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Rosalie of the Poulard Nation

Freedom, Law, and Dignity in the Era of the Haitian Revolution

REBECCA J. SCOTT AND JEAN M. HÉBRARD

For Marie Louise (Loulou) Van Velsen, kin-keeper

On December 4, 1867, the ninth day of the convention to write a new post-Civil War constitution for the state of Louisiana, delegate Edouard Tinchant rose to make a proposal. Under the Congressional Reconstruction Acts of 1867, the voters of Louisiana had elected ninety-eight delegates—half of them men of color—to a constitutional convention charged with drafting a founding document with which the state could reenter the Union. Edouard Tinchant was a twenty-six-year-old immigrant to New Orleans, principal of a school for freed children on St. Claude Avenue. Having made something of a name for himself as a Union Army veteran and vigorous proponent of equal rights, he had stood for and won election from the multiracial Sixth Ward of New Orleans.¹

In this speech on the floor of Mechanics' Hall, Tinchant proposed that the convention should provide “for the legal protection in this State of all women” in their civil rights, “without distinction of race or color, or without reference to their previous condition.” Over the next weeks, Tinchant plunged into additional debates on voting rights and public accommodations, staking out a position in favor of a wide suffrage and the same “public rights” for all citizens. Then, in the last days of the convention, he returned to the topic of women’s rights, and particularly the recognition of conjugal relationships that had not been formalized by marriage. He proposed that “to prevent concubinage in this State, the General Assembly shall enact such laws that will facilitate all women, without distinction of race or color, to sue for breach of promise [of marriage]. The General Assembly shall also provide to compel to marriage upon application of one of the parties, such persons who may have lived together not less than one year consecutively.”²

This eagerness to compel men to marriage is surprising in a twenty-six-year-old male, and his implicit call to formalize interracial unions is notable for its boldness.³ Who was this brash young man? Tracing the French-born Edouard Tinchant back through the surviving archival record, we find him studying in public schools in the city of Pau in the south of France during the 1848 revolution and then emigrating with his parents to Belgium after Louis-Napoléon Bonaparte's 1851 coup d'état. Drawing on experience from New Orleans, Edouard's older brothers developed an international cigar-trading business based in Antwerp. Edouard himself turned up in New Orleans in early 1862, in the midst of the Civil War, ostensibly to work with his brother Joseph, a tobacconist there. After the city was taken by Union forces in April, Edouard made his abolitionist beliefs public, and volunteered to serve in a newly constituted Union Army regiment of men of color. Demobilized in August of 1863, he returned to the cigar trade, but wrote exuberant letters to the editor of the *New Orleans Tribune* laying out his vision of citizenship and equality. These youthful experiences help to explain the intensity of Edouard Tinchant's refusal of legalized caste distinctions and of what he called "aristocratic tyranny."⁴

But there is more. In addition to building on his political education in Europe, and invoking his service in the Union Army, Tinchant also described himself in a letter to the editor in 1864 as a "son of Africa," and he later referred to himself as of "Haitian descent." These hints led us to the French colonial archives in Aix-en-Provence, where we located documents that reveal a still-deeper story, that of Edouard Tinchant's enslaved grandmother, a woman first called "Rosalie of the Poulard nation," and later Rosalie Vincent.⁵

Examining each of the surviving documents in which Rosalie Vincent intervened, one discerns her efforts to achieve freedom and to protect her sons, her daughters, and her grandchildren. Edouard Tinchant's conceptions of citizenship and of women's rights can from this perspective be anchored in three generations of experience, with enslavement and the Haitian revolution as the points of departure. This family's story, in turn, becomes part of a history of vernacular concepts of rights and dignity in the Atlantic world, concepts rooted in the awareness of individual and family vulnerability. The family's multiple encounters with administrative and legal writings—including manumission papers, baptismal records, wills, and marriage contracts—suggest some of the dynamics of engagement with law they sought to assert and document freedom and to secure its full benefits. Their story also suggests the importance of citizenship to those who had known statelessness in its starkest form, that of enslavement and deportation.⁶

Jérémie, Saint-Domingue

Our first documentary trace of the woman called Rosalie of the Poulard nation is a 1793 notarized contract from Jérémie, on the northern coast of the southern peninsula of the French colony of Saint-Domingue. In this document, a free black woman

named Marthe Guillaume [Aliés], a *marchande* (female merchant), sold a slave designated “Rosalie nation Poulard” to a *mulâtre* freedman named Jean-Baptiste Mongol, a butcher. Despite its geographical isolation from the colony’s sugar-producing centers of the north and west, the district of Jérémie held a substantial population of slaves, most of them employed in the production of coffee, others working in town or as domestics.⁷ The term “Poulard” following Rosalie’s name referred to speakers of Pulaar, and by extension to the group generally called Peul in French and Fulbe in English. She had evidently been made a captive years before, somewhere in the broad area across which the Peul had migrated, extending from the Senegal River valley to the upper Guinea coast and inland to Mali and beyond. She may have been purchased in the Galam trade, the annual convoy of boats that traveled upriver from the West African island port of Saint-Louis du Sénégal to exchange textiles, paper, and other merchandise for gum Arabic (used in textile processing) and captives.⁸ It is possible that she had been brought to the Americas on an English slaver, for a vigorous contraband trade through Jamaica to southern Saint-Domingue had flourished before the French Revolution. Given her age, however, it seems more likely that she came on a French ship leaving the port of Saint-Louis at the mouth of the Senegal River at some point between the early 1780s, when the French took Saint-Louis back from the English, and 1792, when the direct trade was interrupted by revolution in Saint-Domingue and in France.⁹

Ethnonyms designating Senegambian origins were relatively infrequent in Saint-Domingue. Most African-born slaves appeared in the records with the designation Congo, Arada, or Nagó, suggesting origins further south in Africa. Even among the approximately 10 percent of African-born slaves who were from Senegambia, the labels Bambara, Sénégal, or Mandingo, rather than Poulard, were the most common. Thus while a name like Jean Congo could refer to any of several people in a particular neighborhood, the name Rosalie de nation Poulard, applied to a young woman living in the relatively small community of Jérémie, can reasonably be assumed to refer to a single individual.¹⁰

By the date of the first appearance of Rosalie of the Poulard nation in the archival record, France had been in revolution for three and a half years, with reverberations throughout its colonies. Free men and women of color knew that this was the moment to push for rights that had previously been denied them.¹¹ In the enormously complex web of events that we now refer to as the Haitian Revolution, struggles in the district of Jérémie were particularly convoluted. Following the slave uprising in the Northern Plain in August of 1791, some slaves and free people of color in the southern peninsula pushed to break the monopoly on power of their white neighbors. In December of 1791 the town council of Jérémie faced attacks from men they characterized as “brigands,” and the councilors implored the revolutionary government in France to send help. In the councilors’ view, it was the *gens de couleur* (free people of color) who had triggered an uprising of the *ateliers* (the slave work forces) in the outlying districts.¹²

Although some families of mixed ancestry owned large coffee plantations and dozens of slaves, thus sharing the economic interests of their white counterparts, others simply worked in the countryside as farmers or in town as artisans, and were closely tied to those still in slavery. It was in this milieu that Rosalie of the Poulard nation had been held in the early 1790s, by a man named Alexis Couba, who had himself been freed from slavery in 1778. Couba had first acquired a slave named Anne, whom he married in 1781. Under the Code Noir that formally governed in such matters, Anne became free by virtue of the marriage. Alexis Couba had gone on to acquire at least one more slave: Rosalie de nation Poulard, whom he had subsequently transferred to the *marchande* Marthe Guillaume.¹³

Marthe Guillaume owned several properties in the center of town, and had married one of her daughters into the family of Noel Azor, himself an activist man of color closely involved with the ongoing political struggles. Marthe Guillaume's business dealings regularly took her before the local public notaries, where she was required each time to display her own proof of freedom in order to have standing to make a contract. As of the early 1790s, then, Rosalie of the Poulard nation was held as a slave in the extended household of an entrepreneurial free woman of color, a household linked through marriage to additional free families of color in the countryside, and led by a woman adept at dealing with law and formal writing. The ties between Rosalie and Marthe Guillaume seem to have been sufficiently close that in a January 1793 draft of her will, Marthe Guillaume planned to grant Rosalie her freedom. But a few days later she changed her mind, selling Rosalie to the butcher named Jean-Baptiste Mongol.¹⁴ Events in the colony were evolving rapidly, however, bringing the whole structure of hierarchy, color privilege, and the ownership of persons into question. Hoping to forestall further revolt by placating free people of color while temporizing on the question of slavery, in April of 1792 the National Assembly in Paris had eliminated formal legal distinctions of color among free people in the colony. Alarmed white planters, however, had no desire to relinquish these social distinctions, and their recalcitrance led to further confrontations with their neighbors. When the municipal council in Jérémie was seated without any members of color, protests among the people "formerly known as colored" began again, followed by uprisings in the countryside.¹⁵

The civil commissioners sent by the French Republic to try to manage the crisis could see that this kind of impasse would further undermine order on the island. By June of 1793 the commissioners were persuaded that the only way to retain the colony for France was to ride the crest of the wave of claims made by slaves and free people of color, in order to use those energies to thwart white counterrevolution or incursions by the Spanish who controlled the other half of the island of Hispaniola. The commissioners had formed armed Legions of Equality from among the population of color, and took the key step of declaring the abolition of slavery in the north. These decrees were to be extended to the south in October of 1793. Officially, slavery would

soon be gone in places like Jérémie, and the law would recognize no claims to property in men and women.¹⁶

Faced with the prospect of losing control over those whom they held as slaves, a group of wealthy white property-holders, including men from Jérémie, had been seeking help from the British. By the autumn of 1793, the British were willing to step in, aiming both to humble the French and to grab a piece of the still-rich colony. Redcoats dispatched from Jamaica landed at Jérémie in late September of 1793. The presence of British troops from 1793 onward shielded slaveholders in the district of Jérémie from the direct legal effects of the abolition of slavery won by the rebels. The British were nonetheless faced with continuing pressure from General André Rigaud, a man of color fighting throughout the south in the name of the French Republic. By the end of 1794 Republican forces had regained control of Léogane to the east and Tiburon to the south. At the same time, the British confronted what one colonist described as “une masse de Canaille attachée à la République” (a rabble still attached to the Republic), that is, a population of non-elite whites and other citizens unwilling to shift their loyalty to the British occupiers.¹⁷

Despite Republican attacks on a fort near the outlying coastal settlement of Les Abricots, the British were still in control of Jérémie in December of 1795, when we find Marthe Guillaume back in possession of Rosalie. This time, however, Marthe Guillaume came to a notary not to sell or to buy, but to register the *affranchissement* (individual manumission from the bonds of slavery) of Rosalie, designated *négresse de nation Poulard* (black woman of the Poulard nation). The text of the document spoke only of Rosalie’s fidelity, and made no reference to any payment by Rosalie or anyone else—though such payment could well have occurred surreptitiously outside the view of the notary. The document granted full liberty to Rosalie, and enjoined her to follow all the laws governing freedmen and freedwomen in the colony. Marthe Guillaume promised to seek the necessary formal ratification of Rosalie’s freedom from the British authorities in Jérémie.¹⁸

The relationship between law and slavery, however, was in a state of flux. With antislavery Republican forces pressing at the edge of the area of British control, and the British governor promising freedom to some black men in order to persuade them to enlist in support of the occupation, it was not easy to maintain the social subordination essential to bondage. At the same time, the governor’s advisors among the planters exhorted him to block all non-military manumissions—in their view, the colony held too many free men of color already, and manumissions of individual women entailed a loss of the labor power of their future children as well.¹⁹ Rosalie’s status would thus have been thoroughly ambiguous. No longer claimed by her former owner, but probably without a properly ratified manumission paper to prove her freedom, she would have been mobile but vulnerable.

Attacks against the British occupation of the colony gained strength in the years

that followed, and by 1798 the British withdrew their forces.²⁰ The Republicans took control, and General Rigaud was acknowledged by the French to be the ruler of this portion of Saint-Domingue, though to the north General Toussaint L'Ouverture sought to extend his own forces southward. The formalities of full abolition could now in principal be observed in the region around Jérémie, with all of those who had been enslaved henceforth designated *affranchis*, *cultivateurs*, or simply *nègres* and *négresses libres*. Rosalie of the Poulard nation was, along with everyone else, now legally free.²¹

She next appears in the written record the following year, this time designated Marie Françoise dite Rosalie *négresse libre*—Marie Françoise, called Rosalie, free black woman. The reference to a baptismal name—Marie Françoise—and to her familiar name of Rosalie is intriguing. This was a sacramental record, so perhaps a neglected baptismal name was being recalled for the purposes of the church.²² The event was an important one: the parish priest of neighboring Cap-Dame-Marie, which served the rural district of Les Abricots, was recording her as the mother of a “natural child,” whom he baptized with the name Elizabeth Dieudonné.²³ The term “natural child” indicated that the parents were not married. The baby’s father, however, was present and acknowledged paternity.

The father’s name was given simply as Michel Vincent, without a courtesy title. (As a European and a property owner, Vincent might have expected the title Sieur). From other records we learn that his full name was Michel Étienne Henry Vincent, and that he owned a small farm in the coastal community of Les Abricots. Son of a notary from Le Mans, in France, he had migrated to Saint-Domingue around 1770, acquiring a monopoly privilege on the sale of meat in the district of Les Cayes, and marrying a rich widow. But with the 1789 revolution in France, and its counterpart in the colonies, a royal monopoly became less and less useful. His wife, moreover, had adroitly secured her own property for her children by a previous marriage. Apparently ruined financially, Michel Vincent started over in the coffee country around Jérémie. The town of Jérémie had held only 180 houses in 1789—several of them owned and rented out to Europeans by the *marchande* Marthe Guillaume. Michel Vincent was not a man of much property, though he occasionally went to the notary to sell off small pieces of his land in Les Abricots to his neighbors, including the citizen Jean called Tomtom and the citizen Olive, both designated *cultivateurs*, the term often used for former slaves in the countryside. By the mid-1790s, his wife had died. It is not difficult to imagine circumstances under which this widowed Frenchman slipping down the social ladder might have met Rosalie of the Poulard nation.²⁴

Under *ancien régime* rules, Michel Vincent’s presence as the father at the 1799 baptism fell short of full legitimation of the child through marriage. Under much-contested French revolutionary rules, however, natural children could under certain circumstances make inheritance claims alongside those of legitimate children. It was anyone’s guess what rules might hold by the time Michel Vincent died, but he seems

to have been making some effort to secure the baby Elizabeth's future in the face of uncertainty, giving her a recognition of paternity and a godmother and godfather to whom she might turn for assistance in an emergency. The baby's godfather was le Sieur Lavolaille, a ship's carpenter. The baby's godmother was Marie Blanche widow Aubert. Like the father, the godmother carried neither a courtesy title nor a color qualifier. She apparently had sufficient status to discourage the priest from attributing a color marker to her, though documents drawn up some years later in Louisiana refer to her as a *femme de couleur libre* (a free woman of color).²⁵

By 1799 the sedimented layers of respect and disrespect that characterized *ancien régime* slaveholding society had been thoroughly churned up by the Haitian Revolution, but the crucial fact of freedom remained insecure. As Napoléon Bonaparte consolidated power in Europe, he moved to subordinate the long-free and the recently freed in Saint-Domingue and secure his vision of an American empire. In late 1801 Bonaparte sent an expedition under his brother-in-law, General Victor-Emmanuel Leclerc, to wrest power away from the black and brown men who had come to hold the title of general in Saint-Domingue. The district commander in Jérémie attempted to resist, but troops from France succeeded in entering the town in early 1802, and then received reinforcements by sea. In May of 1802 the consuls in Paris reauthorized the Atlantic slave trade and reasserted slavery in the French colony of Martinique, signaling Bonaparte's ultimate intention to restore slavery in Saint-Domingue as well.²⁶

Black soldiers in Saint-Domingue who had been loyal to the French Republic could see the growing risks of a French reoccupation under Napoleonic auspices. French commanders in turn became more suspicious of black men who remained in their ranks, and their hostility to their own black troops triggered still further defections to the opposition. By October of 1802 General Leclerc reported that insurrection had broken out in Jérémie, and that plantations there had been burned. The last letters written by General Leclerc before yellow fever carried him away convey something of the situation in the colony: "All of the blacks are persuaded by the letters coming from France, by the law reestablishing the slave trade, and by the decrees of General Richepanse which reestablish slavery in Guadeloupe, that we want to turn them into slaves." "These men," he wrote, "do not want to give up." The rumor was spreading that the French would soon be forced to leave. The remaining black troops who had fought under the French moved quickly to shift to rebel lines, pulled by events and pushed by the murderous contempt shown for them by Leclerc and his brutal successor General Donatien Rochambeau.²⁷

In the last weeks of March 1803, Rochambeau ordered a coordinated attack by French forces and Polish legionnaires on the rebel-held cities of the south, but to no avail. Some plantation laborers from Les Abricots joined the insurrection as black revolutionaries advanced rapidly toward Jérémie from the south, besieging and starving

out French garrisons along the way. The revolutionaries used fire as their most frightening weapon, burning fields and hillsides as they advanced.²⁸

It was on May 10, 1803, that the next document in which Rosalie appears was created. As unbridled war approached, Michel Vincent made plans to leave for France—but without Rosalie or her children. Rosalie now faced the prospect of becoming a solitary mother and a refugee of war in a countryside literally in flames. Under the circumstances, Michel Vincent was apparently persuaded—probably by Rosalie herself—that if he was going to abandon them he owed her an effort to give additional written force to her legal freedom and that of her children. Without the aid of a notary, but apparently using an earlier manumission document as a model, Michel Vincent covered a sheet of paper with improvised legalistic language. (He was, after all, still a notary's son, and such language may have come easily.) This was a document drawn up in a moment of great danger, a shield designed to ward off the worst. It was something between a text and a talisman, an unofficial declaration intended to have the force of a notarized document, but which lacked the signature of a notary.²⁹

This 1803 text begins by identifying Marie Françoise called Rosalie as *négresse de nation Poulard*. In the next lines of the document, Michel Vincent declared—altogether falsely—that Rosalie and her four children were his slaves. He enumerated the children: “Juste Theodore Mulatre, Marie Louise dite Resinette Mulatresse, Etienne hilaire dit Cadet mulatre, et Elisabeth dite Dieudonné Mulatresse.” Étienne, the younger boy, had been given Michel Vincent's own middle name. Elizabeth had been recognized as his at baptism. All were designated as *mulâtre* or *mulâtresse*, implying mixed African and European parentage. It seems quite possible that Michel Vincent was the father of all of Rosalie's children.³⁰

Michel Vincent then declared that he granted freedom to Rosalie and her four children, using the conventional language of gratitude for Rosalie's loyal services, “in sickness and in health.” He promised to exact no further services from her, except those that she might provide of her own good will, and for which he would pay her wages. She was free to go wherever she wished and to pursue her own affairs. He declared that the document was to have as much force as if it had been authenticated by a notary. In view of his possible departure for France, he gave the bearer of the document the power to “pursue its ratification before the chiefs of this colony, or in whatever other country allied to France the said *négresse* might go and establish herself.”³¹

The form of this 1803 manumission document is quite odd. We know that four years earlier, Rosalie had already been designated a *négresse libre* when Michel Vincent went to baptize their daughter Elizabeth Dieudonné, and that Elizabeth had been born free. Rosalie herself had been provisionally freed through manumission by Marthe Guillaume in 1795, and then definitively freed by virtue of the edicts of eman-

icipation passed by the French National Assembly. So in what sense did she and her children need to be freed once again?

The answer may have to do with the power of paper in a situation of uncertainty, and the symbolic and juridical potential of documents, even unofficial ones. With war raging around them, it was difficult to know what was going to happen next, and whether the abolition of slavery in Saint-Domingue would hold. Moreover, conditions in Les Abricots were becoming so dangerous that Rosalie might herself need to flee to one of the nearby Caribbean islands—and nearly everywhere else in the Americas slavery was still in place. Even the most rigid slaveholding societies nonetheless generally acknowledged the right of a slave owner to relinquish a claim to his or her own particular “property” in another human being, subject to varying degrees of government regulation.³² So an individual grant of freedom signed by a white man declaring himself to be a slave owner was likely to travel a good deal better than a French Republican decree (or than the private document created by the black woman Martonne under a now defunct British occupation force). And Michel Vincent would have to declare them all to be his slaves in order to have the authority to free them.³³

Michel Vincent’s plan to leave for France never materialized. In the turmoil of May and June of 1803, he may have been unable to find a passport, money for passage, or a willing captain. Perhaps his health worsened; perhaps he lost heart when the moment came to leave his children; perhaps he simply ran out of time. A bitter eyewitness account of these weeks written by a French planter and officer named Peter Chazotte enables us to envision something of what happened next.

Chazotte writes that in June of 1803, in the face of the advance of black rebels from the south, the French general Sarrazin ordered French troops and the Polish legions accompanying them to withdraw from the rural districts around Jérémie. Chazotte was enraged at what he perceived as a cowardly decision, but rode from plantation to plantation conveying the order and warning civilians to flee. Reports soon reached him that “the country . . . over our mountain *was all on fire*.” As flames approached, people struggled to find some path of retreat and refuge. In the bay at Les Abricots “there being but two small vessels, it was agreed to embark first the white women and children, and after the colored ones.” Those who could not make it on board trudged on foot along the dirt highway toward Jérémie, a mass of the displaced, black, white, and brown, with only what they could carry with them. “We abandoned the small town of Abricots at the moment when a column of a thousand blacks rushed in it, with flaming torches in their hands.”³⁴

The town of Jérémie, however, offered no permanent refuge. France and Britain were again at war, and the French troops could not hope for supplies or reinforcements from metropolitan France. Within days the town would be evacuated by the French commander, whose besieged French and Polish troops were near starvation. Some civilians went over to the lines of the revolutionaries, hoping for the best; others tried

to escape by boat. Hostile English ships hovering in the vicinity captured some of the departing boats, both military and civilian, but many passengers eventually made it to the nearest safe haven, Santiago, on the eastern coast of the Spanish colony of Cuba.³⁵ Michel Vincent, Rosalie, and at least one or two of the children were among them.³⁶

Santiago de Cuba

The Cuban port city was staggered by the arrival of boatloads of refugees from various ports in Saint-Domingue, eventually numbering close to eighteen thousand. White refugees, women of color, children, and loyal “domestics” were permitted to land; the ragged French troops were generally not allowed into the city.³⁷ Out of fear of revolutionary contagion the authorities ordered all men of color over the age of thirteen among the refugees to be held offshore, and deported to the mainland (*Tierra Firme*) at the first opportunity. In the eyes of Spanish administrators, former slaves who had witnessed or participated in the Haitian revolution were an unequivocal threat—though a few could perhaps be trusted if they accepted reenslavement and showed proper subordination to those who had been their masters.³⁸

Michel Vincent and Rosalie made their way ashore, separately or together, and their daughter Elizabeth landed as well. Rosalie’s daughter Marie Louise seems to have made it to Cuba, but Rosalie’s sons Juste Théodore and Étienne Hilaire vanish from the record. Perhaps they had remained behind in revolutionary Saint-Domingue, soon to become Haiti, or were trapped on the boats held offshore by order of the Spanish governor. It is possible that they entered Cuba surreptitiously and stayed out of view of the list makers and record keepers.³⁹

For a time, Michel Vincent apparently worked as a *mareschal*, a farrier, attending to horses, and he and Rosalie raised pigs and chickens. With so many French citizens in refuge in Cuba, the officers of the Agence des Prises de la Guadeloupe, men charged with adjudicating the property of ships seized by French corsairs, improvised a temporary response to the problem of dealing with the émigrés’ affairs. Neither a consulate nor an embassy, this office did not legally have the authority to notarize documents or to undertake diplomatic tasks. Their main goal was to gain revenue from the sale of prize ships, and channel it into the maintenance of the remaining French colonies, now largely isolated by British control of the seas. But these bureaucrats unofficially served the “functions of a chancery,” and copied or took deposit of relevant papers that the French refugees might give them. By 1804 Michel Vincent had apparently become ill, and on March 14 he submitted a last will and testament to their office in Santiago, where it was *homologué* (validated).⁴⁰

Three days later Rosalie herself came to ask the same officials to register the freedom papers that had been drawn up in Les Abricots ten months earlier. With Michel nearing death, Rosalie seems to have hoped that by causing this text to be written into a French register she could give it greater legal force, leveraging up the authori-

tativeness of her fragile proof of freedom. As Rosalie could see from events around her, other women arriving from Saint-Domingue, as free as she was under the French Republican decrees, were treated in Cuba as slaves, and sold from one putative owner to another. Indeed, there was no guarantee that the revenue-hungry French officials would be immune from the same temptation. But she took the chance.⁴¹

The French scribe in Santiago began his task as if it were a slave owner who stood before him, writing, "Registration of freedom by—" Then he stopped, inserted a period, and began again with a different preposition, clarifying that this text dealt with the freedom *of* the woman named Marie Françoise called Rosalie. At this crucial moment Rosalie was, in effect, authorized to attest to her own liberty. In a last gasp of revolutionary-era practice in France and Saint-Domingue, the official gave her the courtesy title *citoyenne* (citizen) as he transcribed her text into his records. He also provided her with a copy of the new document with his own signature added. In truth, the courtesy title *citoyenne* carried almost no legal content; the Agence des Prises was not a true consulate; and acts registered by the agent would not necessarily be respected by Cuban colonial courts. For the moment, however, with this hybrid text in hand, and the man who claimed to be her former master acting in accordance with it, Rosalie apparently retained her freedom in Santiago. But within days, Michel Vincent was dead, and an executor was named to carry out the terms of his will.⁴²

The report of the executor has survived in the registers of the French officials in Santiago, a vivid record of the way that the direct intrusion of a somewhat more formal proceeding could disrupt the arrangements negotiated in the legal limbo of war and revolution. The executor, François Vallée, a tailor and fellow émigré from Saint-Domingue, began by explaining what he had done with the moveable goods belonging to the estate. He had sold "the little pigs" as well as the "*serpes et haches*" (billhooks and axes), yielding a modest seven and a half gourdes, equivalent to an equal number of Spanish piastres. He had given the red horse, along with the chickens and the *chaudières* (kettles), to Citizen Rosalie, who was described as the *légataire particulière* (individual legatee) of Michel Vincent. So far, so good. Then the executor reported that he had been about to give Marie Louise Désir to Rosalie as well, as called for in the will. This may well have been Rosalie's daughter, elsewhere designated Marie Louise *dite* Resinette. Michel Vincent had apparently tried to ensure that Rosalie could keep custody of Marie Louise, even if the manumission document failed to hold, by specifying this arrangement. But the executor testified that given the debts that encumbered the estate, he had not delivered Marie Louise to Rosalie. The implication was that she would be retained by the executor as a servant or sold as a slave in order to pay off Michel Vincent's creditors.⁴³

Rosalie's second daughter, the freeborn Elizabeth Dieudonné, was apparently in the care of her godmother, the widow Aubert, who had also fled from Les Abricots to Santiago. Counting on more prosperous Saint-Domingue refugees for help, however,

was a risky strategy, for many of them were busily converting the people of color who had fled with them back into slaves. The widow Aubert may have taken protective custody of Elizabeth, but she hardly eschewed slaveholding. Whether she treated Elizabeth as a daughter, as a servant, or as a combination of the two, is difficult to discern.⁴⁴

In the era of the Napoleonic wars, moreover, all of the Saint-Domingue refugees in Cuba were vulnerable to shifts in European politics. When Bonaparte's forces marched into Spain in 1808, the relationship between Spain and any French subjects in the Spanish colonies was suddenly cast into doubt. Once Spaniards in the Iberian peninsula rose up against Napoléon's forces in May of 1808, France came to be widely perceived as an enemy in the colonies as well. In earlier years, the Spanish colonial government had offered some refugees in Cuba the possibility of swearing allegiance to the Spanish crown, and local authorities had been pleased with the rise of coffee plantations developed by émigré planters. But after the uprisings in the peninsula there was strong pressure to expel the French from Spain's colonies, forcing the hand even of their protectors. In April of 1809 the governor ordered all French citizens to leave the island.⁴⁵

For Rosalie and her daughters, the situation had become untenable. They were not protected by the 1793–94 general abolition, which no French official would any longer enforce. Moreover, they were part of a refugee population whose wealthier members had quickly resumed the habits of a slaveholding society, but whose host community was now ready to expel them. Those ordered to depart would again have to try to find boat, money for passage, and passports. Once again, the family would be fractured: Elizabeth accompanied her godmother, the widow Aubert, to New Orleans. Rosalie—an African woman whose status as a free person was utterly insecure in any slave society—seems to have remained in Santiago, and then found her way back to now-independent Haiti. Marie Louise disappears from the written record.⁴⁶

New Orleans

In the spring and summer of 1809 dozens of ships filled with French-speaking refugees from eastern Cuba arrived in the port of New Orleans, and Territorial Governor William C. C. Claiborne faced an immense political problem. Many of the men and women on board those ships claimed that others among the passengers were their slaves. These “slaves” included men and women freed in Saint-Domingue, some of whom had been reenslaved in Cuba, as well as others purchased as slaves in Cuba itself. But the U.S. Congress had very recently outlawed the international slave trade, and no one was legally permitted to bring slaves into the country from abroad. One logical solution would have been to give formal recognition to the French abolition decrees of 1793–94, and declare all those who had come from Saint-Domingue to be free. But this was not the kind of solution that the governor of the slaveholding territory of Louisiana was likely to contemplate. Instead, Claiborne took the circumstances

to be extraordinary, and eventually allowed the passengers to land, some as free men and women, others as slaves.⁴⁷

The widow Aubert, godmother of Rosalie's daughter Elizabeth, had made the passage successfully from Santiago to New Orleans. The widow's companion, Jean Lambert Détry, a Belgian innkeeper turned carpenter, bought two plots of land in Faubourg Marigny, close to the river, on Rue Moreau. Détry began to work as a contractor, employing several slave sawyers. The widow quickly became an active businesswoman, buying and selling plots of land and slaves. It was in her household that the young Elizabeth Dieudonné would be raised, with the widow serving as a surrogate mother—and perhaps also as taskmaster.⁴⁸

When Jean Lambert Détry died in 1821, he left a "mystic testament"—that is, a will prepared privately and left under seal with a notary. He left most of his property to two young women of color who were the natural daughters of his friend and executor François Xavier Freyd, but he gave the widow Aubert the usufruct of most of this property during her lifetime—and as it turned out, she lived to be ninety. He specified that two of his slaves were to be freed as soon as they attained "the age required by the law for manumission."⁴⁹ Détry also designated a bequest of \$500 for the widow Aubert's goddaughter Elizabeth Dieudonné, the child of Michel Vincent and Rosalie of the Poulard nation. Détry explained the bequest by referring to her as his own goddaughter, though this was not technically accurate. Perhaps the years of living with the widow Aubert had given him this status de facto.⁵⁰ In effect, from his long conjugal relationship with the widow Aubert, Lambert Détry had developed an extended network of dependents, most of them free people of color. Détry made no mention in his will of potential heirs-at-law who might be back in Belgium, but after his death a group of those kin hired a lawyer and tried to invalidate the will, invoking Détry's open "concubinage" with the widow Aubert. They quickly settled, taking a share of the proceeds.⁵¹

With the promise of the bequest from Détry in hand, Elizabeth Dieudonné (who was also sometimes called Marie), now twenty-three years old, became engaged to marry a young man named Jacques Tinchant, the son of a Saint-Domingue émigrée woman of color, Suzette Bayot. At the moment when the marriage contract was drawn up in 1822, it was the widow Aubert who appeared with the prospective bride at the notary's, claiming that she had been like a mother to her since she was a child, and asserting that the bride's actual mother was currently living not in New Orleans but in what the widow still called "Saint-Domingue." Elizabeth's mother had taken on the surname of the man who never married her, and was now referred to as Rosalie Vincent.⁵²

Over the years from 1799 to 1822, the web of kin and fictive kin woven around Rosalie Vincent's children had been a source of both danger and security. Marie Louise was apparently remanded into some form of servitude at the time of Michel Vincent's death, and we do not know whether she obtained her freedom again in Santiago, or

perhaps came as a slave to New Orleans with one or another free person. Rosalie's other daughter Elizabeth had achieved freedom at birth, been separated from her mother to come under the patronage of the widow Aubert, and had her path to marriage smoothed by the promise of a bequest from the widow's companion Lambert Détry.⁵³

A year or so after their marriage, Elizabeth Dieudonné and Jacques Tinchant took their distance from the widow.⁵⁴ Jacques went on to develop a flourishing business as a carpenter and a builder, and in 1835 he went to a notary to constitute a formal *société* with his half-brother Pierre Duhart, with the goal of buying land, building houses, and reselling. They acquired one or two slaves whose labor supplemented their own.⁵⁵ As Jacques and his wife ascended into the ranks of property owners, and began a family, some of the documents they had signed along the way seem to have troubled them. In November of 1835 they went to a notary to "rectify" Elizabeth's name as it had appeared on their marriage contract. The couple now held out a copy of her baptismal record, in which her father Michel Vincent had recognized his paternity, and they asked that her name be corrected to Elizabeth Dieudonné Vincent.⁵⁶

The sudden and quite convenient appearance of the baptismal record—thirty-six years after its creation and thirteen years after Elizabeth's marriage—is puzzling. There is one clue: the document they proffered was not the 1799 original, but a copy made by a Haitian official in the 1820s. Given what we now know about Rosalie Vincent, a hypothesis emerges. In *Les Abricots*, Saint-Domingue, with the production of the manumission document signed by Michel Vincent, and then again in Santiago, with the recopying of that paper by a French official, Rosalie of the Poulard nation had shown a keen awareness of the importance of official paper. It is possible that as a girl in the Muslim society of the Senegal River valley, the woman later called Rosalie might already have learned the importance of the words written in ink on paper, and of an amulet or talisman that could protect one from harm.⁵⁷ But whether Rosalie brought this awareness with her from West Africa, or learned it in the house of the trader Marthe Guillaume on the Place d'Armes in Jérémie, or saw it for herself in the household of Michel Vincent in *Les Abricots*, the lesson had taken hold.

One function of official documents is to make the putative facts behind them irrelevant. Their official nature itself makes the words on paper peremptory—they supersede the complicated history behind them.⁵⁸ "Rosalie is my slave and I hereby declare her free." With an official signature, these words could become the kind of "freedom paper" that an African-born woman in the slaveholding city of Santiago would need to be able to show if stopped and questioned, or if she had business of her own to carry out at a notary. It would not matter that she had not been a slave when she left Saint-Domingue, and that Michel Vincent had in fact probably never been her master. Slavery was the creation of positive law, and that positive law had been abolished in Saint Domingue. But in slaveholding societies like Cuba, freedom too was a creation of positive law for persons of African descent, for the presumption might be

slavery. So Rosalie, free in one polity, had to find a way to become free in another; and she did.

Rosalie's daughter Elizabeth faced a different challenge. Her freedom was not questioned, but her legitimacy and her standing were, for she was a "natural child," bereft of a surname of her own. Even a recognized sacramental marriage to Jacques Tinchant could not expunge that stigma. But maybe Rosalie could. In April of 1835, a two-masted ship, the brig *Ann*, landed in New Orleans after a journey from Port-au-Prince, Haiti. On its passenger list we find the name Rosalia Vincent. The Spanish form of the name Rosalie may date back to the time in Cuba; we know where the surname Vincent came from. It seems a good bet that Rosalie herself had obtained a copy of Elizabeth's baptismal certificate from the authorities at Jérémie, perhaps shortly after the marriage in 1822, and held it for safekeeping. She could then climb aboard a ship with that paper on her person, in order to bring it to New Orleans, where its power could be amplified by taking it before a cooperative public notary.⁵⁹

With the notary willing to view the document as sufficient proof of paternity, Elizabeth Dieudonné now laid claim to the surname Vincent by birth from her father, and the surname Tinchant by marriage to Jacques. Given the distinction made in the Louisiana Civil Code between recognition and legitimation, it is not entirely clear that Michel Vincent's name on the baptismal record actually conferred on his "natural daughter" the legal right to adopt his surname. But the New Orleans notary, who had for years handled many of Jacques Tinchant's business dealings, assented.⁶⁰ When Elizabeth Vincent's name appeared in subsequent records, it no longer resembled that of a child born to a former slave mother, but was instead indistinguishable from the names of those born to families who had always been free.⁶¹

We have a final confirmation that Rosalie Vincent, now in her late sixties, had indeed made her way to New Orleans. In 1836, Jacques Tinchant and Elizabeth Vincent brought their most recent child to be baptized in the Cathedral of Saint-Louis, in the heart of the Vieux Carré. They gave the child the name Juste—that of his mother's brother, Rosalie's son, lost from sight in the course of the evacuation of Jérémie over thirty years earlier. It had taken three generations to reach this point, but like his older brothers, the baby Juste was designated a legitimate child, not a natural child. Alfred Duhart—the son of the New Orleans freemason and teacher Louis Duhart and of Jacques Tinchant's mother Suzette Bayot—stood as godfather. The woman they chose as godmother made no mark of her own on the sacramental record, but the priest recorded her name: Rosalie Vincent.⁶²

Epilogue and Conclusion

By 1836 slavery was hardening in Louisiana, and soon the state legislature would try to block the ascent of free people of color on nearly every front. Jacques Tinchant's mother, Suzette Bayot, had already left the United States altogether, sailing for France

and settling in the Basses-Pyrénées, where she was able to legalize her union with Louis Duhart.⁶³ A few years later their son Pierre, Jacques Tinchant's half-brother and business partner in New Orleans, followed them to the town of Gan, where he married a young Frenchwoman. In 1840 Jacques Tinchant and Elizabeth Vincent, accompanied by four of their five children, made the same journey. (Their eldest boy remained in New Orleans.) The story of their life in France, the birth of their son Edouard, their family's establishment of a cigar business in Belgium, and their sons' lives in Gan, Pau, Veracruz, New Orleans, Mobile, and Antwerp, is far too long to recount here.⁶⁴ But we might conclude by returning briefly to that extraordinary moment in the history of Louisiana with which we began this essay.

Rosalie Vincent's grandson Edouard Tinchant—the youngest of Jacques and Elizabeth's children—arrived in New Orleans from Antwerp in 1862 at the age of twenty-one. Born in France, he was coming to the city that his parents had left, as he later recalled, because his father refused to raise his sons in a New Orleans characterized by “infamous laws and stupid prejudices.” After volunteering in the Union Army, Edouard drew upon his political eloquence and his polished French to make a name for himself, writing letters to the editor of the *New Orleans Tribune* to explain and advance his equal-rights credo, and becoming principal of a school for freed children when the war ended. With suffrage now open to nearly all adult males, he was elected to represent the Sixth Ward of New Orleans in the constitutional convention of 1867–68.⁶⁵

In the end, only a portion of Edouard Tinchant's ideals would make it into the final draft of the 1868 Louisiana Constitution, and enforcing the equality of “civil, political and public rights” guaranteed in the state's new Bill of Rights turned out to be no easy task.⁶⁶ Moreover, after the convention ended, Edouard Tinchant found himself without employment. With his wife and young children, he spent the remaining years of Reconstruction in Mobile, Alabama, building his own modest cigar manufactory. When Reconstruction ended, and white supremacy emerged triumphant, Edouard and his wife Louise Debergue, like his parents in 1840, boarded a ship for another shore. They would raise their own children in the northern European city of Antwerp. If they could not thus entirely escape what Edouard called “stupid prejudices,” they could at least get out of the reach of “infamous laws.”⁶⁷

Just before they left the United States, Louise gave birth to a girl. They named her Marie Louise, perhaps recalling her great-aunt Marie Louise who had been freed once by French law in Saint-Domingue in 1793–94, and again by her father's action in 1803, only to be remanded into servitude in Santiago de Cuba in 1804 as a result of the debts on her father's estate. And in the generations that followed, their descendants would continue the name, down to Edouard's great-granddaughter Marie Louise Van Velsen, who today lives in Antwerp.⁶⁸

Edouard Tinchant's life history and his political imagination were Atlantic in

scope. At different moments he claimed French citizenship, American citizenship, and Haitian ancestry. When we go back another two generations and trace the woman who was first denominated Rosalie of the Poulard nation, briefly called Citizen Rosalie, and finally called Rosalie Vincent, we can see that the family's Atlantic perspective swept even further, to the middle valley of the Senegal River, to the town of Jérémie on the southern peninsula of Saint-Domingue, to the crowded city of Santiago, Cuba, and finally to independent Haiti. Edouard Tinchant's convictions had been built on his awareness of the histories of the men and the women in his family who had faced the multiple "infamous laws" that accompanied slavery. Along with the intergenerational transmission of trauma there had also been the development of habits of engagement with writing and with the law. When Rosalie of the Poulard nation faced a crisis of war and potential abandonment in Les Abricots in 1803, she knew that the situation called for the creation of a powerful piece of writing. And she knew, as Michel Vincent was approaching death in 1804, that she needed to make sure that the manumission document he had penned was recopied into the papers of the French authorities in Santiago. Decades later, even after her younger daughter Elizabeth was herself married and a mother, Rosalie traveled from Haiti, apparently carrying a copy of the baptismal record that would belatedly confer a surname on Elizabeth. Elizabeth, in turn, would with her husband Jacques abandon their apparently successful business in New Orleans and move with their children to France, to a country where the boys could attend public schools.

In Edouard Tinchant, these habits of engagement with writing, reinforced by his study of French and Latin rhetoric at the *lycée* in Pau, would expand once he reached Louisiana into eloquent public letters and vigorous legislative initiatives. Refusal of racial hierarchy was for him a matter of first principles, as was the question of equal rights for women. Edouard could not change the past, in which the freedom of Rosalie of the Poulard nation was denied, and his mother's claim to the surname Vincent required such effort. But when the moment arrived he, like Rosalie before him, seized the opportunity to write freedom into the present.

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Notes

1. On Edouard Tinchant’s life history, see Rebecca J. Scott, “Public Rights and Private Commerce: An Atlantic Creole Itinerary,” *Current Anthropology* 48 (April 2007), 237–49. Evidence on Tinchant’s service as principal, and on his commitment to integrated schools, is in the minutes of the September 16, 1867, meeting of the Orleans Parish School Board, now held in Special Collections, Earl K. Long Library, University of New Orleans.

2. *Official Journal of the Proceedings of the Convention for Framing a Constitution for the State of Louisiana* (New Orleans: J. B. Roudanez & Co., 1867–68), 35, 116–17, 192.

3. The issue of marriage across what white supremacists saw as a “color line” arose

in other state conventions as well. See the discussion of the Arkansas debates in Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: University of North Carolina Press, 2009).

4. In a letter to his parents in October of 1863, Edouard described the tension of concealing his political sympathies from those he described as the “confédérés les plus endiablés” (the most furious Confederates) who gathered at the Tinchant tobaccoist on St. Charles Avenue. Edouard referred to himself, with a mild degree of self-mockery, as “le plus enragé abolitionniste de la Nouvelle Orléans” (the most fanatical abolitionist in New Orleans). See Edouard Tinchant to Mes chers parents, 28 October 1863, in the family papers of the Tinchant family; a transcription of this letter was courteously provided to us by Philippe Struyf, Brussels.

5. For a discussion of the language of Edouard Tinchant’s letters of 1864 and 1899, see Scott, “Public Rights and Private Commerce.”

6. On slavery as statelessness, see Linda K. Kerber, “The Stateless as the Citizen’s Other: A View from the United States,” *American Historical Review* 112 (February 2007), 1–34; especially pp. 16–17.

7. The sale to Mongol is in “Vente par marthe Guillaume a mongol de la N^{esse} Rosalie,” 14 January 1793, Notary Lépine, File 6C-119, Jérémie Papers, Special Collections, University of Florida Libraries (hereafter SC, UFL). Mongol’s circumstances are described in detail in his 3 November 1787 marriage record. Freed himself in 1782, he married his slave Lisette, thus freeing her and legitimating their two children. St. Domingue, Etat Civil, Jérémie, 1783–1786, SOM 5Mi/60, Centre d’accueil et de recherche des Archives nationales (CARAN). The classic description of the individual parishes of the colony is Méderic Moreau de Saint-Méry, *Description topographique, physique, civil, politique et historique de la partie française de l’isle de Saint-Domingue*, reprint ed. ([1797] Paris: Société Française d’Histoire d’Outre-Mer, 2004).

8. On the history of the Peul, see Oumar Kane, *la Première hégémonie peule: Le Fuuta Tooro de Koli Tenella à Almaani Abdul* (Paris and Dakar: Karthala and Presses Universitaires de Dakar, 2004). See also Frédérique Dejou, Roger Botte, Jean Boutrais, and Jean Schmitz, eds., *Figures peules* (Paris: Karthala, 1999).

9. In view of the age attributed to her in a later notarial record, we estimate her birth to have taken place around 1767. On the slave trade to Saint-Domingue, see Jean Mettas, *Répertoire des expéditions négrières françaises au xviii^e siècle*, ed. Serge and Michèle Daget, (Paris: Société Française d’Histoire d’Outre-Mer, 1984); Boubacar Barry, *Senegambia and the Atlantic Slave Trade* (Cambridge, Eng.: Cambridge University Press, 1998); Martin Klein, *Slavery and Colonial Rule in French West Africa* (Cambridge, Eng.: Cambridge University Press, 1998); and David Geggus, “Sex Ratio, Age and Ethnicity in the Atlantic Slave Trade: Data from French Shipping and Plantation Records,” *Journal of African History* 30 (1989) 23–44.

10. Geggus, "Sex Ratio," explores the demographics of the enslaved population in Saint-Domingue, with particular attention to the distribution of ethnonyms. We have also found Poulard to be quite rare as a descriptor in the notarial records of Jérémie.

11. See most recently Florence Gauthier, *L'Aristocratie de l'épiderme. Le combat de la Société des Citoyens de Couleur. 1789–1791* (Paris: CNRS Edition, 2007).

12. See the letters from the mayor and council in dossier 13, DXXV/65, CARAN. See also Carolyn Fick, *The Making of Haiti: The Saint Domingue Revolution from Below* (Knoxville: University of Tennessee Press, 1990), especially Part Three, "The South."

13. The marriage of Alexis Couba and Anne, which makes reference to his *affranchissement* (manumission), is dated 9 January 1781, in SOM 5Mi/59, CARAN. The transfer of Rosalie from Alexis Couba to Marthe Guillaume is referred to in the first draft of Marthe Guillaume's last will and testament, dated 8 January 1793, Notary Lépine, File 6C-116, Jérémie Papers, SC, UFL.

14. The sale of Rosalie is "Vente par marthe Guillaume a mongol de la N^{esse} Rosalie," 14 January 1793, Notary Lépine, File 6C-119, Jérémie Papers, SC, UFL. The 28 February 1783 marriage of Marthe Guillaume's daughter Marie Anne [Aliés] to Jean Baptiste Azor dit Fortunat is on SOM 5 Mi/60, CARAN. For a fuller discussion of Marthe Guillaume, see Rebecca J. Scott and Jean Michel Hébrard, "Servitude, liberté et citoyenneté dans le monde atlantique des XVIIIe et XIXe siècles: Rosalie de nation Poulard," *Revue de la Société Haïtienne d'Histoire et de Géographie*, 83 (July–September 2008): 1–52

15. See "Adresse a tous les citoyens chargés des autorités civils & militaires, & à tous les citoyens de la Colonie," dated Jérémie, maison commune, le 7 mars 1793, l'an second de la république française," copy in dossier 895, DXXV/113, CARAN.

16. Laurent Dubois, *A Colony of Citizens: Revolution and Slave Emancipation in the French Caribbean, 1787–1804* (Chapel Hill: University of North Carolina Press, 2004), especially 162–65.

17. The quotation is from Bérault de Saint Maurice, transcribed in David Geggus, *Slavery, War, and Revolution: The British Occupation of Saint Domingue, 1793–1798*. (Oxford: Clarendon Press, 1982), 62–68.

18. "Affranchissement de la négresse Rosalie par Martonne," 2 December 1795, Notary Dobignies, File 9–218. Marthe Guillaume's other dealings with the British appear in her list of creditors and debtors in Notary Lépine, File 6C-210, both in Jérémie Papers, SC, UFL.

19. See the discussion under the heading *affranchissement*, p. 69, "Copie des lettres écrites par le Conseil privé," File T81/15, British National Archives.

20. On the complexity of their departure, see Geggus, *Slavery, War, and Revolution*, 373–381.

21. Rigaud's efforts to assure agricultural production, however, were built on renting out lands to men and women able to pay the price, which often left former slaves

working almost as before on the lands of others. See Dubois, *Avengers of the New World*, 197–98.

22. Perhaps, though this is more speculative, her baptism was very recent, connected in some way with the relationship with the baby's father. The absence of a surname, by contrast, is unsurprising. The taking by a freed person of any surname used by a white family had been prohibited in late colonial Saint-Domingue, and recently freed people often appear in the records without a surname at all. The designation *négresse libre* (free black woman) was by 1799 an anachronism: everyone in Saint-Domingue was now legally free. Its use could either evoke the stigma of previous slave status—or be an echo of the pre-abolition term that signaled possession of valid proof of individual manumission. A copy of the baptismal certificate is in “Rectification de noms d'épouse Tinchant dans son contrat de mariage,” 16 November 1835, Act 672, 1835, Notary Theodore Seghers, New Orleans Notarial Archives Research Center (henceforth NONARC). For the 1773 *ordonnance* concerning surnames, see Moreau de Saint-Méry, *Loix et Constitutions des colonies françoises de l'Amérique sous le vent* (Paris, 1784–1790) 5: 448–50.

23. This inclusion of the nickname Dieudonné in a baptismal record is puzzling; generally only a saint's name would be given at the moment of baptism, though nicknames were widely used afterward. For a detailed discussion of the document, see Scott and Hébrard, “Servitude.” On naming practices in the French Antilles, see John Garrigus, *Before Haiti: Race and Citizenship in French Saint-Domingue* (New York: Palgrave Macmillan, 2006), and Myriam Cottias, “Le Partage du Nom,” in Jean Hébrard, Hebe M. Mattos, and Rebecca J. Scott, eds., *Écrire l'esclavage, écrire la liberté*, Special issue of *Cahiers du Brésil Contemporain* 53/54 (Paris, 2003): 163–74.

24. At the time of his marriage, Michel Vincent had been identified as the *fermier de boucherie* in the southern town of Les Cayes. See the parish registers of Les Cayes du Fond (1698–1782) in SOM 6Mi/37, CARAN. His marriage to Nicole Catherine Bouché Widow Randel is on p. 177, year 1772. Vincent's rare trips to the local notaries in Jérémie were to sell off portions of his land, and he showed little of the buying, borrowing, and loaning of his more prosperous planter neighbors. See, for example, the sale document dated 13 pluviôse an 7, in Joubert 4–13, Jérémie Papers, SC, UFL. The description of the region and count of houses is in Moreau de Saint Méry, *Description topographique*, 2: 762–816. Marthe Guillaume's business dealings are abundantly recorded in the papers of the notary Lépine, both those held in the Centre des Archives d'Outre-Mer in Aix-en-Provence (henceforth CAOM), and those in the Jérémie Papers, SC, UFL.

25. On the use of the term “sieur” in Saint-Domingue, see John Garrigus, “Colour, Class and Identity on the Eve of the Haitian Revolution: Saint-Domingue's Free Coloured Elite as Colons Américains,” *Slavery and Abolition* 17 (1996): 19–43, especially pp. 25–29. Throughout the eighteenth century, many children were born to unions of

French colonists and African women, and as adults they often established themselves as artisans, traders, entrepreneurs, and in some cases landowners. In the latter decades of the century, these men and women and their descendants had been increasingly stigmatized by whites seeking to monopolize power and civic standing. See Garrigus, *Before Haiti*. For the widow Aubert's activities in New Orleans, see below. By the time Michel Vincent actually died, the revolutionary-era rules on inheritance had been replaced by the Napoleonic Code Civil, which reduced the claims that natural children could make. See Jean-Louis Halperin, "Le droit privé de la Révolution: Héritage législatif et héritage idéologique," *Annales historiques de la Révolution française* 328 (2002).

26. Carolyn E. Fick, *The Making of Haiti*, 210–13; Beaubrun Ardouin, *Études sur l'histoire d'Haiti*, Vol. e (Port-au-Prince: Chéraquit, 1930); Yves Benot, *La Démence coloniale sous Napoléon* (Paris: Éditions La Découverte, 1992); Laurent Dubois, *Colony of Citizens*, 368–70.

27. See the letters of Leclerc in Paul Roussier, ed., *Lettres du Général Leclerc, Commandant en Chef de l'Armée de Saint-Domingue en 1802* (Paris: Société de l'Histoire des Colonies Françaises et Librairie Ernest Leroux, 1937), 200, 201, 255. On the tumult of 1802–1803, see also Dubois, *Avengers*, and Ardouin, *Études*.

28. See Jan Pachoński and Reuel K. Wilson, *Poland's Caribbean Tragedy: A Study of Polish Legions in the Haitian War of Independence, 1802–1803* (Boulder: East European Monographs, 1986), chaps. 4 and 5; Fick, *The Making of Haiti*, 234–35.

29. "Enregistrement de liberté . . .," 26 ventôse an XII, folio 25 verso, register titled "Actes déclarations & dépôts divers, 10 Pluviose An XII- 12 Avril 1809," in the volume "Registre Comprenant du 10 Pluviose an XII au 10 Vendémiaire an XIII," 6supsdom/3, Agence des Prises de la Guadeloupe, Dépôt des Papiers Publics des Colonies, (hereinafter APG, DPPC), CAOM.

30. "Enregistrement de liberté . . .," 26 ventôse an XII. The nickname Résinette may be an affectionate diminutive from raisiné, a grape jam (a suggestion courtesy of Valérie Segá Gobert). We have not located baptismal information for the other three children, though some fragments in the Jérémie Papers are suggestive, listing the baptism in 1795, apparently in the same parish of Cap-Dame-Marie, of "Marie Louise *mulatresse*" and "Jean Théodore Mulatre." See the untitled pages, apparently the continuation of a répertoire, located in Folder 12, Box 5, Jérémie Papers, SC, UFL.

31. "Enregistrement de liberté . . .," 26 ventôse an XII. See Scott and Hébrard, "Servitude," 28–30, for the text of this document in French.

32. Manumissions could be regulated in terms of the age and conduct of the slave in question, and the competing rights of the owner's heirs and creditors. Louisiana, where Elizabeth Dieudonné would eventually end up, imposed greater and greater restrictions over time. See Judith Kelleher Schafer, *Becoming Free, Remaining Free: Manumission and Enslavement in New Orleans, 1846–1862* (Baton Rouge: Louisiana State University Press, 2003).

33. For parallel documents created in a situation of comparable uncertainty in Guadeloupe, see Dubois, *Colony*, chap. 2.

34. Peter S. Chazotte, *Historical Sketches of the Revolutions, and the Foreign and Civil Wars in the Island of St. Domingo* (New York: Wm. Applegate, 1840), 32–35.

35. Pachoński and Wilson, *Poland's Caribbean Tragedy*. The descriptions of the evacuation of Jérémie found in the Rochambeau Papers, SC, UFL, are equally vivid. See, for example, the report by a ship captain in item 2021, “Copie du Rapport du Citoyen Pruniet Capitaine de la falouche la Doucereuse venant de Jérémie.”

36. Michel Vincent, identified as a *mareschal* (farrier), appears in the reference to “Testament de Michel Etienne Henry Vincent Mareschal dem' ordin' au Bourg des Abricots,” Actes Déclarations et Dépôts Divers, S' Yago de Cuba, 1806–1809, Vol. II, 6supsdom/2, APG, DPPC, CAOM. For Rosalie's presence, see the discussion below.

37. Gabriel Debien, “Les colons de Saint-Domingue réfugiés à Cuba (1793–1815),” *Revista de Indias* 54 (1953): 559–605, especially 590, 593; Alain Yacou, “Esclaves et libres français à Cuba au lendemain de la Révolution de Saint-Domingue,” *Jahrbuch für Geschichte von Staat, Wirtschaft und Gesellschaft Lateinamerikas* (Cologne) 28 (1991): 163–97; Laura Cruz Ríos, *Flujos inmigratorios franceses a Santiago de Cuba (1800–1868)* (Santiago de Cuba: Editorial Oriente, 2006).

38. Some refugees circumvented customs formalities by landing on the shore without reporting to the commandant at the port. Evidence of both official and clandestine landings is scattered through the records in the Fondo Correspondencia de los Capitanes Generales, including Legajos 63, 445, and 471, in the Archivo Nacional de Cuba, Havana (ANC).

39. We can confirm the presence of Elizabeth from the later evidence that she went on from Santiago to New Orleans with her godmother. (See Scott, “Public Rights and Private Commerce.”) The presence of Marie Louise is less certain, but see the discussion below of Michel Vincent's will.

40. The official who transcribed the report of Vincent's succession by François Vallée was Bascher Boisjoly, who had been a member of the tribunal of the Sénéchaussée in Jérémie (6supsdom/3, APG, DPPC, CAOM). No copy of Michel Vincent's will has yet come to light, though reference is made to it in Vol. II, 6supsdom/2, APG, DPPC, CAOM. On the French refugees in Santiago, see also Debien, “Colons”; Yacou, “Esclaves”; and Olga Portuondo Zúñiga, *Entre esclavos y libres de Cuba colonial* (Santiago de Cuba: Editorial Oriente, 2003), 58–97.

41. See, for example, the sale of another woman, coincidentally also named Rosalie. The seller claimed to have lost his proof of title, but asserted ownership based on a brand on her body. Sale, Brebion to Marsand, 12 fructidor an 12, in Archives coloniales, Saint Domingue, Agence des Prises de la Guadeloupe, Correspondence, Actes, declarations & dépôts divers St. Yago de Cuba, An XII–An XIV. This volume, now in

the CAOM [and cited above], was microfilmed as film #960762, Genealogical Society of Salt Lake City. This citation is from the microfilm edition.

42. "Enregistrement de liberté . . .," 26 ventôse an XII.

43. "Remise de Succ" par Vallée," 9 floréal an XII, 6supsdm/3, APG, DPPC, CAOM. Changes of this kind in a name were common, particularly in the case of someone whose circumstances of birth precluded adoption of the father's family name. See the interpretation of naming practices in Jean Michel Hébrard, "Esclavage et dénomination: imposition et appropriation d'un nom chez les esclaves de la Bahia au XIXe siècle," in Hébrard, Mattos, and Scott, eds., *Écrire l'esclavage, écrire la liberté*, 31–92. No mention is made in the executor's report of any heirs-at-law in France. In 1827, when France agreed to recognize independent Haiti in exchange for a massive indemnity, Michel Vincent's remaining legitimate kin and heirs, including a grand-nephew living in France, appealed to the French government for a portion of the indemnity. See V 141, Vincent (Michel Étienne Henry), 1390, Indemnités traités, in 7supsdm/97, DPPC, CAOM.

44. The widow Aubert later claimed to have been like a mother to Elizabeth since her early childhood. See the 1822 marriage contract of Elizabeth with Jacques Tinchant, discussed below. On reenslavement by émigrés, see above and Martha S. Jones, "I Was Born in . . . Croix-des-Bouquets': Slavery, Law, and 'French Negroes' in New York's Era of Gradual Emancipation," manuscript cited with the permission of the author. On reenslavement as a process in Brazil, see the essay by Sidney Chalhoub in this volume.

45. The intrigues and politics surrounding these expulsions were very complex. See Portuondo, *Entre esclavos*, 78–82.

46. The departure from Santiago was in practice a halting, incomplete, and negotiated process. Its complexity can be glimpsed in the correspondence, passenger lists, and registers in the Fondos Asuntos Políticos and Correspondencia de los Capitanes Generales, ANC.

47. On the flight of refugees from Santiago to the United States, see the essays in Carl A. Brasseaux and Glenn R. Conrad, eds., *The Road to Louisiana: The Saint-Domingue Refugees 1792–1809* (Lafayette: Center for Louisiana Studies, University of Southwestern Louisiana, 1992); and the work of Paul Lachance, including "Repercussions of the Haitian Revolution in Louisiana," in *The Impact of the Haitian Revolution in the Atlantic World*, edited by David P. Geggus (Columbia: University of South Carolina Press, 2001), 209–30. See also Nathalie Dessens, *From Saint-Domingue to New Orleans: Migration and Influences* (Gainesville: University Press of Florida, 2007). For the day-to-day drama, and the governor's difficulties, see Dunbar Rowland, ed., *Official Letter Books of W. C. C. Claiborne*, Vols. 4 and 5 (Jackson, Miss.: State Department of Archives and History, 1917).

48. The land purchase document is “Vente de terrain par B^d Marigny à Lambert Détry,” 20 Juillet 1809, pp. 348r, 348v, 349r, Notary M. de Armas, Acts No. 2, NONARC. On the Louisiana Schedules of the Third Census of the United States [1810], Lambert Détry appears as the eighth entry on Rue Moreau, in a household containing one white man, three “other free people,” and thirteen slaves. See U. S. National Archives (USNA) Microcopy M252, Roll 10, Page 272. Détry and the widow appear in adjacent records of slave purchases in the notarial acts of Philippe Pedesclaux, 8 March 1817, NONARC.

49. One of these slaves was named Blaise; the other was called Marie Louise in the executor’s report, and Marie Joseph in the copy of the will filed with the judge. It is remotely possible that she was Rosalie’s older daughter, Marie Louise *dite* Résinette, who seems to have been remanded into slavery in Santiago, and could have been purchased by Lambert Détry. The age and birthplace given in the record do not seem to match, however, and Marie Louise was a common name. Liquidation & partage de la Succ^{on} Lambert Détry, aux termes de la transaction judiciaire passée entre les héritiers & les légataires de feu Lambert Détry, File D-1821, Inventories of Estates, Court of Probates, Orleans Parish, Louisiana in City Archives, New Orleans Public Library (hereinafter NOPL).

50. See Liquidation & partage, cited above. Détry referred to this legatee as Marie Dieudonné, f. de c.1., but the executor later identified Marie Dieudonné as the wife of Jacques Tinchant, making it clear that this is indeed Rosalie’s younger daughter, Elizabeth (who seems to have acquired the name Marie along the way). See also the 1822 reference to “Marie Dieudonné f. de couleur et Libre demeurant par [illeg] en cette ville faubourg marigny chez marie Blanche V^r Aubert, f de c et qui l’ayant recueillie des sa plus tendre enfance lui a constamment tenue lieu de mere; née a Saint Domingue, fille naturelle et majeure de rozalie vincent qui réside en ce moment à Saint Domingue. . . .” Marriage contract, Jacques Tinchant and Marie Dieudonné, 26 September 1822, p. 31, Vol. 22, Notary M. Lafitte, NONARC.

51. The group presenting themselves as the “lawful heirs,” Jean Joseph Détry, Marie Françoise Détry widow of Jean Georges Paternot, Marie Thérèse Détry wife of Antoine Bauman, Joseph Germain Détry, and Thérèse Détry wife of Pierre Joseph Guiotte, hired P. Derbigny as their attorney, and charged that the will was null and void “because it is not clothed with the formalities required by our law and also because it contains dispositions which are prohibited by these.” Moreover, they claimed that the clause under which the widow made her claim “is void, because it is a legacy by universal title, which legacies are forbidden between persons who lived together in a state of open concubinage, as these defendants aver that the plfff and the late F. L. Détry did live, and were living at the time of the said Détry’s death.” The case file is listed as Marie Louise Blanche, widow Aubert, fwc vs. Détry Jean (François X. Freyd, testamentary executor of) Year 1822, case number 206 in Court of Probates (Numbered

Series). The original is now filed with the “flattened records” in the Louisiana Division, NOPL. We owe special thanks to Irene Wainwright of the NOPL for having located this document, which was not microfilmed with other court records of this kind.

52. See the marriage contract cited above. The manuscript sacramental record of the wedding lists the bride’s mother (“la expresada Madre de la contrayente”) as one of the witnesses, but it is hard to know whether Rosalie Vincent herself was present at the marriage, or whether the priest simply took the widow Aubert for the bride’s mother. (The surviving manuscript record is a copy, and the copyist seems to have skipped a line, thus garbling the first reference to the bride herself.) See Act 328, 28 September 1822, in Saint Louis Cathedral, Marriages of Slaves and Free Persons of Color, Vol. 1, 1877–1830, Part 2, in Archives of the Archdiocese of New Orleans (hereafter AANO). A summary transcript appears in Charles E. Nolan, ed., *Sacramental Records of the Roman Catholic Church of New Orleans*, Vol. 15 (New Orleans: Archdiocese of New Orleans, 2000), 368.

53. For a powerful evocation in fiction of the complexity of relationships of this kind, on into the twentieth century, see Maryse Condé, *Victoire: Les saveurs et les mots* (Paris: Mercure de France, 2006).

54. Jacques sued to try to extract the promised bequest from the widow. She countered that the couple’s room and board had in fact consumed the equivalent of the bequest, and that she owed him nothing—indeed, that he owed *her* \$103.20. In the course of this unseemly quarrel, the widow Aubert compiled a written record that revealed the importance to each of these households of the labor of an enslaved woman named Gertrude, aged around twenty-two, who had been given as a gift to the bride. The hiring-out of Gertrude yielded \$140 annually—a sum larger than the food expenses of the couple for an entire year. See Jacques Tinchant vs. Marie Blanche Widow Aubert, docket #3920, Parish Court, Orleans Parish, Louisiana Division, NOPL.

55. See “Société entre Jacques Tinchant et Pierre Duhart,” Act. 62, 1835, Notary Théodore Seghers, NONARC. Their business affairs are documented through the volumes of Seghers. Pierre Duhart was the son of Jacques Tinchant’s mother Marie Françoise *dite* Suzette Bayot and Louis Duhart, a white schoolteacher and freemason. Because of Louisiana’s ban on marriage across the color line, the relationship of Bayot and Duhart was technically “concubinage,” though Suzette Bayot was sometimes referred to as Suzette Duhart. Bayot and Duhart migrated to France in the 1830s, and married there. See the death certificate of Marie Françoise Bayot, 8 November 1840, in Gan, *Décès 1821–1853*, 5Mi 230 R6, in Archives Départementales des Pyrénées Atlantiques, Pau (ADPA).

56. See “Rectification de noms d’épouse Tinchant dans son contrat de mariage,” 16 November 1835, Act 672, 1835, Notary Theodore Seghers, NONARC.

57. During the eighteenth century, one of the primary items of trade along parts of

the Senegal River was paper, and in the Islamic culture of northern Senegambia reading was prized and writings were known to hold power. See P.-David Boilat, *Esquisses sénégalaises*, reprint ed. ([1853] Paris: Éditions Karthala, 1984); James F. Searing, *West African Slavery and Atlantic Commerce: The Senegal River Valley, 1700–1860* (Cambridge, Eng.: Cambridge University Press, 1993); and Boubacar Barry, *Senegambia and the Atlantic Slave Trade* (Cambridge, Eng.: Cambridge University Press, 1998). We thank Mamadou Diouf, Boubacar Barry, Martin Klein, Ibrahima Thioub, and Rudolph Ware for discussions of Senegal in the late eighteenth and early nineteenth centuries.

58. Many thanks to Scott Shapiro, Yale University, for this observation.

59. Rosalia Vincent appears on the passenger list with an estimated age of fifty—which seems to be an underestimate by about eighteen years; Rosalie de nation Poulard was said to be twenty-six years old in 1793, hence born in 1767. But there appears to be nothing very precise about the ages scrawled on the passenger list, and there is subsequent confirmation (see below) that Rosalie Vincent, mother of Elizabeth, was indeed in New Orleans in the months that followed. The ship's manifest is reproduced in "List of all Passengers taken on board the Brig Ann whereof Charles Sutton is Master at the Port of Port Au Prince and bound for New-Orleans," arriving April 20, 1835, microfilmed as part of Passenger Lists of Vessels Arriving at New Orleans, 1820–1902, USNA Microcopy 259, Roll 12.

60. By 1825, Louisiana law had made legitimation difficult, and narrowed even the mechanisms for the lesser act of recognition: See *Civil Code of the State of Louisiana* (New Orleans: J. C. de St. Romes, 1825), Book I, Title VII, Chapter 3, Section 1, Art. 217, and Section 2, Arts. 220 and 221.

61. By 1839 she was signing documents as Elizabeth Vincent, dropping the informal Dieudonné altogether. See Échange d'immeubles, 6 August 1839, Act 646, Notary T. Seghers, NONARC. On the ways in which women of color in Brazil shaped their names in successive encounters with secular and religious authorities, see Hébrard, "Esclavage et dénomination." Efforts to gain the surname of a father could also be related to hopes of inheritance. Michel Vincent was long dead, but the indemnities for former property holders from Saint-Domingue being granted by France may have been under discussion in New Orleans as well. Elizabeth Vincent's claim, however, would have been a very weak one—natural children were far down on the list of those authorized to inherit from their fathers.

62. The baptismal record—which repeats the error from the original marriage contract in which Marie [Elizabeth] Dieudonné is confused with her mother-in-law Suzette Bayole [Bayot]—is Act 326, St. Louis Cathedral, Baptisms of Slaves and Free Persons of Color, Vol. 25, Part I, in AANO. On the formal requisites for serving as a godmother, see Virginia Meacham Gould, "Henriette Delille, Free Women of Color, and Catholicism in Antebellum New Orleans, 1727–1852," in David Barry Gaspar

and Darlene Clark Hine, eds., *Beyond Bondage: Free Women of Color in the Americas* (Urbana: University of Illinois Press, 2004).

63. Under the 1808 *Digest of the Civil Laws Now in Force in the Territory of Orleans*, “marriages contracted by free white persons with free people of color” could not be celebrated and were void in Louisiana. See Title IV, Chapter II, Article 9, of the *Digest* (Baton Rouge: Claitor’s Publishing Division, 2008). On Bayot and Duhart, see note 55 above.

64. On conditions for free people of color, see Joseph G. Tregle Jr., *Louisiana in the Age of Jackson: A Clash of Cultures and Personalities* (Baton Rouge: Louisiana State University Press, 1999), 304. On the subsequent history of Edouard Tinchant, see Scott, “Public Rights and Private Commerce.”

65. Scott, “Public Rights and Private Commerce.”

66. For a discussion of the concept of public rights, and its echoes in the later *Plessy* case, see Rebecca J. Scott, “Public Rights, Social Equality, and the Conceptual Roots of the *Plessy* challenge,” *Michigan Law Review* 106 (March 2008): 777–804.

67. Scott, “Public Rights and Private Commerce.” For their departure, see the passport application of Edward Tinchant, issue date 29 May 1878, New Orleans, in Passport Applications, 1795–1905, General Records of the Department of State, RG 59, reproduced on USNA Microcopy M1372 [accessed through Ancestry.com 23 April 2008].

68. For the name of their daughter, see the 3 July 1878 entry for the family of Edouard Tinchant with the Administration de la Sureté Publique No. 148, in M.A., Vreemdelingendossiers 1878, Stadsarchief, Antwerp. Their youngest child is listed as Marie Louise Julie, born in New Orleans on 14 March 1878. (We have not yet located the actual baptismal record, which should be in one or another church record in New Orleans). For information on the subsequent generations, we thank Marie Louise (Loulou) Van Velsen, who has generously shared photographs, letters, documents, and memories of her great-grandfather Edouard Tinchant, her grandmother Marie Louise Tinchant, and her mother, also named Marie Louise. We also thank the Struyf and Van Velsen families very warmly for their assistance and hospitality in Belgium.