Black Litigiousness and White Accountability: Free Blacks and the Rhetoric of Reputation in the Antebellum Natchez District

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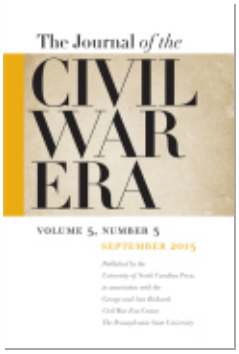

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In September 1822, Fanny, a free woman of color and former slave, appeared before the district court in Pointe Coupee Parish, Louisiana. She was suing Francois Gueho, an "evil-minded and disgraceful" white man, for libelous attacks on her reputation. Gueho, Fanny claimed, had "wickedly, willfully and maliciously slandered" her and "endangered her freedom by insisting that she is a slave." In 1805, her owner had initiated "an act of emancipation" before Alexander Leblanc, the parish court judge, and Fanny had been living as a free person for some time, as those who knew her could attest. Indeed, Archibald Haralson, a successful Princeton-educated attorney from nearby West Feliciana Parish, assisted Fanny in her lawsuit against Gueho and corroborated her claims. She behaved respectably, acted "diligently," "faithfully served" her former owner, and obeyed all "lawful commands." Nonetheless, Gueho's "acts of violence, threats and menaces" had jeopardized her reputation in the community, Fanny told the court, and caused others to question her free status. Gueho, she relayed, "intended to reduce her to slavery." He was a powerful and influential man, the "president of the Parish of Pointe Coupee." Without the court's intervention and protection, he could "greatly injure her." Fanny expected the court to hold him legally responsible for his assaults on her reputation. To that end, she requested he be summoned to court for a public accounting of his offenses against her. In addition, she asked the court to formally "adjudge" her a free woman and award her $5,000 for damages done to her reputation, plus "general relief."[1]

We do not know what the court decided in Fanny's case. Her petition and the sheriff's return requiring Gueho to appear before the court are the only surviving documents. But we can conclude that not only did Fanny—a woman and a former slave—challenge a white man in a venue typically denied her, she also aired her complaint publicly and with Haralson's endorsement. The court validated it by ordering Gueho to respond to Fanny's charges, and the community watched. Moreover, Fanny's lawsuit

indicates that she had achieved a certain degree of legal sophistication not usually attributed to an overwhelmingly illiterate people denied many legal rights. Fanny understood that she simply could not appear in court and expect to succeed without some help. She drew on a network of allies to aid her in her lawsuit, indicating that she had developed ties to local whites (including her lawyer) and activated those relationships when necessary. Finally, and, for the purposes of this essay, most importantly, Fanny took great care to cultivate her reputation in her community, and legal action against a white man was a crucial mechanism for defending her good name and protecting herself and her status as a free woman.

In recent years, scholars have paid increasing attention to various features of African Americans' legal culture and engagements with the law.[2] Much of the current historical scholarship investigating the relationship between subordinated people and the law in the nineteenth century examines the legal system from the bottom up. Rather than focusing on statutes and appellate court records as the conclusive expression of the law, scholars such as Laura Edwards, Ariela Gross, Hendrik Hartog, and Dylan Penningroth (to name but a few) have turned to the trial courts to emphasize how ordinary people (including free and enslaved African Americans, poor whites, women, the elderly, and children) participated in and shaped (directly and indirectly) legal processes in their communities.[3] Indeed, in her path-breaking examination of law and governance in the post-Revolutionary Carolinas, Edwards argues that because local authorities worked to "keep the peace" and emphasized social order and community regulation over individual rights, everyone, including domestic dependents such as wives, slaves, and children, "participated in the identification of offenses, the resolution of conflicts, and the definition of the law."[4] Another trend in the scholarship on African Americans' interactions with the legal system focuses on slaves' lawsuits for freedom.[5] Scholars such as Kelly Kennington use freedom suits as a vehicle for understanding the contributions African Americans made to the formation of the legal culture of antebellum America and the ways people of African descent leveraged that culture to influence a variety of discussions (inside and outside of the courtroom) about the meaning of slavery and freedom.[6] The literature on freedom suits further undermines the assumption that African Americans were legal outsiders.[7] Indeed, African Americans like Fanny were important players in the legal system—as participants in community governance, as litigants for freedom, and as creators of legal culture.

While these insights help explain the fact of Fanny's presence in the courts, they are less helpful for explaining the specifics of Fanny's performance: the kinds of rhetoric she used, where that language originated, and

how it was capable of activating the support of so many associated whites. Fanny was neither suing for freedom nor mobilizing the local courts to "keep the peace." She was not defining the law. Instead, she was interpreting it, searching for an immanent tension between the legal system and social relations in her community and a way to expose and exploit those tensions. She did this by engaging in the politics of reputation.

I argue that one of the main rhetorical tactics exploited by free blacks in the antebellum Natchez district of Mississippi and Louisiana was to leverage the cultural scripts of reputation in court proceedings.[8] Free blacks deployed the language of reputation strategically to gain a measure of autonomy over their lives. On certain occasions, such language could not only bolster their credibility, it could even curtail white authority. While scholars would no doubt agree that personal reputation was important in southern litigation, they nonetheless tend to interpret reputation as a thing that one *has* rather than as a malleable package of linguistic possibilities one *claims* or *manipulates*. Accordingly, current scholarship misses the ways black litigants manipulated the language of reputation and shaped the meanings of their reputations as a strategy for protecting their legal interests.[9] When making claims in court, free blacks could exploit the rhetoric of white supremacy. By highlighting their reputations as obedient, respectable, and subordinate members of the community and showing that they remembered "their place," free people of color shielded themselves from arbitrary punishments and restrictive laws. While, on one hand, they needed to demonstrate that they had acted according to their subordinate position as people of color in a slaveholders' regime, on the other hand, free blacks also negotiated the meanings of their reputations as obedient and deferential to serve their own interests. They did not always win their lawsuits or achieve their desired results. Yet by forcing whites to articulate their values in a public setting, free blacks made whites accountable to the standards of behavior they set for people of color.

More striking perhaps, race (and the performance of the tropes of subordination associated with race) was not the sole category free blacks used to claim their reputations in their communities. In other cases, litigants could craft their reputations around a factor such as property ownership, exploiting its attendant presumptions about reliability, independence, and good faith. Indeed, this could prove more important than race in determining how communities treated black litigants in the local courts. By using the language of reputation to capitalize on the tension between white southerners' commitment to white supremacy and their sometimes competing desire to safeguard private property, free people of color protected themselves, their families, and their property.

Claiborne County, Mississippi, court record conditions. Author's collection.

In this essay, I draw on trial court cases involving African Americans from Iberville and Pointe Coupee parishes in Louisiana and Adams and Claiborne counties in Mississippi in the antebellum period.[10] Researching in unpublished nineteenth-century trial court records is a process fraught with technical challenges—of location, preservation, decipherment, and analysis. Indeed, the records themselves vary considerably. They certainly look different from the published reports with which legal scholars are most familiar. They are moldy, ripped and falling apart, incomplete, and handwritten. They have suffered from war, theft, rot, fire, flood, and general neglect. The bulk are neither published nor housed in any traditional archive; instead, they are in the possession of the clerks of the courts' offices and have not been preserved, processed, cleaned, or even organized. Frequently, the records are in unlabeled boxes in basements and in sloppy piles sitting unprotected from vermin and weather in wet storage sheds on the outskirts of southern towns. Typically the records are not indexed. Docket books summarizing cases are also rare. Sometimes an entire decade of cases is missing. Because of the fragmentary nature of the records and because southern legal processes were intimately tied to local communities (making outcomes, when present, variable), quantitative analysis is problematic. Nonetheless, the extant cases reveal much about the networks free blacks formed, the language they used to petition the local courts and state legislatures, and the particular dynamics of reputation in communities throughout the Natchez district.

■ With its sprawling plantations, its enormous population of slaves, and the richest planters in the American South, the Natchez district is an unexpected place to find courts recognizing the legal claims of free blacks. The region's economy depended on slavery, and slaveholders' interests dominated politics. Natchez was home to "Forks-of-the-Road," the busiest slave market outside of New Orleans. By the second quarter of the nineteenth century, the district's slaveholders represented the largest importers of slaves in the booming domestic slave trade, and they were some of the wealthiest people in the United States. A planter ideology and culture unified slaveholders. By the 1830s, whites in the Deep South had made race "the chief mark of social distinction in the region" and instituted "a systematic ideology of white supremacy."[11]

Slavery influenced every aspect of life in the Natchez district, from the realities of everyday domination to its elaboration in the black codes of the period. Lawmakers in Mississippi and Louisiana designed legislation to maintain the institution of slavery and ensure that people of African descent enjoyed few legal rights. These laws turned slaves into property,

denied them civil and political rights, and subjected them to harsh criminal punishments. In addition, both states' laws equated free blacks with slaves in order to limit their ability to seek redress in court and burdened them with onerous administrative and registration requirements that affected their everyday lives. Mississippi and Louisiana legislators expended substantial effort to foreclose African Americans' participation in the legal system.[12]

Despite the restrictions they faced and the humiliations imposed on them, free blacks found some legal redress for wrongs done to them and debts owed to them. The local legal record in the Natchez district contains hundreds of examples of free people of color using the courts on their own behalf—sometimes successfully, sometimes not. Indeed, they had legal standing. In Louisiana, free blacks could testify against whites in both civil and criminal actions, and they had the right to trial by jury in the same courts as whites, not special tribunals reserved for people of color—enslaved or free—like much of the rest of the slave South, including Mississippi. While Mississippi denied all people of color the ability to testify against whites in either civil or criminal cases, in practice individual free black Mississippians sometimes bypassed these statutory prohibitions and sued whites and other African Americans in civil actions. Free black men in both Mississippi and Louisiana could make contracts and possess property, and they could enforce the terms of their contracts and protect their property in court. Single free women of color functioned on legal par with free black men, although once married, free wives of color faced the same legal handicaps as white wives. Moreover, free blacks were privy to a great deal of law in action. They attended monthly county courts, watched hearings and inquests, and sometimes testified in court proceedings. They swarmed the courthouse during court week. From the vantage point of the courthouse steps, free blacks observed, gossiped about, and participated in a considerable amount of legal action.[13]

In the antebellum Natchez district, where law was localized and close to the community, an individual's reputation—the community's assessment and opinion about that person—mattered in court. For free people of color, a good reputation represented a source of legal and social capital. In the face-to-face society of the antebellum American South, it was paramount. After all, antebellum southern society was, as scholar David M. Potter describes it, characterized by "personalism," a set of face-to-face, person-to-person relations.[14] In the small communities that comprised much of the Old South, very little remained private. Everyone knew or knew of most everyone else. Neighbors noticed the spendthrifts and those who worked hard to provide for their families. They observed who went to church on

Sunday and who gambled and drank to excess. They distinguished the generous from the skinflints. Despite the strict hierarchies in southern society, because community members knew one another intimately, southerners became accustomed to assessing the individual measure of a man or woman, white or black.[15] Litigants and witnesses were individuals—not the "faceless members of categorical groups" found in statutes and appellate law.[16] Thus, the interpersonal relations of small communities presented free blacks with opportunities to be evaluated as human beings—assessments dependent on personal reputation. More importantly, however, free blacks in the Natchez district leveraged and manipulated the *meanings* of those reputations to their advantage in court. In so doing, they gained a modicum of control over their lives and protected their interests.

Acquiring a good name, however, meant adhering to the standards of behavior expected of community members according to one's position in the social order. For free blacks in a slave society, this meant securing reputations as "good Negroes"—deferential, compliant, servile, and not prone to rebellion. In a culture in which the power of white planters seemed limitless, to shield themselves from the litany of charges that might be lodged against them, free blacks needed to secure such reputations within their communities. Southern laws circumscribed the lives of people of color to such a degree that local authorities could round them up and haul them into court for nearly any offense, real or imagined, from vagrancy to traveling out of state or even keeping a dog. They also faced charges for crimes of deference, such as insulting a white person or not yielding the road. When defending themselves against such accusations, free blacks needed to demonstrate that they were subservient and well-behaved. Little wonder that Nero, a free man of color jailed in Natchez for "riotous behavior," claimed that he had always demonstrated good behavior in his community and asked the court to subpoena witnesses on his behalf. He also hired William B. Griffith—a gifted lawyer and one of the leading attorneys in Natchez—to represent him. Griffith had a reputation for fair dealing and frequently represented free and enslaved blacks. After Nero and his attorney offered to post a bond guaranteeing that he would behave peacefully, the superior court judge ordered his release from jail.[17]

People of color needed powerful white allies willing to affirm in court that they were indeed well-behaved, especially as they faced increasingly restrictive laws. By the 1830s, as abolitionists' attacks on slavery intensified and slaveholders' fears of slave rebellion heightened, white southerners increasingly perceived free blacks as a threat to the social order. People of African descent, defenders of slavery claimed, were a distinct race suited only for enslavement, because it provided them with the direction,

guidance, and benevolent discipline they otherwise lacked. Slavery civilized people of color, who were not suited for the responsibilities of freedom, and kept them from descending into the savagery and debasement to which they were biologically inclined. If slavery was the natural state of people of African descent, then free blacks were an aberration and a potentially subversive, dangerous, and unsettling example to slaves.[18] Across the South, whites escalated their assaults on free black communities. These attacks were particularly prevalent in Mississippi and Louisiana. Lawmakers in both states attempted to limit—and reverse—the expansion of the free black population and enacted laws to remove them from the state. In 1831, a Mississippi newspaper conveyed the sentiment of lawmakers in the region. "If the free coloured people were removed," the paper argued, "the slaves could safely be treated with more indulgence. Less fear would be entertained, and greater latitude of course allowed. . . . In a word, it would make better masters and better slaves."[19] Local whites, however, often came to the aid of free blacks wishing to remain in the state, but only if they remembered their place. In one revealing petition, twenty-one white men reminded the Mississippi legislature that there were both "vicious and evil disposed" free people of color and those "who have spent a life here free from reproval, or even the suspicions of improper conduct." While the "unworthy" should be removed, these men insisted that the "good" blacks be protected. They wanted the legislature to allow local communities to make the distinction between loyal and disloyal—a distinction based on reputation and social relations.[20]

Successful petitions to remain in the state or to seek relief from suffocating restrictions required the backing of whites who knew the free black parties involved and could testify to their reputations. In their petitions, free people of color were careful to demonstrate that they were well behaved, peaceable, sober, obedient, and could offer something of worth to the larger community. To document their cases, free blacks presented evidence of support from whites in their neighborhood who verified their claims. When Ann Caldwell petitioned the Mississippi legislature, she gathered the signatures of dozens of white residents of Natchez and the surrounding area to support her request for a "special act of the Legislature" permitting her to remain in the state. She pledged not to become a public charge and promised to post a bond guaranteeing "her good behavior." Her neighbors valued her skills as a healer, she claimed, and she had gained her freedom by serving as a "faithful nurse" to her former mistress.[21] Similarly, thirty-three white men of Natchez petitioned on behalf of Esther Barland, a free black woman. They asked lawmakers to allow her to remain in the state due to her reputation for "great industry" and claimed that she was "much

grieved at the idea of being driven from the Land of her home and her friends to find shelter she Knows not where."[22] Both Caldwell and Barland cultivated ties of personal obligation with local whites and called on those bonds when threatened.

Having "credible" whites supporting their lawsuits certainly provided free blacks with an advantage in the courts. Yet not all white southerners' words carried the same weight. Free blacks' chances for success increased considerably if they could rally to their cause the most powerful white men in the community. William Hayden gained the assistance of John Minor, a cotton planter and member of one of the most prosperous and respected families in Mississippi, when he petitioned the Mississippi legislature to allow him to remain in the state. Hayden, a free black barber in Natchez, claimed that the Mississippi act forcing free blacks to leave the state would "produce absolute ruin to his prospects." He had gained "an honest livelihood for himself" through his "sobriety and good conduct," he insisted, as "those who knew him could affirm." His reputation for "honesty," "fidelity," and "obedience to the laws of the state" made him an ideal candidate for remaining in Natchez. He owned property and ran a successful business, he asserted. But because he was in constant danger "of being driven from his home," he wanted "a special act exempting him . . . from removal from the state." Moreover, he claimed that he could produce "testimonials of his good character and honesty . . . sobriety and good conduct." Minor supported Hayden's petition and claimed to "have knowledge of [his] character" and could "testify to his honesty." According to Minor, Hayden's good name made him a "fit subject" of Mississippi. He recommended that the legislature allow Hayden to remain a resident of the state. Calling on Minor to support his reputation as a sober, industrious, and honest businessman was an effective strategy. Hayden's reputation protected him from "ruin" and shielded him from restrictive legislation in a social order in which the nearly unlimited power of white slaveholders could run roughshod over his "prospects."[23]

Many of the restrictive laws free blacks faced were locally negotiated and only partially enforced. Local authorities' lack of systematic enforcement was deliberate. Free blacks traveling to other counties or keeping dogs did not always face criminal charges; they did not always have to petition to remain in the state. For instance, William Johnson, a free black barber living in Natchez, did not have to present petitions to the local courts or the state legislature asking to stay in Mississippi. His reputation as a fair-minded businessman, slaveowner, and friend to influential white men had earned him and his family an elevated and protected position in the larger Natchez community. Indeed, the day after Johnson's death in June 1851,

a Natchez newspaper, the *Courier*, printed a tribute extolling his good reputation. It portrayed Johnson as a man with a "peaceable character" and in "excellent standing" in the community. Johnson held "a respectable position on account of his character, intelligence, and deportment." The "most respected citizens" of Natchez attended his funeral, the newspaper claimed, and Reverend Watkins of the Methodist church insisted that Johnson's "example [was] one well worthy of imitation by all of his class." Indeed, Johnson's "peaceable character" shielded him from persecution.[24] Despite their interest in establishing a clear bulwark to protect white authority and uphold white supremacy, white southerners enforced the law selectively. Laws demanding deference or restricting free blacks' movements existed to remind people of color of their place within southern society. The deferential might be exempt, but if a black person misbehaved in some way, whites could call on the law to punish the transgressor.

Thus, when whites supported free blacks' use of reputation as a protective strategy, they often did so on their own terms. Cultivating relationships with powerful white allies meant that free blacks had to behave in ways expected of them as subordinated people within the southern social order. The need to maintain good reputations forced free blacks to adhere to the standards whites set for them. A bad reputation and lack of support from local whites could have devastating consequences, as Lewis Burwell found in 1822 when the magistrates' court in Natchez found him guilty of "being a free negro" and refusing to leave the state of Mississippi. Because Burwell could not post a $600 security bond guaranteeing his "good behavior" and because he did not leave the state after thirty days when ordered to do so, the court ordered his sale as a slave to the "highest bidder." No one came to Burwell's aid. On the contrary, it appears that the whites in Natchez were anxious to be rid of him; he had a poor reputation among slaveowners. In 1818 the court twice found him guilty of selling liquor to slaves without their masters' permission, and in 1819 it charged him with assaulting a slave belonging to David Eliot, a local slaveholder. Without white allies willing to come to his aid to confirm his value to the community, Burwell was enslaved.[25] His enslavement points to the precarious position of many free blacks; survival meant behaving appropriately and proving oneself worthy of the support of white southerners and putting oneself in the position to exploit the rhetoric of servility to support one's case. Burwell did neither and paid the price.

Yet when building a case for their good reputations in court, free blacks also made white southerners accountable to the standards of behavior whites set for people of color. They compelled whites to articulate their values in a public setting—the courthouse—and they reminded whites to

honor those principles when seeking white support. While they may have needed white allies, free black litigants were the prime movers behind their cases. White men like William B. Griffith and John Minor acted at the behest of free blacks like William Hayden and Ann Caldwell. When calling on their white neighbors to come to their aid and testify to their reputations as "good Negroes," free blacks forced white southerners to uphold their ends of the bargain.

What is more, free blacks deliberately deployed the language of white supremacy in the service of their own interests. The tropes of subordination—deference and obedience—that free people of color performed in court proceedings gave them legal legitimacy. They used the stereotypes of the "good Negro" as a rhetorical (and legal) strategy—a strategy that granted them additional autonomy over their lives and safeguarded their interests. Free blacks knew enough about the local legal process to frame their petitions in ways that would help guarantee their legal success. That their petitions shared a similar formulaic quality in both tone and text suggests the formula was a recipe free blacks (and their lawyers) knew well. They used their reputations for being obedient, peaceable, and industrious to protect themselves, their families, and their property and negotiated the meanings of those reputations on their own behalf. In so doing, free people of color kept white power within the boundaries of its own promises and rhetoric rather than allowing it to be total.

■ Whites did not give up their power easily, however. Sometimes whites in the Natchez district used the law to limit free blacks' ability to call on the cultural scripts of reputation and betrayed the standards of behavior they set for people of color—especially if those standards threatened white authority. In 1838, Baton Rouge authorities arrested John Motton, a free black man, for heatedly screaming insults at the town's executioner while witnessing the public hanging of two slaves in the town square. In his petition for a writ of habeas corpus and release from jail, Motton admitted using "language strongly disapproving of the cruel manner in which the executioner did his duty." His anger originated from "the excitement of the moment, when the feelings of all bystanders were outraged." Understanding the gravity of the charges against him for breaching the peace and insulting a white man in the presence of others, Motton assured the district court judge that he had not used "imprudent or disrespectful expressions towards any officers on duty—or towards any other white man." His quarrel was with the executioner. A "bad feeling" existed between the two men. The arrest baffled Motton, because in his view he had behaved as he should have done. He only insulted the hangman, he insisted, as did the

rest of the crowd. Indeed, executioners routinely faced insults and had bad reputations in their communities because of the infamy of their profession. Executioners, like debt collectors, ran a high risk of verbal abuse and even physical assault because of the nature of their duties.[26] Ritual excoriation of the executioner, then, was acceptable conduct, even for a free black man. The concern, however, was not simply that Motton had insulted the hangman; rather, he was arrested for "abusing the executioner in the presence of slaves."[27]

Motton's insulting language toward a white man in the presence of slaves raised the hackles of the other white bystanders because it betrayed commonly acknowledged racial and social hierarchies. One white man who witnessed the incident, William Jackson, claimed that Motton "used language rebellious in its tendency, & calculated to destroy that line of Distinction which exists between the several classes of the community of this state." With this statement to the court, Jackson revealed his apprehension about the power and reach of Motton's words. By publicly challenging a white man and calling him a "damned rascal [who] ought to be hung," Motton encouraged disrespect and even insurrection. Encouraging slave rebellion was punishable by death. The judge denied Motton's habeas request because of the insubordinate and mutinous example he had offered to enslaved bystanders.[28]

By insulting a white man, Motton also broke the law, and in this instance white officials enforced it. A black person's insult of or failure to show respect to a white person was a crime in Louisiana. "Free people of color ought never to insult or strike white people, nor presume to conceive themselves equal to whites," the law provided, "but on the contrary, they ought to yield to them in every occasion, and never speak or answer to them but with respect, under the penalty of imprisonment, according to the nature of the offense."[29] Elaborate laws that criminalized blacks' speech and demanded deferential behavior reinforced the racism that accompanied slavery's entrenchment in the antebellum Deep South and the distancing of whites and blacks. The development of a rigid racial ideology and efforts to make "whiteness" synonymous with freedom and "blackness" with slavery depended on the everyday practice of racial difference. With his affidavit, Jackson reminded Motton of his inferior standing within southern society.

While laws demanding deference reinforced racial boundaries, they also betrayed the uneasiness of white lawmakers and their white constituents about African Americans' speech and the place of free blacks within a slave society. When white southerners prosecuted blacks for insulting whites, they revealed their anxiety about the impact and scope of African

Americans' words. By claiming that Motton's actions were "calculated to destroy that line of Distinction which exists between the several classes of the community," Jackson implicitly acknowledged that Motton had the power to upset racial hierarchies. Motton may not have achieved the results he desired when he petitioned the court for his release from jail, but his actions reminded white southerners of his words' influence and potential danger.

Moreover, that the court adjudged him guilty does not obscure the fact that he participated in a legal system in which he had a voice. Yet in that moment in the town square, Motton believed he could speak up not only because the local legal culture provided him with opportunities to do so but also because he believed that he had, in fact, behaved appropriately. By insisting that *everyone* insults the hangman, Motton attempted to make white authorities accountable to the standards they set for acceptable behavior.

Some free blacks were remarkably blasé about the charges against them and relied on whites' selective enforcement of the law. For instance, on April 18, 1833, the district court in Iberville Parish, Louisiana, charged Jean Fleming, a free black man, with insulting Dr. Alexander Byrenheidt, a white man. Fleming, Byrenheidt told the court, approached him on horseback along a public road in Iberville Parish and "unlawfully, willfully, maliciously insulted him . . . in a loud voice and with violent and menacing hand gestures." Fleming continued to "abuse and vilify Byrenheidt in an angry, violent, and overbearing manner" and "threated to kill him by blowing out his brains." Fearful for his life, Byrenheidt fled on his horse while an armed Fleming "pursued him for a considerable distance," screaming insults and threats and "waiving a loaded pistol." Fleming, however, viewed the charges against him as a waste of his time. Indeed, he responded to Byrenheidt's accusations by explaining that because he had important business in New Orleans that required his immediate attention he would not be available to appear in court for such inconsequential matters. He claimed to have several witnesses from both Iberville Parish and New Orleans who would "testify that he has always been a peaceable and well-disposed person and particularly well-disposed and respectful to the white population of the state." Indeed, he listed several white men who would support his reputation as a calm and reverent man. In addition, four white men offered to act as security for him, guaranteeing that he would treat Byrenheidt courteously in the future.[30] The outcome of the case is missing from the record, but it appears that Fleming was right to view the charges as trivial. He was never arrested for insulting Byrenheidt. That white authorities selectively enforced the law gave him peace of mind. Moreover, Fleming did not

simply use the rhetoric of servility to respond to Byrenheidt's accusations; he also used the language of property and wealth.

■ Petitions like William Hayden's and Ann Caldwell's reveal the ways free blacks manipulated the meanings of their reputations as "good Negroes" and exploited the rhetoric of white supremacy and servility to protect themselves and their interests. Yet free blacks also moved beyond the tropes of deference when leveraging the cultural scripts of reputation in court. Factors such as property ownership sometimes proved more important than race when determining how Natchez district communities assessed reputation. Indeed, race (and the performance of the qualities associated with one's race) was not the sole determinant of someone's reputation or position in his or her community. Instead, a person's reputation could be multiple, varied, and contested. The rhetoric of servility (obedience and deference) conveyed blackness—and subordination. But this language was also unstable, as the litigation between Antoine Lacour, a free black planter from Iberville Parish, Louisiana, and the overseer of his plantation, a white man, suggests.

Lacour's reputation as a responsible, independent property owner provided him with the necessary leverage to defeat white men in court repeatedly. Lacour was a wealthy landholder. In 1830, his household consisted of eighteen slaves.[31] Like white men of similar financial standing, he bought and sold land, slaves, and other property, ginned cotton, rented out bondsmen, and, when he went to court, hired white attorneys to represent him. Lacour's illiteracy did not bar him from legal action. He made extensive use of the legal system to increase his wealth, protect it, and bequeath it to others. Between 1831 and 1844, Lacour was embroiled in at least nine lawsuits—all but one involved litigation against white men. He won each case.[32] In early 1838, he hired a white man, Weyman Ingledove, to serve as overseer on his cotton plantation. A slaveowning free black planter who employed a white overseer was a rare figure in the antebellum South. This curious arrangement, however, lasted less than a year; between 1839 and 1840, Ingledove sued Lacour four times, twice for back wages and twice for slandering him as a horse thief. He even attempted to have Lacour arrested. Ingledove's persistent pursuit of Lacour proved a costly mistake, as he lost each case. Although Lacour could not serve on a jury, hold office, vote, or participate in a number of other civic acts reserved for white men, he repeatedly defeated Ingledove.

In late summer 1839, Lacour's legal troubles with his overseer began when Ingledove sued him for back wages. In his petition to the Iberville parish court, Ingledove claimed that Lacour had hired him in April 1838

to serve as a "Labourer and overseer" on his plantation for a "term of nine months." According to Ingledove, near the end of the contract, Lacour evicted Ingledove from his plantation and refused to pay him. Lacour intended to depart Louisiana, Ingledove claimed, "without leaving sufficient property to satisfy the judgment which he suspects to obtain against him." Witnesses for Ingledove (one of whom Lacour had sued successfully in 1831) testified that Lacour planned to sell his property for $100,000 and go to France where "Negros" had "rights" and "were admitted as Generals in the Armies." Ingledove wanted Lacour "arrested and confined" to ensure that he would not flee the state. In early December 1839, the parish judge ordered Lacour's arrest but suspended the warrant shortly thereafter when Lacour denied the charges against him and filed a motion to dissolve the arrest. While Ingledove (and witnesses for him) repeatedly used the language of race to refer to Lacour (reminding the court that Lacour was a "Negro" who sought the same "rights" as whites), Lacour used the language of property and wealth. Indeed, Lacour admitted that he planned to move to France, but he claimed that he had "plenty of . . . slaves, movables and credits" in Louisiana, enough to "satisfy" Ingledove's "demand."

In the trial that followed, witnesses established the source of the men's disagreement. Some months prior, Lacour had lent Ingledove a horse and sent him, in his capacity as overseer, in search of runaway slaves. When Ingledove returned fifteen days later without the horse, claiming he had lost it, Lacour had terminated his employment and refused to pay him unless he returned the missing horse. After listening to the witnesses' testimony, the parish court judge ordered Lacour to subtract the value of the horse—some $50—from the $200 he still owed Ingledove. Lacour swiftly appealed, claiming that Ingledove's theft of his horse justified terminating his employment without pay. Two months later, the district court in Plaquemine overturned the parish court's decision and dismissed Ingledove's case entirely.[33]

The controversy between the two men was not over. In the spring of 1840, Ingledove sued Lacour twice more, this time for slandering him as a horse thief. In both of his defamation lawsuits, Ingledove professed himself a man "of irreproachable honesty, character, and reputation" and "a good neighbor and good friend." Notably, he used rhetoric similar to that employed by Fanny and other free blacks and claimed to exhibit "harmless and inoffensive deportment toward all and every persons." Despite these qualities, Lacour had "falsely, maliciously, and slanderously" accused him of dishonesty and of stealing and then gambling away his horse. These accusations "render him contemptible and suspicious to the public and . . . deprive him of his honest reputation," he lamented. Lacour also had made

threats against Ingledove in "both the English and [F]rench languages" and had warned that if he approached his plantation again, he would "shoot him & make his negroes throw his dead body in the river." The district court dismissed the first lawsuit because of lack of evidence, requiring Ingledove to pay court costs and nonsuited him (fined him for filing an inadequate case) in the second.[34]

Lacour's success hinged on both men's reputations in their community. Each summoned witnesses to testify on his behalf. Community members frequently provided the court with verbal accounts of the controversies at hand, descriptions of physical evidence, opinions about the circumstances of a given case, and personal opinions about the litigants involved. The community constituted a discriminating audience—weighing in, providing information, and passing judgment. Such testimony shaped the outcome of a case.[35]

In many ways, Ingledove faced an uphill battle when he sued Lacour. While white men had the greatest claim to a good reputation as a result of their superior position in the southern hierarchy, formal determinants such as race and gender did not fully define a person's status. Indeed, Lacour's race was not the only factor determining his place in his community. Although a black man, he had significant influence because of his position as a wealthy planter and slaveowner. Despite Lacour's race, his neighbors and acquaintances professed respect for him and his capacity as a fair-minded and self-sufficient householder. Because he performed effectively the qualities expected of a man of his economic stature—honesty, rationality, reliability, and independence—he enjoyed an elevated status, which provided him with additional leverage in court.

For Lacour, cultivating a good reputation did not mean behaving deferentially. He had to act decisively. Proving himself worthy to his white neighbors meant demonstrating the willingness to protect his property, both in and out of court. Propertied white men probably would not respect another man who did not safeguard his property, and they would not respect a man who allowed his overseer to steal from him. By custom and law, southern men handled the economic aspects of their households. Part of being a competent householder meant prudently managing one's property; to demonstrate that they were capable of heading households and able to handle the responsibilities of freedom, free black men had to go to court to defend themselves and their livelihoods.

Not a single witness, however, uttered a word in favor of Ingledove's character or reputation, even those who testified on his behalf. One even reported rumors of Ingledove's gambling as an explanation for the alleged horse theft. Thieves had particularly ignoble reputations in southern

society; to be called a thief implied a lack of trustworthiness. In a face-to-face culture in which a man was known by his word and many were illiterate, charges of dishonesty could not be left uncontested; trust was essential. Lenders often extended credit on little more than a handshake or the borrower's oral promises to pay the debt. A damaged reputation might result in the loss of crucial sources of livelihood and opportunities for employment. Charges of theft, fraud, gambling, and dishonesty could have ruinous consequences and jeopardized a man's position in his community.[36] With his social and economic standing on the line, as well as his prospects for future employment, Ingledove could not afford to disregard such an allegation. Ignoring an accusation of theft was tantamount to admitting that it was true.

Worse, by calling him a thief, Lacour publicly shamed and dishonored Ingledove. In so doing, he damaged Ingledove's reputation. Notions of honor held a central social and cultural place in the slaveholding South, and white men were especially sensitive.[37] Accusing a man of being a dishonest and unprincipled thief was a serious offense; it was the worst insult of all.[38] But to be denounced as a thief by a black man was a particularly humiliating offense to a white man, as Ingledove claimed when Lacour accused him of horse theft. Ingledove felt the sting of his accuser's words all the more sharply because his defamer was black. Indeed, Ingledove repeatedly (and indignantly) reminded the court that Lacour was a "man of color."

Lacour's accusations of dishonesty and theft were not the sole threats to Ingledove's reputation. Whatever his economic stature, Lacour was still a black man, and Ingledove was white. The danger derived from the repetition of Lacour's words. Lacour's version of events gained additional credibility as propertied white men repeated it. Because of the superior social standing of white men of property, their voices and opinions were thought inherently more believable and authoritative than those of all others.[39] Repetition among reliable and impartial white men thus validated the accusation of theft. Lacour's allegation became, in nineteenth-century parlance, the "common fame" or "common report." It became fact. In each of the trials involving the two men, no one questioned whether Ingledove had stolen Lacour's horse; all assumed he had. Once Lacour's words circulated among whites, they attained power—the power to dishonor a white man before other white men.

Lacour's position among his neighbors, his ability to speak, and his use of the local courts to protect his interests was not determined solely by his being a man of color in a slaveholder's regime. As a landholder with a reputation for rationality, independence of mind, fair-dealing, and

self-sufficiency, he was expected, by the members of his community, to act decisively rather than deferentially. Property ownership, more than race, determined his status in his community.

What is more, by describing himself as "harmless," "inoffensive," and well-behaved, Ingledove echoed the rhetoric of servility used by free blacks like Fanny—a racialized language that implied blackness and dependence. But it is striking that Lacour did not. Instead, he utilized the language of property, a rhetoric that implied whiteness and independence. The rhetoric of reputation, then, was not always stable, and free blacks capitalized on that.

Lacour was not unique. Free blacks repeatedly used their reputations as responsible property owners and creditors (coupled with their ties to their communities) to sue whites and other African Americans to enforce the terms of their contracts, recover unpaid debts, recuperate back wages, and claim damages for assault. They sued in conflicts over cattle, land, slaves, and other property, for divorce, and to adjudicate a number of other disagreements.[40] Some, like Lacour, even sued whites repeatedly. For example, when Rachel, Elizabeth, and Ellen Rapp, all free black women, successfully sued John Fletcher, a white man, in Louisiana for a $500 debt, he fled to Mississippi to avoid repaying them. They pursued him doggedly from New Orleans to Natchez. Once in Mississippi, the three women sued him again, this time receiving a second judgment for $800 plus interest and court costs—$300 dollars more than the first verdict.[41]

Suing whites, of course, was dangerous. Free blacks risked appearing insolent. When initiating lawsuits, they needed to strike a delicate balance between deference and self-assertion. They could not forget their position within a southern racial order dedicated to white supremacy, but their very survival might mean using the courts to protect themselves, their families, and their property. Indeed, having the courage to seek redress in court against a white person might have added to their stature and increased their standing in their communities, especially since courts often found in favor of black litigants.[42]

Part of free blacks' legal success relied on contradictions within whites southerners' competing ideological beliefs. On one hand, whites wanted to protect their supremacy, but they also valued private property. Free blacks exploited the tension between whites' interests in controlling people of African descent and their dedication to private property, and in so doing, they created a zone of protection for themselves. Whites, then, were caught in a bind of their own making.[43]

When free blacks went to court in the antebellum Natchez district, they did so as skilled litigators, despite their limited legal rights and exclusion

from formal politics. Through their litigiousness, free blacks exploited a local culture of law and governance in which they had a voice. They depended on their ability to leverage the cultural scripts of reputation and their ties to their community to defend themselves and improve their situations. They were individuals—not anonymous black faces—in a legal system intimately connected to the community. Free blacks made their communities accountable to the standards of conduct whites set for people of color and used those standards to their advantage. In so doing, they kept white authority in check. Free blacks were not strangers to the courts. They resided at the center of antebellum southern legal culture—as the objects of white concerns about social control and racial hierarchy *and* as active protectors of their own interests. Their litigation indicates that the legal system was not solely the province of the elite. On significant occasions, even in a slave society, it could serve it as a tool of the subordinated.

NOTES

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1. The final outcome of Fanny's lawsuit is not known. *Fanny v. Gueho*, Records of the Fourth Judicial District Court, #539, Pointe Coupee Parish Clerk of the Court, New Roads, Louisiana, 1822.

2. In particular, the scholarship on slavery and the law has thrived. For some examples, see Alan Watson, *Slave Law in the Americas* (Athens: University of Georgia Press, 1989); Andrew Fede, *People without Rights: An Interpretation of the Fundamentals of the Law of Slavery in the U.S. South* (New York: Garland, 1992); Judith Kelleher Schafer, *Slavery, the Civil Law, and the Supreme Court of Louisiana* (Baton Rouge: Louisiana State University Press, 1994); Thomas D. Morris, *Southern Slavery and the Law, 1619–1860* (Chapel Hill: University of North Carolina Press, 1996); Philip J. Schwarz, *Slave Laws in Virginia: Studies in the Legal History of the South* (Athens: University of Georgia Press, 1996); Jenny Bourne Wahl, *The Bondsman's Burden: An Economic and Historical Analysis of the Common Law of Slavery in the United States* (Cambridge: Cambridge University Press, 1998); Ariela J. Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton, N.J.: Princeton University Press, 2000); Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge, Mass.: Harvard University Press, 2001); Dylan C. Penningroth, *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 2003); Mark V. Tushnet, *Slave Law in the American South: State v. Mann in History and Literature* (Lawrence: University Press of Kansas, 2003); Andrew Fede, *Roadblocks to Freedom:*

Slavery and Manumission in the United States South (New Orleans: Quid Pro, 2011); and Robert J. Cottrol, *The Long Lingering Shadow: Slavery, Race, and the Law in the American Hemisphere* (Athens: University of Georgia Press, 2013). See also *Law and History Review* 29 (November 2011), a special issue on law, slavery, and justice. There is also considerable new work on the relationship between African Americans and the law in the post-Emancipation South. For instance, Dylan Penningroth's current book project investigates African American litigants in the civil courts in four states (southern and northern) and the District of Columbia in the post–Civil War era. See also John W. Wertheimer, *Law and Society in the South: A History of North Carolina Court Cases* (Lexington: University Press of Kentucky, 2009); and Melissa Milewski, "From Slave to Litigant: African Americans in Court in the Postwar South, 1865–1920," *Law and History Review* 30, no. 3 (August 2012): 723–70.

3. For example, see Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009); Gross, *Double Character*; Hendrik Hartog, *Man and Wife in America: A History* (Cambridge, Mass.: Harvard University Press, 2000); Hendrik Hartog, *Someday All This Will Be Yours: A History of Inheritance and Old Age* (Cambridge, Mass.: Harvard University Press, 2012); and Penningroth, *Claims of Kinfolk*. For an excellent discussion of the range of possibilities for examining slave law from the bottom up, see Ariela J. Gross, "Reflections on Law, Culture, and Slavery," in *Slavery and the American South*, ed. Winthrop D. Jordan (Jackson: University of Mississippi Press, 2003), 57–82.

4. Edwards, *People and Their Peace*, 7.

5. In particular, see Kelly M. Kennington, "In the Shadow of *Dred Scott:* Freedom Suits and the Development of Slaves' Legal Culture," book manuscript in progress. See also Fede, *Roadblocks to Freedom*; Keila Grinberg, "Freedom Suits and Civil Law in Brazil and the United States," *Slavery and Abolition* 22, no. 3 (December 2001): 66–82; Judith Kelleher Schafer, *Becoming Free, Remaining Free: Manumission and Enslavement in New Orleans, 1846–1862* (Baton Rouge: Louisiana State University Press, 2003); Anne Silverwood Twitty, "Slavery and Freedom in the American Confluence: From the Northwest Ordinance to *Dred Scot*" (PhD diss., Princeton University, 2010); and Lea VanderVelde, *Redemption Songs: Suing for Freedom* (New York: Oxford University Press, 2014). Other scholars take a more transnational approach and focus on the shifting nature of personal status as individuals moved from one legal jurisdiction to another. See Rebecca J. Scott, "Paper Thin: Freedom and Re-enslavement in the Diaspora of the Haitian Revolution," *Law and History Review* 29, no. 4 (November 2011): 1061–87. See also Martha S. Jones, "Time, Space, and Jurisdiction in Atlantic World Slavery: The Volunbrun Household in Gradual Emancipation New York," *Law and History Review* 29, no. 4 (November 2011): 1031–60. On freedom suits and slaves' claims-making in colonial Mexico, see Brian P. Owensby, "How Juan and Leonor Won Their Freedom: Litigation and Liberty in Seventeenth-Century Mexico," *Hispanic American Historical Review* 85, no 1 (February 2005): 39–79; on slaves' claims-making in colonial Lima, see Michelle McKinley, "Fractional Freedoms: Slavery, Legal Activism, Ecclesiastical Courts in Colonial Lima, 1593–1689," *Law and History Review*

29, no. 3 (August 2010): 749–90; on Cuba see, Alejandro de la Fuente, "Slave Law and Claims-Making in Cuba: The Tannenbaum Debate Revisited," *Law and History Review* 22, no. 2 (Summer 2004): 330–69.

6. Kennington, "In the Shadow of *Dred Scott*."

7. Although the scholarship on the legal claims-making of enslaved African Americans has flourished in recent years, much less is known about the legal claims of free blacks in the antebellum South. Martha Jones's excellent essay on free people of color in Maryland is a notable exception. In her investigation of free blacks' applications for travel permits in antebellum Baltimore, Jones found that African Americans played a central role in the development of antebellum American legal culture. Moreover, these "everyday disputes" informed much broader debates about citizenship, freedom, and rights. See Martha S. Jones, "Leave of Court: African American Claims-Making in the Era of Dred Scott v. Sanford," in *Contested Democracy: Freedom, Race, and Power in American History*, ed. Manisha Sinha and Penny Von Eschen (New York: Columbia University Press, 2007), 54–74. Emily West's recent book examines instances in which free people of color petitioned their state legislatures and county courts for enslavement or reenslavement in order to shed light on the lengths free blacks went to maintain their families. See Emily West, *Family or Freedom: People of Color in the Antebellum South* (Lexington: University Press of Kentucky, 2012).

8. The Natchez district is the plantation region along the Mississippi River between Vicksburg, Mississippi, and Baton Rouge, Louisiana. By focusing on Mississippi and Louisiana, this essay investigates both common-law and civil-law regimes. Like much of the United States, Mississippi followed the Anglo-American common-law tradition. As a result of Louisiana's civil-law history stemming from the French and Spanish colonial periods, Louisianans conceived of legal issues differently than did their common-law counterparts elsewhere in the United States. They adhered to a written code of law rather than a legal system based on case decisions made by judges. Despite Louisiana's civil-law heritage, I have found that the disputes involving African Americans in the Louisiana courts were similar to those in the common-law regime of Mississippi.

9. A number of scholars have explored the importance of personal reputation in the nineteenth-century southern courtroom. For instance, Laura Edwards has noted that all southerners (including African Americans, white women, and children) could attain the reputation in their community (or "credit," as Edwards describes it) necessary to bring information to court and be believed (whether as a witness, petitioner, or defendant) by demonstrating that they had acted according to their proscribed place in the southern hierarchy. See Edwards, *People and Their Peace*, chap. 4. See also Kirt von Daacke, *Freedom Has a Face: Race, Identity, and Community in Jefferson's Virginia* (Charlottesville: University of Virginia Press, 2012). Others have pointed to the ways the actions of enslaved people could damage the reputations of their owners and thus determine the outcomes of lawsuits. See Gross, *Double Character*; and Anne Twitty, "The Court of Public Opinion? Masters, Slaves, and Character Evidence in the St. Louis Circuit Court's Freedom Suits" (paper presented at the annual meeting of the American Historical Association, New Orleans, Louisiana, January 3–6, 2013). In addition, Kelly Kennington demonstrates that a reputation for living as a free person in one's

community could influence the outcome of a freedom suit. See Kelly Kennington, "'Just as Free as You Are': Individual Lives, Local Communities, and the Establishment of Freedom in the Law" (paper presented at the annual meeting of the American Society for Legal History, St. Louis, November 8–11, 2012). While important, this scholarship does not explore the full range of possibilities available to free blacks for exploiting (and transforming) the meanings of their reputations to their advantage in court.

10. The bulk of these records involve African American plaintiffs and defendants in civil actions (about one thousand cases). My dataset includes free blacks' lawsuits against both whites and other African Americans to enforce the terms of their contracts, recover unpaid debts, recuperate back wages, claim damages for assault, and adjudicate a number of other disagreements. My dataset also includes some criminal actions, but in the courthouses in which I conducted my research, very few criminal records involving free blacks have survived. I found about sixty criminal actions involving free people of color, and most of those are from Adams County, Mississippi (where the records have been better preserved).

Of the Natchez district counties and parishes, I chose Adams and Claiborne counties and Iberville and Pointe Coupee parishes because the trial court records from the antebellum period still exist in these locations. This is unusual. Many southern courthouses burned to the ground during the Civil War or experienced floods that destroyed the early records. In other counties in the region, I found that court employees sometimes threw away or burned old records because of the lack of storage space. Even in the four locations that I selected for my research, the extant records are in danger of disappearing. They are not kept in traditional, climate-controlled archives; most are in the possession of the clerk of the court. In Claiborne County, Mississippi, for instance, the trial court records are still tri-folded and housed in the same drawers they were placed in long ago (drawers that were then painted shut). The cases are in no specific order; cases from 1818 might be filed with cases from 1879. With the exception of the clerk, none of the employees in the Claiborne County clerk's office even know of the existence of these records.

To supplement my dataset of cases from these four locations, I also examine county court records from nearby parishes held in the Race and Slavery Petitions Project at the University of North Carolina, Greensboro. In addition, this essay examines free blacks' petitions to their state legislatures seeking permission to remain in the state or to receive relief from restrictive legislation. Finally, I examine extra-legal sources such as newspapers and family papers—records that provide a valuable window through which to view the broader matrix of free blacks' legal claims.

11. Lacy K. Ford, *Deliver Us from Evil: The Slavery Question in the Old South* (New York: Oxford University Press, 2009), 10. There is a voluminous historical literature on the Lower Mississippi Valley in the nineteenth century. For some examples, see Ronald L. F. Davis, *The Black Experience in Natchez, 1720–1880* (Denver: U.S. Department of the Interior, National Park Service, 1993); Gross, *Double Character*; Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge, Mass.: Harvard University Press, 2013); Anthony E. Kaye, *Joining Places: Slave Neighborhoods in the Old South* (Chapel Hill: University of North Carolina Press, 2007); John Hebron

Moore, *The Emergence of the Cotton Kingdom in the Old Southwest: Mississippi, 1770–1860* (Baton Rouge: Louisiana State University Press, 1988); Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (Cambridge, Mass.: Harvard University Press, 2005); Joshua D. Rothman, *Flush Times and Fever Dreams: A Story of Capitalism and Slavery in the Age of Jackson* (Athens: University of Georgia Press, 2012); and Michael Wayne, *The Reshaping of Plantation Society: The Natchez District, 1860–80* (Urbana: University of Illinois Press, 1990).

12. Ira Berlin, *Slaves without Masters: The Free Negro in the Antebellum South* (New York: Pantheon, 1974), chap. 10; Donald G. Nieman, *Promises to Keep: African-Americans and the Constitutional Order, 1776 to the Present* (New York: Oxford University Press, 1991), 26–29; Charles S. Sydnor, "The Free Negro in Mississippi before the Civil War," *American Historical Review* 32, no. 4 (July 1927): 769–88; and H. E. Sterkx, *The Free Negro in Ante-Bellum Louisiana* (Rutherford, N.J.: Fairleigh Dickinson University Press, 1972).

13. For a discussion of African Americans' frequent observation of hearings, trials, and inquests, see Laura F. Edwards, "Status without Rights: African Americans and the Tangled History of Law and Governance in the Nineteenth-Century U.S. South," *American Historical Review* 112 (April 2007): 365–92.

14. David M. Potter, *The South and the Sectional Conflict* (Baton Rouge: Louisiana State University Press, 1968), 16.

15. On the importance of personalism to free blacks, see especially von Daacke, *Freedom Has a Face*; and Michael P. Johnson and James L. Roark, *Black Masters: A Free Family of Color in the Old South* (New York: Norton, 1986), 96–97.

16. Edwards, *People and Their Peace*, 102.

17. *State of Mississippi v. Nero*, Adams County, Mississippi, 1818, Records of the Circuit Court, Habeas Corpus Files, box 1, Courthouse Records Project, Historic Natchez Foundation (hereafter CRP, HNF), Natchez, Mississippi. William Griffith commanded respect in Natchez and throughout the state. He ran a successful law practice and had several prominent partners, including John A. Quitman, a man who would later serve as the governor of Mississippi and as a judge on the High Court of Errors and Appeals. Griffith represented dozens of free and enslaved blacks in cases that ranged from criminal actions to lawsuits for freedom. Representing people of color did not appear to affect his reputation. For other instances in which Griffith represented African Americans, see *Elias v. Bell*, Adams County, Mississippi, 1818, Records of the Circuit Court, Group 1810–19, box 35, file 124, CRP, HNF; *de la Croux v. Reinhart*, Adams County, Mississippi, 1822, Records of the Circuit Court, Group 1820–29, box 13, file 77, CRP, HNF; and *Smith v. Welsh*, Adams County, Mississippi, 1827, Records of the Circuit Court, Group 1820–29, box 51, file 77, CRP, HNF.

18. On the narrow space for free blacks within the positive good theory of slavery, see Berlin, *Slaves without Masters,* 188–95.

19. *Natchez*, March 5, 1831, quoted in Virginia Meacham Gould, *Chained to the Rock of Adversity: To Be Free, Black, and Female in the Old South* (Athens: University of Georgia Press, 1998), xxx.

20. Petition of H. L. Foules et al. to the Mississippi State Legislature, 1859, in *Race, Slavery, and Free Blacks* (hereafter *RSFB*), ser. 1, *Legislative Petitions* (Bethesda, Md.: University Publications of America, 1998), Microfilm edition, Petition Analysis Record (hereafter PAR) #11085912.

21. Petition of Ann Caldwell to the Mississippi State Legislature, in *RSFB*, ser. 1, *Legislative Petitions,* PAR #11085923. See also Petition of Agnes Earhart to the Mississippi State Legislature, in *RSFB*, ser. 1, *Legislative Petitions*, PAR #11085911. On free blacks petitioning to remain in the state and securing the support of white allies by acting respectably, see von Daacke, *Freedom Has a Face*; West, *Family or Freedom*, chap. 2; and Eva Sheppard Wolf, *Almost Free: A Story about Family and Race in Antebellum Virginia* (Athens: University of Georgia Press, 2012). On free black women securing the support of white men, see Joyce L. Broussard, "Stepping Lively in Place: The Free Black Women of Antebellum Natchez," in *Mississippi Women,* vol. 2 of 2, *Their Histories, Their Lives*, ed. Elizabeth Anne Payne, Martha H. Swain, and Marjorie Julian Spruill (Athens: University of Georgia Press, 2010), 23–38; and West, *Family or Freedom*, chap. 5.

22. Petition of L. G. Rowan et al. to the Mississippi State Legislature, 1830, in *RSFB*, ser. 1, *Legislative Petitions,* PAR #11083008.

23. Petition of William Hayden to the Mississippi State Legislature, 1829, in *RSFB*, ser. 1, *Legislative Petitions,* PAR #11082904. For a similar case, see Petition of William Parker to the Mississippi State Legislature, n.d., in *RSFB*, ser. 1, *Legislative Petitions,* PAR #11000008.

24. Quoted in Edwin Adams Davis and William Ransom Hogan, *The Barber of Natchez* (Baton Rouge: Louisiana State University, 1954), 265–66. See also *Natchez Courier*, June 20, 1851; *Natchez Free Trader*, June 18, 1851; *Woodville Republican*, June 24, 1851. William Johnson did not have to petition to remain in the state of Mississippi, but he did help secure petitions for his free black apprentices and used his connections to local whites when doing so. He asked several of his white acquaintances to sign the petitions supporting his apprentices' requests to remain in the state. Indeed, as he commented in his diary, "Those names are an Ornament to Any paper—Those are Gentlemen of the 1st Order of Talents and Standing." William Johnson's journal, September 5, 1841, W. T. Johnson Collection, Mss #529, Louisiana State University Archives, Baton Rouge. On William Johnson and his family, see Davis and Hogan, *Barber of Natchez*; Gould, *Chained to the Rock of Adversity*; and *William Johnson's Natchez: The Ante-Bellum Diary of a Free Negro,* ed. William Ransom Hogan and Edwin Adams Davis (Baton Rouge: Louisiana State University Press, 1951).

25. *State of Mississippi v. Burwell*, Adams County, Mississippi, 1822, Records of the Circuit Court, Group 1820–29, box 12, file 32, CRP, HNF; *State of Mississippi v. Burwell*, Adams County, Mississippi, 1818, Records of the Circuit Court, Group 1810–19, box 40, file 80, CRP, HNF; *State of Mississippi v. Burwell*, Adams County, Mississippi, 1818, Records of the Circuit Court, Group 1810–19, box 40, file 81, CRP, HNF; and *State of Mississippi v. Burwell*, Adams County, Mississippi, 1819, Records of the Circuit Court, Group 1820–29, box 1, file 27, CRP, HNF.

26. Debt collectors, court bailiffs, and executioners faced far more vilification than people of other occupations—such as farmers and craftsmen—because they made arrests, delivered summonses, hanged criminals, seized property, and collected taxes and debts. See Peter N. Moogk, "'Thieving Buggers' and 'Stupid Sluts': Insults and Popular Culture in New France," *William and Mary Quarterly* 36, no. 4 (October 1979): 531–33.

27. Petition of John Motton, East Baton Rouge Parish, Louisiana, 1838, in *Race, Slavery, and Free Blacks* (hereafter *RSFB*), ser. 2: Petitions to the County Courts, 1775–1867, Part F: Parish Courts, Louisiana 1795–1863 (Bethesda, MD: LexisNexis, 2005), microfilm edition, PAR #20883808.

28. Ibid.

29. Louisiana *Digest* (1842), Art. 40, p. 57. Southern lawmakers criminalized the speech of African Americans in a number of ways. In Mississippi, for example, the punishment for African Americans, enslaved or free, for lying in a capital case was to have both ears nailed to the pillory for two hours and then cut off. *Digest of the Laws of Mississippi* (1839), chap. 92, sec. 59, p. 757.

30. *State of Louisiana v. Fleming*, unprocessed materials, Iberville Parish Clerk of the Court, Plaquemine, Louisiana, 1833. For other cases in which free blacks were charged with insulting whites, see *State of Louisiana v. Louise*, unprocessed materials, Iberville Parish Clerk of the Court, Plaquemine, Louisiana, 1842; and *State of Louisiana v. Marguerite and Julian*, unprocessed materials, Iberville Parish Clerk of the Court, Plaquemine, Louisiana, 1842.

I found these three cases in a storage shed on the outskirts of Plaquemine, Louisiana, where the Iberville Parish Clerk of the Court's office kept old personnel files. The boxes that held these cases and several hundred others from the late eighteenth and early nineteenth centuries had rotted, and the files were strewn all over the dirt floor. Many were mislabeled and shoved into parish personnel files from the 1950s and 1960s. I gathered six trash bags full of legal records, brought them back to the clerk's office, dried them out, cleaned them off (as many were covered in bug and rodent feces), and relabeled and filed them as best I could. I also took digital photographs of all of the cases, as most involved criminal actions against free blacks and slaves. For lack of a better, more precise term, I indicate that these records are "unprocessed materials." They are still in the possession of the clerk's office, but unfortunately, due to space problems, may well be back in the storage shed.

31. 1830 U.S. Census, Iberville, Louisiana, Microfilm Publication M19, roll 43, National Archives and Records Administration (NARA), Washington, D.C. For a description of Lacour's property, see also *Ingledove v. Lacour*, Records of the Fourth Judicial District Court, #1065, Iberville Parish Clerk of the Court, Plaquemine, Louisiana, 1839.

32. For example, see *Lacour v. Landry*, Records of the Fourth Judicial District Court, #1070, Iberville Parish Clerk of the Court, Plaquemine, Louisiana, 1831 (Lacour successfully sued Valerin Landry, a white man, to recover damages for killing his horse); and *Lacour v. Landry*, Records of the Fourth Judicial District Court, #2154,

Iberville Parish Clerk of the Court, Plaquemine, Louisiana, 1844 (Lacour successfully recovered a debt from Camile Landry, another white man).

33. *Ingledove v. Lacour*, #1065; and *Ingledove v. Lacour*, Records of the Fourth Judicial District Court, #1745, Iberville Parish Clerk of the Court, Plaquemine, Louisiana, 1840.

34. *Ingledove v. Lacour*, Records of the Fourth Judicial District Court, #1726, Iberville Parish Clerk of the Court, Plaquemine, Louisiana, 1840; *Ingledove v. Lacour*, Records of the Fourth Judicial District Court, #1754, Iberville Parish Clerk of the Court, Plaquemine, Louisiana, 1840.

35. On the importance of witness testimony and character evidence in local court cases in the nineteenth century, see Edwards, *People and Their Peace*, chap. 4; and Kennington, "In the Shadow of *Dred Scott*."

36. On the importance of reputation in financial matters, see Bruce H. Mann, *Republic of Debtors: Bankruptcy in the Age of American Independence* (Cambridge, Mass.: Harvard University Press, 2002). See also, Johnson, *River of Dark Dreams*, chap. 5.

37. Honor was available to every white man, regardless of class. White men of the poorer classes also participated in honor rituals—from brawling and nose-pulling to defending their honor through litigation. However, honor was not equally distributed, as Ingledove found when a black man dishonored him. On southern honor, see especially Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York: Oxford University Press, 1982); and Kenneth S. Greenburg, *Honor and Slavery: Lies, Duels, Noses . . .* (Princeton, N.J.: Princeton University Press, 1996). On southern honor and the courtroom, see Gross, *Double Character*, chap. 2.

38. On honor and accusations of dishonesty, see Kenneth S. Greenburg, "The Nose, the Lie, and the Duel in the Antebellum South, *American Historical Review* 95, no. 1 (February 1990): 54–74; and Joanne Freeman, *Affairs of Honor: National Politics in the New Republic* (New Haven: Yale University Press, 2001), 67.

39. On the enhanced credibility of propertied white men's speech, see Edwards, *People and Their Peace*, 113.

40. For similar cases in which free blacks acted decisively in court and property ownership rather than race determined their reputation, see *Borie v. Lorie*, Records of the Fourth Judicial District Court, #154, Iberville Parish Clerk of the Court, Plaquemine, Louisiana, 1818; *Borie v. Blanchard*, Records of the Fourth Judicial District Court, #463, Iberville Parish Clerk of the Court, Plaquemine, Louisiana, 1824; *Marguerite, FWC v. Janes*, Records of the Fourth Judicial District Court, #1066, Iberville Parish Clerk of the Court, Plaquemine, Louisiana, 1831; and *Marguerite, FWC v. Allain*, Records of the Old Parish Court, #809, Iberville Parish Clerk of the Court, Plaquemine, Louisiana, 1831.

41. *Rapp et al v. Fletcher*, Adams County, Mississippi, 1837, Records of the Circuit Court, Group 1830–39, box 44, file 23, CRP, HNF.

42. For some examples of free blacks successfully suing whites in Mississippi, see *Black Ben, FMC v. Brooks and Claiborne*, Adams County, Mississippi, 1814, Records

of the Circuit Court, Group 1810–19, box 25, file 61, CRP, HNF; *Lewis v. Patterson*, Adams County, Mississippi, 1828, Records of the Circuit Court, Group 1820–29, box 46, file 31, CRP, HNF; and *Hardes v. Mosby*, Adams County, Mississippi, 1835, Records of the Circuit Court, Group 1830–39, box 23, file 11, CRP, HNF. For Louisiana, see *Dubuclet v. Lorrie*, Records of the Fourth Judicial District Court, #228, Iberville Parish Clerk of the Court, Plaquemine, Louisiana, 1820; *Belly v. Bousange*, Records of the Fourth Judicial District Court, #725, Iberville Parish Clerk of the Court, Plaquemine, Louisiana, 1828; and *Verret v. Kelly*, Records of the Sixth Judicial District Court, #811, Iberville Parish Clerk of the Court, Plaquemine, Louisiana, 1855.

43. For another example of how antebellum white southerners' commitment to the protection of private property limited their ability to enforce white supremacy unilaterally, see Bernie Jones, *Fathers of Conscience: Mixed Race Inheritance in the Antebellum South* (Athens: University of Georgia Press, 2009). On the post-emancipation South, see David Bernstein, "Philip Sober Controlling Philip Drunk: *Buchanan v. Warley* in Historical Perspective," *Vanderbilt Law Review* 51 (May 1998): 798–879; and Wertheimer, *Law and Society in the South*, chap. 3.