

Were Saint-Domingue Refugees a Distinctive Cultural Group in Antebellum New Orleans? Evidence from Patterns and Strategies of Property Holding

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The multinational character of the Caribbean archipelago and its surrounding coasts, combined with frequent shifts in sovereignty and high levels of migration, makes it an ideal setting for comparative history. While most scholarship on the period up to the abolition of slavery focuses on a specific colony or set of colonies belonging to one imperial power, much is to be learned from following groups moving from place to place. My article takes as its point of departure one of several population movements resulting from the Haitian Revolution: over 10,000 Saint-Domingue refugees and slaves who fled to New Orleans in 1809 from Cuba and Santo Domingo, where they had first sought asylum when the Leclerc expedition failed to restore French authority in Saint-Domingue in 1802 and 1803.¹ The refugees are of interest in part because their history leads us to look at the consequences of three changes of sovereignty over Louisiana: its cession to Spain by France in 1763, retrocession to France in 1800, and sale to the United States in 1803.

If one indicator of a migration's significance is its size relative to the population of the receiving society, the 1809 migration was clearly important. The refugees and slaves arriving from Cuba and Santo Domingo account for most of the increase in the population of New Orleans from 8,475 in 1805 to 17,242 in 1810.² Equally important as the size of a migration is the degree and

¹The best overview of population movements resulting from the Haitian Revolution remains John Baur, "International Repercussions of the Haitian Revolution," *Americas* XXVI (1970): 394-418. On the 1809 migration of refugees from Cuba to New Orleans, see my articles: "Les vaincus de la Révolution haïtienne en quête d'un refuge: de Saint-Domingue à Cuba (1803), de Cuba à la Nouvelle-Orléans (1809)," *Revue de la Société haïtienne d'histoire, de géographie et de géologie* XXXVIII(126) (mars 1980): 15-30, and "The 1809 Immigration of Saint-Domingue Refugees to New Orleans: Reception, Integration and Impact," *Louisiana History* XXIX(2) (Spring 1988): 109-41.

²Census of New Orleans, August 5, 1805, by Matthew Flannery, reprinted in *New Orleans in 1805: A Directory and a Census* (New Orleans: The Pelican Gallery, Inc.,

speed of its integration into the receiving society. Immigrants may form a distinctive ethnic group or be absorbed into one of the groups making up the society that they enter. Even sojourners at the moment of arrival may be assimilated over time.

The story of the adaptation of Saint-Domingue refugees to New Orleans society after 1809 is necessarily one of how they fit into Louisiana history. They arrived just six years after Napoleon sold the colony to the United States, having obtained its retrocession from Spain by the Treaty of San Ildefonso in 1800. There are two basic casts of characters in narratives of the first decades of American rule. In the first, which dates from the nineteenth century, Creoles and Anglo-Americans vie for supremacy. In the revisionist interpretation of Joseph Tregle, a third group, the "foreign French," joins these two protagonists on the historical stage.

In the romantic version of the first narrative, Creoles are depicted as descendants of French and Spanish settlers valiantly defending an aristocratic lifestyle against the egalitarian values, vulgar materialism, and single-minded quest for riches of American newcomers.³ In a realist version of essentially the same story, the novelist-historian George Washington Cable described the Creole less endearingly as "handsome, proud, illiterate, elegant in manner, slow, a seeker of office and military tradition, ruling society with fierce exclusiveness, looking upon toil as the slave's proper badge, lending money now at 12 and now at 24%, [and taking] but a secondary and unsympathetic part in the commercial life [of New Orleans]." The American, on the other hand, "confronted the Creole with the power of capital and of an active, enterprising, practical mind."⁴

In this scenario, the importance of the Saint-Domingue migration lay in its reinforcement of the Creole population. According to Cable, "The readiness with which the three different classes of this immigration [whites, free persons of color, and slaves] dissolved into corresponding parts of the New Orleans community, is indicated in the fact that they never appeared again in the city's history in anything like a separate capacity. And yet it might be much easier to underestimate than to exaggerate the silent results of an event that gave the French-speaking classes twice the numerical power with which they had begun to wage their long battle against American absorption."⁵

1936); population schedule for Louisiana of the *Fourth Census of the United States*, 1820, II, 193.

³See, for example, the sketch of "The Creoles" in chapter 8 of *Gumbo Ya-Ya: A Collection of Louisiana Folk Tales*, comp. Lyle Saxon (Gretna, La.: Pelican Publishing Co., 1988, orig. publ. 1945), 138-78.

⁴George Washington Cable, *The Creoles of Louisiana* (London: John C. Nimmo, 1885), 137-8; "Historical Sketch [of New Orleans]," in George Waring, Jr., *Report on the Social Statistics of Cities*, 2 vols. (Arno Press, 1970, repr. 1887), II, 245.

⁵*Ibid.*

Late nineteenth-century Creoles like Charles Gayarré and Adrien Rouquette found Cable's portrait of their forebears insulting,⁶ but at least it left them center stage. Joseph Tregle's critique of the "cult of the Creole," published in 1952, made them the weakest of three principal actors competing for fortune and power in early New Orleans society. According to Tregle, native Louisianians were as obsessed with making money as anyone else. Handicapped however by limited education, middling wealth and narrow experience, they were no match for the aggressive, acquisitive, ambitious Anglo-Americans who flocked to Louisiana after 1803. It was only thanks to the "political tutelage and leadership" of talented French immigrants that Creoles managed for several decades to retard complete displacement. Tregle includes Saint-Domingue refugees among the "foreign French," whose superiority and condescending manner were deeply resented by native Louisianians at the same time as they depended on their acumen to compete with English-speaking immigrants.⁷

Thus Saint-Domingue refugees do not figure as a distinctive cultural group in either of the main narratives. They are either pictured as quickly assimilated into the Creole population or as a subgroup of the foreign French. It should be noted as well that both narratives assign but a minor and not particularly edifying role to free persons of color, who made up a third of the 1809 refugee migration. For Cable, they "were an unaspiring, corrupted, and feeble class, of which little was feared and nothing hoped."⁸ Tregle dwells upon the "large if undetermined number" of free women of color who "monopolized the task of accommodating the licentiousness of the male part of New Orleans," thereby proving themselves to be more "enterprising" than free men of color, "frequently a bitter and contentious part of the community." He is hardly more sympathetic in his description of urban slaves as "unbelievably free and undisciplined."⁹

Although Cable and Tregle characterize the groups making up early nineteenth-century New Orleans society impressionistically, they do identify the

⁶[Adrien Rouquette], *Critical Dialogue between Aboo and Caboo on a New Book; or, A Grandissime Ascension* (New Orleans, 1880); Charles Gayarré, *Creoles of History and Creoles of Romance* (manuscript in Special Collections Division of the Howard-Tilton Memorial Library, Tulane University, New Orleans, La.). The best account of Creole reactions to depictions of their culture and history by Cable is in Joseph Tregle, "Creoles and Americans," in Arnold Hirsch and Joseph Logsdon, eds., *Creole New Orleans: Race and Americanization* (Baton Rouge: Louisiana State University Press, 1992), 174-81, which carries forward to the end of the nineteenth century the interpretation proposed in the article cited in the next note.

⁷Joseph Tregle, "Early New Orleans Society: A Reappraisal," *Journal of Southern History* XVIII(1) (February 1952): 20-36.

⁸Cable, "Historical Sketch," II, 244.

⁹Tregle, "Early New Orleans Society," 33-6.

major social groups that must be taken into account in studying the adaptation of Saint-Domingue refugees and raise important questions that need to be answered. Did the Louisiana Purchase open the door to Anglo-American immigrants who immediately challenged French-speakers for political dominance and threatened to quickly reduce them to a minority of the population? How did Louisiana Creoles react to this challenge? How important were the foreign French in the struggle for economic and political power in early New Orleans? Did Saint-Domingue refugees primarily reinforce the Creole or the European French elements of the Gallic community, or alternatively should they be considered a cultural group in their own right? What was the effect of the Saint-Domingue migration on the number and status of free persons of color and slaves in the city?

Documents pertaining to property provide empirical evidence of relative social standing and relationships among groups against which the merits of answers to these questions in the two main narratives of Louisiana history can be judged. Marriage contracts are a particularly rich source for studying patterns and strategies of property holding.¹⁰ They are used in this article to describe:

1. significant variation in the proportion of marriage contracts for spouses of different races and origins in New Orleans between 1804 and 1820;
2. a strong correlation between having a marriage contract drawn up and incentives to do so in the law regulating matrimonial property in the spouse's society of origin;
3. marriage patterns for Saint-Domingue refugees as distinctive as for Louisiana Creoles or European French immigrants;
4. significant differences by race and origin in the average value of assets listed in contracts;
5. strategies of intermarriage among whites, but not among free persons of color, that appear to be related to the relative economic advantage of union with a spouse of the same or another origin.

By way of conclusion, I will point out the implications of these findings for the role that should be allotted to Saint-Domingue refugees in Louisiana history.

From 1804 through 1820, notaries practicing in Orleans parish drew up 426 marriage contracts.¹¹ Most of the residents of this parish lived within the

¹⁰For a discussion of methodological issues involved in analysis of marriage contracts, wills, and inventories, see J. Dennis Willigan and Katherine Lynch, *Sources and Methods of Historical Demography* (New York, 1982), 133-59.

¹¹The marriage contracts are located in the Notarial Archives, Civil District Court, New Orleans, where they are bound with other acts in the records of the following

city limits of New Orleans and adjacent suburbs, but the contracts include several for farmers and planters on the outskirts of the city. The multinational character of the population of Orleans parish is evident from the birthplace of parties to the contracts (Table 1). Half of the white bridegrooms signing marriage contracts were born in France or in another French-speaking country of Europe. An additional 18 percent were natives of the colony of Saint-Domingue, slightly more than the percentage of bridegrooms who were Creoles of Louisiana. Only 7.5 percent of the white male contract-signers were Anglo-American immigrants. The origins of white brides were quite different. Nearly half were Creoles of Louisiana, and a third were Saint-Domingue refugees. Only 13 percent were born in French-speaking countries of Europe, and 4 percent were Anglo-American. Although a majority of free persons of color of both sexes who signed marriage contracts were Louisiana Creoles, the proportion of Saint-Domingue refugees was higher than among whites.

Of course, the race and origins of parties to marriage contracts were not necessarily representative of the population as a whole. First, the age structure of immigrants meant a higher proportion old enough to marry than among natives. Secondly, sex ratios were very unbalanced. The 1805 census of New Orleans reported 1.3 adult white males for every adult white female and 2.8 adult free women of color for every adult free man of color. By 1820 the ratios converged at 2.3 adult males per female among whites and 2.2 adult females per male among free persons of color.¹² Laws prohibiting interracial marriage almost entirely precluded that solution to the imbalance.¹³ Even allowing for numerous consensual interracial unions,¹⁴ the unbalanced sex ratios intensified competition in separate white and free colored marriage markets. In these circumstances, one should not assume that the same proportion of potential spouses from each group found a partner. Thirdly, linkage of marriage contracts with extant marriage registers shows that the proportion of marriages with contracts varied markedly from group to group.¹⁵

notaries: Narcissus Broutin, Christoval de Armas, Michel de Armas, Stephen de Quinones, Marc Lafitte, Hugues Lavergne, John Lynd, Pierre Pedesclaux, Philippe Pedesclaux, Carlisle Pollock, and Benedicte van Pradelles.

¹²Paul Lachance, "L'effet du déséquilibre des sexes sur le comportement matrimonial: comparaison d'entre la Nouvelle-France, Saint-Domingue et la Nouvelle-Orléans," *Revue d'histoire de l'Amérique française* 39(2) (Fall 1985): 213.

¹³Paul Lachance, "The Formation of a Three-Caste Society: Evidence from Wills in New Orleans," *Social Science History* 18(2) (Summer 1995): 213.

¹⁴*Ibid.*, 222-3. I estimate that 17.2 percent of white adult males were involved in interracial unions in 1810, falling to 11.2 percent in 1820. At that date, consensual interracial unions involved an estimated 30.5 percent of adult free women of color.

¹⁵Archives of the Archdiocese of New Orleans, New Orleans, La., St. Louis Cathedral white marriages, vols. II (1784-1806) and III (1806-1821); St. Louis Cathedral non-white marriages, vol. I (1777-1830); Ursulines Chapel and Church of St. Mary white

Table 1

Frequency of Marriage Contracts by Gender, Race, and Origin,
Orleans parish, 1804-1820

Race	Origin	Grooms			Brides		
		N	%	Valid %	N	%	Valid %
White	Creole	63	16.2	16.8	171	44.2	47.1
	European French	192	49.4	51.2	47	12.1	12.9
	Anglo-American	68	17.5	18.1	128	33.1	35.3
	Saint-Domingue	28	7.2	7.5	14	3.6	3.9
	Other non-French	24	6.2	6.4	3	0.8	0.8
	Non identified	14	3.6	---	24	6.2	---
	TOTAL	389	100.0	100.0	387	100.0	100.0
*FPC	Creole	19	51.4	51.4	22	56.4	57.9
	Saint-Domingue	17	45.9	45.9	16	41.0	42.1
	Anglo-American	1	2.7	2.7			
	Not identified	1	2.6	---			
	TOTAL	37	100.0	100.0	39	100.0	100.0

Source: Marriage contracts in New Orleans notarial archives.

*Free people of color.

Note: The other non-French consist of 5 white bridegrooms born in Spain, 2 in Flanders, 10 in Germany, 1 in Austria, 4 in Italy, 1 in Greece, and 1 in the Dutch Caribbean; and 1 white bride born in Italy, 1 in Spain, and 1 in Spanish America.

marriages, vol. 1 (1805-1837); St. Mary's Italian Church non-white marriages (1805-1880).

Since the party in exogamous marriages that insisted on a contract can only be surmised from the terms of the agreement, the surest indication of a specific group's propensity to have contracts drawn up is its behavior in endogamous unions. The percentage of contracts in exogamous marriages remains interesting for purposes of comparison, as shown in Table 2. Whether white or colored, Saint-Domingue refugees were most likely to marry with a contract. They were the only group for which marriage contracts were more common in endogamous marriages of both males and females than in exogamous marriages. A high percentage of European French spouses also married with contracts. By comparison, the percentage of marriage contracts was significantly less for Creole and Anglo-American spouses. The overall percentage for these two groups is similar, but it is higher for endogamous marriages of Creoles. The lowest percentage of contracts in endogamous unions, and the greatest difference from the percentage of contracts in exogamous unions, are observed for Anglo-Americans.

These differences in the proportion of marriage contracts turn out to be exactly correlated with provisions regulating ante-nuptial agreements in laws in the birthplaces of spouses. As a result of shifts in sovereignty and immigration, New Orleans had a population exposed to three different legal traditions: French, Spanish, and English. Family property law was regulated in both *ancien régime* France and Spain by a multiplicity of territorial regimes, with several distinct regional prototypes. Each empire, however, was governed by a single legal code: French colonies by the customary law of Paris (*Coutume de Paris*), Spanish colonies by Castilian law.¹⁶ Marriage settlements in English colonies were regulated by laws enacted by provincial assemblies, all based on common law precedents.¹⁷

The Custom of Paris, Castilian law, and English common law regulated matrimonial property quite differently. The standard regime of the Custom of Paris was a community of "biens meubles et conquêts immeubles," that is to say, movable property owned prior to marriage, but not immovables, became part of the property held in common by husband and wife, along with whatever property was acquired subsequent to marriage.¹⁸ Most importantly, the Custom of Paris allowed prospective spouses virtually complete liberty to modify property arrangements by express agreement prior to marriage, but permitted no

¹⁶Hans Baade, "Marriage Contracts in French and Spanish Louisiana: A Study in 'Notarial' Jurisprudence," *Tulane Law Review*, vol. 53, no. 1 (December 1979), 14-15, 43-44.

¹⁷Carole Shammass, Marylynn Salmon, and Michel Dahlin, *Inheritance in America from Colonial Times to the Present* (New Brunswick, N.J., and London: Rutgers University Press, 1987), p. 31.

¹⁸Yves F. Zoltvany, "Esquisse de la Coutume de Paris," *Revue d'histoire de l'Amérique française*, Vol. 25, No. 3 (December 1971), 368.

Table 2

Percentage Marrying with a Marriage Contract by Gender, Type of Marriage
(Exogamous or Endogamous), Race, and Origin
New Orleans, 1804-1820

Race and Status	Origin	Grooms			Brides		
		Exog	Endog	Total	Exog	Endog	Total
Whites		36.0	22.3	29.6	35.9	22.3	29.8
	Creole	38.0	13.6	16.4	28.8	13.6	22.1
	Anglo-American	24.0	3.6	19.3	43.3	3.6	24.6
	European French	43.4	39.0	42.2	40.0	39.0	39.8
	Saint-Domingue	54.0	62.1	58.1	54.6	62.1	56.5
Free persons of color		18.9	19.1	19.0	21.1	19.1	19.5
	Creole	11.8	14.4	14.0	26.3	14.4	16.0
	Saint-Domingue	30.8	50.0	43.6	23.1	50.0	41.0

Source: Marriage contracts in New Orleans notarial archives; marriage registers in the Archives of the Archdiocese of New Orleans.

change once the marriage had taken place. Hence, the system encouraged marriage contracts.¹⁹

Castilian law also stipulated a community of property in the absence of a marriage contract, but it was *ganancial* or limited to gains or profits subsequent to marriage. This regime could also be modified by ante-nuptial contract, but subject to limits and regulations that were not imposed under the Custom of Paris. While the latter expressly permitted reciprocal donations *mortis causa* by marriage contract, Castilian law did not.²⁰ The bridegroom could make a

¹⁹Baade, "Marriage Contracts," 15-19.

²⁰*Ibid.*, 47-48: "The Custom of Paris expressly permitted reciprocal donations *mortis causa* by marriage contract. This was in direct contravention of two basic rules of

wedding gift (*arras*) to his bride, but it could be no greater than 10 percent of his current assets.²¹ As a result, marriage contracts were rarer in Castile than in regions of Spain where donations *mortis causa* were permitted, as was also the case in Spanish colonies as compared to French colonies.²² The Spanish tended to use wills rather than marriage contracts to make special arrangements for transfer of property following dissolution of the community by the death of one of the spouses.²³

There was even less incentive to draw up a marriage contract in British colonies. English common law stipulated that all property belonging to the wife passed to the ownership of the husband upon marriage. At his death, she was entitled to dower rights, commonly fixed at a third of his real estate. Husbands could be more generous to their wives; but they did so by means of wills rather than marriage contracts. It was also possible to arrange for separate estates for wives through marriage settlements and guarantee her certain properties by jointures should she outlive her husband; but such arrangements were exceptional.

Differences in matrimonial property law in the society of origin provide a plausible explanation for why, in endogamous marriages, 39 percent of French-born spouses married with contracts in contrast to only 4 percent of Anglo-American spouses. They are also consistent with the 62 percent of white and 50 percent of non-white Saint-Domingue refugees marrying with contracts even higher than the rate of European French spouses, while only around 14 percent of Louisiana Creole spouses of both races did so, closer to the rate of Anglo-Americans than of the French.

In ordinary circumstances, one would expect the percentage of contracts to be higher for French colonials than for natives of France. All of the former, but only a fraction of the latter, came from regions governed by the Custom of Paris. Add to that the effect of the extraordinary circumstances of the refugee migration on their behavior. Loss of documents is mentioned in many notarial acts involving refugees. A marriage contract provided a record of property once owned, in the event of return to Saint-Domingue or compensation for expropriation.

civil law, firmly established in Castile: Contractual stipulations on expected inheritances were invalid, and institutions of heirship could be made only by testament."

²¹Eugene Korth and Della Flusche, "Dowry and Inheritance in Colonial Spanish America: Peninsular Law and Chilean Practice," *The Americas* XLIII(4) (April 1987): 400.

²²Baade, "Marriage Contracts," 45, 48.

²³*Ibid.*, 48. "... while the chief instrument of family wealth transmission in eighteenth century France was the marriage contract, in contemporary Castile it was mainly the last will and testament."

The much lower percentage of marriage contracts for Louisianians may be ascribed to over three decades of Spanish domination. Whereas the refugees were from a colony that remained nominally French until the proclamation of Haitian independence on January 1, 1804, Creoles lost the opportunity to live under laws dating from the French regime when O'Reilly crushed their revolt against cession of Louisiana to Spain in 1768. After 1769, the Louisiana French had to marry according to the rules of Castilian law, whether they liked it or not. Judging from the small percentage who married with contracts after 1803, they appear to have adjusted rather well to Spanish legal practice.

This generalization is at odds with the argument advanced by Hans Baade, author of the most thorough study to date of marriage contracts in Louisiana under French, Spanish, and American rule. He claims that the abrupt reversion to French notarial form in New Orleans following the Louisiana Purchase is evidence of the persistence of French legal folkways despite formal compliance with Spanish law.²⁴ Between 1804 and 1808, when there was some ambiguity in lower Louisiana as to the legal basis of matrimonial property regimes, it is true that two-thirds of New Orleans marriage contracts provided for some kind of community in accordance with the Custom of Paris. Creole marriage contracts were as apt to include the formula "communs en biens meubles et conquêts immeubles" as contracts of the foreign French. In fact, promulgation of Napoleon's Civil Code in 1804 made the Custom of Paris as anachronistic for French immigrants as it was for Creoles.

The provisions regulating marriage and property in *The Digest of the Civil Laws Now in Force in the Territory of Orleans*, compiled by the Saint-Domingue refugee Louis Moreau Lislet and an American lawyer James Brown and adopted in 1808, was a hybrid of Spanish and French precedent.²⁵ The *Digest* defined the standard matrimonial regime as a "partnership or community of acquets or gains," a literal translation from the Spanish *Sociedad de Gananciales*. However, in characteristically French fashion, it gave complete liberty to the contracting parties to stipulate another regime if they wished and to make whatever donations they desired. From 1809 to 1812, 60 percent of New Orleans marriage contracts referred to the laws of the Territory of Orleans. Contracts based on the Custom of Paris dropped to 15 percent of the total, and an additional 9 percent cited French law. Only 10 percent of marriage contracts for Creole brides in these years, compared to nearly 30 percent of those for foreign French brides, were based on the Custom of Paris or French law. After

²⁴Baade, "Marriage Contracts," 75.

²⁵Richard Kilbourne, Jr., *A History of the Louisiana Civil Code: The Formative Years, 1803-1839* (Center of Civil Law Studies, Paul M. Hebert Law Center, Louisiana State University, 1987), 48-53.

accession to statehood in 1812, almost all marriage contracts cited the law of Louisiana.²⁶

Baade estimates over 300 marriage contracts in Louisiana in the French colonial period and 350 in the Spanish period.²⁷ Given the threefold increase in the population of the colony under Spanish domination,²⁸ a small increase in the number of contracts implies a decline in the percentage of marriages with contracts. Although the population of Louisiana grew even more rapidly from around 36,000 in 1803 to 153,000 in 1820,²⁹ the 426 contracts from Orleans parish alone during these 16 years are more than the 350 in the entire colony under 35 years of Spanish domination. They may constitute an increase in the proportion of marriages with contracts, although I doubt it. In any case, the increase would be primarily due to the presence of large numbers of Saint-Domingue refugees and European French immigrants in the city, not to a resurgence of repressed legal folkways on the part of Louisiana Creoles, most of whom continued to marry without a contract.

The much higher percentage of Saint-Domingue refugees marrying with a contract reflects little modification of their behavior during the six years they spent in Eastern Cuba before moving to Louisiana in 1809. Their behavior there was that of a group which refused to adapt to local laws. Rather than having their marriage contracts drawn up by a Spanish notary, they had them registered in the *agences de prises* that the French had set up in Santiago de Cuba and Baracoa to adjudicate the legitimacy of "prizes" captured by French privateers. Several of the contracts explicitly mention that Spanish notaries refused to draft contracts based on French law.³⁰

In Louisiana, by contrast, the refugees complied with Louisiana law concerning marriage contracts. As that law became more clearly defined, they ceased to refer to the Custom of Paris or laws in effect in France. In a sense, this behavior is evidence of adaptation to Louisiana society; but their adaptation was facilitated by the flexibility of Louisiana law which allowed parties to a marriage contract to modify the standard regime of a community of gains as

²⁶Most of the exceptions were marriage contracts for spouses who planned to live in another state or country.

²⁷Baade, "Marriage Contracts," 24, 49.

²⁸According to Table A-1 in David Rankin, "The Forgotten People: Free Persons of Color in New Orleans, 1850-1870," Ph.D. dissertation, The John Hopkins University, 1976, 290, the total population of Louisiana increased from 11,224 in 1771 to 35,932 in 1803.

²⁹*Ibid.*

³⁰Archives d'outre mer (Paris, since moved to Aix-en-Provence), G⁵31-33. See, for example, the marriage contract for Louis Perant and Marie Elizabeth Theriot, April 8, 1805, in which reference is made to Spanish notary publics refusing to draw up contracts "for the French because they know neither their language nor their laws and customs."

they wished. The much higher proportion of marriage contracts for refugees and for immigrants from France distinguishes them from Creoles; but it also reflects their good fortune to have arrived in a society whose institutions made their integration easier than had been the case for Saint-Domingue refugees in Cuba.

The marriage contracts also provide evidence of the economic standing of refugees and their relationship to other groups in New Orleans society, as reflected in patterns of intermarriage. The average value of assets declared in marriage contracts varied considerably by gender and race. On the one hand, brides were more likely than bridegrooms to list their property. They did so in 88 percent of the marriage contracts, compared to 72 percent of their male counterparts. On the other hand, the average value of female property was \$3,624, just under half the average male declaration of \$7,395. The racial disparity was even greater. Property in marriage contracts for whites averaged \$5,730, 3.6 times more than the average of \$1,579 for free persons of color. Controlling for gender and race, Table 3 ranks spouses from different groups by the overall percentage with marriage contracts and compares their average wealth. Although a wealth bias is as likely in marriage contracts as in wills or inventories, there is no positive correlation between the proportion of contracts and the average value of assets declared in them. This confirms that the decision to have a marriage contract drawn up was primarily a function of the incentives to do so in the legal system with which the spouses were familiar. The differences in average wealth at marriage are nonetheless striking. Clearly the wealthiest spouses were white Anglo-Americans. The assets listed in contracts of men and women from this group were well over twice the value of average declarations for their gender and almost twice as much as those of white Louisiana Creoles, the next wealthiest group. Among white males, the difference in the average assets of Creoles, immigrants whose first language was neither French nor English, and the European French were not great; but white Creole women were twice as wealthy as females from these other groups.

The declarations of white Saint-Domingue refugee men averaged \$3,216, only 40 percent of the average for white bridegrooms and less than half of the next group above them, the European French. Only free men of color brought less to their marriages; and even among them, Louisiana-born free men of color declared on average \$2,071, almost twice as much as free men of color born in Saint-Domingue. The bottom rungs of the economic ladder were closer together for brides. The average declaration of European French women was \$2,664; for white and non-white women born in Saint-Domingue, it was respectively \$2,530 and \$2,421. Saint-Domingue free persons of color were the only group in which brides brought more to marriage than did bridegrooms. The smallest declarations were for Louisiana-born free women of color, \$835. Average declarations of wealth in marriage contracts not only reflect the economic stand-

Table 3

Percentage of Marriage Contracts and Average Declarations
of Wealth by Gender, Race, and Origin
New Orleans, 1804-1820

Race and Status	Origin	Grooms			Brides		
		Marriage Contracts		Mean Assets	Marriage Contracts		Mean Assets
		%	\$	N	%	\$	N
Whites		29.6	8,034	263	29.8	3,849	322
	Saint-Domingue	58.1	3,216	39	56.5	2,530	109
	European French	42.2	7,337	138	39.8	2,664	45
	Anglo-American	19.3	18,494	17	24.6	8,515	13
	Creole	16.4	9,945	49	22.1	4,779	152
	Other non-French	---	8,667	20	---	2,167	3
Free persons of color		19.0	1,602	29	19.5	1,560	35
	Saint-Domingue	43.6	1,185	13	41.0	2,421	16
	Creole	14.0	2,071	15	16.0	835	19
	Anglo-American	5.6	0	1			

Source: Marriage contracts in New Orleans notarial archives.

Note: N is number of spouses who list assets in marriage contracts.

ing of individuals from each group, but also how much property was needed to compete in successfully for a spouse. Table 4 shows what men and women from each group gained from intermarriage with each other and with spouses from other groups. In general, the patterns of intermarriage correspond with the relative advantage of endogamous or exogamous marriage for each category of spouses.

Three elements of the white population tended to marry endogamously: European French brides (80.9%), Louisiana Creole men (70.5%), and Saint-Domingue men (61.2%). The first two found richer partners when they married inside rather than outside their group. The brides of Saint-Domingue refugees who married outside their group were richer than those who married endogamously, but the wealth necessary to procure them (\$4,199) was substantially greater than in endogamous marriages (\$2,555). Among whites, endogamous marriages of Saint-Domingue refugees were the only ones in which husbands obtained wives richer than themselves.

In the other five cases of white spouses, in which exogamous marriages predominated, men and women who married outside their group found richer partners than those who married inside it. Louisiana Creole and Saint-Domingue women found richer husbands although bringing less to their marriages than women who married endogamously. European French men and Anglo-American men and women, by contrast, had to bring more to exogamous unions to find wealthier partners than their counterparts who were content to marry within the group. At least among whites, market behavior appears to have taken the form of the majority of men and women of all origins opting for the type of marriage, endogamous or exogamous, more advantageous to themselves.

Among free persons of color, all of who tended to marry endogamously, only unions between Louisiana men and Saint-Domingue women were more advantageous than endogamous unions for both parties. Whether marrying inside or outside their group, free men of color born in Saint-Domingue found brides who brought more on average to marriage than they did, while exactly the opposite was the case for Louisiana-born free persons of color. The less clear correlation of patterns of intermarriage with economic advantage among free persons of color could reflect sharper cultural differences between those born in Louisiana and Saint-Domingue than between their white counterparts, or it could be simply the product of property considerations counting for less at the bottom of the economic ladder than at the top.

Further refinement of patterns of intermarriage by the origins of spouses in exogamous unions reveals that one group in particular profited from the pattern of intermarriage. In Table 5, combinations of couples by race and origin are ranked according to the average value of the sum of assets brought to marriage by the husband and wife when both declared property in their contract. The

Table 4

Average Assets of Bridegroom and Bride in Endogamous and Exogamous Marriages, by Race and Origin

Origin	Gender	Endogamous		Exogamous	
		Groom		Bride	
		%	\$	\$	\$
WHITES					
Creoles	Males	70.5	10,070	10,713	2,843
	Females	25.1	6,375	11,684	4,127
Saint Domingue	Males	61.2	2,555	4,199	3,448
	Females	31.2	2,737	6,589	2,436
European French	Males	20.4	3,601	8,529	3,366
	Females	80.9	2,525	3,680	3,222
Anglo-American	Males	4.0	5,000	20,280	5,119
	Females	7.7	2,000	11,075	3,900
FREE PEOPLE OF COLOR					
Creoles	Males	88.9	1,897	4,500	1,500
	Females	76.2	801	450	932
Saint Domingue	Males	76.5	1,278	675	1,040
	Females	86.7	2,633	4,500	1,500

Source: Marriage contracts in New Orleans notarial archives.

Table 5

Summary Statistics of Assets Declared in Marriage Contracts
by Race and Origin

Origins		Groom's Assets		Bride's Assets		Combined Assets	
Groom	Bride	\$	N	\$	N	\$	N
White							
AngAm	Creole	26,200	11	6,019	16	32,626	10
Creole	Creole	10,070	35	6,735	38	18,073	32
Creole	StDom	11,693	6	3,209	9	15,288	5
EurFr	Creole	10,562	57	4,121	68	15,210	51
Creole	AngAm	13,025	4	2,025	4	15,050	4
EurFr	AngAm	1,750	2	5,600	6	13,900	2
StDom	Creole	4,442	14	3,633	20	8,926	12
AngAm	StDom	4,000	4	2,240	5	8,133	3
EurFr	StDom	6,316	46	2,279	57	7,615	41
AngAm	AngAm	5,000	1	2,000	1	7,000	1
EurFr	EurFr	3,601	29	2,525	36	6,379	28
Creole	EurFr	3,150	2	2,833	3	5,400	2
StDom	StDom	2,555	22	2,737	34	4,398	21
StDom	AngAm	3,000	1	1,200	1	4,200	1
StDom	DurFr	2,000	1	2,000	1	4,000	1
Free people of color							
Creole	StDom	4,500	1	1,500	2	6,100	1
StDom	StDom	1,278	11	2,634	13	3,473	11
Creole	Creole	1,897	14	801	14	2,828	13
StDom	Creole	675	2	1,040	4	1,605	2
AngAm	Creole	0	1	500	1	500	1

Source: Marriage contracts in New Orleans notarial archives.

Note: Combined assets are calculated for marriage contracts in which both husband and wife declared assets.

whites who profited the most from marriage were not the group with the highest average assets, Anglo-Americans, but Louisiana Creoles. They represent 121 of 228 spouses in unions whose combined assets exceeded \$10,000, followed by 53 European French, 18 Anglo-American, and 5 Saint-Domingue spouses. Free persons of color constituted a separate and much poorer marriage market. The only marriage of free persons of color with combined assets as large as those of whites on the lower rungs of the economic ladder was one in which a native Louisiana male and his Saint-Domingue bride declared, respectively, \$4,500 and \$1,600 in their contract, for a total of \$6,100. This was more than any marriages involving white Saint-Domingue men except for the wealthiest among them who married Louisiana women.

The competitive edge of white Louisiana Creoles in the New Orleans marriage market is also evident in the relative wealth of the other party to contracts. Table 6 compares the assets of brides in contracts for males from each group. White Creole men married richer brides from each group than their competitors in the marriage market, with one exception, European French men marrying Anglo-American women; and even in that exceptional case, Anglo-American brides of Creole men were richer than those of Saint-Domingue refugees or of Anglo-American men. Free men of color born in Saint-Domingue, by contrast, found richer brides than their Creole counterparts. When refugee free men of color married endogamously, the wealth of their brides was in the same range as that of white Saint-Domingue brides of men from every group except white Creoles.

As one can observe in Table 7, white Creole women also fared well in the marriage market. Not only did white Creole women marry the wealthiest Anglo-American men, worth on average \$26,200, but also the wealthiest European French and Saint-Domingue men, worth respectively \$10,562 and \$4,442. Only in endogamous marriages did they find less wealthy husbands than Anglo-American and Saint-Domingue refugee women marrying Creoles. White Saint-Domingue women marrying Creole and European French men also made profitable matches. In contracts for free persons of color, Saint-Domingue females found richer husbands than their Creole rivals. The richest marriage contract for free persons of color was for a Saint-Domingue woman whose prospective husband was a Louisiana Creole.

In general, the successful competition of white Louisiana Creole men and women for the richest spouses from immigrant groups suggests Tregle went too far in cutting them down to size. It fits better the central position attributed to Creoles in Cable's narrative of colonial and antebellum Louisiana history. As Cable argues, descendants of earlier settlers inherited the most valuable real

estate and formed a local elite.³¹ In addition to buying their property as it was put on the market, the richest immigrants, including Anglo-Americans, did not neglect marriage as a means of quick access to Creole property and social standing.

Such a strategy presupposes that Creoles were willing to marry foreigners. Marriage contracts show that Creole women were so disposed, although it is probably more accurate to attribute their openness to out-marriage to their parents. In doing so, Creole families profited not only economically from alliances to the wealthiest and most enterprising of immigrants, but also politically from Anglo-American husbands named to important political and military positions. The Creole strategy made sense in a colonial context in which many merchant, political officials, and high-ranking officers were foreign-born.

In all probability, this strategy dates back to the first generation of Creoles coming of age in Louisiana. Once it began to be followed, it would tend to persist by virtue of immigrant fathers being amenable to marrying their Creole daughters to foreign-born sons-in-law, probably more so than Creole fathers. Such a pattern meant a culture in constant mutation, particularly after Louisiana ceased to be a French colony. Up to 1763, and perhaps longer since the Spanish did not immediately establish effective control over the ceded colony, the immigrants with the strongest economic and political connections in the metropole were, of course, French; but then for over three decades they were Spanish, and after 1803 American.

The children of Spanish or American fathers and Creole mothers were not necessarily cosmopolitan in mentality and open in turn to intermarriage with foreigners. Most sons of such unions married endogamously. Unlike their sisters, over half of whom married while still in their teens, most Creole men married in their late twenties or early thirties. If only because their fathers were more often already dead when they married than the fathers of Creole women, Creole men had a greater say in who they married. Moreover, it is possible that father-son conflict and jealous rivalry with the rich foreigners who competed with them for the most desirable Creole brides reinforced the Creole identity of men born in Louisiana. As for their sisters who married much earlier in life, usually before their identity was set, those who were married to foreigners may be assumed to have been more cosmopolitan as a result of accommodation of their partner if not upbringing. Since more Creole women than Creole men in each age cohort married in New Orleans, the effect would be to favor the development over time of a cosmopolitan Creole culture.

³¹Cable, *Creoles of Louisiana*, 138: "[The Creole] had one stronghold. He owned the urban and suburban real estate, and presently took high station as the seller of lots and as a *rentier*."

Table 6

Average Wealth of Brides of Different Origins by Race and Origin of Husband

Bride-grooms Race	Bride-grooms Origin	Origin of Brides			
		Creole	AngAm	EurFr	StDom
		\$	\$	\$	\$
White	Creole	6,735	2,025	2,833	3,209
White	AngAm	6,019	2,000		2,240
White	EurFr	4,122	5,600	2,525	2,279
White	StDom	3,633	1,200	2,000	2,737
FPC	StDom	1,040			2,634
FPC	Creole	801			1,500

Note: Comparisons are based on data in Table 5.

Table 7

Average Wealth of Husbands of Different Origins
By Race and Origin of the Bride

Brides		Origin of Husbands			
Race	Origin	Creole	AngAm	EurFr	StDom
		\$	\$	\$	\$
White	Creole	10,070	26,200	10,562	4,422
White	AngAm	13,025	5,000	1,750	3,000
White	EurFr	3,150		3,601	2,000
White	StDom	11,693	4,000	6,316	2,555
FPC	StDom	4,500			1,278
FPC	Creole	1,897			675

Note: Comparisons are based on data in Table 5.

Tregle's characterization of Creoles as provincial, in this light, reflects a gender bias that occludes the role of females in cultural transmission. Cable, too, accused Creoles of provincialism, but his account at least had the merit of depicting immigrants, however different from Creoles in their entrepreneurial spirit when they arrived, as gradually creolized over time. "Through slave-holding, and the easy fortune-getting it afforded, an intellectual indolence spread everywhere, and the merchant of Faubourg Ste. Marie, American—often New Englander—as he was, sank under the seductions of a livelihood so simple, so purely executive, and so rich in perquisites, as the marketing of raw crops. From this mental inertia sprang an invincible provincialism; the Creole, whose society he was always courting, intensified it."³²

Contrary to Tregle and Cable, I am arguing that a culture open to extensive intermarriage with immigrants is more accurately characterized as cosmopolitan and, judging from the economic advantage drawn from such unions, imbued to some extent with the spirit of capitalism. Cable's narrative is also flawed in the simplicity of its Creole-American dichotomy, in making "exclusiveness" one of the defining traits of Creoles, in neglecting the "foreign French" (Tregle is certainly right to insist on their importance), and in its primary focus on males (in his historical works, but not his novels and short stories). A new narrative is needed which gives due weight to the complex interaction as well as the conflict among the main groups making up the multinational population of New Orleans. The competition for wealth and political power was complicated by mechanisms of transmission of wealth through marriage and inheritance, aspects of behavior that cannot be understood without taking the role of women into account and which underlay the city's cosmopolitan culture.

These generalizations apply especially to whites. The disparaging depictions of free persons of color and slaves by both Cable and Tregle also need to be corrected. The marriage contracts provide evidence at once of discrimination and opportunity. Against great odds, some slaves became free persons of color, and some free persons of color acquired enough property to aspire to the proof of status afforded by legal marriage and legitimate children.³³ If their marriage rate was lower than that of whites,³⁴ and their declarations of wealth in marriage contracts were smaller, as high a percentage of Creole free persons of color who did marry had contracts drawn up as white Creoles. Neither Cable nor Tregle distinguishes between immigrants and natives of

³²*Ibid.*, pp. 244-5.

³³Kimberly Hanger, "Patronage, Property and Persistence: The Emergence of a Free Black Elite in Spanish New Orleans," *Slavery & Abolition* 17(1) (April 1996): 44-64.

³⁴Paul Lachance, "Intermarriage and French Cultural Persistence in Late Spanish and Early American New Orleans," *Histoire sociale—Social History* XV(28) (May 1982): 68.

Louisiana within the free colored population. The marriage contracts suggest that Saint-Domingue refugees were not only an important addition to the number of free persons of color living in New Orleans, but also to the wealth of the group. In contrast to the white population, where Saint-Domingue refugees entered at the bottom of the economic ladder, female refugees of color arrived with more property than local free women of color had been able to accumulate.

Where do Saint-Domingue refugees fit in the mirror of New Orleans society provided by marriage contracts? Sympathetic contemporaries pictured white refugees as the unfortunate victims of the Haitian revolution, arriving in New Orleans with only the remnants of the fortunes they had once enjoyed in the most prosperous of the Caribbean colonies; and indeed this was how white refugees presented themselves.³⁵ Most historians have described the refugees in the same way. The marriage contracts reveal that white refugees were not quite so destitute. A higher percentage owned slaves, an easily transportable form of property, than did white spouses in general.³⁶ Nevertheless, it is true that refugee spouses were less wealthy on average than spouses from other groups in the white population, indeed hardly richer than refugees of color. Especially when compared to the large difference in average wealth of whites and free persons of color born in Louisiana, displacement first by the revolution and then by events in Cuba appears to have narrowed racial differences in property owned by Saint-Domingue refugees. This is one important way in which they represented a distinctive element of the New Orleans population.

The sex ratio of Saint-Domingue refugee spouses was similar to that of Louisiana Creoles. Among whites, there were many more brides than bridegrooms born in Saint-Domingue. Among free persons of color, the ratio was more balanced both for Creoles and refugees, although in both cases marriage contracts are unrepresentative. Among all adult free persons of color, the excess of females was as great as the excess of males among whites, and the

³⁵Lachance, *Vaincus de la révolution haïtienne*.

³⁶Compared to 35 percent of white bridegrooms and 44 percent of white brides whose property included slaves, 38 and 45 percent respectively of white Saint-Domingue refugees mentioned slaves in their contracts. While only 19 percent of marriage contracts for free women of color born in Louisiana mentioned slaves, 56 percent of those for Saint-Domingue free women of color did so. Saint-Domingue free men of color, by contrast, listed slaves in only 7 percent of their contracts compared to 71 percent of Louisiana-born free men of color. Over 90 percent of inventories of estates of Saint-Domingue refugees who died in New Orleans in 1809 and 1810 mentioned slaves who represented over 50 percent of their total assets. By comparison, 55 percent of other estates included slaves in 1809 and 1810, where they represented 15 percent of total assets. See Paul Lachance, "'Ties that can be called familial': Saint-Domingue Refugees in New Orleans and their Slaves" (paper presented at the international conference on Family and Slavery in the Americas, Department of History, Université de Montréal, October 28, 1994), p. 13.

refugee migration reinforced this pattern. The European French, Anglo-Americans, and other non-French immigrants were responsible for the excess of males in the white population. In the short run, white Saint-Domingue refugee women tended to marry European French immigrants. Less wealthy than women from other groups, they were unable to compete for richer Creole and Anglo-American husbands; but the explanation of their marriage pattern may also be partly cultural. Many of the bridegrooms born in France were also refugees, although most cannot be identified as such from the limited biographical information in marriage contracts. Marriage contracts in the records of the *agences de prises* in Santiago de Cuba and Baracoa reveal that at least 52 percent of white male refugee spouses and 6 percent of white female refugee spouses were born in France.³⁷

Thus the marriage contracts of white refugees are at odds with Cable's claim that they were immediately absorbed into the Creole population. Marriages in the 1820s and 1830s indicate that over time the preference of Saint-Domingue refugees did shift from the European French to Louisiana Creoles; but church records and marriage contracts also suggest that a larger proportion of refugees of color stayed in New Orleans than white refugees. They continued to marry endogamously more than white refugees.³⁸ To the extent that one can identify distinctive ethnic groups in New Orleans, Saint-Domingue refugees of color have a stronger claim to classification as such than white refugees. In the final analysis, however, it may be better to abandon the paradigm of a society stratified into culturally distinct and competitive groups for the alternative paradigm of a cosmopolitan city in which individuals from various parts of the world collected, interacted, intermarried, and produced a new generation that would in its turn interact and intermarry with the next cohort of immigrants.

³⁷ Archives d'outre mer, G⁵31-33, 67 marriages. The percentages cited in the text are calculated from totals including spouses whose origin is not mentioned in contracts: 8 percent of the bridegrooms and 25 percent of the brides.

³⁸ Lachance, "The 1809 Immigration," 135-36.