

## “DESIRING TOTAL TRANQUILITY” AND NOT GETTING IT: CONFLICT INVOLVING FREE BLACK WOMEN IN SPANISH NEW ORLEANS\*

Colonial New Orleans was a community, like so many others in Latin America, in which the upper sectors desired to maintain order and “*toda tranquilidad*,” preferably by way of legislation and judicial compromise but through force and authoritarian measures if necessary. Challenges to this tranquility came from those groups considered marginal and thus often subordinated, oppressed, and made generally unhappy with the status quo, among them workers, women, soldiers, slaves, and free blacks (*libres*).<sup>1</sup> Free black women—the focus of this paper—drew upon multiple experiences as members of several of these subjugated groups: as women, as nonwhites, sometimes as former slaves, and usually as workers, forced by poverty to support their families with earnings devalued because they were gained doing “women’s work.” But they did not suffer silently. Con-

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<sup>1</sup> Throughout this work I use the inclusive somatic terms “free black,” “free person of color,” and “*libre*” to encompass anyone of African descent, that is, any free nonwhite person whether he or she be pure African, part white, or part Native American. The exclusive terms *pardo* (light-skinned) and *moreno* (dark-skinned)—preferred by contemporary free blacks over *mulato* and *negro*—are utilized to distinguish elements within the nonwhite population. Occasional references delineate further between *grifo* (offspring of a *pardo*(a) and a *morena*(o)), and in some cases of a *pardo*(a) and an *india*(o)), *cuarterón* (offspring of a white and a *pardo*(a)), and *mestizo* (usually the offspring of a white and an *indio*(a) but in New Orleans sometimes meaning the offspring of a *pardo*(a) or *moreno*(a) and an *india*(o)).

demning the patriarchal order, racist, sexist, authoritarian society in which they operated, libre women vigorously attacked it both verbally and physically, employing such elite-defined legal and illegal methods as petitions, judicial procedures, slander, insults, arson, and assault and battery. With these tools and others they tried to topple a tranquil, balanced world unfairly weighted against them. In an ideal world Spanish societies were to be highly stratified by race, gender, wealth, and legal status, where every member was cognizant of her or his proper place. New Orleans, however, was not and never has been part of an ethereal, ideal world not its libre citizens or any others. Although perhaps viewed by the crown as a peripheral town on Spain's northern frontier, by the late eighteenth century the “city that care forgot” was actually a vibrant port with people moving in and out, establishing relationships across racial and class boundaries, and generally challenging any kind of stable social order. The only nucleus to boast the title of *ciudad* in all of northern New Spain, New Orleans had a resident population that grew from about 3,000 to about 8,000 during the era of Spanish rule, with a large transient population adding to this number. The percentage of free blacks rose from ten to twenty percent of New Orleanians over the same period; two-thirds were female. The rest of the population was about evenly divided between whites and slaves, with varying numbers of *indios* and *mestizos* residing in and around the city.<sup>2</sup> Insecure of their status within this cosmopolitan,

<sup>2</sup> Kimberly S. Hanger, *Bounded Lives, Bounded Places: Free Black Society in Colonial New Orleans, 1769-1803* (Durham: Duke University Press, 1997), p. 22. One insight many of the documents reveal is that racial identity in New Orleans' hierarchical, patriarchal society was very malleable and subjective. A person's racial designation depended on who recorded it, what purpose it served, when it was recorded, and what physical characteristics were considered most relevant. For example, censuses taken during the era of French rule grouped New Orleanians into whites, blacks, and Indians, with no differentiation as to free or slave. When the Spanish took over, residents were now white, free pardo or moreno, and slave pardo or moreno. Where did all the Louisiana Indians go? They still lived in or around New Orleans (refer to Daniel H. Usner, Jr., “American Indians in Colonial New Orleans,” in *Powhatan's Mantle: Indians in the Colonial Southeast*, eds. Peter H. Wood, Gregory A. Waselkov, and M. Thomas Hatley [Lincoln: University of Nebraska Press, 1989], pp. 104-27) but because Spanish officials outlawed Indian slavery, Native Americans most likely “became” (were reclassified as) persons of African descent. That way, they could still be slaves and would have to sue for their freedom based on Native ancestry in later decades. In addition, the terms used to designate phenotype were many and varied, as they were throughout the Spanish empire. People were not simply black or white based on biological factors, but rather fit into the racial hierarchy according to a complex formula that combined physical features, clothing style, language, religion, family reputation, occupation, and other factors and that differed depending on locality and time period. This is what Patricia Seed best defines as “social race” in her article “Social Dimensions of Race: Mexico City, 1753,” *Hispanic American Historical Review (HAHR)* 62:4 (November 1982), 569-606.

fluid, multiracial, and multiethnic society, members of the upper echelons and the royal and ecclesiastical bureaucracy tried to maintain social control through legal channels that defined proper behavior. Law and custom purposefully delineated differences among Spain's subjects, constructing and maintaining inequalities based on race, religion, occupation, gender, wealth, and lineage; from the Spanish perspective it went against nature for all persons to be equal.<sup>3</sup> Within the Spanish legal system privileges were equated with rights, with various corporate groups accorded *fueros* (privileges) and people of different classes and races readily identified by the clothes they could wear and activities in which they could engage.

When changing conditions threatened the social hierarchy, officials acted to restore order, harmony, and a sense of justice among inhabitants. For example, in an attempt to exercise some control over the multitude of troops, ships' crews, free blacks, and slaves who converged on New Orleans during the American Revolution, the attorney general asked the *cabildo* (city council) to forbid libres and slaves from wearing masks and mimicking whites during the carnival season. With so many strangers in the city, officials found it difficult to identify the race of masked revelers.<sup>4</sup> A few years later Governor Esteban Miró admonished libre women not to don fancy headdresses, plumes, or gold jewelry; he reserved these items for white ladies of quality. As they had been accustomed to in past years (but had evidently strayed), "*negras, mulatas, y quarteronas*" had to wear their hair flat or, if in a coiffure, covered with a kerchief.<sup>5</sup> Officials and white elites also attempted to "divide and conquer" the free black and slave population. They feared that libres would incite desires for liberty among slaves and thus corrupt a seemingly docile labor force. During the tumultuous decade of the 1790s the actions of libres came under ever increasing scrutiny, as the racial warfare that swept Saint-Domingue exacerbated always-present anxieties about sympathetic collusion between free blacks and slaves.<sup>6</sup> When order did break down and disputes arose,

<sup>3</sup> Lewis Hanke, *The Spanish Struggle for Justice in the Conquest of America* (Boston: Little, Brown, 1949); Lyle N. McAlister, "Social Structure and Social Change in New Spain," *HAHR* 43:2 (April 1963), 349-70 and *Spain and Portugal in the New World, 1492-1700* (Minneapolis: University of Minnesota Press, 1984), pp. 24-40, and 398-401.

<sup>4</sup> Records and Deliberations of the Cabildo [hereafter RDC], vol. 2, 19 January 1781, Louisiana Collection, New Orleans Public Library.

<sup>5</sup> Miró's *Bando de buen gobierno*, art. 6, RDC, vol 3, no. 1, 2 June 1786.

<sup>6</sup> Herbert S. Klein, *African Slavery in Latin America and the Caribbean* (New York: Oxford University Press, 1986), pp. 217-42; Paul F. Lachance, "The Politics of Fear: French Louisianians

governing bodies and the legislation they created tried to mediate between competing interests to reach an acceptable compromise, while taking into account the status of each party.<sup>7</sup> The art of arbitration thereby restored “total tranquility” in the name of public interest. Whenever possible, parties on both sides of the issue were encouraged to reconcile their differences and act according to acceptable rules of conduct, whether the case was heard before a civil, criminal, or ecclesiastical tribunal. Even though there was a shortfall of qualified lawyers working in the far reaches of the Spanish empire, the concern for justice and legal procedure persisted. As Jane Landers notes in her essay in this volume, judges working in the Spanish legal system conducted thorough investigations. Through interpreters they compiled detailed testimony, most of which in Louisiana was given in French, and occasionally in English or Native American and African languages. While questioning followed a pattern, everyone—slave and free, rich and poor, female and male—was accorded a voice. Plaintiff, defendant, and witness could expound at length, about matters directly pertinent to the case or not.

Many of the individuals who tested the boundaries of elite-defined acceptable behavior—and whose voices thus echo from the historical past—were free blacks. Their position within New Orleans’ hierarchy was not well defined, and in fact, most libres did not choose to be demarcated as a separate group, preferring instead to be admitted to and accepted by white society. They desired that the distinctions between themselves and whites be dissolved altogether, claiming to be “free like you” and asserting “a universal equality among men,” with only “their method of thinking, not color,” differentiating them.<sup>8</sup> Free black women would extend that equality beyond the confines of gender.

and the Slave Trade, 1786-1809,” *Plantation Society in the Americas* 1:2 (June 1979), 162-97; Ernest R. Liljegren, “Jacobinism in Spanish Louisiana, 1792-1797,” *Louisiana Historical Quarterly* 22:1 (January 1939), 47-97.

<sup>7</sup> Charles R. Cutter, *The Legal Culture of Northern New Spain, 1700-1810* (Albuquerque: University of New Mexico Press, 1995), pp. 39-43.

<sup>8</sup> Quotes derived from “*Criminales seguidos de oficio contra el Pardo Libre Pedro Bahy*,” Louisiana State Museum Historical Center, Spanish Judicial Records [hereafter SJR], 7 October 1791; “*Testimonio de la Sumaria contra el Mulato libre Pedro Bailly, Theniente de las Milicias de Pardos de esta Ciudad, por haver prorrumpido especies contra el Gobierno Español, y haverse manifestado adicto a las máximas de los Franceses rebeldes*,” Archivo General de Indias, Estado 14, no. 60, 11 February 1794; and “*Criminales Seguidos por don Pedro Fabrot contra María Cofinie, parda libre, sobre palabras injuriosas*,” SJR, 8 June 1795.

Nonwhite, female, and often poor, libre women were the frequent subjects of oppression within this system. They were often condemned as “lewd” and “licentious,” in New Orleans and throughout the Americas.<sup>9</sup> One late eighteenth-century observer of New Orleans lifestyles, Claude C. Robin, denounced the many white men who were tempted to “form liaisons with these lascivious, coarse, and lavish [libre] women” and subsequently were “ruined.” He, however, blamed the women for such sinful practices, as did New Orleans physician Paul Alliot, who believed that free black women inspired “such lust through their bearing, their gestures, and their dress, that many quite well-to-do persons are ruined in pleasing them.”<sup>10</sup> When accused of repossessing a slave he had donated to his former concubine (the free *parda* Magdalena Canelle, mother of his two *cuarterona* daughters), don Luis Beaurepos dismissed Canelle’s claims due to the fact that her “only proof to ownership rests on the sworn word of some *mulatas*, libertines like herself.”<sup>11</sup> The objects of this derision, however, did not perceive themselves as such and resisted efforts to denigrate them as women and nonwhites. Like all libres living in slave societies, New Orleans free women of color operated from an undefined, anomalous position, the middle section of a three-tiered hierarchy in which they were not truly free or slave, often not pure black or white. Libre women were also trapped in a patriarchal society that valued males more than females but that did not afford them the paternal protection due the weaker sex because they ostensibly did not possess honor and virtue, attributes only accorded whites.<sup>12</sup> Caught in between the interests of officials and residents, of white, libre, and slave men, free black women

<sup>9</sup> For a discussion of the images whites held of black women, see Barbara Bush, *Slave Women in Caribbean Society, 1650-1838* (Bloomington: Indiana University Press, 1990), pp. 11-22.

<sup>10</sup> Claude C. Robin, *Voyages dans l'Interieur de la Louisiane, de la Floride Occidentale, et dans les Isles de la Martinique et de Saint-Domingue*, 3 vols. (Paris: F. Buisson, 1807), II:112; Paul Alliot, “Historical and Political Reflections,” in *Louisiana Under the Rule of Spain, France, and the United States, 1785-1807*, 2 vols., ed. James Alexander Robertson (Cleveland: Arthur H. Clark, 1911), I:146-47.

<sup>11</sup> “Magdalena Canelle, *Mulata libre contra don Luis Beaurepos para la posesión de su esclava Adelaida*,” SJR, 20 January 1777.

<sup>12</sup> For a discussion of honor and its changing meanings in the Spanish American context see Ramón A. Gutiérrez, *When Jesus Came, the Corn Mothers Went Away: Marriage, Sexuality, and Power in New Mexico, 1500-1846* (Stanford: Stanford University Press, 1991); Verena Martínez-Alier, *Marriage, Class and Colour in Nineteenth-Century Cuba: A Study of Racial Attitudes and Sexual Values in a Slave Society*, 2nd. ed. (Ann Arbor: University of Michigan Press, 1989); and Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1574-1821* (Stanford: Stanford University Press, 1988). Hanger, “Coping in a Complex World: Free Black Women in Colonial New Orleans,” in *The Devil's Lane: Sex and Race in the Early South*, eds. Catherine Clinton and Michele Gillespie (New York: Oxford University Press, 1997), pp. 218-31,

fought oppression on a daily basis and sought to assert their identity, in part by striving to attain what was important to them: freedom for themselves, friends, and relatives; stable, long-lasting unions that produced children and cemented kin networks; prosperity for themselves and future generations; and respect as hardworking, religious members of the community. In general, they faced an uphill battle.

Most of the above were goals that white citizens also espoused. Ironically, in seeking to attain what whites had—and thus argue for a measure of equity—libres had to come together as a group with their own agenda. They thus promoted their distinct identity. Although conservative compared to modern civil rights leaders, New Orleans libres challenged the racist ideology of hegemonic whites, increasingly so during the revolutionary last decade of the eighteenth century and first decade of the nineteenth century.<sup>13</sup> To protest their subordinate status within New Orleans society and at the same time create an identity that emphasized their contributions to that society, free black women and men often used cultural expressions and political actions, such as carnival balls and parades, protests, petitions, and civil suits. Libre women wanted to reform, not revolutionize, a system that condemned them outright for being nonwhites and women and failed to recognize their worth except as measured by skin color and gender. Rejecting race and sex as a basis for placement in the social hierarchy, libres like María Cofignie (whom we will meet in the following pages) made an appeal for individual or group efforts and achievements. They emphasized what made them good citizens: concern for family, hard work, honest business transactions, orderly conduct, church attendance, property accumulation. They played on the sentiments of the court as poor, laboring mothers whose primary responsibility was to their families, thereby using and reinforcing the image of women as domestic caregivers, while at the same time revealing the powerful economic roles they played as household heads and breadwinners. In pursuit of their rights as women and free persons, they flaunted gold jewelry, headdresses, and clothes that only whites were supposed to wear as

provides additional information on free black women and issues of honor in Spanish New Orleans.

<sup>13</sup> For more on libre challenges to race discrimination in New Orleans and elsewhere see Hanger, “Conflicting Loyalties: The French Revolution and Free People of Color in Spanish New Orleans,” and the other articles in *A Turbulent Time: The French Revolution and the Greater Caribbean*, eds. David Barry Gaspar and David Patrick Geggus (Bloomington: Indiana University Press, 1997), pp. 178-203.



they strolled down streets and along the levee and bayou promenades in the evening; operated businesses that competed with those of libre and white men and exercised economic power by accumulating substantial estates of urban and rural properties and slaves; brought before the justice system spouses and strangers who abused them; and hurled insults and occasional blows at whites who belittled them or questioned their rights in public social spaces.<sup>14</sup> A few cases will help illuminate the efforts libre women made to assert their rights, struggle against subjugation, and disrupt the “total tranquility” New Orleans officials desired. The first is that of María Pechon, a free *morena*, who in 1776 charged don Patricio Macnemara, an influential Irishman,<sup>15</sup> with assaulting and wounding her and her son Francisco, a free pardo.<sup>16</sup> According to the testimony that María, Francisco, and several white and free black witnesses presented, the mother and her twenty-year-old son had been returning from New Orleans to their plantation several miles downriver and had to stop for the night along the way. At about ten o’clock they arrived at the Tixerrant plantation and asked permission to stay in one of the slave cabins. A few moments later, Macnemara, who owned a neighboring plantation, burst into the cabin. He demanded that the Pechons produce either passes from their master if they were slaves, or their acts of emancipation to prove they were free. When Francisco (perhaps too haughtily to suit Macnemara) replied that “I am free and have no need of a pass,” and “I am on a voyage and cannot carry it in my pocket,” Macnemara struck him

<sup>14</sup> These and other forms of daily subversion constituted what James C. Scott has insightfully identified as “weapons of the weak” (*Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985)).

<sup>15</sup> Many Irish Catholics, like Macnemara, held high positions in the Spanish bureaucracy, including a governor-general of Cuba and then Louisiana, Alejandro O’Reilly. Macnemara most likely came to Louisiana with O’Reilly in 1769 and was a close associate of O’Reilly’s and subsequent Louisiana governors.

<sup>16</sup> “*María, Negra Libre, Contra don Patricio Macnemara*,” SJR, 19 December 1776. María and her one-year-old son were manumitted in 1760 by the boy’s natural father, Comte Pechon, a French infantry officer. Pechon also made an *intervivos* donation to his son of large sums of money, slaves, and land, which his widow contested when Pechon died later in the decade. Because the child was a minor, Pechon accorded his lover María usufruct rights to the property, thereby giving her access to substantial economic resources. Count Pechon’s widow, doña María Claudia Bernoudy, eventually did relinquish the donated property to María Pechon in 1770. It included eighty head of cattle (produced from an original donation of ten cows) valued at 640 pesos; one male and two female slaves valued at 600 pesos; and 480 pesos in wages for María’s eight years of service to the Count subsequent to the date he had freed her (“*Réquisition de Marie Claude Bernard, vve. Comte Pechon*,” French Judicial Records, Louisiana State Museum Historical Center, 6 July 1769; Acts of Andrés Almonester y Roxas, 19 July 1770, Orleans Parish Notarial Archives [hereafter OPNA]).

twice and dealt a third blow to María, who came between them to protect her son.<sup>17</sup> Macnemara and his slave bound Francisco and carried him weakened and bleeding to his plantation, despite the protests of a free black witness, the Tixerant boys, and one of Macnemara's white servants. Although threatening to punish Francisco further, Macnemara released him the next day after having his slaves guard him overnight. The Pechons returned to New Orleans, where they rented a house and hired a doctor and a slave to care for them.

María demanded restitution for this unprovoked, unjust attack on her and her son, a blatant disregard for their rights as propertied free persons. At the very least, she sought monetary compensation for expenses incurred in treating their wounds, and probably would have preferred a public apology from don Patricio. The case is incomplete, but she likely received neither given Macnemara's close ties to influential government figures. Nevertheless, María valiantly pursued justice through legitimate methods, thereby proving herself the more honorable party. She stated that Macnemara's allegations of deception were false; he knew that she and Francisco were free, as did all the other persons who were present at the time of his assault. María drew attention to the fact that “it is not the custom for free blacks to carry with them in their hands their acts of emancipation when they traveled, because the fact that they are free is well known to everyone.” She further appealed to the sentiments of the court as a mother who instinctively tried to defend her son, an act that was “only natural among free people, to defend themselves against those who would kill them, or tie them up, or beat them; not only is this natural among the free, but among slaves as well.”

Even in a deferential society like New Orleans, there were limits beyond which libres and slaves could not be pushed without retaliation. María was well aware that she lived in a bounded place, but she and other libres argued that these boundaries gave them some protection as well.<sup>18</sup> A threatened, insecure Macnemara had transgressed the unwritten rules that governed behavior in this complex community. He

<sup>17</sup> The testimony varied as to whether Macnemara used a hunting knife or the breech of a gun as his weapon of choice.

<sup>18</sup> The Pechons continued to play an active role in New Orleans society, polity, and economy. Eleven years later María married another free moreno, Gabriel Laloir, a member of the influential Carrière family (*Nonwhite Marriages*, book 1, no. 37, 11 August 1787, Archives of the Archdiocese of New Orleans). Francisco Pechon rose through the ranks of the free pardo militia to become a second lieutenant in 1801. He lived in the first ward of New Orleans, the downriver,



had insulted the Pechons by treating them as slaves, when everyone knew them to be free persons. Because Macnemara's image of the Pechons varied from how they viewed themselves, his words and deeds denigrated them. Fortunately for him—and for many other powerful, connected men like him—he possessed the means to avoid paying for his transgressions.

Although Spanish society valued and rewarded people of other cultures for imitating and striving to be like Spaniards, who along with most Europeans considered themselves to be superior beings, María Pechon and other ambitious libres definitely challenged New Orleans' race, class, and gender hierarchy. She wanted to be treated as an honorable, well-to-do, free *vecina* (propertied citizen), regardless of her color. While continuing to stress their importance as mothers who protected and provided for their children, independent, property-holding libre women nevertheless defied prescribed gender roles, prompting males threatened by their actions to petition for redress and restoration of order. In 1797 don Fernando Alzar and Co. together with fifty other *mercaderes* (shopkeepers, retail merchants) asked the cabildo to prohibit the activities of increasing numbers of women—slave as well as free black—who daily sold merchandise on the streets and in other parts of New Orleans and even on plantations in the countryside. Lamenting that such practices detracted from their livelihood, the supplicants appealed to the mercy of the cabildo: they had to pay exorbitant rents for their shops and at the same time try to feed their families.<sup>19</sup> In addition to playing a prominent role in local marketing, libre women owned and rented out urban property at rates higher than their proportion of the total and even free population, and at rates much higher than white women although not as great as white men. For example, a census of the third district of New Orleans taken in 1796 listed the proprietors and tenants of each house. While comprising only about one out of seven of all residents (200 of 1,408) and one of five free inhabitants (200 of 1,043), free black women owned almost one-third the houses in the district (69 of 231). Comparable figures for white women were less than one of ten total residents (130

riverside quadrant (Militia Rosters, Archivo General de Indias, Papeles Procedentes de Cuba [hereafter AGI PC], legajos 159-B, fols. 719-20, [1792] and 160-A, 1 May 1801).

<sup>19</sup> Petitions, Decrees, and Letters of the Cabildo, book 4079, doc. 287, 6 October 1797, Louisiana Division, New Orleans Public Library. The merchants referred to the "*crecido número de Mulatas y Negras tanto libres*:" ("increasing number of mulatas and negras, so many of them free").

of 1,408), one of eight free residents (130 of 1,043), and about one-eighth of homeowners (31 of 231, or less than half that of libre women).<sup>20</sup> The rents libre landlords could exact in New Orleans' tight housing market occasionally earned them the ire of white tenants who found the tables of exploitation turned and themselves helpless. One recourse was to appeal to the Spanish judicial system's sense of order, hierarchy, and fairness according to status, which was exactly what Andrés Barba did when the free mulata Mariana Brion raised his rent twice in a two-year period. Barba had been leasing two houses and a room from Brion at the amount of nineteen *pesos* (the peso was equivalent to dollar at the time) per month for one year, when she promptly and without warning increased this monthly rate to twenty-four pesos. Because it was too much trouble to move and the houses were full, Barba reluctantly acquiesced to what he considered an unfair rate, but continued to pay his rent punctually each month (the ideal tenant!). At the end of another year Brion again raised the fee, this time to forty pesos per month. Barba could stand no more and looked to the court for redress of an “abuse so prejudicial to public tranquility” (“*un abuso tan perjudicial a la tranquilidad pública*”). And he was right; these rates were quite high. The cabildo leased its properties at an annual rate of five percent their value, which when applied to Brion's houses would make them worth 9,600 pesos at their highest rent of forty pesos monthly. Very few properties in colonial New Orleans were worth that much. Barba thus asked authorities to assess a just rent that he would be more than happy to satisfy. Apparently justice was not swift enough to satisfy Barba: he submitted a second

<sup>20</sup> “Resumen del Tercer Barrio de la Nueva Orleans echo el día 18 de Febrero del año 1796,” AGI PC 212-A, fols. 33-40. A list of losses incurred in the first great fire to sweep colonial New Orleans (March 1788) is another useful source for estimating at least the real and personal property holdings of the city's free blacks and for comparing them with those of white women and men. In September 1788 a list of 496 claims for damage to buildings and interior furnishings (plus ten claims on state and church property) totaling more than 2.5 million pesos was submitted to the Spanish crown. Fifty-one of the claimants were free black women, and their average estimated loss to real and personal property was 1,814 pesos. Free black men made up only twenty-one of the claimants, with an average loss of 1,700 pesos. Another sixty-seven of the claimants were white women (average loss of 2,880 pesos), almost half of them widows, and the remaining 357 claims were made by white men. The white male average claim of 6,090 pesos was more than double that of white females and about three and a half times greater than that of free black women or men (“*Relación de la pérdida que cada Individuo ha padecido en el Incendio de esta Ciudad . . .*,” AGI, Audiencia de Santo Domingo, legajo 2576, fol. 532, 30 September 1788). Clearly, white men possessed the vast majority of material wealth in late-eighteenth-century New Orleans. Nevertheless, more libre women than libre men held property (which one would expect given that their sex ratios were two to one), but most important, on average they possessed more valuable or larger amounts of property.

petition two and a half weeks later claiming that nothing had been done to act on his initial complaint. The case ended without resolution.<sup>21</sup> In addition to acting independently through their control of economic resources, libre women resisted race, class, and gender exploitation by exhibiting behavior deemed antisocial by the dominant white society and in contradistinction to prescribed gender roles. One of their most effective weapons was the hurling of “*palabras injuriosas*”—“insulting words” or slander in legal parlance—sometimes accompanied or provoked by physical attacks. Frustrated with a patriarchal, racist society that discriminated against them both as nonwhites and as women, libres occasionally lashed back at their oppressors with venomous tongues. Anyone could be accused of slander, but libres in particular were targeted because the law demanded they show respect for all whites, their actual and symbolic former “masters.”<sup>22</sup> One woman who resented this preferential treatment for whites and the humiliating behavior expected of libres was María Cofignie (Coffiny), a free mulata. In May 1795 don Pedro Favrot, a captain of the fixed regiment, brought charges against Cofignie for insulting his daughter Josefina.<sup>23</sup> According to the testimony of white neighbors who witnessed the incident, Cofignie’s young pardo son<sup>24</sup> was playing with some children on the sidewalk in front of the Favrot home on Conti Street. They told the *pequeño mulato* to leave them alone, he threw dirt in Josefina’s face, and the other children chased him to his mother’s house on the same street, whereupon Cofignie furiously confronted the señorita and referred to her as a “*hija de puta*” (daughter of a whore or prostitute)—a definite insult.<sup>25</sup> Berating Josefina for threatening her son, Cofignie decried the actions of Josefina and other persons of French descent like her, who “just because they are white, believe that we [libres] are made to be scorned, spurned, and slighted. I am free and I am as worthy as you are; I have not earned my freedom

<sup>21</sup> “*Diligencias practicadas por Andrés Barba, contra Mariana Brion, Mulata Libre sobre que dicha Mulata no le suba el precio de los Alquileres de la casa que havita,*” SJR, 15 February 1786.

<sup>22</sup> See articles 52 and 53 of the French Code Noir as applied to Louisiana in 1724 and Frederick Bowser, “Colonial Spanish America,” in *Neither Slave Nor Free: The Freedmen of African Descent in the Slave Societies of the New World* (Baltimore: The Johns Hopkins University Press, 1972), pp. 40–42.

<sup>23</sup> “*Criminales Seguidos por don Pedro Fabrot contra María Cofinie, parda libre, sobre palabras injuriosas,*” SJR, 8 June 1795.

<sup>24</sup> Court documents never state his name, but the boy was either Juan Isidoro, who was nine years old at the time and died in 1812 at the age of twenty-six, or Pedro, five and a half years old (Nonwhite Baptisms, book 3a, 20 July 1786 and book 4a, 19 March 1790; Nonwhite Burials, [book 5], 1 October 1812, Archives of the Archdiocese of New Orleans).

<sup>25</sup> “*Hija(o) de puta*” was a phrase commonly cited in slander suits.

on my back” (i.e. as a prostitute). These egalitarian sentiments upset the white witnesses and the Favrot family, who considered Cofignie’s pronouncements “the most vile atrocities that were as outrageous . . . as those that have caused a revolution” in France and its Caribbean colonies. Like *libres* in Saint-Domingue, Cofignie “talked of the whites in general with disdain and great contempt.”

By accusing Cofignie of criminal behavior in a public arena, don Pedro sought to quell these inflammatory ideas and restore the reputation of his daughter and wife, the former insulted to her face and the latter by implication labelled a whore. He ably played the part of the influential patriarch defending the honor of his female charges. As a nonwhite single mother of illegitimate children, Cofignie had to rely on her own efforts; according to the Hispanic code of values that prevailed in New Orleans, she had no honor and was left unprotected and vulnerable. Although she probably enjoyed more independence than the Favrot women, she also had greater responsibilities. After more than two months of languishing under house arrest (the women’s prison had been destroyed by fire in December 1794) without any sign of a resolution to the case, Cofignie pleaded with the court to release her so that she could work to sustain her family. She claimed to be “a miserable poor person burdened with . . . four children” and four months later would give birth to another.<sup>26</sup> While repeatedly denying the charges brought against her, Cofignie reluctantly accepted Favrot’s proposal to drop the case in exchange for humbling herself and apologizing to *señora* and *señorita* Favrot. She had no choice if her family were to keep from starving. Cofignie’s independent spirit, like that of so many *libres*, was restrained by material necessities.<sup>27</sup> *Libre* women also attacked one another, but each party usually was of a different

<sup>26</sup> Cofignie bore eight children during the Spanish period, the first in 1785 and the last in 1801; of these, three died in their youth. She had another daughter in 1806. The father(s) of all but one of Cofignie’s children were not identified; Josef Urra, *cuarterón libre* born November 1797, was described in his baptismal record as the illegitimate son of Manuel Urra and the *parda libre* María Cofignie (Nonwhite Baptisms, books 3a, 4a, 5a, 6a, 7a, 8a, and 9a, 1785-1806, Archives of the Archdiocese of New Orleans).

<sup>27</sup> Cofignie, however, did not give up fighting for what she believed to be just causes. The same month that Favrot brought charges against her, she petitioned a tribunal for the freedom of her brother, Antonio Cofignie, as slave of her former mistress and the widow of her and Antonio’s white father, don Claudio Cofignie. It appears that don Claudio had verbally promised to give each of his three illegitimate children—María, Feliciana, and Antonio—by his *grifa* slave Luison 400 pesos to purchase his/her freedom. The girls had done so prior to Cofignie’s death in 1786, but Antonio had not, and now the widow refused to free him for that amount, demanding instead what María claimed to be an exorbitant sum. While María was in the process of seeking retribution, Antonio took matters into his own hands and ran away. His mistress then accused

phenotype, with darker women most commonly the aggressor. In March 1801 Rosa Forneret, a seventeen-year-old *mulata libre*, pressed charges against Ursula Macarty, also a *mulata libre*, on behalf of her niece, the *cuarterona libre* Luisa Forneret, who was only nine years old and too young to petition the court. The dispute began as a quarrel between children and escalated into a knifing incident, with Ursula, like María Cofignie, playing the role of a mother defending her child. Testimony pieced together from several witnesses seems to indicate that Luisa Forneret and Ursula's daughter María Luisa Macarty were taunting each other on the sidewalk in front of the Macarty home. The verbal confrontation became physical when María Luisa picked up a piece of brick and sliced Luisa's face. Seeing the two fighting, Ursula pursued a fleeing Luisa to the Forneret house, where she insulted Luisa's mother, aunts (including Rosa), and grandfather (a prominent white official in the Spanish government).<sup>28</sup> She swore that the Fornerets would pay—for what the evidence presented in the case does not make clear—and that “the *muchacha* Luisa would be marked by her hand.” A few days later Luisa probably unwisely passed in front of the Macarty door on her way home from school. Ursula's sister Emilia cried out “there goes Luisa,” and Ursula, who very conveniently was chopping onions with a knife, ran out and attacked Luisa with the same knife, wounding her with a small cut to the left side of the head, which was not life threatening according to the statements of two surgeons hired by the court. After a period of two months the parties finally reached a compromise, “*deseando toda tranquilidad*” (desiring total tranquility). Rosa would not pursue the case any further, and Ursula would pay thirty pesos in damages to the Forneret family, as well as

María of assisting Antonio and hiding him; ironically María, who obviously placed much faith in the legal system, was thrown in jail once again, where she again called on the mercy of the court as a “*pobre mujer*” to release her so she could support her family. Finally, a white planter in Opelousas, whose ties to the Cofignies are not clear, paid 1,100 pesos for the fugitive, with the promise that María would reimburse him that sum if her brother ever reappeared. And the case concluded (“*Promovido por María Cofiny Parda Libre sobre que se estime su hermano Antonio Esclavo de doña Francisca Monget para su Libertad*,” SJR, 23 June 1795).

<sup>28</sup> The Fornerets made up a large and prosperous mixed-race family. Luisa Forneret, the *cuarterona* daughter of Felicite or Feliciania Forneret, a *mulata libre*, was born in 1791 when her mother was twenty-one years old. Felicite and Rosa (or María Rosa) Forneret were sisters, two of the nine children born to don Luis Forneret, a white man and government interpreter of Native American languages, and María Forneret, a negra who purchased freedom for herself and their eight children from don Luis in 1786 (one additional child was born free after this date) (Non-white Baptisms, books 3a-13a, 1786-1814, Archives of the Archdiocese of New Orleans; Acts of Francisco Rodríguez, vol. 9, fol. 1225, 27 July 1786, OPNA; Acts of Francisco Broutin, vol. 7, fol. 203, 19 April 1791, OPNA).

court costs of forty-one pesos and six *reales* (there were eight reales to the peso). The judge also demanded that their quarrels would never be heard again, an unlikely prospect given the obviously deep-seated animosities between the two families, the causes of which are hidden from modern investigators.<sup>29</sup> The motivations for Isabel Conand's attack on Angélica Piquery are even more shrouded in mystery, but most likely also stem from underlying hostilities dredged up from the past. This was a rare case in which a libre woman of lighter phenotype assailed one of darker phenotype: Conand was a mulata and Piquery a negra. In May 1800 Piquery brought criminal charges against Conand “for having injured her by treacherous means” (“*por haverla herido alevosamente*”). The previous night Piquery was in her house, when a negra who served Conand burst in, called her name, and told her to go into the street. Once out her door Piquery met Conand, who confronted her in the presence of many witnesses; she accused Piquery of talking badly of her and demanded a public apology. Piquery apparently responded too slowly or not at all, because Conand then slashed her face, inflicting two small wounds with a white-handled knife. Wrestling free, Piquery tried to flee, but Conand directed her increasing anger toward killing Piquery, or at least so Piquery thought. One witness on the street did not perceive such danger and testified that he let the two women brawl without interfering because they were both free persons, responsible for their own actions. Conand eventually left.

But she did not escape justice. The next day Piquery had Conand arrested and asked the court to seize her goods up to the value of four hundred pesos to compensate for damages to her victim. Piquery also requested a punishment that would teach Conand a lesson and satisfy the public's sense of fairness. The judge opted for compromise. In order to accommodate differences in this complaint, the judge determined that Conand would pay for Piquery's hospital bill, surgeon's fees, and all court costs. Once payment was satisfied, he would dismiss the case, noting that Conand had already suffered humiliation and economic loss by being arrested and imprisoned for three days. Similar to the settlement in the Forneret-Macarty case, the judge obligated each party never to quarrel again; if either did so, she would be punished to the full extent of the law.<sup>30</sup> These cases involving free women

<sup>29</sup> “*Criminales contra Ursula Macarty Mulata libre por haber dado una cuchillada a la Quarterona Luisa*,” SJR, 24 March 1801.

<sup>30</sup> “*Criminales por querella dada por la Negra libre Angela Piquery, contra la Mulata libre Isabel Conand por haberla herido alevosamente*,” SJR, 27 May 1800.



of color and many others in which the parties were males or were white and slave females exemplify patterns of verbal and physical conflict that scholars whose works appear in this volume and in other publications have discerned.<sup>31</sup> The numerous complaints that filled the dockets of the Spanish New Orleans judiciary offer a rich resource for glimpsing into the daily lives, values, and worldviews of the city's residents, much as similar records do across the former Spanish empire. They reveal that verbal and physical conflict commonly ensued in public spaces where insulting and humiliating behavior could be witnessed and thus have maximum impact. María Cofignie, Ursula Macarty, and Isabel Conand assailed those whom they perceived as their persecutors on the city's streets, either in front of their own or the other party's home. Others like María and Francisco Pechon made sure that there were witnesses to the incident even if it occurred indoors. Additional confrontations took place in taverns, billiard parlors, dance halls, and marketplaces or along the roads that lined the levees and canals surrounding New Orleans.<sup>32</sup> Conflict also usually erupted between persons of different statuses trying to "put" the other party in his or her "place" or even lower on the social scale: white v. libre, male v. female, light phenotype v. dark, regular army v. militia, Spaniard v. French Creole. As Richard Boyer argues in his essay, such threats to one's identity and honor and the corresponding response disclose much about societal values, at least as defined by the dominant group. On an individual level, insults meant something because they diverged from the targeted victim's own perception of him or herself. María

<sup>31</sup> Cheryl English Martin, "Popular Speech and Social Order in Northern Mexico, 1650-1830," *Comparative Studies in Society and History* 32:2 (1990), 305-24, provides an illuminating example.

<sup>32</sup> Some of these cases include: "*Criminales seguidos por el nombrado Santiago Vibelmont contra la Negra nombrada Chalinet esclava de Sesilia Mulata libre, sobre haverle dicha negra ultrajado de Palabras dado le de Palos y heridole en la Cara con una hasta de toro*," SJR, 28 September 1786; "*Información producida por María Hernández contra Josef Basques su Marido*," SJR 4 July 1793 and "*Criminales de oficio contra José Vasques por haber herido a su mujer María Hernández Claro*," SJR, 30 September 1797; "*Criminales seguidos de oficio contra don Francisco Delay sobre haver querido matar con un Estoque de Carlos Forneret, Pardo libre*," SJR, 2 January 1795; "*Criminales seguidos por Romualdo Marin contra Lorenzo García sobre Palabras Injuriosas*," SJR, 20 June 1795; "*Criminales seguidos por oficio del Señor Governador contra el Negro Ponpeyo sobre Injurias y otros excesos*," SJR, 5 August 1795; "*Pedro Nitar contra Mr. Desilet hijo por haver agolpeado a Lubin Mulato libre*," SJR, 23 September 1795; "*Don Bartolomé Lebreton contra don Bartolomé Lafond sobre palabras*," SJR, 27 June 1796; "*Francisco Barba Negro libre querellando se contra Antonio Martínez havitante sobre haverle dado este de golpes*," SJR, 27 September 1797; "*Lorenzo Lafontena contra el Negro libre Jorge Felipo, sobre golpes*," SJR, 15 February 1799; "*Querella Criminal de doña María Juana Lerable mujer del Capitán de Milicias don Luis Macarty, contra Madama Senas y Madama la Lanne*," SJR, 31 May 1799.

Cofignie had not earned her freedom by prostituting herself, señorita Favrot was not the daughter of a whore, María and Francisco Pechon were not slaves, and libre women in general were not lewd and lazy. Sonya Lipsett-Rivera's observation that words could “break bones” in central Mexico applies to Spanish New Orleans as well, especially when they triggered a more violent physical response.

Testimony and events that surrounded the Cofignie, Pechon, and other cases reveal the discrimination, desires, and frustrations many libre women experienced in New Orleans' patriarchal, hierarchical society. These defendants expressed in words and deeds what most free blacks probably felt like doing on an almost daily basis but were hesitant to act upon due to such retribution as Cofignie was subjected. Through various forms of political action and cultural play, in both covert and overt ways, they and other libre women resisted oppression based on their race, sex, and status. Most opted for peaceful resolution rather than revolutionary equality, as eventually did María Cofignie when she decided to sooth the wounded pride of the Favrot family and save her children from starvation, rather than fight for an assessment of her worth based on merit instead of race.

Nevertheless, free black women did pose a threat to a social hierarchy defined by patriarchy, European ancestry, and wealth, with fortunes primarily made through land and slave ownership. They were the subjects of discrimination as women, nonwhites, and slaves or the descendants of slaves. White women and slaves envied their relative economic independence, their greater choice of marriage partners, their relationships with white men.<sup>33</sup> Crown and church officials and white elites tried to restrict free blacks' choice of clothing and jewelry, access to property, type of occupation, and social activities by way of regulation and taxation. Libre women, in turn, resented being treated differently and subjected to greater scrutiny because of their race, gender, or former slave status. Their rage and exasperation erupted in both public and private spaces—on the city's streets, in its markets, along its promenades, within its individual residences—despite official efforts to maintain total tranquility.

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<sup>33</sup> For further elaboration of these topics see Hanger, “Coping in a Complex World,” pp. 218-31.