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**MICROHISTORY SET IN MOTION**  
A NINETEENTH-CENTURY ATLANTIC  
CREOLE ITINERARY

Sidney Mintz's *Worker in the Cane* is a model life history, uncovering the subtlest of dynamics within plantation society by tracing the experiences of a single individual and his family. By contrast, Mintz's *Sweetness and Power* gains its force from taking the entire Atlantic world as its scope, examining the marketing, meanings, and consumption of sugar as they changed over time. This essay borrows from each of these two strategies, looking at the history of a single peripatetic family across three long-lived generations, from enslavement in West Africa in the eighteenth century through emancipation during the Haitian Revolution in the 1790s to emigration to Cuba, Louisiana, France, and Belgium in the nineteenth century. Tracing the social networks that sustained these people as they moved and identifying the experiences that shaped their political sensi-

bilities can cast light on the dynamics of the achievement of freedom and on the development of vernacular concepts of equality. The pivot point for the story will be New Orleans, where one member of the family helped these concepts take an explicit political and juridical form in the 1868 Louisiana State Constitution. But the story is also part of a larger Atlantic history of rights, given shape by the movement of people and paper across the Caribbean, the Gulf of Mexico, and the Atlantic itself.<sup>1</sup>

I shall start where I myself began this inquiry, with a document from the Cuban National Archive in Havana. The letter in question is dated September 1899 and is in the papers of General Máximo Gómez, the revered leader of the Cuban independence struggle. It begins simply as a commercial request, in which a merchant named Edouard Tinchant, writing in English from Antwerp to Havana, addresses the general:<sup>2</sup> “In early and ardent sympathy with the Cuban cause, I have been always and pride myself in being still one of your most sincere admirers. I would be highly honored, should you have the kindness to authorize me to use your illustrious name for a brand of my best articles, your portrait adorning the labels whereof a proof is enclosed.” So a Belgian cigar manufacturer wants to put a famous Cuban on the label of his cigars. No surprise there. But look how Tinchant tries to give credibility to his importunate request:

Allow me to add as an excuse for the freedom of my request, that I may not be altogether unknown to some of the survivors of the last struggle. They may still remember me as a member of Company C 6th Louisiana Volunteers, Banks Division in 1863; as representative of the 6th Ward of the city of New Orleans, at the Constitutional Convention of the State of Louisiana in 1867–68 and as a cigar manufacturer in Mobile Alabama from 1869 till 1877.

During all these years, I have been a humble but steady contributor to the Cuban fund and many are your countrymen, the Cubans and your followers to whom I have lent a helping hand.

Tinchant is invoking his previous acquaintance with Cuban revolutionary exiles who found themselves in the Gulf States during the 1860s and 1870s and giving a strong clue to his own politics and identity. The 6th Louisiana Volunteers were a Civil War unit of the Union army recruited among the free and recently freed populations of color in New Orleans, and the 1867–68 Constitutional Convention of the State of Louisiana drafted one of the most radical state constitutions ever seen, with a resounding guarantee that all of the state’s citizens would have the same “civil, political,

and public rights.” How on earth did a man from Belgium end up as an elected delegate to such a gathering?

Tinchant probably suspected that Máximo Gómez would ask the same thing, so he hinted at an answer: “Born in France in 1841 I am of Haïtian descent as both my father and mother were born at Gonaïves in the beginning of this century. Settled in New Orleans after the Revolution, my father, although in modest circumstances left Louisiana for France with the only object in view of raising his six sons in a country where no infamous laws or stupid prejudices could prevent them from becoming men.”

Here, then, was the crux of the matter: an evocation of Haiti’s 1804 declaration of independence at Gonaïves and an appeal to the antiracism that Tinchant knew Gómez endorsed, with a particular emphasis on dignified adulthood and masculinity. With the words of this letter, the merchant Edouard Tinchant was seeking to establish a universe of shared experiences and principles with Gómez, who had been born in the Dominican Republic and had carried the campaign for Cuban independence across the Caribbean and Central America. In effect, the letter provides a glimpse of an Atlantic world in which various struggles over race and rights were intertwined and in which ideas and concepts were exchanged along with images, memories, and cigars.

Notarial records confirm that Edouard Tinchant’s mother was indeed born in Saint-Domingue in 1799, in the midst of the Haitian Revolution. Her baptism took place not in Gonaïves, however, but in the small town of Cap Dame-Marie, near the city of Jérémie on the western end of the southern peninsula, then under the contested rule of Toussaint Louverture’s rival André Rigaud. Slavery had been formally ended throughout the colony in 1793–94, abolished in the tumult of the slave rebellion and by decree from the French National Convention. Many of the hierarchies to which slavery had given rise nonetheless continued to be inscribed in official documents. The baptismal record of the girl named Elizabeth Dieudonné shows her to have been a “natural child”—one whose parents were not married—though her father, Michel Vincent, a colonist from France, acknowledged paternity. Her mother appears as Marie Françoise dite Rosalie *négresse libre* (Marie Françoise called Rosalie, free black woman), the term *négresse* invoking both color and slave ancestry. The baby Elizabeth’s godfather was recorded as le sieur Lavolaille, a ship’s carpenter, the courtesy title *sieur* suggesting that he was counted as white. The name of the godmother, Marie Blanche veuve Aubert (Marie Blanche widow Aubert), carried neither a title nor a color qualifier.<sup>3</sup>

The social network that we glimpse at the baptismal font would later

frame the child's departure into exile, as war and uncertainty gripped residents of the region around Jérémie. In May of 1803 Elizabeth's father contemplated leaving for France—but without Rosalie or her four children. Apparently hoping to secure their freedom in his absence, Michel Vincent (himself the son of a public notary) drew up a legalistic but unofficial document that declared that “Marie Françoise dite Rosalie négresse de nation Poulard” and her four children were his slaves and that he hereby formally conferred freedom on them. In the phrase *de nation Poulard* the text conveyed Rosalie's ancestry: She was very likely from the Peul (Fulbe), a predominately Muslim people who lived in the Senegambia region of West Africa.<sup>4</sup>

As a practical matter, then, the freedom of Edouard Tinchant's mother, Elizabeth, rested not only on the French decrees of abolition and her 1799 certificate of free birth, but also on this fragile 1803 text conferring liberty on her and on her mother. The logic of declaring Rosalie and the children to be slaves in order to free them seems clear. If the authorities of a neighboring nation declined to recognize the validity of the abolition decree of the French Convention, or if the troops sent by Napoléon Bonaparte reimposed slavery in Saint-Domingue, Rosalie could fall back on the right of a slave owner to relinquish a claim to his own “property.” In the end, however, Michel Vincent did not leave for France. Along with many other refugees, Michel and Rosalie fled the fighting in Saint-Domingue and traveled to Santiago de Cuba. There, Rosalie submitted the manumission document to a representative of the French government and asked that it be copied and certified to give it greater force. The French official began his new version by identifying her as *Citoyenne*, thus conferring upon her the title of French citizen. With this hybrid text, a kind of self-created passport, Rosalie retained her freedom in Santiago, even after the death in 1804 of Michel Vincent. But in 1809 most of the Saint-Domingue refugees were expelled from the Spanish colony of Cuba in response to Bonaparte's invasion of the Iberian peninsula.<sup>5</sup>

The woman who had stood as godmother to Rosalie's daughter Elizabeth, Marie Blanche widow Aubert, took custody of Elizabeth and boarded a ship for New Orleans. Now designated a woman of color, the widow settled in Faubourg Marigny, close to the river on Rue Moreau. Over the next decade, Elizabeth would be raised in this household. As far as we can tell, Rosalie herself—an African-born woman who ran the risk of re-enslavement if she came to Louisiana—dodged the deportation order and remained for a time in Cuba.<sup>6</sup>

Edouard Tinchant's father, Jacques Tinchant, appears in the New Or-

leans notarial records as a free man of color, the natural child of a free woman of color named Suzette Bayot and an unnamed father. Many early refugees from the Haitian Revolution had landed in East Coast ports in the United States, and the 1796 city directory of Baltimore, Maryland, lists a man from Saint-Domingue with the surname Tinchant who may be Jacques's father. The senior Tinchant appears to have returned to Saint-Domingue around 1802, never to be heard from again. Suzette Bayot settled in New Orleans with the child, and Jacques was raised in the household of the schoolteacher Louis Duhart, yet another Saint-Domingue refugee, with whom Suzette Bayot subsequently had additional children.<sup>7</sup>

The 1822 marriage in New Orleans of Jacques Tinchant to Elizabeth Dieudonné thus united representatives of the two main groups of refugees from Saint-Domingue: those who fled in the early 1790s to cities such as New York, Philadelphia, and Baltimore, and those who traveled from Saint-Domingue to Cuba and from there to New Orleans in 1809. In the status-conscious world of antebellum New Orleans, both parties to the marriage carried the stigma of color alongside the designation of freedom. The bride signed the marriage contract with the name Marie Dieudonné, borrowing her mother's first name and using her own second name, not the surname—Vincent—that her father's mention in the 1799 baptismal record might have enabled her to claim. As they subsequently moved up in the world, however, the couple eschewed the informality of the simple name "Marie Dieudonné" and went to a notary to "rectify" the name. Claiming (implausibly, given her signature on the original contract) that she had never been called Marie, Jacques Tinchant's wife provided a copy of her baptismal record and certified that her proper name was Elizabeth Dieudonné Vincent. The notary took the baptismal record as sufficient evidence that Elizabeth had been "acknowledged" by her father. The adoption of a paternal surname, in turn, moved her a step away from the presumption of illegitimacy visited upon many free people of color.<sup>8</sup>

The bride brought some property to the union, provided by her godmother and by the late Jean Lambert Détry, born in Brussels, the godmother's partner. In a "mystic testament"—a secret document prepared privately and left under seal with a notary—Lambert Détry had identified the young Marie [Elizabeth] Dieudonné as his goddaughter. This seems not to have been technically accurate, but perhaps long years of living with her godmother, the widow Aubert, had given him this status *de facto*. In addition to the promise of funds from the bequest of Lambert Détry, the marriage contract conferred upon the newlyweds ownership of a slave named Gertrude, aged about twenty-two, and of Gertrude's daughter.<sup>9</sup>

It was common for free people of color in New Orleans to be entangled with slavery in several different ways—sometimes benefiting directly from ownership, sometimes facilitating the freedom of slaves to whom they were bound through ties of kinship or shared experience. About a decade after their marriage, the couple took steps to manumit the slave Gertrude, signing their names to the final notice of freedom in 1833.<sup>10</sup> But manumission of one slave could be matched by the acquisition of others. In the mid-1830s the city of New Orleans was expanding rapidly, and Jacques Tinchant and his half-brother Pierre Duhart, both usually identified in the notarial records as f.m.c. (free man of color) or h.c.l. (*homme de couleur libre*), were buying land downriver in the suburbs of Faubourg Marigny, New Marigny, and Franklin. In 1835 they agreed to combine their holdings and constituted themselves as a *société* to build on these lands. Over the next three years they sold deep, narrow lots to a variety of purchasers, many of them men and women of color. Blaise dit Blaise Léger, *nègre libre*, for example, paid \$400 for a lot in Faubourg Franklin measuring 34 feet on Washington Street and 117 feet on Morales Street.<sup>11</sup> The next year, Tinchant and Duhart spent \$1,000 to purchase an enslaved black man named Giles *alias* Clark, about twenty-one years of age. Thus, while Jacques Tinchant had in 1833 freed one of the two slaves of his wife's marriage portion, he now held a half-interest in another "person with a price."<sup>12</sup>

The business dealings of Jacques Tinchant are open to various interpretations. From one vantage point, Tinchant was a carpenter turned builder and developer, transforming white-owned rural land on the edge of the city into house lots and houses for a multiracial clientele.<sup>13</sup> For example, the parcel that he and Duhart sold to the free black man Blaise Léger in October of 1835 was plantation land that they had purchased from Nicolas Noël Destrehan in January of the same year. But if we look through the notarial records we also find that Léger had recently been manumitted in accordance with the last will and testament of Jean Lambert Détry, the same Belgian carpenter who had provided for Jacques Tinchant's wife a decade earlier. So the sale of a small house lot to Léger appears to have involved the fulfillment of a family obligation as well as pure business logic.<sup>14</sup>

The web of kin and clientage in which Jacques Tinchant and his wife were enmeshed crossed and recrossed what were imagined to be the color lines of antebellum New Orleans. In his business dealings, Jacques Tinchant frequently linked a seller counted as white to a future buyer counted as black. In the process, his own color designation appeared and

disappeared. The otherwise scrupulous notary Theodore Seghers usually did but sometimes did not add the label “f.m.c.” or “h.c.l.” to Jacques Tinchant’s name. It is not that Tinchant “passed” for white—in a subsequent document the color label would reappear. It was rather that the written imposition of stigma could fall by the wayside as the family notary formalized yet another transaction. The social structure of antebellum New Orleans was certainly characterized by elements of what its later nineteenth-century critics called “caste,” but in the 1820s and early 1830s there was a considerable amount of slippage both in the caste schema itself and in the social interactions that the schema was meant to regulate.<sup>15</sup>

During the late 1830s, however, the state legislature increased its efforts to strengthen the system and to monitor and harass the free population of color. By 1840, most free people of color, except those born free in Louisiana, were formally required to register with the mayor’s office, providing proof of their status. Families like the Tinchants apparently dodged this order, but Jacques Tinchant and Elizabeth Vincent had already begun to plan to leave the city. In preparation for the move, Jacques Tinchant stopped buying land, sold many of their remaining lots, and traded one suburban lot for a tract downtown.<sup>16</sup>

Years later, in his letter to General Gómez, Edouard Tinchant wrote that his father had left antebellum Louisiana in order to raise his sons “in a country where no infamous laws or stupid prejudices could prevent them from becoming men.” But on the eve of their departure the couple still owned the twenty-two-year-old Marie Louise, daughter of the now-free Gertrude. Just weeks before leaving New Orleans Jacques and Elizabeth accompanied Gertrude to the family notary and officially sold Marie Louise to her own mother. Under the terms of the contract, Gertrude was to pay the couple 800 piastres (dollars) in several installments. Once the last payment was made, Marie Louise was to become free. This contract seems to have been designed to circumvent the restrictions on manumission while extracting an income in the process.<sup>17</sup>

When Jacques Tinchant and Elizabeth Vincent boarded a ship for France some time in the spring of 1840 with their children Joseph, Pierre, Jules, and Ernest, they reconfigured the webs of sociability that had enabled them to adapt to New Orleans, keeping some threads tied while dropping others. In many ways they were not exactly expatriates. Their claim to state citizenship in Louisiana, much less national citizenship in the United States, would have been fragile indeed in antebellum jurisprudence; it is possible that they actually had a stronger claim to citizenship in France through their links to Saint-Domingue. And even as they fled

the increasingly hostile environment of the antebellum South, they left behind in New Orleans their eldest son, Louis (age fifteen), who would soon start his own grocery business and hold down one end of the family's Atlantic network.<sup>18</sup>

After arriving in France, the family made its way to the region called the Béarn in the Basses Pyrénées, long a major area of out-migration for the French West Indies. Jacques's mother Suzette Bayot and her partner Louis Duhart had already settled in this wine-producing country at the foot of the Pyrenees, where they were able to legitimate their cross-racial union, something impossible back in Louisiana.<sup>19</sup> With the capital accumulated in New Orleans in the land and building business, supplemented by the monies from the sale of the slave Marie Louise, Jacques Tinchant paid 27,000 francs for a piece of land in the town of Gan, just south of Pau, a few miles away from the farm of Suzette Bayot and Louis Duhart. All color terms fell away in this September 1840 notarized document, as Jacques became a substantial *propriétaire*, now referred to by the notary as M. Jacques Tinchant. The tracts they bought held vineyards, pasture, fields of ferns, and chestnut orchards, as well as cattle and several buildings. The census soon showed the Tinchant household in Gan to include three female servants and a family of sharecroppers, assisted by two farm laborers.<sup>20</sup>

Their youngest son, our letter writer Edouard Tinchant, was born in Gan in late 1841.<sup>21</sup> If the parents' goal was to raise their boys in a country where they would not face specific disabilities on account of color, it may initially have looked reachable. Some of the ideals of the 1789 revolution had been retained under the constitutional monarchy that ruled France after 1830, though others had been reversed. Slavery had been reimposed in the French colonies, carrying with it the reimposition of stigma on free persons of color. In France itself, however, the Tinchant sons had access to education, and there is no indication that any color markers were imposed upon them in the official records. This was a very different world from that of men and women designated "free people of color" in antebellum New Orleans. But the larger question of the rights and duties of citizenship in France and to whom those rights and duties would belong was very much in debate. The jurist named to the first chair of constitutional law at the Collège de France, Pellegrino Rossi, held that while "public rights" should be open to all, "political rights" should be constrained on the basis of presumed capacities. Voting itself remained strictly limited to those who paid taxes above a certain threshold.<sup>22</sup>

By the mid-1840s, in the face of economic hardship, failed harvests,

and government rigidity, openly republican ideas and agitation were picking up strength in Paris and in portions of rural France. The 1848 revolution and the outburst of labor activism that accompanied it apparently caught the younger Tinchant boys in school (the *collège royale*) in Pau at ages fifteen, twelve, nine, and seven, respectively. Schoolteachers were conspicuous among those agitating for the republicans. This was the era that the historian Maurice Agulhon has characterized with the phrase “the Republic in the village,” when debate about republican ideas blossomed—and was repressed—in towns and hamlets across the country.<sup>23</sup>

In the town of Pau enthusiasm for a broader suffrage was accompanied by exuberant civic celebrations, including processions, meetings, and the planting of a tree of liberty. The new republican state embraced universal manhood suffrage, and a public announcement explained that every adult Frenchman was now a “political citizen”: “Every citizen is an elector. Every elector is sovereign. Law is equal and absolute for all.” The elections of April 1848 were announced in Pau with an early-morning drum roll, the sound of trumpets, and the arrival of infantry and cavalry of the National Guard to protect the polling places. There was plenty here to fill the republican imagination of young observers as well as adult voters. Radical schoolteachers, however, were soon brought under the direct orders of the local prefect, and in February of 1849 the head of the *école comunale* was fired. In 1850 the government cut suffrage back sharply, and in 1851 Louis Napoléon Bonaparte carried out his coup d’état, beginning the transformation of the republic into a plebiscitary dictatorship.<sup>24</sup>

Years later, Edouard Tinchant denounced Louis Napoléon Bonaparte as “the assassin of the 4th of December”—a reference to the Massacre of the Boulevards in Paris on December 4, 1851, when troops fired on a popular uprising against the coup. He also wrote that his father had always taught him to flee “tyrannical aristocracy.”<sup>25</sup> He had nonetheless continued to flourish in school after the coup. His name appears on the *palmarès*, the list of prizewinners in the Imperial Lycée of Pau, in the years 1852, 1853, and 1854, alongside those of classmates from New Orleans and Havana as well as Pau itself. After mastering written French, he had evidently gone on to study Latin and to distinguish himself as a student.<sup>26</sup>

Agricultural prices in the Béarn remained low, however, and the family’s experiment in rural life seems not to have yielded the revenues that they might have hoped for. Thwarted in the project of achieving prosperity as farmers and perhaps menaced by the ascent of a reactionary regime, the family began to contemplate another move. In February of 1854, the notarial records show that M. Jacques Tinchant and Mme. Elizabeth Vin-

cent agreed to sell their farm, Pédemarie, for 26,000 francs (less than they had paid for it). They retained their furniture, the firewood already cut, some chickens, and a horse and moved to the nearby town of Jurançon to wait for the final payments on their property. Jacques used the proceeds to make a substantial loan to his sons, shifting most of the family's capital from landed property into commerce.<sup>27</sup>

Political circumstances may have hastened the Tinchants' move, but their explicit goal was now to build a family trading business. One of the traditional strengths of the New Orleans free population of color had been the rolling of leaf tobacco into cigars. The idea of moving into the tobacco trade apparently came from the two Tinchant sons who had regrouped in New Orleans: Louis and Joseph Tinchant were listed in the 1853 city directory as "segar makers." By 1855 they appear as "segar manufacturers" with a wholesale and retail business in the warehouse district, at 15 New Levee.<sup>28</sup>

The regions where cigar tobacco was grown, including Cuba and Mexico, had by the 1850s begun to lose some of their edge as places for the making of cigars. Leaf tobacco itself could be exported profitably, enabling manufacturers elsewhere to produce the cigars themselves. A family with an anchor at each end of the process—the Gulf and the Caribbean for the tobacco leaves, Europe for the consumers and perhaps later the manufactory—might be able to benefit as this shift accelerated. The port of New Orleans, which looked in both directions, was an excellent vantage point from which to see the possibility of this strategy. And a family accustomed to moving from place to place, multiplying connections rather than abandoning them, could give it a try. But to do this, the Tinchants would need to regroup again. They needed a port city with industrial potential, but they did not wish to be limited to New Orleans. To meet the expanding European market, a European base would be the best bet. In early 1857, son Joseph scouted out the city of Antwerp, a partially French-speaking port in Belgium, a nation which, in contrast to France, did not impose a state monopoly on tobacco products.<sup>29</sup>

Later in 1857 the contingent from France—first brother Ernest, then brother Jules, then Jacques, Elizabeth, and Edouard—joined Joseph, crowding into rented rooms on the Ruelle du Livre, not far from the port in Antwerp. The oldest and most experienced brother, Louis, arrived from New Orleans and established a new business under the name *Maison Américaine*. Joseph went back to New Orleans to manage that end of things, and two of his brothers soon followed. In 1860 Joseph Tinchant appears in the New Orleans census as part of the household of his wife's

father, a carpenter named Vincent Gonzales, and lists his occupation as “tobacconist.” Jules and Pierre Tinchant appear living in the household of another carpenter listed as “mulatto,” Félix Azéma, and are said to be running a “cigar store and factory.” Soon Pierre began to work in the coastwise shipping trade and Jules relocated to Veracruz in Mexico, leaving Joseph to run the business in New Orleans. The family had thus created a new set of Atlantic ties, fastened at one end in the free population of color of New Orleans and in the tobacco country around Veracruz, and at the other in the merchant community of Antwerp.<sup>30</sup>

It was through this network of brothers that in 1861 our letter writer Edouard Tinchant, the youngest of the family at age twenty-one, made his way from Antwerp to the Americas, where he initially planned to join his brother Jules in Veracruz. Veracruz, however, was under occupation by the Spanish military and business was bad, so Jules sent him on to Joseph in New Orleans.<sup>31</sup> And here, in 1862, Edouard Tinchant walked right into the middle of the U.S. Civil War. In April the city fell to the Union navy, beginning a Union military occupation that would last for the duration of the war. After moving into a dwelling at 256 Prieur Street, Edouard hastened to the French consulate to register as a French citizen.<sup>32</sup>

Free men of color in New Orleans, including Edouard’s brother Joseph, had quickly stepped onto the public stage to claim their own rights. Confederate forces were threatening to attack the city, and Joseph Tinchant, who apparently “spoke with the fire of a tribune,” assisted in recruiting a regiment of soldiers to help defend it. Joseph was commissioned a second lieutenant in the 6th Louisiana Volunteers (Colored), whose ranks included both long-free men of color and men recently held as slaves. This unit stood guard at the edge of the city and embodied martial dignity as two companies of its men marched in the immense public funeral procession for Captain André Cailloux, a black Union officer and New Orleans cigar maker who had fallen in the attack on the Confederate fort at Port Hudson.<sup>33</sup>

In these moments of public recognition, Joseph Tinchant nonetheless confronted the same “stupid prejudices” that had troubled his father two decades earlier. A white man who raised a company of Union soldiers might well have expected to be commissioned with the rank of captain, but by July of 1863 General Nathaniel Banks was forcing one after another black captain to resign and replacing them with white officers. Banks was widely perceived as needing the manpower offered by free men of color but rejecting their claims to respect and recognition as leaders and citizens.<sup>34</sup>

The recently arrived Edouard Tinchant was initially something of an outsider to the debate. Moreover, his haste in registering as a French citizen could have raised the suspicion that he would try to avoid conscription into the Union army. But he apparently volunteered to serve as a private in the 6th Louisiana, his brother's unit, and by the summer of 1864 he was confident enough to publish a lengthy manifesto on the front page of the first issue of the radical *New Orleans Tribune*. In this document he recalled his father's departure from the city a quarter-century earlier, and laid out his own principled and distinctly itinerant vision of citizenship. He referred to himself as French "by birth and by language" but vigorously defended his claim to U.S. citizenship and denounced a Franco-phone writer in the city who counseled emigration to French-occupied Mexico. Tinchant argued that the imperialist adventures of Napoleon III, "the assassin of the 4th of December," had discredited the French government, annulling its claim on his loyalty. As for himself, he wrote, his voluntary enlistment as a soldier in the Union army had legally invalidated his *qualité de français* (French nationality). Moreover, he believed himself to have won "American letters of naturalization on the ramparts of New Orleans, upright, our weapon in our hands, at the foot of the flag of the United States for which we were ready to spill the last drop of our blood." He asked rhetorically, "What human power then can deny us the title of American citizen?" And in case anyone should think to cite the Supreme Court's decision in *Dred Scott v. Sandford* as a counterargument, he was quick to proffer the opinion of federal Attorney General Bates in support of citizenship for men of color.<sup>35</sup>

Edouard Tinchant's public letter was both a tour de force of rhetoric and an effort to assert honor and standing in a rapidly shifting political environment. His brother Joseph was already known to be planning to depart to Veracruz, where he hoped to receive the respect that Union general Banks and the majority of white New Orleanians refused him. Edouard, however, wanted to stand and fight, all the while defending his father's and his brother's decisions to leave Louisiana in the face of discrimination. Equally delicate, Edouard had while in uniform in 1863 been expelled from a streetcar, apparently on grounds of color, and now, a year later, a rival was trying to humiliate him publicly by recalling the incident. Edouard insisted that he had been vindicated by a subsequent official rebuke of the man who had arrested him. He nonetheless seemed torn between that official vindication and a more direct impulse to have used his bayonet as he "had wished" at the moment of the affront. His conclusion, however, was clear: It was his duty and that of other men of

color in New Orleans to continue to fight so that “by a last and supreme effort of all of us together” they could “defeat, reverse and obliterate this tyrannical aristocracy that forced our father to expatriate and which, ever since our earliest years, he has taught us to flee.”<sup>36</sup>

During the months that followed, a radical cross-racial Republican coalition in favor of universal manhood suffrage emerged in New Orleans. In the aftermath of a massacre perpetrated upon Louisiana Republicans by their white supremacist enemies in July of 1866, the Congressional Reconstruction Act of 1867 for the first time conferred suffrage on black men, dramatically reconfiguring the political landscape in which the southern states would elect delegates to new state constitutional conventions. Edouard Tinchant, now twenty-six, with his distinctive family name, his status as a veteran, his rhetorical skills, and his very vocal radicalism, was elected to the convention from the Sixth Ward of New Orleans. During the last months of 1867 and the first months of 1868 this French-born man of Haitian ancestry helped to hammer out the most radical state constitution the South had ever seen.<sup>37</sup>

Edouard Tinchant lost no time making himself heard. In one of the first sessions, he successfully introduced a motion to fly the U.S. flag over the conclave every day from sunrise to sunset, displaying the emblem of national citizenship and Union victory in the former Confederate city. Throughout the convention, he argued against all discrimination on the basis of color but also against the disfranchising of former Confederates, having been taught, he said, “to look upon the men of my race as fully equal to the white men, and able to fight their way through without the help of any partial proscriptive measures directed against their opponents.” Tinchant’s use of the verb “fight” was not metaphorical. He also called for the formation of a state militia “to protect, to the best of its ability, the liberty, life, property, and interests of its citizens.” This was no small task in Louisiana, still recovering from the 1866 massacre and subject to continuing vigilante violence.<sup>38</sup>

In the debate over the bill of rights for the new constitution the long-term stakes of competing conceptual frameworks for equality became clearer. An initial draft, from a committee chaired by the conservative white Republican Judge William H. Cooley, a lawyer and former slave owner from Point Coupée Parish, proposed a text guaranteeing all citizens the “same civil and political rights and privileges.” A dissenting minority of the committee, including a schoolteacher of color from Ascension Parish named P. F. Valfroit, a shoemaker of color named Charles Leroy, and a former slave named James H. Ingraham, immediately proposed a fuller

text that would write into the state constitution the conviction that “all men are born free and equal.” This draft guaranteed all citizens “the same public, civil and political rights and privileges.” The scope of these additional “public rights” was later clarified by the provision that “no public money be bestowed upon any charitable or public institution in this State that makes any distinction among the citizens of this State” and by the guarantee of equal access to public transport and to places of resort and entertainment.<sup>39</sup>

The choice of the phrase “public rights” recalled the categories developed in Paris thirty years earlier by the cosmopolitan liberal federalist Pellegrino Rossi, who had argued that the state should recognize no distinctions among its citizens in their exercise of public liberties. Rossi’s detailed theory divided the rights of people living in a state of law into three categories: private, public, and political. Consistent with the limited suffrage of France’s constitutional monarchy, he had held that political rights should be allocated on the basis of the differing presumed capacities of members of different groups. But public rights were another matter. All private persons had certain core rights as members of society, and in guaranteeing these the state should make no distinctions among persons.<sup>40</sup>

The language of “public rights” captured something that a majority of the members of the Louisiana convention knew from experience: that individual dignity was nourished by formal respect in public space and public culture. The phrase itself could for different members of the coalition resonate with different prior concepts, including the anti-aristocratic and anti-caste thinking of the Haitian revolution, claims to citizenship made in territorial Louisiana based on militia service by free men of color, and the language of French republicanism and the 1848 revolution.<sup>41</sup>

The phrase “public rights” also offered something important to English-speaking activists who were under attack for supporting what white supremacists insisted was an unacceptable claim to “social equality.” In France in the 1830s Rossi had treated the terms “public rights” and “social rights” as interchangeable, but in the United States in the 1860s the word “social” evoked “social equality”—a term that white supremacists had succeeded in associating with sexuality, promiscuity, and the physical proximity of black men to white women. By framing claims to equal access to public transportation and public accommodation within the rubric of public rights, Louisiana activists could try to deflect the negative associations of the phrase “social equality” while continuing to seek the core value of public respect.<sup>42</sup>

When the time for decision on the bill of rights arrived, “Mr. Tinchant

moved to adopt the article proposed by Mr. Belden as article 1st of the Bill of Rights,” endorsing the language offered by Simeon Belden, a white Massachusetts-born lawyer in New Orleans, that began “all men are created free and equal.” This motion was passed fifty-seven to eleven. Thomas H. Isabelle, a Union veteran and man of color, proposed to add the term “public” after the word “political” in the list of rights guaranteed in article 2, and his amendment won by a vote of fifty-nine to sixteen.<sup>43</sup>

Edouard Tinchant’s own political credo extended even beyond equal civil, political, and public rights. Aware of the urgent need of freedpeople for land of their own or at the very least land to rent, he introduced a resolution that would increase taxes on uncultivated land to encourage landowners to rent out farmland and would exempt smallholdings from tax.<sup>44</sup> He was also attentive to the question of the rights of women, calling for the legal protection “of all women without distinction of race or color, or without reference to their previous condition, in their civil rights.” He shared with other Creole activists a particular sensitivity to the situation of women of color in consensual unions with white men and proposed that the convention “enact such laws that will facilitate all women, without distinction of race or color, to sue for breach of promise.” Indeed, he wanted the General Assembly to have the power to “compel to marriages upon application of one of the parties, such persons who may have lived together not less than one year consecutively.” These radical proposals, however, failed to gain the votes of the majority.<sup>45</sup>

The success of the formal guarantee of the same “public rights” for all citizens demonstrated the conceptual flexibility of Louisiana radicals in their constitutional moment. Faced with the convention’s general support for civil and political rights but widespread apprehension about “social equality,” the radicals had reached for a conceptually subtle alternative concept and found it in an otherwise obscure formula from European jurisprudence. Conservatives, unsurprisingly, professed to find the concept utterly incoherent. Judge Cooley furiously opposed the language, he said, “*Because, I never heard the term ‘public rights’ mentioned as a private one, and because I cannot understand the idea of a private individual exercising public rights.*”<sup>46</sup> But the concept was one around which a majority of delegates could coalesce, and once the 1868 constitution was ratified, citizens could and did use its bill of rights and related provisions to challenge forced segregation on steamboats and in saloons. For a decade the Supreme Court of Louisiana was willing to uphold the equal public rights of people of color, though their efforts were sometimes crushed on appeal to the federal Supreme Court.<sup>47</sup>

Edouard Tinchant, however, was not around for the flowering of this concept in Louisiana jurisprudence. Shortly after the 1867–68 constitutional convention ended, the group of radical Creoles lost power to a more-accommodating Republican coalition led by Henry Clay Warmoth. Edouard, who had been working as a schoolteacher, was now doubly on the outs: too radical for the white-dominated school board, too independent for the Warmoth-dominated patronage networks. He married the Louisiana-born Louise Debergue, daughter of a bricklayer, and they moved to Mobile, Alabama. In departing the rough-and-tumble of Louisiana Reconstruction politics to try to establish himself as a cigar maker and merchant in Alabama, Edouard Tinchant seems for a time to have left an element of his public identity behind. From census records it appears that when Edouard Tinchant, cigar merchant, and his wife were enumerated in Mobile in 1870, the census taker counted them as white.<sup>48</sup>

Over the next half-dozen years, Edouard Tinchant developed a modest but successful cigar manufactory in Mobile. By 1877, however, formal Reconstruction had ended, and nearly all Union troops had been withdrawn from the South. The national experiment in cross-racial democracy was coming to an end, and the call for equal “public rights” disappeared from the place it had briefly held in the platform of the national Republican Party. Despite his economic successes, Edouard Tinchant wrapped up his business in Mobile and headed back across the Atlantic to Belgium, where his brothers Joseph and Ernest were building factories in Antwerp and its environs.<sup>49</sup>

From this point on, Edouard Tinchant followed events in the U.S. South from a distance, perhaps through European newspapers and correspondence with friends and kin still in New Orleans. In the period from 1891 to 1896, the idea of equal public rights was actively renewed in a set of struggles initiated in Louisiana. Responding to the state legislature’s attempt to impose forced segregation of all railway cars, a Citizens’ Committee led by the notary Louis Martinet and the cigar seller Rodolphe Desdunes used anti-caste arguments to try to insist, once again, on equal treatment in the public sphere. The campaign was turned back, however, by the landmark 1896 federal Supreme Court decision in *Plessy v. Ferguson*, which permitted the Louisiana legislature to oblige passengers on the railways to be sorted on the basis of color into cars that were “equal but separate.” Two years later, Louisiana’s white-supremacist legislature promulgated a new constitution denying the vote to virtually all men of color. On the U.S. side of the Gulf of Mexico, nearly everything Edouard Tinchant had stood for in the 1860s had been defeated.<sup>50</sup>

On the other side of the Gulf, however, Cuban insurgents and the U.S. military had finally broken Spain's colonial rule in Cuba. General Máximo Gómez now stood as an emblem of the trans-Caribbean and transatlantic struggle for Cuban independence, despite the presence of an occupying U.S. military force on the island. At this moment, Edouard Tinchant turned his attention to Cuba and recalled both his support of the Cuban struggle when he lived in New Orleans and Mobile, and his own history as an equal-rights activist.<sup>51</sup>

WE THUS COME full circle to the 1899 letter, which itself looks back to the family's beginnings in Saint-Domingue a century earlier. The Tinchants' three-generation history suggests some of the multiple dimensions of a transnational search for citizenship and public rights and illuminates the webs of sociability that sustained it. The family's Atlantic trajectory provided its members with the experience of enjoying equal public rights in some settings while suffering moments of affront and disrespect in others. The combination served as a spur to activism, and for the young Edouard Tinchant the debates of the 1860s in Louisiana developed his political credo. Apparently quite able to cross the color line if he so chose, Edouard Tinchant by 1864 had asserted a public identity as a man of color and identified himself as a "son of Africa" as he staked out a radical position in favor of equality.<sup>52</sup>

Edouard Tinchant was a carrier of ideas in the most direct sense: He brought his rhetorical skills, his family experiences, and his names for things with him when he crossed and recrossed the Atlantic. Moreover, his parents had taught him to claim Haitian ancestry, and the language Edouard's letter attributes to his father—a refusal of "infamous laws" and "stupid prejudices"—echoes the words used by free men of color at Mirebalais in Saint-Domingue in 1791, whose "Concordat" with white colonists obliged the latter to recognize their "violated and misunderstood rights" and repudiated "the progress of a ridiculous form of prejudice."<sup>53</sup>

Scholars are now accustomed to seeing the abolitions of slavery that began with Saint-Domingue in the late eighteenth century as reflecting a complex transatlantic interaction. Specialists on twentieth-century radicalism make a similar argument about the ties between Caribbean and mainland North American activists.<sup>54</sup> Edouard Tinchant's letter to Gómez, with its self-portrait of the cigar merchant as a radical young man, suggests that the embattled but resilient anti-caste and antiracist thinking of the last decades of the nineteenth century shared this characteristic. What appears from a U.S. perspective as a rapidly fading "emancipation-

ist” legacy of the Civil War can thus also be seen as a thread of an evolving Atlantic and Caribbean antiracism. From the vantage point of New Orleans and Havana, Homer Plessy’s challenge to forced segregation on the railways in Louisiana at the end of the century looks less quixotic and more integrally linked both to long-standing New Orleans-based claims of public rights and to convictions that drew strength from events in Haiti, France, and Cuba.<sup>55</sup>

I should not close, however, without attending to the fate of Edouard Tinchant’s request to Gómez in his 1899 letter. For at least half a century, the logic of the tobacco trade, along with evolving political ideals and social aspirations, had pushed and pulled various Tinchants from place to place. Brothers Ernest and Joseph developed large cigar factories, and by the 1890s the letterheads of their respective companies vaunted their wealth and their reach, depicting imposing buildings in Belgium and Holland and a shop in Cuba. Back in Antwerp after many years in New Orleans and Veracruz, Joseph had also found a way to encompass the family’s mixed Caribbean heritage within a Latin American image, borrowing his wife’s surname and styling himself Don José Tinchant y Gonzales. As a practical matter, by the end of the nineteenth century the Tinchants had finally achieved a kind of commercial citizenship in the Antwerp community of merchants.<sup>56</sup>

Edouard Tinchant’s letter included a proof copy of a proposed cigar label that he hoped would meet with Gómez’s approval. Associating the Tinchant cigars with the hero of Cuban independence had a strong marketing rationale. Cuban origin was a mark of high quality for cigars, and if the company name *Maison Américaine* reminded buyers of the overseas tropics, an image from Cuba could serve as a subliminal elevator of perceived quality—particularly if most of the Tinchant cigars were in fact rolled from Mexican, not Cuban, tobacco. But, as it turned out, Gómez made a practice of declining all such commercial propositions and was unwilling to have his portrait adorn a line of Belgian cigars. At the bottom of the letter we can see a faint penciled note in Gómez’s hand, instructing his secretary to reply to Tinchant and refuse the request, albeit with “courteous phrases.”<sup>57</sup>

In writing to Gómez, however, Edouard Tinchant had looked back across the Atlantic to the Caribbean not only for a merchandising strategy but also for an embodiment of his own anti-caste principles. Thirty-one years earlier, Louisiana had held out the promise of a society to be re-founded on the principle of a guarantee of equal rights—civil, political, and public—and the young Edouard had made his contribution to that

struggle in person. With the collapse of Reconstruction at the end of the 1870s, he had abandoned the U.S. South and returned to Europe, but the Tinchant network of interests, kin, suppliers, and customers all sustained a circum-Atlantic scope for his imagination. By the last years of the nineteenth century, the rigorous antiracism represented by Antonio Maceo, José Martí, and Máximo Gómez in Cuba stood out in sharp contrast to the dispiriting panorama of dominant racial ideologies in Europe and the United States.<sup>58</sup> Thus alongside the thousands of Cubans who pinned their hopes for rights, resources, and respect on the Cuban war for independence, we have one aging merchant from Antwerp. He wrote to Gómez, whom he had never met, to present himself as a fellow Caribbean man of principle. He proposed to bring a fragment of the Cuban struggle to Europe, as an image ringing a cigar, to identify what he assured Gómez would be “a brand of my best articles.”

#### NOTES

This essay has been composed in dialogue with Jean M. Hébrard and forms part of our larger collaborative research project on the Vincent/Tinchant family. An earlier version appeared under the title “Public Rights and Private Commerce” in *Current Anthropology* 48 (April 2007): 237–49, accompanied by very helpful comments from Mamadou Diouf, Virginia Domínguez, Bettina Ng’weno, Verena Stolcke, and Cécile Vidal. I thank these and many other colleagues who have shared ideas and suggestions, including Jeremy Adelman, Leora Auslander, Caryn Cossé Bell, Ira Berlin, Sueann Caulfield, Natalie Zemon Davis, Shannon Dawdy, Laurent Dubois, Ada Ferrer, Brodwyn Fischer, Robert Forster, Sylvia Frey, Orlando García Martínez, John Garrigus, David Geggus, Tom Green, Jane Guyer, David Hancock, Hendrik Hartog, Roderick Hills, Sarah Hirschman, Thomas Holt, Marial Iglesias Utset, Martha S. Jones, Paul Lachance, Catharina Lis, Dawn Logsdon, Keith Manuel, Fernando Martínez Heredia, Aims McGuinness, Dalia Meyer, Sidney Mintz, Mary Niall Mitchell, Philip Nord, Vernon Palmer, Sallyanne Payton, Esther Pérez, Lawrence Powell, Peter Railton, Orest Ranum, Daniel Rodgers, Sophie de Schaepdrijver, the late Andrew Scott, Anne F. Scott, Julius S. Scott, and Diana Williams. I especially thank the faculty, students, and staff of the Department of Anthropology at the Johns Hopkins University, under whose auspices the first draft of this text was presented in November 2005 as the 2005 Sidney Mintz Lecture. Jean Hébrard and I both thank Ariane Bruneton, Myriam Cottias, José Kagabo, Sara Le Menestrel, Michel Papy, Ibrahima Thioub, François Weil, and Michael Zeuske for their comments and advice. We are also very grateful to descendants of the Tinchant family who have shared information on the family’s history, including Michèle Badaroux, Françoise Cousin, Michèle Kleijnen, Philippe Struyf, Liliane Van Acker, and Marie Louise Van Velsen.

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1. In framing the inquiry in this way, I have been influenced by Mintz (1960 and 1985), as well as Dubois (esp. 2004b), Hébrard (2002), and Meadows (2000).

2. Edouard Tinchant to Máximo Gómez, September 21, 1899, sig. 3868/4161, leg. 30, Fondo Máximo Gómez, Archivo Nacional de Cuba (hereafter ANC). I thank Marial Iglesias Utset for calling the document to my attention.

3. See the marriage contract of Jacques Tinchant and Marie Dieudonné, September 26, 1822, p. 31, 1822, Notary Marc Lafitte, New Orleans Notarial Archives Research Center (hereafter NONARC), and “Rectification de noms d’épouse Tinchant dans son contrat de mariage,” November, 16, 1835, Act 672, 1835, Notary Theodore Seghers, NONARC, which includes a copy dated May 25, 1823 of the baptismal certificate, itself dated June 12, 1799. On the use of the term *sieur* in Saint-Domingue, see Garrigus 1996: esp. 25–29. For a detailed discussion of Rosalie’s experience in slavery in Saint-Domingue, see Scott and Hébrard 2008.

4. See “Enregistrement de liberté de Marie Françoise,” 26 ventose an douze, folio 25 verso of the first register in 6 SUPSDOM 3, Dépôt de Papiers Publics des Colonies (hereafter DPPC), Centre des Archives d’Outre-Mer (hereafter CAOM), Aix-en-Provence, France. On the term *Poulard*, see Hall 2005: 30, 43. On the history of Senegambia in the late eighteenth century, see Barry 1998: esp. 100–102; and Searing 1993.

5. See “Enregistrement de liberté de Marie Françoise.” On the Saint-Domingue refugees, see Lachance 2001: 209–30; Brasseaux and Conrad 1992; Portuondo 2003; and Meadows 2000.

6. The widow Aubert’s partner, the Belgian carpenter Jean Lambert Détry, had bought two plots of land on the Rue Moreau. See “Vente de terrain par Bd Marigny à Lambert Détry,” July 20, 1809, pp. 348r, 348v, 349r, Notary M. de Armas, Acts No. 2, NONARC. I have found no trace of Rosalie in the records of New Orleans in the decade following the expulsion of émigrés from Cuba. For evidence that some African-born women from Saint-Domingue remained in Santiago after the expulsion order, see the petition from María Micaela Casta Jolofa in Exp. 73, Leg 210, Asuntos Políticos, ANC.

7. The marriage contract (cited in note 3) gives the birthplace of Jacques as *halifax, Amérique septentrionale*, and may refer to Halifax, Nova Scotia. Later in life, however, Jacques Tinchant gave his birthplace as Baltimore, and his birth date as ca. 1797. See his file in the police register of foreign immigrants, dated August 17, 1857, *Vreemdelingen-dossiers*, Modern Archief (hereafter MA), FelixArchief, Antwerp. For a Tinchant in Bal-

timore, who could be Jacques's father, see Thompson 1796: 76. A Tinchant in Le Cap in Saint-Domingue appears in "Enregistrement des ordonnances . . . pour reconstruction de maisons au Cap-Français. An X," in the microfilm copy of CC9c/19, Colonies, Archives Nationales, Paris. On the early cohort of Saint-Domingue refugees in the United States, see White 2003. Louis Duhart, identified as of Basque ancestry, was a Freemason in Saint-Domingue and later moved to New Orleans (see Cauna 1998: 333).

8. See "Rectification de noms d'épouse Tinchant dans son contrat de mariage."

9. See the marriage contract cited in note 3 above. The sacramental record of the marriage is somewhat garbled. (For a transcription see Nolan 2000: 368.) Lambert Détry, also a migrant from Saint-Domingue via Cuba, had set up shop as a carpenter, combining his own labor as an artisan with that of enslaved Africans and Creoles who worked as sawyers. See Inventory of the Estate of the late Lambert Détry, April 17, 1821, File D-1821, Inventories of Estates, Court of Probates, Orleans Parish, Louisiana, and the corresponding will, both in the records of the Louisiana Division, New Orleans Public Library (hereafter NOPL). The widow Aubert never turned over the promised money, and in 1824 Jacques Tinchant took her to court. See Jacques Tinchant vs. Marie Blanche Widow Aubert, docket #3920, Parish Court, Orleans Parish, Louisiana Division, NOPL.

10. See the manumission document dated January 23, 1833, Act 40, 1833, Notary Theodore Seghers, NONARC. On the shifting rules governing manumissions in Louisiana, including the prohibition in 1807 of the manumission of slaves under the age of thirty, see Schafer 2003: prologue.

11. See "Vente de terrain par J. Tinchant & Duhart à Blaise Léger n.l.," October 7, 1835, Act 590, 1835, as well as other purchases and sales of land by Tinchant and Duhart, in Notary Theodore Seghers, NONARC.

12. "Vente d'esclave par Marianne Nabon f.c.l. à J. Tinchant & Pr Duhart," August 25, 1836, Act 695, 1836, Notary Theodore Seghers, NONARC. Both the seller and the buyers were listed as free people of color. The phrase "person with a price" is used by Johnson (1999).

13. In the 1838 *Gibson's Directory* for the city of New Orleans, p. 200, "Jac's Tincharg, f m c" appears as a builder, living on Craps Street, between Music and Poets Streets, in Faubourg Marigny.

14. See "Affranchissement du nègre Blaise par la succession Lambert Détry," October 7, 1834, Act 497, 1834, Notary Theodore Seghers, NONARC. Lambert Détry had died in 1821, when Blaise was only ten years old. The will called for Blaise to be manumitted when this became possible under Louisiana law. In the intervening years, Blaise lived in the home of Marie Blanche, widow Aubert—including the years in which Jacques Tinchant and Elizabeth Dieudonné Vincent lived there as well. See the will and inventory of Lambert Détry, NOPL, cited above.

15. See the many transactions involving Jacques Tinchant in the volumes for the 1830s of the notary Theodore Seghers, NONARC. See also Domínguez 1986. In comments on the earlier version of this essay (Comments 2007), Verena Stolcke observed that the word "caste" can be a misleading label for the structures of stigma and exclusion in slave societies of the Caribbean. Clearly if "caste" is associated with absolute rigidity it is ill-adapted to the boundary-crossing experiences of a family like the Tinchants. Stolcke suggests, moreover, that it is due for retirement as an outmoded category of analysis. But for nineteenth-century thinkers "caste" was a useful term of opprobrium to describe specific

legal impositions that they rejected. When Justice Harlan tried to rebut the pronouncements of his fellow Supreme Court justices in the case of *Plessy v. Ferguson* (1896), he reached for the word “caste” to reject forced segregation as inimical to the premises of the United States: “in view of the constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here.” See Scott 2008: 778, 799–800, 803.

16. The list, titled “Mayor’s Office. Register of Free Colored Persons. 1840–1863,” is available on microfilm in the Louisiana Collection, NOPL. I have found no entries on it for the Tinchants. The various final transactions of the Tinchant/Vincent family are in the notarial volumes of Theodore Seghers for the years 1839 and 1840, NONARC.

17. See “Jacques Tinchant et son épouse, Vente d’Esclave à Gertrude,” May 9, 1840, Act 288, 1840, and “Procuration par Tinchant à Duhart,” May 12, 1840, Act 294, 1840, both in Notary Theodore Seghers, NONARC. On manumission more generally, see Schafer 2003.

18. On the historical complexity of the citizenship question in France, see Sahllins 2004 and Weil 2002. The index of naturalizations compiled at the Archives Nationales in Paris and available online at (<http://www.archivesnationales.culture.gouv.fr/arn/>) shows entries for some individuals born in Saint-Domingue who were granted *réintégration dans la qualité de français*, suggesting that Elizabeth Vincent might have been able to make a claim to French nationality. I have found no indication that she did so. Louis Tinchant is listed as a grocer in the 1850 U.S. Census, Louisiana, New Orleans, Dwelling 3810, municipality 3, Ward 4, Roll 238, U.S. National Archives Microcopy M432. By 1850 his brother Joseph had returned to New Orleans from France and was working as a clerk, living with Louis and his wife (*ibid*).

19. Their marriage is indirectly documented in the marriage record of their Louisiana-born son Pierre, who was retroactively legitimated by his parents’ marriage in France. See the marriage record of Pierre Duhart and Thérèse Bonnafon, January 14, 1840, copy on microfilm 5M1230R4, Mariages, Gan, Archives Départementales des Pyrénées-Atlantiques, Pau (hereafter ADPA).

20. The purchase document, dated September 25, 1840, is Act 904, 1840, Notary Pierre Sempé, ADPA. Jules, Ernest, and Pierre Tinchant appear along with their parents in Gan, Recensement de la population (1841), Section de Bastarrous, AC Gan 1F4, ADPA. (Joseph may have been away at school.) If one follows the map in the cadastral survey, it is still possible to locate the farm, situated alongside a stream that crosses the road from Pau just outside of the town of Gan.

21. See the entry for the birth of Antoine Edouard Tinchant on December 8, 1841 in the *Registre de Naissances*, Gan, ADPA.

22. See Agulhon 1973: esp. chap. 1; Peabody and Stovall 2003; Rossi 1866–67, vol. 1: 1–12.

23. See Agulhon 1979; Sewell 1980.

24. In the May 1849 elections in Pau, the Party of Order won the plurality with 27.4 percent of the vote, though the Moderate Republicans and the Democrat-Socialists, as they were known, polled 14 percent and 18.9 percent, respectively. On this period, see Dauzié 1976–77, vol. 1, documents 6, 9, 18, and 22; vol. 2, 27. For a detailed chronology, see Agulhon 1975.

25. See his letter to the editor of the *New Orleans Tribune*, July 21, 1864. I thank Diana Williams for having called this letter to my attention.

26. *Le Mémorial* [Pau], August 31, 1852; August 25, 1853; August 26, 1854. These represented Edouard's years in the *huitième*, *septième*, and *sixième* classes. I thank Jean Hébrard for these references and for exploring the *lycée* curriculum during this period.

27. On agriculture and the economy, see Nord 1995; Soulet 2004: 321–85. For the sale, see *Vente*, Act 116, 1854, Notary Pierre Sempé, ADPA. Evidence of Jacques's loan to his older sons is found in the documents produced for a later lawsuit, *Tinchant v. Tinchant* (1881), File 2173, Cuylits papers, FelixArchief.

28. *Cohen's New Orleans Directory for 1853* 1852: 224; *Cohen's New Orleans Directory* 1855: 228.

29. Stubbs 1985; Schaepdrijver 1990: 16–17; Suykens et al. 1986: 354–418. On Joseph Tinchant's late 1856 arrival in Antwerp, see his *Vreemdelingendossier* (police registration record), Number 14046, on the microfilm collection of such records, MA, FelixArchief.

30. For the household in Antwerp, see the *Vreemdelingendossiers* and the entry for *Ruelle du Livre* in the *Burgerlijke Stand* (list of residents of the city), both on microfilm, FelixArchief. On the Louisiana residences and occupations of the three Tinchant brothers, see the 1860 U.S. Federal Census, Louisiana, Dwelling 1152 and Dwelling 1201, Ward 6, New Orleans, Roll 419, USNA Microcopy M653. On Pierre and Jules in Veracruz, see *Tinchant v. Tinchant*, 2173, Cuylits papers, FelixArchief. On tobacco in Veracruz, see González Sierra 1987.

31. The Spanish occupation of Veracruz was part of a joint British, French, and Spanish military expedition to attempt to force the Liberal regime of Benito Juárez to make immediate payment of Mexico's foreign debt. It would soon expand into the full-scale French invasion that put Emperor Maximilian in power (see Avenel 1996: chap. 3).

32. This document is copied in Edouard Tinchant's later file in Carton 127, Série D, Année 1897, Consulat, Nouvelle-Orléans, Ministère des Affaires Étrangères, Centre des Archives Diplomatiques de Nantes, France.

33. The service record of Lieutenant Joseph Tinchant is indexed in *Civil War [Union] Compiled Service Records*, Entry 519A, RG 94, reproduced on USNA Microcopy M1820. On the situation in wartime New Orleans, and Joseph's activities, see Houzeau 1984: 73n and 127–33; *New Orleans Tribune*, August 25, 1864; Ochs 2000: 1–5, 155–56.

34. *New Orleans Tribune*, August 25, 1864; Ochs 2000: 122–26.

35. This text was part of an exchange with Armand Lanusse, who had written an earlier letter to the predecessor paper *L'Union* calling on Francophone men of color to move to Mexico. The Tinchant reply is in the *New Orleans Tribune*, July 21, 1864.

36. Tinchant also wrote that Lanusse should have known that the provost-marshal of Carrollton and his own captain had reprimanded the sergeant who had arrested him and had written to the colonel to assure him that such an episode would not occur again (*New Orleans Tribune*, July 21, 1864).

37. McCrary 1978; Tunnell 1984; Foner 1988; and *Official Journal* 1867–68.

38. Anticipating the dangers from armed groups of white reactionaries, Tinchant also suggested (unsuccessfully) that only “honorably discharged soldiers who have served faithfully in the United States army during the late rebellion shall have the right and privilege of organizing themselves into regiments of volunteer militia in this state” (*Official Journal* 1867–68: 12, 22, 35, 259).

39. *Ibid.*: 84–109.

40. Rossi 1866–67, vol. 1: 1–12; Baud 1968, ii: 9–10, 45. I thank Pasquale Pasquino for discussions of Rossi’s history.

41. For the language of rights used by free people of color in Saint-Domingue, see, for example, the reference to the risks they had taken “to procure the exercise of the rights that they possess by nature” in *Concordat* 1791.

42. Under Rossi’s (1866–67, vol. 1: 1–12) tripartite distinction, those rights designated “public” were “social” because they reflected core rights of individuals in the social sphere. On the term “social equality” in political discourse in the United States, see Scott 2008.

43. *Official Journal* 1867–68: 114–18; Foner 1996; Tunnell 1984: 98, 115–20.

44. Representative Frederick Marie, a hotelkeeper born in France who represented a rural parish, similarly proposed doubling taxation upon uncultivated lands to encourage landowners to sell or lease land to laborers (*Official Journal* 1867–68: 110, 112, 116).

45. *Ibid.*: 35, 192. On the roots of Edouard Tinchant’s concerns about marriage see Scott and Hébrard 2008.

46. *Ibid.*: 117. “Public rights” as individual rights were indeed probably absent from the curriculum when he studied law, even in the famously mixed civil law/common law jurisdiction of Louisiana. When the words “public” and “rights” were used together in much of the Anglo-American tradition, they instead referred back to Blackstone, for whom public rights were something quite different (see Novak 2003: 85–119; Scott 2008).

47. Of particular interest is the 1873 Fifth District Court of New Orleans case of *Decuir v. Benson*. In the state Supreme Court, Decuir won her case against a steamboat captain who had tried to consign her to a segregated section of the ship called the “Bureau” (named, mockingly so, after the Freedmen’s Bureau). The manuscript record of the state case is docket #4829, Supreme Court Collection, Special Collections, Earl K. Long Library, University of New Orleans. This decision was later reversed on appeal to the U.S. Supreme Court as *Hall v. Decuir* 95 U.S. 485 (1877). See also Scott 2008.

48. See the entries for Edward and Louisa Tinchant in Dwelling 1310, Ward 7, Mobile, Alabama, 1870 U.S. Federal Census, Roll 31, USNA Microcopy M593. It seems likely, however, that his social identity was that of a Creole, a term which in Mobile generally implied mixed ancestry, though without the radical political associations that it often carried in New Orleans.

49. His career as a cigar maker can be followed through the volumes of the R. G. Dun and Company credit reports for Mobile, Alabama, 1868–1877, located in the Baker Library of Harvard University. For the changing content of the Republican Party platform, see *Official Proceedings* 1903. Detailed drawings of his brothers’ factories, built in 1876, are in the files of Ernest Tinchant and José Tinchant y Gonzales & Co., in the section Hinderlijke inrichtingen (Dangerous enterprises), Provinciearchief—Provincie Antwerpen, Antwerp.

50. Medley 2003; Scott 2008; Logsdon and Powell 2003.

51. For discussions of race and the 1895–99 struggles, see Ferrer 1999 and Scott 2005.

52. In the July 21, 1864, article in the *Tribune*, Tinchant wrote, “We, members of the population of color and sons of Africa, raise our voices to protest.” The pronoun “we” (*nous*) was a rhetorical substitute for “I” in formal French.

53. Dubois 2004a, 80–88, 119–20; Garrigus 2006.

54. See Dubois 2004a; James 1998.

55. Blight 2001. For evidence of Cuban participation in the Plessy challenge, see the interventions of Ramón Pagès documented in Martinet (1896); and the discussion of it in Scott 2007.

56. Gonzales was the surname of Joseph's Louisiana-born wife, Stéphanie. Collector Gerard Von Ejk graciously provided me with a copy of a lithograph from a cigar box that shows "Don José" against a background that appears to depict Havana harbor; Joseph Tinchant's descendant Philippe Struyf has similar images. See also the impressive inventory of the belongings in Joseph and Stéphanie's house in Antwerp at the time of Stéphanie's death: Inventaire, March 17, 1894, Act 86, Notary Emile Deckers, vol. 35 (1894, Jan.–April), Notariaat 12426, Rijksarchief Te Antwerpen, Antwerp. Ever the cosmopolite, Joseph Tinchant had a *mappemonde* in his bedroom and a set of the *Revue des Deux Mondes* in his library.

57. Edouard Tinchant to Máximo Gómez, September 21, 1899, sig. 3868/4161, leg. 30, Fondo Máximo Gómez, ANC. The proof copy of the label, however, is lost.

58. On Gómez's thinking, and Cuban activists more generally, see Ferrer 1999: chaps. 6, 7, and epilogue; Ibarra 1972; and Martínez Heredia 2003. The first years of the twentieth century would see continuing contention in Cuba over questions of suffrage, culture, and public rights. See Helg 1995, Bronfman 2004, and Scott 2005: chaps. 7 and 8.

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