

Opportunists or Saints?

Slavery and Free Women of Color in Antebellum New Orleans

by Anne Ulentin

In New Orleans, in 1810, a twelve-year-old girl, named Françoise, passed from one slaveowner to another, both of whom were free black women.¹ A judicial suit recorded in 1817 reveals that Victoire Wiltz, the new owner, then sold this slave to a lawyer named John W. Smith.² Smith sued Wiltz with a claim that Françoise, now 19, was not “healthy and sound” when he purchased her, contrary to what Wiltz had said at the time. A doctor had examined Françoise, and discovered that she was suffering from an incurable form of leprosy. Smith accused Wiltz of hiding the existence of her former slave’s condition from him, and he demanded compensation for the slave’s value, with interests and costs.³

In her defense, Wiltz argued that Françoise was healthy and sound at the time of the purchase, and that the disease was curable. Moreover, she claimed that the decrease in the value of the slave should be attributed to the negligence of the plaintiff. Wiltz added that Smith’s claim was baseless, and that his case should be dismissed.⁴ We infer from this civil suit that Françoise was a mere commodity not only to the white lawyer, but also to her black owner, Victoire Wiltz, a free woman of color.⁵

Through the course of my investigation into the activities of free black women, I read dozens of similar stories. Indeed, this story is one instance of a larger trend in antebellum New Orleans: free black women buying, selling, and holding slaves.

These women are called *Free Women of Color*. In the history of slavery in the Americas, a free person of color was a person of full or partial African descent who was not enslaved. Free women of color’s status was exceptional due to their unique relations with white men, and to specific patterns of manumission in Spanish Louisiana. Thus, they benefited from certain unique opportunities for

social and economic advancement in colonial and antebellum New Orleans. Some of them came to hold prominent roles in the society and economy of the city.

It is difficult to tell why these women would engage themselves in the slaveholding business. Blacks holding slaves seems like a paradox. Were moral issues overridden by the economic motive of profit?

The economic system of slavery was a fundamental part of the southern economy, and thus, holding slaves was one of the primary markers of economic success. In this context, it is not hard to understand why free persons of color would wish to own slaves. Economic opportunities were enviable. As Michael P. Johnson and James L. Roark suggest, “[t]he possibility of economic progress within the existing society gave free Negroes a stake in maintaining the distinction between themselves and slaves.”⁶ Indeed, “[t]he further removed from slavery [...], the more social worth one had.” Distancing themselves from slaves was “an essential attribute of a sign of social advancement or upward mobility.”⁷

Moreover, Gary B. Mills, in his study of Cane River’s Creoles of Color in Louisiana,⁸ claims that Louisiana’s free persons of color entertained feelings of superiority to “Negroes,” just as whites did. Indeed, the development of a caste system separated slaves from free people of color. In such a strict social and racial hierarchy, free persons of color were color conscious just as whites were. Above all, social status (legal condition, cultural heritage, skin color, religion, wealth and education) for free persons of color was not “just social status for any, but reflected their specific social circumstances and their values.”⁹ Free persons of color referred to each other as “our” people who

shared “a common identity, a common fate, and a common humanity.”¹⁰

However, even if free persons of color tended to separate themselves from slaves, they still represented a distinct class from whites, and shared some degree of racial oppression with slaves. Free women of color did not identify with white women. Scholars such as Jacqueline Dowd Hall and Elizabeth Fox-Genovese showed that women of color and white women did not share bonds of gender because they were “profoundly divided by class and by race.”¹¹

On the other hand, free women of color and slave women shared “the double oppression of race and gender.”¹² Some created real and fictive kinship networks. Newly freed people had more friends and family among slaves, and were, therefore, close to the slave population. Also, the geography and economy of the cities more or less favored interaction between the two groups. Free women of color and slave women usually shared daily activities such as going to church, for instance. Moreover, free women of color often performed the same jobs as slave women: laundresses, seamstresses, domestics, cooks, or *marchandes*.¹³

Therefore, free women of color’s relations with (their) slaves are difficult to assess given the racial and gendered hierarchy of Louisiana.

A general knowledge of the wealth of such women and the extent to which they resorted to legal transactions, may be derived from wills, successions, slaves sales, and mortgage records.¹⁴ Such records not only show the amount of land and slaves free women of color possessed, but they also reveal the nature of the relations between free women of color, slaves, whites, and free men of color. I started my research in the pivotal year of 1810. Free women of color were particularly numerous in New Orleans at that time because of the recent Haitian refugee incursion, and generally played an active role in the city’s economy. Thus, their number and status during this period allows

me to comment in detail on their activities, and to provide accurate descriptions of their lives.

I focused, in particular, on the activities of the two most prominent New Orleans notaries, Michel de Armas and Pierre Pedesclaux. These records are available at the Notarial Archives in New Orleans. I looked at various types of notarial documents involving free women of color who were trading slaves. Identifying free women of color is made possible by the annotations “f.c.l.,” standing for *femme de couleur libre* (free woman of color),¹⁵ or “n.l.,” standing for *négresse libre* (“free Negro”). The Territorial Legislature of 1808 provided that all notaries or other public officials should insert in their acts after the name and surname of free blacks, the words “free man of color” or “free woman of color.”¹⁶ Besides the notaries’ records, I used the New Orleans Public Library’s extensive collection of microfilms and original manuscripts of wills, successions, inventories, suit records, and emancipation petitions. All the documents that I looked at were in French, and occasionally in English. Finally, Gwendolyn Midlo Hall’s *Afro-Louisiana History and Genealogy Database* was an additional source to my research.

From this rich documentary record, I concluded that most free women of color viewed slaveholding as a commercial venture. My research shows that free women of color traded slaves of all ages—from infants to 60 year-olds. The majority were between the ages of 11 and 30, when they were the most valuable.

Some documents show that slaves—adults as well as children—were to be handed down from parent to child just like any other possession. Some other slaves were bequeathed to other relatives or friends, and were not meant to be emancipated.

Moreover, free women of color were not only buying slaves from whites and other free persons of color, but also selling slaves to whites and other free persons of color. Other women maintained more or less ambiguous relationships with their slaves. Sometimes, they were concerned

with emancipating their slaves, and indeed, sometimes, they would leave their slaves inheritances, so that they could buy their freedom.

Sometimes they would make humanitarian purchases, buying the very young and the old, and frequently buying their relatives and friends. This was often the case with transactions among free persons of color, and occasionally between free women of color and whites.

However, it would be a mistake to overlook the fact that free women of color understood the commercial value of slaveholding. For example, from a judicial suit recorded on January 26, 1810, we can see that slaveholding was considered a commercial enterprise, even between free women of color. This suit involves Pouponne Guérin, a free woman of color, as the plaintiff, and reveals that Guérin used to live in Cuba, where she owned a slave named Simonne.¹⁷ In 1808, another free woman of color, Sanite Gourde, kidnapped the slave Simonne and sold her for 350 piastres. By the time that the suit was filed, Guérin and Gourde were living in New Orleans. Guérin turned to the court for compensation. According to the transcription, Guérin repeatedly asked Gourde for the money from Simonne's sale. However, Gourde categorically refused to comply. Guérin, fearing that Gourde could leave the territory, decided to sue her immediately and thus have her retained on bail. The outcome of this suit remains unknown.

From this and many other situations similar to Guérin's, I argue that free women of color were indeed aware of the economic potential of their slaves.

The free women of color, for whom we have inventories, often owned significant property, including slaves, houses, lots, and furniture. While the average value of inventoried property held by free women of color was roughly \$3,000 in the early nineteenth century, one free woman of color had a net worth of nearly \$10,000. It was very common for these women to choose not to emancipate their slaves, and instead to pass them

down to children or other relatives. When emancipations did occur, it would often be contingent on further servitude.

In some cases, financial difficulties forced less affluent women to mortgage or sell their slaves. For example, a free woman of color, Charlotte Villars, failed to pay for the purchase of a slave named Jean-Louis. A petition was filed against her in 1809 summoning her to appear before the court.¹⁸ In October 1810, Villars mortgaged her slave Jean-Louis.¹⁹ Unfortunately, a suit recorded in May 1811 indicates that Villars failed to close her mortgage, owing 325 piastres.²⁰ Finally, the court ordered the slave Jean-Louis to be seized on May 17, 1811. On May 22, 1817, Jean-Louis was sold to a Pierre Rene St. Germaine.²¹ We can only guess why Villars sought to buy Jean-Louis; but in any case, she failed to pay for his purchase, and then failed to close the mortgage.

Furthermore, the fact that slaves performed a wide range of services for their mistresses gives a fuller picture of slave ownership among free women of color. In only a few instances were slaves' professions listed in free women of color's successions, wills, inventories, slaves sales, suit records, emancipation petitions, or mortgage records. However, in several instances, slaves are praised for their "*bons et loyaux services*," probably as house servants. Recurrent occupations include domestics (including child care) and cooks. Other common occupations found are washers (*blanchisseuse et repasseuse*), cigar makers, sailors, and hired-out slaves. Finally, less commonly one finds that slaves are listed as *marchande*, milliner (hat maker), and mattress maker.²²

The number of domestics is not surprising given the fact that the great majority of non-plantation slave workers were in fact domestic slaves involved in basic housekeeping, in addition to the complementary chores that came with the job. Outside the area of non-plantation domestic slavery, there was a wealth of other occupations for slaves to engage, and many masters chose to employ their

slaves in more profitable ways. Consequently, many slaves were put to work in the areas of industry, manufacturing and craftsmanship.²³ It is then reasonable to claim that free women of color, whether affluent or not, owned and used their slaves' services just as whites did, taking advantage of the economic potential of slaveholding.

To conclude, free women of color sometimes bought slaves with humanitarian motivations, and occasionally emancipated them. However, considering the preponderance of free women of color's mortgages, slaves sales, wills and judicial suits over slaves, we can see that most free women of color were very much aware of the commercial advantages they could derive from slaveholding. They seemed to have been constantly aware of the economic potential of slaves, whether they owned significant property, or were in financial need. Indeed, slaves were either a means to secure their financial status or that of their relatives and friends, or they represented a way to get through economic crises. Thus, it is difficult to ignore evidence that free women of color, like whites, engaged in slavery for commercial purposes, and that, in doing so, they prospered.

Notes

¹P. Pedesclaux, act n° 1, 2 janvier 1810. Lucie Dechenere, fcl, à Victoire Wiltz. Une négresse nommée Françoise, créole de St Domingue âgée de douze ans appartenante à la venderesse pour être née chez elle, 350 piastres.

²Louisiana. First Judicial District Court (Orleans Parish). Suit Records, 1813-1835. Smith, John W. against Wiltz, Victoire (fwc), Docket n° 7458. Petition over slave sale. 17 février 1817, Vente d'esclave. Victoire Wiltz, fcl à John W. Smith (avocat).

³*Ibid.*, Pétition : "Achat (...) la dite esclave étant par la dite acte de vente expressément garantie comme saine et ne possédant aucunes maladies ou défauts rédhibitoires. Que la dite esclave avant la dite vente a été affectée d'une maladie incurable :

c'est-à-dire une espèce de lèpre quelquefois nommée maladie de joints. Que l'existence de la dite maladie dans la dite esclave fut dans la connaissance de la dite venderesse et qu'elle ne l'a pas déclaré ni faite connaître à votre pétitionnaire et au moment de la dite vente a été un peu supprimée ou avait un peu cédée ainsi qu'elle n'était pas apparente sur une simple inspection, et n'a pas été alors apparue, ou connue par notre pétitionnaire. Qu'après en apprenant l'existence de la dite maladie de la dite esclave votre pétitionnaire qui ignorait la vraie nature de cette maladie a employé l'aide médicale pour la guérison de la dite esclave mais en vain car elle en a toujours été affligée et elle en est incurrissable et si absolument inutile que s'il eut comme avant ou au moment de la dite vente et ne l'avait pas achetée tout le quel paraîtra par la dite acte de vente (...) A ces causes il prie que (...) Victoire Wiltz reprenne la dite esclave (...) [et] le repaye la dite prix avec intérêts et frais (...)."'

⁴Answer of Victoire Wiltz to the petition filed against her by J. W. Smith: "That the sold to the plaintiff, the slave Françoise in the year 1817, the said slave was healthy and sound. That the said disease was curable, but that, to the plaintiff's own negligence may be attributed its increase in the flaw of the slave is truly affected by said disease which the respondent denies And further this respondent says that the plaintiff is not to be heard by this court because his action is prescribed. Wherefore, this respondent prays that said plaintiff be dismissed with costs."

⁵Gwendolyn Midlo Hall, *Afro-Louisiana History and Genealogy, 1719-1820 Database*. Hall's database also reveals that Wiltz bought another twelve-year-old slave, Marie-Louise, in 1815, from the sale of an estate of a free person of African descent.

⁶Michael P. Johnson and James L. Roark, *Black Masters: A Free Family of Color in the Old South* (New York: W. W. Norton & Company, 1984), p. 65.

⁷Virginia Gould, "In Enjoyment of Their Liberty: The Free Women of Color of the Gulf Ports of New Orleans, Mobile, and Pensacola, 1769-1860" (Ph.D. diss., Emory University, 1991)," p. 167.

⁸Gary B. Mills, *The Forgotten People: Cane River's Creoles of Color*. Baton Rouge: Louisiana State University Press, 1996.

⁹Gould, "In Enjoyment of Their Liberty," p. 248.

¹⁰Johnson and Roark, *Black Masters: A Free Family of Color in the Old South*, p. 207.

¹¹Jacqueline Dowd Hall, "The Mind That Burns in Each Body: Women, Rape, and Racial Violence," in Ann Snitow, Christine Stansell, & Sharon Thompson (eds.), *Powers of Desire: The Politics of Sexuality*. New York: Monthly Review Press, 1983. Elizabeth Fox-Genovese, *Within the Plantation Household: Black and White Women of the Old South* (Chapel Hill: University of North Carolina Press, 1988).

¹²Gould, "In Enjoyment of Their Liberty," p. 159.

¹³Wilma King, "Out of Bounds," in Gaspar and Hine, eds., *Beyond Bondage: Free Women of Color in the Americas*. Urbana: University of Illinois Press, 2004, pp. 53-54.

¹⁴Annie Stahl, "The Free Negro In Ante Bellum Louisiana." MA thesis. Louisiana State University, 1934, p. 30.

¹⁵All the documents that I looked at were in French.

¹⁶Stahl, "The Free Negro In Ante Bellum Louisiana," p. 17.

¹⁷Territory of Orleans. Superior Court. Suit Records #2501-2999. Marie Madelaine Ehestis Théotis (called Pouponne Guerin) against Sanite Gourde (FWC), Simonne, Madame Capelle, n° 2778, 26 janvier 1810. Doc tronqué... Qu'elle a demeuré à Baracoa dans l'isle de Cuba où elle possédait une négresse à elle appartenante, nommée Simonne, créole de Saint Domingue. Qu'ayant quitté Baracoa, votre pétitionnaire y laissa la dite

négresse aux soins de Madame Capelle. Que vers la fin de l'année 1808, la nommé Sanite Gourde mulatresse libre, résidant actuellement en cette ville et qui se trouvait alors à Baracoa, s'empara sous de faux prétextes et sans aucun titre de la negresse Simone, appartenante à votre pétitionnaire et qui était alors âgée de 18 ans. Que trois ou quatre mois après, au moment de l'évacuation, la dite Sanite Gourde vendit la négresse Simone au S. Benito habitant Espagnol de Baracoa pour la somme de trois cent cinquante piastres. Que votre pétitionnaire depuis son arrivée en cette ville, s'est adressée plusieurs fois à la dite Sannite Gourde pour en obtenir le paiement de la susdite négresse Simonne qui était la légitime propriété de votre pétitionnaire ; mais que la dite Sannite Gourde s'est constamment refusé et se refuse encore doc tronqué nature du cas le pourra requérir ainsi qu'avec intérêts légaux et aux frais de cette instance. Et attendu que votre pétitionnaire croit véritablement que la susdite défenderesse est sur le point de s'éloigner pour toujours de ce territoire avant que jugement sur la présente pétition puisse être obtenu, et que la dite défenderesse, autant que votre pétitionnaire puisse le savoir et croire, ne possède pas dans le territoire des propriétés suffisantes, si elles étaient saisies, pour satisfaire au jugement que votre pétitionnaire espère d'obtenir, votre pétitionnaire supplie votre honneur d'ordonner, que la dite Sannite Gourde, ici défenderesse soit tenue sous cautionnement. Donc réclame 350 piastres.

¹⁸Louisiana. City Court of New Orleans, Inventory, Suit Records #2251-2500. Jacob, T. F. against Villans, Charlotte [fwc], Docket n° 2314. 1809. That a certain Charlotte Villars a free negro woman of this city was on the 28th of March 1809 indebted towards Madame LeComte Piernas in the sum of two hundred and fifty dollars (...) That for the better security of the said sum of money the said Villars give her promissory note to said Madame LeComte Piernas payable on the 28th of March last past, which note is hereunto annexed and which your petitioner prays your honor to consider as a

part of this petition. That Madame LeComte Piernas for and in consideration of a sum of money due by her to your petitioner did transfer (...) on the 3rd of April 1809 (...) the said promissory note (...) That by virtue of this transfer and assignment, your petitioner became the lawful creditor of the said Charlotte Villars. That he has applied to the said Charlotte Villars for the payment of the above said note but the said Charlotte Villars has not yet paid the same, and still now owes the same. Wherefore your petitioner prays your honor to order that the said Charlotte Villars shall be summoned to appear before your honor within the delay prescribed by law to be condemned to pay your petitioner the said sum of money with interests and costs.

¹⁹M. De Armas, act n° 365, 13 octobre 1810. Hypothèque. Charlotte dite Villars, fcl, à Pierre René de St Germain. “Un nègre nommé Jean Louis âgé d’environ 45 ans à elle appartenant et pour l’avoir acquis de la dame Piernas.”: A slave named Jean-Louis, 45, belonging to her after having purchased him from dame Piernas.

²⁰Louisiana. City Court of New Orleans. Inventory, Suit Records #2501-2750. Pierre René de St. Germain against Charlotte Negress Libre dite

Villars, Docket n° 2675, 15 mai 1811. Hypothèque non honorée. An order notifying that the slave has been seized, May 17, 1811.

²¹Gwendolyn Midlo Hall, *Afro-Louisiana History and Genealogy*, 1719-1820 Database.

²²Pierre Pedesclaux, Vol. 61, Pages 306-545a, 6/19/1810-11/13/1810, 11 juillet 1810, 341, slave sale, Jamé Jorda à Maria Jorda, fcl, and 12 novembre 1810, 544, slave sale, Ambroise Garidel à Félicité Saulet, fcl. Orleans Parish, Louisiana, Old Inventories, Vol. A, 1807-1839, Roll number: 390-395, Elizabeth Aubert’s Inventory, Sept, 12 1815, Vol. B, 1823-1828, Roll n° 35, Sophie Bénédicte’s Inventory, May 28th 1827, Vol. L, 1821-1832, Arène Lajalouisière’s Inventory, 2 septembre 1824. Vol. L, 1809-1820, Roll number: 217- 219, Amaranthe Lafsize’ Inventory, 22 septembre 1815. Recorder of Wills, Will Books, v.2 1815-1817, Lalanne, Louise Bonne, 218, 22 Avril 1816. Court of Probates, Petronille Monsignac alias Modeste Bordier, Inventory, B-1833 – original manuscript, 18 décembre 1832.

²³Wade, Richard C., *Slavery in the Cities: The South 1820-1860*. New York: Oxford University Press, 1964, p. 31.