen *ex officio*, so [that] both [parties] can proceed with the said estimate, thusly.

AVs Sup^{co} se sirva prover y mandar como pido con Justicia costas Juro no ser de malicia y enlo neces^o &.~

Your Lordship, I beg you to provide and order as I request

with due justice, costs, and I swear to not be of malice, and as is necessary, etc.

Por Mariana Voisin
[Firmado:] Felipe Guinault

For Mariana Voisin,
[Signed:] Felipe Guinault

[f. 1v] [dig.5]

[p. #4] [dig.5]

Por presentada: Y atento ã ser la diligencia, que se pide por la suplicante para el fin, que propone de la libertad de la Negra Pelagia, procedase ã la estimacion de esta; para la qual se ha por nombrado por su parte al sugeto que se expresa procedase, ã quien se hará

Filed: And [in] consideration of the proceedings that have been initiated by the supplicant, for the purpose [of] proposing the freedom of the *negra* Pelagia, proceed to the valuation of her, for which has been appointed the named subject [Canes] as expressed, to whom will be made

saver para Su aceptacion, y Juramento, que se comete, instruyendose de la presente Solicitud, y de esta Providencia ã D.ⁿ Olivier Darneville, que se dice ser amo de la referida Esclava, ã quien se prevendra, que dentro de segundo dia nombre otro apreciador de su satisfaccion con apencerimiento que de no complirlo se executará de Oficio.___

[Rubrica, Carondelet] [Rubrica, Vidal]

Proveyolo el S. Don Francisco Baron de Carondelet Cavallero de la Religion de S.ⁿ Juan Cornel de los R.^s Extõs Gov.^{or} Vise Parrono è Ynt.^e Grãl, de esta Provincia dela Luiciana por S.M. con dictamen y à cuerdo del S.^{or} D.^{or} D.ⁿ Nicolas Maria Vidal Th.^e de Gov.^{or} Auditor de Guerra

[f. 2r] [dig.6]

y Asesor Grāl del Govierno qué lo ru bricaror en esta Ciudad de la Nueva Orleans a quinze de Febrero de mil setecientos noventa y tres años

[Firmado:] Carlos Ximenes

aware for his acceptance, and oath, which is to be committed, [and] communicate the present request, and this ruling, to *Don* Olivier D'Anneville, who is the said master of the referenced slave, to whom it will [also] be advised that within two days he shall name another appraiser of his satisfaction [on his behalf] with warning that if he does not comply, it will be executed *ex officio*.

[Rubric, Carondelet] [Rubric, Vidal]

Thus ordered: [By] the Lord *Don* Francisco Baron de Carondelet, Knight of the Religious [Order] of St. John[of Jerusalem],
Colonel of the Royal Armies, Governor,
Vice-Patron,
and Intendant-General of this Province
of Louisiana by His Majesty, with dictum
and agreement of the Lord Dr. *Don* Nicolas
Maria, Lieutenant-Governor, Civil Legal Advisor,

[p. #5] [dig.6]

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and Advisor General of the Government, which is signed in the City of New Orleans on the 15th of February seventeen-hundred and ninety-three.

[Signed:] Carlos Ximenes

N. ⁿ En dho dia hise saver el Dec. ^{to} que antesede a Mariana Marcos Voisin Negra Libre doy fee	Notarized: On the same day, I made known the preceding decree to Mariana Marcos Voisin, <i>negra libre</i> . I attest,
[Firmado:] Ximenes	[Signed:] Ximenes
N. ^{n.} En diez y seis del dho Yo el Esc. ^{no} hise saver a D. ⁿ Olivier Derneville el Dec. ^{to} que antesede doy fee	Notarized: On the 16th of the aforementioned [month], I, the notary, made known to <i>Don</i> Olivier D'Anneville the preceding decree. I attest,
[Firmado:] Ximenes	[Signed:] Ximenes
En dho dia mes y año Yo el Escrivano hise saver el Nombramiento de estimador que por el Dec. ^{to} que antesede a D. ⁿ Fran. ^{co} Ramon Canet; y entenado de su contenido Dixo	On the same day, month, and year, I, the notary, made known [to] the appointed appraiser of the preceding decree, <i>Don</i> Francisco Ramón Canes, and understanding of its contents,
[f. 2v] [dig.7]	[p. #6] [dig.7]
que aceptava acepto y hixo por Dios y la Cruz de haver vien y fielmente su en cargo y lo firmó sigue doy fée [Firmado:] Juân Ramon Canes [Firmado:] Carlos Ximenes	said he accepted, and [will] do, for God and the Cross, well and faithfully [of] his charge, and he signed as follows. I attest, [Signed:] Juan Ramón Canes [Signed:] Carlos Ximenes
[moderno, a lápiz] 2	[modern, in pencil] 2

En la Ciudad de la N.^a Orleans en diez y ocho de Febrero de mil Sete ciéntos noventa y tres, ante mi el Ess.^{no} parroc.º el Ten.^{te} del Regim.^{to} Jur.º de la Luicianá Dⁿ Pedro Oliviér, y Dijo: que correg.^{te} ala su liertad de Marianá Marcos Negra libre en el Esento assim^{to}, y de lo que es mi Virtud de la preceptiva nombraba, y mesdír desde lugar como estimador per mi parte,

[f. 3r] [dig.8]

para el aprecío vien Si amba nombrada Pelaxia, e el Cap.ⁿ D.ⁿ Pedro de Marigny, su plicando ami sriâ, que haci endolo por tal tenga aver mandar se proseda a la Dilig.^a pend.^{te}, presedidas las for malidades nesesarias, y fir mo de que doy fée___

[Firmado:] Pierre Olivier [Firmado:] Carlos Ximenez

Se ha por nombrado a D.ⁿ Pedro de Marigny segun se pide en la diligencia antecedente

In the the City of New Orleans on
the 18th of February seventeen-hundred
ninety-three, [came] before me,
the notary [of the] parish, Lieutenant of the
Military Jurisdiction of the Louisiana [Province],
Don Pedro Olivier, and states:
That in regard to her liberty by
Mariana Marcos, negra
libre, in the ordered event
and of which will be [done] by virtue of
the mandate, name and
appoint [as]
estimator on my behalf,

[p. #7] [dig.8]

for the property [to be] valuated [by] both,

[the] named Pelagie, the Captain

Don Pedro de Marigny,

pleading of Your Lordship, that

doing as has been

ordered, will proceed to the

pending ruling, following the

necessary formalities, and I

sign as such. I attest,

[Signed:] Pierre Oliver

[Signed:] Carlos Ximenez

Don Pedro de Marigny has been appointed, as requested in the antecedent proceedings, to

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ā quien se hara saver para su aceptaci-	whom it will be made known for his acceptance,
on y Juramento que se comete, dandose noti-	and oath, which is to be committed, giving notice
cia a la otra parte para su inteligencia; y fe-	to the other party for their knowledge, and
cho procedase a la estimacion prevenida en la	summoned to proceed to the estimation. Prepared
forma ordinaria	in the standard way,
F.[irmado:]	[Signed:]
[Rubrica, Carondelet] [Rubrica, Vidal]	[Rubric, Carondelet] [Rubric, Vidal]
Proveyolo.	Thus ordered:
[f. 3v] [dig.9]	[p. #8] [dig.9]
el S. or D. n Fran. co Baron de Carondelet	[By] the Lord <i>Don</i> Francisco Baron de Carondelet,
Cavallero de la Religion de S. ⁿ Juan	Knight of the Religious [Order] of St. John [of
Coronel de los R. s Extõs Gov. or Vise Pator	Jerusalem],
no è Ynt.º Grãl de esta Provincia de	Coronel of the Royal Armies, Vice-Patron
la Luisiana por S.M. con dictamen y	and Intendant-General of this Province of
acuerdo del S. or D. or D. n Nicolas Maria	Louisiana by His Majesty, with dictum and
Vidal Th. te de Gov. or Auditor de Grra~, y	agreement of Lord Dr. Don Nicolas Maria
Asesor Grãl del Gov. ^{no} que lo rubricaron	Vidal, Lieutenant-Governor, Civil Legal Advisor,
en esta Ciudad de la Nueva Orleans á	and Advisor General of the government, which
nueve de Febrero de mil setecientos Noven	was signed
ta y tres años	in this City of New Orleans on the
	9th of February, seventeen-hundred
	ninety-three.
[moderno, a lápiz] 2	[modern, in pencil] 3
[Firmado:] Carlos Ximenez	[Signed:] Carlos Ximenez
En dho dia hise saver el Dec. to que ante	On the same day, I made known the preceding
Sede á D. ⁿ Pedro Olivier doy fee	decree to <i>Don</i> Pedro Olivier. I attest,

[Firmado:] Ximenez [Signed:] Ximenez En dho dia lo hise saver á Mariana On the aforementioned day, I made this known to Mariana Marcos Voisin. I attest, Marcos Voisin doy fee [Firmado:] Ximenez [Signed:] Ximenez [f. 4r] [dig.10] [p. #9] [dig.10] 4) En Veinte del dho Yo el Esc. no passe alas On the 20th of the said [month], I, the notary, went casas de la Morada de D.ⁿ Pedro de Marigny to the house of residence of *Don* Pedro de Marigny y le notifique en su persona el nombramiento and notified him in person of the naming of de estimador que por el Dec. to, que antesede se le [him] as appraiser by the preceding decree, which hase y enterado de Su cont. do Dixo que aseptava he was made aseptó y Juro por Dios y la Cruz de haser vien aware of its contents. He said he would accept, y fielm. te su encargo y lo firmo de que doy fee [and having] accepted swore before God and the Cross, to make good and faithful of his oath and he signs, which I attest. [Signed:] Pedro de Marigny [Firmado:] Pedro DeMarigny [Signed:] Carlos Ximenez [Firmado:] Carlos Ximenez [modern, in pencil] 4 [moderno, a lápiz] 4 In the City of New Orleans, on the 21st En la Ciu. de la Nueva Orleans, en bein of February seventeen-hundred and ninetyte y uno de Febrero de mil set.^s noventa three, in accordance with the provisions of the y tres años: consecuente à lo dispuesto a request from Mariana Marcos, morena

solicitud de Mariana Marcos mo

rena libre, parecio a la precenz.^a de D.ⁿ

libre, ii appearing in the presence of *Don*

Pedro de Marigny of the [Royal and Military]

Pedro de Marigny del orden de S.ⁿ
Luis Cap.ⁿ de milicias de las de esta
Ciu.^d y de D.ⁿ Fran.^c Ramon Canes
terceros nombrados, la Negra
Pelagia esclava del Th.^{te} D.ⁿ Pedro
Olivier à èfecto de proceder a su
estimas.^{on}; y haviendo la reconosido

[f. 4v] [dig.11]

hechos Gargo de su edad, y demas circunstanz.^s dixeron: que desde luego Ta zaban dha Negra Pelagia, en la Cant.^d de quinientos pesos, en que han combe nido de acuerdo, y conformidad; cuy-o precio es el que Jusgan valer, y en el que la aprecian; con lo qual Se con cluyō esta diligenz.^a, que fimaron de que doy fee___

[Firmado:] Pedro DeMarigny [Firmado: Fran.^{co} Xamon Canes

Ante mi:

[Firmado:] Carlos Ximenez

Autos y vistos: Se declara por legitimo valor de la Negra Pelagia, Esclava de D.ⁿ Pedro Olivier, la cantidad de quinientos pesos, en q.^e ha Sido apreciada por los Estimadores que nombraron las partes:

Order of St.

Louis, Captain of the Militias of this
City, and of *Don* Francisco Ramón Canes, the
aforenamed third party, the *negra*Pelagia, *esclava* of Lieutenant *Don* Pedro
Olivier, for the purpose of proceeding to her
estimate, and making known the

[p. #10] [dig.11]

facts of her age, and any additional considerations, they said that since, they appraised the said *negra*, Pelagia, at the amount of 500 *pesos*, in which they have both agreed in conformity, [that] the said price is what they judge her to be worth, and in which they valuate her, with which these proceedings are [now] concluded, [to] which they have signed. I attest,

[Signed:] Pedro de Marigny [Signed:] Francisco Ramón Canes

Before me
[Signed:] Carlos Ximenez

Decided and decreed: It is declared the legitimate value of the *negra* Pelagia, *esclava* of *Don* Pedro Olivier, the amount of 500 *pesos*, in which she has been valued by the appraisers appointed by [both] parties, by virtue of which, shall be delivered the

en cuya virtud entregandola expresada

expressed

[f. 5r] [dig.12]

suma, Mariana Marcos, alias Voisin,
ó la misma Pelagia, procedase por el dho
d.ⁿ Pedro Olivier, à otorgar à la ùltima
la correspondiente Escritura de libertad;
y taseeste las costas, que Satisfará con
diez reales de asesoria la citada Negra
Mariana que ha promovido esta Ynstan.^a

F.[irmado:] El Baron de Carondelet [Rubrica, Carondelet] [Firmado:] Nicolas M.ª Vidal [Rubrica, Vidal]

Proveyolo el S.^r D.ⁿ Frān.^{co} Baron de Carondelet Cavallero de la Religion de S.ⁿ Juan Coronel de loz

R.s Extõs Gov. or Vise Patrono è Ynt. e Grãl de esta Prov. de la Luisiana por SM. con dicta men y acuerdo del S. or D. or D. n Nicolas Maria Vidal Th. de Gov. or Auditor de Grra y Asesor Grãl del Gov. no que lo firmaron en esta Ciudad de la Nueva Orléans à veinte y tres de Febrero de mil Setecientos Noventa y tres años

[p. #11] [dig.12]

sum, [by] Mariana Marcos, *alias* Voisin, or [by] Pelagia herself, shall [then] proceed [with respect to] the aforementioned, *Don* Pedro Olivier, to grant the latter [Pelagia] the appropriate Deed of Freedom, and assessed of the costs, shall be paid with 10 *reales* by the stated *negra*, Mariana, who brought forth this process.

[Signed:] The Baron de Carondelet
[Rubric, Carondelet]
[Signed:] Nicolas Maria Vidal
[Rubric, Vidal]

de Carondelet,
Knight of the Religious [Order] of St. John [of
Jerusalem], Colonel of the
Royal Armies, Governor, Vice-Patron and
Intendant-General of
this Province of Louisiana by His Majesty, with
dictum
and agreement of Lord Dr. *Don* Nicolas Maria
Vidal, Lieutenant-Governor, Civil Legal Advisor,
and Advisor
General of the Government, which is signed in this

New Orleans on the 23rd of February seventeen-

City of

Thus ordered: [By] the Lord Don Francisco Baron

	hundred ninety-three.
	[modern, in pencil] 5
[moderno, a lápiz] 5	[Signed:] Carlos Ximenez
[Firmado:] Carlos Ximenez	
	On the aforementioned day, I made know the
En dho dia hise saver el Dec. to q. e	decree
	[p. #12] [dig.13]
[f. 5v] [dig.13]	
	which precedes to Don Pedro Olivier. I attest,
antesede a D. ⁿ Pedro Olivier doy fee	
	[Signed:] Ximenez
[Firmado:] Ximenez	
	Notarized: On the same day, I made [it] known to
N. ⁿ En dho dia lo hise saver à Mariana	Mariana Marcos Voisin. I attest,
Marcos Voisin doy fee	
	[Signed:] Ximenez
[Firmado:] Ximenez	
	On the same day, I, the notary, made known the
En dho dia Yo el Esc. ^{no} hise Sauer el Dec. ^{to}	decree
que antesede a D. ⁿ Luis Liotaud Tasador Pu. ^{co}	which precedes to Don Luis Liotau, Public
y enterado de Su con. do Dixo que azepta	Assessor,
va aseptó, y Juro por Dios y la Cruz de	and being aware of its contents, he said that he
haser vien y fielm. te Su encargo y lo firmò	accepted, and swore by God and the Cross to do
deque doy fee	well and faithfully [of] his oath, and he signs as
	such. I attest,
	[Signed:] Luis Liotau
[Firmado:] Luis Liotaus	[Signed:] Carlos Ximenez
[Firmado:] Carlos Ximenez	
	Assessment of costs of the proceedings

Tas. on de Costas de las Diligencias practicadas por	undertaken for Mariana Marcos
Mariana Mar	pertaining to granting freedom to Pelagia,
cos sobre precendes Se le de Libertad á Pelagia su	her sister, with payment in reales, in conformity
hermana, con prestos de en conformidad de	with what was ordered and taxed accordingly.
lo mandado y segun Aranc. ¹	
	[Rubric, Carondelet] To Lord Baron de Carondelet
[Rubrica, Carondelet] Al S. Baron de Carondelet	of the Religious [Order] of St. Juan [of Jerusalem],
de la Relig. on de S. Juan Gov. or è Ynt. e Gral	Governor and Intendant-General
	[p. #13] [dig.14]
[f. 6 r] [dig.14]	
	6)
6)	of this Province of Louisiana
de esta Prov.ª de la Luisiana p. r	by His Majesty, 8 reales for two half-signatures
S.M. Ocho r.s por dos medias firmas	and one whole8
y una entera,,,,8	
	[Rubric, Vidal] To Lord Dr. Don Nicolas Maria
[Rubrica, Vidal] Al S. or D. or D. n Nicolas Maria	Vidal,
Vidal	Lieutenant-Governor, Civil Legal Advisor, and
Th. te de Gov. or Auditor de Grra~, y Ase	Advisor General of the Government, 10 reales for
Sor grãl del Gov. ^{no} diez r ^S por la	the judicial affairs assigned to him
As.a q.e Se asigno á ,,,, 10	10
	[Notarized Signature, Guinault] To <i>Don</i> Felipe
[Firma notariada, Guinault] A D. ⁿ Felipe Guinault	Guinault, Representing Public
Procurador	Attorney, 5 <i>reales</i> for one petition5
Pu.co cinco r.S por una Peticion,,,,, 5	
	[Notarized Signature, Marigny] To <i>Don</i> Pedro de
[Firma notariada, Marigny] A D. ⁿ Pedro de	Marigny, 11 <i>reales</i> for
Marigny onze r. ^S por	the estimate, which I
la estimaz. on q. e verifico à ,,,,11	verify11

	[Notarized Signature, Canes] To Francisco Ramón
[Firma notariada, Canes] A Fran.co Ramon Canet	Canes, 11 reales for the
onze r ^s por	same reason11
igual razon,,,,11	
	[Rubric, Ximenez] To the notary, for his rights in
[Rubrica, Ximenez] Al Esc. ^{no} por sus drõz de lo	what was done,
actuado	written, and [his] services performed, 53
escrito y ocupacionez cinquenta y	53
tres reales,,,, 53.	
	[Signature, Liotau] To the [Public] Assessor for
[Firma, Liotau] Al Taz. or por la asignacion de esta	the assignment of this [task],
doz reales,,,,, 2	2 reales2
	New Orleans, February 23, 1793.
Nueva Orleans, 23 de Febrero de 1793.	{100 total
{,,100	{12 pesos, 4 reales
{12.p.* 4r ^S	
	[Signed:] Luis Liotau
[Firmado:] Luis Liotau	[Rubric, Liotau]
[Rubrica, Liotau]	
	[modern, in pencil] 6
[moderno, a lápiz] 6	

Please note that what appear to be typos (missing spaces, abbreviations, misspellings, strikeouts, superscript) appear in the original manuscript, but are corrected in the more modernized translation. For more on our editorial practices see [insert xxx link here].

- i. "Curro" was a local term used to refer to free Black men in Havana. Los curros had never been enslaved, traced their ancestors to Andalucia, Spain, and occupied a freedom attached to land and space. In Cuba, the term also reflected a growing fear of free Black residents of the city; curros were said to dress outside of their station, live in marginal Black areas of the city, and speak with distinct "Spanish" dialect. In the document, Don Francisco Ramón Canes, Mariana's appraiser, is referred to as "el curro."
- ii. In the Spanish colonial system, "morena/o" designated a free, mixed-race person. Under the Spanish casta system that quantified race, morena/o was not a designation. Rather, the term was used to describe physical attributes (in this case, an olive complexion) instead of a legal racial category.