

ABSTRACT

Title of Dissertation: INTIMATE ENTANGLEMENT: THE
GENDERED POLITICS OF RACE AND
FAMILY IN THE GULF SOUTH, 1740-1840

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“Intimate Entanglement: The Gendered Politics of Race and Family in the Gulf South,” uses manuscript court records, newspapers, records of colonial administrators, and accounts of merchants and travelers to investigate the ways in which cross-cultural peoples practiced an adaptive gender culture in the Gulf South in the era between 1740-1840. “Intimate Entanglement” argues that a protean understanding of the gendered dynamics within the family allowed Anglo-Native peoples to eschew the racial categorization imposed upon them by Anglo-Americans while also self-fashioning identities that allowed for maximum autonomy and for the protection of their wealth and status within Native communities.

Familiar with both the matrilineal/matrifocal familial arrangements of the Five Tribes of the Gulf South as well as the gendered norms associated with the Anglo-American patriarchal family, cross-cultural peoples decided which identities they presented for public consumption depending upon the needs of a particular situation.

This practice became prevalent during the colonial era, when increased contact between Anglo and Native peoples created unstable gendered and racial identities. By the early nineteenth century, Anglo-Americans had embraced a rigid definition of white patriarchal identity that centered Anglo men's ability to control subordinates, own slaves, and exploit property, enslaved persons, and other forms of wealth. At the same time, Anglo-Americans embraced a new racial hierarchy which sought to consign people of Native and African ancestry to the same inferior position. Cross-cultural people fought this new racialization by continuing to practice the flexible understandings of gender that had its roots in the colonial past.

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FAMILY IN THE GULF SOUTH, 1740-1840

by

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Dedication

To all those Southerners who came before who wrestled with the meaning and consequences of that identity,

And to my parents, whose hard work and sacrifices allowed me to pursue my dreams.

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This dissertation was a long time in the making, and I've accumulated many debts along the way.

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My family has supported me throughout my educational pursuits and words fail to truly capture my gratitude. Mike and Leisa Bearden have made many sacrifices so that their children and grandchildren could have a better life. Jason and Amber Bearden have provided love and support in innumerable ways. Helen Cobb has always been ready with a biscuit and some family gossip. And Raleigh and Rider Bearden have provided constant reminders that the future is just as important as the study of the past.

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INTRODUCTION

In 1740 James Logan Colbert made his way over the Appalachian Mountains towards the Chickasaw nation located in the lower Mississippi river valley. A recently arrived Scots immigrant to the Carolinas, Colbert participated in a trans-Mississippi-Carolina trade in which Anglo-American merchants exchanged British manufactured guns, copper pots, and textiles in return for deerskins, beaver hides, and Native American slaves. A small yet powerful tribe, the Chickasaw had been important trading partners for Spanish, French, and British merchants since the seventeenth century. Colbert's decision to relocate to the interior of the Gulf South brought him into close proximity with important mercantile contacts and allowed him to establish a solid base of support from which goods could be sent from the interior back to the ports of Charleston and Savannah in British-controlled North America.¹

While Colbert made Chickasaw alliances, the French Juzan family followed a similar pattern of integration with the Choctaw Indians. The more populous Choctaw were the southern neighbors of the Chickasaws and occupied a geographic location that easily facilitated contact with Spanish, French, and British settlers as well as other Native Americans in the region. Like many of the "Five Civilized" tribes inhabiting the Gulf South, the Choctaw had entered the Atlantic exchange economy

¹For the Colbert family's history, see: Draper Manuscript Collection, Frontier War Papers, Series U, volume 10; Ronald Craig, *The Colberts in Chickasaw History, 1783-1818: A Study in Internal Tribal Dynamics* (PhD dissertation, University of New Mexico, 1998), 112-133; Natalie Inman, *Networks in Negotiation: The Role of Family and Kinship in Intercultural Diplomacy on the Trans-Appalachian Frontier, 1680-1840* (PhD Dissertation, Vanderbilt University, 2010), 23-26; Arrell Gibson, *The Chickasaw* (Norman, OK: University of Oklahoma Press, 1972), 65-66; James Atkinson, *Splendid Land, Splendid People: The Chickasaw Indians to Removal* (Tuscaloosa, AL: University of Alabama Press, 2004).

over the course of the eighteenth century, and they had come to rely heavily upon French merchants in the same way that the Chickasaw had come to depend upon Anglo-Scots merchants like Colbert. Pierre Juzan, a French military officer and the progenitor of the Juzan family, had been killed in a battle against the Chickasaw in 1736. His grandson, also named Pierre Juzan, exploited his family's military and commercial connections to become a leading citizen of late eighteenth-century Mobile, ultimately serving as the "Commissioner for the Indians" to the Spanish governor of Louisiana in the 1780s and conducting a lucrative trade with the Choctaw Indians. During the American Revolution, Juzan led a contingent of Choctaw Indians, free blacks, and enslaved Africans in fighting a guerilla campaign against British interests in the Gulf South. In one memorable event, Juzan unsuccessfully attempted to kidnap James Colbert, whose raids against Spanish ships on the Mississippi became more brazen as the American Revolution created turmoil in the region. In the post-Revolutionary era, Charles Juzan, the son of Pierre, successfully navigated the unsettled political landscape of the Gulf South by calling upon his family's French, Spanish, and Native American connections. At some point in the 1780s Charles moved into Choctaw country and established a string of profitable trading posts that brought the Juzan family into the nexus of the Atlantic exchange economy.²

²The Juzan family's history has been pieced together from the following sources: Orphan Court Records, Washington County, Alabama, Minute Book A; Washington County Alabama Probate Records, Deed Book I, pg 168; George S. Gaines, *The Reminiscences of George Strother Gaines: Pioneer and Statesman of Early Alabama and Mississippi, 1805-1843*, editor James P. Pate (Tuscaloosa, AL: University of Alabama Press, 1998), 162; Albert James Pickett, *History of Alabama* (Sheffield, AL: Robert C. Randolph, publisher, 1896), 290; H.S. Halbert, "Bernard Roman's Map of 1772," *Publications of the Mississippi Historical Society*, volume 6 editor Franklin L. Riley (Oxford, MS: Published by the Mississippi Historical Society, 1902), 417.

The Colbert and Juzan families accumulated an amount of wealth that would have been the envy of any Virginia tidewater or West Indian plantation owner. One Spanish official noted that James Colbert owned “a grand house” and more than 150 African slaves. Charles Juzan owned three different trading houses located in the Choctaw towns of Coosa, Chunky Chitto, and Tuscahoma, and his family also laid claim to a profitable plantation located on the northern periphery of the city of Mobile. The Juzan and Colbert families adopted diversified economic strategies that effectively blended plantation production with the Indian trade that created a stunning amount of wealth and power. The descendants of these men would become some of the largest and wealthiest slave owners and most influential political leaders among early nineteenth-century Chickasaw and Choctaw Indians. The creation of this wealth and power would not have been possible without the cross-racial intimate connections the families established with Choctaw and Chickasaw women.³

James Colbert and Charles Juzan both used polygamous marriages to Choctaw and Chickasaw women to navigate the shifting imperial politics and economic transformations of the eighteenth-century Gulf South. Colbert married three Chickasaw women while Juzan married two Choctaw sisters, Peggy and Phoebe, who were themselves the mixed-race descendants of a Choctaw woman and French man. Men like Colbert and Juzan discovered that Chickasaw and Choctaws synthesized power, gender, and authority in ways that radically departed from their own Euro-

³For a description of Colbert’s wealth, see Declaration of Silbestre Labadie, July 5, 1782, in Lawrence Kinnaird, *Spain and the Mississippi Valley, 1765-1794, volume 2* (Washington, D.C.: Government Printing Office, 1946), 21-34 and Deposition of Dona Anicanora Ramos, in Louis Houck, *The Spanish Regime in Missouri, volume 1* (Ulan Press, 2011), 214-231.

American heritage. Like many of their Native American counterparts, the Chickasaw and Choctaw organized their society around a kinship structure which differed markedly from Anglo-American concepts of family and gender. The basic unit of organization in Native tribes was the clan, a group of individuals who claimed descent from a common ancestor. Clans were matrilineal in nature, with membership determined by descent through the mother's line. Birth to a native woman was a necessary prerequisite for membership in a clan and tribe, and those who lacked vital kinship connections occupied a tenuous position that jeopardized their lives and property. Intimate liaisons with native women provided kinship connections and security as well as material comforts such as food, shelter, and even language/translation services that an itinerant merchant found invaluable.⁴ Such cross-cultural relationships were not limited to the Choctaw and Chickasaw; Anglo-Indian relationships have been documented among the Cherokee, Creek, and Seminoles as well as numerous other tribes outside the Gulf South.

Intimate Entanglement examines the gendered and racialized identities created when men and women of varied cultural backgrounds created hybridized families in a world that was continually roiled by economic, political, and social upheavals. I argue that families like the Colberts and the Juzans deployed protean understandings of their gendered and racial identities, selectively deploying which cultural traditions

⁴ For an overview of Chickasaw and Choctaw kinship practices, see James Taylor Carson, "Choctaw and Chickasaw Women, 1690-1834," in *Mississippi Women: Their Histories, Their Lives* volume 2 edited by Elizabeth Ann Payne, Martha H. Swain, and Marjorie Julian Spruill (Athens, GA: University of Georgia Press, 2010), pp. 7-11; Patricia Galloway, *Choctaw Genesis: 1500-1700* (Lincoln, NE: University of Nebraska Press, 1995), pp. 121-123, 320-322; Michelene Pesantubbee, *Choctaw Women in a Chaotic World* (Albuquerque, NM: University of New Mexico Press, 2005), 46-47.

they presented for public consumption depending upon the needs of the moment.

Bicultural peoples practiced both matrilineal and patriarchal methods of familial and social organization in ways that served to bolster their claims to economic power and social mobility and thus consolidate their class standing. Laying claim to the maximum amount of maneuverability allowed for the accumulation of wealth and resources, and it also provided the means for bicultural peoples to contest the increasing racialization embraced by Anglo-Americans by the early years of the nineteenth century.

The racial consciousness of Native peoples has emerged as a central theme in the historiography of the “Five Tribes” of the Gulf South. By the late eighteenth century Anglo-Americans increasingly developed racial categories as a method of containing the egalitarian impulses unleashed by the American Revolution. During the colonial era race and gender had been unstable markers of social identity and control, yet by the early decades of the nineteenth century Americans had shifted to understandings of race as an immutable characteristic that limited and defined the positions of non-white peoples in the new republic. Historians of the Native Gulf South have participated in an energetic debate that has illuminated and complicated our understandings of how race worked to create social hierarchy in early America. Some historians, such as Theda Perdue, have maintained that Native peoples did not deploy race as an organizing principle until “long after their removal West.” In her telling, Native American cultural traditions and social organization remained more important than Euro-American ideas about race. Matrilineal concepts of power and belonging structured the Native experience, even for bicultural people who claimed

dual heritages. Insisting on the centrality of race, according to Perdue, "...denigrates the centrality of Native culture and the significance of individual choice. Reducing people to the simplistic category of race denies their imagination, their volition, and their uniqueness. In short, it denies their humanity." Perdue has argued that historians who insist on the centrality of race are guilty of reproducing the imperial power structures that made Native removal possible in the first place and brings such methods into the twenty-first century. She even goes so far as to say that historians who use words such as "mestizo" or "metis" might "sound less racist" than nineteenth-century Americans, but they are not.⁵ For Perdue and those who support her arguments, Native culture proved resilient well into the nineteenth century and remains more important than Euro-American racial categories when examining the Native past.

Other scholars insist on the centrality of race in explaining the transformations that occurred within Native societies in the post-Revolutionary era. According to these scholars Perdue's insistence on the unimportance of race "runs the risk of reifying and homogenizing indigenous cultures."⁶ These scholars point to innovations within Native societies to argue that they had adopted race as a category of social

⁵ Theda Perdue, "Race and Culture: Writing the Ethnohistory of the Early South," *Ethnohistory* 51 (Fall 2004), 701-723, see pg. 720, note 3 for "sound less racist." See also: Perdue, *Mixed Blood Indians: Racial Construction in the Early South* (Athens, GA: University of Georgia Press, 2005); Warren Milteer, "From Indians to Colored People: The Problem of Racial Categories and the Persistence of the Chowans in North Carolina," *North Carolina Historical Review*, 93 (2016), 28-57 and "Strategies of Forbidden Love: Families Across Racial Boundaries," *Journal of Social History* 47 (Spring 2014), 612-626. Perdue follows in the footsteps of other historians who have questioned the use of race, such as Barbara Jeanne Fields, "Slavery, Race, and Ideology in the United States of America," *New Left Review*, (May/June 1990), 95-118.

⁶Claudio Saunt et al, "Rethinking Race and Culture in the Early South," *Ethnohistory* 53 (Spring 2006), 399-405.

difference by the early nineteenth century. According to this analysis, the clans lost their traditional power and authority as new ideas about gendered power and racial identities combined to remake Native society. For instance, Claudio Saunt (among others) has argued that the adoption of chattel slavery not only allowed the persistence of Native ideas about gender but also marked an innovation in ideas about private property and individual wealth. As some Native peoples came to embrace slavery and the plantation economy, they also wrote new constitutions and laws which protected their investments in private property and in the process created new racial categories. For instance, in the 1820s the Cherokee passed laws under a newly organized national government which forbade relationships between Africans and Cherokees and granted citizenship to the children of Anglo-American women and Cherokee men. For those historians who argue against Perdue's cultural interpretations of Native society, such laws reveal communities at work creating racial ideology.⁷

“Intimate Entanglement” intervenes into this historiography by arguing that the peoples of the Gulf South were capable of simultaneously deploying both Anglo and Native concepts of power and identity depending upon the needs of the moment. In other words, people who created cross-cultural families and the bicultural children

⁷Claudio Saunt, *A New Order of Things: Property, Power, and the Transformation of the Creek Indians* (Cambridge: Cambridge University Press, 1999) and *Black, White, and Indian: Race and the Unmaking of an American Family* (Oxford: Oxford University Press, 2006); Fay Yarbrough, *Race and the Cherokee Nation: Sovereignty in the Nineteenth Century* (Philadelphia, PA: University of Pennsylvania Press, 2007); Tiya Miles, *Ties that Bind: The Story of An Afro-Cherokee Family in Slavery and Freedom* (Berkeley, CA: University of California Press, 2015); Barbara Krauthamer, *Black Slaves, Indian Masters: Slavery, Emancipation, and Citizenship in the Native American South* (Chapel Hill, NC: University of North Carolina Press, 2015); Gary Zellar, *African Creeks: Estelvste and the Creek Nation* (Norman, OK: University of Oklahoma Press, 2007).

they produced made calculated decisions regarding which cultural understandings of property, power, and family relations they presented for public consumption. A native woman who wished to accumulate property or protect her family's wealth might claim the protections inherent within a patriarchal society. Similarly, an Anglo-American man who married a Native woman might adhere to the matrilineal and matrifocal nature of Native societies when doing so served to bolster his claim to power and status. The strategic deployment of gendered identities demonstrates that race was not a monolithic concept and cannot be used to create all-encompassing narratives for Native history.

Historians have also created a rich literature on the interlocking relationships between gender and race in early America. Ideas about gender gave meaning to perceived racial differences and structured the contact experience for the diverse people of early North America. By the mid-seventeenth century, Euro-Americans institutionalized their dominance and created new racial identities by codifying legal differences between Anglo and non-Anglo peoples, thus creating new rationales that underwrote slavery and justified Euro-American territorial expansion. The creation of these new racial identities were at least partially reliant upon gendered differences among Anglo, Native, and African Americans.⁸ Marriage and family formation became a central way in which people identified themselves in relation to others. Culturally sanctioned definitions of the “proper” or “correct” familial relations

⁸Kathleen Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender and Power in Colonial Virginia* (Chapel Hill, NC: University of North Carolina Press, 1996); Kirsten Fischer, *Suspect Relations: Sex, Race, and Resistance in Colonial North Carolina* (Ithaca, NY: Cornell University Press, 2002); Jennifer Morgan, *Laboring Women: Gender and Reproduction in New World Slavery* (Philadelphia, PA: University of Pennsylvania Press, 2004)

created justifications for the control of property, resources, and sexuality. Cross-cultural relationships held the possibility to both reinforce and confound power relations in early North America. Colonial officials and bureaucrats of the early American state frequently promoted such relationships as a way to “civilize” and incorporate Native peoples, yet the hybridized identities created by such cross-cultural relationships often brought the instability of Anglo-American racial categories and gendered social organization into sharp relief. As Anglo-American hegemony spread across the continent, people of Euro-American heritage insisted upon the norms associated with the market economy, private property, and chattel bondage, all of which relied upon ideas about the supposedly fixed and immutable differences of race that were rooted in the non-white body. Furthermore, the patriarchal household served as a model of gender relations that ensured the dominance of white men. Yet the connections that Anglo-Americans made between gendered identities and racial power often did not survive for long in the “gender frontier,” a place Kathleen Brown has defined as “the site of creative and destructive processes resulting from confrontations of culturally-specific manhoods and womanhoods.”⁹ Instead, each side engaged in a process of negotiation and compromise as they attempted to come to terms with the cultural differences inherent in such a diverse environment.

Intimate Entanglement offers a counterpoint to those studies which argue that gender was used to construct racial power; the men and women documented in this

⁹Kathleen Brown, “The Anglo-Algonquian Gender Frontier,” in Nancy Shoemaker, editor, *Negotiators of Change: Historical Perspectives on Native American Women* (New York: Routledge, 1995), 27.

study demonstrate that a protean approach to gendered identities was a useful method to *contest* racial identities and categorizations. Racial identities and racial power could hardly be built upon the shifting sands of cross-cultural peoples' gendered identities and familial organization. Instead, families like the Colberts and the Juzans were more likely to use their class identities to both contest the racial thinking of Anglo-Americans and to justify their own place within a rapidly changing social hierarchy.¹⁰

This is not to say that class was more important than gender in creating racialized identities; rather, I argue that bicultural peoples adopted an opportunistic approach to protecting their class status by alternating between the gendered traditions available to them. If embracing racialized notions of chattel slavery (and the patriarchal assumptions which underwrote such slavery) was the price to be paid to maintain property and power, some native peoples willingly made that bargain. On the other hand, the same people who embraced notions of patriarchal social order proved just as willing to adhere to the matrilineal customs of their ancestors when doing so provided access to land or other accoutrements of status and power.

Intimate Entanglement examines the historical entanglement that allowed bicultural peoples to play both sides of their identities for maximum advantage. Approaching the history of race and gender through the prism of entanglement allows historians to more clearly see the process of negotiation and debate that engaged the peoples of the Gulf South as the American state expanded into the region. What emerges is a story

¹⁰ Christina Synder's recent work has also explored the role of class and race in Native society—see especially *Great Crossings: Indians, Settlers, and Slaves in the Age of Jackson* (Oxford: Oxford University Press, 2017), 99-123

that eschews the dichotomies of colonized/colonizer, patriarchal/matrilineal, or Anglo/Indian.¹¹ Rather, bicultural peoples constructed a culture that was flexible and adaptable to their particular needs, especially when attempting to maintain their land or reject the racial categorization of Anglo peoples.

Historians of The Five Tribes have traced the emergence in the early nineteenth century of a “mixed-blood” plantation elite who adopted an Anglo-American style of government and wrote laws that displayed a new racial mentalité. The Cherokee, Creek, and Choctaw all adopted written constitutions and centralized governments in the early nineteenth century, and in the process they began to police the boundaries between race, family, and power more closely. For example, the Cherokee allowed white men to intermarry with Cherokee women, but they were required to purchase a special license, obtain character witnesses from Cherokee citizens, and to relinquish their legal rights and protections as American citizens. In contrast, the Cherokee outlawed intermarriage with any people of African descent, whether slave or free. The Choctaw and Creek wrote similar laws in the 1820s and 1830s.¹² Such laws have been taken as evidence that the clans began to lose their

¹¹My conceptualization of historical entanglement relies upon two main sources: Lynn Thomas, *Politics of the Womb: Women, Reproduction, and the State in Kenya* (Berkeley, CA: University of California Press, 2003), 17-20. Thomas’ work demonstrates that the ideology of the colonizers could sometimes be useful to the colonized, and she is especially convincing when exploring debates over female circumcision in colonial Kenya. Similarly, Michelene Pesantubbee’s examination of gender and religion among the Choctaw rejects simplified notions of public/private, submission/power and argues for an understanding of Choctaw culture that is a “...flexible, interconnected structure” and that could shift and change depending upon a number of variables. See Pesantubbee, “Beyond Domesticity: Choctaw Women Negotiating the Tension Between Choctaw Culture and Protestantism,” *Journal of American Academy of Religion* 67 (June 1999): 387-409. See also Pesantubbee, *Choctaw Women in a Chaotic World: The Clash of Cultures in the Colonial Southeast* (Albuquerque, NM: University of New Mexico Press, 2005).

¹²Duane Champagne, *Social Order and Political Change: Constitutional Governments Among the Cherokee, Choctaw, Chickasaw, and the Creek* (Stanford, CA: Stanford University Press, 1992).

traditional authority and that Indian peoples adopted the racist thinking of Anglo-Americans. According to the historians who have maintained that race was a central category of difference for Indian peoples, these laws were “...part cynical play, clever subterfuge, and painful compromise.”¹³ By adopting racial hierarchy to combat the imposition of colonial rule, these historians argue that Native peoples made a Faustian bargain which ultimately ensured removal from their homelands and assigned them to a degraded position within American society. However, the expression of patriarchal power that accompanied the creation of new native polities in the nineteenth century was just one possible method of organizing gender relations. For example, members of the Juzan family (and their close kin) participated in the creation of the Choctaw legal codes of the 1820s; however, as chapter four demonstrates, other members of the family continued to rely on matrilineal control over people and property when it suited them. In this way the historical entanglement of this family allowed them to simultaneously reject the colonization of Anglo-Americans while also increasing their wealth and power within Choctaw society.

This dissertation draws upon a multitude of sources to examine the lives of people who are usually marginalized in the histories of the Gulf South. The records of colonial administrators, Anglo-American bureaucrats, and the writings of travelers, merchants, and soldiers provide an avenue for understanding the Euro-American perspective on cross-racial relationships and family formation, yet these records tell

¹³Saunt, *Black, White, and Indian*, p. 4.

only a portion of a much larger story. Deeds, estate records, and lawsuits from county courthouses in Alabama, Mississippi, and Oklahoma have provided a glimpse into the familial organization, distribution of resources, and life trajectories of people often absent from histories of the region. During the era of removal Native peoples often turned to local courts to defend their property and protect their families from exploitation and removal; these records form a significant portion of the records consulted for the later chapters of the dissertation.¹⁴ In addition, letters, diaries, government reports/records, and newspapers help provide an understanding of the social and cultural construction of race and gender for Native, Anglo, and African-Americans in early America.

Intimate Entanglement also abandons the historiographic convention of concentrating on only a single tribe. Scholars have produced a burgeoning literature dealing with Southern Indians' interactions with whites and Africans in early American history; this literature covers everything from religion, property, economics, cross-cultural relationships and slavery. The Cherokee and Creeks are particularly well-represented within this historiography, though more recent work has also begun to explore these important topics for the Choctaw, Chickasaw, and Seminole. However, unified Indian nations were relatively recent inventions of the

¹⁴My analysis of legal sources has been influenced by the methodology of an array of historians who have successfully used legal records to uncover the rich social history they contain. While I make every effort to place the court records into the legal context of the time, this dissertation is a social and cultural history of race and family and my use of legal records supports that analysis. See Ariela Gross, *What Blood Won't Tell: A History of Race on Trial in America* (Cambridge, MA: Harvard University Press, 2010); Laura Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill, NC: University of North Carolina Press, 2009); Kimberly Welch, *Black Litigants in the Antebellum American South* (Chapel Hill, NC: University of North Carolina Press, 2018); Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (Oxford: Oxford University Press, 2010).

nineteenth century, and historians who limit their research to a specific tribe reify political divisions that did not really exist until the era of removal. Moreover, the people of the early Gulf South crossed borders easily and did not observe the neat political boundaries erected when Anglo-Americans created a nation-state in the early nineteenth century. The histories of gender and race that are traced in *Intimate Entanglement* cut across these artificial national boundaries. As Claudio Saunt has pointed out, moving beyond tribal studies removes historiographical barriers between Indians and others by encompassing all Southern peoples—Anglo, African, and Indian, in the stories that we tell.¹⁵ Tracing these developments across artificial tribal labels allows for a richer, more complex study by demonstrating the similarities and differences in how various bicultural peoples responded to issues of gender, race, and power. Case studies and examples are drawn from the Choctaw, Chickasaw, Creek, and Cherokee peoples; accordingly, the bulk of my research spans the modern states of Georgia, Alabama, and Mississippi.

Throughout the dissertation, I use the term “Gulf South” to refer to this region. Patterns of economic and commercial exchange knit this region together; though the main sites of Euro-American settlement were in the coastal cities of Savannah, Mobile, and New Orleans, trade routes stretched far into the interior as Anglos, Natives, and Africans created ties of kinship and commerce. Early residents of Savannah often wrote about visits from Cherokee, Choctaw, and Chickasaw Indians who frequently made the trek to the coastal areas in search of allies and

¹⁵Claudio Saunt, “The Native South: An Account of the Recent Historiography,” *Native South* (2008), 45-60.

trading partners. Furthermore, this region formed a coherent whole in the Euro-American imagination. The colonies of South Carolina and Georgia claimed all the land between the Atlantic Ocean and the Mississippi River. Though these colonists may have had only a vague idea of the vastness of this territory, and Native Americans remained superior in power and population until the era of removal, Anglo-Americans in Georgia and South Carolina did not relinquish their claims to the region until the first decade of the nineteenth century when the states of Mississippi and Alabama were admitted to the union.

The chapters are arranged in chronological order, beginning with the founding of Georgia in the 1730s and ending with the efforts of bicultural families to maintain their autonomy during the era of removal in the 1830s. Chapter one focuses on contested ideas about patriarchal and masculine power and identity in Georgia in the eighteenth century. I argue that the Georgia Trustees' plan to create a Utopia of white yeoman farmers failed largely because it did not account for the gendered and racial realities of North American settlement in the eighteenth century. The conflicts that accompanied the foundation of Georgia demonstrate that Anglo-American ideas about gender and racial identity remained contingent and evolving within the context of colonial settlement and continued to evolve as the line of Anglo settlement pushed into interior of the Gulf South.

Chapter two focuses on interracial unions in the eighteenth century from the perspective of Native Americans and African Americans. Colonial and imperial officials often encouraged intermarriage with Native Americans as a way to strengthen European power and "civilize" Native Americans. This chapter

interrogates the reasons why Native and African Americans engaged in cross-racial relationships. The life stories of women like Mary Musgrove and Fenda Lawrence demonstrate that a flexible understanding of gendered power allowed both women to navigate changing racial and economic realities in the Southeast in ways that allowed them to accumulate wealth and influence. Importantly, this chapter also demonstrates that Anglo-American men embraced flexible understandings of gendered power when doing so served their purposes. Taken together, chapters one and two highlight the contested terrain upon which gendered and racial identities of North Americans were constructed and centers the adaptive gender culture that allowed people from bicultural backgrounds to flourish during the colonial era.

Chapter three examines a critical turning point in race relations in the early Republic by focusing upon three important historical incidents when cross-racial relations entered popular consciousness. The political scandal surrounding Thomas Jefferson's relationship with Sally Hemings, the public backlash against William Crawford's "Indian Report" of 1816, and the visceral public reaction to two different Anglo-Cherokee marriages in the 1820s provide the context for exploring a new *mentalité* emerging among Anglo-Americans in the early nineteenth century. Whereas earlier generations had tolerated and even encouraged intermarriage with Natives, by the early decades of the nineteenth century Anglos-Americans racialized Native Americans in the same way Africans had been racialized during the colonial era, forcing Native Americans to share a common cultural category with Africans and creating a permanent degraded position for persons of Native ancestry. Chapter three demonstrates that Anglo-Americans adopted a strategy of distance and denial from

their own experience with intimate entanglement and allowed them to imagine their colonial past had been free of cross-racial mixing. This shift in Anglo-American thinking allowed them to imagine that Native Americans were culturally backwards and physically inferior, and therefore unsuitable citizens in a liberal democracy.

Despite the new racialization of Native peoples, the final two chapters use the methods of microhistory to demonstrate a continuity in the ways that people of mixed-race ancestry navigated the power structures and social hierarchies of the Gulf South. Chapter four relates the experiences of the descendants of James Logan Colbert and Charles Juzan during the era of Removal in the 1830s. Chapter five explores the experiences of the Afro-Choctaw Tom family who were neighbors and likely acquaintances of the Juzan/Wall families. Both chapters capture how the selective deployment of gendered power within mixed-race families continued well into the antebellum period and provided a means for both accumulating wealth while also resisting the racialization of Native and Africans that accompanied the plantation revolution of the antebellum years.

Throughout this dissertation I trace the concept of “identity” as it is related to the diverse peoples of the Gulf South. I use identity to refer to the consciousness of belonging to particular groups based on the socially and culturally constructed categories of race and gender. Identity formation was a dialectical process that depended upon both inclusionary and exclusionary practices. Law codes, religious traditions, origin myths, conflicting definitions of marriage and familial organization, and ideas about property and economic power were all elements that supported the formation of racial and gendered identities in the Gulf South. *Intimate Entanglement*

argues that Anglo-Americans placed a strict emphasis on policing the boundaries of their gendered and racial identities as a method of maintaining economic and social control; this was especially true in the years after the American Revolution. In contrast, bicultural peoples insisted on flexible gendered and racial identities as a method of accumulating wealth and status. The racial hierarchy created by Anglo-Americans demanded the strict performance of their “whiteness.” In contrast, bicultural peoples called into question the legitimacy of that hierarchy by performing their multiple identities and refusing to adhere to a single definition of marriage and family formation.¹⁶

Using microhistory and case studies to examine the history of the Gulf South adds important insight into the historiography of gender and race in early America. Sometimes the “colonized” embraced aspects of colonial ideology because doing so served their bottom line. Similarly, the “colonizers” might embrace Native culture if doing so bolstered their access to power and status. Thus Native men and women might embrace patriarchy (one of the central tools used to construct racial privilege in early America) while Anglo-American men might embrace matrilineal social organization if doing so allowed them to accumulate property and power. As Philip Morgan noted, “truth resides in singular lives,” and an exploration of those lives allows historians to rethink fundamental connections between race and gender. Microhistory might be dismissed as overly selective and nonrepresentative; however,

¹⁶ For more in-depth discussions of “identity,” see Philip Morgan, “Encounters Between British and Indigenous Peoples, c. 1500-1800,” in Martin Daunton and Rick Halpern, editors, *Empire and Others: British Encounters with Indigenous Peoples, 1600-1850*. (Philadelphia, PA: University of Pennsylvania Press, 1999), 45; Nancy Shoemaker, “How Indians Got to be Red,” *American Historical Review* 102 (June 1997): 625-644.

the lives examined in this dissertation cross temporal, tribal, and geographic boundaries and allow for an examination of broader issues that impacted Anglo and Native culture.¹⁷

¹⁷Philip Morgan, "Interracial Sex in the Chesapeake and the British Atlantic World, c. 1700-1820," in Jan Lewis and Peter Onuf, editors, *Sally Hemings and Thomas Jefferson: History, Memory, and Civic Culture* (Charlottesville, VA: University of Virginia Press, 1999), 52-86; Jill Lepore, "Historians Who Love Too Much: Reflections on Microhistory and Biography," *Journal of American History* 88 (June 2001), 129-144. For a recent example of how microhistory and case studies can successfully interrogate narratives of race and gender, see Jennifer Palmer, *Intimate Bonds: Family and Slavery in the French Atlantic* (Philadelphia, PA: University of Pennsylvania Press, 2016).

Chapter 1:

“a Very hell upon Earth”: Patriarchy, Race, and Power in eighteenth Century Georgia

In the nascent colonial port city of Savannah in December 1740 William Stephens, the secretary to the Georgia Trustees, ordered the arrest a young soldier for "sulking in Town" and "...getting drunk in one of our Poison Houses..."¹ Stephens had already warned the young soldier once to mend his ways, and the arrest came after the man's second offense. Stephens justified the arrest because the consumption of rum was strictly forbidden in the new colony, and Stephens believed he had fulfilled his duty "...by what Powers I had from the General" (referring to James Oglethorpe.) The Trustees of Georgia, a corporate body of elite men who functioned as the government of the colony, intended Georgia to be a utopian experiment meant "...to relieve such unfortunate persons as cannot subsist here [in England], and establish them in an orderly manner [in America], so as to form a well-regulated town."² Rum consumption was antithetical to this kind of social uplift, so the Trustees banned the importation and consumption of this "dangerous Liquor." Thinking he was acting within his rights, Stephens ordered the arrest to maintain public order and to assert the authority of the Georgia Trustees. In a different colonial city in the eighteenth century the charge of public drunkenness might have been a minor infraction to be dealt with by a local justice of the peace. However, the

¹ Allen D. Chandler et. al., eds., *The Colonial Records of the State of Georgia*, 39 vols. (Atlanta and Athens, GA.,m 1904), supplement to volume 4, pg. 43-44 (hereafter cited as CRG.)

² "Some Account of the Designs of the Trustees for establishing the Colony of Georgia in America," in Trevor R. Reese, editor., *The Most Delightful Country of the Universe: Promotional Literature of the Colony of Georgia, 1717-1734* (Savannah, GA, 1972), 70-71.

young soldier's seemingly small transgression of the Georgia Trustee's anti-rum policy prompted a larger power struggle between the paternalist Trustees and the colonists they aimed to reform. This chapter examines the conflict between the Trustees and the Georgia colonists and argues that ideas about gendered power and racial identity remained in flux and contested in the early eighteenth-century Gulf South. Though the Trustees intended that Georgia would provide the space and the resources needed for the "lower sort" to improve their material conditions and achieve social advancement, the "malcontent" colonists argued that it was the very policies of the Trustees that prevented the success that all had imagined possible. Locating this study in the colonial Gulf South—Georgia in particular—highlights that Anglo-American ideas about masculine power and white racial identity were far from hegemonic. The boundaries, powers, and privileges of white patriarchal identity had to be constantly negotiated and reinforced, and the ability of all Anglo-American men to claim that power and identity was never assured.

The arrest of the young soldier brought William Stephens, and by extension the Trustees, into conflict with a group of colonists Stephens had labeled the "malcontents," a cabal of dissatisfied and frustrated colonists who protested the policies of the Georgia trustees during the first two decades of the colony's existence. The malcontents took particular exception with the Trustee's prohibition of rum and African slaves as well as the method by which the Trustees granted land to new settlers. The contest between Stephens and the Malcontents was a microcosm of a larger struggle to define and redefine the connections among power, authority, and masculinity in eighteenth century North America. Early modern Europeans engaged

in debates that called into question the fundamental ordering of their societies. These debates were an outgrowth of Enlightenment philosophies that emphasized rational inquiry, empiricism, and civic virtue. The eighteenth century witnessed the passing of a society rooted in ideas about a divinely ordained hierarchal social order and the birth of a new order centered upon equality, individualism, and natural rights.

Though the tensions inherent within this transition erupted into revolutions that swept the Atlantic world in the late eighteenth century, at the time of Georgia's founding in the 1730s the old paternalist order was still in tension with the emerging rationalist society based on natural rights.

POWER, POLITICS, AND GENDER IN THE EARLY MODERN ERA

In articulating their vision for a new colony in North America, the Trustees of Georgia combined elements of the major political thinkers of the early modern era.

Early modern Europeans understood their world as ordered into an Aristotelian "chain of being," a social theory which held that all living things had a place in a divinely created hierarchal social order. Those who occupied inferior positions owed deference and respect to their social superiors, while those at the top of the chain had a duty to act with paternal concern for the welfare of their subordinates. Perhaps the clearest expression of this idea was in John Winthrop's Arbella sermon, delivered to his Puritan followers in 1630 while en route to their eventual home in Massachusetts Bay. "GOD ALMIGHTY in his most holy and wise providence," according to Winthrop, "hath soe disposed of the condition of mankind, as in all times some must be rich, some poore, some high and eminent in power and dignitie; others mean and in submission." The purpose of this hierarchal order according to Winthrop was so

that “every man might have need of other, and from thence they might all be knitt together in the Bond of brotherly affeccion...” Winthrop explained the divine justifications for social hierarchy and social inequalities as emanating from the need to create orderly communities and social harmony ; all members of society held a divinely ordained position within that hierarchy, and rebellion against that order was tantamount to rebellion against God himself. Social stability and the proper functioning of society depended upon each person performing his/her duties as prescribed by their positioning within the chain of being.

Patriarchy provided a model of social relations that both essentialized the dominance of men over women, children, and dependents within the family and served to characterize social relations writ large. As heads of households, the husband/father represented familial interests and sustained his authority by control over property, resources, and the labor of his dependents. The law of coverture assured male dominance by erasing a married woman’s legal identity; once she entered into matrimony, a woman could neither own property nor make a valid contract, as all legal rights were endowed in the husband as the head of the household. Property was the primary form of wealth in pre-industrial Europe and was central to the security and continuity of the family. In the early modern era property tended to change hands at marriage and death--- two crucial moments of family formation and dissolution. Thus, for Euro-Americans marriage was more than an emotional compact; rather, marriage created the family and thus stood at the center of both economic production and cultural/social reproduction. The passing of land and wealth to children was an important function of the family and was an especially

important duty of a father to his sons.³ Property not only stabilized masculine identities within the family, but also endowed property owners with political rights and a defined place within the civic order. Thus the ownership of property was crucial to the maintenance of gendered power and the exercise of political power for early modern European men.

Patriarchy also linked religious authority in the Church and monarchical authority in the state to male authority in the home. Robert Filmer's *Patriarcha, or the Natural Power of Kings*, published posthumously in 1680, argued that a father's power over his family was the true origin of all government and patriarchal power was central to creating social order. With the creation of Adam, according to Filmer, God provided man with absolute power over his dependents, even the power of life and death. The authority of a king over his subjects reflected and mirrored that of a father over his family, since "...[the] subjection of children being the fountain of all regal authority, by ordination of God himself." The power of a father and a king originated from the same divine source, so rebellion against either the king or a father was de facto rebellion against God. The Filmerian worldview rejected the notion that men were born free and equal since everyone was born in subjection to a father and a king. According to Filmer, "It is unnatural for the people to govern or choose governors." As Kathleen Brown has noted, an "orderly household" served as the

³Susan Amussen, *An Ordered Society: Gender and Class in Early Modern England* (New York: Columbia University Press, 1988), 81-91. Mary Beth Norton, *Founding Mothers and Fathers: Gendered Power and the Forming of American Society* (New York: Vintage, 1997); Kathleen Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill, NC: University of North Carolina Press, 1996). See also Michael Braddick and John Walter, editors, *Negotiating Power in Early Modern Society: Order, Hierarchy, and Subordination in Britain and Ireland* (Cambridge: Cambridge University Press, 2001).

“fundamental building blocks of a divinely sanctioned social order, providing political and social stability through the model of patriarchal authority.”⁴ Just as the king expected deference from his subjects, so the husband/father expected deference and obedience from his subordinates within the household.

Patriarchy remained the ideal form of social organization for most Euro-Americans during the colonial era, yet it was far from a hegemonic or unchanging system. European settlers reproduced the patriarchal systems they had known in the Old World with varying degrees of success once they reached the shores of North America. Demographic patterns, economic opportunities, differences between rural and urban settlement, and the strength of religious and legal institutions all impacted the relative strength of patriarchy in any given society. For instance, the women of the seventeenth-century Chesapeake and eighteenth-century Philadelphia found ways to challenge the gendered power of their male counterparts. Historians who have studied these societies have found that mortality rates, sex ratios, and economic opportunity allowed these women to challenge patriarchal notions of power and authority and exercise varying degrees of autonomy. Yet as the gender ratios reached parity and more mature societies developed, the strength of patriarchal controls increased. In the case of the women of Philadelphia and the mid-Atlantic states, it was the efforts of white middle-class men to place constraints on the ideological legacy of the Revolution that resulted in the strengthening of patriarchal controls over

⁴Kathleen Brown, *Good Wives, Nasty Wenches*, p. 13-17; David Underdown, *Revel, Riot, and Rebellion: Popular Politics and Culture in England, 1603-1660* (Oxford: Oxford University Press, 1987), p. 9-10; Anthony Fletcher, *Gender, Sex, and Subordination in England, 1500-1800* (New Haven, NJ: Yale University Press, 1999); Gordon Schochet, *Patriarchalism in Political Thought* (New York: Basic Books, 1975), chapters 2-3; Carole Pateman, *The Sexual Contract* (Stanford, CA: Stanford University Press, 1988), p. 19-38.

women and non-white subordinates. As Gerda Lerner noted in her seminal study, the functions and manifestations of patriarchy changed over time. Over the past three decades historians have produced a rich literature demonstrating that patriarchy was an ideal that was achieved with varying degrees of success by the Euro-Americans who settled in North America.⁵

The ability of Europeans to deploy racialized power followed a similar trajectory. During the early stages of colonization when instances of cross-cultural contact increased, skin color did not always denote inferiority for early modern Europeans. Language, dress, customs, religion, and ideas about “civilization” often carried just as much meaning for Europeans as did notions about skin color and physical differences. In a frontier society like seventeenth-century Maryland, an enslaved man like Anthony Johnson might achieve freedom, form a family, become economically prosperous, and eventually enslave others just as his Euro-American neighbors did. As frontier conditions gave way to more settled plantation societies, Europeans used ideas about the racial and physical differences of non-Europeans to construct a social hierarchy that ensured their own cultural and political dominance. Yet for most of the seventeenth and eighteenth centuries colonial North America remained a mosaic of diverse societies that each used gendered and racial power with

⁵Gerda Lerner, *The Creation of Patriarchy* (Oxford: Oxford University Press, 1986); Lois Carr and Lorena Walsh, “The Planter’s Wife: The Experiences of White Women in Seventeenth-Century Maryland,” *William and Mary Quarterly* 34 (October 1977), 542-571; Kathleen Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill, NC: University of North Carolina Press, 1996); Susan Branson, *These Fiery Frenchified Dames: Women and Political Culture in Early National Philadelphia* (Philadelphia, PA: University of Pennsylvania Press, 2001); Clare Lyons, *Sex Among the Rabble: An Intimate History of Gender and Power in the Age of Revolution. Philadelphia, 1730-1830* (Chapel Hill, NC: University of North Carolina Press, 2006); Rosemarie Zagari, *Revolutionary Backlash: Women and Politics in the Early American Republic* (Philadelphia, PA: University of Pennsylvania Press, 2008).

variable outcomes.⁶ What makes the early history of Georgia so unique is that colonists, the Trustees, Indians, and slaves attempted to rethink the boundaries around race and patriarchy at a time when other neighboring slave societies were doing just the opposite. By the mid-eighteenth-century planters in South Carolina, the Chesapeake, and the West Indies had linked patriarchal and racialized power in ways that ensured the dominance of middle and upper-class white males. Though this would eventually come to pass in Georgia by the late eighteenth century, the colony's early history represents a time when more flexible gendered and racialized arrangements prevailed, and this created both challenges and opportunities for the diverse peoples of Georgia's early history.⁷

New political theories that emerged in the seventeenth century created the social and cultural rationale for rethinking the basis of gendered power and authority. John Locke provided new social theories justifying seventeenth century rebellions against established authority. Lockean liberalism maintained that men enjoyed the natural rights of life, liberty, and property and that men entered into social contracts with each other and established governments to protect these rights. Writing in the aftermath of the English Civil War and during the period of the Glorious Revolution,

⁶ T.H. Breen and Stephen Innes, *"Myne Owne Ground": Race and Freedom on Virginia's Eastern Shore, 1640-1676* (Oxford: Oxford University Press, 1980); Winthrop Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill, NC: University of North Carolina Press, 1968); Roxann Wheeler, *The Complexion of Race: Categories of Difference in Eighteenth-Century British Culture* (Philadelphia, PA: University of Pennsylvania Press, 2000).

⁷ Brooke Newman, *A Dark Inheritance: Blood, Race, and Sex in Colonial Jamaica* (New Haven, CT: Yale University Press, 2018); Daniel Livesay, *Children of Uncertain Fortune: Mixed Race Jamaicans in Britain and the Atlantic Family, 1733-1833* (Chapel Hill, NC: University of North Carolina Press, 2018); Cynthia Kennedy, *Braided Relations, Entwined Lives: The Women of Charleston's Urban Slave Societies* (Bloomington, IN: Indiana University Press, 2005); Kathleen Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill, NC: University of North Carolina Press, 1996).

Locke provided Englishmen with a rationale justifying rebellion against established social order. When governments failed to protect their rights and broke the “contract,” Englishmen were justified in establishing new governments. Perhaps the most famous explication of the social contract was the Declaration of Independence, when the American Revolutionaries proclaimed “...whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and to institute new Government.” Locke’s writings also provided the framework for empiricism and rationalism, ideas which influenced Enlightenment philosophes of the eighteenth century. In his *Essay on Human Understanding*, Locke wrote that men were born “blank slates” and knowledge comes from experience and education. Innate, universal ideas did not exist according to Locke, and each person was shaped by his environment and culture. Changing a person’s environment and circumstances held the possibility to alter a person’s material and social conditions. Locke directly contradicted the notion that all society was bound within a divinely-ordained social order. Challenging established authority was not suggestive of rebellion against God; rather, break down in political relationships resulted from the failure of one, or perhaps multiple, parties to maintain contractual agreements required for the proper functioning of society. Furthermore, social advancement could be attained by providing new opportunities for the “lower orders” of society.⁸

THE PATERNALISM OF THE GEORGIA TRUSTEES

⁸Jonathan Israel, *A Revolution of the Mind: Radical Enlightenment and the Intellectual Origins of Modern Democracy* (Princeton: Princeton University Press, 2009); C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Oxford University Press, 1962); Holly Brewer, “Slavery, Sovereignty, and ‘Inheritable Blood’: Reconsidering John Locke and the Origins of American Slavery,” *American Historical Review* 122 (October 2017), 1038-1078

The Trustee plan for a new colony in North America blended the paternalistic ideas of Filmer with Lockean ideas about potential for social and individual change. The Trustees wrote repeatedly of the “unfortunate” yet “deserving” poor of England who could change their fortunes by seeking opportunities elsewhere—in other words, by changing their environment. James Oglethorpe’s work reforming debtor’s prisons had convinced him that many poor were the victims of unfortunate circumstances and bad luck; they did not possess some innate moral depravity that caused their poverty and suffering. Yet the Trustees paternal approach to their mission incorporated parts of the Filmerian worldview. Per the Charter, Trustees could not own land in Georgia, hold an office of profit or trust, and neither could they receive a salary for their service as a Trustee. Philanthropic concerns should motivate the Trustees, not efforts to profit from the new venture. Finally, the Trustees incorporated Hobbesian ideas about a centralized state in how they governed the colony. Power was concentrated in the Trustees, and they acted with both executive and legislative authority over their colony. While the Georgia colony did have a few local officials who assisted the Trustees with minor administrative tasks (including a storekeeper, tythingmen, and baliffs), the Trustees appointed all officials, and they had final authority for major policy changes. The goal of this centralized system was to protect the best interests of the colonists while providing an outlet for achieving their own social uplift.

The foundation of Georgia took place within the context of these Enlightenment attempts to re-think the social hierarchies of the eighteenth century, and the Georgia Trustees drew upon prior attempts to rethink the boundaries around race, property, and power in the colonial South. Robert Montgomery first promoted

the settlement of a colony in the area that would become Georgia in 1717, when he was granted land by the proprietors of South Carolina. He proposed that married men would be granted a “fee farm,” consisting of cleared land and a house. The settler would enjoy this land rent and tax free as a reward for faithful service to the colony. Free land and housing, according to Montgomery, would benefit the colony by creating a stable and compliant pool of “poor laboring men.” The families of these poor men would provide “...a constant Seminary of sober Servants of Both Sexes, for the Gentry of the Colony; whereby they will be under no necessity to use the Dangerous Help of Blackamoors or Indians.” Montgomery’s government subsidized family policy rewarded men who produced families and assisted those families in the creation of wealth and stability; in turn, those families would produce laborers needed on farms and plantations. Published just two years after the devastating impact of the Yamasee War in 1715, which nearly decimated the South Carolina colony, Montgomery’s proposal was an early effort to reimagine the labor patterns and race relations in the early South, and it was at least partly reliant upon government policies that encouraged white yeoman family formation. Though Montgomery’s proposed colony never materialized, the Trustees of Georgia adopted aspects of his proposal as they set about establishing a new colony in the South.⁹

The creation of the Georgia colony was inspired by Lockean beliefs that man’s character was determined by environment and education rather than some innate human nature. The Trustees of Georgia, a non-profit corporate entity, hoped to

⁹Robert Montgomery, *Discourse Concerning the Designed Establishment of a New Colony to the South of Carolina in the Most Delightful Country of the Universe* (London, 1717).

assist the “worthy poor” of England to improve their lives by giving them a fresh start in the New World. The most famous Trustee, James Oglethorpe, gained prominence in England through his efforts to reform debtors prisons. Though few debtors actually migrated to Georgia, Oglethorpe hoped that the new colony would provide a fresh start for the economically and socially disadvantaged classes of England. The trustees intended for Georgia to be a colony of white yeoman farmers who would produce silk and wine while eschewing the plantation development that had already occurred in Virginia and South Carolina. To this end the Trustees forbade the importation of hard liquor and slaves, two colonial commodities they felt had a negative impact on white men’s productive capacity and morality. All male settlers whose passage was paid by the Trustees would be granted a fifty acre plot of land, and no settler (whether through purchase or inheritance) could own more than 500 acres of land in total. By taking the deserving, yet “unproductive,” poor out of England and settling them in the New World, the Trustees hoped to empower members of the “lower sort” to re-create successful lives in a better environment while at the same time providing security to the Carolinas from Indian and Spanish encroachment.¹⁰

The Trustee plan for Georgia created a feudal and paternalistic order that largely restricted the ability of new settlers to exercise autonomy or to find success on their own terms. If the Trustees embraced Enlightenment concepts about the malleability of human nature, they curiously rejected what this meant for the social

¹⁰Kenneth Coleman, *Colonial Georgia: A History* (New York: Charles Scribner’s Sons, 1976).

hierarchy and the ability of individuals to govern themselves. Large landholdings were forbidden in the new colony—no man would be allowed to accumulate property of over 500 acres, and the colonists would not be given absolute title to the land granted by the Trustees. Rather, Georgia colonists received land through *entail*, which forbade title holders from selling or mortgaging the title to their property, and it also required that the land pass down intact to their male children. Daughters and wives could not initially inherit property, though later reforms of the Trustees allowed for female inheritance.¹¹ According to the Trustees, Georgia’s early settlers “...were poor indigent People,” who had “...so indiscreetly managed what they had been Masters of over here, that it did not seem safe to trust so absolute a Property in their Hands.” However, the Trustees held open the possibility that colonists might gain title to their land in future by their “careful and industrious Behaviour...”¹² The paternalistic Trustees would ultimately be the ones to decide when their colonists had demonstrated that standard of behavior.

Furthermore, the Trustees expressly forbade the importation of African slaves. In a colony in which the deserving poor were to use the sweat of their brows to redeem themselves, the presence of African slaves could only hinder this effort. Moreover, Trustees expressed a fear that African slaves would undermine the security of the new colony, since the powers of the militia would be diverted from checking Spanish aggression to ensuring the submission of African slaves. In justifying the

¹¹Ibid.

¹²Benjamin Martyn, *An Account Shewing the Progress of the Colony of Georgia in America, from its First Establishment* (London, 1742).

restriction on slavery, the Trustees pointed to the experience of emerging slave societies in South Carolina and the West Indies. One of the purposes of the Georgia colony, according to the Trustees, was to provide a sense of security for South Carolina since it "...was much exposed by the small numbers of it's White Inhabitants." White men would be less industrious with African slaves since "his whole Time must be employed in keeping the Negro to Work, and in watching any Danger he or his Family might apprehend from the Slave." Furthermore, the white family was endangered by the use of African slaves since "...the Planter's Wife and Children would by the Death or even the Absence of the Planter, be at the Mercy of the Negro." In addition to making these arguments about the security of the colony and the safety of the white family, the Trustees also argued that the type of agricultural production they envisioned in Georgia did not require slave labor. While South Carolina produced rice and the West Indies exported sugar, "a Work of Hardship proper for Negroes," the Trustees hoped that their new colony would produce silk and wine, products which "would not require such Labour as to make Negroes necessary for Carrying them on." Rather, silk and wine were products "...such as Women and Children might be of as much use in as Negroes."¹³ The society envisioned by the Trustees was dominated by the white yeoman household, with Anglo-American men tilling the fields to provide for their families while their wives and children supplemented the family's income through the production of silk

¹³ *An Account Shewing the Progress of the Colony of Georgia in America from Its First Establishment* (London, 1741); As other historians have shown, the Trustees outlawed slavery not because they had moral objections to the institution; rather, they were more concerned about the impact African slaves had on the morals of European colonists. See especially Betty Wood, *Slavery in Colonial Georgia* (Athens, GA: University of Georgia Press, 2007).

and wine. The policies of the Trustees and their attempt to create a utopian society of white yeoman farmers largely failed because their plan, which restricted the use of rum, slaves, and land, did not account for the gendered and racial realities that colonization in North America entailed in the eighteenth century. As the struggle between the colonists and the Trustees raged over the course of the 1730s and 40s, some colonists reacted by organizing into an interest group (the malcontents) and demanded changes in Trustee policies. In the process the colonists used the opportunity presented by their political conflict with the Trustees to articulate and enact their own gendered understandings of masculine responsibility and power.

Initially the Trustees had reason to hope that their new social experiment would be successful, and Oglethorpe's relationships with the early Georgia colonists exemplified the paternal order the Trustees envisioned in their new colony. While onboard the *Anne* traveling to their eventual destination in Georgia, the first colonists sent a letter to the Trustees thanking them "for all their fvr. and indefatigable pains" and they promised "an intire Obedience" to the plans of the Trustees.¹⁴ Samuel Wesley captured the idealized sentiment between the initial colonists and the trustees in a poem that lionized Oglethorpe as an exemplary model of paternal affection and authority.

But chief for this they warm Affections rise
For oh! Though views't it with a Parent's Eyes;
For this thou temp'st the vast tremendous Main,
And flood and Storms oppose their Threats in Vain.
He Comes, whose Life, while absent from your View,
Was on continued Ministry for you.
For you were laid out all his pains and art,

¹⁴ Robert McPherson, editor, "The Voyage of the *Anne*—A Daily Record," *Georgia Historical Quarterly* 44 (1960): 222.

Won every Will, and soften'd every Heart.
With what Paternal Joy shall he relate
How views its Mother Isle your little State.

Oglethorpe kept a “paternal eye” on the colonists, and he continued to labor for the colonists’ best interests, even when he was absent from them. According to Wesley, the only reward Oglethorpe sought was the “paternal joy” that would come when the colonists successfully reaped the rewards of their hard labor. Visitors to early Savannah provided evidence that supported Wesley’s idealized paternal portrait of Oglethorpe. When the Indian merchant Samuel Eveleigh visited from Charleston soon after arrival of the first colonists, he was impressed with the social order that prevailed in Savannah. Eveleigh mentioned that Oglethorpe “...is extremely well beloved by all his People; the general Title they give him is Father. If any of them is sick, he immediately visits them, and take a great deal of Care of them. If any Difference arises, he is the Person that decides it...He keeps a strict Discipline.”¹⁵ Oglethorpe, the only Trustee who ever traveled to Georgia, sought to maintain a personal relationship of paternal affection and discipline with the colonists in the early days of the venture. In this way Oglethorpe was the very embodiment of the paternalism articulated in the Trustees’ vision for Georgia.

Yet signs existed even at this early date that not all the colonists bought into this paternalist order and that the coming struggle between the colonists and the Trustees was evident to many. Thomas Causton, appointed by the Trustees to be the third baliff and the public storekeeper, wrote to his wife in 1733 that “...though we

¹⁵ *South Carolina Gazette*, March 24, 1732; CRG, volume 3, 406. See also Coleman, p. 29-30.

want for nothing we have some Grumbletonians here.”¹⁶ Though Causton failed to note the cause of his fellow colonists’ grumblings, Oglethorpe himself soon expressed astonishment at the changed disposition of the Georgia colonists. In the summer of 1733 Oglethorpe was absent from Savannah for six weeks attending to business in Charleston. Upon his return to Savannah Oglethorpe informed the Trustees that a “Petulancy” had overtaken the colony. Oglethorpe lamented that “some of the People began to be intemperate and then Disobedient so that at my Return I hardly knew them....the people were grown very mutinous and impatient of labour and discipline...”¹⁷ The issue that caused friction between Oglethorpe and the colonists was the prohibition of rum and slaves. The trustees may have imagined a paternal relationship, but the Georgia colonists chafed under what they came to view as arbitrary regulations that prevented them from enjoying what they defined as true liberty.

YEOMAN HOUSEHOLDS AND GENDER RELATIONS IN EARLY GEORGIA

A central underlying assumption of the Trustee's plan for Georgia was that their new colonists would create household economies that largely replicated what they had known in England. Though Georgia existed on the periphery of a vast and expanding Caribbean economy, the Trustees expressed a clear desire that the new colony would not replicate the slave societies that had come to dominate the Carolinas or the West Indies, particularly the demographic imbalance in which African slaves were the numerically dominate group. Yet the demographic

¹⁶Earl of Egmont Papers, 14200, part I, pg. 23; McPherson, “Voyage of the Anne,” 227-29.

¹⁷Mills Lane, editor, *General Oglethorpe’s Georgia: Colonial Letters, 1733-1743* (Savannah, The Beehive Press, 19975), 19-22.

configuration of early Georgia society presented its own problems for the Utopian yeoman colony envisioned by the Trustees and contributed to the inability of Anglo-Americans to create stable family units. During the Trustee period (1733-1752), approximately 5,604 Anglo-American colonists arrived in Georgia. During the first half of this era, the vast majority (87%) were sent “on the charity,” that is, their passage was sponsored by the Trustees. The gender ratio in the first decade of settlement skewed heavily toward men, with 54% of Georgia’s colonists in the first decade being men and about 21% were women of marriageable age and the remaining 24% were children under the age of 24. As Ben Marsh has argued in his study of women’s experience in early Georgia, the demographic makeup of the earliest colonists resembled that of the seventeenth century Chesapeake and New France, with men vastly outnumbering women and the need for wives being a constant refrain of the early Georgia colonists.¹⁸ The inability of the “malcontents” to create stable and productive yeoman households not only contradicted the vision of the Trustees, but also increased the tensions between the colonists and their paternal benefactors. The communications of Georgia colonists to the Trustees demonstrated a keen awareness of the gender imbalance and its impact on family formation in early Georgia. In September 1738 the German Lutheran minister in Ebenezer wrote to his former congregation in Germany asking them to send at least a half dozen unmarried women at their earliest convenience. He followed this up with another letter two

¹⁸Ben Marsh, *Georgia’s Frontier Women: Female Fortunes in a Southern Colony* (Athens, GA: University of Georgia Press, 2012), 21-35.

months later declaring that “unmarried women are especially needed.”¹⁹ In December 1739 Oglethorpe reported that he sent a large number of unmarried female servants to Ebenezer, “there being many unmarried men and no unmarried women.”²⁰ Colonist Robert Parker noted the importance of women to the colonial project when he wrote to explain his reasons for marriage to his new brother-in-law, the brother of his wife Elizabeth Sale. In January 1735 he wrote to his new brother-in-law, “As Women in a New Colony are the Very Sinews of it Your Sister being left a widow and Designing to leave this place, I thought I cou’d Not do my Self or the Settlement a greater Service than by laying an Embargoe upon her by Way of Marriage, which I in few months put in practice.”²¹ The imbalanced gender ratios and lack of women of marriageable age created difficulties for male colonists looking to establish the idealized yeoman households that were supposed to anchor the new colony. Without wives to oversee domestic chores and children to labor in the fields, the Malcontents struggled to establish the independence and patriarchal identities that formed the basis of masculine power and responsibility.²²

¹⁹ Colonial State Papers, Rev. Urlsperger to Rev. F.M. Ziegenhagen, 15 September 1738 (Document 503.1); see also Document 517, Salzburgers in GA to Rev. Senior Urlsperger, November 25 1738.

²⁰ Colonial Records, Calendar of State Papers, volume 45, document 537, Oglethorpe to the Trustees, December 29, 1739.

²¹ CRG, 20, pg. 207-209; See also Ben Marsh, *Georgia’s Frontier Women*, p. 31-24.

²²High mortality rates also contributed to the challenges of family formation in Georgia’s early years. Of the 5600 migrated to Georgia during the Trustee era, less than 2300 remained by the time the Trustees surrendered their charter to the royal government in 1752. Part of the population decline resulted from seasoning--- a mortality rate of about 30% prevented natural population growth during the colony’s first two decades of existence, though Oglethorpe and other Trustees blamed the consumption of rum for the high death rate. However, the malaria and typhoid common to the Lowcountry area was more to blame. See Marsh, 23-27.

Oglethorpe himself acknowledged the important contributions that women would make in a new colonial venture, and he sent repeated messages to the Trustees asking for more women of “marriageable age” to be sent to the colony to correct the gendered imbalance among the early migrants. In his pamphlet *Some Account of the Designs of the Trustees for Establishing Colonys in America*, Oglethorpe argued that women’s labor was an important resource for male colonists to obtain:

A Wife and Children are security for a Mans not abandoning the Settlement; and the presence of those dear pledges who will reap the advantage of it will the more strongly incite him to labour. Even in the beginning Women and children will not be useless Mouths since there will always be some business which they may do and save so much labour to the Men, such as preparing their Food, cleaning and mending their Cloaths, gathering Wild Fruits, Roots, or Shell fish etc.²³

The presence of a family more firmly attached the male colonists’ interests to those of the entire colonial venture and induced the men to labor more productively and efficiently. The domestic work that engaged women’s time would allow male laborers to concentrate their energy in other areas. Oglethorpe’s messages to the Trustees were littered with references to the imbalanced sex ratio among Georgia’s early migrants, and he frequently asked the Trustees to take action to remedy this situation. In a letter written in 1743, Oglethorpe informed his fellow Trustees that it was their duty to “...encourage Marriage and the rearing of Children.” Yet he claimed that in the settlement at Frederica there were “only above 700 men more than there are Women most of these would marry if they could get wives.” He encouraged the Trustees to send more single women, since this was “much the cheapest way of peopling the Country since after their arrival they are not further expense for their

²³ Oglethorpe, *Some Account*

Husbands can maintain them.” Furthermore, Oglethorpe argued that “We have found also that the married Soldiers live easiest many of them having turned out very industrious Planters.”²⁴ The scarcity of Anglo-American women of a marriageable age was bad enough; yet when the political disputes between the Georgia colonists and the Trustees reached its climax in the 1740s, the "malcontent" colonists came to see a conspiracy of the Trustees as responsible for their inability to create stable families and exercise the power due an Anglo-American patriarch. In particular, the malcontent colonists expressed dissatisfaction with the prohibitions against rum, slavery, as well as the granting of land using entail.

RACE, GENDER, POWER, AND THE MALCONTENTS

The struggle between the “malcontents” and the Trustees came to a head in the years between 1738 to 1743, when members of both groups engaged in a battle to shape public opinion in their favor. More than 117 of the malcontents signed a petition to the Trustees in 1738, demanding a reform of land tenure, ending the prohibition on African slavery, an easing the restrictions placed on rum. William Stephens arrived in the colony as the Trustees secretary (which allowed him to function as the eyes and ears of the Trustees) in 1740; less than two months after his arrival Stephens penned a memorial signed by twenty-five of the leading townsmen that was later published as *A State of the Province of Georgia, attested upon oath in the court of Savannah*. Stephen’s account of the Georgia colony was meant to defend the policies of the Trustees and provided a glowing assessment of the colony’s progress. In response, Patrick Talifer and other leaders of the Malcontents published

²⁴ *Collections of the Georgia Historical Society*, volume 3, 144.

their own tract in 1741, titled *A True and Historical Narrative of the Colony of Georgia in America*. Talifer's pamphlet expounded upon the 1738 petition by reiterating the Malcontent's perceived need for land reform and African slaves.

As noted above, William Stephens' actions in arresting men for drinking rum brought him into conflict with the "Malcontents," especially Andrew Duche, a prominent leader of the discontented colonists in Savannah. Duche was a potter who became one of the first migrants to Georgia to make porcelain intended to compete with imports from Asia. Duche had taken the lead role in challenging the restrictions placed on Georgia colonists' use of land, slaves, and rum. He had been one of the signatories to a petition to the Trustees challenging such restrictions in 1738. When the young soldier who had been arrested on Stephens' order was forced to publicly ask for Stephens' forgiveness, Duche openly attacked Stephens by insisting to know on what authority he had acted. When told that Stephens ordered the arrest based on the powers granted to him by General Oglethorpe, Duche insisted that Oglethorpe did not have it within his power to grant such commissions. Duche insisted that "I know it is said in England...that the King can do no Wrong; but whatever Authority the General had given to that Man [Stephens] he should look on him no otherwise, than as one of the head Constables of the Town..." Reporting this speech to the Trustees, Stephens stated that Duche had become "...addicted a little too much to Politicks..." by insisting that Savannah men should have "...an unlimited Power of Disposal of Lands" and the use of African slaves. Stephens believed that Duche's addiction to politics threatened the entire colonial endeavor, "Mr. Duche's levelling Doctrine, and bringing all Superiority (as far as he can) into Contempt,

seems too well adapted to the Relish of the Vulgar....”²⁵ Stephens expressed similar disdain for other malcontents. He related to the Trustees that Andrew Fallowfield “tho’s very illiterate, he has an artful Knack of talking, and by a glib Tongue deceiving, such as are not aware of his Designs .”²⁶ Stephens believed men like Duche and Fallowfield acted above their station by expressing such political opinions and attacking the authority that governed the Georgia colony. Stephens referred to Fallowfield, Duche, and Andrew Grant as a “Triumvirate...who now took upon them to direct all...Considering Means for saving the colony from the Impending Destruction they saw coming upon it.” Despite their professed concern for the future of the colony, Stephens insisted that they propagated “bad Notions among their Neighbour, of the Danger of Oppression...it was not easy to foresee how great a number of Hydra’s Head might revive to.” Likewise, Stephens believed the followers of the Malcontents were unaware or not capable of understanding the true motives of these men, thus underscoring the need of the Trustee's paternal protection.

The Trustees quickly connected political subversion with the illicit drinking culture in Savannah, seeing the colonists as disobedient and ungrateful recipients of their paternalist intentions. Stephens targeted what he called the “Jenkins Club,” a tavern where townspeople met to “rail against whatever they disliked.”²⁷ In February 1738, Stephens celebrated in his journal the arrest and prosecution of a Scotsman, "a

²⁵“A True and Historical Narrative of the Colony of Georgia,” in *Collections of the Georgia Historical Society*, volume II (Savannah, Ga., 1842), pg. 221; CRG supplement to volume 4, p. 47-49.

²⁶CRG, volume 4, pg. 24.

²⁷ CRG, supplement to volume 4, pg. 212.

notorious Dealer in Rum," who was indicted for keeping a tavern without license. "Happy were it for the Town, if all Delinquents of the same Kind were discovered," and severely punished. The tavern "tends to not only destroy the Peoples Health, but debauches the labouring People and Servants, being Places of Nursery for all Vices." When a young indentured servant was accused of stealing silver, books, and other valuables, Stephens blamed the crime on the number of taverns in the town, stating that "...our vile Rum-Houses where so much Mischief was conceived, had brought forth a Gang of mature Villains fit to attempt any Wickedness."²⁸ Furthermore, Stephens bemoaned "...how Fatal this Excess of Rum-drinking is likely to prove among the common People; and how effectual all Means have hitherto been found, for suppressing the Sale of it...."²⁹ For Stephens and the Trustees, the Malcontents' insistence on drinking rum in public spaces was intertwined with political subversion and disobedience; such behavior threatened the virtuous colonial order that the Trustees had hoped to create in Georgia.

Oglethorpe and Stephens both pointed to the consumption of rum to explain both the high mortality rates in Savannah and the perceived moral laxity of the "lower sort." In contrast to the high death rates found in Savannah, Oglethorpe argued that the towns of Ebenzer and Frederica enjoyed "remarkable Healthiness" and low mortality rates due to the prohibition of rum, "...in those Parts where Rum...has been introduced, the People have not in general been so healthy and vigorous."³⁰ Stephens

²⁸ CRG, volume 4, pg. 291.

²⁹ CRG, volume 4, pg. 389.

³⁰ An Account Shewing the Progress of the Colony of Georgia in America from Its First Establishment (published in 1741).

argued that rum was responsible for the general moral decay that he saw as endemic in Savannah. He related the story of his trusted servant Anthony Binks, whom he employed as an overseer of his other servants and Stephens described him initially as “sober and industrious.” However, within a few months of migrating to Georgia Binks was “seduced by a pack of rascals and learnt in private to drink rum, which the town is poisoned with....” Engaged in his new pastime of drinking and visiting Savannah’s rum houses, Binks became “an egregious sot” and “downright Villian.”³¹ For the trustees, the inability of people of Savannah to adhere to the prohibition on rum was further proof of their need to exercise paternal control over the colonial endeavor, since the common people were not capable of making decisions in their best interest.

Despite the exaltations of their social superiors, the people of Savannah refused to abstain from rum consumption. Stephens complained to the Trustees that “...those Private Rum-Shops were become as common Among the people...as Gin-Shops...in London.” Samuel Mercer, a licensed tavernkeeper in Savannah, complained to the trustees that his business did not prosper due to the competition from unlicensed taverns selling illegal rum. “I do say that rum is now sould as pleanty as any other liquors and as openly,” complained Mercer, “and those people that sell rum getts all the ready money...for so long as the people can gett rum they never will buy any other liquor.”³² The Trustees’ attempt to allow only licensed

³¹Calendar of State Papers, America and the West Indies, volume 44, document 256, William Stephens to Harman Verelst, May 27, 1738.

³² CRG, 20: 324-326.

dealers to sell only approved liquor was completely ignored by the people of Savannah, and those merchants who followed the laws found themselves at a disadvantage when competing with such a flourishing black market.³³

The people of Savannah also tied the consumption of rum to participation in the Atlantic exchange economy of the eighteenth century. Patrick Talifer complained that Georgians were not able to export their timber to the West Indies, since “Rum being the principal Return they make.” Thomas Stephens echoed this argument in his pamphlets attacking the trustees, arguing that the prohibition of rum was “greatly prejudicial to Trade” since Georgia could not sell its lumber to the West Indies “by being thus prohibited to barter if for the Growth and Manufactures of the West Indies, the only Market for Timber, and whose Commodities, such as Rum, Sugar, and Molasses, make so great and necessary a Part of the Consumption of his Family....”³⁴ According to Talifer, the people of Savannah bought rum anyway, since the prohibition served only to make rum consumption even more attractive. Yet he also complained that the “ready money” was drained from the colonists, since merchants refused to barter with them. Patrick Houstoun, one of the largest landowners in the colony, wrote a friend that he sold rum because others “make a trade of it [and] I thought I had as good reasone to make bread as any body else and

³³The Trustees’ strict prohibition against rum should be placed in the context of the “gin craze” of early eighteenth century London. This moral panic probably predisposed the Trustees to see social disorder and instability when dealing with their colonists’ rum consumption. See Julie Anne Sweet, “‘That Cursed Evil Rum’: The Trustees’ Prohibition Policy in Colonial Georgia,” *Georgia Historical Quarterly* 94 (Spring 2010), 1-29; Jonathan White, “The ‘Slow but Sure Poyson’: The Representation of Gin and Its Drinkers, 1736-1751,” *Journal of British Studies* 42 (January 2003), 35-64.

³⁴Thomas Stephens, *The Hard Case of the Distressed People of Georgia*.

that is the commodity brings the most ready money of any.”³⁵ For men like Houston, rum consumption was not just about sociability and public culture; it was an essential economic activity that generated a steady stream of income.

By 1740 William Stephens was openly lamenting the demise of the paternal relationship between the colonists and the Trustees. In August of that year, as tensions with the Spanish increased during the War of Jenkins’s Ear, Stephens recorded that a previously imprisoned Spanish spy and his Irish servant had escaped from the Savannah jail. Having heard rumors that the Spaniard was planning an escape, Stephens had ordered the prisoners placed in fresh irons and “Iron belly-band with a chain fixed into a stake driven through the floor.” Despite these precautions, the prisoners managed to escape through the jail’s roof, “which could not be done but by some Help from without, nor could they have effected what they did within, had they not been supplied with proper Materials, by some Villains who assisted them; and out of a Hatred to the Authority by which this Colony subsists, are wicked enough to turn Parricides, and wish to see the Destruction brought upon the Whole.”³⁶ According to Stephens view, the malcontents had reached a breaking point; out of hatred for the Trustees, they attempted to kill their “fatherly” Trustees by assisting an enemy spy. Though he offered no evidence to confirm his suspicions of their

³⁵ CRG, volume 20, 239-40. Rum had also become an important commodity item in other colonies in British North America. See Sharon Salinger, *Taverns and Drinking in Early America* (Baltimore, MD: Johns Hopkins University Press, 2002); David Conroy, *In Public Houses: Drink and the Revolution in Authority in Colonial Massachusetts* (Chapel Hill, NC: University of North Carolina Press, 1995); Peter Thompson, *Rum, Punch, and Revolution: Tavern Going and Public Life in Eighteenth-Century Philadelphia* (Philadelphia, PA: University of Pennsylvania Press, 1999)

³⁶ E. Merton Coulter, editor, *The Journal of William Stephens* (Athens, GA: University of Georgia Press, 1958), August 14, 1740.

supposed subterfuge, Stephens had come to define the Malcontents as “the enemy within.” The rejection of paternal affection and disobedience to the social order threatened to bring chaos upon all Georgia colonists.

In responding to the perceived ungratefulness of the Malcontents, Stephens often attacked their intimate arrangements, frequently accusing the malcontents of committing adultery, polygamy, or other sexual indiscretions. He noted that the home of Andrew Grant was the location of many meetings of the malcontents, “where he resides with his bastard family.” He later provided details, revealing that Grant lived with the mother of his two children, yet they were unmarried. In September 1740 Thomas Jones referred to the Malcontents as the “St. Andrews Club,” referring to the Scottish roots of many discontented colonists. These men constantly wanted to supply the colony with slaves yet “they all kept whores and condemned religion.”³⁷ Similarly, when Thomas Christie accosted Thomas Jones regarding a debt owed to Christie by the Trustees, Jones rejected Christie’s evidence and retorted that he “would have done well, if they had brought their several Concubines with them, as farther Evidence of what passed...” Stephens later explained that Christie was living in “open adultery” with the wife of a man who had fled to Barbados and deserted his wife in Savannah. Stephens reported that Christie referred to this woman as his “housekeeper,” yet he also noted that they “...had only one bed between them, which they made use of together for a long while...” When Stephens told Christie that he did not like to be seen entering or leaving Christie’s house because of the scandal,

³⁷ For Grant, see CRG, supplement to volume 4, pg. 24 and CRG v. 4, pg. 482; CRG, v. 5, pg. 398-99. (for Christie’s wife being abandoned, see CRG v. 4, pg. 430).

Christie made some vague promises to “put her away” and eventually sent her to live on his property located several miles outside of Savannah and away from prying eyes.³⁸

The historical record also offers tantalizing clues that the Malcontents created a looser understanding of marriage and sexual relationships and this was frequently an issue between the Trustees and the colonists. A few cases of "wife sales" provides a glimpse of this alternative sexual culture that emerged during Georgia's early years. In January 1739 Oglethorpe had two soldiers arrested, one for offering his wife for sale, and the other soldier for offering to buy the wife. However, the grand jury sitting in Savannah refused to indict “they did not think the Evidence that was laid before them, was sufficient to ground an Indictment upon...”³⁹ The jury’s refusal to indict these soldiers may indicate that the practice of ending marriages through the “wife sale” had gained acceptance among Savannah’s population. However, a more detailed case of a wife sale did result in the punishment of some colonists.

In April 1734 William Watkins secretly married Hannah Willoughby, whose husband had recently died. His new bride became pregnant soon after the marriage, and Watkins claimed to have discovered that this wife in England was still alive. When Watkins became afraid of prosecution for bigamy, he convinced his new bride to marry Richard Mellichamp, telling her that since their wedding was secret and she was now with child, their neighbors would believe she “had played the whore.”

³⁸ CRG, volume 4, p. 430,449,499.

³⁹ CRG, v. 4, pg. 259.

Mellichamp and Hannah were married by Samuel Quincy in the presence of Watkins. Mellichamp was apparently not privy to the pregnancy of his new wife, as he soon discovered the pregnancy and “his own misfortune in marrying her.” Despite the switch in husbands, Hannah apparently maintained some relationship with Watkins, as the two were seen at a neighbor’s house together. When Mellichamp intruded and demanded that his new bride come home with him, his wife protested and demanded that she would stay. Mellichamp, wearied by the behavior and pregnancy of his new wife, joked with the men present that he would gladly sell his wife for a nominal fee. Someone spoke up and said he would pay a shilling for her, which began a bidding war between the men present. A man named Langford was the highest bidder, paying five pounds for his new bride. Mellichamp was satisfied with the handsome price, and for her part Hannah declared that she would willingly agree to the new arrangement, even going so far as to be “publicly bedded” with her new husband. It is unclear how this martial drama came to the attention of the Savannah magistrates, but once they were informed they insisted that a grand jury indict all involved for their public immodesty. However, the grand jury indicted only William Watkins, Hannah, and Langford. Watkins received 100 lashes for his part, and Hannah escaped physical punishment due to her pregnancy. Langford, though convicted, also escaped punishment since his testimony was central to the case. The jurors considered Richard Mellichamp the victim and refused to indict him.⁴⁰ In this case the grand jury seems to have held William Watkins responsible as the person who

⁴⁰ CRG, volume 27, 57-58. See also Marsh, 81. For a similar case of a wife sale, see the case of William Buley and Elizabeth Malpas, Earl of Egmont Papers, volume 14201, pg. 103-104.

engineered the deceptive marriage between Hannah and Mellichamp. Yet it is far from clear that the Savannah jurors were concerned over the "wife sale" or the seemingly loose matrimonial arrangements of these colonists. The apparent ease of disposing with an unsuitable match was belied by Mellichamp's casual remark that he would gladly sell his wife and the willingness of the congregated men to participate in the public "auction." Yet Mellichamp was not punished for this transaction; rather, Watkins was held responsible as the one who arranged the deceptive marriage between Hannah Willoughby and Richard Mellichamp. Like other colonists in North America, the Malcontents created a flexible understanding of marriage and domestic responsibility and participated in a culture which allowed for relative freedom in intimate affairs.⁴¹ The men who served on Savannah's grand juries often refused the demands of the Trustees to bring charges against "disorderly" colonists who participated in these wife sales or who maintained flexibility in their intimate arrangements, thereby creating further rifts between the paternalist Trustees and the rebellious malcontents.

In his letters and reports to the Trustees William Stephens repeatedly displayed concern over the perceived loose sexual arrangements of his white indentured servants. A Highland woman he hired as an indentured servant soon became pregnant by a Scottish ship captain, and an exasperated Stephens wrote to the trustees "...see what luck I have with these wenches." His attempts to secure domestic servants only worsened as Stephen's tenure in Georgia progressed. In May

⁴¹Clare Lyons, *Sex Among the Rabble: An Intimate History of Gender and power in the Age of Revolution, Philadelphia, 1730-1830* (Chapel Hill, NC: University of North Carolina Press, 2006).

of 1738 Stephens wrote about this problem to the Trustees, complaining that “My first two women servants (you have heard) proved errant whores...” Stephens arranged for the wife of a local man to take over his household chores in exchange for a monthly salary, yet she soon “proved so forward with child that I had little time more than enough to send her home again before she wanted a midwife.” With no female indentured servants and few prospects for domestic help, Stephens wrote that “...I am perfectly destitute of such help.”⁴² Similarly Thomas Jones reported to Verelst in February 1739 that a colonists named Mr. Bradley had sexual relations with his female Dutch servants, writing that “Three of the women servants are his or his son’s concubines as commonly reported, one of them lately delivered, another big with child.”⁴³

Stephens was not the only person who noticed these lax intimate arrangements; Georgia’s early colonists earned a reputation for sexual disorder and non-traditional intimate arrangements. The colonial court, sitting in Savannah in January 1740, noted that both William Norris and George Whitefield, Anglican ministers to the colony, complained that “...several persons in this Town lived most scandalous Lives with their Whores, and went on impune in open Defiance of all Laws both divine and human...” Whitefield in particular complained to the grand jury that adultery and “inconsistency” were problems in the infant colony, and he insisted that the problems facing the colonists resulted from their dissolute living. Stephens

⁴² Calendar of State Papers, Colonial Series, America and West Indies, volume 44, Document 256 (for errant whores remark) and Document 84 (for “see what luck I have.”)

⁴³Calendar of State Papers, Colonial Series, volume 45, Document 52 February 8 1739, pg. 26-28.

recorded in his journal that the jurors made a vague commitment to bring more presentments against such offenders, but he remained skeptical that the people of Savannah would be able to police themselves and exercise self-control.⁴⁴

In addition to protesting the restrictions placed on rum and creating alternative sexual cultures in Savannah, the Malcontents were perhaps most enraged about the prohibition against African slavery. In making the argument that slavery should be allowed, the Malcontents equated the Trustees' slavery restriction with enslavement itself. In his pamphlet *True and Historical Narrative*, Patrick Talifer declared with mock humility that "The valuable Vertue of Humility is secured to us by your Care, to prevent our procuring, or so much as seeing any *Negroes*, (the only human Creatures proper to improve our Soil) lest our Simplicity might mistake the poor *Africans* for greater Slaves than ourselves." Robert Williams connected the lack of fee simple with the idea of slavery, going so far as to declare it "...a Slavery under the Trustees, who probably would take Possession in Time of the Fruits of their Labour," should the colonists successfully cultivate their lands. Many of Georgia's earliest colonists had arrived in Savannah by way of Charleston or the West Indies, thus they had opportunity to internalize the values of emerging slave societies. Thus, the liberty of white men in the colonial South had become intertwined with the institution of African slavery.⁴⁵ James Grant, who served as the governor of East

⁴⁴ CRG, IV, pg. 495-96.

⁴⁵ Trevor Reese, editor, *The Clamorous Malcontents: Criticisms and Defenses of the Colony of Georgia, 1741-1743* (Savannah, GA: Beehive Press, 1973), p. 24; CRG v. 4 p. 48; Carole Watterson Troxler, "William Stephens and the Georgia 'Malcontents': Conciliation, Conflict, and Capitulation," *The Georgia Historical Quarterly* 67 (Spring 1983), 3.

Florida in the 1760s, captured this sentiment best when he advised the Earl of Egmont, one of the most prominent of the Georgia Trustees, to eschew expensive white indentured servant labor in favor of cheaper enslaved African labor. Grant advised Egmont that “Settlements in this warm climate must be formed by Negroes, our indentured white people can hardly be prevailed upon to work for their own subsistence.” However, money and climate were not the only reasons white laborers were discouraged. According to Grant, “upon their landing they are immediately seized with the pride which every man is possessed of who wears a white face in America and they say they won’t be slaves....”⁴⁶ Whiteness conferred upon men the expectation that they would possess land, create wealth, and command the labor of their dependents, and in the colonial South that had come to mean African slaves. Thomas Stephen, the son of William Stephens, best captured the intertwining of white freedom with African slavery when he opined “The poor People of Georgia may as well think of becoming Negroes themselves...as hoping to be ever able to live without them...”⁴⁷ The institution of slavery had become too engrained in places like South Carolina and the West Indies to allow the Malcontents to imagine a world without slaves. For the rebellious Georgia colonists, the inability to enslave Africans made slaves of white men.

⁴⁶“settlements quote”: Daniel Schafer, “Plantation Development in British East Florida: A Case Study of the Earl of Egmont,” *Florida Historical Quarterly* (October): 1984, quote 175; full pages: 172-183. White face quote: Bernard Bailyn, *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution* (New York: Vintage Books, 1986), 472.

⁴⁷ Thomas Stephens, *The Hard Case of the Distressed People of Georgia*. For further exploration of the father/son drama between William and Thomas Stephens, see Julie Anne Sweet, “William Stephens versus Thomas Stephens: A Family Feud in Colonial Georgia,” *Georgia Historical Quarterly* 92 (Spring 2008), 1-36. Despite his father’s high position and service to the Trustees, Thomas Stephens became one of the leading Malcontents during the 1740s.

The proponents of slavery recognized that North American realities conflicted with the assumptions of the Trustees, and they urged the Trustees to rethink their colonizing strategy. Patrick Talifer mused that “The American reader... must be... surprised to find that such Numbers should have been fooled and blindfolded, as to expect to live in this Part of America by Cultivation of Lands without Negroes, and much more without Title to their lands.” Other colonists argued that the extreme heat and severe working conditions of Georgia were unlike anything encountered in England and that only African slaves were suited to this labor. Thomas Stephens, the son of Williams Stephens, argued that African slaves were uniquely qualified for harsh labor “by a difference in their natures and the Climates they came from.”⁴⁸ According to Thomas Stephens, “..white Men are unequal to the Task, and yet it must be done. If, therefore, others may be found much fitter and abler for this Work... is this a criminal or unreasonable Piece of Luxury?”⁴⁹ These statements imply that the Trustees could not know the best course of action for their colonists, since North America was radically different from England. Furthermore, the Malcontents adopted a widely disseminated belief among slaveowners that only African peoples could adjust to the climate and labor required on New World plantations.

The socio-economic background of the signers of a 1738 petition asking for an end on the slavery ban demonstrates a diverse group of Georgia colonists supported the introduction of slaves into the colony. Of the 121 signers, only ten

⁴⁸ Reese, p. 28; Egmont Papers, 154-162; Betty Wood, “Thomas Stephens and the Introduction of Black Slavery in Georgia,” *The Georgia Historical Quarterly* 58 (Spring 1974), 30.

⁴⁹Thomas Stephens, *The Hard Case of the Distressed People of Georgia* (London, 1742).

owned plots of land larger than fifty acres (the minimum acreage granted by the Trustees), and only three held plots of 500 acres, the largest amount colonists were allowed to own. Fifty-three of the colonists entered the colony at their own expense, while forty-six were “charity colonists” whose passage had been subsidized by the Trustees. A further eleven of the signers had entered the colony as indentured servants.⁵⁰ A broad-cross section of white Georgian colonists had come to understand African slavery as a necessary prerequisite for a successful colony in the eighteenth century colonial South.

For their part, the Trustees firmly believed that the introduction of slavery was not necessary for economic success of the colony. William Stephens ridiculed those people “...who wanted to bring in Negroes, that would put an End to all White Men’s work.”⁵¹ Furthermore, the presence of slaves in Georgia would endanger the colonists’ collective security and negate the military purpose of the colony. Security became a potent argument against slavery in the fall of 1739, when the Stono Rebellion in South Carolina resulted in the deaths of 47 whites and 44 African-Americans were killed. Furthermore, the Trustees argued that slaves were unnecessary in the production of goods such as silk or wine, which they envisioned as the chief exports of Georgia.⁵² The Malcontents responded by stating “...not even the Flourishing of Wine and Silk, can make a colony of British subjects happy, if they are

⁵⁰ Troxler, 9.

⁵¹ CRG, supplement to volume 4, p. 50.

⁵² CRG, v. 22, part 2, p. 231.

deprived of the Liberties and Properties of their Birth-right.”⁵³ Georgia colonists embraced the Lockean concept of natural rights and masculine authority based on their ability to exploit land and the labor of others. Furthermore, they advocated for a Georgia becoming more than a haven for yeoman households; rather, they envisioned Georgia joining the Atlantic economy by trading in slaves and the commodity crops that were enriching colonists in other regions of North America and the Caribbean.

The malcontents argued that Georgia colonists could not prosper from the Atlantic trade without the use of African slaves or clear title to their lands. The timber trade was foreclosed to the colonists, and according to the 1738 petition the Malcontents declared that “Timber is the only thing we have here which we might export...yet we cannot manufacture it fit for a foreign Market, but at double the Expence of the Other Colonies.” According to the petitioners, Georgia colonists could not be competitive with nearby South Carolina timber merchants, who used slave labor and therefore cut the cost of production. Though timber was plentiful and could potentially be marketed to West Indian planters, the Malcontents bemoaned the fact that “...the Timber on the Land is only a continual Charge to the Possessors of it, tho’ very great Advantage in all the Northern Colonies, where Negroes are allowed, and consequently Labour cheap....” Robert Williams, a merchant with trade contacts in England and the West Indies, showed William Stephens a letter from a Bristol merchant with whom he had proposed a business partnership. The merchant refused to deal with Williams, stating that “...no Merchant, either of London or Bristol,

⁵³Quoted in A. Leon Higginbotham, *In the Matter of Color: Race and the American Legal Process. The Colonial Period* (Oxford: Oxford University Press, 1978), 244.

would venture to risk anything among People whose Property was so precarious, that they could not make a Title to it...⁵⁴ Without the ability to engage in trade or plantation agriculture, white men in Georgia found it impossible to generate the wealth or independence associated with patriarchal authority.

Furthermore, the Malcontents argued that the land and inheritance regulations of the Trustees limited their patriarchal authority within the home. Without clear title to their land, they would be unable provide for their families and control their subordinates. The Malcontents complained that their children could not inherit from their fathers, writing to the Trustees that "...Daughters and younger Sons, as tho' illegitimate, [are] deprived of the Right of Succession and Inheritance." Despite receiving assurances from the Trustees that exceptions to female inheritance could be made upon petition, the colonists complained that their children had no real security because the "Pleasure of the Trustees" would determine "...every Thing they shall inherit of their Fathers." The inability of fathers and husbands to secure an independent existence for their families created weak patriarchal power. In his pamphlet attacking the Trustees, Thomas Stephens rhetorically asked "Do not these Gentlemen hereby sap a main Foundation of Civil Government, when by losing thus the Tie of filial Dependence, they dissolve that of paternal Authority, a Duty which from its Tendency, is a Matter of as much real Moment to the well being of Society, as any other moral of Civil Ordinance whatsoever?"⁵⁵ In advocating an end to the

⁵⁴Representation of Freeholders in Georgia to the Trustees, December 9, 1738; For Robert Williams' comment, see CRG, v. 4 p. 29.

⁵⁵Thomas Stephens, *The Hard Case of the Distressed People of Georgia* (London, 1742).

Trustee system, the Georgia colonists argued that the Trustee plan weakened the power of parents over children and thereby threatened all social stability. The inability of parents to care for their younger children was a particular concern, with the Malcontents arguing that it inverted the order of nature "...that the eldest Son should not only enjoy a double Portion, but exclude all the younger Children..." Without support from their parents, such children "...having an Interest independent of the Parents, how natural is it he should withdraw that Obedience and Subjection which proceeds from parental Authority and filial Dependence!"⁵⁶ The very foundations of patriarchal authority and household order were threatened by the Trustee's regulations. According to the Malcontents, children would have no reason to obey their parents and would easily establish independence from their parents, since they could never hope to inherit property and wealth. While the Trustees pointed to Malcontents' reputation for sexual looseness and their rampant consumption of rum as evidence that the colonists could not govern themselves, the Malcontents accused the Trustees of usurping their paternal authority and attempting to make "slaves" of the Georgia colonists.

The Trustee's response to issues of land title showcased their paternal approach to governing the Georgia colonists. The Trustees assured the colonists that the restrictions on land title were only temporary, so as to prevent "bartering or selling...by the unthinking People at an Undervalue." The Trustees did show a willingness to compromise regarding female inheritance. They replied that they were

⁵⁶ Patrick Talifer, *A True and Historical Narrative*, pg. 86.

willing to amend their regulations so that daughters could inherit when a son was not available, “upon their good behavior, that the Laws of England and the Administration of Justice, in the most impartial Manner, and most adapted to the Nature of a Free British government, should ever be secured to the inhabitants.”⁵⁷ However, the Trustees refused to budge too far from their view that the Malcontents were an “unthinking people” who could not be trusted to make economically sound decisions regarding their property. They refused to grant absolute title to the land, preferring instead to make limited concessions to allow daughters to inherit property from their husbands and fathers. While a daughter would be allowed to inherit land, she would really only hold the land until her male children came of age, therefore male power was still ensured. Even with this minor modification of inheritance rights, the Trustees still clung to their vision of Georgia as a colony for white yeoman farmers.

The Malcontents found the paternalism of the Trustees insulting and took every opportunity to ridicule the benevolence of the Trustees; some malcontents went so far as to compare the paternalism of the Trustees with a total loss of liberty and dictatorship. Patrick Talifer’s pamphlet showcasing the complaints of his fellow colonists was dedicated in mock-deference to Oglethorpe, stating “Whether he has acted the generous, that humane, that Fatherly part, the following NARRATIVE must determine.” Talifer goes on to state that Oglethorpe’s “...Concern for our perpetual Welfare...” prevented the creation of wealth and riches that would “inflate weak Minds with Pride, pamper the Body with Luxury, and introduce a long Variety of

⁵⁷ IBID.

Evils. Thus you have *protected us from ourselves*...by keeping all earthly comforts from us.”⁵⁸ The regime established under Oglethorpe was anything but generous, judging by the tone of the malcontents protests’. They complained repeatedly of the “arbitrary power” of the Trustees and their officers and the lack of freedom in Georgia. When complaining about the perceived abuse of power, Patrick Talifer declared, “for under the Influence of our *Perpetual Dictator* we have seen something like Aristocracy, Oligarchy, as well the *Triumvirate, Decemvirate, and Consular Authority* of famous Republicks.”⁵⁹ The malcontents expressed a keen awareness that their traditional rights as Englishmen were infringed upon by the Trustees; in one pamphlet that took exception to the Trustee’s policies Talifer reminded his audience that “The Trustees are but a Channel to convey to us the King’s Rights, and cannot in law or Equity, and, I dare say *will not* abridge those Rights.”⁶⁰ The Malcontents insisted that they asked only for the rights due to a British subject and accused the Trustees of misgovernment by denying them their natural rights.

In their demands for their “natural rights,” the malcontents found company with other Euro-American colonists in the colonial Gulf South. Governor George Johnstone complained to the Board of Trade that the people of West Florida opposed all authority and were difficult to govern. The people of West Florida were aided in their objection to authority by the chief justice, who adopted a policy that “His great

⁵⁸IBID., 24

⁵⁹Patrick Talifer, *True and Historical Narrative*, pg. 28 “arbitrary power” pg. 34, “Fatherly part” pg. 25 “perpetual dictator.”

⁶⁰Patrick Talifer, *A True and Historical Narrative of the Colony of Georgia*, pg. 86.

System is, that all power is in the People, and that Crimes cannot be too gently dealt with, which last I acknowledge to be true if the Colony was to increase or to be peopled, from the children of an original stock, but considering we are to rise from the ruse of the Jails of great Citys, and the overflowing Scum of Empire, I think we cannot be too vigilant in the restraining of crimes, or putting the Law in execution against Delinquents.”⁶¹ Stephens portrayed the people of Georgia in a similar light, calling them a “vile crew of people” who had grown so insolent as to be publicly disobedient in open court, “and have occasioned for some people of superior authority vested with a kind of absolute authority to keep them under.” Stephens scoffed at the idea that “these people call themselves Gentlemen because they are made landholders,” since according to Stephens they did nothing but spread lies and rumors to honest, industrious settlers because they were afraid that others would show that Georgia could be successful without slaves.⁶²

The contest between the Trustees and the malcontents eventually earned Georgia a reputation for social instability that inhibited migration to the new colony. Elizabeth Bland, a midwife, traveled to Georgia and South Carolina in the 1740s. While in Charleston Bland reported that she “...heard so terrible a Character of Georgia that I resolved never to see it and had got a Passage for England in a very good Ship.” Bland eventually did visit Savannah to care for her sick son, but she was impressed with neither the town nor its inhabitants during her visit. She claimed that

⁶¹Dunbar Rowland, editor, *Mississippi Provincial Archives, English Dominion, Volume 1* (Nashville, TN: Press of Brandon Printing Company, 1911), 465.

⁶²CRG, 4, 60.

Thomas Causton detained her against her will and that she "...lost my Liberty and must not return home to my Native Land without Leave from the Trustees." She complained about the climate stating that "the Country is very hot I am not capable of any Industry in it." She also complained about the abuse she suffered at the hands of the Trustee's officers, declaring that "did King George use his People as they are used here he would soon lose his Crown." According to Bland, "There is a different sort of People fit for it but God knows we are not, and since I can be of no Service to the Colony I hope You will take such Care to see we may not lose our Lives here." Bland was also not complimentary of the people of Savannah, declaring "Such Lying, such Scandal and false Swearing as I never heard in my Life, in short it is a very Hell upon Earth." She begged Oglethorpe to help her son escape this poisonous environment and return to England, declaring "I would serve my Betters in England rather than be a Slave to such vile Wretches as govern here." Bland's targeting of Causton and the Trustee's officials echoed the complaints of the malcontents regarding arbitrary government and officials with unlimited power.⁶³

The nature of both patriarchal authority and racial identity were contested and in flux in the colonial Gulf South during the early eighteenth century. The Trustees of Georgia and their "malcontent" colonists articulated conflicting ideas about the nature of patriarchal power, and the malcontents in particular offered gendered and racialized objections to the Trustee's Utopian schemes. The malcontents feared that their positions as both heads of families and as white males were under siege during the Trustee period in Georgia early history. The demographics of both the colonial

⁶³Earl of Egmont papers, volume 14201, pp. 18-20.

South in general and Georgia in particular underwent a profound shift in the years after the Trustees surrendered their charter in 1752, and the colony of Georgia eventually resembled the West Indies and the Carolinas in terms of its demographic composition and its economic regime. Elites tightened their control over the social and legal cultures in Georgia and patriarchy become more firmly rooted in Anglo-American society as a result. Yet the experiences of the malcontents and the Trustees reminds us that patriarchal authority and Anglo-American racial identity were both negotiated identities that were firmly entangled in the politics and culture of the time. As the next chapter demonstrates, Anglo-Americans were not the only ones who engaged in this process. Native Americans and African-Americans also negotiated the boundaries around race, gender, and identity in ways meant to cope with changing social and economic norms of the eighteenth century.

Chapter 2

Cross-Racial Marriages and Imperial Politics in the Eighteenth-Century Gulf South

In 1762 Henry Timberlake, a lieutenant in Virginia's colonial militia, took a delegation of Cherokee Indian men to visit London. As a veteran of the Seven Years War Timberlake had witnessed the deterioration of Anglo-Cherokee relations on the Southern frontier during the 1750s, and in 1761 he had undertaken a long and arduous journey to the "overhill" Cherokee in an attempt to repair Anglo-Cherokee diplomatic relations. When the Cherokee leader Ostenaco expressed a desire to meet the King of England, Timberlake agreed to arrange the journey and hoped that such a public relations stunt would assist in promoting greater cooperation between Anglo-American colonists and Cherokee Indians. From the moment they arrived in London Ostenaco and his fellow Cherokee caused a sensation in the imperial capital. Crowds flocked to the delegation's Suffolk street lodging, and Timberlake recorded the Cherokee's disgust when the "whole rabble of the town" was admitted into their private quarters and gawked at the Indians as they dressed one morning. The newspapers reported the Cherokee Indians' movements about the city in vivid detail, including an unfortunate incident when Osteneco and his comrades engaged in public drunkenness at Vauxhall Gardens. The Cherokee men sat for a portrait with the renowned artist Joshua Reynolds, and the Irish poet Oliver Goldsmith recorded in his diary that he waited for more than three hours to meet the visiting delegation. While the diplomatic impact of the journey might have been negligible, Timberlake had

certainly succeeded in creating a media sensation that focused attention upon Anglo-Cherokee relations in the aftermath of the Seven Years War.¹

Some commentators took the opportunity of the 1762 Cherokee visit to examine Anglo-Cherokee intimate relationships. A broadside titled “A New Humorous Song, on the Cherokee Chiefs, Inscribed to the Ladies of Great Britain,” provided a humorous look at British attitudes towards cross-racial intimate contact and used the occasion of the Cherokees’ visit to deride English women’s supposed sexual promiscuity and Native American cultural barbarity. Yet at the same time hypersexual Englishwomen were envisioned as the key to maintain Euro-American colonial hegemony. As the Cherokees moved about London, the broadside described how “Wives, Widows, and Matrons, and poor little Misses,/Are pressing and squeezing for Cherokee Kisses. Each grave looking Prude, and each smart looking Belle, Sir,/ Declaring, no Englishman e’er kiss’d so well, Sir.” The writer encouraged the ladies of Britain to “indulge your odd passion” since “They’d kiss even Monkies, were Monkies as willing.” The writer also declared that Englishmen no longer needed to worry about the Cherokees’ scalping knives; rather, it was the Cherokees who would need to protect themselves from sexually violent Englishwomen. “A soft Female Hand, the best Weapon I wean is,/ To strip down the Bark of Cherokee P---s. Courageous advance, then, each fair English Tartar/ Scalp the Chiefs of the Scalpers,

¹ Duane King, *The Memoirs of Lieutenant Henry Timberlake's Memoirs: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Chapel Hill, NC: University of North Carolina Press, 2007).

and give them no Quarter.”² English women’s “odd passion” for Cherokee men was equated with the “uncivilized” Indian practice of scalping served to highlight the social disorder that occurred when white women expressed desire for Indian men. Yet at the same time, the unbridled sexual urges of English women was imagined as a necessary tool in the effort to spread Anglo hegemony throughout North America, with an imagined army of libidinous English women encouraged to “advance” and “Scalp the chiefs of the Scalpers.” The humor of this broadside relied upon the inverted order created when Anglo women lusted after Indian men and associated white female lustiness with the presumed cultural barbarity of Native men. While readers in London might find humor in the idea of cross-racial relationships between Anglos and Indians, the inhabitants of the eighteenth-century colonial Southeast would have recognized that such relationships were often central to navigating the complex dynamics that resulted from cross-cultural interactions in the colonies.

Crossing the color line and establishing intimate liaisons with non-white women was a well-known tactic to European men who explored the Atlantic world in the eighteenth century. Europeans engaged in cross-racial sexual alliances with non-white women in locales that stretched across the Atlantic basin and beyond. In places as diverse as Senegal on the West Coast of Africa and the West Indian sugar colonies in the Caribbean, Euro-American men found relationships with local women necessary to navigating socio-economic circumstances in which white European superiority was anything but assured. Cross-racial relationships throughout the

² A New Humorous Song, on the Cherokee Chiefs, Inscribed to the Ladies of Great Britain (London, 1761); See also Alden T. Vaughan, *Transatlantic Encounters: American Indians in Britain, 1550-1776* (Cambridge: Cambridge University Press, 2006), 165-175;

Atlantic world took on a variety of forms and served a multitude of purposes. In North America white men marrying Native American women participated in “Winchester weddings” or “left-handed marriages,” while on the Gold Coast in West Africa such unions between European men and African women were referred to as “country” or “cassare” marriages. Women on the Indian subcontinent who participated in intimate liaisons with Englishmen were called “bosom friends.” Such relationships could be permanent or temporary, but everywhere they served a similar purpose: women provided access to local kinship networks, knowledge of local culture and language, and provided basic resources such as food and shelter, all of which in turn provided European men with a defined place within local social hierarchies and smoothed the way for trade and commerce to take place. These unions also resulted in the creation of bi-racial children who simultaneously bolstered and challenged notions of Euro-American cultural and social superiority.³

This chapter argues that participants of cross-racial intimate unions in the eighteenth-century colonial Southeast often displayed a protean and flexible understanding of their own gendered and racial identities. As the area became more

³ John Lawson, *New Voyage to Carolina* (London, 1709), 46,190 (“Winchester Weddings”); Affidavit of James Maxwell, June 12, 1751, in *Documents Relating to Indian Affairs*, volume 1, edited by William McDowell (Columbia, South Carolina: South Carolina Archives Department, 1958), 70; see also Pernille Ipsen, *Daughters of the Trade: Atlantic Slavers and Interracial Marriage on the Gold Coast* (Philadelphia, PA: University of Pennsylvania Press, 2014); Randy Sparks, *Where the Negroes Are Masters: An African Port in the Era of the Slave Trade* (Cambridge, MA: Harvard University Press, 2014), 22-23, 80; David Northup, *Africans Discovery of Europe: 1450-1850* (Oxford: Oxford University Press, 2009), 72; George Brooks, “The Signares of Saint-Louis and Goree: Women Entrepreneurs in Eighteenth-Century Senegal,” in *Women in Africa: Studies in Social and Economic Change*, edited by Nancy J. Hafkin and Edna G. Bay (Stanford, CA: Stanford University Press, 1976): 19-44; ; Durba Ghosh, *Sex and the Family in Colonial India: The Making of Empire* (Cambridge: Cambridge University Press, 2006), 35.

firmly attached to the Atlantic exchange economy and a new economic regime came to dominate the colonial Southeast, the social and cultural norms of Anglo, Native, and African Americans underwent profound transformations. Older notions that justified hierarchy and the exercise of power were no longer assured, and those people residing on the margins of society often took advantage of social and cultural flux in ways meant to maximize their own claims to power and economic success. The chapter begins by surveying Anglo-American and Native American attitudes towards cross-racial unions, demonstrating that intimate relationships between Anglo-American men and Native American women often served the interests of both Anglo and Native Americans in the eighteenth century. This chapter then deploys a case study methodology to illuminate the lives and experiences of Mary Musgrove, an Anglo-Creek woman, and Fenda Lawrence, an African woman. Each woman participated in a web of social relations that centered upon cross-racial unions with Anglo-American men, and each woman's relationships with Anglo men provided them with a means for resisting the hardening racial categories that emerged in the eighteenth-century colonial South

Imperial Politics and Cross-Racial Intermarriage in the eighteenth Century

In the early eighteenth century British imperial and colonial officials encouraged intermarriages between Indians and whites as a way to incorporate Native Americans into Anglo-American society. In 1719 the Privy Council wrote instructions to the governor of Nova Scotia instructing him to "...give all possible encouragement to intermarriages between out PROTESTANT subjects..." and the Indian nations. To encourage intermarriage between Anglo-Americans and Indians,

the royal government offered to a bounty of 50 acres of land to “...every white man who shall marry an Indian woman...and every white woman, being our subject, who shall marry an Indian man...” The unspoken assumption of the Privy Council's instructions was that intermarriage between Europeans and Indians would result in the cultural conversion of Indian people as well as populate sparse territories.⁴ Cross-cultural marriages would assure Euro-American cultural hegemony while simultaneously assisting in the work of empire building in North America.

Several colonial assemblies and government officials in North America joined the Privy Council in encouraging Anglo-Indian intermarriages. The South Carolina Council concluded in 1743 that “...intermarriages between them (white men and Indian women) would be the most effectual way, as the French had already experienced of Securing those People in our Interest.” In 1755 Edmund Atkins insisted that British soldiers in the colonial Southeast should be encouraged to take Indian wives, “...by which means our Interest among the Indians will be strengthened both by the Women, and their Breed proving the hardiest and best attached...” Atkins also encouraged sending petty criminals to the frontier to marry Indians, declaring that “able bodied men Convicts of petty crimes, instead of being hanged, or incorporated among the People of our Colonies...” would be more useful if they intermarried with Native women. According to Atkins these men would engage in agriculture, receive land, and marry Indian women and thereby “strengthen the place.” Whereas the Privy council had envisioned both white men and women

⁴ Leonard Woods Labaree, editor, *Royal Instructions to British Colonial Governors, 1670-1776* volume 2 (New York: D. Appleton-Century Company, 1935), 470.

intermarrying with Indians, the local officials in the colonial Southeast envisioned such intermarriages as being solely between white men and Indian women. An unspoken assumption of many colonial and imperial officials was that these cross-cultural unions would adhere to a patriarchal ideal. Husbands would gain property and power over subordinates through their intermarriage with Native women, while Indian wives would learn Anglo-American culture and submit to the authority of their husbands. Children born of these unions would perpetuate this cycle while also expanding the reach of Anglo-American cultural hegemony.⁵

Travelers and explorers to the eighteenth century Southeast also joined imperial officials in their endorsement of intermarriages between whites and Indians. John Lawson, travelling among Indians in South Carolina in the early eighteenth century, thought that encouragement of “the ordinary People, and those of a lower Rank” to intermarry with Indians “and come into Plantations, and Houses, where so many Acres of Land and some Gratuity of Money (out of a Publick Stock) are given to the new-married Couple...” would result in the Indians to be “...drawn to live amongst us, and Become members of the same Ecclesiastical and Civil Government we are under....” Similarly, the tidewater planters Robert Beverly and William Byrd both advocated using intermarriages to incorporate Natives into Anglo-American society. “...there is but one way of converting these poor Infidels, and reclaiming them for Barbarity...” Byrd confided to his diary, “...and that is to Charitably

⁵Minutes, Oct. 13, 1743, in SCCJ-UH, 9 (2): 126-27; Wilbur R. Jacobs, *The Appalachian Indian Frontier: The Edmund Atkin Report and Plan of 1755* (1954 reprint edition, Lincoln, University of Nebraska Press, 1967), 80;91. See also Michelle Lemaster, *Brothers Born of One Mother: British-Native American Relations in the Colonial Southeast* (Charlottesville, VA: University of Virginia Press, 2012).

intermarry with them.” Similarly, the *South Carolina Gazette* speculated that increased cross-cultural contacts caused by the deerskin trade would eventually lead to the “civilization” of Indian men, since these men “will have Opportunity by their daily conversing with the Fair Sex, and to be hoped, Encouragement sufficient, without Compulsion, to have, or to take Christian wives.” For many the key to peaceful cultural assimilation and “civilization” of Native peoples was to be found in cross-cultural marriages.⁶

Despite the support that Anglo-Indian intermarriages received from imperial officials, some did raise questions about the appropriateness of such marriages. When Samuel Quincy, the Anglican minister in Savannah, performed a wedding between the merchant Joseph Fitzwalter and an unbaptized Indian woman, Oglethorpe reported that “...he was advised to do so by most of the people of Savannah [and by what I found in conversing with them] the generality of the people thought they had done a very pretty thing in getting an Intermarriage.”⁷ Fitzwalter himself asked the pardon of the Trustees for not seeking their permission to marry the Indian woman, but he assured them that his marriage had the support of the Creek Indians, who hoped that Fitzwalter would take up residence within the Creek nation as the resident trader. Fitzwalter told the trustees that “It is to be hop’d That Time will wear her of the Savage way of Living.”⁸ The people of Savannah had no

⁶ John Lawson, *New Voyage to Carolina*, p. 237; Theda Perdue, *Mixed Blood Indians*, pg. 73; *South Carolina Gazette*, April 14, 1732;

⁷ James Oglethorpe to the Trustees, CRG, v. 21, p. 216-17.

⁸ Joseph Fitzwalter to Trustees, CRG, v. 20, p. 426-27. The woman he married was the niece of Skee and Talofaleche, and she was given in marriage by Tomochichi. See also LeMaster, *Brothers Born of One Mother*, p. 152-54;

reservation about a white merchant formalizing his relationship with an Indian woman by entering into marriage with her, and the Trustees only objected to the fact that she was not Christian. Fitzwalter's belief that his new wife would eventually abandon her "Savage" life was consistent with imperial official's encouragement of white-Indian marriage in an effort to promote Indian conversion and civilization.

Despite the anxieties that some observers expressed about Anglo/Native intermarriages, many prominent Anglo-American men engaged in cross-racial relationships during the eighteenth century. George Galphin, a wealthy landowner and merchant who also partnered with the Augusta-based trading company Brown, Rea, and Company, married a Creek woman named Metawney of the town of Coweta. Galphin fathered three children with his Creek wife, though he also had a white wife in South Carolina named Bridget Shaw. Galphin played a pivotal role on the patriot cause in South Carolina and Georgia during the Revolution. Lachlan McGillivray, a Scottish emigrant who became a wealthy plantation owner and merchant, married into the prestigious Wind Clan of the Upper Creeks. McGillivray and his Creek wife, Sehoy Marchand, established a mixed-race dynasty that would include Alexander McGillivray, William McIntosh, and William Weatherford, all who would play an important role in navigating Anglo-Indian relations in the early nineteenth-century. Similarly, James Logan Colbert engaged in polygamous marriages with had three different Chickasaw women, and his descendants occupied a central role in Chickasaw social and political affairs during the era of removal (Colbert's descendants are discussed in more detail in chapter four.) The success of these men would not have been possible without the connections provided by their

Native wives, and there is no evidence they suffered social disapproval or criticism as a result of their cross-racial alliances. Some of these men, like Colbert, made permanent homes among their adopted Native kinsmen, while others like Galphin easily crossed back and forth between Native American society in the interior of the southeast and Anglo-American society centered in the Carolinas and Georgia.⁹

Men like Colbert, McGillivray, and Galphin gained important kinship connections and alliances with prestigious clans, and the women they married received material benefits from their ties to Anglo-American merchants. Native Americans of the eighteenth-century Southeast primarily understood social organization through the lens of kinship, which provided members of their society with rights and privileges denied to “outsiders” who lacked kinship connections. Marriage allowed Anglo merchants to establish kinship ties that granted a measure of protection and provided these men with important services, including translation, food, housing, and shelter. For instance, Indian merchant James Maxwell was warned by Cherokee women in 1751 that his life was in danger and that he should flee the Cherokee’s settlement. Reporting to South Carolina’s governor, Maxwell wrote that “The white People who there who kept Indian Wenches told the Deponent that those Wenches had given them the Same Notice, and bid them be gone.”¹⁰ The women who participated in these cross-racial unions benefitted from access to trade

⁹Michael Morris, *George Galphin and the Transformation of the Georgia-South Carolina Backcountry* (New York: Lexington Books, 2015); Edward Cashin, *Lachlan McGillivray, Indian Trader: The Shaping of the Southern Colonial Frontier* (Athens, GA: University of Georgia Press, 1992); Lemaster, *Brothers Born of One Mother*, 149-184.

¹⁰ Colonial Records of South Carolina, Indian Affairs, v. 1, p. 70.

goods that Anglo merchants brought with them. Almost all native peoples of the eighteenth-century Southeast experienced economic transformation as Native men overhunted deer and other animals as they sought to purchase more European goods, such as metal tools, clothing, etc. As this economic transformation took place, clans that could boast an intimate connection with Anglo merchants received favorable terms and first access to coveted goods.¹¹

Both Anglo-Americans and Native Americans derived benefits from these cross-racial relationships, yet these marriages created a hybrid understanding of the gendered politics of marriage and family. Cross-racial relationships combined Anglo-American customs and traditions with Native American gender norms and created unions that were never fully “Indian” nor completely “Anglo.” Native American traditions of matrilineal kinship and clan-based social organization often sat uneasily with Euro-American concepts of patriarchy which allowed men to dominate their subordinates and vested them with control over property and wealth. John Lawson noted these tensions when he recorded that the children of Anglo-Indian marriages were “seldom educated any otherwise than in a State of Infidelity; for it is a certain Rule and Custom, amongst all the Savages of America...to let the Children always fall to the Woman’s Lot.” Anglo-American fathers often exercised little control over their mixed-race children, though a few men, such as Edward Griffin (whose daughter Mary Musgrove is discussed below), did succeed in providing their children European educations. Despite the tensions that could result from the

¹¹ Michelle LeMaster, *Brothers Born of One Mother: British-Native American Relations in the Colonial Southeast* (Charlottesville, VA: University of Virginia Press, 2012); Kathryn Braund, *Deerskins and Duffels: The Creek-Indian Trade With Anglo-America* (Lincoln, NE: University of Nebraska Press, 1992), 36-37.

amalgamation of culturally specific ideas about family and gender, the children of these unions often strategically deployed their cultural hybridity in ways that served to bolster their access to status and power.

Gender, Power, and Cultural Hybridity in the Colonial Gulf South: The Case of Mary Musgrove

Mary Musgrove, a woman of biracial Anglo and Creek heritage, has come to occupy a central position in the history of the eighteenth-century Southeast. Born as Coosaponakessa in 1700, her father was Edward Griffin, an English trader from Charleston, and her mother was a member of the powerful Wind Clan and the sister to Emperor Brim, a Muscogee "head man" who had successfully maintained Creek power and independence through a series of shifting alliances with French, Spanish, and British allies in the early eighteenth century.¹² She spent her early years in Coweta, absorbing the Creek culture of her mother, yet by the time she was a young teenager she attended a missionary school in Charleston and became more familiar with the Anglo-American culture of her father. Her clan and her mother's powerful kinsmen, along with her biracial ties to her English father, meant that Mary was well-positioned to navigate the gendered and racial order taking form in the eighteenth-century Southeast. Throughout her life Mary exploited both Creek and English gendered ideas to consolidate her own economic success and social mobility. Over the course of her life Mary entered into marriages with three different men, including Johnny Musgrove, a fellow mixed-race Anglo-Creek, Jacob Matthews, an

¹² Mary and her first husband Johnny probably used several different names throughout their lives, as was common among Creek Indians. For ease of reference I'll use their Christian name for the remainder of this chapter, since that is how she most often appeared in official written records.

Englishmen who was also her former indentured servant, and Thomas Bosomworth, an Englishmen who once served as the minister for the town of Savannah. Perhaps most importantly, all three of Mary's husbands also displayed a flexible understanding of gendered power and proved willing to deploy both matrilineal and patriarchal concepts of authority when doing so served to bolster their claims to wealth and status.¹³

Mary's first husband, John Musgrove, Jr., sometimes referred to as "Johnny Musgrove," was the son of prominent South Carolinian John Musgrove Sr. and an unnamed Creek Indian woman. The elder Musgrove played an important role in turn-of-the-century South Carolina politics and Indian diplomacy. He first appeared in

¹³Mary Musgrove's life has been well-explored by other historians. Beginning in the 1930s, historians began tracing the major events of her life. Much of the early literature portrayed Mary as a kind of eighteenth century Pocahontas: a woman who facilitated relations of trade and commerce between Creeks and Anglos in the early colonial South and someone who adopted facets of Anglo-American culture. She has recently been the subject of a well-written, full-length biography by the historian Steven Hahn, who fully explores Mary's bicultural identity using sources previously unknown to historians of Mary's life. My interpretation of Mary contributes this scholarly literature in three ways: First, I connect her bicultural identity to her ability to exercise power and accumulate wealth; secondly, I more fully examine the actions of Mary's husbands and demonstrate that Anglo-American men were more than willing to embrace cross-cultural traditions when it served to further their goals; lastly, by putting Musgrove's life into dialogue with the experiences of Fenda Lawrence, this chapter demonstrates that Native and African women both played upon their bicultural backgrounds but with different results.

E. Merton Coulter, "Mary Musgrove: Queen of the Creeks: A Chapter of Early Georgia Troubles," *Georgia Historical Quarterly* 11 (March 1927), 1-30; Steven Hahn, *The Life and Times of Mary Musgrove* (Tallahassee, FL: University of Florida Press, 2012) and "The Pocahontas of Georgia': Mary Musgrove in the American Literary Imagination," *Georgia Historical Quarterly* 99 (Spring/Summer 2015), 1-47; Michelle LeMaster, *Brothers Born of One Mother: British-Native American Relations in the Colonial Southeast* (Charlottesville, VA: University of Virginia Press, 2012); Rodney M. Baine, "Myths of Mary Musgrove," *Georgia Historical Quarterly* 76 (Summer 1992), 428-435; Michael Morris, "The Peculiar Case of Mary Musgrove Matthews Bosomworth: Colonial Georgia's Forgotten Leader, 1733-1759," *International Social Science Review* 71 (1996), 14-23; Doris Fisher, "Mary Musgrove: Creek Englishwoman" PhD Dissertation, Emory University, 1990; Lisa Laurel Crutchfield, "Cultural Brokers on the Georgia Frontier, 1733-1765," (PhD Dissertation, College of William and Mary, 2007); Wendy Elise Lucas Castro, "Cultural Transvestites: Bi-Cultural Mediators Along the North American Frontier," (PhD Dissertation, University of California, Riverside, 2004);

colonial records in the 1690s, just as South Carolina underwent massive demographic change related to the growth of the slave trade. He owned several tracts of valuable land in South Carolina, served as an Indian interpreter and as captain in the colonial militia, and was eventually elected to the Common House of Assembly. Though his intimate relationship with his Creek wife was not well documented, we can assume that the relationship was well established by the early 1700s, since their son was of marriageable age by the mid-1710s. Though Johnny Musgrove spent his early years in his mother's home village of Tuckesaw on the Savannah river, his presence in Charleston was recorded as early as 1708, the same time that this father cut off communications with his Creek wife. John Musgrove Sr's former Creek kinsmen accused the elder Musgrove of "arbitrarily and of his own accord" enslaving Indians that he knew to be free people. When Musgrove defended himself by saying that he took prisoners as compensation for being forced to give up his wife, the Creeks retorted that Musgrove had "turned away [his wife] on purpose."¹⁴ Though the reasons for the termination of the marriage are shrouded in mystery, the disagreements between John Musgrove Sr. and his Creek kinsmen make explicit the difficulties that could accompany cross-cultural unions over issues such as control over property, dependents, and households. By 1712 the elder Musgrove had remarried to a white woman named Margaret and they soon had a son also named John Musgrove.¹⁵

¹⁴ Journals of the Commons House of Assembly of South Carolina, December 11, 1706, pg. 22.

¹⁵ Hahn, 58-59.

Considering the striking similarities between their cultural backgrounds, John and Mary Musgrove's decision to wed made a great deal of sense and provided each with an important ally who provided invaluable assistance in navigating the multicultural frontier of the colonial Southeast. Both Mary and John claimed Creek identity because they had Creek mothers who passed along important ties of kinship and clan membership. They both spent their formative years as children in their mother's respective villages, learning to speak the Creek language and assimilating into the culture of their mothers. Yet as young adolescents both also moved to Charleston, attended English schools, learned to speak English, and converted to Christianity. Firmly rooted in both Creek and Anglo culture, John and Mary Musgrove were positioned as the ideal cultural mediators in a multicultural Southeast.

Throughout their marriage the Musgroves combined patriarchal European gender customs with Creek matrifocal concepts in ways that served to bolster their claims to wealth and status. The young couple initially lived in the Creek village of Coweta, yet by 1723 they established a trading post and a small plantation in Pon Pon, South Carolina. Deed records indicate that the Musgroves bought several hundred acres of land in St. Bartholomew's parish for the considerable sum of £250, and by 1731 John signed legal documents using the title "planter," indicating that he believed he had reached a level of affluence and gentility common to the developing plantation aristocracy in the Lowcountry. On the surface it might have appeared as though Mary was the typical planter's wife and Johnny could claim the privilege of a white patriarch, yet the reality was more complicated. Despite their claims to planter

gentility, the fortunes of the Musgroves remained connected to traditional Creek economic pursuits, and rice cultivation at the Musgrove plantation was probably only a minor economic venture. Lacking access to a river and located on dry and pine barren land, the Musgroves' land in St. Bartholomew's parish was not ideally situated to grow rice in great quantities. The Musgroves most likely practiced a mixed form of agriculture in which they produced some rice, but not in sufficiently large quantities to take advantage of this lucrative cash crop. Some evidence suggests that cattle formed a sizable portion of their economic fortunes. In her later life Mary recalled that when she and John left Pon Pon they took with them a "considerable estate" that consisted mainly of horses and cattle.¹⁶ One of the trading establishments owned by the Musgroves in Georgia was known as "The Cowpens," and Mary's eventual second husband Jacob Matthews worked at herding cattle there when he was an indentured servant. Participation in the cattle economy allowed Native Americans of the Southeast to incorporate a European commodity into their economic activities in ways that honored Native gender division of labor. Historians have found that both men and women in Native societies acquired profits and economic advantages by raising cattle and pigs for exchange with European merchants. The Choctaw referred to cattle as "Alhopa," which translated to English as "fruit tree which could be cultivated," combining Choctaw women's traditional agricultural labor with the new profit-oriented cattle economy. Among the Cherokee, some men eventually adopted a method of herding cattle that strongly resembled their traditional hunting of deer,

¹⁶Memorial of Mary Bosomworth to A. Heron, August 10, 1747, *Georgia Treaties*, pg. 141-42. See also, Hahn, pg. 66-71.

thereby allowing them to participate in the new market economy while also maintaining Cherokee gender norms. Like many of their Native kinsmen, the Musgroves most likely incorporated the cattle economy into their traditional economic pursuits in ways that were consistent with Creek gender customs.¹⁷

In addition to the cattle and livestock trade at their Pon Pon Plantation, the Musgroves also derived significant income from the "Indian trade," in which they acted as intermediaries between Creek Indians and Anglo-American merchants. The Anglo-American fathers of both John and Mary had been involved in various aspects of the Indian trade, so they could both boast of familiarity with the goods being exchanged as well as the cultural practices that had come to define commercial ties between Natives and Anglo-Americans. The couple entered into a business arrangement with Samuel Eveleigh, one of the leading merchants of the colonial Southeast in the early eighteenth century. The Musgroves received European textiles, guns, rum, and metal tools through Eveleigh's Charleston firm, and in return they provided Eveleigh with Indian deerskins. By 1732 the Musgroves relocated their business to the Yamacraw Bluff in an effort to service the needs of the Yamacraw Indians, a group of Creek Indians most closely associated with the "head man" Tomochichi. Their move to the Savannah River proved excellent timing, as the first

¹⁷ James Taylor Carson, "Choctaw and Chickasaw Women, 1690-1830," in Elizabeth Anne Payne et al, editors, *Mississippi Women: Their Histories, Their Lives,* volume 2 (Athens, GA: University of Georgia Press, 2010), 15.; Theda Perdue, Cherokee Women, Chapter 5; Thomas Foster, *Archaeology of the Lower Muskogee Creek Indians, 1715-1836* (Tuscaloosa: University of Alabama Press, 2007), 251-252. Others, such as Joshua Piker, have pointed to the changes the cattle economy brought to Indian society. *Okfuskee: A Creek Indian Town in Colonial America* (Cambridge, MA: Harvard University Press, 2004), 111-134

group of Georgia colonists, led by Oglethorpe, settled close to the Yamacraw Bluff in early 1733.¹⁸

John and Mary became important intermediaries between the Georgia colonists and the Creek Indians, and the couple proved skilled at enriching themselves in the process of facilitating cross-cultural exchange. The early records of the Georgia colony are littered with references to John Musgrove, since he served as an interpreter to both Creek Indians and Anglo-American officials. In 1734 John Musgrove traveled with James Oglethorpe to London, where he received a grant of 500 acres of land from the Georgia Trustees for the purpose of creating a trading settlement close to the city of Savannah. In Georgia's early history 500 acres was the maximum amount that any colonist could own, with the vast majority of early settlers owning substantially smaller homesteads. Thus, the Trustee's grant of 500 acres placed the Musgroves in the upper echelons on the colony's early landowners. Charleston dominated the deerskin trade for most of the eighteenth century, and the Trustees clearly hoped the Musgroves would assist Georgia in breaking the Charleston monopoly on the deerskin trade. In addition to the land grant, the Trustees also presented John Musgrove with a suit of clothes made of blue silk and a silver laced hat. The gift was meant to reward Musgrove for his faithful service to the colony while also confirming the planter status that he had aspired to in South Carolina. By endowing Musgrove with land and providing him a suit of fine clothes, the Georgia Trustees meant to provide Musgrove with the accoutrements necessary

¹⁸Julie Anne Sweet, "An Encourager of Industry': Samuel Eveleigh and His Influence on the Southeastern Indian Trade," *The South Carolina Historical Magazine* 112 (January 2011), 5-25.

for claiming patriarchal power and identity while also allowing him to display the gentility associated with the planter elite.¹⁹

John Musgrove did not get to enjoy his newfound position for long since he died in 1735, several months after his return from the trip to London. In his will, John gave his home the “Cowpin” to his sons James and Edward, and he also deeded all his cattle to his sons as well. He also bequeathed to his son James “an Indian man called Justice,” to his son Edward “an Indian girl called Nanny,” and to Mary an “Indian boy called Won.” He also gave to Mary “all the rest,” and while the will does not specify what this meant, this terse phrase may have included the couple’s property in South Carolina as well as the 500 acres that he had recently acquired from the Georgia Trustees. While it might prove tempting to read John’s will as evidence of the patriarchal assumptions that he made about control over property and dependents, an alternative explanation based in the kinship traditions of the Creek people seems just as likely. By granting his wife all the land that the couple owned, John used a patriarchal tool (writing a will) to enact the couple’s matrifocal understandings of property. Creek women found empowerment through their cultivation of the land, and Creek culture guaranteed that female-based clans exercised maximum control over property and resources. In addition, owning land that was peripheral to town life, incorporating cattle into their economic pursuits, and practicing a form of Indian slavery placed John and Mary Musgrove at the center of the social and economic changes taking place in the Creek nation during the eighteenth century. Prior to

¹⁹ Earl of Egmont Diary, 14207; CRG, volume 29, page 54; see also Hahn, 100-01.

sustained contact with Europeans, many Creeks practiced a form of agricultural production that was “clan based but town centered,” meaning that women of a particular clan worked a plot of land together, yet the products of their labor were stored in communal granaries and available to all members of the clan (or their guests.) In addition, the nexus of Creek social and cultural life remained focused upon the town, where Creek families lived in clan-based housing and where important communal rituals bound together clans in ways that reinforced a communitarian ethos. Yet as cattle become more firmly incorporated into the Creek economy, the clans disbursed into more remote settlements and erected fences meant to delineate the private ownership of property— a concept that did not exist prior to sustained contact with Europeans. The Musgroves were at the forefront of each of these transformations that impacted Creek life in the eighteenth century. Their homestead was not based in a Creek village; each of their trading establishments existed independently of Creek towns. When they engaged in the cattle economy of the Southeast, the Musgroves adopted the most prominent form of private enterprise available to the Creek nation. John Musgrove’s will and his efforts to control the flow of property and his belief that he could distribute slaves to his kinsmen would seem to indicate that he had internalized the mentality developing among Anglo-American planters who practiced chattel slavery and racialized Africans as inferior persons.²⁰

²⁰ Joshua Piker, *Okfuskee*, 120.

The slavery practiced by the Musgroves at their Cowpen settlement was not the race-based chattel slavery of Anglo-Americans; more likely, it was rooted in the kinship traditions of Creek Indians. Southeastern Native peoples had long practiced a form of slavery in which prisoners of war and other outsiders who lacked crucial kinship connections could be enslaved. In fact, slaves were a crucial item of exchange between Southeastern Indians and lowcountry plantation owners in the early eighteenth century, and John Musgrove's father had been involved in this trade. Won, Justice, and Nanny, the Indian slaves mentioned in John's will, were the products of this Anglo-Indian slave trade, and they were most likely Indian captives taken from Spanish Florida or the interior of the Mississippi valley. The Musgroves were also known to use African as well as Indian enslaved laborers. A bill of slave signed by John Musgrove in 1732 recorded that the couple owned "a negro man named Lewis." Furthermore, the Musgroves used white indentured labor in addition to enslaved Indian labor. Jacob Matthews was an indentured servant employed by John Musgrove during his 1734 trip to London, and the presence of one other white indentured servant, Job Wiggan, was also recorded at the Cowpen. The labor regime that prevailed at the Cowpen resembled a "society with slaves," using a mixture of free and enslaved laborers who were employed in a variety of tasks. Ideas about race and power were very much fluid in the eighteenth-century Gulf South, and the multiracial arrangements that prevailed at the Musgrove homestead indicated that

status was determined more by control over resources and dependents than by skin color.²¹

Despite John's intentions that his sons should inherit the cattle and the Cowpen settlement, Mary soon found herself in possession of the entire estate since both her sons died from a smallpox epidemic that struck in 1735. In addition to the deaths of her husband and two sons, Mary also suffered the death of a brother and several other kinsmen who fought alongside an Anglo militia during the War of Jenkins Ear, a conflict which resulted in an English victory over the Spanish in Florida and ensured the security and viability of the Georgia colony. Despite Georgia's newfound security, Mary Musgrove found herself in a precarious position. As a recent widow who had suffered the deaths of several close kinsmen, Mary lived on a sometimes dangerous frontier where loyalties constantly shifted and peace was never assured. The need for security and protection of her multicultural commercial ventures probably explains Mary's decision to wed Jacob Matthews, her indentured servant. Despite the differences in status that existed between them, Mary found empowerment through her marriage to Jacob. Whereas John Musgrove had existed primarily on the margins of colonial society and had mostly sought to cooperate with Anglo-American officials, Jacob Matthews assumed a leading position among Georgia's "malcontent" colonists as they challenged the vision and the power of the Trustees. As discussed in chapter one, the early years of settlement in Georgia were

²¹ Will of John Musgrove, April 29, 1734; For more on Native American captivity practices, see Christina Synder, *Slavery in Indian Country: The Changing Face of Captivity in Early America* (Cambridge, MA: Harvard University Press, 2012). See also, Hahn, *The Life and Times of Mary Musgrove*, p. 90-93.

marked by tensions between the elite Trustees and the malcontent colonists, and these tensions were mostly the result of conflicting ideas related to gendered and racialized identities and the powers conferred by those identities. In particular, the nature and powers associated with Anglo-American patriarchal identity were contested and in flux in early Georgia. Jacob and Mary's selective amalgamation of Anglo and Creek gendered identities allowed them to lay claim to property and authority in ways that greatly enhanced their status.

William Stephens, the Trustees' secretary in Georgia, did not equivocate in his disapproval of the Matthews/Musgrove union. Writing to the Trustees, Stephens described Jacob as a "hail, lusty, young fellow" and his marriage to Mary had an unsettling affect on the former indentured servant, "...such a promotion from Obeying to Commanding, had the usual Effect...and he soon grew vain, dressing gaily...looking on himself at least equal to the best Men in the Colony, from the Substance he was possessed of with his wife."²²In a letter to the Trustees, Stephens described the low circumstances of Matthews when he entered the colony as a servant "...on terms no better, no worse Than other servants have done." Yet when his master Johnny Musgrove died Matthews "found Means to get into the Saddle in his Stead." After he married Mary, Matthews began to "dress in gay Cloaths" which he believed entitled him to keep company with "other fine Folks." Stephens carefully noted that Matthew's clothes were trimmed in silver and gold, and he also commented upon a valuable watch that was owned by this former indentured servant. He soon became

²²CRG, v. 4, 518-519.

one of the leading critics of the Trustees' land, labor, and rum policies and he would often, "...rail at whatever [he]disliked." Matthews began to cultivate influence and persuasion among local Creek Indians and "he was flattered to believe himself a Man of Great Significance." Stephens was particularly incensed at the influence Matthews cultivated among the Indians. Matthews was often seen hosting Creek Indians at his house in Savannah, where they would "get drunk with Rum, and go roaring and yelling about the Streets, as well at Nights as Days, to the Terror of some, but the Disturbance and common Annoyance of every body." His marriage to an Anglo-Creek woman provided Jacob Matthews with the means and ability to subvert the paternalist order envisioned by the Trustees. He openly disobeyed the prohibition against rum, called public attention to his rantings against the Trustees, and demanded the privileges and respect accorded to men of the "better sort."

Matthews found that his exalted position acquired via marriage to Mary allowed him to flout the power and prestige of the Trustees; furthermore, Matthews new status provided him a position to call into question the authority of the magistrates and other officers of the Trustees in Georgia. In May 1742 Matthews and two of his supporters, Andrew Duche and Thomas Ormston, were called upon to serve on a Savannah grand jury, yet all three men refused to be sworn in as jurors because they objected to Thomas Jones serving as a magistrate. Matthews informed the court that he would only serve as a juror if Jones was dismissed as magistrate. During the evenings while the grand jury was in session, Matthews and his followers held several parties and balls in Savannah, and many prominent men, such as Andrew Fallowfield and Thomas Causton, attended the rivalries. Stephens complained that

men who had been trusted by the Trustees should be seen in public with some of the leading malcontents.²³ On one particular occasion Stephens complained that Matthews “out did his own Out-doings in Raving, Rant, and Madness: so that if any Thing was left unattempted to increase our Divisions, by the late political Cabal, this Champion of Misrule dared any one to take up his Guantlet of Defiance...” According to William Stephens, Matthews had only one purpose when visiting Savannah, to be seen “...reveling and drinking with some loose People, and keeping them warm, in Opposition to all Authority.”²⁴ In the minds of Stephens and the Trustees, Jacob Matthews represented the worst kind of disorder on the colonial frontier.

In February 1740 Matthews turned to physical violence when he attacked a servant who tended to the Trustees’ cattle, claiming that the servant was mistakenly herding Matthew’s own cattle with that of the Trustees. When bailiff Thomas Jones intervened on behalf of the servant, Matthews began beating Jones, “cursing, swearing, told him he would beat him too; and immediately coming at him, in Spite of two or three with-holding him, gave him a Blow in the Face, and a Kick in the Belly.”²⁵ Within a few days of this violent attack on a Trustee servant and one of the colony’s civil officials, Matthews rather brazenly held a series of parties at his townhouse in Savannah. Stephens fumed in his journal that Matthews meant to “show the World he had no Concern upon him for that violent Outrage he had been so

²³Journal of William Stephens, volume 1, p. 79-81.

²⁴Journal of William Stephens, CRG v. 4, August 8,9,10,12, 13,.

²⁵Stephens, *A Journal of the Proceedings in Georgia*, volume II, p. 281, 283.

lately guilty of.”²⁶ Stephens resolved that the only reason Matthews’ affront to the dignity of the Trustees was tolerated was because “Matthews’ Wife has always been in great Esteem with the General, and no without good Reason; for being half Indian by Extract, she has a very great Influence upon many of them, particularly the Creek Nation, our next Neighbors; so that there always has been a frequent Resort of these People to her House...”²⁷

Crucially, Matthews used his power and influence to protect at least one of his followers from being held to account for sexual indiscretions. William Francis migrated to Georgia as an employee of the Trustees, but he soon left their employment and found a position as laborer at the trading post ran by Jacob Matthews and Mary Musgrove. Francis began a clandestine sexual relationship with a Dutch servant girl who worked for Noble Jones, a prominent magistrate in Savannah who was also a confidant of William Stephens. When his servant became pregnant by Francis, Jones arranged for a formal inquiry into the relationship between the Dutch servant and William Francis. When Jones interviewed Francis, “he did not deny but that he had lain with her,” and Jones insisted that Francis give a bond “to indemnify from any future Charges that might arise.” At this point Jacob Matthews came to the aid of William Francis and provided bond for him. Afterwards, Matthews both made public threats against Jones for the proceedings, and Matthews “...was hardly with-held by his Companions from going that Instant to seek Revenge

²⁶Stephens, *A Journal of the Proceedings in Georgia*, volume II, p. 289-291.

²⁷CRG, v. 4, pg. 517.

on Mr. Jones....”²⁸ Jones wrote Oglethorpe directly to let him know the situation with Matthews. Jones complained that Matthews had about five or six followers in the town of Savannah “who look on themselves privileged (by their Behaviour) to commit any disorders” with impunity. Matthews visited Thomas Jones “in Order to beat me” and continued to threaten violence against Jones “Because I presumed...to Require Sureities of his Lieut. Wm. Francis.”²⁹ Francis and Matthews were also very upset that Jones refused to let the maid leave his house in order to cohabit with Francis at Matthew’s establishment. Through his marriage to Mary Musgrove, Jacob Matthews found power and sway over other white men which allowed him to attack the vision the Trustees created for Georgia. For William Stephens, Jacob Matthews was an upstart former servant who used his cross-racial marriage to a Creek Indian woman to take liberties that should have been reserved for his social superiors.

While many Anglo-Americans in Savannah may have supported the match between Matthews and Musgrove, Stephens raised more complicated questions about the union between a former indentured servant and a “half-breed” Indian woman. In December 1737 Stephens reported to the Trustees that he had accidentally stumbled upon a celebration among the Creek Indians one evening while he walked in the woods at the edge of Savannah. He happened upon a dinner in progress, and “...found a table spread with a Cloth, Mrs. Matthews...sitting at the End of it, with two young Girls, her Husband and Tomo Chichi near by...” Welcoming Stephens to the celebration, Tomochichi informed the Trustee’s secretary “That he desir’d Notice

²⁸ Ibid., 128-129

²⁹ Earl of Egmont Papers, volume 14205, 277.

might be taken of his Claim and Property in that Land; that he had granted it to Mrs. Matthews and her Husband; and that he hoped the Trustees would not be offended, if henceforward Mr. Matthews allowed no Cattle to go there but his own; all of which I promised to take notice of...³⁰ Stephens insisted that the Trustees should make inquiry into "...how far it is consistent with the Honour and Sovereignty of the King of *Great Britain*, for a Subject of his in the Province of *Georgia*, to hold lands by Virtue of any Grant from the *Indians* within the said Province."³¹ Stephens worried that accepting grants of land from Creek Indians could transform British subjects into dependents upon a foreign people. While he could not have known it at the time, the celebratory dinner that he had witnessed and the Tomochichi's gift of land to the Matthews would become central to one of the most important legal controversies to engulf Georgia during the colonial era.

While her husband Jacob claimed the prerogatives of a patriarch, Mary continued to employ Creek concepts of reciprocity by using her advantages in trade and diplomacy to acquire political support within the Creek nation. Creek "headmen" frequently visited Savannah during the 1730s, often seeking to meet with Oglethorpe and discuss the ever-shifting political landscape of the colonial Southeast. While in Savannah, visiting Creeks expected to receive food, gifts, and other items that confirmed their status as friends and allies of the British. In September 1738 William Stephens received advance notice that a large group of Creek men were headed to Savannah to meet with Oglethorpe, who happened to be absent from the

³⁰Journal of the Proceedings in GA, p. 50.

³¹ *Colonial Records of Georgia*, supplement to volume IV, 219.

city at that time. Stephens worried about entertaining Creek party since he knew by experience that “not only Meat from the Stores must be dealt out to them in Plenty, but strong Beer also, and Liquor of any Kind wherewith they might get drunk, as was too often their Practice.” Stephens sent a message to Mary, at her trading house at Mt. Venture, “to amuse them for a while,” at least until Oglethorpe returned to Savannah. Mary readily agreed to provide the visiting Creeks with corn, peas, and “other proper Sustenance.”³² Creek visitors also knew that they could expect generous amounts of rum when visiting Jacob and Mary, a fact which greatly disturbed the Trustees due to their prohibition against rum in Georgia. On one occasion in 1742 authorities in Frederica seized more than 60 gallons of rum destined for the Matthews’ homestead at Mt. Venture. When Mary learned of this she was “so provoked that she could not forbear uttering many hard words and threats, what revenge we might expect from the Indians, for whom she said t’was designed.” Disgruntled at the thinly veiled threat from Mary, William Stephens lamented that Georgia colonists should be terrified when any “Obstruction is given to the Domineering Will of that Family.” Mary gladly took on the role of hospitable hostess both because the gendered conventions of the Creeks dictated that women provide hospitality to visitors and because she realized that the foodstuffs and rum that she provided to the Creeks represented a set of reciprocal relationships and obligations that could be mobilized into raw power.

Mary found herself widowed for the second time when Jacob Matthews died in June 1742. The following year Mary also suffered the loss of a close ally when

³²CRG, volume 4, pg. 204-205.

James Oglethorpe returned to England and never returned to the Georgia colony. Perhaps sensing once again that she lacked alliance and needed protection, Mary married Thomas Bosomworth, an Anglican minister who had only recently been appointed as the minister to the town of Savannah. The news of Mary's marriage to Thomas Bosomworth caught the Georgia colonists by surprise. William Stephens wrote in his diary that the news was "very Surprising" and that many in the town "looked on [the news] as a piece of Merriment." The cause of the townspeople's bemusement isn't known; perhaps they found humor in the fact that Bosomworth had married a woman who was two decades his senior. Others might have marveled at the union between an Anglican minister and a "half breed" Indian woman. Mary's previous husbands had been either a fellow "half breed" or an indentured servant. Thomas Bosomworth, by virtue of his position within the Church, was someone who held an elevated status in comparison to her first two husbands. Regardless of the reasons for the ridicule, Thomas and Mary soon found acceptance among the Georgia colonists. A few weeks after news of the wedding reached Savannah Stephens allowed Thomas and Mary to use his own house (known as the "Trustees' house) to host a wedding reception, since no other home in the town could accommodate so large a number of people. Stephens reported that the townspeople drank punch and danced late into the night in celebration of the Bosomworth union, a sign that many people in the town had come to accept the marriage between the Anglican minister and Indian interpreter/merchant.³³ Bosomworth himself was defensive of his decision

³³ Journal of William Stephens, July 21 and August 20, 1744. See also Hahn, pp. 157-159

to wed Mary. Writing to his associates in the Society for the Propagation of the Gospel, he Bosomworth justified his decision by emphasizing his new wife's "Carolina" heritage and stressed that Mary was possessed of "an exceptional character." No doubt playing to his audience, Bosomworth also stressed that his new matrimonial connection to Mary would help him spread Christianity to the other Indians, a claim that the historian Steven Hahn has compared to John Rolfe's justification for marrying Pocahontas more than a century before.³⁴

Georgia officials had reason to believe that Bosomworth, unlike Mary's previous husband, would be a calming influence on his new wife and might even persuade her to adopt the paternalist ideology espoused by the Trustees. Thomas Bosomworth set forth his ideas about social order in a remarkably candid letter to the Trustees in 1742, two years before his marriage to Mary (and when she was still married to Jacob.) The letter described a dangerous "levelling doctrine" that had taken root at the Savannah Orphan house. Bosomworth's main concern with the curriculum of the orphan house was that it taught the young boys that "all good Works are the sole Effect of God's Spirit," thereby devaluing the role that hard work would play in a colonial society. He also objected to the doctrine that encouraged the young to "...cast off all Obligations we lie under as Men or Members of one Community..." and to "...give themselves up entirely to Prayer and Meditation..." Such sermons had been particularly corrosive among the black population in South Carolina, who according to Bosomworth used this message to challenge the plantation regime unfolding in that colony. Bosomworth reported that one minister

³⁴ Hahn, 158.

had told African slaves that "...they must not go to work but go & seek Christ, he was their Master: To which they reply'd in the Height of Joy and Transport, Christ was a very good Master, if he would get 'em a Holy Day, they would seek him every Day." This caused Africans slaves to go "raving in the Woods for some time..." until masters were required to use violence and discipline to restore order.

Bosomworth thought the doctrines taught at the Orphanage threatened both racial and social order in Georgia since they encouraged the idea "That all Things are common among Christians. The inevitable Consequence of such a leveling Scheme must be Mutinies, Riots, Robberies, and Disorders of every kind." Bosomworth expressed a confidence in the organic, hierarchal model of social relations widely adopted by the Georgia Trustees and that had served as the foundation for the Trustee's utopian vision in Georgia. In a sentence sure to invoke agreement among the Trustees, Bosomworth stated that "man is by Nature weak and indigent and not capable of making comfortable Provision for his own Welfare but in several respects stands in need of the Protection and Assistance of his Fellow Creatures." Because of this "...the Interest of the whole and every Individual is essentially united." Yet the doctrine of the Orphanage encouraged young men to "cast off all obligations we lie under as men or members of one community obliged to behave himself so in his different station and capacity which Providence has assigned him, as to Promote the interest of the Whole." Bosomworth also expressed disdain for the colonists of Georgia. "...we have here the Dregs & Refuse of all countries" and unless these men learned to play their divinely ordained role "...the Contagion will, like a devouring Fire, lay ever Thing waste about it, & threaten a total Ruin and Destruction to the

Colony.” These levelling doctrines were dangerous; orphans needed to be taught trades and useful skills to prevent idleness and poverty and to become “useful members of society” while African slaves should learn obedience and subservience to a new racial order brought about by the emerging plantation economy. Yet the men in charge of the Orphanage refused to do this “vain admiration of themselves and to be Head of a Party.”³⁵ Despite his letter criticizing the “levelling doctrine” that prevailed at the Orphan house, the Georgia Trustees were sadly mistaken if they believed that Bosomworth would adhere to this organic, hierarchal model of social relations after his marriage to the widowed Mary Matthews. Like Mary’s previous husbands, Thomas Bosomworth soon learned that deploying flexible understandings of gendered power could prove advantageous in the colonial Gulf South. The Bosomworths would continue to challenge the authority of the Trustees and accumulate property and power by deploying both patriarchal and matrilineal gender arrangements.

Soon after the celebration of their wedding nuptials, the Bosomworths became entangled in a series of controversial land claims that occupied the couple’s attention for the next decade. Tomochichi’s grant of several hundred acres of land to Mary and Jacob in 1737 (discussed above) were at the center of the controversy, though Mary’s Creek kinsmen Malatchi had also given to the Bosomworths three of the sea islands (including Ossabaw, Sapelo, and St. Catherine’s) that Creeks had laid claim to in the aftermath of the Yamasee War that concluded in 1715. Officials in Georgia were unwilling to recognize the Bosomworth claim to this land, arguing that nations could

³⁵ CRG, v. 23, p. 231-240.

only cede land to other nations and that both Tomochichi and Malatchi had acted improperly when they presumed to give land grants to a private individual. Relations between the Bosomworths and Georgia colonists soured in 1749, when Mary and Thomas attempted to force Georgia officials to recognize their claim by bringing more than 200 of Mary's kinsmen into Savannah. Frustrated that all their efforts had failed, Thomas and Mary traveled to London in 1754 to directly make their case before the Board of Trade. In the intervening years the Bosomworths sent a flood of petitions and letters to various colonial officials, desperately seeking assistance in getting their claims validated. The Board of Trade eventually sent Mary's case back to the courts in Georgia, and a compromise was reached under Henry Ellis, the second royal governor of Georgia. The deal struck between Ellis and the Bosomworths provided the couple with £2,000 and recognized their claim to St. Catherine's Island. In exchange Mary and Thomas relinquished all other claims to land in the Georgia colony.

As their case wound through the colonial bureaucracy both Thomas and Mary strategically deployed Creek and Anglo gendered ideas about power in ways meant to bolster their claims to land and wealth. The Bosomworth's balancing act was on vivid display during the 1749 confrontation when Mary called upon her Creek kinsmen to assist in pressing her claim. When William Stephens attempted to circumvent the Bosomworths and negotiate with the headman Malatchee in private, Mary was outraged that Stephens had attempted to marginalize her. Mary immediately "rushed into the room, in the most violent outrageous and unseemly manner, that a Woman Spirited up with Liquor, Drunk with passion..." and declared

that Malatchee and the other Creek men were her people and that “She would be, where they were, and that they should follow her, wherever she should command them.” Stephens replied that Mary’s demonstration of power was an “Idle farce” and he bid her “go home, go to Bed” and not to expose herself any longer. Incredulous that she would be cast aside after her long years of service to Oglethorpe and the Georgia colony, Mary retorted that “She was Empress and Queen of the Upper and Lower Creeks...She could command every Man in those Nations to follow her, and We should soon know it to our cost.” Tiring of her provocative remarks, Stephens ordered Mary arrested and confined in the guardhouse in Savannah.³⁶

When confronting Stephens and the other Georgia officials Mary Bosomworth called upon her Creek heritage that allowed her to exercise power and sway over her kinsmen. She referred to Malachi and the other Creek warriors as “her people” and insisted that she had the right to command their respect and obedience. When he told Mary to “go home, go to bed” and refrain from exposing herself, Stephens called upon Anglo-American customs which relegated women to the sidelines of political affairs. Stephens ordered Mary’s arrest because he believed that she claimed for herself power and authority that she did not possess. Thomas Bosomworth, who had not been present when his wife confronted the Georgia officials, secured Mary’s release from prison by promising Stephens that in the future she would be subject to the patriarchal authority of a husband. Thomas informed Stephens that in the future “he would...shew himself a duitfull Subject, and act agreeable to the Character of a

³⁶ CRG, v. 6, p. 275-76.

Clergyman...and he would endeavor to prevent his Wife creating any more disturbance, and that She should behave as a prudent Woman ought.”³⁷ While Mary deployed matrilineal concepts of kinship and Creek ideas of reciprocity to demand recognition of her claims to status and power, Thomas attempted to smooth over difficulties caused by her behavior by assuring the Trustees that he would maintain patriarchal control over his dependents.

While Thomas’s reassurances secured his wife’s release from confinement, Mary continued to employ Creek gender norms to win recognition of her land claims. She wrote a series of letters and petitions to various officials within the colonial bureaucracy asking for assistance in achieving recognition of her land claims. In a 1747 petition to Alexander Heron, a colonel in the British militia, declared that she was born in the Coweta and “...is by Descent on the Mothers Side of the Same Blood of the Present Mico’s and Chief’s now in that Nation.” Mary also insisted that the Creeks were “a free born people” who never owed allegiance or recognized the sovereignty “of any Crowned Head whatever.” Interestingly, Mary also insisted that the laws and customs of the Creek nation recognized her as “their Rightfull and Natural Princess.”³⁸ Mary used similar language in a 1754 petition to the Privy Council, but in this later petition she also declared that she was motivated by “the Duty I owe to his most Sacred Majesty (being by Marriage allied to his subjects).” By equating her position among the Creeks to the status of a princess, Mary deployed an analogy to help her Anglo audience understand her role among the Creek nation.

³⁷CRG, v. 6, p. 277.

³⁸ CRG, volume 36, pp. 256-273.

While the Creek social system did not recognize the title of “princess,” the status of “beloved woman” did exist among many Southeastern Native societies. The status of “beloved woman” was bestowed upon Indian women who had made significant contributions to their communities or who had demonstrated heroism in battle. While it might be tempting to accuse Mary of misrepresenting her position within Creek society, she was more likely using an analogy to assist English officials in understanding her relationship to the Creeks. The food, rum, and other goods that she had supplied to her Creek kinsmen created reciprocal ties and placed Mary in a position of power and authority. In a barely concealed threat, Mary informed her readers that she could “command a Thousand Fighting men to stand in the face of his Majesty’s enemies.” Mary called upon her matrilineal kin connections to the important leaders of Coweta and the reciprocal ties that bound her to other Creeks to imply that her followers would offer her their protection and support.³⁹ She presented herself as a wealthy woman of high status with important kinship connections that she could call upon for protection and support; in this way, the status of a “beloved” woman might have been equivalent to a “princess.”

After successfully arguing for the title to the land, the documentary record of Mary and Thomas becomes harder to trace. Mary disappeared from the historical record after gaining recognition of her ownership of St. Catherine’s island. The exact date of her death is not known, though Thomas began advertising the lands on St. Catherine’s island for lease in the Fall of 1765, probably an indication that Mary had

³⁹ CRG, volume 8, pp. 465-501.

died and Bosomworth was acting in his capacity as her heir.⁴⁰ Neither Thomas nor Mary left a will, and they both probably died without children to inherit the property they had fought so hard to claim.

While Mary had spent most of her life in the early eighteenth century acting as a cultural mediator between Anglos and Creeks in the colonial Southeast, her death in the 1760s occurred at a moment of rapid transformation in the colonial Southeast. On the local level, the Georgia Trustees abandoned their Utopian visions and surrendered their charter in 1752. Once Georgia became a royal colony, the restrictions on property ownership and the prohibition against slavery were repealed. In addition, the French and Indian War drew to a close in 1763 with a decisive victory for the British empire. The French cession of their North American empire precipitated a shift in power relations that was keenly felt in the Southeast, as many Native groups sought to create ties of friendship and commerce with Anglo-American merchants. In the years between 1755 and 1772, the white population of Georgia increased from 2,000 to 22,000 and the number of African slaves increased from 400 to 17,000. The demographic revolution was accompanied by an economic transformation as well; barrels of rice exported out of Georgia increased from 2,200 per year to 23,000; the amount of lumber exported increased from 387,000 to 2.2 million cubic feet per year; deerskin exports increased from 50,000 per year to 300,000.⁴¹ The Trustee's vision

⁴⁰ *Georgia Gazette*, Sept. 5-October 24, 1765.

⁴¹ Paul Pressly, *On the Rim of the Caribbean*, 172-193; 200; Kathryn Braund, *Deerskins and Duffels*, 97; Robert Paulett, *An Empire of Small Places: Mapping the Southeastern Anglo-Indian Trade, 1732-1795* (Athens, GA: University of Georgia Press, 2012); Joseph Hall, *Zamumo's Gifts: Indian-European Exchange in the Colonial Southeast* (Philadelphia, PA: University of Pennsylvania Press, 2009).

of a land populated by white yeoman households engaged in the production of silk and wine gave way to a slave society in which the exploitation of African labor became central to the creation of vast amounts of wealth.

Slavery, Race, and Cross-Racial Intimacy: The Case of Fenda Lawrence

As the enslaved population of Georgia increased, incidents of cross-racial relationships between Anglo-American colonists and enslaved Africans became widely reported. A Jamaican merchant who visited the colony in 1773 remarked that white men often had interracial sex with African women though such liaisons “are carried on with more privacy than in our W. India Islands.” Despite the ability of Anglo-Americans to hide their relationships with African slaves, the Jamaica merchant declared, “Don’t suppose that Fornication is out of Fashion here, more than in other Places, No! the difference only is, that the White Girls monopolize it.”⁴² While this merchant doesn’t explain why he thinks white women have monopolized fornication, he does make clear that cross-racial fornication was visible in eighteenth century Georgia. Others in Georgia had also noted the prevalence of cross-racial relationships. In 1757 Johann Martin Boltzius, the minister of the small German Protestant Salzburger community in Ebenezer, Georgia, wrote to a fellow clergyman in Germany about social conditions in the young colony. “With regard to marriage,” Boltzius wrote, “things are very disorderly in both colonies; and nothing is thought of whoredom and adultery. Very many men have their wives in England or Scotland and live here with other women and sin most provokingly with Negresses, which...is

⁴² Quoted in Ben Marsh, *Georgia’s Frontier Women*, pg. 146.

an almost general scandalous vice.” The melting pot of ethnicities found in Georgia created an environment that encouraged what Boltizus called “evil marriages, since “People of all races, languages, and religions marry each other...German women marry English, Scottish, Irish, and French and vice versa, from which there generally arises a very unchristian child rearing.” Such interracial and cross-ethnic mixing was not limited solely to the lower orders. In this same letter Boltzius related to his correspondent how Governor Reynolds lived in open sin with his German servant girl, even allowing her to dine at his table in front of distinguished guests and publicly escorting her in his carriage to church services on Sunday.⁴³ Boltizus's letter, written just seven years after slavery was permitted in Georgia, indicated that cross-racial relationships were open and visible and that even prominent men took few precautions to conceal such relationships. The visiting Jamaican merchant's observations were made after more than two decades of intense demographic and economic transformation. Such relationships continued even after Georgia's transition to a slave society, though the visiting West Indian merchant's commentary hints at the fact that those who engaged in such relationships took more precautions to conceal their affairs.

Savannah's location as a site of exchange in the Atlantic economy meant that its inhabitants were exposed to the cultural ethos that characterized transatlantic exchange, including the social relationships that made such commerce possible. In October 1771 the mariner Andrew Elliott filed a will with the probate court in

⁴³ George Fenwick Jones, “A Letter By Pastor Johann Martin Boltzius About Bethesda and Marital Irregularities in Savannah,” *Georgia Historical Quarterly* 84 (Summer 2000), 293.

Savannah. While living and working in Gambia in West Africa, Elliott entered into a relationship with a free black woman named Sylvia. While Elliott listed his occupation only as a "mariner," he was most likely a participant in the transatlantic slave trade. Almost forty percent of the enslaved Africans who arrived in Georgia in the eighteenth century originated from the Gambia coast, and Elliott's presence in both Gambia and Georgia in the 1770s indicates that he was likely involved in the slave trade. Suffering from an illness that he believed would soon end his life, Elliott declared his intention to leave his entire estate to Isabella, his daughter with Sylvia. Elliott established a trust for Isabella to be administered by John Ross and Thomas Davis, two of his associates that he described as merchants and fellow mariners.⁴⁴ Both Ross and Davis lived in London, suggesting that Elliott lacked strong personal relationships among the people of Savannah. Isabella most likely remained in Gambia with her mother, and Elliott must have written his last will and testament in reaction to a sudden illness that he experienced while in Georgia.

Sylvia, the "free black woman" who was the mother of Elliott's daughter, was most likely a "signare," a group of West African women who facilitated commercial ties between Europeans and Africans by forming relationships with European men. Similar to the way that Native American women provided social and material resources to Anglo-American men, the signares provided similar services to European slave merchants on the West coast of Africa. These relationships could be long-

⁴⁴ Andrew Elliott, September 8, 1771, Colonial Will Book A, Georgia Archives. For the Georgia connection to the Gambian slave trade, see Karen Bell, "Rice, Resistance, and Forced Transatlantic Communities: (Re)Envisioning the African Diaspora in Low Country Georgia, 1750-1800," *Journal of African American History* (Spring 2010), 162-165.

standing or temporary, yet both the African women and European men derived mutual benefits from these relationships. The men benefitted from the kinship networks and material resources offered by these women, while the signares gained access to valuable trade goods. Access to trade goods and to the European merchants connected to the trade meant that these women sometimes accumulated stunning amounts of wealth through either their own participation in the trade or through inheritance from European husbands. These unions also resulted in the creation of cross-cultural children who continued to occupy an important position in commercial exchange between Europeans and Africans.⁴⁵

Though most "signares" maintained their permanent homes on Africa's West Coast while their European husbands traveled the Atlantic, one of these women actually migrated to Georgia and established a more lasting relationship with her husband. In July 1772 the slave merchant Stephen Deane filed a petition with Georgia colonial authorities requesting that a free African woman named Fenda Lawrence be given permission to reside within the colony. In his petition Deane described Lawrence as a "free Black woman and heretofore a considerable trader in the River Gambia..." Underscoring Lawrence's status as a free woman, Deane was careful to declare that she "hath voluntarily come to be and remain in this province" and was "a free woman and therefore intitled (sic) to every Priviledge (sic) which by

⁴⁵ George Brooks, "The Signares of Saint-Louis and Goree: Women Entrepreneurs in Eighteenth-Century Senegal," in *Women in Africa: Studies in Social and Economic Change*, edited by Nancy J. Hafkin and Edna G. Bay (Stanford, CA: Stanford University Press, 1976): 19-44; Hilary Jones, *The Metis of Senegal: Urban Life and Politics in French West Africa* (Bloomington, IN: Indiana University Press, 2013), 19-39;

Law she ought to have...”⁴⁶ Unlike the vast majority of Senegambians who entered the Southern Lowcountry in the eighteenth century, Lawrence was a free woman who claimed freedom of movement and protection of the laws. The description of Lawrence as a “considerable trader” undoubtedly connected her to the Atlantic slave trade. The village from which she hailed, Kau-Ur on the Gambia River, was an important nexus of the slave trade between Europeans and Africans in the eighteenth century. This region accounted for one out of every five enslaved persons who entered Georgia in the five years immediately preceding Lawrence’s entry into Georgia. In fact, the same ship that brought Lawrence to North America also brought 226 enslaved Africans bound for the rice plantations of South Carolina and Georgia.⁴⁷ Deane also noted in his petition that Lawrence did not travel alone; accompanying her on the transatlantic voyage were “Five Negroe Slaves,” including “a woman named Camilla and her Child Nancy, one woman named Morria and her child Tony” and a boy named James Lawrence. The status of James Lawrence and the nature of his relationship to Fenda Lawrence is ambiguous in the historical record.⁴⁸ Furthermore, the name of Fenda's husband was never recorded in the surviving documents.

⁴⁶Fenda Lawrence Petition, Deed Book A, 1772-1775, pp. 13-14, Georgia State Archives

⁴⁷ *South Carolina Gazette*, June 18, 1772. See also, Robert Davis, “Stephan Deane’s African Family in Early Georgia,” *Georgia Historical Quarterly* 97 (Spring 2013); Assan Sarr, “Fenda Lawrence,” in *Dictionary of African Biography*, editor Henry Louis Gates, Oxford University Press, p. 475. A fuller accounting of Fenda Lawrence African cultural background can be found in Lillian Ashcraft-Eason, “She Voluntarily Hath Come’: A Gambian Woman Trader in Colonial Georgia in the Eighteenth Century,” in Paul Lovejoy, editor, *Identity in the Shadow of Slavery* (New York: Continuum, 2000), 202-221.

⁴⁸ Ashcraft-Eason argued that James Lawrence was an “enslaved child precocious enough to have earned the affection that prompted his mistress to give him her surname, but he could have been her son.” See Ashcraft-Eason, pg. 218 n. 9. Phillip Morgan mentioned in passing that James might have been Fenda’s son, see Morgan, *African American Life in the Georgia Lowcountry: The Atlantic World and the Gullah Geechee* (Athens, GA: University of Georgia Press, 2010), pg. 34.

However, Stephen Deane's death twelve years later and the probating of his will provides circumstantial evidence in support of the idea that Fenda was Deane's wife and that James was their son.

Deane was the commander of a slave ship named the *Brittannia*, which was a major supplier of slaves to South Carolina and Georgia in the years before the American Revolution. Deane's partnership with James Habersham, the royal governor of Georgia, allowed both men to accumulate wealth in their attempts to satisfy Southerner's demand for slaves to work on rice plantations. As mentioned above, Deane had filed a deposition in support of Lawrence's petition asking for the rights of a free black person. That petition was eventually approved by Governor Habersham, who issued Fenda a certificate declaring that "I do hereby permit the said Fenda Lawrence to pass and Repass unmolested within the said Province on her Lawfull and necessary occations she Conforming to the Laws thereof."⁴⁹ Fenda Lawrence disappeared from the historical record after she obtained the certificate from Habersham that recognized her as a free person of color. Though we cannot be certain what happened to Lawrence in the years after her successful petition in 1772, more information does survive regarding Stephen Deane and his cross-racial family.

Stephen Deane's death in 1784, and the records that survive from the probating of his estate reveal the existence of several cross-racial children. The executor of Deane's estate, Joseph Clay, wrote to a business partner that he did not know what to do with "Deane's Wench" since keeping her "at hire" was too

⁴⁹ Colonial Georgia Deed Books, 1772-1775, pg. 15.

troublesome, yet sending her to Savannah would be problematic since she "...has been so long her own Mistress, & so attached to Caro'a that, she would with great reluctance come here."⁵⁰ While this passage does not specifically mention Fenda as being "Deane's Wench," it does suggest that Deane's cross-racial companion was someone who exercised autonomy and control in a way that Fenda Lawrence would have been accustomed. Clay's later correspondence mentioned Deane's biracial son David "Laurence," strengthening the possibility that a romantic relationship existed between Deane and Lawrence. Knowing the fate of Fenda Lawrence and the identity of Stephen Deane's biracial wife (whom Clay referred to as Deane's wench) would be impossible without further documentary evidence. Yet it seems likely that Lawrence and Deane had entered into an intimate and commercial relationship while conducting business within the slave trade that had taken root along the Gambia river in West Africa, and this relationship most likely continued once the pair relocated to Georgia and Carolina in the years before the American Revolution.

Lawrence and Deane's reasons for abruptly quitting the slave trade and moving to Georgia are not clear, but a 1772 slave revolt that resulted in the death of more than 200 slaves and the destruction of Deane's slaving ship might have influenced their decision. This financial catastrophe, along with the increasing tensions between the British imperial government and its American colonies, may have influenced Deane and Lawrence to relocate to North America. In making the move from the West coast of Africa to the colonial Southeast in North America,

⁵⁰ Joseph Clay to Robert Dillon, 24th April 1784, *Collections of Georgia Historical Society*, volume 8, p. 212.

Fenda Lawrence repositioned herself into a world in which she would have had much less power and autonomy. While living on the Gambia river and participating in the cross-Atlantic slave trade from the West Coast of Africa, Fenda's European husband would have relied upon his African wife for integration into kinship networks and for establishing important mercantile contacts in the slave trade. Signares like Fenda occupied an important position as intermediaries in cross-cultural exchange in West Africa, and many of these women accumulated a stunning amount of wealth and power. At the same time, the increasing importance of the slave trade put enormous pressure on women like Fenda Lawrence to adopt Christianity and European material culture in an effort to distinguish themselves from the people they sold as slaves into the Atlantic trade. While the balance of power may have tipped in her direction while living on the Gambia river, Fenda was not exempt from cultural transformations that accompanied the slave trade.⁵¹

Yet in making the decision to relocate to North America, Fenda would have found the balance of power decidedly shifted in favor of her European husband. In the decade preceding Lawrence's arrival in Savannah, Anglo-Americans in Georgia created both a new legal regime and a cultural ethos designed to reinforce the supposed inferiority of enslaved Africans. When the Trustees initially relented to the pressure of the Malcontents and permitted slavery in 1750, they instituted a slave code that attempted to ameliorate the worst abuses of slavery. The Trustee's code required planters to maintain a ratio of one white person per every four enslaved men, and the law provided limited protections for enslaved persons. Masters could be

⁵¹Pernille Ipsen, *Daughters of the Trade*, 116-117.

fined if they caused bodily harm or if they refused to allow slaves to attend religious services Labor on the Sabbath was forbidden, and white persons who murdered Africans would be tried "according to the Laws of Great Britain." These limited protections would not last long after the Trustee's surrendered their charter in 1752. The Georgia colonial assembly passed their own slave code in 1755, and then revised the code in 1765 and 1770. The new slave code was clearly modeled after South Carolina's punitive 1739 code passed in the aftermath of the Stono Rebellion. Georgia's code declared that "all Negroes Indians...Mulatos or Mestizos who now are or shall hereafter be in this province and all their issue and offspring Born or to be Born shall be and they are hereby declared to be and remain for ever hereafter absolute Slaves and shall follow the Condition of the Mother and shall be deemed in Law to be Chattles personal in the Hands of their owners...." White men would only be punished for the murder of an African after the second offense, and no white man would be punished for the murder of a runaway slave. The law protected the right of slave owners to corporally punished their slaves and enumerated a list of capital crimes for enslaved persons, including "raising an insurrection" or "grievously" maiming or wounding a white person. The movement of slaves were circumscribed, and slaves could not travel without a pass and could not travel in groups larger than seven without the presence of a white person.⁵²

Most significantly for a cross-racial couple like Fenda Lawrence and Stephen Deane, the legal codes of both Georgia and South Carolina refused to recognize the

⁵² A. Leon Higginbotham, *In the Matter of Color: Race and the American Legal Process: The Colonial Period* (Oxford: Oxford University Press, 1978), 216-265.

validity of cross-racial marriages. The Trustee's 1750 slave code had outlawed marriages between persons of Anglo and African descent. Marriages between whites and blacks were deemed unlawful and void, while interracial fornication was also punished with the law declaring that "...if any white Man shall be convicted of lying with a Female Negroe or Black or if any white Woman shall be convicted of lying with a Male Negroe or Black such white Man or Woman so offending shall...forfeit the sum of Ten pounds Sterling..." The law also allowed for the corporal punishment of all parties involved in cross-racial sexual relations, including white men and women and their African partners. The later slaves codes adopted in 1770 deleted any mention of punishing white men for marrying African women, but a new clause was added in which African men received capital punishment for the rape of white women. By 1770 the laws were amended so that all the laws governing the behavior of enslaved persons were equally applicable to free blacks.⁵³

By the 1760s the white men of Georgia had successfully replicated the power of white patriarchs in slave societies such as existed in South Carolina, the Chesapeake, and the Caribbean. The right of white men to the absolute submission of their enslaved Africans was protected by Georgia's new laws; white men were guaranteed the ability to control and exploit the labor of African people without restriction; corporal punishment, including the right of life and death was bestowed upon the white master, who could depend upon a perpetual labor force since the slave condition following that of the mother. These laws protected white men's ability to

⁵³IBID., pg.245-55. See also Betty Wood, *Slavery in Colonial Georgia* (Athens, GA: University of Georgia Press, 1984), 110-130.

engage in sexual relations with their slaves while black men's violation of white womanhood was made a capital offense. Less than thirty years after the "Malcontents" had formally petitioned for the right to own slaves in Georgia, the white men of Georgia had granted themselves unlimited patriarchal privileges over enslaved Africans.

Over the course of the eighteenth-century Anglo-Europeans in North America and the Caribbean created a new racial category for Africans that coincided with the growth of the slave trade. Laws passed in slave societies such as Barbados and the Carolinas embodied white power over black slaves and severely limited the freedom of people of African descent. Joseph Clay also lamented that the biracial children of Lawrence and Deane occupied a liminal space in the eighteenth-century Southeast. He explained to a business associate who lived in London that "these young Folks are very unfortunately situated in this Country" since their mixed parentage meant that they were neither black nor white. Since they were technically free people, Clay pointed out that the law did protect them, "...but they gain no rank in Life White Persons do not commonly associate with them on a footing of equality." Since the mixed-race children shared a skin color with African slaves, "they too naturally fall in with them...thus a little reflection will present to you what their future Prospects here must be...." Clay suggested that the best future for Deane's mixed race children would be to move to London where they might become "usefull Members of society" since in London "no such distinctions interfere with their happiness on your side of

the Water. . . .”⁵⁴ The ultimate fate of Fenda and her mixed-race children cannot be known for certain, since all that remains of them is scattered references in the historical record. Whether the Lawrence children took Clay's advice and moved to London or they remained in the Southern Lowcountry, these mixed-race children lived in a world that increasingly constrained the options available to them.

Both Mary Musgrove and Fenda Lawrence engaged in cross-racial relationships with Anglo-American men in ways meant to secure access to status and power in a world rapidly transformed by economic and demographic revolutions. In their efforts to gain access to property and power, Mary and her husbands exploited the gendered customs of both Creeks and Anglo-Americans depending upon which understanding of gendered power benefitted them the most in particular circumstances. In comparison, the life story of Fenda Lawrence demonstrates that women of African descent faced more limited options when navigating the emerging racial order that accompanied the development of a plantation society in the Southeast. The limited evidence available for understanding cross-racial relationships between Anglo-American men and African women in eighteenth century Georgia suggests that such relationships were known to exist and were prevalent at the time, yet they almost always occurred on terrain more favorable to Anglo-American men. By the time of the American Revolution, both Georgia and South Carolina had constructed a legal regime which endowed Anglo-American men with patriarchal power over all their dependents, both Anglo and African American. The relationship

⁵⁴ Joseph Clay to John Wright, seventeenth February 1784, *Collections of Georgia Historical Society*, volume 8, p. 201-205.

between Fenda Lawrence and Stephen Deane was invalidated by law; their children could claim no legal right to any inheritance unless Deane chose to acknowledge them in will, which he did. Even then Lawrence and her children were dependent upon a legal system controlled by white planters to administer the will and protect their claims to property and power. Mary Musgrove had publicly celebrated her marriages to Jacob Matthews and Thomas Bosomworth, and each of those marriages had been consecrated in an Anglican ceremony which recognized the validity of the emotional ties of the couple and offered protection and rights to Mary as the wife of an Anglo-American man. In comparison Fenda Lawrence's relationship with Stephen Deane was characterized as illicit and voided by law, and both Lawrence and her children could only depend upon the rights and protections that Anglo-American patriarchs chose to recognize.

Yet by the time of the American Revolution Anglo-Americans in the colonial South had also constructed an ambiguous legal category for persons of Native descent as well. Many of the laws that created an inferior racial identity for Africans were also applicable to Native Americans as well. For example, the 1755 Georgia slave statute declared that "in his Majesty's Plantations in America Slavery has been introduced and Allowed and the people commonly called Negroes, Indians, Mulattos, and Mestizos have been deemed Absolute Slaves." Importantly, this law declared "all Indians" to be slaves except "Free Indians in Amity with this Government." The enforcement of these laws would remain uneven and contested since Anglo-American hegemony did not spread very far beyond the coastal lowlands of Georgia and South Carolina. However, by consigning Native and African Americans to the same legal

category, the Anglo-American elite of the colonial South demonstrated a mentality that endowed persons of European descent with legal superiority while relegating all non-white persons to an inferior position. As the next chapter will demonstrate, Anglo-Americans continued to racialize Native and African-Americans in the same ways in the years after the American Revolution. However, the final two chapters of this dissertation will demonstrate that persons of mixed-race ancestry continued to deploy their cultural hybridity in ways meant to resist the racialized power of Anglo-Americans.

Chapter 3

“This unnatural and semi-savage connexion”: Cross-Racial Marriages in the Early Republic

In 1816 Secretary of War William Crawford, a Jeffersonian Republican who served in multiple cabinet positions during the Madison and Monroe presidencies, unleashed a political scandal that manifested itself in the newspapers of the Early Republic when he published the War Department’s annual message on Indian Affairs. The lengthy report provided details on the large sums of money the federal government spent on annuities and “gifts” to various Indian tribes in exchange for surrendering control of their land. The expenditures chronicled in the report were the result of the federal government’s “Civilization program” which sought the cultural transformation of Native Americans. Originating in George Washington’s administration, the Civilization program characterized the relationship between the federal government and Indian tribes from the 1790s until the election of Andrew Jackson in 1828. For federal officials “civilization” meant Anglo-American norms of patriarchal yeoman households that practiced commercial agricultural production and that were anchored in Protestant religious theology. Rather than fighting expensive wars and subduing Native peoples by force, federal officials adopted a policy wherein persuasion, education, and eventual cultural transformation would accomplish the ultimate goal of “attaching [the Indians] to the Interest of the United States.”¹

¹Knox to Washington, *American State Papers*, volume 1, pg. 52-54.

When Crawford sent his message to Congress in the spring of 1816, he was fully aware that the federal government had very little success to show for its “civilization” program. Though many Native peoples, especially those located in the Southeast, had made some limited effort to adopt Anglo-American gender norms, the vast majority retained their matrilineal cultures and continued to place emphasis on kinship as the central organizing principle of their societies. Most Native groups accepted those tenets of the “civilization” program that could be efficiently incorporated within their societies and that allowed for greater efficiency in agricultural and domestic production, yet few Native Americans seemed willing to broadly rethink the cultural logic that underwrote their gender division of labor. Where possible, Native American men still hunted wild game such as deer while women worked at agricultural production. Even when some Native groups embraced new modes of production, such as cattle herding or cotton production, they largely assimilated these new economic activities in ways that perpetuated their understandings of the gendered division of labor.² Perhaps most frustrating for American officials like Crawford, Native peoples maintained their communal understandings of property and power. Land was held collectively by a tribe and could only be alienated after group consensus was reached, an inconvenient fact for Anglo-Americans who coveted the rich lands of Native groups, particularly those located in the Southeast where the cotton boom transformed the social and political landscape in the early nineteenth century. Knowing that much work remained to be

²James Taylor Carson, “Native Americans, the Market Revolution, and Culture Change: The Choctaw Cattle Economy, 1690-1830,” *Agricultural History* 71 (Winter 1997), 1-18; Theda Perdue, *Cherokee Women and Culture Change, 1700-1835* (Lincoln, NE: University of Nebraska Press: 1999), 115-185.

done, Crawford argued that federal officials and social reformers should take more direct measures to expedite the process of “civilization.” In the final paragraph of the report, Crawford advised Congress that:

If the system already devised, has not produced all the effects which are expected from it, new experiments ought to be made. When every effort to introduce among them the ideas of separate property...should fail, let intermarriages between them and the whites be encouraged by the Government. This cannot fail to preserve the race, with the modifications necessary to the enjoyment of civil liberty and social happiness. It is believed, that the principles of humanity in this instance, are in harmonious concert with the true interests of the nation. It will redound more to the national honor, to incorporate, by humane and benevolent policy, the natives of our forests in the great American family of freemen, than to receive, with open arms, the fugitives of the old world, whether this flight has been the effect of their crimes or their virtues.³

To social reformers like Crawford intermarriage between Native and Anglo-Americans represented a paternalistic and benevolent scheme that had the advantage of advancing national interests while simultaneously transforming Native culture. Furthermore, Crawford made explicit a preference for Native incorporation into American society over offering refuge to “the fugitives of the old world.” Though he failed to mention exactly how the federal government would “encourage” intermarriages, Crawford set forth a clear vision in which the government would discourage the settlement of European immigrants while simultaneously promoting Native-white intimate connections in order to advance “civil liberty and social happiness.” Crawford’s benevolent scheme reaped a whirlwind of scandal in the national newspapers during the presidential election year of 1816, and his political enemies would revisit the topic of his “Indian report” again during the election of 1824 when Crawford made an unsuccessful bid for the presidency.

³*American State Papers: Indian Affairs*, II, 27-28.

This chapter examines the cultural discourses that Anglo-Americans deployed to create new racialized and gendered identities in the early republic and argues that by the early decades of the nineteenth century a decisive shift had occurred in Anglo-American thinking regarding gendered power and racial identity. The frenzied public reaction to Crawford's proposal uniquely reflected the racialized sexual politics that engaged Anglo-Americans in North America as they attempted to construct fragile social hierarchies, and reaction to Crawford's proposal also provided an opportunity for some Americans to critique and challenge Jeffersonian notions of radical egalitarian democracy. Reaction to Crawford's "Indian report" built upon a racialized public discourse that had occurred in 1802 when Jefferson's sexual relationship with Sally Hemings became the subject of political gossip and scandal; indeed, many of Crawford's opponents in 1816 consciously connected criticism of that year's Indian report with Jefferson's rumored relationship with his own slave. Associating Crawford's encouragement of Anglo/Indian intermarriage with African/white illicit relationships allowed some white Americans to articulate a new racial mentality that sought to confine Native Americans to the same cultural and legal category that had been constructed for Africans during the colonial era. This chapter begins by examining the cultural discourse surrounding the Jefferson/Hemings affair before proceeding to an examination of the racialized discourse that resulted from Crawford's Indian proposal in 1816. The chapter closes by analyzing the public reaction to the interracial marriages of Sarah Northrup and Harriett Ruggles Gold, New England women who married Cherokee men during the 1820s. By moving from the abstract proposals of politicians such as Jefferson and Crawford to the lived

realities of the Northrup and Gold marriages, the chapter demonstrates that these new racialized categories were put to work in ways that sought to permanently confine people of Native descent to a second-class status while also making cross-racial marriages socially taboo for Anglo-Americans.

Crawford could be excused for thinking that he had proposed nothing new in his message to Congress; in many ways his arguments about Native American cultural transformation and biological assimilation with whites echoed the sentiments of his mentor Thomas Jefferson. In fact, Jefferson had openly promoted intermarriage between whites and Native Americans since the earliest days of his presidency. Writing to an American official in 1803 Jefferson had declared, “In truth, the ultimate point of rest and happiness for them is to let our settlement and theirs meet and blend together, to intermix, and become one people. Incorporating themselves with us as citizens of the U.S., this is what the natural progress of things will bring on, and it will be better to promote than retard it.”⁴ Emphasizing his belief that Indian-white liaisons would benefit both Anglo and Native Americans, Jefferson wrote to an Oneida leader in 1808 declaring that “you will unite yourselves with us, join in our Great Councils and form one people, and we shall all be Americans; you will mix with us by marriage, your blood will run in our veins, and will spread with us over this great island....”⁵ Jefferson used similar language just before his departure from the presidency when speaking to a visiting delegation of Northwestern

⁴Quoted in Greg Smithers, p. 27. See also Jefferson to Delaware Indians, December 1808, War Department, Letters Sent, Indian Affairs; Horsman, *Race and Manifest Destiny*, pg. 106.

⁵ Albert Bergh, *The Writings of Thomas Jefferson* (Washington, DC: The Thomas Jefferson Memorial Association, 1905), volume 16, 451-452 .

Indians in 1809, telling his listeners that "...we wish you to live in peace, to increase in numbers, to learn to labor as we do... We wish to see you possessed of property and protecting it by regular laws. In time you will be as we are; you will become one people with us. Your blood will mix with ours; and will spread, with ours, over this great land"⁶ Jefferson imagined that the cultural transformation of Native peoples, combined with their biological assimilation with Anglo-Americans, would create "one people" whose hegemony would eventually extend across the North American continent. Implicit within Jefferson's writings and speeches was the idea that Natives would be transformed while Anglo-Americans maintained their cultural heritage; Indian blood "will run in *our* veins," and Indians would "become one people *with us*." The implied cultural and biological superiority of Anglo-American peoples assured the incorporation of Native peoples with a minimum amount of disruption to an imagined white identity while also guaranteeing that Native peoples gained the benefits and rights of U.S. citizens.

Jefferson's ideas on race and social order cast a long shadow over American politics in the post-Revolutionary era. The man who in 1776 had written the immortal words that "all men are created equal, that they are endowed by their Creator with certain unalienable Rights..." also expressed his ideas about the inherent racial inequality of African-Americans just eight years later in *Notes on the State of Virginia*, the only book he ever wrote. Jefferson denigrated both the physical and mental attributes of African peoples and declared them unfit for citizenship in a

⁶Writings of Thomas Jefferson, volume 16: pg. 464. Albert Bergh, *The Writings of Thomas Jefferson* (Washington, DC: The Thomas Jefferson Memorial Association, 1905), volume 16, 451-452

democratic society. Free Africans could never coexist in a republic of free whites and therefore according to Jefferson must be “colonized to such place as the circumstances of the time should render most proper.” In arguing that white and black could never coexist, Jefferson declared that “Deep rooted prejudices entertained by the whites; ten thousand recollections, by the blacks, of the injuries they have sustained...” would create a society seething with racial resentment that would inevitably lead to its destruction. Yet these reasons, which Jefferson categorized as “political,” were also coupled with “moral” and “physical” reasons to reject African-American racial equality as well. Jefferson speculated that the differences between Anglo-Americans and Africans was “fixed in nature” and would not allow for any equality between blacks and whites. According to Jefferson, Anglo-Americans were more physically attractive and beautiful than Africans, pointing to differences in “colour, figure and hair...” Jefferson located key differences between whites and blacks as existing in the degraded and inferior African body, declaring that Africans “secrete less by the kidneys, and more by the glands of the skin, which gives them a very strong and disagreeable odour.”⁷ Jefferson justified the continued exploitation of African peoples by locating their supposed inferiority in the perceived natural, immutable differences of mind and body.

In Jefferson’s worldview the physical defects of African peoples, coupled with their supposed mental incapacity, limited the possibilities of freedom and equality for people of African descent. Africans were brave and adventuresome, but

⁷ Thomas Jefferson, *Notes on the -State of Virginia* in Merrill D. Peterson, editor, *The Portable Thomas Jefferson* (New York, Penguin Books, 1977), 144.

only "...from want of fore-thought, which prevents their seeing a danger till it be present." In describing relationships between African men and women, Jefferson maintained that they "are more ardent after their female" but this was not the result of romantic feelings or a higher emotional state but rather "love seems with them to be more an eager desire, than a tender delicate mixture of sentiment and sensation." African expressions of love "kindles the sense only, not the imagination." Jefferson proclaimed that no person of African origin was capable of "tracing and comprehending the investigations of Euclid..."⁸ In *Notes*, Jefferson articulated boundaries around the radical possibilities contained within the Revolutionary movement that he had helped create by making clear that egalitarian principles of freedom and equality did not apply to African-Americans; people of African descent were excluded from the "great family of freemen" because of their supposed natural physical and mental defects.

Jefferson's ideas about white/black intermixture notably contrasted sharply with his thinking about Indian and white intermixture. Long before he used his perch from within the White House to advocate for Indian-white intermarriages, Jefferson praised such unions for their ability to create physically attractive offspring and the variety of skin colors that resulted from interracial mixture with Native Americans. Writing in *Notes*, Jefferson rhetorically asked "Are not the fine mixtures of red and white, the expressions of every passion by greater or less effusions of colour in the one, preferable to the eternal monotony, which reigns in the countenances, that immoveable veil of black which covers all the emotions of the other race?" While

⁸Jefferson, *Notes on the State of Virginia*, pg. 186-191

Jefferson argued that African differences were “fixed in nature,” he argued the opposite regarding the Native peoples of North America, maintaining that their differences were “not a difference of nature, but of circumstance.” Indian women had fewer children than European women because Indian women worked harder to provide necessities of life. However, Jefferson maintained that “Indian women, when married to white traders, who feed them and their children plentifully and regularly, who exempt them from excessive drudgery...produce and raise as many children as the white women.”⁹ Whereas he had denigrated the mental abilities of African peoples, Jefferson maintained that Native peoples of North America were intellectually equivalent to the most learned Europeans. “I may challenge the whole orations of Demosthenes and Cicero, and of any more eminent orator...” Jefferson argued, “to produce a single passage superior to the Speech of Logan, a Mingo Chief...”¹⁰ In Jefferson’s worldview Native Americans could be culturally transformed and incorporated into Anglo-American society; their shortcomings were not the product of natural or biological inequalities between the races but of unfortunate circumstances and lack of education. Writing to the Frenchmen Francois-Jean de Chastellux in 1785, Jefferson more bluntly stated his views on the racialized differences between Native Americans and African Americans. “I believe the Indian then to be in body and mind equal to the white man,” Jefferson informed the Frenchmen, “I have supposed the black man, in his present state, might not be so.”¹¹

⁹ Jefferson, *Notes on the State of Virginia*, pg. 60-61.

¹⁰ Jefferson, notes, ed., Peden, 62.

¹¹ TJ to Chastellux, 7 June 1785, Founders Online:
<https://founders.archives.gov/?q=Chastellux&s=1111311111&r=143>

Taught the proper ways of a civilized society, Jefferson held out the hope that Indians would eventually incorporate into a society of free whites; the physical and mental incapacities of Africans, on the other hand, prevented their incorporation into a republican society.

Jefferson's writings on the subject of racial intermixture occurred roughly five years before he began a sexual relationship with Sally Hemmings, the half-sister and slave of his deceased wife Martha Wayles Skelton. Hemings first came into the Jefferson family as an enslaved infant whom Martha inherited upon the death of her father (and Sally's father) John Wayles in 1773. In 1787 at the age of fourteen Sally had accompanied Jefferson's youngest daughter Mary to Paris, where Jefferson served as the new nation's ambassador to the French court. By the time Hemings joined Jefferson in Paris, her sister (and Jefferson's wife) Martha had been dead for five years. Hemings gave birth to her first child soon after her return to Monticello in 1789, leading most scholars to conclude that Jefferson's sexual relationship with Hemings began while in Paris or soon after their return to Virginia. Over the next decade Jefferson and Hemings had five more children, and the Hemings family came to occupy a preeminent position in the complex racial hierarchy that prevailed at Monticello. The intimate relationship between Jefferson and Sally Hemings was not unusual; many Southern slave owners engaged in cross-racial relationships with slave women and such relationships existed on a continuum of violent rape and exploitation to emotional bonds of affection. The experiences of the Hemings, Skelton, and Jefferson families attested to the reality that cross-racial intimate contact between Anglo and African Americans had a long and complex history that was deeply

intertwined with the social and economic forces that underwrote the expansion of slavery in the eighteenth century. What made the relationship between Jefferson and Hemings remarkable was that it became the center of public debate and political scandal during Jefferson's presidency.¹²

Jefferson's sexual relationship with Hemings, and the interracial family they created and maintained at Monticello, burst into national view in 1802, when the former Jefferson acolyte and newspaper editor James Callendar turned against his mentor and published details of the relationship in the *Richmond Recorder*. Under the headline "The President, Again," Callendar informed the readers of the *Richmond Reporter* that "It is well known that the man, *whom it delighteth the people to honor*, keeps, and for many years past has kept, as his concubine, one of his own slaves. Her name is SALLY."¹³ Callendar proceeded to give details of Jefferson and Heming's relationship, including that their oldest son was named Tom and that "several children" existed who proved the physical relationship between the president and his slave. "There is not an individual in the neighborhood of Charlottesville," claimed Callendar, "who does not believe the story; and not a few who know it." Though Callendar got some details wrong (Hemings did not have a living son named Tom at the time), he was remarkably accurate in other details that he reported (for example,

¹²Though some continue to doubt the paternity of Sally Hemings' children, historians have assembled an overwhelming amount of evidence to support the conclusion that Jefferson was indeed the father; see especially Annette Gordon-Reed, *Thomas Jefferson and Sally Hemings: An American Controversy*. (Charlottesville, VA: University of Virginia Press, 1998) and *The Hemingses of Monticello: An American Family* (New York: Norton, 2008); Jan Lewis and Peter Onuf, editors, *Sally Hemings and Thomas Jefferson: History, Memory, and Civic Culture* (Charlottesville, VA: University of Virginia Press, 1999).

¹³ *Richmond Recorder*, September 1st, 1802.

that Sally had been present in Paris when Jefferson was ambassador.) Callender spent the next few months adding more detail to his account and clarifying any mistakes that he had made in his original reporting, indicating that gossip in the Charlottesville area about Jefferson's relationship with Hemings was widespread and remarkably accurate.¹⁴

Callender's publication of the details of Jefferson and Hemings' relationship resulted in a public discourse on the subject of cross-racial sexual unions that was enmeshed within the particular social and cultural politics of the era. The editor of the *Columbian Museum and Savannah Advertiser*, a Federalist newspaper in Savannah, declared that "we feel no responsibility to contradict it, until we see it contradicted in the vicinity of its origin." In other words, if the Jefferson/Hemings story was false, the *Columbian* editors exhorted Jefferson's supporters in his home state to provide the evidence of the falsehood. However, the editors also declared Callendar's conduct to be "indecorous" and that "he has not been the friend of morality" since if the story had proved to be true, "examples are dangerous, and precedents in Presidents are a kind of law, the consequences to society are serious, particularly so, since human nature is sufficiently found of sin without such an example and such a precedent."¹⁵ Jefferson's political opposition in Savannah were less concerned about the fact that Jefferson indulged in a sexual relationship with his slave than with the reality that such a relationship was openly discussed in the nation's newspapers. If the editors of the *Columbian Museum* were adroit readers of

¹⁴Joshua Rothman, *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia, 1787-1861* (Chapel Hill, NC: University of North Carolina Press, 2003).

¹⁵ *Columbian Museum and Savannah Advertiser*, October 19, 1802.

the newspaper reporting on this affair, they would have noticed that Jefferson's relationship with Hemings provided political commentators of the day an opportunity to critique Jefferson's political and social philosophy in ways that reflected their own heightened anxieties regarding the changing social hierarchy of the early Republic.

Jefferson's political enemies had long opined about the potential destabilizing influences of both his political philosophy and his public actions and writings. The political feuding between Jefferson and his political opponents had its root in the toxic political culture that emerged during the 1790s as political parties formed and competed for power in the early days of the Republic. Jefferson and his Republican allies accused Alexander Hamilton and the Federalists of limiting the egalitarian principles of the American Revolution and warned that federalists wanted "to prepare the way for a change from the present republican form of government, to that of a monarchy, of which the English constitution is to be the model."¹⁶ Jeffersonian Republicans accused their political opponents of an "attachment to *aristocracy, monarchy, hereditary succession, a titled order of nobility* and all the *mock pageantry* of Kingly government...." Federalists, in response, recalled the dark days of the 1780s in which "the evils under which the U.S. laboured" were caused by "the turbulence and follies of democracy." The new regime created under the federal Constitution was meant to curb the "excess of democracy" that existed in the immediate post-Revolutionary era.¹⁷ Jefferson and his cabal, according to Federalists,

¹⁶Wood, *Empire of Liberty*, pg. 154.

¹⁷Quoted in Woody Holton, *Unruly Americans and the Origins of the Constitution* (New York: Hill and Wang, 2007), 14.

advocated for "National Disunion, National insignificance, Public disorder and discredit..." while Jefferson himself pretended to be a "quiet, modest philosopher...a plain simply unambitious republican..." Yet Hamilton readily compared Jefferson to a modern-day Caesar who was "studious of artful disguises" and who was guilty of "rejecting the trappings, but tenaciously grasping the substance of imperial domination."¹⁸ Both Jeffersonian Republicans and Hamiltonian Federalists viewed the political philosophies of their opponents as dangerous to social order and as perversions to the true principles of the American Revolution. The Hemings scandal provided Jefferson's opponents with an opportunity to publicly debate the morals of the man himself and the supposedly dangerous political philosophy of the Republican party in general. As Jefferson's chief political opponent and sharpest critic, Alexander Hamilton lost little time using the Hemings scandal to skewer the egalitarian principles that underwrote Jefferson's political philosophy. Writing under the pseudonym Junius Philaenus, Hamilton mocked Jefferson's first inaugural address, particularly Jefferson's exhortations for his fellow citizens to "unite, with one heart and one mind; let us restore to social intercourse, that harmony and affection, without which liberty, and even life itself, are but dreary things." Hamilton sarcastically suggested that young unmarried girls and "old-maids" should not be exposed to Jefferson's words, especially when paired with the knowledge that "a certain black strumpet, yelep'd Sally, enjoys the love and embraces of a man of your amiable disposition and sentimental tongue." When single, unattached women realized that the same man who advocated "harmony and affection" and peaceful

¹⁸ *Gazette of the United States*, August 4 and September 29, 1792.

"social intercourse" was the same man engaged in an illicit love affair with a "black strumpet," these women would "burst forth into such a flame of envy as to endanger their own existence" in such a way as it would render them useless in efforts to "direct the multiplication of the human race."¹⁹ Jefferson's pleas for unity and harmony took on a sinister meaning when placed in the context of his relationship with Hemings. Fearing that Jefferson's words would erase all forms of hierarchy and authority, his critics imagined a world in which his political ideology resulted in the hypersexualization of white women who might cross the color line when seeking sexual fulfillment.

Federalists writers and opinion makers seized on the Jefferson/Hemings scandal as a way to reopen debate about what they saw as Jefferson's dangerous levelling philosophies, and in the process they articulated their own fears about a radically changing social order. Newspaper editor Thomas Green Fessenden published a poem in 1806 criticizing the Democratic-Republican world view in which he opined:

Dost think we had not better choose
Some mad cap Della Cruscan Muse,
To teach us featly to combine
A world of nonsense in a line?
....
Or seek in a dark and dirty alley
A Mr. Jefferson's Miss Sally,
In our *Free Government* no matter
Whether coal black, or swart Mullato?

And therefore Throne and Principality
In gulph of Jacobin equality
Must topsy turvy, down be tumbled

¹⁹ A Letter to Thomas Jefferson, President of the United States, By Junius Philanues, New York, P.R. Johnson, 1802, 45-46.

And all the powers which be—be humbled.

Of modesty he loos'd the zone
And made the female world his own,
By Chesterfieldian like civility
And softening lust to sensibility

And set the head upon the whirl
Of many a vain, and giddy girl,
Who weds her father's coachman since
She can't so well command a prince.²⁰

Fessenden's criticism of Jeffersonian democracy relied upon the notion that interracial sex between African-Americans and Anglo-Americans contributed to a breakdown of all social order; moreover, he explicitly alluded to the fear that the Hemings/Jefferson relationship would lead young white males to visit a "dark and dirty" alley in search of their own "Miss Sally" or for young white women to wed "her father's coachmen since / She can't so well command a prince." The Jeffersonian tendency for decentralization and lack of respect for established authority would lead to the questioning of gendered and racialized hierarchies upon which correct social order depended and threatened the existence of the Republic itself. White men would seek out African lovers in their quest to transform "lust to sensibility" while well-born white women would eschew parental authority by making unsuitable matches.

Jeffersonian critics particularly feared that an inverted social order as represented by the Hemings relationship would result in emancipated African men questioning all forms of racial hierarchy that would result in physical and sexual violence. In a poem published in the Federalist newspaper *Port Folio*, the letter

²⁰ Thomas Green Fessenden, *Democracy Unveiled, Tyranny Stripped of its Garb* (New York: I. Riley and Company, 1806), 6-7.

writer assumed the voice of an African man opining on the Jefferson/Hemings
relationship:

Our massa Jefferson he say,
Dat all mans free alike are born;
Den tell me, why should Quashee stay,
To Tend de cow and hoe de corn?
Huzza for massa Jefferson!

And if all mans alike be free,
Why should de one, more dan his border,
Hab house and corn? for poor Quashee
No hab de one, no hab de oder.
Huzza, & c.

Any why should one hab de white wife,
And me hab only Quangeroo?
Me no see reason for me life!
No! Quashee hab de white wife too.
Huzza, & c.

"For make all like, let blackee nab
De white womans...dat be de track!
Den Quashee de white wife will hab,
And massa Jefferson shall be de black.
Huzza, & c.

Why should a judge (him always white)
'Pon pickainny put his paw,
Cause he steal a little? Dat no rite!
No! Quashee say he'll hab no law
Huzza, & c.

Who care, me wonder, for de judge?
Quashee no care...no not a feder;
Our party soon we make him trudge,
We all be democrat togeder.
Huzza, & c.

For where de harm to cut de troat
Of him no like? or rob a little?
To take him hat, or shoe, or coat,
Or wife, or horse, or drink, or vittle?
Huzza,& c.

Huzza for us den! we de boys

To rob and steal, and burn and kill;
Huzza! Me say, and made de noise!
Huzza for Quashee! Quashee will
Huzza for mass Jefferson!

Published in Philadelphia in 1802, "Quashee's" poem highlighted the racialized fears that Federalists harbored regarding Jefferson's popular politics. Jeffersonian democratic values, in which "all mans free alike are born" provided the fictional Quashee the basis for questioning all forms of social hierarchy, including laws against theft and miscegenation. In fact, the white wife in this poem was reduced to the same status as other property, including a hat, shoe, food, or a drink. An African man imagining he had the same rights as a white man played upon fears that political equality would provide African men with social equality, symbolized by access to both a white woman's body and the property and privileges normally reserved for white men. The writer also exploited white fears of black violence, highlighting that Quashee believed there was no harm to "cut de troat / Of him no like..." and declared himself part of a larger group of black men who would "rob and steal, and burn and kill...."²¹ By deploying tropes of racialized violence and sexual disorder the *Port Folio*, published in Philadelphia, may have played upon fears inspired by the Haitian Revolution. Philadelphia, like many cities along the eastern seaboard, received many refugees from Haiti, creating a keen awareness among Anglo-Americans that revolutionary egalitarian philosophies could create social instability.

In addition to articulating fears of social instability, Jefferson's detractors used the Hemings scandal to highlight the imagined physical abnormalities of Hemings

²¹ Elise Lemire, *Miscegenation: Making Race in America* (Philadelphia, PA: University of Pennsylvania Press, 2002), 14-20.

and attempted to create a sense of disgust in their white male readers. Callender described Hemings as a "wooly-headed concubine" and a "stout African wench" whose skin was something between "a mahogany colour and a dirty greasy yellow" and her children were a "mahogany coloured propogation."²² A satirical poem in the *Port Folio* advised Jefferson to "deem it no disgrace / With slaves to mend they breed, / Nor let the wench's smutty face / Deter thee from the deed." A separate poem in the same publication bemoaned the fact that Sally's "...jetty fleece and eyes / Pug nose, thick lips, ebony thighs / Shall blacken Clio's page." Ironically, Jefferson's earlier writings in *Notes on the State of Virginia* had also deployed notions of the physical inferiority of African peoples to justify their political exclusion. Jefferson's critics continued this line of reasoning, using the fictionalized representations of Hemings' skin color, hair texture, and facial features to create a sense of repulsion among white male readers.

Jefferson's opponents also portrayed Hemings as a hypersexualized woman and implied that Jefferson, who had lost control over his sexual restraint, did not enjoy exclusive access to Hemings' sexual services. Callendar's articles in *The Recorder* repeatedly referred to Hemings as a "concubine" or a "wench," words loaded with derogatory sexual meaning in the early nineteenth century. Callendar also invited his readers to imagine that "Sally (a whore)...romping with a half dozen black fellows" inside a Negro cabin. Callendar accused Hemings of being "a slut as common as the pavement," and suggested that she had serviced the sexual needs of

²² *Richmond Recorder*, September 1, 15, 29, 1802. *Port Folio* October 30 and November 6, 1802.

the ship captain when she had traveled aboard to join the Jefferson family in Paris.²³ Callendar also bemoaned the fact that Jefferson could have “commanded whatever his utmost ambition desired as to the female sex,” yet Jefferson forsook the company of white women and “He plunged at once into a connection, from which, the debauchee that prowls St. Giles would have shrunk with horror.” To highlight just how strange he found the situation, Callendar asked his readers to imagine that a white widowed woman had “brought a negro gallant into her house, and that, in the presence of her family, she had pressed him to her bosom... We do not believe that such a female character ever existed... the lowest drab of the sex would not have sent to her stable for a black fellow, as Jefferson, before the eyes of his two daughters, sent to his kitchen, or perhaps to his pigstye, for this mahogany coloured charmer.”²⁴ Callendar accused Jefferson of lacking self-control and implied that he insulted his daughters by carrying on an affair with his African slave in their presence and implied that Jefferson lacked control over his sexual passions due to his relationship with Hemings. The editors of the *Port-Folio* also picked up on this theme of a hypersexualized Hemings who enabled Jefferson to indulge in sexual promiscuity. In one satirical poem published in 1803 the editors of the *Port Folio* implored, “Resume thy shells and butterflies, / Thy beetle’s heads, and lizard’s thighs, / Thy state no more control; Thy tricks with sooty Sal, give o’er; / Indulge they body, Tom, no more; / But try to save thy soul.”²⁵ Sally Hemings was made to represent all African women

²³ *Richmond Recorder*, September 15, 1802; September 22, 1802;

²⁴ *Richmond Recorder*, September 29, 1802.

²⁵ “In Thoman, Jam Senem,” *Port Folio*, January 22, 1803.

in the white male imagination; she was imagined as a hypersexualized woman with dozens of lovers, and Jefferson was portrayed as a man lacking self-control and indulging his passions under the very noses of his white children. Public discussion of the Hemings scandal allowed Jefferson's supporters to reject the public image of him as a philosopher and champion of equality; instead, he was a man who indulged in carnal pleasures and lacked the self-control to resist the allure of a woman deemed a "slut" and a "mahogany coloured charmer."

Jefferson's participation in public ceremonies and events also provided Federalists opponents with the opportunity to raise alarm about the perceived equalizing tendencies of Republican ideology. In March 1804 a group of Washington bakers presented President Jefferson with a "Mammoth Loaf of bread" measuring 12 feet in length. Meant to raise support for the president's naval war against the Barbary states, the presentation ceremony was held in the Senate chambers of the capitol building. A federalist newspaper mocked Jefferson's supporters, who became "...very clamorous for their equal rights..." after they were initially denied entry into room containing the "mammoth loaf." When Jefferson finally appeared to accept the bread from his supporters, the newspaper reported that the room had become overrun with as many of the "sovereign" people as possible, consisting mostly of "fugitives from justice" and "a suitable mixture of our Indian neighbors and negro brethren, and several ladies of fashion..." Though wine was freely available and plentiful for the people gathered, the newspaper mocked Jefferson for drinking only cider, as it was "more congenial with the spirit of true republicanism." As the proceeding descended into a drunken revelry, the editors of

the paper bemoaned the fact that Senators were not allowed convene for the day due to the merrymaking of Jefferson's supporters. This incident provided Federalists papers with fodder to articulate their fears of republican egalitarian ideology: the uneducated masses of "sovereign" people who clamored for "equal rights" and interrupted the proceedings of the "better sort" in the senate. Most alarmingly the motely congregation of Jeffersonian supporters highlighted the breakdown of social barriers represented by the mass of poor whites, Indians, Africans, and "ladies of fashion," (i.e., prostitutes) who gathered to drink toasts in honor of President Jefferson.

Though Jefferson and most of his supporters never responded to the suggestions that his example might promote an increase in cross-racial relationships, one Republican-leaning newspaper openly contemplated that such relationships held the possibility to ameliorate race relations in the South. In April 1805 the *National Intelligencer* carried a front-page story titled "Thoughts on the True Path to National Glory" written by "An old Whig to his friend." The article was a remarkable reflection on race and cross-racial family formation in the early nineteenth century U.S. The writer called slavery "the greatest misfortune by which we are beset" and maintained that most Southerners were aware of the evils of slavery but could not agree upon a way to end their dependence on the forced servitude of African-American slaves. According to "An Old Whig," plans for "colonizing these African peoples across the ocean..." were infeasible since the time and money required for colonization would prove too great a burden to overcome. Rather, the writer referenced statistics from the federal census of 1790 and 1800 to argue that whites

increased at a faster rate than blacks, and that “this course of events will inevitable led to the mixture of whites and blacks,” and since whites were such a large percentage of the population, “the blacks will be merged with whites.” The writer acknowledged his/her proposal would cause “...repugnance to our reason as well as prejudice” yet it was the “...duty of the enlightened and patriotic to anticipate the tardy steps of nature, and thereby avert the evils which might, in the meantime, befall us.” Though the editors promised to follow up this bold proposal with more suggestions in future editions of the paper, the subject was not mentioned again in the *Intelligencer*.²⁶ The author of the article was clearly influenced by Jefferson’s previous writings on the nature of slavery. Some Jeffersonian Democrats had adopted the idea that slavery was a problem which future generations would have to contend. Jefferson had first articulated a plan for separating the races via colonization in *Notes on the State of Virginia*. However, the author departs from Jefferson’s ideas when he suggests that cross-racial intimacy would absorb African slaves and alleviate interracial tensions. Jefferson argued that an African’s inferiority was the product of natural differences between whites and blacks, and that this natural inferiority required that emancipated slaves would have to be permanently removed from whites to avoid producing intermixing. Jefferson unequivocally declared that freed slaves must be “... removed beyond the reach of mixture.”²⁷ Whereas Jefferson had explicitly ruled out the

²⁶*The National Intelligencer*, April 26, 1805.

²⁷Thomas Jefferson, *Notes on the State of Virginia*, editor William Peden (Chapel Hill, NC: University of North Carolina Press, 1996), 142-143. Joshua Rothman also discusses Jefferson’s views on white-black sexual relations in *Notorious in the Neighborhood: Sex and Families Across the Color Line In Virginia, 1787-1861* (Chapel Hill, NC: University of North Carolina Press, 2007), 18-19.

possibility of civilizing Africans through intimate relations with whites, at least some of his followers had adopted this idea by the early nineteenth century.

The public discussion of his relationship with Sally Hemings resulted in few political consequences for Jefferson. Though Callendar timed his initial reporting on the matter to coincide with the Congressional midterm elections in the Fall of 1802, the Republican party obtained supermajorities in both Congressional chambers despite the scandal surrounding the Hemings/Jefferson relationship. Jefferson himself was re-elected to the presidency with a large electoral majority in the election of 1804, and the Republican party remained dominant on the national stage until the eventual election of Andrew Jackson in 1828. Despite the lack of political consequences for Jefferson, his relationship with Hemings continued to provide opponents of Republican ideology with a potent line of attack against what they perceived to be the excesses of Jeffersonian social levelling, even long after Jefferson retired from national politics.

William H. Crawford's 1816 report recommending white/Indian intermarriage proved to be one such historical moment when the Hemings scandal was revisited by Jefferson's political opponents. In the process of relitigating the Hemings scandal the critics of both Jefferson and Crawford expressed a new racialization of Native Americans that consciously equated Native Americans with an imagined debased African-American culture. The new racial mentality was expressed through an acute fear that Indian-white intermarriage opened the door to African-white liaisons as well. The editorial page of the New York *Columbian* declared that "Mr. Crawford forgot the poor Africans in his fit of furious benevolence! As their slavery is on their part

involuntary, why exclude them from the ‘great American family of freemen?’” A writer to the *New York Courier* suggested that Southern democrats would have found Crawford’s proposal unremarkable if it had originated with Jefferson. Commenting on the hypocrisy of the situation, the writer stated that, “Jefferson is permitted to woo--- ‘a Black Aspasia to his fond embrace/and dream of freedom in a slave’s embrace’—and not a democrat scoffs or murmurs at it....”²⁸ Northern federalists used the occasion of Crawford’s proposal to re-open political debate about Jefferson’s sexual past, clearly hoping to discredit Republican politicians by linking them to Jefferson’s sexual indiscretions. A writer to the *Portsmouth Oracle* used Crawford’s proposal of intermarriage with Native Americans to criticize Southern sexual mores in general. The writer reasoned that while sexual tastes vary by person, “Southern appetites are not proverbial for squeamishness in some particulars; and more than one great man seems to have tho’t with Juba and Mr. Crawford.” When the letter writer from the *Portsmouth Oracle* criticized the idea of Native- White intermarriage, he did so primarily in a way that emphasized the supposed physical inferiority of Indians. He referred to Anglo-American men as “...fair, well informed, high minded...” and Indians as “copper-colored, mis-shapen, stupid...” He proclaimed that American women would never voluntarily join themselves in matrimony to “...a set of poor, dirty, ear-slit, draggletailed Indians.” Mr. Crawford, the letter writer declared, had thought “...a kiss from a pretty little bear greased squaw...” was a matter a little importance Furthermore, this same writer ended his letter by specifically disparaging the type of white male/native female marriages that had been taking place since the

²⁸*New York Courier*, July 10, 1816; *Columbian*, April 20, 1816.

colonial era. The writer ended his letter by imagining that a future wedding announcement might read,

Married, on Sunday evening last, Mr. John Troster, of the Illinois Territory, to the amiable Miss Squallatoadokkafrog Mud-turtle, daughter of the celebrated chief Split-log. Whether the lady will follow the fortunes of her husband and become civilized, or whether John will take to forests with his beloved, And like a greasy Indian shine, and learn to make a broom, is a matter of great uncertainty...²⁹

The writer identifies Natives as animal-like beings with their names invoking association with frogs, "mud turtles" and "split logs." In addition, the writer invokes a popularly held notion that Native peoples applied bear grease to their skin, thus mocking the perceived cultural practices of Native Americans. The faux wedding announcement "otherizes" the Native woman, marks her as culturally inferior, and holds open the possibility that white men would lose their claim to civilized status through engaging in permeant relationships with Indian women. The danger in Indian/white intermarriage resulted from the uncertainty of the effects of such marriages on Anglo-American society. Whereas previous advocates for intermarriages had been certain that such unions would benefit Native Americans by incorporating them into Anglo-American society, Crawford's opponents expressed anxiety that the cultural degeneration of whites was a more likely outcome.

Northern newspaper editors found the scandal created by Crawford's proposal an opportune time to revisit *The National Intelligencer's* earlier musings on interracial marriage. The editors of Vermont's *The Reporter* re-printed the *Intelligencer's* plan from 1805 on its front page in 1816. After recounting the details, they sarcastically mused:

²⁹*Portsmouth Oracle*

When Mr. Jefferson's and Mr. Crawford's plans are adopted (as they doubtless will be soon, since democracy nowadays, carried everything before it), and intermarriages of blacks, red, and whites, are sanctioned by the government, human nature will have made a most wonderful stride towards that perfectibility, which is the great desideratum of modern philosophy, and Jeffersonian politics. Thus gold is made better for many uses by an alloy of copper mixed with the virgin metal.³⁰

Though neither Jefferson nor Crawford had ever advocated for interracial marriages between Anglo and African Americans, the editors of *The Reporter* associated both men with such schemes. The editors mocked the entire premise of the civilization program as diminishing Anglo-American culture by mixing it with Native culture by irreverently suggesting that gold could somehow be made more valuable when mixed with a less valuable metal such as copper. The Federalist editors of the *Reporter* also mocked the idea of "perfectibility" as being the ultimate goal of Jeffersonian politics. By invoking the specter of cross-racial marriages between Native, Anglo, and African-Americans, the editors implied that the ultimate goal of both the Civilization program and Jeffersonian politics was to erase social distinctions based on race.

Federalist politicians were not the only ones to attack Crawford's plans, as one of the fiercest critics was Republican politician and Jefferson loyalist Thomas Cooper. A London born lawyer who had migrated with his family to the United States in 1793, Cooper earned a reputation for indulging in radical politics from a young age. He practiced law in Manchester in the 1780s and was involved in several anti-slavery societies while living there. Cooper visited Paris in 1792, just before the French Revolution turned to one of its bloodiest phases. His association with

³⁰*The Reporter*, May 1, 1816.

Robespierre and the Jacobin Club led to his condemnation on the floor of Parliament by Edmund Burke. After his migration to the United States Cooper was outspoken in his criticism of John Adam's administration and served six months in prison after his conviction under the Alien Act in 1799. His political connections within the Republican party led to his appointment as a judge in Pennsylvania in 1806, though his radical political views resulted in his removal from the Pennsylvania judiciary in 1811. Cooper was later unable to take a position as professor at the University of Virginia, an appointment made through the influence of Thomas Jefferson, due to his suspected atheism.³¹ In 1816 Cooper was professor of chemistry at Dickinson College in Carlisle, Pennsylvania. Eventually Cooper served as president of the University of South Carolina and became one of the most outspoken defenders of states' rights and slavery, ideological positions which would have shocked his associates from his days in Manchester's antislavery societies.

Cooper's early abolitionist writings, published in 1787 and 1791, deployed biological and environmental arguments to prove the common humanity of Africans and Europeans. Advocating an end to the slave trade, Cooper argued against the idea that Africans were a separate "species" of man and advocated a common humanity shared between Africans and Europeans. As proof of this, Cooper argued that sexual familiarity between whites and blacks demonstrated the common humanity of both races: "A white and a black do not produce a mule, but being capable of continuing the species; which is the very strongest proof of sameness of species." People of

³¹ Lawrence Beaston, " 'Back Country' Politics and Culture: A Letter from Thomas Cooper to Joseph Clay," *Pennsylvania Magazine of History and Biography* 120 (January/April 1996): 107-110 (full: 107-118).

African descent, Crawford argued, were just as capable of civilized achievements as Europeans, declaring that, "...negroes are men, susceptible to the same cultivation with ourselves." If anyone doubted that claim he urged his opponents to "...let the Poems of Philhis [SIC] Wheatley, and the Letters of Ignatius Sancho be perused, and the question is decided."³² Cooper also employed an older notion of environmental causes of racial differences, stating that Europeans lost their whiteness in warmer climates and the blackness of Africans decreased when exposed to colder climates. His progressive ideas on the shared humanity between Europeans and Africans would not survive long once he found a new home in America.

After publication of the Crawford's report in 1816, Cooper penned a series of articles condemning the plan and ridiculing the notion of cross-racial intimacy.³³ Cooper maintained that "...I have no more conception of our people submitting to this motley intercourse...than I have of their intermarrying with the stinking negroes for the same benevolent purposes." Even if Anglo-Americans did intermarry with Native Americans, Cooper argued that such alliances would prove useless for the purposes of promoting "civilization" since "You can no more convert an Indian into a civilized man, than you can convert a negro into a white man. The animal

³²Thomas Cooper, *Letters on the Slave Trade* (Manchester: C. Wheeler, 1787); *Considerations on the Slave Trade and the Consumption of West Indian Produce* (London: Darton and Harvey, 1791)

³³Cooper's arguments against Crawford's report were first published under the pseudonym "Americanus" as a series of letters to the *Democratic Press* in 1816 (see especially April 10, 13, 16, 30). As the backlash against Crawford's proposals grew, Cooper's letters were reprinted in both Federalist and Democratic-Republican newspapers and gained a wide circulation. See for example, *Burlington Gazette*, May 3, 1816; *Washington City Weekly Gazette*, June 29, 1816; *Washington Whig*, July 1, 1816.

configurations and propensities are different.”³⁴ The difference in Cooper’s arguments in 1787 and 1816 are difficult to reconcile; he no longer advocated for a common humanity; rather, he had come to adopt the prevailing view that Africans and Indians were biologically inferior to persons of European descent.

Cooper also contemplated the future of an intermixed Indian-white society. He wrote, “Our frontiers will then exhibit four or five thousand children, with half savage, half civilized physiognomies. I beg to know of you, sir, who have intelligence and taste to understand the argument, whether it be not a national object of great importance, to improve, as much as possible, the national physiognomy and the impression on the countenance of national beauty and civilization. Was not the introduction of small pox inoculations, and is not the introduction of vaccine inoculation highly prized, on account of its abolishing the disfigured features, that the small pox so frequently occasioned?” Rather than integrating Indians into white society, Cooper put forth a vision in which interracial sexual relationships would lead to the creation of a “diseased” class of people residing on the frontiers. Cooper expressly bemoaned that scientific advancements such as inoculation would be invalidated if whites voluntarily intermixed with non-whites. In addition, Cooper equated interracial sex with viral disease that held the possibility to disfigure and permanently harm Anglo-American civilization.

³⁴Cooper’s original 1816 writings were collected and republished as a pamphlet in 1824, when Crawford made a second bid for office in that year’s presidential election. See Thomas Cooper, *Strictures Addressed to James Monroe on the Celebrated Report of William H. Crawford, Recommending the Intermarriages of Americans with Indian Tribes* (Philadelphia; Jesper Harding, 1824.) As Cooper’s pamphlet gained wider notice in 1824, the partisan newspapers began revisiting the original scandal and republished Cooper’s letters from 1816. In 1824 the press also covered the marriage between John Ridge and Sarah Northup (discussed in more detail below), ensuring that Cooper’s arguments against white/Indian intermarriage gained a wide audience during that year.

Not only would interracial marriages result in a diseased class of people on the frontier; Cooper also argued that only the basest and most socially disadvantaged whites would even contemplate marriage with an Indian. Cooper maintained that “...every young white man and woman would sicken and revolt at the idea of such a strange connexion. If they are encouraged to submit to it, the very lowest and most degraded alone will conform, and even they must be well paid for doing so.” Cooper unfavorably compared the proposed Indian/white marriages to prostitution, declaring that “...the prostitution of a white woman to a white man is virtue itself compared to Mr. Crawford’s recommendation of yielding up the persons of our young women, and that too for life, to the embraces of the savage.”³⁵ In his attack on Crawford’s encouragement of white/Native intermarriage, Cooper abandoned his earlier ideas about the unity of mankind and adopted a more hostile stance towards racial intermingling. The scientific and cultural achievements of Anglo-Americans would be threatened by the existence of interracial families, and the moral and physical superiority of Anglo-Americans, who he described as “the finest portion of the human race in form, figure and capacity...blooming, healthy, hardy, active and enterprising” would be debased as they prostituted themselves “to the dirty, draggle-tailed, blanketed, half human squaws, or the filthy ferocious half naked savages bedecked, indeed, with pewter pendants in their ears, lips, and noses....” Just as Jefferson’s opponents had invoked images of Sally Hemings’ supposedly grotesque body in an effort to inspire disgust in the Anglo-American imagination, Cooper adopted the same tactics when attacking Crawford’s plan for Anglo-Native intermarriages.

³⁵IBID.

Cooper invoked images of the Native body as being “half human” and mutilated with piercings to the ears, lips, and noses; such images were meant to highlight the presumed cultural barbarity of Native Americans and make explicit the inability of Anglo and Native Americans to integrate their supposedly incompatible cultures.

While his first public musings took the form of public strictures written to President Madison, Cooper also proved willing to adopt a more humorous tone when refuting Crawford's Indian proposal. Cooper adopted the penname "Tabitha Spinster," from "Maidenhead, New Jersey” when requesting Crawford’s assistance in finding a suitable husband. The woman, intrigued by Crawford's "benevolent project for civilizing the Indians," wrote to the Secretary of War chronicling her supposed problems in finding a suitable husband. She assured Crawford that though she was labeled "an old maid," this was not her fault since she had "set my cap at every thing in the shape of a man," but had found no matrimonial success. “Tabitha Spinster” recounted how she thought she had found a mate in the local parson, but soon discovered that "he only came to our house to ogle a rich widow over the way." Likewise, a promising match with a young lawyer soon dissolved because he found that her rural village could not provide fashionable Watson suits and other accoutrements of gentlemanly status. She next dated a schoolmaster whom she described as "a smooth, slick, rosy faced young fellow from Connecticut, who was somewhat of a scholar, a prig, and a beau." While she thought their relationship showed great promise, the young scholar was soon "struck down" at a Methodist meeting and "afterwards went a preaching among the back-woods." After detailing her failed romances, "Tabitha Spinster" declared that she was willing to "become an

instrument in this benevolent plan of introducing the Indians to some degree of fellowship with the whites and bringing them into subjection to the rules of civilized life." She held reservations about an Indian husband since "I have no great stomach for cooking dinner and then waiting till my husband is satisfied before I partake of it, or for traversing the wilderness with a Papoose at my back..." Though she declared that she would not be too particular about her new husband, she did declare that she would prefer a chief, "with a good number of scalps for a necklace."³⁶ In his humorous retelling of the story of "Tabitha Spinster," Cooper focused attention on the supposed gendered power that Indian husbands held over their wives; the images of a white woman with a "Papoose at [her] back" or being forced to serve her husband were meant to highlight the popular notion that Indian women were 'drudges' or slaves to their husbands. Behind Cooper's humor lay the implication that a white woman willing to intermarry with a Native man abandoned her "civilized" heritage and the relative status that she supposedly enjoyed in comparison to Native women. For Cooper, the white woman in servile subjection to her Native husband who wore "scalps for a necklace" was a pathetic figure just as worthy of public ridicule as the gold-digging parson or the effete lawyer.

While the vast majority of commentators spoke against Crawford's plan, a small minority expressed amazement at the intensity of hostile reaction to Indian/white marriages. The *Savannah Republican* published a letter from Return J. Megis, the agent to the Cherokee Indians, in which he attempted to refute the stereotypical images that he read in the press. He described the Cherokees' efforts at

³⁶ *Democratic Press*, May 1, 1816; reprinted in *The Georgia Journal*, June 26, 1816.

raising cotton and indigo, and he claimed that more than 500 spinning looms existed in a nation of about 12,000 people. He also described the large increase cultivated lands, and he also pointed to their efforts to domesticate animals such as cattle, sheep, and chickens. In case anyone believe Cooper's description of the "dirty, rag-tailed Indians," Megis detailed their hygiene regimens, describing their daily ritual baths. In fact, Megis claimed that he knew of an Indian woman who turned down a proposal of marriage from a white man because "he did not, as the Cherokees do, bathe himself in the rivers." "It is unfortunate for these people that they should be held in contempt by people who, in no respect, are better than they, and have no advantage of them except in the color of the skin...we have seen savages with white skin."³⁷ Megis' time among the Cherokee had taught him respect and appreciation for the cultural differences of Indians, and he also highlighted the barbaric behavior of whites who often sought to take advantage of Indians in the South.

Other observers in Savannah ridiculed those who defended Crawford's proposals. One writer poked fun at those who believed that interracial relationships would "unite the bodily vigor of one with the mental capacity of the other..." Yet the writer believed this to be ridiculous, since "half breeds possess neither more nerve nor mind than the pure savage." Those who advocated for intermarriage with Indians were really attempting to disguise their inability to control their sexual appetites, since what they really wanted was to adopt the custom of polygamy that many Southern Indian tribes practiced. "What can a man *desire* more than *two* or *three*

³⁷*Savannah Republican*, August 3, 1816

sturdy squaws, with plenty of good land to tend?” Indian wives became even more desirable when one considered that Native women tasked with cultivating the land, tending the cattle, and manufacturing cloth. “With such conveniences,” the writer asked mockingly, “what else can the heart long after?” If white men did follow this course of action, the writer argued that they would become more like the “savage” Indian rather than elevating the Indians to civilization. He would drink from the “bitter cup of despair...until he became insensate, and wild and treacherous and bloodthirsty as his savage companions.”³⁸ According to the Savannah Republican the only white men who would be interested in intermarriage with a Native woman was a “slothful sensualist,” and pointed to the Indian practice of polygamy as the reason that most white men would be repulsed by the idea of marriage to an Indian woman. “the very sight of a squaw suggests...the hypocrisy of satan, the abomination of the hog, and the disgusting and libidinous carriage of a harraidan...it is morally impossible for a white man to entertain the refined sentiments of attachment for a she-Indian.”³⁹ Just as Jefferson had once been accused of indulging too freely in carnal desires with his African slave, the editors of the Savannah Republican imagined that only white men who had lost control over their sexual appetites would dare associate with a “she-Indian.”

Several commentators used Crawford’s report to debate the relative worth of European immigration in comparison to Native American incorporation, especially since the Secretary of War had closed his message to Congress with the suggestion

³⁸ *Savannah Republican*, August 3, 1816

³⁹ *IBID.*

that European immigration should be discouraged. The *Savannah Republican* published a satirical poem written by “a disciple of the honorable Secretary” which declared:

“What are white girls--- Irish—French—
English---Scotch or Dutch--- to me?
Lovely Nootka—dearest Wench!
I can leave them all for thee.
Charming Nootka, on thy Breast
How delicious to recline!
In those arms to be caressed,
Ah! ‘tis ecstasy divine!”⁴⁰

This particular poem published in the *Savannah Republican* centered its criticism of Crawford’s report on the idea that intermarriages would cause Anglo-American men to forsake the company of European women for the sensual delights to be found in non-white “wenches.” Just as Callendar had criticized Jefferson spurning white women and choosing a relationship with Hemings, the writer to the *Savannah Republican* highlighted the fear that Anglo-American men would lose control over their sexual passions and choose carnal lust over more natural connections to Euro-American women.

Several of Crawford’s critics used the debate over the Indian report as a chance to articulate an imagined white identity by suggesting that Anglo-Americans should highlight their cultural similarities with Europeans rather than incorporating Native Americans into U.S. society. The New York *Columbian* expressed outrage that Crawford would suggest that Native Americans should be preferred over European immigrants and suggested that such a suggestion “...puts vice and virtue on

⁴⁰ *Savannah Republican*, July 25, 1816

the same footing and proscribes as ‘fugitives’...the countrymen and kindred of those same Europeans, to whom we are indebted for the arts of civilization, for the better part of our knowledge, for Christianity, and from whom we derive our being.”⁴¹

Similarly, the *Alexandria Herald* argued that it might be “desirable to civilize those primitive peoples,” such a goal should not be pursued at the cost of shunning those Europeans who were already attached to “...the principles of civilization...without any cost to the nation which they desire to be incorporated.”⁴² For some critics, the idea that Anglo-Americans should emphasize their cultural affinity with Europeans proved a more pressing concern than “civilizing” or “incorporating” Native Americans into American society.

While the debate about Crawford’s “Indian report” raged on in the newspapers of the day, the private writings of government officials and missionaries also reveal an attempt to come to terms with Crawford’s encouragement of interracial marriages. Thomas McKenney, a former merchant who in 1816 served as Superintendent of Indian Trade in the War Department, wrote to John Gambold, a Moravian missionary among the Cherokee in North Georgia to inquire about Gambold’s ideas on Crawford’s encouragement of Native-Anglo intermarriages. According to McKenney, “some Men have taken it into their Heads to be offended at it,” though McKenney maintained that he personally responded with pleasure knowing that European migrants fled the “Tyranny of the old World” and found refuge “in this our Asylum of Liberty.” McKenney argued that Crawford felt the

⁴¹ *Columbian*, April 20, 1816.

⁴² *Alexandria Herald*, November 1816.

same way, and that the Secretary of War wished no ill upon European immigrants, but that in making the proposal that the American government should rather encourage intermarriages with Indians and whites rather than “receive with open Arms the fugitives of the old World” Crawford was only fulfilling a “sacred Duty” to promote the interests and happiness of “those, who are within its Limits, and who are wholly dependent upon it for everything in which their Happiness is concerned.” McKenney expressed a belief in the unity of mankind, declaring that Native Americans “are Men, created by the same God, and included in the same atonement.” Yet he was perturbed that some Americans thought that Indians should be “denied the privileges of the civilized State, for being guilty of a Skin not colored like their own.” McKenney maintained that “Heaven makes no Discrimination of this Sort, and I imagine, in the Offers of Mercy, the Pilgrim, whose Complexion is burnt by and Indian or an African sun, will not be excluded from parking on that Account.” McKenney professed a belief in monogenesis and the unity of mankind, and he played down the differences of skin color as resulting from cultural or climate. “I know, it has been said, that the Indians are too dark and fierce, to be affected by generous and noble Sentiments; I will not believe it. Magnanimity can never be lost on a Nation, which has produced an Alknomack, a Logan, a Pocahontas, and I will add a Skenadnon.”⁴³ McKenney’s ideas about racial equality shared much in common with Thomas Cooper’s early abolitionists writings and demonstrated that some early

⁴³ Thomas McKenney to John Gambold, 26 August 1816, in Daniel Crews and Richard Starbuck, editors, *Records of the Moravians Among the Cherokee: The Anna Rosina Years, Part 2: Warfare on the Horizon* volume 4: 1810-1816 (Tahlequah, OK: Cherokee Heritage Press, 2012), 2023-2030.

nineteenth century officials maintained a worldview which stressed the common humanity of all peoples.

In his reply to McKenney's letter, Gambold affirmed the "Indian Savages of our Forests are Men, endowed with the same mental Capacities which we possess" that they could indeed convert to Christianity and learn Anglo-American ways of living. Gambold acknowledged that some "Hate Indians merely for their mode of living" and others disdained Natives "for their dark Colour, or their Language, so unintelligible to us." The vast majority of Americans who professed hatred of the Native peoples, according to Gambold, did so for "no other Reason than desire to possess their Land." Though Gambold expressed despair at these sentiments, he rejoiced that the federal government was motivated by "Principles of Humanity and Benevolence towards these distressed People" and prompted a method of establishing "their future Welfare upon a solid Foundation." Yet Gambold, who had spent many years evangelizing to the Cherokee Indians, expressed concern that the government's civilization program would do little more than "produce External Habits of Civilization." According to the missionary, "The Blanket...has in Great Measure been exchanged for the more convenient Covering of the Coat." In other words, Natives had done little more than adopt the outward appearance of civilization without transforming their cultural traditions. According to Gambold, the "benevolent Government" must look for new means of assimilating Native Americans since "...a complete Adoption into the great American Family of Free Men---has not yet, not can be attained by the Means hitherto employed." Gambold proposed two solutions to more rapidly assimilate Native Americans into the Great

family of Free men--- they should encourage the introduction of Christianity and the “establishing equitable Laws amongst them, as they are incapable of governing themselves.” Gambold then commented on Crawford’s controversial suggestion that the American government should do more to promote civilization of the Indians than the migration of European immigrants. Himself a German immigrant, Gambold recognized that the “Admission of Foreigners into our political Family is an Act of Benevolence, which greatly redounds to the Honor of our mild Government.” However, since “Providence has placed the savage Nations on our Borders” the federal government had a sacred duty “to provide for his Ward not only the Means of Subsistence, but also that Instruction, which is necessary to raise him to useful Manhood.”⁴⁴ The German missionary stopped short of endorsing Crawford’s suggestion that the government should encourage Anglo/Native intermarriages, yet he acknowledged the difficulties and the limited success he had personally experienced when attempting to implement the federal government’s “civilization” program. As a resident of the Spring Place mission in northern Georgia, Gambold must have been familiar with many interracial couples that resided nearby in the Cherokee nation, but he failed to provide any commentary or support regarding Crawford’s proposal.

The publication of William Crawford’s report in 1816 provided Anglo-Americans with an opportunity to publicly debate ideas related to racial identity and social order. In almost all areas of the country newspaper editors created an animated discourse on the subject of racial amalgamation as they deliberated over politics and

⁴⁴John Gambold to Thomas McKenney, 7th January 1817, *Records of the Moravians Among the Cherokees*, volume 5, pg. 2084-2089.

the proper social hierarchy that should govern social relations within the early Republic. Though a few commentators had referred to historical precedents, such as the Pocahontas/John Rolfe marriage, the idea of Native and Anglo cross-cultural marriages remained an abstract proposal for the vast majority of those who wrote on the subject in 1816. However, the public discourse concerning interracial marriages intensified in the 1820s when two New England white women married biracial Cherokee men. These marriages occurred just a few years after publication of Crawford's report, and they provided another occasion for Anglo-Americans to engage in a public discourse in which they articulated the fear that interracial marriages between Anglo and Native Americans led to social instability.

In the summer of 1825 Harriett Gold was hurried out of her parents' Cornwall, Connecticut, home in the dark of night and rushed to a neighbor's home for her safety. A few nights later she watched from an upstairs window as the towns' young people, led by her brother Stephen, burned Harriett in effigy. Writing to a relative a few days later, Harriett described what she had witnessed, "A painting had before been prepared representing a beautiful young Lady and an Indian... The church bell began to toll... Stephen set fire to the barrel of tar, or rather, the funeral pile, the flames rose high and the smoke ascended... My heart truly sung with anguish at the dreadful scene."⁴⁵ In the next few weeks Harriett suffered even more public humiliation, as newspaper editors across New England called for her social ostracism, and the Cornwall minister's wife very publicly refused to let Harriet sit with the

⁴⁵ Theresa Strough Gaul, *To Marry and Indian: The Marriage of Harriett Gold and Elias Boudinot in Letters, 1823-1839* (Chapel Hill, NC: University of North Carolina Press, 2005), 2-10, Harriett's letter describing the scene, 84-85.

young women's choir during worship services. Her brother Stephen, after leading the effigy burning, made public threats against her fiancé's life, which were well-reported in local newspapers. The cause of this uproar was Harriet's announcement that she intended to marry Elias Boudinot. Though he was well-educated and from a prestigious family, Boudinot was also a "half-breed" Cherokee Indian from Georgia, and the interracial nature of this proposed union was the cause of Harriett's public shaming and humiliation.

Harriett's method of announcing the engagement and her subsequent actions indicate that she was well aware that her engagement to Elias would incite a hostile public reaction. In later years a distant relative recounted how Harriett broke the news of her engagement to her brother Stephen, with whom she was particularly close. According to family lore, Harriett wrote a letter to her brother informing him of her decision, then insisted that he read it only after he had been locked inside their parent's parlor. After reading his sister's letter, Stephen "...screamed and called 'Harriett! Harriett!' like a madman." Harriett had locked herself in an upstairs bedroom and refused to emerge until Stephen promised to behave.⁴⁶ Taking such precautions indicate that Harriett Gold understood very well the risks inherent in proposing matrimony with a "half-breed" Indian. Two years before her engagement to Boudinot, Harriett's family had been intimately involved in a national scandal that erupted when Elias Boudinot's cousin, John Ridge, became engaged to another Cornwall woman, Sarah Northrup. Furthermore, the Northrup/Ridge and

⁴⁶Quoted in Gaul, 1.

Boudinot/Gold marriages took place in the 1820s, just a few years after William H. Crawford had created a national furor over the question of interracial marriage.

John Ridge and Elias Boudinot were cousins descended from prominent mixed-race families of the Cherokee Indians. Boudinot's mother, Susanna Resse, was of mixed Cherokee and European ancestry, and both Ridge's mother, Oganotota, and his father, Pathkiller (also known as Major Ridge) were of Scots-Cherokee heritage. Their biracial heritages placed Ridge and Boudinot in an ideal position to navigate the chasm between Cherokee and Anglo-American culture in the early nineteenth century, and their respective families used every connection available to them to ensure an exalted status for their sons. When American missionaries arrived on the Southern frontier hoping to bring "civilization" to American Indians, the cousins found their access to Anglo-American cultural traditions greatly improved. John Ridge attended the Spring Place school established by Moravian missionaries in 1801 in northwest Georgia. An illness caused him to abandon his studies at Spring Place, but once he recovered John's father made arrangements for the young boy to study at the Brainerd Mission school established by the American Board of Commissioners of Foreign Missions, which was closer to the Ridge homestead. Elias Boudinot followed a similar trajectory, also attending both the Spring Place and Brainerd schools. Reportedly the cousins showed an aptitude for subjects such as arithmetic, geography, and drawing, and they also displayed a receptive attitude towards the basic tenets of Christianity.

The Ridge family played a central role in Cherokee government and society in the early nineteenth century. Major Ridge was the descendant of a full-blooded

Cherokee father and “mixed blood” Cherokee mother. During the War of 1812, “Pathkiller” earned the Americanized name “Major Ridge” after he served alongside Andrew Jackson fighting against the Creeks at the Battle of Horseshoe Bend. Within a few years after the close of the war, Major Ridge claimed possession of a three hundred acre plantation (located in present-day Rome, Georgia) that was worked by more than thirty African-American slaves. Having established himself as a successful warrior and an influential land owner, Major Ridge, along with James Vann and Charles Hicks, formed a “Cherokee triumvirate” that encouraged greater negotiation with the American government and selective adoption of the federal “civilization” program.⁴⁷

By early nineteenth century, the American Board of Commissioners for Foreign Missions had missionaries working to convert non-Christian peoples in several far-flung places across the globe, from Africa, to Hawaii, India, and China. In addition to sending missionaries to faraway lands, the ABCFM joined Moravians and Presbyterian congregations in sending missionaries to the American South to “civilize” and convert Native Americans. Though the missionaries had a few successful conversions within Native society, the missionaries were largely frustrated by their lack of wholesale conversion. By 1818 the commissioners had come to believe that a centralized mission school closer to its base of operation in New England would make an ideal place to convert “heathen” men to Euro-American cultural traditions. Several missionaries had reported back to the ABCFM that their

⁴⁷Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation of a People* (Norman, OK: University of Oklahoma Press, 1989);

intended converts seemed unwilling to forego their native customs while remaining in their homelands, so a centralized school located far away from their native cultures would assist the missionary organization in converting non-Christians to Anglo-American cultural norms. The ABCFM envisioned a school that would turn out fully “civilized” graduates who would then serve missionaries to their homelands. The fully converted “Native” missionaries, it was hoped, would serve as shining examples of the ability of Native peoples to assimilate into American culture, and they would presumably have more success in converting their fellow Native peoples.⁴⁸

Both the Gold and the Northrup families had been prominent backers of the Foreign Mission School, and their involvement with the operations of the school paved the way for the intermarriages of their daughters with two of its star pupils. Colonel Benjamin Gold was the son of a prominent Congregationalist minister, and he also served as Cornwall’s representative in the state’s general assembly. With his deep political and religious connections, Colonel Gold was instrumental in making the Foreign Mission School a reality in Cornwall. John Northrup, who also had deep family connection in Cornwall’s religious community, served as steward and looked after the business affairs of the Foreign Mission School. It was the marriage of John Northrup’s daughter Sarah to John Ridge that would be the beginning of the end of the mission school.

⁴⁸John Demos, *The Heathen School: Hope and Betrayal in the Early Republic* (New York: Alfred Knopf, 2014); William McLoughlin, *The Cherokees and Christianity, 1794-1870: Essays on Acculturation and Cultural Persistence* (Athens, GA: University of Georgia Press, 1994); Clara Sue Kidwell, *Choctaws and Missionaries in Mississippi, 1818-1918* (Norman, OK: University of Oklahoma Press, 1995)

John and Sarah most likely formed a close friendship after John became afflicted with an unspecified illness and was treated in the Northrup home. The same illness that had cut his studies short at the Moravian Spring Place school in Georgia again afflicted John by December 1820, and school records show that he had been moved into the home of John Northrup to aid in his convalescence. Ridge lived in the Northrup home for more than two years as he recovered, and it was during this time that he and Sarah formed a close relationship. When they learned of her interest in Ridge, Sarah's parents vehemently rejected the idea of marriage and sent her away to live with her grandparents. When he was well enough to travel John Ridge was sent home to Georgia to fully recover, but he returned to Cornwall in 1824 and resumed his courtship with Sarah. Eventually the Northrup family agreed to the marriage, and the couple followed local tradition by "publishing banns" in the local church which announced their intention to marry. The marriage was formalized in the Northrup home on January 27, 1824. One week after their marriage Colonel Gold, a deacon in the church, "...called upon Ridge and his lady, and conducted them to the meeting house, and seated them with his family."⁴⁹ Gold's gesture was undoubtedly meant as a show of public solidarity with the Northrup family, who were heavily criticized for allowing their daughter to marry a "half-breed" Cherokee. Nearly two years later Gold's daughter Harriett announced her intention to marry Elias Boudinot. The timeline and details of the Boudinot/Gold courtship are less clear than that of Northrup and Ridge. Elias had left the Cornwall school in 1820 and returned to his

⁴⁹Quoted in Demos, 153.

family in Georgia, but he and Harriett continued to correspond via letters (which failed to survive.) Yet Harriett confided in her close friends and family that she had determined to marry Elias as early as 1823, though he did not formally propose until the summer of 1825 and the couple formally wed in March 1826. In each case, both couples remained in Connecticut for a few weeks after their marriages, though the public outrage eventually forced each to relocate to New Echota, the newly settled capital of the Cherokee Nation in Georgia.

Once the marriages were announced, the couples faced a public backlash against their proposed matrimony that was scorching in its intensity. Isaac Bunce, the editor of the Litchfield newspaper *The American Eagle*, responded with outrage at the proposed union of Northrup and Ridge, declaring “This subject of INTERMARRIAGES with the Indians and blacks of the missionary school at Cornwall...[is] not a subject for irony. The affliction, mortification, and disgrace, of the relatives of the young woman, who is only about 16 years old, are too great for that...”⁵⁰ Many who commented on the unions focused on the perceived incompatibility of a white woman with an Indian husband. One sarcastic poem the commemorated the marriages included passages in which an Indian man promises his prospective white bride that after their nuptials the couple would “...build our cabin in the wild,” and she would “...a hunter’s bride shalt be.” Maryland poet Edward Coote Pinkey focused on the mismatched nature of a New England woman marrying a Southern Indian in the poem *The Indian’s Bride*. Pinkey portrayed a white woman “Of gentle mien and shape, she seems/For civil halls designed,” yet through her

⁵⁰*American Eagle*, February 23, 1824.

marriage to an Indian, the white woman would "...with the stately savage walk / As she were of his kind." Pinkey's focus on the misalliance highlights the fact that he considered white womanhood to be the pinnacle of civilization, and Indians (even those of biracial backgrounds) could only be considered inferior in comparison.⁵¹

Several commentators focused on the sexual danger that was implicit when a white woman married an Indian man. To commemorate the Gold/Boudinot union, Silas Hubert McAlpine published a poem, "To the Indians of Cornwall," that was an erotically charged account of a Native American man's attempt to persuade a white woman to marry him. The Indian man entreated his "white girl fair" to "Come where Mobile's sources flow;/With me my Indian blanket share, / And share with me my bark canoe...." McAlpine's fictional Indian declared to his white lover that, "...my arm shall round thee twine..." The idea of intimacy between the lovers also brought to the fore the physical differences between a Native man and white woman, with the white woman preferring the Indian's "olive hue" while the Indian admired her "lily face." The sexual intimacy between a Native man and white woman would create new generation in which "These colors [olive and lily white] mingled in our race." While a previous generation of political leaders had declared that Indian and white blood would intermingle as the young nation expanded, by the 1820s the idea of whites and Indians marrying became a source of ridicule.⁵² The sexualized images of an Indian man's arm around the waist of a white woman and the focus on the mixed-

⁵¹ *Salem Gazette*, July 5, 1825.

⁵² The full text of McAlpin poem can be found in Theodore Gold, *Historical Records of the Cornwall Connecticut* (Hartford, CT: Press of the Case, Lockwood, and Brainard Company, 1877), 31-32.

race children born from these unions served to underscore the transgressive nature of Indian-white intermarriage, especially since the participants in such unions were represented as white women and Indian men. As previous chapters have demonstrated, some Anglo-American men along the frontier (particularly merchants, soldiers, and some missionaries) had long engaged in sexual relationships with Native-American women. The fact that the Northup and Boudinot marriages centered upon New England white women who married Indian men was especially threatening to ideas of racial superiority and social order in the early Republic.

Commentators also deployed images of hypersexualized white women in an effort to explain why some would forsake their families and culture to live with an Indian man. In one missionary publication a writer stated that, “It appears that the *orthodox fair ones*, at Cornwall, have an overweening attachment to the *Indian dandies*, educated at the Mission School. Their love-smitten hearts are probably overcome by the *celestial charms*, which by their *spiritual eyes* discover in those tawny sons of the forest; and in a *divine hallucination*, they calculate on pure, unearthly joys, in the *sanctified objects* of their choice.”⁵³ A white woman’s decision to abandon her family and her attachment to Anglo-American culture was rationalized by her supposed hypersexuality; the promise of “pure, unearthly joys” and “divine hallucinations” conjured images of women ruled by their passions and unable to control their sexual desires.

These poems and other public reactions against the white/Indian intermarriages in Cornwall demonstrated an uncomfortable acknowledgement that Indian men and

⁵³*Gospel Advocate and Impartial Investigator*, December 9, 1825.

white women were not playing the roles assigned to them by the dominant society. A white woman who surrendered to her passion for the embrace of an Indian man acted against the notion of the “passionless” female who guarded morality and embodied feminine virtue and restraint. Likewise, Indian men who seduced these women were not the impotent, effeminate individuals who needed instruction in the ways of Anglo-American masculine responsibility. Isaac Bunce, editor of the *American Eagle*, declared that respectable white men faced unfair competition from Indian men. White women indulged in affairs with Indian students at the school while “young men of the town, poor White boys, were often cast into the shade by their colored and tawny rivals...” Bunce also claimed that a Cornwall resident confided in him “...that the Indians are treated with more attention and respect than the young white men of good standing.” The white men of Cornwall did not take such insinuations lightly. Meeting together as the “Bachelors of Cornwall Valley,” a small group of young men passed a series of resolutions opposing the idea that they were impotent onlookers as their white women were seduced by Indian men, declaring that they “spurned at the intimation that we have been cast into the shade, by our rivals, white or tawny.”⁵⁴ Two well-publicized instances of white women choosing Indian husbands provided a catalyst for cultural commentators to express anxiety about evolving social hierarchy of the new republic. Indian men who embraced “civilization” and Anglo-American gender norms proved threatening to white racial solidarity, especially when white women, governed by their passions, chose Indian over white husbands.

⁵⁴*American Eagle*, September 27, 1824; February 23, 1824.

Even though both Ridge and Boudinot had reportedly sought and been granted the permission of their respective brides' parents, Emily Fox described a parting scene in which Northrup's supposed reluctance to part with her family and venture into the Southern frontier hinted at sexual coercion. "He snatch'd her from the mother's breast / And his tawny arms did her embrace, / Sarah, said he, you are mine you know, / And with me you have got to go." Even though no proof exists that either Sarah Northrup or Harriett Gold had been coerced into these relationships, some writers still attempted to make sense of these women's decisions by implying that the relationships at least partly rested upon coercion.

The public fury against Indian-white intermarriages depended on an essentialized understanding of Native American cultural traditions that belied an unwillingness to acknowledge any success for the profound cultural transformations that had taken place among Native peoples, especially the Cherokee in Georgia. Isaac Bunce of *The American Eagle* proclaimed, "...To have her [Sarah Northrup] marry an Indian and taken into the wilderness among savages, must indeed be a heart rending pang which none can realize except those called to feel it..." Similarly, Edward Pinkey questioned: "Why is that graceful female here/With yon red hunter of the deer?" Emily Fox's poem described the beauty of Northrup, declaring that "She was blest with beauty bright and fair / There were few with her could compare..." yet she discarded her advantages when she fell in love with an "Indian youth." Fox continued by describing the probable effects the marriage would have on Northrup. Though Northrup might be expected to be "crowned a queen" once she arrived amongst the Cherokee, Fox speculated that she would find her home was a small wigwam "And

nothing allowed her for a bed, / But a dirty blanket, it is said.” Northup would also find herself degraded by the labor that would be expected of her. “ ‘Twould sink her pride—‘twould raise her shame, / To follow him and carry game, / And with her John must march along, / Amidst a savage whopping throng.”⁵⁵ Neither Boudinot nor Ridge participated in traditional hunting activities in their youths. Cherokee society, like many other Southern Indian societies, had replaced deer hunting with cattle production and settled agriculture.⁵⁶ Furthermore, when both Harriett and Sarah took up residence among the Cherokee, their lives would have resembled that of any other plantation mistress living in the deep South. Both the Boudinots and the Ridges owned substantial land and used the labor of African-American slaves. Far from living in a “wigwam” with nothing to cover them but “dirty blankets,” each woman had married into relatively wealthy and affluent Cherokee families and could expect to occupy a position of wealth and privilege once they arrived at their new homes in Georgia.

Notably absent from the public discourse in the 1820s was any discussion of intermarriages between white men and Indian women, unions which were more common than Indian men marrying white women. When the Mohawk leader Joseph Brandt’s daughter married a white man named William Kerr, the news reports focused more on the material furnishings of Brandt’s home than on the interracial nature of the marriage. Newspaper reports that did mention details of the couple’s arrangements focused on Miss Brandt’s physical appearance and her natural beauty,

⁵⁵*American Eagle*, February 23, 1824; March 1, 1824.

⁵⁶Theda Perdue, *Cherokee Women*; Kathleen Braund, *Deerskins and Duffles*; James Carson, “Choctaw Cattle Economy,”

noting that she dressed "...partly in the native and partly in the English costume." In marked contrast to the reporting of the Gold/Boudinot and Ridge/Northrup marriages, when commentators did mention white men marrying Native women, they tended to portray the women as capable of integrating themselves into Anglo-American society. White men who married into Native American families did not present the same threat to Anglo-American gender norms and racial hierarchy.

Despite the best of intentions, the work of the missionaries and the Foreign Mission school was severely curtailed by the public scandals that followed the nuptials of the Ridges and Boudinots. Within weeks of the announcement of the Boudinot engagement, the board of trustees for the Foreign Mission school published a report which expressed their "unequivocal disapproval of such connexions." The report also attempted to assuage public fears that the Mission school, after two public uproars over Indian-white intermarriages, that significant steps had been taken to prevent future interracial marriages. The trustees also declared that anyone who had secretly colluded with Boudinot and Gold to enable their courtship had committed actions they considered "highly criminal." Timothy Stone, one of the Trustees targeted by newspaper editor Isaiah Bunce, felt compelled to deny his accusations, writing that the school should be "wholly exempted from blame. Also, the people of this village are to be entirely exonerated. Not a solitary instance is known of a female of Cornwall, who has been seen walking with a foreign scholar 'arm in arm' has it has been reported."⁵⁷ The ABCFM had publicly supported the federal government's

⁵⁷ Quoted in Demos, 179-180.

“Civilization program” and actively worked to incorporate Native Americans into Anglo-American society; yet the scorching public reaction to these marriages caused most people associated with the missionary cause to distance themselves from the idea of Anglo/Native intermarriages.

For their part, many of the Cherokee Indians who witnessed the furor over the intermarriages responded with anger and disbelief at the racism directed towards Native Americans. David Brown, a mixed-race Cherokee Indian who also studied at the Foreign Mission School, asked: “If white men may marry among us without offence, how can it be thought wicked for us to marry among them; especially if some of our white sisters are pleased with such connexions.” John Ridge himself, the husband of Sarah Northrup, lamented the treatment of the Native Americans by Anglo-Americans. He declared that racial prejudice against Natives was “the ruling passion of the age” and that all Indians were “almost considered accursed...frowned upon by the meanest peasant.” Despite their advancements and the considerable strides they had made towards adopting Anglo-American cultural norms, Natives could never hope to integrate themselves into Anglo-American society because whites considered them “the scum of the earth.” Despite how “modest, polite...his conduct..yet he is an Indian, and the most stupid and illiterate white man will disdain and triumph over him.”⁵⁸ As John Demos has recently argued, this newly articulated resentment was a shift for John Ridge. When he had previously spoken of race

⁵⁸ David Brown to Jeremiah Evarts, quoted in Joel Martin, “Crisscrossing Projects of Sovereignty and Conversion: Cherokee Christians and New England Missionaries during the 1820s,” in Joel Martin and Mark Nicholas, editors, *Native Americans, Christianity, and the Reshaping of the American Religious Landscape* (Chapel Hill, NC: University of North Carolina Press, 2010), 77-78; For John Ridge’s reaction, see “The Christian Herald, volume 10, 1823, pg. 48

relations between whites and Native Americans, he highlighted cooperation and opportunities to form common bonds.⁵⁹ Ridge was not the only one abandoning ideas about cooperation and incorporation. Just four years after the Ridge/Gold marriage created such public furor, Congress passed the Indian Removal Act which authorized the federal government to negotiate removal treaties with the Indians of the Southeast. Though the passing of this legislation was a seminal moment in the history of Anglo/Native relations in North America, the groundwork for Indian expulsion from the Southeast had been laid long before 1830. As this chapter has demonstrated, several scandals surrounding the idea of interracial marriage had resulted in a public discourse which denoted an important shift in the attitude of Anglo-Americans towards Native peoples. The discourses examined in this chapter performed important cultural work that prepared Anglo-Americans to think of Native peoples as inferior, and therefore eject them from the body politic.

Examining the public discourses surrounding the Jefferson/Hemings relationship, Crawford's "Indian report," and the marriages of the Cornwall couples reveal how powerful cultural and political forces worked to shape Anglo-American expectations about the new nation's gendered and racial hierarchy. During each scandal, commentators articulated the fear that cross-racial marriages would inevitably result in the debasement of Anglo-American culture. Just as James Callendar had bemoaned the fact that Jefferson abandoned the company of white women, both Sarah Northup and Harriett Gold were publicly shamed for their

⁵⁹ John Demos, *The Heathen School: A Story of Hope and Betrayal in the Early Republic* (New York: Alfred Knopf, 2014), 152.

marriages to “half breed” Cherokees and forsaking more appropriate marriages to white men. Each scandal also highlighted the physical abnormalities of non-white peoples that presented an imagined barrier to cross-racial integration. Sally Hemmings was described as a “dirty greasy yellow wench” who had a “smutty face,” while commentators on Crawford’s report imagined white people marrying “dirty, drabble tailed Indians.” Likewise, the marriages of Harriett Gold and Sarah Northrup were portrayed as unnatural partly because of the “olive hue” of their husbands’ skins. Each scandal also centered the supposed hypersexualization of discrete groups of women whose passions were imagined as a destabilizing force. While Sally Hemmings was labeled a “slut as common as the pavement,” Northrup and Gold were described as women enthralled to “pure, unearthly joys” and who lacked control over their sexual passions.

The discourses regarding hypersexuality and corporeal inferiority had already been applied to people of African descent during the colonial era; what these three separate scandals reveal is an acute fear among Anglo-Americans that any intermarriages between Anglos and Native Americans would lead to the debasement of Anglo-American culture. People of Native descent were racialized in new ways that were meant to confine them to the same cultural category occupied by African-Americans. Thus, Anglo-American marriages with Native peoples were imagined to have the same negative consequences that would result from cross-racial marriages between African and Anglo-Americans. For some white Americans, cross-racial marriages with Native Americans became just as taboo as marriages between African and Anglo peoples.

In the course of expressing a new racialization of Native peoples, Anglo-American commentators also expressed their deep anxieties about the perceived fragility of the social hierarchy of the early republic. By the time William Crawford's report was published in 1816 North American social hierarchies had been under siege for some time. The United States had experienced more than forty years of social and economic chaos that was part cause and consequence of the Revolutionary era. As early as the 1790s New England and Mid-Atlantic states began the shift from a rural agrarian to an urban industrial society and felt the pains of massive economic transformation. As a result, emancipation movements advocating an end to African-American chattel slavery had gained much support in New England and the Mid-Atlantic regions. Meanwhile, Southern states experienced a firm recommitment to slavery and agrarian capitalism as cotton, slaves, and frontier expansion came to define the politics of the antebellum deep South. Northerners and Southerners coped with these profound transformations while simultaneously attempting to spread Anglo-American hegemony across the North American continent. Public scandals that revolved around the potential for interracial sex and cross-racial family formation proved an opportune moment for divergent groups to negotiate their visions for the proper gender and racial order of the early Republic while simultaneously articulating their anxieties about the changing nature of that hierarchy.

The social and economic contexts within which these discourses took place demonstrate that white Northern political commentators who primarily supported the Federalist party were extremely concerned with maintaining racial hierarchy in the

face of the North's declining dependence on slavery. While many New England states (such as Vermont and Massachusetts) had abolished slavery in the 1790s, the mid-Atlantic states adopted a more gradual method of ending slavery. Pennsylvania adopted a gradual emancipation law in 1780 which outlawed importation of future slaves and mandated that all children born to slave mothers would serve as indentured servants until the age of twenty-eight. New York and New Jersey passed a similar bill allowing for gradual emancipation in 1799 and 1804, respectively. By 1816, the region as a whole began to see the fruits of this gradual emancipation. Between 1810 and 1820, the slave population of the mid-Atlantic states fell by nearly half, from 35,663 to 18,656.⁶⁰ Meanwhile, the free black population of this same area grew by about 15%. Crawford's proposal to encourage Native/White intermarriage emerged during the same decade that witnessed an explosion of the free black population of the mid-Atlantic states. Federalists' fears about white-African amalgamation brought about by Crawford's proposal reflected their anxieties about living alongside free blacks in growing numbers. Within this context, white Northerners found any kind of interracial mixing to be a threat to social order.

While the enslaved population of Northern states declined in the early nineteenth century, the demographics of the South shifted to become more reliant upon slave labor. In addition, the early decades of the nineteenth century were a time of unusual mobility and rapid settlement in the deep South. In the three decades between 1790 and 1820, the Anglo population residing west of the Appalachian

⁶⁰ Ira Berlin, *Generations of Captivity: A History of African-American Slaves* (Boston: Harvard University Press, 2003); Philip S. Foner, *History of Black America, from Africa to the Emergence of the Cotton Kingdom*, volume 1, (Westport, CT, Greenwood, 1975), 374.

mountains exploded from less than 200,000 to more than 2,000,000. The population increase became especially intense as the cotton boom created a new market for the valuable lands of the Deep South, where the rich soil proved especially fertile for the production of cotton. However, the South was not an uninhabited wilderness in the early nineteenth century. Native Americans populated the lands stretching from the western Carolinas to the Mississippi River and beyond. If the South were to become the site of a plantation complex, it first had to be depopulated of its Native American inhabitants. Thus, the new racialization of Native Americans expressed in the cultural discourses examined in this chapter provided Anglo-Americans an opportune moment to marginalize Native Americans and proclaim them unfit to occupy their lands.

Chapter 4

‘What is An Indian Family?’: Gendered Power and Racial Identities in the Antebellum Gulf South

As Anglo-American migrants rushed across the Appalachian mountains and spilled over into the Gulf South in the early nineteenth century, they confronted the remnants of earlier cultures which had encouraged cross-racial mixture “There are living on the banks of the Alabama river the offspring of intermarriage between the Indian and the white,” reported an 1823 visitor to Alabama, “who in the dialect of this country are termed ‘half breeds.’” Similarly, one of these white migrants wrote a letter to Georgia governor William Raburn in 1817 in which he expressed surprise that white men voluntarily intermarried with Native women. Such white men were "lax in their Morrels [Morals] & Still Less Decliate in their taste" and would "Kiss a Squaw for the privallage of their Land and Range." He urged speedy intervention by Georgia’s elected officials since "a Motly Race are propigating fast verry fast on the Chatachoochee and its waters."⁶¹ The product of relationships between Euro-American merchants and soldiers and Native women, many of these cross-cultural peoples had established large plantations, practiced commercial agriculture, and owned African slaves. They also exploited their dual Native and European heritages in an effort to accumulate property, wealth, and power. As the homelands of the Five Tribes in the Gulf South came increasingly under the orbit of the American federal government, Anglo-American officials sought to restrict the abilities of these people

⁶¹ *Newburyport Herald*, September 2, 1823; Hugh Montgomery to William Raburn, July 3 1817, Southeastern Native American Documents, 1730-1842, accessed October 5, 2017, <http://neptune3.galib.uga.edu/ssp/cgi-bin/tei-natamer-idx.pl?sessionid=7f000001&type=doc&tei2id=TCC453>.

to be both “Native” and “white.” This chapter argues that Natives, settlers, and Anglo-American officials reacted to the intimate entanglement of an earlier era in ways meant to bolster their own claims to power and authority in a world rapidly transformed by the twin forces of the cotton boom and the demographic revolution it unleashed. In the process, both groups re-thought what had been fundamental connections between gender, status, and economic power and fashioned new identities as they attempted to escape from the entanglement of an earlier era. Anglo-Americans deployed gendered understandings of property and power in an effort to give meaning to racial difference and construct rationales for Anglo-American dominance and Native American dispossession. Historians have richly documented both transformations and the persistence of Native American cultural norms in defiance of the Anglo-American onslaught which sought to impose patriarchal gender norms in service of creating new racial identities.⁶² Yet a focus on change or persistence captures only a portion of the drama which unfolded in the early nineteenth-century Gulf South. Anglo-Americans might insist on patriarchal familial arrangements as a way of creating racial difference, but Native peoples also embraced patriarchy in ways that made sense according to their own cultural logic and often as a way of resisting the new racialization that was aimed at creating a permanent, degraded status for persons of Indian heritage. By paying attention to the entangled histories of gender and power in the Gulf South we can begin to understand both the ways that Anglo-Americans gave meaning to new racial identities and the methods

⁶² Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700-1835* (Lincoln, NE: University of Nebraska Press, 1998); Nancy Shoemaker, editor, *Negotiators of Change: Historical Perspectives on Native American Women* (New York: Routledge, 1995).

that Native Americans deployed to resist the hardening lines of Anglo-American racial ideas.

This chapter begins with an examination of how Chickasaw and Choctaw men blended Native and Anglo-American gender norms in ways that served to underwrite their power and authority. To understand the Native American female prospective, the chapter examines the lives of two women who were products of the intimate entanglement of the Gulf South. Delilah Wall, born in 1795, was the daughter of the Anglo-Frenchmen Charles Juzan and his Choctaw wife Peggy Trahern. Rhoda Gunn, born in 1818, was the daughter of an Anglo-American man named James Gunn and his Chickasaw wife Molly Colbert. Rhoda's connections to the Colbert family were twofold; her mother was the granddaughter of James Logan Colbert through his son William. In addition, Rhoda married Samuel Colbert in 1833, who was the grandson of James Logan Colbert through his son and namesake James Colbert (this is the same Colbert and Juzan families discussed more extensively in the introduction to this dissertation.) The experiences of Delilah Wall, Rhoda Gunn, and their respective husbands demonstrates how Anglo-Indian persons blended gendered customs in ways that expanded their grasps on power in the antebellum Gulf South.

“What is an Indian Family?”: Patriarchy and Native American Men

Subsequent to the passage of the Indian Removal Act in 1830, the Chickasaw and Choctaw Indians of Mississippi and Alabama negotiated separate removal treaties with the federal government. The Treaty of Dancing Rabbit Creek (1830) required the Choctaws to give up their land and seek “suitable” land west of the Mississippi River, while the Treaty of Pontotoc (1830) and later amended with the Treaty of

Washington (1834) placed the same requirement on the Chickasaw Indians. The Washington treaty provided that “heads of families, being Indian, or having Indian families...” would be entitled to a reservation based on the number of persons in the family. Families that consisted of ten or more persons would receive the most land, with a bonus paid for any families owning African-American slaves. The fourteenth clause of the Treaty of Dancing Rabbit Creek (1830) stated that “Each Choctaw head of a family, being desirous to remain, and become a citizen of the States, shall be permitted to do so....” Each head-of-family would receive a 640 acre land grant, with extra land provided based on the number of persons living in the household. The Choctaw treaty did not provide bounties for slave ownership, though it did specify that Indian families would be given title to the land so long as they occupied it for a minimum of five years. In both treaties the Choctaws and Chickasaws agreed to live under “..the laws of the whites...” if they decided to remain in the Southeast.⁶³ The unwritten assumption that underscored each of these treaties was that any Native peoples who desired to remain in Alabama or Mississippi could do so only if they adopted Anglo-American gender norms and practiced commercial agriculture and assimilated into American society by obeying the laws and cultures of the states in which they resided. Though the treaties failed to specify exactly what was meant by “heads of families,” the Anglo-American officials who negotiated the treaties clearly meant for Native peoples to conform to patriarchal family formations if they choose to remain in Alabama and Mississippi.

⁶³James Atkinson, *Splendid Land, Splendid People: The Chickasaw Indians to Removal* (Tuscaloosa, AL: University of Alabama Press, 2004), 228-230; Arthur De Rosier, *The Removal of the Choctaw Indians* (Knoxville, TN: University of Tennessee Press, 1970), 116-29.

In the decade that followed the signing of these removal treaties, the U.S. federal government and the Choctaw and Chickasaw Indians engaged in a series of disputes regarding what had been agreed to at Dancing Rabbit Creek and Pontotoc. Both treaties required removal only if “suitable” land were found in the Oklahoma territory, and each treaty provided a method for incorporating reluctant migrants into Anglo-American society should they choose to remain behind. The promise of citizenship and land ownership for Indian heads of households was meant to ensure the end of traditional tribal governments and force Native Americans remaining in the South to accept Anglo-American patriarchy and patterns of land ownership. However, Anglo-Americans accused Indians of obstructing the original purpose of the treaty by not ceding their lands quickly enough, while the Indians accused Americans of attempting to cheat them of the promised land and citizenship that had been granted through the treaties.

In 1835 a group of Chickasaw leaders petitioned Andrew Jackson to clarify the purpose of granting land to Indian families. Not only did the male leaders of the Chickasaw believe that Anglo-Americans were abandoning their promises of homesteads for Indians, but they also accused the federal agents of not granting enough land to those Chickasaw who claimed homesteads under the provisions of the Pontotoc treaty. The Chickasaw chiefs’ petition to Jackson was remarkable because it captured male Chickasaws’ understandings of the gendered politics within their tribe and clearly attempted to strengthen the power and influence they claimed over their families and “dependents.” Central to their complaints was the very definition of “family” used to determine the size of land grants provided to the heads of Indians

families. The Chickasaw men advised Jackson, “That the question, ‘What is an Indian family?’ naturally precedes the question ‘Who is the head of such family.’” The chiefs argued that the definition of family and heads of family should be determined not by American law but by “the customs and manners of life of the Chickasaw.”⁶⁴ Such an understanding of “Indian families” would acknowledge the men as heads of these families and would increase the amount of land they could claim under the terms of the removal treaty.

Of particular concern for the Chickasaw Indians was the tradition of polygamy that was a long recognized custom for Gulf South Indians. A Chickasaw man who married multiple women and had children with each wife formed a family unit that contradicted the Anglo-American understanding of monogamous marriage and the nuclear, patriarchal family. In essence, the major failure of the treaty, according to these Indian men, was that it failed to account for the fact that Chickasaw men could be the head of multiple families. They protested that nothing in the treaties “...warranted the conclusion that the several wives of an Indian and their respective children are to be considered...as one family.”⁶⁵ The Chickasaw argued that the answer to the question “What is an Indian family” was not to be found in the text of the treaty, but in the customs and laws of the Chickasaw which mandated that “the several wives of an Indian, and their respective children, do not constitute one family, in the proper sense of the word.” In arguing that their

⁶⁴Ishtehotopa et al. to Andrew Jackson, December 24, 1835, National Archives Microfilm, M234, Roll 236.

⁶⁵IBID.

definition of family organization should prevail over that of Anglo-American men, these Chickasaw men created a new synthesis of gender and power that sought to bolster their own claims to wealth and power.

The Chickasaw leaders highlighted the weak matrimonial connection between Indian men and women when compared with the more binding martial contract between Anglo-Americans. “The matrimonial connection,” argued the chiefs “is slight, it is contracted without formality, and dissolved at the pleasure of either party.” The chiefs explained their matrilineal traditions as resulting from the “weak” bond between husband and wife and the fact that Chickasaw men practiced polygamy. The Chickasaw chiefs argued that Indian fathers were “...not considered to be under any obligation to support his children, the care and nurture of them is exclusively the duty of the mother...” Wives and children also did not inherit property from their husbands/fathers and on a man’s death “...his oldest collateral relations [inherit]; and it frequently happens, that by them the wife and children are stripped of all his property.” However, the chiefs also explained that Chickasaw women were allowed to have separate estates from their husbands and that she retained “full liberty to dispose of it in any manner she may please.” In the case of an Indian man who had multiple wives, the custom was for each wife to maintain a separate establishment. In this arrangement of multiple families connected by a single husband, “The home of each is regarded as her own, and is generally so known and distinguished by the community.”⁶⁶ For these Chickasaw men, non-binding relationships between

⁶⁶IBID.

husbands and wives and multiple familial households connected only by the father/husband was a cultural norm that they asked Anglo-Americans to respect when making land grants provided by the removal treaties.

The main concern of these Chickasaw men was that the land allotments granted under the removal treaties were too small to allow for the maintenance of their large families. While the land grants might appear generous to an Anglo-American who maintained one wife and their children, the same could not be said about the large families of Chickasaw men. The chiefs argued that the largest family size mentioned in the treaty (ten) was not very realistic when accounting for a husband and his multiple wives. They provided a concrete example of the well-known Chickasaw “mixed blood” Levi Colbert, the son of James Logan Colbert who had become an important mediator between the Chickasaws and the federal government in the early nineteenth century. Under the treaty of 1834, Levi gained four sections of land, one of the largest allotments granted to any Chickasaw under the treaty. Yet the men who signed this petition, which included Levi’s brother and one of his sons, indicated that this would not be enough land to support Levi’s extensive family, since according to these men he had, “...upwards of twenty children, the offspring of his several wives.”⁶⁷ The land provided for Colbert might be sufficient for a family of ten, yet the same land grant seemed inadequate for a family with more than twenty children.

⁶⁷ IBID.

The chiefs presented evidence meant to bolster their own power and authority within Chickasaw culture, and they clearly attempted to modify Anglo-American notions of patriarchy to suit their own ends. They declared that problems may arise, "...in deciding whether the reservation are to rest in the wives as heads of their respective families, or whether the husband shall take distinct reservations in right of his several wives." The men reasoned that since the treaty required that one reservation would go to a Chickasaw man in support of his family they could "...perceive no reason, why several reservations may not be vested in him with the expectation that he will dispose of them for the support of the several families." Realizing that some Anglo-American officials might object to granting so much land to Indian men when the matrimonial and familial connections were so weak, the Chickasaws attempted to head off any objections by arguing that while "It is true, such husband may dispose his connection with one of his wives, and thereby cut off her and her children from any provisions...it is equally true and just as likely to happen, that an Indian husband may dissolve his connection with an only wife, and the same consequence would follow." In other words, if federal officials trusted Indian men to care for one family, they should also respect Indian men's ability to provide for multiple families with their many different wives. In case Anglo-American officials feared that Indian men would shirk their duties to their families, the Chickasaw chiefs also asserted that each man represented not his own individual interest but spoke as the representative "...of the several families of which he is the head."⁶⁸ While they had recognized that matrilineal customs had allowed

⁶⁸IBID.

polygamous marriages and granted wives “separate estates,” the men also presented themselves as patriarchs who spoke on behalf of their multiple families and represented the best interests of their many dependents. They claimed economic power and authority over their families that traditionally did not exist for Chickasaw husbands and fathers. These men who petitioned Andrew Jackson to acknowledge their traditional cultural practices surrounding marriage also sought to increase their own power by adapting Anglo-American notions of patriarchy to suit their own goals.

In asking that the federal government recognize their right to form polygamous unions and establish multiple households, these Chickasaw men also sought to strengthen their economic power by deploying complex domestic arrangements. For example, Levi Colbert’s four wives lived in their own separate establishments and specialized in different economic activities. His first two wives (one of whom was named Seletia) occupied a residence on the Tombigee River and assisted in the operation of lucrative ferry. His third wife lived on a plantation known as “French Farm,” a large livestock plantation. His fourth wife, Mini-Hoyo, operated a boarding house and lodge at Buzzard Roost Creek situated on the Natchez Trace, an important trade route that connected Mississippi with Memphis and Nashville. These three households operated independently of one another, yet Levi Colbert was the crucial link between these separate establishments. His ability to create multiple permeable households allowed Levi Colbert to accumulate wealth and prestige within the Chickasaw community and his ability to deploy familial contacts allowed for the

creation of varied economic enterprises.⁶⁹ With each wife deploying her talents at varied commercial ventures, Levi Colbert was free to participate in the politics of the removal era and present himself as a genteel patriarch.

The petition of these Chickasaw men should be placed within the context of the centralized governments that emerged among the 5 Civilized Tribes in the early nineteenth century. The Choctaw, Creeks, and Cherokees tribes all formed new governments in the 1820s which centralized power in the hands of elite leaders and were mostly dominated by male “mixed blood” Indians. The Choctaw, Creek, and Cherokee peoples had all established centralized governments during the 1820s that had each passed laws creating new understandings of gender, race, and power in the era of removal. Though the Chickasaw did not form a national government until much later, the petition of these Chickasaw men reveals the centralizing tendency existed among the Chickasaw as well, and like their Choctaw and Cherokee brethren, these Chickasaw men sought to create a new gender synthesis by laying claim to the status of patriarchs while at the same time maintaining their Native customs which empowered them.

The ability of Chickasaw men like Levi Colbert to exercise the powers of a patriarch was anything but assured. Traditionally the separate households and the property associated with the distinct families would have been invested in the wife’s authority. Property and wealth generally transmitted between generations through the

⁶⁹Interview of Elizabeth Kemp Mead, Indian Pioneer Collection, Western History Collection, University of Oklahoma., <http://digital.libraries.ou.edu/cdm/ref/collection/indianpp/id/7836> accessed October 3, 2017; George Leftwich, “Cotton Gin Port and Gaines’ Trace,” in *Publications of the Mississippi Historical Quarterly* volume 7 (1903), 269-271; Dennis J. Mitchell, *A New History of Mississippi* (Oxford, MS: University of Mississippi Press, 2014), 100-101.

mother's lineage, and fathers would have exercised little, if any, control over either the property or their children. The Chickasaw men who petitioned Jackson in 1835 sought to combine both matrilineal and patriarchal concepts in a way that would ultimately bring greater power and authority to Native men. They asked the federal government to recognize Chickasaw men as heads of multiple Indian families and endow them with the resources necessary to maintain separate establishments and the large amounts of children that resulted. Yet these men were just one of a cacophony of voices claiming to interpret the meanings and impact that cross-racial familial arrangements had upon the gendered politics of the early nineteenth-century South. Anglo-American men acted to curtail the ability of bicultural individuals to gain power or economic status from their dual backgrounds, and they also construed the legacy of intimate entanglement in ways that allowed for the dispossession and relocation of Native Americans living in the Gulf South. In contrast, Native American women offered interpretations that allowed them to simultaneously maintain some economic independence from both Native and Anglo-American men while at the same time combatting the increasing racialization of Native peoples in the nineteenth century.

Delilah Wall, Native Women, and the Status of Feme Covert

In October 1837 Delilah Wall, the wife of a man named David W. Wall, signed a contract agreeing to pay a debt of \$133.75 to a white man named Williamson. Delilah was the daughter of Charles Juzan and his wife Peggy, herself the mixed-race descendant of a white man and Choctaw woman. Delilah described her husband David as "one-fourth Indian," indicating that she was not only descended

from a mixed-race family but had married into one as well. Prior to her marriage to Wall, Delilah had been married to a "mixed race" Choctaw man named Jesse Brashears. Upon Jesse's death in 1827 she remarried and established a new household with David Wall in the southeastern boundary of the Choctaw nation in the area that is modern-day Sumter county, Alabama. The couple's relationship lasted from 1828 until 1840, when David fled west to the Oklahoma territory to escape prosecution for murdering a man whose identity has been lost in the historical record. Delilah claimed that she didn't know her husband's whereabouts, though she did occasionally receive letters from him threatening to return to Alabama and remove their child from her custody. When she defaulted on the debt owed to Williamson, he brought a civil case against Delilah in the Sumter county circuit court in 1840. Though perhaps he did not know this when he filed his suit, Williamson's case against Delilah required members of the Sumter county community to confront the legacy of cross-racial intimate entanglement and adjudicate the compatibility of Native American gender norms with Anglo-American concepts of citizenship and power. Because the case against Delilah eventually reached the Alabama Supreme Court, the decisions rendered set important precedent and assisted with the effort to codify white male superiority in the antebellum era.⁷⁰

The Alabama Supreme Court also mediated two other civil cases in the 1840s involving Delilah Wall. In addition to the Williamson suit, a white man named Williams similarly sued Delilah for failing to pay a debt. The first names of these

⁷⁰ *Wall vs. Williamson*, Supreme Court of Alabama, 8 Ala. 48, 1845 (hereafter cited as Wall I) and *Wall vs. Williams*, Supreme Court of Alabama, 11 Ala. 826, 1847 (hereafter cited as Wall II).

men have not survived in the court records, and it is not possible to conclude from the available records whether a connection existed between the two plaintiffs. Though the contract with Williamson had been signed before David Wall's "desertion" of Delilah and the contract in the Williams case was signed after the "desertion," both men argued that Choctaw traditions and customs denied husbands power over their wife's property. Eventually the Alabama Supreme court agreed that this "peculiarity" meant that Choctaw women maintained the right to contract, even after marriage, and therefore Delilah was liable for the debts that she had made with her creditors. A third case involving Delilah's step-son from her previous marriage to Jesse Brashear reached the court in 1846; one of Delilah's creditors had seized African-American slaves to settle an outstanding debt. The step-son (named only "Brashear" in the case records) argued that he took possession of the slaves soon after coming of age and "continued to exercise acts of ownership" over the said slaves. The younger Brashear also argued that Delilah's creditors offered no evidence that Choctaw widows "became entitled to a share" of a deceased husband's property.⁷¹ Delilah and her son deployed opposing legal strategies when attempting to protect their property; Delilah claimed the status of *femme covert* and embraced Anglo-American patriarchal norms while her son argued that Choctaw gender norms did not recognize a widow's right to inherit property upon the death of her husband.

David and Delilah Wall and their children created uncertain gendered and racial identities in the new United States. As the offspring of a native woman and a

⁷¹ *Brashear vs. Williams*, Supreme Court of Alabama, 10 Ala. 630, 1846.

French man, Delilah occupied an ambiguous position in the antebellum South. Neither white nor red, her citizenship status and her legal rights were disputed by all those involved, and she presented a quandary to the Alabama jurists who heard her case. Whose social and cultural conventions would prevail in this case? Delila could claim, by birth and by residence, to be governed by two distinct gendered traditions, one Choctaw and the other European-American. Her ability to transcend and amalgamate multiple cultures held the possibility to destabilize white patriarchy which underwrote Anglo-American gender norms. Perhaps more menacing to the white men who sat in judgment of her case, Delila's ambiguous place on the South's social hierarchy held the possibility to disrupt and confound Anglo-American racial hegemony at the very moment that white slave owners were revolutionizing the demographics of the Gulf South. A "half-blood" Indian woman who used white gender norms to subvert responsibility to her white male creditor potentially undermined the entire foundation of male patriarchal authority over all their dependents.

Complicating Anglo-American understandings of the case was the fact that Delilah as the head of a multi-racial, multi-generational family. In the 1840 federal census Delilah was listed as the head of a household of 39 people, including two white males above the age of 20 and a "free colored male" above the age of 36. The census was vague regarding the exact racial identity of "free colored male" and "free colored female" (were these people Choctaw? African? Some combination of the two? The records are mostly silent.) However, the census does record the presence of 21 slaves (a total of 11 male slaves and 10 female slaves.) In addition, Delilah

identified a total of 15 people of her household as engaged in agricultural labor but the record is silent about the gender/race/age of those agricultural laborers. David Wall was presumably omitted from the 1840 census since Delilah later told the Sumter circuit court that he had “abandoned” her in that year. Similarly, the federal Armstrong roll of 1831 recorded Delilah as the head of a household that included several young children (presumably the mixed-race children she had with Jesse Brashears and David Wall) as well as the presence of sixteen African slaves.⁷² An Anglo-Choctaw woman with several mixed-race children who was also the mistress of a substantial number of African slaves did not fit neatly into the plantation complex that was evolving in Sumter county in the 1830s.

Delilah insisted to the white men of the jury that Williams’ suit was without basis, as she was still married to David Wall and as such she was “entitled to all the rights, and subject to all the incapacities of a married woman.” According to coverture laws that governed the actions of white women, a married woman (legally a *feme covert*—literally “covered woman”) had no separate legal identity from that of the husband. Married women could not own separate property or make valid contracts. A single woman (*feme sole*) maintained those rights so long as she was unmarried or widowed. Delilah supported her claim to the status associated with white womanhood by arguing that both she and David were entitled to American citizenship under the fourteenth clause of the Treaty of Dancing Rabbit Creek. The fourteenth clause of the treaty granted land to “Each head of a family” who wished to

⁷² 1840 Federal Census, Sumter County, Alabama, pg. 127. The Armstrong Roll was meant to record the names of those Choctaws who wished to remain in Alabama under the terms of the 14th clause of the Treaty of Dancing Rabbit Creek. See Larry S. Watson, *The 1830 Choctaw Roll: Armstrong Roll* (Laguna Hills, CA: Histree, 1988).

remain in Mississippi or Alabama. Furthermore, the treaty promised American citizenship if the “head of a family” occupied the land for at least five years. Anglo-Americans assumed this agreement would force Native families to adopt patriarchal family arrangements centered around private property and agricultural production. Delilah and David Wall numbered among a small group of Choctaws who chose to remain in their ancestral homeland while also laying claim to American citizenship under the provisions of the Treaty of Dancing Rabbit Creek. Just as the Chickasaw men had sought to define “head of family” in ways that underscored their power and status, Delilah Wall also sought to provide a definition that would grant her the maximum amount of maneuverability in the Gulf South’s changing social and cultural environment.

The white claimants in these cases exoticized the marriage customs of the Choctaws in response Delilah’s claim to American citizenship and the status associated with white womanhood, and their arguments before Alabama jurists created a portrait of an “uncivilized” and “savage” people. According to these Anglo men the Choctaws “had no marriage ceremony” and men and women simply “lived together” and were considered husband and wife. According to one witness, “They married and unmarried at pleasure—a man frequently having several wives.”⁷³ David Wall was repeatedly referred to as having “deserted” his wife and thereby severed the marriage relation. In debating the legality of polygamous marriages among non-Christian peoples, Justice Golthwaithe declared “A parallel case, to a

⁷³Wall II.

Turkish, or other marriage in an infidel country will probably be found among all our savage tribes...⁷⁴ Furthermore, according to Justice Collier, "Marriages among the Indian tribes must be regarded as taking place in a state of nature..." due to the absence of civil and religious institutions. In reviewing the case of Brashear's claim to African American slaves, Justice Ormond maintained that the "necessary presumption must be, that in a savage tribe, laws do not exist, regulating the descent of property." The courts also refused to recognize the dynamic nature of Gulf South Native American society. In responding to a claim that an 1832 Alabama law extended protection only to "full blood" Indians, Justice C.J. Collier concluded that "in common parlance the word Indians" included not only full-blood Indians but also persons who "have become thus mixed, yet retain their distinctive character as members of the tribe from which they trace their descent."⁷⁵ In support of this conclusion, Collier argued that "the ignorance of the half breed is in general quite equal to that of the Indian whose blood is unadulterated." In both cases in which Delilah was sued by her white creditors, the Alabama Supreme Court ruled that Delilah's marriage was governed by Choctaw, not Anglo-American, cultural norms. Since Choctaw women maintained rights to property after marriage, the court reasoned that she was not entitled to the status of feme covert. Furthermore, Justice Collier maintained that since an Indian husband could "abandon" his wife "at his pleasure," such abandonment must be taken as proof as a divorce and have the same effect as a "lawful decree in a civilized community dissolving marriage." Whether

⁷⁴Wall I.

⁷⁵Wall II.

married to her lawful Choctaw husband or a divorcee by Choctaw customs, the court declared that Delilah Wall was not entitled to the civil status associated with white womanhood. Both witnesses and jurists in these cases created an essentialized identity for Delilah Wall that placed her outside the bounds of Anglo-American "civilization." For these men her racialized identity as a Choctaw overrode her claims to the "civilized" status of white womanhood. The justices refused to entertain the notion that Choctaw gender norms were dynamic and changing in response to the vast economic dislocations of the early nineteenth century. The language used in these cases fixed women like Delilah Wall into an essentialized racial identity that permanently disempowered them.

To accomplish this essentialization, Alabama jurists had to overlook evidence that Choctaws had made efforts in the 1820s to create a centralized political system and enforce a unified code of laws. In an effort to resist Anglo-American encroachment upon their homeland, a group of Choctaw leaders wrote a constitution and a legal code in 1826 that vested legislative and executive power in a group of elected leaders. The assembly and the legal code it produced was an expression of power among a new, mostly "mixed blood" cabal of Choctaw men. Delilah Wall's then husband, Jesse Brashears, and her brother-in-law Vaughn Brashears, were both signatories to the code adopted in 1826. The laws governing marriage and family life vastly departed with previous Choctaw tradition of matrilineal kinship and clan-based inheritance. Rather than allowing goods and wealth to pass down through the wife/mother's clan, the new laws mandated that the wife and children of a man dying without a will would "inherit all his livestock and estate." The deceased

father/husband's property would be divided into thirds, allowing for his wife and children to share in the property. This arrangement closely mirrored white women's dower rights in Anglo-American culture. Furthermore, Indian men were required to make provision for their families, as "every individual's will must provide for his wife and children." The law also provided protection for Choctaw women who married white men. The law gave these women an interest in the property of the couple, declaring that "the woman has a right to their property; they [the couple] cannot sell it frivolously if they are not in agreement." The substance of these laws could have been construed to uphold the Alabama Supreme Court's view that Indian women maintained property and the right to contract. Though the laws only specifically mentioned interracial marriages between Choctaw women and white men and failed to make provision for endogamous marriage among the Choctaw, the laws provided evidence that Choctaw male legislators intended for some married women to retain property rights. However, the Alabama court chose an easier, and perhaps more consequential path, when they essentialized Choctaw women as "savage" and "uncivilized" who lived in a "state of nature." This allowed the court to ignore the large amount of acculturation that some Choctaws had undergone in the early nineteenth century and declare all Choctaws as living outside the law.⁷⁶

The courts also rejected Delilah's claim that the Treaty of Dancing Rabbit Creek had granted her citizenship. Justice Collier rhetorically asked "Do our laws allow Indians to participate equally with us in our civil and political privileges? Do

⁷⁶Marcia Haag and Henry Willis, *A Gathering of Statesmen: Records of the Choctaw Council Meetings, 1826-1828* (Norman, OK: University of Oklahoma Press, 2013), 83-99.

they vote at our elections, or are they represented in our legislature, or have they any concern as jurors or magistrates, in the administration of justice? Are they subject to our laws of marriage and divorce, and would we sustain a criminal prosecution for bigamy, if they should change their wives and husbands at pleasure, and according to their customs, and contract new matrimonial alliances? I apprehend that every one of these questions must be answered in the negative...⁷⁷ Even though the Treaty explicitly stated that citizenship would be granted to Choctaw “heads of families” after fulfilling a five year residency requirement, Justice Collier mused that the federal agents really should have used the words “inhabitant” or “resident” rather than “citizen of the States.” Collier based his argument upon the fact that the 14th clause of the Treaty also mandated that Choctaws who chose to remain in Alabama “shall not lose the privileges of a Choctaw citizen.” This clause of the treaty was meant to provide flexibility to those Choctaws who initially remained behind but later decided to migrate to the Indian Territory with the vast majority of their tribe. Yet for Collier and the other Anglo-American men involved in this case, the bicultural identity of women like Delilah and their ability to claim dual Choctaw and U.S. citizenship could not be tolerated. White patriarchal identity required a polarized racial order and could not tolerate the biculturalism that had been a central feature of life in the Gulf South since the eighteenth century.

In other financial transactions, Delilah Wall demonstrated a protean understanding of patriarchy and female submissiveness. When Delilah found herself

⁷⁷Wall II.

in a Southern courtroom answering for her failure to pay a prior debt, she insisted that she could not be held accountable under traditional understandings of feme covert; however, when transferring property to her daughter, Delilah challenged these same gendered customs. In 1837 both David and Delila divested themselves of property, including selling several parcels of land totaling more than \$4,000 to a white man named John Foster. The Walls probably sold their property in an effort to prepare themselves to move West, where eventually they ended up (though not as a married couple.) In the same month that she became indebted to Williamson for the debt of \$133.75, Delilah also transferred a large amount of property to her daughter Sebelle. Among the items transferred to her daughter were 160 acres of land, two horses, five cows, two African-American male slaves named Nichorimus and Silas and a female slave named Joana. As a condition of the transfer, Delila declared that the property transferred to her daughter "...shall not be liable for any debt or debts contracted by any husband the said Sebelle Wall may hereafter have, nor subject to be sold by any such husband, but shall belong exclusively to the said Sebelle Wall..."⁷⁸ Five years before she claimed that Williamson could not sue her because she was a feme covert and in the very same month that she came under debt to Williamson, Delilah insisted that her daughter's property could not be subject to the same regulations. The transfer took place in a chaotic time for the remaining Choctaws in Mississippi; those who insisted on claiming their rights under the Treaty of Dancing Rabbit Creek faced enormous pressure to sell their belongings and move Westward. Perhaps Delila

⁷⁸Delila Wall to Sebelle Wall, Sumter County Probate Court, Deed Book B, page 587.

simply included this language to protect her daughter's property from a potentially lecherous future husband who might seek to take advantage of her daughter's wealth. Whatever her motivations, Delila displayed a calculating understanding of Anglo-American patriarchal society. Whether she claimed to be a submissive wife in need of protection or whether she attempted to empower her daughter to reject that very same submission, Delila's goal always remained the same—to protect the economic well-being of herself and her family.

David Wall proved just as skillful as his wife at blending Choctaw and Anglo gender norms in ways that served to bolster his own claim to status and wealth. David was descended from the Folsom family through his mother's kin, a wealthy mixed raced family who had much in common with the Juzans and the Colberts. In addition, David's maternal kin included the Pitchlynn family, and his cousin Peter Pitchlynn played an important role negotiating the removal politics between Choctaws and Anglos in the 1830s. Born in 1811, David came of age during a time of great turmoil and flux among the Choctaws in Alabama and Mississippi. During his youth he lived with his Pitchlynn kinsmen while he attended a nearby missionary school (a school that was established with an endowment given by Charles Juzan, Delilah's father and David's future father-in-law.). David was also among an elite group of young Choctaw boys sent to study at the "Choctaw Academy," a federally funded school established on the plantation of Richard Mentor Johnson in Kentucky. Johnson, a congressman and future Vice President of the United States, adopted the Jeffersonian mentality that Native peoples could be incorporated into the civic life of the young republic if taught the culture and values of Anglo-Americans. At the

Choctaw Academy David would have been exposed to the Protestant values of industry, sobriety, and moderation. In addition, the textbooks used at the Academy portrayed the United States as a benevolent republic determined to incorporate “savage” and “bloodthirsty” Indians into more civilized Anglo society.⁷⁹ Though it would be difficult to determine how much the young David Wall internalized these values, after his graduation he did return to the Choctaw Academy as an instructor, and before his marriage to Delilah he taught for a brief period of time at one of the missionary schools back in Alabama.

David’s actions and the relationships he formed both during his time at Choctaw Academy and in his later life portray a man who blended Anglo-Choctaw customs in ways that allowed him to claim maximum control over property, resources, and dependents. While he was a student at Choctaw academy, David incurred the wrath of Richard Johnson when he participated in a “riot” and attempted to have sex with one of Johnson’s female slaves/house servants who also happened to be Johnson’s daughter by his “mulatto” mistress Julia Chinn⁸⁰ After possibly engaging in drunken revelry with his fellow students, David and Peter King attempted to break into the big house “after the girls,” though their advances were fought off by Julia and her daughters. Richard Johnson raged about the actions of David and Peter after the schoolmaster informed him of the boys’ exploits. Johnson informed the

⁷⁹ Christina Synder, *Great Crossings: Indians, Settlers, and Slaves in the Age of Jackson* (Oxford: Oxford University Press, 2017), 86-88.

⁸⁰ Julia played the role of plantation mistress at Great Crossings, and Johnson was apparently devoted to Julia and their daughters. Though he was often described as an “eligible bachelor” Johnson never took a wife. Johnson’s relationship with his slave, and his biracial household, are more fully explored in Christina Synder, *Great Crossings*.

schoolmaster that "...the conduct of David Wall and Peter King has more than astonished me. It would disgrace the most abandoned characters. It shows such an absence of fear on their part, such a disregard of your advice or authority as well as do dishonorable to themselves, that I presume you have made an example of them by severe chastisement..." When informed that the school master had chosen to only lightly reprimand the boys, Johnson again raged, proclaiming that "When Dave Wall and Peter King attempted to force into my house after the girls they ought to have been dismissed in disgrace or their backs tanned by hicory [sic] or cow hide."⁸¹ Johnson's rage against the exploits of David Wall and Peter King probably had more to do with the fact that the targets of the boys' sexual attentions were Johnson's daughters than with any sense of outrage concerning interracial sex.

David was not the only Anglo-Choctaw young man who engaged in cross-racial relationships with African women at the Choctaw Academy. Delilah's brother (and David's future brother-in-law), Pierre Juzan, engaged in an extended relationship with one of Johnson's female slaves named Dicey, and circumstantial evidence suggests that the relationship resulted in the birth of a child. In December 1827 Pierre wrote a letter to Richard Johnson confessing his relationship with Dicey. Though Johnson was furious about the relationship, he drafted a letter offering Pierre his forgiveness. By 1829, Dicey gave birth to a girl she named Malvina Juzan (or sometimes written Jusan.) Though no documentary evidence confirms that Pierre was the father of Dicey's child, both the timing of the birth and the last name that

⁸¹ Quoted Ronald Lawrence Pitcock, "Uncommon Schooling at the Choctaw Academy, 1825-1848," PhD dissertation, University of Kentucky, 2001, p. 189-190.

Dacey gave her daughter suggests the paternity of Pierre.⁸² By exploiting their sexual access to young enslaved women, David Wall and Pierre Juzan, had much in common with the emerging plantation elite in the Gulf South, where sex between masters and slaves was largely tolerated as long as it was concealed from public view.

While David's relationships with African women were patterned after the privileges enjoyed by elite white plantation masters, in his other relationships David demonstrated an understanding of marriage and family more aligned with Choctaw cultural traditions. Throughout his life David engaged in polygamous relationships with several Choctaw women, including the sister of his wife Delilah. A lawsuit that involved several of his descendants revealed that while David was married to Delilah and before he moved to Indian Territory that "he did take up with a younger Sister of his wife," and that David and the younger sister moved to Choctaw Nation (Oklahoma) "and of the conduct was a child born, Jack Juzan alias Jack Wall." The sister died and David "went back to Alabama and lived with his wife for a short time" before he returned to Indian territory, this time relocating to the Chickasaw nation where he married his third wife, Susan Guess. David vanished from the historical record until he died intestate in Grayson county, Texas.⁸³ By marrying his wife's younger sister, David participated in a Choctaw custom that tolerated and promoted sororal polygamy. As noted above, men of the Five Civilized Tribes had a long history of engaging in polygamy, particularly by marrying sisters of the same clan. Just as the Chickasaw men discussed above, David's marriage to multiple Choctaw

⁸² Synder, *Great Crossings*, pg. 117.

⁸³ *Doff vs. Love*, Pickens County Court Records, Oklahoma Historical Society

sisters would have allowed the establishment of multiple households that would have allowed for the amalgamation of wealth and power. The timing of David Wall's polygamous unions with the Brashear sisters also suggests a strategy meant to cope with the pressures placed upon the Choctaw during the era of removal. A wife in Alabama who protected and consolidated the family possessions that had accumulated under the removal treaties and a separate wife in Indian territory who set up a new household and began navigating the post-removal politics must have been enormously helpful to the Wall family.

David and Delilah both adopted Anglo-American racial attitudes when it came to African-American slavery, and their mastery of a large amount of African slaves placed the couple among the elite of Choctaw society. In David's later life, after he had removed permanently to the West and was living in the small north Texas town of Sherman, David advertised rewards in the local newspapers for several of his slaves who had runaway. The slave brothers Toney and Sam, both raised among the Chickasaw Indians in Mississippi and both of whom found themselves enslaved to the Choctaw David Wall in Texas, had run away from their master. Wall provided identifying information on the brothers that made clear the two had experienced physical abuse. Toney had a scar about "two inches above his forehead" and was shot with a rifle ball through top part of his right thigh, and he had "a good many whip marks on his back and breast." Toney's brother Sam was described as being more slight of build than his larger brother, but Sam too had been shot with a rifle ball "through the right arm, near the elbow," and with a "small shot in the back and shoulders." The physical miming of these slaves demonstrates that David Wall

practiced a form of chattel slavery in which he took for granted his ability to physically punish the property belonging to him. Similarly, the estate records of Jesse Brashears included a revealing fee charged by the family's attorney for defending three negroes on the charge of "premeditated rebellion." No details are given regarding the actions that the Brashear slaves planned to take, but the rebellion must have been planned sometime after Jesse's death when his widow Delilah claimed authority over her deceased husband's estate. The physical abuse documented on the slaves belonging to David Wall and the attempted at "premeditated rebellion" of Delilah's slaves demonstrates that those African peoples who found themselves enslaved to this French-Anglo-Choctaw family did not wear the chains of bondage lightly.⁸⁴

Delilah and David Wall were not the only ones capable of a flexible interpretation of the intimate entanglement of the Gulf South; the Anglo-American jurists who adjudicated these cases also engaged in an elastic and self-serving understandings of the meanings of intimate entanglement. In 1844, two years before Delilah's case reached the Alabama high court, the justices of the Tennessee Supreme Court found that a "mixed blood" Cherokee woman named Margaret Morgan was not entitled to file a lawsuit because she *was* governed by the law of feme covert. Margaret had married Gideon Morgan (described as a white man) in 1818, and after their marriage she inherited a number of African slaves from her mother. When a portion of the slaves were seized to satisfy her husband's debts, Margaret sued claiming that the slaves were her property and could not be detained in payment of

⁸⁴ Jesse Brashear Estate Papers, Sumter County Orphan Court Records.

Gideon's debts. Furthermore, Margaret argued that she and Gideon were "living apart" at the time of the trial, signifying that the couple's relationship had come to an end. The Tennessee court dismissed Margaret's suit without ruling on the property rights of Cherokee women, claiming that Margaret was a feme covert and declaring that "...there is no reason why a marriage made and consummated in an Indian nation should be subject to a different rule of action." Unlike Delilah Wall, Margaret Morgan was placed under the law of coverture and denied the right to use legal action to protect her economic power. However, the outcome was the same in both cases; Alabama and Tennessee justices defined the law in ways meant to protect the economic power of Anglo-American men.⁸⁵

Just three years after the Alabama Supreme Court ruled that Delila Wall could not claim the protected status of feme covert, the same court ruled that a Creek woman's property *was* controlled by her husband precisely because she *was* governed by the laws of feme covert. Mary Wells, a Creek woman with "one-fourth Indian blood," married William J. Wells, a white man, in Monroe County, Alabama, in 1821. Shortly after their marriage, the couple relocated within the boundaries of the Creek nation, probably to be closer to Mary's family. The couple and their children resided there until 1828, when the family moved to the Ten Islands on the Coosa River, located on what was then the border between Alabama and Creek territory. Shortly

⁸⁵Morgan vs. McGhee, Supreme Court of Tennessee, 24 Tenn. 13, 1844; Laurel Shire Clark, *The Threshold of Manifest Destiny: Gender and National Expansion in Florida* (Philadelphia, PA: University of Pennsylvania Press, 2016) and Laurel Shire Clark, "The Rights of a Florida Wife: Slavery, U.S. Expansion, and Married Women's Property Law," *Journal of Women's History* 22 (2010), 39-63; Bethany Ruth Berger, "After Pocahontas: Indian Women and the Law, 1830-1934," *American Indian Law Review* 21 (1997), 1-62.

after the family's relocation, William committed adultery and "...took up with another woman..." Mary responded by taking her children and returning to her father's house, back in Creek territory. At some point William took control of the children he had with Mary and took them to Arkansas. Before her death in 1836, Mary received a grant of land under the provisions of the 1832 Treaty of Cusseta, which, like the Treaty of Dancing Rabbit Creek, required the Creeks to surrender all their lands east of the Mississippi River yet provided individual allotments for heads of Indian families. Mary's allotment, and who controlled it after her death, became a source of dispute between William Wells and his children.⁸⁶

When William sold the allotted land for \$1800 and pocketed the money, his children sued claiming that under Creek customs their mother's land rightfully belonged to the children. The Macon county circuit court examined the claims of the children and ruled in favor of their father, reinforcing William's position as a patriarch at the head of the family with the ability to control the property of his family. The children then appealed their case to the Alabama Supreme Court, insisting that their mother was the head of their family. Mary's children claimed that the federal government had already tacitly recognized their mother's position as the head of the family, since she had received an allotment under the Treaty of Cusseta, which specified that land would be granted only to each head of an Indian family who applied for such allotments. Regardless of who was the head of the family, the children claimed that their mother used the Creek customs to divorce her husband in

⁸⁶*Wells and Wells vs. Thompson, Reports of Cases Argued and Determined in the Supreme Court of Alabama*, 2nd edition (St. Paul, Minnesota: West Publishing Company, 1907), 308-313.

1828, when she left her husband and returned to her father's house due to William's adultery. William countered the arguments of his children by stating that his marriage had taken place according to the customs of white Americans, and as such "...[he] became and continued, the head of the family." Furthermore, his case was different William claimed, than a case which involved two non-whites who married under Indian customs. His status as a white man should ensure his position as head of the family with the ability to dispose of family property. Within just a few years after Delilah Wall had lost her claim to the status of feme covert, the Alabama courts were again asked to litigate a case that resulted when cross-racial marriages challenged Anglo-American concepts of property and patriarchy.

The justices of the Alabama Supreme Court sided with both the circuit court and William Well's arguments, claiming that the Wells' marriage had taken place according to Anglo-American customs and as such William had a right to control the property of his wife. According to the justices of the Supreme Court, Mary's decision to leave her husband's home should not be understood as divorce, but as abandonment. "Mrs. Wells...abandoned her husband within the jurisdictional limits of the State," reasoned the justices of the court, "and by such an abandonment unsanctioned by divorce in due form, their marriage could not be dissolved." The federal government's decision to grant land to "heads of Indian families" did not figure into the reasoning of the state supreme court, because they recognized William as the head of the Wells family. The Wells children could not expect to enjoy the property of their mother during the lifetime of their father because it "...vests in [the

father], or his assignees, to be enjoyed until his death.”⁸⁷ David Wall, the husband of Delilah, was not a patriarch with the powers to protect and represent the interests of his wife, but William Williams, the husband of a Creek woman, was granted that identity and that power because it helped shore up the white patriarchal identity needed to enforce social order in the antebellum Gulf South.

At the heart of these cases was white men’s ability to control property and exercise economic autonomy. In the case of Delila Wall it was her creditor’s ability to recoup lost money while in Mary Well’s case it was the ability of her husband to control and sale property. Both cases also revolved around Anglo-American court’s understandings of Indian marriage and divorce customs. Delilah insisted that her husband’s abandonment of the family did not constitute a divorce, and that her status as a married woman protected her from law suits from her white male creditor. In the Wall case, the Courts decided that Indian customs dictated that her marriage had been dissolved by David’s flight to Arkansas. Yet Mary Well’s flight from her husband did not constitute divorce because the justices considered her to be governed under American traditions, so her actions to constituted abandonment. If Delila selectively deployed her understanding of Indian and Anglo-American gender norms to her advantage, the justices of the Alabama Supreme Court did the same.

For the white men who sat in judgement of Delila’s case, her race proved a more salient identity than her gender or class status. Her Choctaw heritage not only excluded her from the benefits of American citizenship but also resulted in her

⁸⁷Ibid, 312.

existence outside of patriarchal institutions and control. For more than three decades prior to Indian removal federal Indian agents, missionaries, and social reformers had proclaimed the necessity of Indians forsaking their customary understandings of gender and power as a prerequisite for American citizenship. By the time Delila brought her suit in the Sumter county circuit court, public opinions had shifted to such a degree that many Anglo-Americans, particularly those who coveted Indian land in the Gulf South, had come to believe that Indians were no longer capable of attaining cultural assimilation or “civilization,” and therefore must be expelled. Delila’s multi-ethnic background, which would have ensured her economic and social success just a few decades prior, had proved to be the source of her exclusion and expulsion.

In the person of Delila Wall, the mixed race descendant of Choctaws and Europeans, we see that efforts to create American hegemony rested upon a gendered discourse that defined her as “outsider” to the new nation while also denying her any opportunity to gain economic power. Anglo-Americans had learned that the regulation of descendants of the interracial mixing of the eighteenth century made a potent method for exercising power in the early Republic. The legal arguments deployed in cases like Delilah Wall gave meaning to the racial differences constructed in the the new science of race that emerged in nineteenth century. Southern patriarchs in essence created a two tiered system of citizenship that was dependent upon the intertwined discourses of racialized and gendered difference. While the federal government had seemingly created space for Choctaw citizens by granting them property under the Treaty of Dancing Rabbit Creek, Southern courts

used Native gender practices to define them as outside the boundaries of citizenship. White southern patriarchs participated in the construction of a national (white?) identity that was racially and sexually encoded; their essentialization of Native American women in the courtroom gave meaning and power to the new cultural discourses of scientific racism, and they provided important precedents for later discourses about race and gender different that served to endorse and propagate American hegemony writ large in the coming years.

Reading the Silences: Rhoda Gunn and Covert Challenges to Patriarchy

In 1829 Rhoda Gunn married Samuel Colbert, the grandson of James Logan Colbert and youngest son of Major James Colbert, thereby gaining entry into the prestigious bi-racial Colbert clan. While Samuel and Rhoda may have been attracted to each other because their racial status as “half breeds” provided a common racial identity, Rhoda later insisted that their marriage took place “according to the customs” of the Chickasaw nation.⁸⁸ This important phrase implied that Rhoda and Samuel understood that their marriage existed according to the traditions of matrilineal kinship and female property ownership, not those associated with Anglo-American patrilineal descent.⁸⁹ Indeed, when Rhoda married Samuel Colbert, she brought considerable property into the marriage, consisting mostly of the thirty-five African slaves she inherited from her father. Rhoda claimed that she retained the use

⁸⁸ *Rhoda Gunn vs. Samuel Colbert*, Mississippi Superior Court of Chancery, Oct. Term 1835. I would like to thank Natalie Inman for providing me with information on Rhoda Gunn.

⁸⁹ Theda Perdue argues that the term “half-breed” was meaningless to most Native tribes, since persons with white fathers and Native mothers were accorded the rights and privileges given to “full blood” Natives. See Perdue, *Mixed Blood*, 39.

of the slaves even after she married, providing proof that Chickasaws incorporated new ideas about racial slavery within an old framework of gender norms.⁹⁰

Furthermore, Rhoda also claimed that Chickasaw custom had no concept of *feme covert*. After marriage, Rhoda maintained the use and ownership of her slaves, since Chickasaw wives did not automatically surrender their personal or real property to their husbands upon marriage. Whereas Delilah Wall had attempted to navigate the imposition of Anglo-American ideas about power and authority by claiming the status of *feme covert*, Rhoda denied its very existence among the Chickasaw.

The union between Rhoda and Samuel was not a harmonious one. In her divorce petition, Rhoda claimed that she cohabited with Samuel as man and wife until 1833, when Samuel deserted her and “openly lived with another woman” as his wife. The following year, in 1834, Samuel and Rhoda reconciled, and in January 1835 Rhoda gave birth to a daughter. Five months later, in the summer of 1835, her relationship with Samuel again turned sour. Samuel became violent, frequently beating Rhoda. Finally, Samuel forced Rhoda out of their home and sent her slaves with her. When Rhoda fled with her daughter and her slaves, Samuel soon tracked her down, forcibly taking control of their daughter and a portion of the slaves. Claiming that “maternal feelings compelled her to return,” Rhoda again attempted to cohabitate with Samuel. However, Rhoda again feared for her safety and fled once more, this time seeking asylum in her mother’s house.⁹¹

⁹⁰Many excellent studies have been done detailing the impact of racial slavery on Native society. For a recent account, see Christina Snyder, *Slavery in Indian Country* (Cambridge: Harvard University Press, 2010); see also Theda Perdue, *Slavery and the Evolution of Cherokee Society, 1540-1866* (Knoxville, TN: University of Tennessee Press, 1987).

⁹¹*Rhoda Gunn vs. Samuel Colbert*.

Rhoda filed for divorce from Samuel Colbert in October 1835, claiming that he kept her “in a constant state of alarm, continually threatening to remove her child from her custody.” During the period of their separation, Rhoda also claimed that she maintained authority over her slaves, even though many of them continued to reside on Samuel Colbert’s plantation. While the slaves lived and worked on Samuel’s plantation, Rhoda “received the hire” of the slaves. What this means is not exactly clear. Perhaps Rhoda hired out the slaves and received the cash payments for their work, or she may have retained the rights to products of their labor. Again, this would have been consistent with native gender traditions that failed to recognize the existence of private property. What is clear is that the slaves continued to live and work on Samuel’s plantation, but Rhoda claimed that they supported themselves and worked for her.

Not content with this arrangement, Samuel Colbert apparently schemed to confiscate the slaves of his wife against the separation agreement they had signed. Samuel claimed that he had incurred considerable expense in clothing and feeding Rhoda’s slaves who remained on his plantation, so he took ownership of three of the slaves as his personal property in order to reimburse himself for the expense. Samuel’s actions imply that he continued to recognize Rhoda’s rights to the other thirty-three slaves, since he only claimed a portion of the slaves as reimbursement for himself. However, Rhoda claimed that “certain white men,” including Beverly Mitchell, Wyatt Mitchell, and Charles F. Eastmond, conspired to deprive her of the slaves by convincing Samuel that his rights as a husband entitled him to his estranged

wife's property.⁹² Upon the advice of his white neighbors, Samuel exercised his rights as a husband by selling the remaining slaves. Rhoda claimed that all the male parties involved, including her husband Samuel and the white neighbors, had all lived within the boundaries of the Chickasaw nation and so were well aware that they made this transaction in opposition to customs of the Chickasaws regarding a wife's right to her personal property.

Unfortunately, the records detailing the results of Rhoda Gunn's divorce petition have failed to survive, so we have no way of knowing whether or not she successfully defended what she saw as her traditional rights. Eventually Samuel and Rhoda turned to a local Presbyterian missionary, Thomas C. Stuart, for assistance with their marital problems. On March 31, 1836, Samuel and Rhoda signed a separation agreement mediated by Stuart and filed in the De Soto County court house. Per the separation agreement, Samuel agreed that Rhoda would have custody of Susan, their daughter. The couple agreed that Rhoda Gunn was to live "separate and apart from each other" and that Rhoda would be considered a feme sole from that moment forward. In this separation agreement, Rhoda agreed to let Samuel sell several of the slaves in order to raise money that would contribute to the support of their daughter Susan.⁹³

⁹² Charles Francis Eastmond was a white man married to Elizabeth Colbert, the daughter of Major James Colbert and therefore a Chickasaw "half breed." Deed Book J, Marshall County, MS. See also R. Bell and Gordon to Jackson, February 10, 1832, Office of Indian Affairs, Chickasaw Agency.

⁹³ De Soto county, MS Probate Court, Deed Book B, p. 179.

When compared to Delilah Wall's case, Rhoda's actions are very revealing. Like Delila, Rhoda Gunn used local Southern courts to protect her property. Similarly, both Delilah and Rhoda were products of the sexual entanglement that had characterized an earlier period, and their status as wives and inter-racial women became a particular problem once Southern states extended their boundaries to include the lands ceded by the Choctaw and Chickasaw natives. However, while Delilah Wall openly embraced Anglo-American notions of *feme covert* that limited her economic freedom, Rhoda Gunn was more circumspect in her appropriation of Anglo-American gender norms.

In many ways Rhoda Gunn asked the white men who sat in judgment of her case to re-think their traditional understandings of gender relations by suspending their Anglo-American custom of coverture. Rhoda repeatedly reminded the court that she was not asking for any radical changes in her status, but that she desired what were her customary rights under Native traditions. She insisted that both Samuel and the white men who bought her slaves were well aware of the Native wife's right to control property but that they spurned this custom when they stood to benefit financially. While this request may have conformed to traditional Chickasaw concepts of marriage and property, the white men who sat in judgment of this case would have interpreted her request as an extreme shift in the balance of power between husband and wife.

Perhaps in an effort to make her bold request more palatable to her white audience, Rhoda took great care to present the outward conformance to Anglo-American gender norms with the important exception of private property and *feme*

covert. She highlighted her “maternal feelings” towards her daughter, and she presented a narrative of her marriage that made clear that she only left her husband once he ordered her out of his home. Even then she returned to a difficult domestic situation in an effort to make her marriage a success, only to be forced to flee when her husband’s abuse threatened the safety of herself and her child. If the prospect of a wife suing a husband over property rights threatened the white men of the jury, Rhoda attempted to alleviate their anxieties by presenting a narrative to the court which portrayed her as victimized and suffering from the abuses of an unfaithful husband. In this way, Rhoda selectively adopted which Anglo gender norms she would conform to in order to maximize empathy from the white male jury.

Rhoda Gunn’s selective adoption of Anglo-American customs is even more revealing when we consider what she left unsaid in her petition. When she mentioned that Samuel Colbert had “deserted” her and lived in open adultery with another woman, Rhoda was most likely exploiting the Anglo-American concept of monogamy for the benefit of her suit. Like other Native tribes in the Southeast, the Chickasaws maintained a tradition in which Native men were allowed to marry more than one spouse. Since women formed the backbone of the Chickasaw kinship structure and maintained full authority over their children and property, Chickasaw men could develop intimate relationships with a number of different wives and social order was still maintained. As mentioned above, Levi Colbert, Rhoda’s kinsmen, was well known for having more than one Chickasaw wife. Levi’s polygamous relationships were well known not only to federal agents and government officials; members of the Colbert family’s local community were well acquainted with the

complex intimate arrangements of the Colbert family. Joseph Bullen, a congregational missionary traveling to the Mississippi territory at the turn of the nineteenth century, commented upon Samuel Colbert's uncle maintaining more than one wife. Bullen approached Levi Colbert, Samuel's uncle, for assistance in getting his missionary settlement established, and after one particular visit to Levi's home Bullen commented that Levi, "...with his two wives, appears to live comfortably: here we were politely received, well fed, and kindly treated; with him we were soon on terms of agreeable familiarity: to him the design of our mission was disclosed, with which he was evidently pleased." Similarly, Josiah Walton, a resident in Monroe County, Mississippi (home to many Colberts) recalled "although he had a number of wives and two of them sisters, they lived as cordial and affectionately as so many sisters. They would laugh and joke each other as though wives of different men, and no discord ever happened among them. Each of them had their children so trained that it seemed that all three were their mothers, and care for alike." On another occasion, Walton wrote that Levi "had a splendid dinner prepared for me and all of his family present, three grown daughters and five or six sons. The old man and his three wives were at one end of the table." Since no direct evidence exists regarding how Samuel Colbert replied to Rhoda's charges against him, it is impossible to know the full circumstance of the Colbert's intimate relationship. However, it is striking that while she took great care to explain Native customs regarding marriage and

property, Rhoda Gunn was suspiciously silent when it came the Native tradition of polygamy when she mentioned Samuel Colbert's "open adultery."⁹⁴

Their actions demonstrate that Delila and Rhoda used white cultural norms in such a way that cut to the very core of Anglo-American claims to power and dominance. If the so called gender frontier depended upon civilized whites conforming to European traditions of patriarchy and backward natives who eschewed those traditions, the life stories of Delila Wall and Rhoda Gunn provide historians with a richer, more complex portrait of interracial mixing in the American South. In an effort to maintain their power, property, and status, some Native women were perfectly willing to embrace the basic tenets of patriarchy, even if they adapted patriarchy to suit their own ends. Their creative misunderstandings of patriarchal order allowed these women to contest the imposition of a colonial order over their families and their tribes.

At the time that the Colbert and Juzan families established a mixed race dynasty among the Choctaw and Chickasaw, the Gulf South was a multi-ethnic and multi-national space in which Anglo-American hegemony was anything but assured. Spanish, French, British, and American influence could be widely felt in the area, and a variety of ethnic groups resided in the area between the Mississippi river and the Atlantic ocean. When James Colbert made his journey into the Gulf South in the mid-eighteenth century, six out of every seven persons residing in his new home were Native American. People of European descent never composed an absolute majority

⁹⁴ Theda Perdue, *Cherokee Women*, 98-99. For Bullen's comments, see "Extracts from the Journal of the Rev. Mr. Bullen, Missionary to the Chickasaw." *The New York Missionary Magazine, and Repository of Religious Intelligence*, January 4, 1800.

of Southern residents until after Indian removal was accomplished during the administrations of Andrew Jackson and his successor Martin Van Buren.⁹⁵ In the decade in which the Alabama Supreme court heard the cases of Delilah Wall, the demographics of Sumter county and Alabama shifted decisively. Furthermore, Anglo-American attempts to spread their culture and hegemony into the American hinterlands came at a time when that very culture was under attack and advocates for reform enjoyed increasing sway. If the white men who heard the details of Delila and Rhoda's intimate arrangements were concerned with maintaining white patriarchal authority, they were also aware that the particular history of the colonial period and the Revolution resulted in serious challenge to the very nature of patriarchy.

Anglo-American men adopted a strategy of "distance and denial" that allowed them to simultaneously forget the biculturalism and cross-racial intimacy that was a hallmark of an earlier era while also forging a new polarized racial order in the Gulf South. White patriarchs in the South constituted their authority by deciding whose gendered customs would prevail in the South. Yet this story is more complicated than Anglo-American colonizers imposing a colonial order on Native American peoples. As we have seen, Native American men engaged in a process of centralization of their own power and authority. In the process, they adapted gender and social roles to buttress their own claims to power and authority. In essence, both

⁹⁵Peter Wood, "The Changing Population of the Colonial South: An Overview by Race and Region, 1685-1790," in *Powhatan's Mantle: Indians in the Colonial South* edited by Gregory Waselkov, Peter Wood, and M. Thomas Hatley (Lincoln, NE: University of Nebraska Press, 2006), 57-131.

Native and Anglo-American men found power in limiting the autonomy and power of Native women.

Chapter 5

An Afro-Choctaw Family in Antebellum Alabama

In antebellum Barbour County, Alabama, Green Beauchamp was the master of a large cotton plantation built on land recently ceded from Creek Indians and worked by more than forty enslaved Africans-Americans. One of these slaves, Nathan, was the biracial son of an African-American father and a Creek Indian mother. In his later life Nathan relayed the story of his parent's marriage to a WPA interviewer, providing historians with the only documentary record of his parent's relationship. His mother, Mimi, lived in the St. Francis Indian village close to Eufaula, the largest city in Barbour county. Nathan's father (whose name was not recorded) was a slave on the Beauchamp plantation, and he often drove a wagon into Eufaula on errands for his master. On one of these trips, Nathan's father met Mimi, who frequently traveled into the city to sell reed baskets that she had made. After many such meetings on the road to Eufaula a romantic relationship eventually blossomed, and in due course Nathan's father approached his master to ask permission to marry Mimi. Beauchamp acceded to his slave's request, and the newlyweds took up residence on the Beauchamp plantation. Nathan's father continued his work on the plantation while Mimi continued to sell her baskets in Eufaula. Nathan remembered that his mother had "...long black hair..." and he recalled "...de way de sun sparkle on her teeth when she smile..." The marriage of Nathan's parents lasted until Mimi's death in 1870. Except for Nathan's

recollections, no other records exist documenting the courtship and marriage of this Creek Indian woman and her enslaved African-American husband.¹

The Beauchamp's marriage occurred soon after the forced removal of the Creek Indians from Alabama, and it took place amidst the cotton boom that transformed the black belt region of the Gulf South. The marriage of Nathan Beauchamp's parents highlights several questions regarding how a Creek woman and her African-American husband navigated the gender and racial politics of a community in profound social and cultural flux. Who controlled the labor and economic resources in Mimi's household? Did her new husband expect to act as a patriarch within the slave cabin, or did Mimi's matrilineal gendered understandings of power play a more important role in their domestic life? Why did Green Beauchamp allow his slave to marry a free Indian woman, and what benefit did the plantation master derive from their cross-racial marriage? These questions highlight the racialized and gendered negotiations that engaged the Gulf South's major racial groups as the region was depopulated of Native Americans and cotton plantations came to define the South's economy and culture.

Mimi's decision to marry an enslaved African-American man probably resulted from an acute need for protection and assistance in a world that was rapidly crumbling around her. The Creek Indians who had inhabited the territory that became

¹Alabama Slave Narratives, First Series, Library of Congress Rare Book Room, Volume 06A, page 25-26. The WPA collections contain many interesting (albeit brief) references to Afro-Indian intimate relationships in the antebellum period; for other narratives see Chanie Mack, *The American Slave-Mississippi Narratives*, part 4, Supp. Ser 1, volume 9; Mahla Burns, *Alabama Narratives—Supp. Ser Volume 1*.

Barbour county had only recently been removed West of the Mississippi by Andrew Jackson's administration in the 1830s, and by the 1840s the Creeks were fractured and struggling as a people. As late as 1827, the Creeks waged war against white interlopers in a conflict known as the "Intruder's War" to prevent white settlement on Creek lands. The conflict culminated in signing of the Treaty of Fort Jackson and Treaty of Washington (1826), in which the Creeks ceded almost all their lands in the state of Georgia. Still, the Creeks in Alabama received little peace after the treaty was signed, since one provision allowed white settlers to buy land directly from Creek landowners (something that prior treaties had forbidden). One nineteenth century historian recalled that no sooner had the treaty been signed than white settlers began to flood into Creek territories and "at once perfected arrangements as best suited them." This same historian recalled that the "country was full of Indians" as late as 1835, who "lived in all their aboriginal simplicity, hunting game of which there was plenty, fishing, making baskets of reeds, and also blowguns of the same material."² Unmentioned in this accounting of Creek life was the economic decline brought on by the depletion of the deer and wild game hunted by Creek men, which forced a fundamental shift in the gender division of labor as some Creeks came to embrace the market economy. Also unmentioned was the disruption to Creek culture wrought by the federal government's civilization program and the arrival of white migrants who brought with them large numbers of enslaved individuals and lost no

²J.A.B. Besson, *History of Eufaula Alabama: the Bluff city of the Chattahoochee* (Atlanta, GA: Franklin Steam Print House, 1875), 5-6.

opportunity to capitalize on the Creek Indian's misfortunes.³ Complicating matters further was the decisive shift in Anglo-American racial attitudes explored more fully in chapter three. Federal officials and policy makers abandoned earlier ideas about the cultural malleability of Native peoples and constructed new racial categories for people of Native descent meant to consign them to the same social category as enslaved African-Americans. In the eyes of white men like Green Beauchamp, the Indians remaining in the South looked more like the African slaves who labored on Southern plantations than the white men who dominated that world. Mimi's decision to marry an enslaved African-American man probably resulted from her liminal position in the Southern racial hierarchy of the antebellum years. Deprived of property and resources and forced into a subordinate legal status, a Creek woman like Mimi might have found protection and access to important resources via marriage to Nathan's father. By subordinating herself to the racial regime of the Beauchamp plantation, Mimi established ties of kinship and gained access to material resources that ensured her survival. She also found a way to remain in her homeland while the vast majority of Creeks were forced out. Nathan's father might have viewed Mimi as a suitable bride due to her status as a free woman, and thus any children born would be legally free. Perhaps Nathan's father saw marriage to Mimi as a route to establishing his identity as a patriarch over a cross-racial family; a free wife and their free children might have represented his best chance to eventually gain his own

³Kathryn Braund, *Deerskins and Duffels: The Creek Indian Trade with Anglo-America, 1685-1815* (Lincoln, NE: University of Nebraska Press, 1996), 336; Claudio Saunt, *A New Order of Things: Property, Power, and the Transformation of the Creek Indians, 1733-1816* (Cambridge: Cambridge University Press, 1999.)

freedom. Just as Mary Musgrove and Fenda Lawrence had done in the previous century, Mimi and her husband created entangled identities that held out the possibility of accumulating resources and social advancement while also providing them the tools to combat the increasingly rigid racial categories created by Anglo-Americans.

Yet the ability of people like Mimi and her husband to use their entangled identities for their own benefit was never assured. As we have seen, Anglo-Americans created a new cultural discourse in the early nineteenth century that consigned African and Native Americans to the same inferior position on the social hierarchy of the early Republic. As a result, white men like Green Beauchamp took as a matter of course their ability to appropriate the land of Indians and the labor of African-Americans. The challenges facing Mimi and her husband in deploying their entangled identities for their own advancement become apparent after Mimi literally blended into the slave population on the plantation. Beauchamp was the master of a plantation that included over 1500 acres of land in the former Creek nation, and by 1860 his slave holdings numbered 48 slaves divided almost evenly between male and female slaves. All the slaves were listed as “black,” and none were described as “mulatto” or mixed race, as might be expected if the census recorder had accurately captured the identities of children like Nathan Beauchamp, an Afro-Creek child born in the 1850s. Beauchamp’s labor force was also youthful, with a total of twenty-five (or 52%) listed as under the age of 16.⁴ Nathan Beauchamp, his father, and his

⁴1860 Federal Census- Slave Schedules. Eastern Division, Barbour County, Alabama, pg. 67-68. In 1850 the state of Alabama performed a census that recorded the number of Beauchamp’s slaves as 20, which would mean that within a decade the Beauchamp slaveholdings almost doubled, perhaps

siblings were most likely recorded on the slave schedule, but there is no way to verify since the schedule lists only the slave's age, sex, and race. Mimi Beauchamp does not appear anywhere in the 1860 census record; she is listed in neither the population schedule nor the slave schedule. The census worker most likely listed her as one of the 48 slaves and inaccurately articulated her race as black, thereby erasing her ethnic identity. The youthful population of slaves on the Beauchamp plantation indicates that there may have been several women of childbearing age on the plantation in the 1850s. Technically, the children born to Mimi should have been free, since the condition of the mother determined the status of the child. Yet Green Beauchamp may have acceded to the marriage request because he expected to control the children born to the union of his African-American slave and his Indian wife. When attempting to use their bicultural identities to improve their material conditions and escape the racialization inherent within the plantation economy, individuals such as Mimi and her husband had to work against the prejudices and power of Anglo-American men like Green Beauchamp, whose own gendered and racial identity required the subordination of all non-white peoples. Beauchamp and the census recorder failed to appreciate the rich diversity and the multiple identities that existed on the plantation; instead, they lumped all non-white peoples into the same category.

Analyzing the gendered and racial dynamics at work in the Beauchamp marriage with any certainty would be impossible because the documentary record dissipated after the Civil War. Nathan and his children appear on census records in

the result of procreation among his slaves. See Alabama State Census, 1850 (Series 1820-1866), Alabama Department of Archives and History.

the later nineteenth century, and Green Beauchamp and his plantation appear on numerous deed records in the Barbour county courthouse. Yet historians only know the scant details of the marriage between Nathan's parents because their son shared his recollections with a historian working for the Works Progress Administration in the 1930s. As ephemeral as their appearance in the historical record may be, the marriage between the Creek Mimi and her African-American husband provides an appropriate framework for interrogating the gendered negotiations that occurred between Indians, Africans, and Anglo-Americans in the Gulf South in the antebellum period.

The poor documentation of Afro-Indian relationships has resulted in their near invisibility in historian's narratives of Gulf South history. However, this chapter offers a case study of one particular Afro-Indian family whose lives and material circumstances were richly documented in the court records of Sumter county, Alabama. The experiences of the Afro-Choctaw Tom family, who resided on the banks of the Tombigbee river, form the central narrative of this chapter and provides evidence that Afro-Indian entangled identities empowered the Tom family to combat the effects of slavery, racism, and the dispossession of Indian lands in antebellum Alabama. The Tom's strategic deployment of matrilineal and patriarchal familial organization allowed this unique family to accumulate the property and slaves that was at the heart of their economic success and independence. The Tom family laid claim to valuable land and other property which in turn allowed them to maintain a measure of economic autonomy, something denied to most other African and Native Americans during the antebellum era. The Toms were also the masters of enslaved

Africans, a status which allowed them to forge ties of commerce and exchange with their Anglo-American neighbors. The land and slaves of the Tom family made possible their participation in the cotton boom that came to dominate the Gulf South in the 1830s and 40s. Just as their eighteenth-century forbears had done, the Tom family used cross-racial intimate entanglement in ways that allowed for the accumulation of property and wealth and that provided members of the family the tools necessary to combat the racist thinking of Anglo-Americans.

The Tom family left an indelible impression on the Sumter county community that would be remembered for decades after the family ceased to live in Alabama, but the entangled identities of the family often made it difficult for outsiders to correctly recall the precise details of the family's ethnic and racial heritages. Thomas Owen's *History of Alabama* published in 1921, stated that the white pioneers who "settled" Sumter county in the 1830s encountered a "wealthy Indian-Negro family, owning Negro slaves, and living on Factory creek." According to Owen, the family traced its origins to Sallie Tom, who had married an Indian man and had gained land under the Treaty of Dancing Rabbit Creek. Owen also mentioned that Sallie's son Jack Tom was "a well-educated man" and that upon his mother's death he had sold an estate to Jeremiah Brown consisting of an impressive 6,000 acres of land and twenty slaves. Owen also related that both "Tom Creek" and "Tom Landing" on the Tombigbee river were named after the family. Andrew Price, a slave who belonged to Jeremiah Brown, provided evidence in the 1930s to a WPA interviewer that his former master had indeed purchased property from the Tom Family. According to Price, the Brown plantation included "...the Jack Tom place that Mr. Jerry Brown bought from Jack

Tom; he was er rich Injun chief....” When Jeremiah Brown died in the 1870s, his plantations were advertised for sale in the local papers, and the land included what was known as “the Jack Tom Place.” Other histories of Sumter county recorded that the Tom family traced its origin to a “Free negro by the name of Tom” who had “wandered into the Indian territory” and married an Indian woman, thereby becoming a “squaw-man.” According to this history, written in the early 20th century, the free negro “squaw-man” acquired land under the terms of the Treaty of Dancing Rabbit Creek. The land was located just north of Sumterville close to “a Creek called Tom’s Creek which bears his name, even today.” As late as 1910 local farmers were reporting that their cattle had strayed from their property “on Tom’s Creek in the vicinity of the Jack Tom place.”⁵ Though the Tom family’s legacy had become etched in the community’s memory, oral traditions and local storytelling got much wrong; Sallie did not marry an Indian man, nor did the family trace its origins to a “squaw man” who had “wandered” into the Indian nation and married an Indian woman. Similarly, Jack Tom as not an “Injun chief” as the former slave Andrew Price had recalled. Yet what local memory continually emphasized, and the documentary record verifies, was that a family of both African and Choctaw origin did own large amounts of land and slaves in antebellum Sumter county.

⁵ Thomas Owen, *A History of Alabama and Dictionary of Alabama Biography*. 4 vols. Chicago: S.J. Clarke, 1921; Arthur Raper, *The Tragedy of Lynching* (New York: Dover Publications, 2003); Andrew Price, *American Slave Narratives*, 1st Supplemental Series, *Mississippi Narratives*, Volume 09s, pg. 241-42; Nelle Jenkins, editor, *Pioneer Families of Sumter County Alabama*, volume 93 (published by Yarbarough National Genealogical and Historical Association, Livingston, Alabama, 1961), pg. 7-9; For sale of Jeremiah Brown’s estate see *The Livingston Journal*, 25th April 1873; for advertisement of roaming cattle, see *The Gainesville Times*, 17 March 1910.

Despite local legend about the origins of the Toms, the family's roots were in the marriage between two African-American enslaved persons named "Old Tom" and "Old Sally." In October 1835 two white men named Thomas Ware and Charles Buchannon appeared before a notary in the Sumter county courthouse with the intention of having the Tom family history recorded in the court's deed book. According to Buchannon and Ware, Tom and Sally "both of whom were blacks" lived on the plantation of Ben James, "a white man who had a Choctaw wife and who lived and died in the Choctaw nation." "Old Tom" had purchased his freedom from James at some point before his master's death, and Tom had also purchased the freedom of his wife, "Old Sally." Tom had emancipated his wife soon after he purchased her freedom, and the couple proceeded to establish a family while still residing within the Choctaw nation. The Toms had a total of five children, including two sons named Moses and Jack, and three daughters named Mary, Emily, and Aley. These children of Tom and Sally were all born after Sally's emancipation, a crucial detail that the 1835 deed records highlighted to emphasize that all of Sally's descendants were free blacks since birth before her emancipation would have meant that her children were born into slavery. Moses Tom, the eldest child, married a "full blooded" Choctaw woman named Ohoyo sometime around 1816. Jack Tom, the second eldest child, married a "full blooded" Choctaw woman named Oulatona. In addition to their sons, Tom and Sally also had three daughters, Mary, Emily, and Aley.⁶ Tom and Sally counted among their sons-in-law a white man named Thomas

⁶ Sumter County Alabama Deed Book A, page 491.

Ware, and two “mulattos” named Joshua O’Rare and William Lightfoot. Though most of the surviving documentation involved either Moses or Jack, the daughters of the Tom family appear sporadically throughout miscellaneous federal and local government records. Despite the confused historical memory of the Tom family’s origins, the more reliable testimony of Buchannon and Ware clearly established the family’s roots in the union between two former African-American slaves who lived in the Choctaw nation.⁷

Tom and Sally’s former master, Benjamin James, was a Virginian who took up residence in the Choctaw nation in the late eighteenth century. James’ use of chattel slavery demonstrates the extent to which Choctaw ideas about race and captivity had changed by the dawn of the nineteenth century. The date of James’ arrival in Choctaw country is unclear, though when the naturalist Bernard Romans made his journey through the Southern Indian nations in the early 1770s he reported staying with James in the Choctaw town of Chickasaha.⁸ Like countless white merchants before them, James and his cousin Thomas moved to the Choctaw country to take advantage of the Indian trade between Virginians and the Choctaws. In

⁷ Historians who have used federal records as their main source for analyzing the Tom family have sometimes correctly guessed at Sally Tom’s racial identity and Moses and Jack’s relationship to her. However, the deed records in the Sumter County courthouse tell a more complete story based on recollections of relatives of the Tom family. Furthermore, the local judicial records capture the gendered/racialized identities deployed by the family as they engaged in trade and commerce with neighbors and transferred property and wealth from one generation to the next. See Krauthamer, *Black Slaves, Indian Masters*, pg. 40-41; Jesse Schreier, “Different Shades of Freedom: Indians, African-Americans, and Race in the Choctaw Nation, 1800-1907,” PhD Dissertation, University of California, Los Angeles, 2008, 48-50; Christina Synder, *Great Crossings: Indians, Settlers, and Slaves in the Age of Jackson* (Oxford: Oxford University Press, 2017), p. 348 n. 39.

⁸ Albert James Pickett, *History of Alabama and Incidentally of Georgia and Mississippi, From the Earliest Period* (Sheffield, AL: Robert C. Randolph, 1896), 136-137.

addition, the revolutionary politics of the 1780s may have forced James out of Virginia and into Indian country, as many white loyalists fled the coastal colonies in the 1780s and found safe haven in Indian country. James' service during the Revolutionary War, during which he and his Choctaw allies aided the British in their attempt to win control of Pensacola, offers a clue about the possible loyalist politics of the James family.⁹ At any rate, James married a "full blooded" Choctaw woman and became ensconced within Choctaw politics during the late eighteenth century. James frequently appeared in the records of the federal agents to the Choctaws, especially once the American government established a trading factory at St. Stephens on the lower Tombigbee river in the Choctaw nation.¹⁰ In addition to his role as an interpreter and merchant, James owned a plantation and several enslaved Africans (including Tom and Sally), and he even acted as a "slave catcher" for the Creek Indians, indicating how prevalent the practice of chattel slavery had become among the "Five Tribes" of the Southeast by the turn of the eighteenth century.¹¹

The exact number of slaves James' owned over the course of his life is not clear, though his will provides limited clues. The will of Benjamin James "of the

⁹ Gregory O'Brien, *Choctaw Pre-Removal History: Exploring New Paths*, "The Defense of Pensacola during the American Revolution." Pg. 163.

¹⁰ Records of the Choctaw Trading House, 1803-24, Record Group 75, National Archives, microfilm T-500, also see Jean Strickland, "Records of the Choctaw Trading Post," 1984, mimeographed typescript of selected Choctaw Trading post records, pp. 28-95, for extensive use of factory by James family.

¹¹ In the 1790s James became embroiled in a legal battle with John McGillavary, a Scottish plantation owner from Georgia who had extended family connection to the Creek nation. McGillavary's slave Will escaped to the Choctaws and eventually ended up in the possession of James. Will, a skilled cooper, would have been a valuable commodity to a Georgia plantation owner, so McGillavary sued James for possession of his slave. James readily agreed to return Will to McGillavary's possession in return for expenses he had occurred in capturing the slave.

Choctaw Nation” was probated in the Fauquier County, Virginia court in 1855. James bequeathed \$500 in cash to his wife Mary Ann, and each of his 15 children received one slave a piece. He also left to his grandchildren the proceeds of a promissory note due from Isaiah Folsom in the amount of \$200.¹² Folsom was a prominent “mixed blood” active in Choctaw politics in the early nineteenth century, thus highlighting the important political and commercial connections that James has established during his time among the Choctaws. James’ will, notarized by the Choctaw agent Douglas Cooper, was made “according to the customary law of the Choctaws.”¹³ Though neither Cooper nor James made explicit their understanding of the “customary law” of the Choctaw, each man apparently believed James had the authority to assert control over the property and slaves mentioned in the will. James’ use of African slaves hints at the fact that chattel slavery had become an accepted social practice among at least some Choctaw by the early nineteenth century.

A number of social, economic, and political changes among the Choctaw would have placed multiple constraints on the autonomy and freedom of the Tom family. The Choctaw’s increasing reliance on race as a category of social difference resulted in less security for the Toms. In addition, Anglo-American insistence on

¹² Fauquier County Virginia Will Book 25, page 427. James’ mention of his “...younger set of children I have by my present wife, Mary Ann” hints that James may have had a Choctaw wife in the Mississippi and a white wife in Virginia. Such arrangements may have been common for some white merchants. See Natalie Inman, “Polygamy in the Early Republic? The Case of Indian Agent Joseph Martin,” Paper presented at the annual meeting of the Southern Historical Association, Atlanta, Georgia, November 15, 2014.

¹³ The inclusion of the phrase “according to the Customary law of the Choctaws” provides clues that his will may have been contested by his Choctaw wife. Choctaw custom dictated that property passed through the mother’s line. However, the decade before Benjamin James’ death, the Choctaw National Council passed laws instituting patriarchal control over property and inheritance.

Choctaw removal exerted enormous pressure on anyone associated with the tribe. Compounding matters was the ruthless tactics that Anglo-Americans deployed in order to transform the Gulf South into a slave society based on cotton and slaves. Though neither Ware nor Buchannon made their reasons explicit for recording the Tom family history in 1835, contextual clues make it clear that they hoped to protect their family members during a time of intense racial conflict in the Gulf South, especially as Choctaw removal became more contested and the cotton boom transformed their homelands. The state of Mississippi experienced a slave rebellion conspiracy in 1835, and several slaves were forced to confess to planning a rebellion and were executed. In the aftermath of the conspiracy, Alabama and Mississippi passed a series of laws to curtail the autonomy of both slaves and free blacks. In addition, Choctaw Indians had signed the Treaty of Dancing Rabbit Creek in 1830, which formally ceded their lands in Alabama in return for land in the Arkansas territory. By 1835 both state and federal government exerted an enormous amount of pressure on the remaining Choctaw to cede their lands and remove West of the Mississippi.¹⁴ An Afro-Choctaw family such as the Toms stood at the intersection of multiple ideologies that defined non-whites, whether Indian or African, as unsuitable citizens who were incapable of exercising power and autonomy. As we have seen, Anglo-Americans had begun to racialize Native Americans using the same logic and methods that had been deployed against African-Americans during the colonial era. For the Tom family to remain in Sumter county, they had to make decisions regarding

¹⁴ Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (New York: Belknap Press, 2013), 46-72; James Taylor Carson, *Searching for the Bright Path: The Mississippi Choctaw from Prehistory to Removal* (Lincoln, NE: University of Nebraska Press, 2003).

how to accommodate a racial ideology that dispossessed Natives of their land and defined African-Americans as the property of white men. Like other bicultural families discussed in previous chapters, the Tom family met this challenge by blending Anglo and Choctaw gendered identities and selectively deploying which identity they presented for public consumption depending upon the needs of the moment.

Sally Tom, the matriarch of the Tom family, was the head of a matrifocal household that resembled the matrilineal clans that had served as the central organizing unit for Choctaws. The fate of her husband “Old Tom” was not recorded in any of the surviving documentation, though he was presumably dead by 1830 when the federal government created the “Armstrong Roll,” a register of Choctaw Indians who intended to remain in the South under the terms of the Treaty of Dancing Rabbit Creek. “Old Tom” was not mentioned on the Armstrong list, but Sally was listed as a “free woman” who owned one slave and cultivated 10 acres of “good land” located about two miles from the old Choctaw trading factory. Under the terms of the Treaty each Choctaw “head of family” would be listed on the Armstrong roll, which entitled him or her to claim land under the terms of the 14th clause of the treaty. Joshua O’Rare appeared on the Armstrong roll as “a mulatto, married to Sally Tom’s daughter, and lives with Sally Tom.” The roll also listed Thomas Ware, “white, married to Sally Tom’s daughter and lives with Sally Tom.” Living close by to Sally’s household was William Lightfoot, who had married Sally’s daughter Aley and had two children by her. William was described as the child of “Old Black Jim” by a

full-blooded Choctaw woman “which makes the children very dark as aforesaid.”¹⁵ Thomas Ware, the white man whose deed recorded the history of Tom family, was married to Sally’s daughter Mary and also lived in Sally’s home. Each of these men, O’Rare, Lightfoot, and Ware, were recorded as the heads of Indian families, yet each was also listed with no acres under cultivation. Sally was the only one engaged in agricultural production and who owned a slave. Sally’s household included her daughters, the “mulatto” and white husbands of her daughters, and a total of seven grandchildren, as well as one slave.¹⁶ The grandchildren living in her home were an amalgamation of the various races of the Tom family, with red, black, and white represented under her roof. By creating separate entries for Lightfoot, O’Rare, and Ware, the makers of the Armstrong roll acknowledged these men to be “heads of family,” yet the reality was that these men lived under one roof with their mother-in-law and her daughters (or as was the case with Lightfoot, next door to Sally.) A decade later the composition of Sally’s household had changed very little. The 1840 federal census recorded that Sally was the head of a free colored household that included seven children, three adult females and one adult male. The composition of the household, with three adult women, one adult male, and their children, also

¹⁵ Sumter County Deed Book A, Page 492. See Deed Book A, pg. 490 for Mary Tom’s relationship to Sally and a listing of Mary’s children (her children included Emily Ware (b. January 23, 1829), Arianah Tom (June 20, 1831), Pernell Tom (b. March 6, 1833), and George S. Gaines Tom (b. November 10, 1834). For 1831 Census (Armstrong Roll), see Senate Doc. 512, part 3, 23rd Congress, 2nd Session, p. 46.

¹⁶ American State Papers, Public Lands, Volume VII, pg. 77. For Sally’s racial identification as a “negro,” see Sumter County Deed Book A, pg. 491.

mirrored what the Armstrong census recorded ten years earlier--- an older black female living with two daughters, sons-in-law, and their children.¹⁷

In addition to serving as matriarch of a multiracial household, Sally successfully established her economic independence by exploiting the land she gained under the treaty. In 1844, Sally sold 100 acres of land to a woman named Lucy Arane, and she later bought 160 acres of land from the estate of her daughter-in-law Ohoyo Tom for an unspecified sum of money. While we cannot be sure if Sally grew cotton on the land she owned, we do know that she accepted cotton as a form of currency. In 1848 Jeremiah Brown, one of the largest planters in Alabama, signed a promissory note promising to pay Sally \$286 in “bailed cotton” at the rate of ten cents per pound. The payment would be due no later than January 1851, and Brown arranged for the cotton to be delivered to either Jones’ Bluff or Tom’s landing, yet Sally agreed to be responsible for the transportation of the cotton to Mobile, where she presumably sold the cotton. The reason for this debt is not recorded--- yet considering the other transactions Brown had made with the Tom family, a reasonable guess might be that he had purchased part of the land granted to Sally under the treaty of Dancing Rabbit Creek. Sally Tom, a free black woman, clearly

¹⁷ 1840 Federal Census Sumter County. It seems probable that the census recorders mistakenly listed Sally’s name as “Sarah Thom.” Both Moses “Thom” and Jack “Thom” are also listed as heads of free black households in Sumter county, so clearly the census recorder mistakenly added an extra letter to the Tom family name. In addition, “Sarah Thom” must have been Sally Tom. In all the detailed genealogies of the Tom family in the Sumter county deed books, no one ever mentioned a Sarah Thom. The name does not appear in any other context in the Tom family documents. Given the resemblance of this household to Sally Tom’s household in the Armstrong roll, I argue that this was Sally Tom, mistakenly listed as Sarah Thom.

followed a matrilineal understanding of gender in her household arrangements and her ability to accumulate wealth through her agricultural activities.¹⁸

Sally may have identified with her Choctaw kinswomen and neighbors in her matrilineal arrangements, but she could also call upon an African concept of matrilineality to support her domestic arrangements. More than two-thirds of the enslaved persons who ended up on the plantations of Georgia and South Carolina in the late eighteenth and early nineteenth centuries were descended from the Upper West African coastal regions of Senegal, Gambia, and the Gold Coast. The major ethnic identities of these African peoples included the Fula, Ibo, and Mande. Like the Native Americans of the Deep South, these African peoples had strong matrilineal traditions and matrifocal households. Women in pre-colonial West African societies found power through their productive and reproductive capacities; just like Native women, African women cultivated the food at the center of the West African diet and economy (rice) and bore children that perpetuated the kinship lineages upon which village politics and cultural traditions were centered.¹⁹ West Africans who survived the treacherous Middle Passage blended together their inherited traditions and created during cultures during their enslavement in North America and created a distinctly African-American identity. Sally's preference for a matrifocal household and

¹⁸Sumter County Deed Book G, pg. 355

¹⁹Karen B. Bell, "Rice, Resistance, and Forced Transatlantic Communities: (Re) Envisioning the African Diaspora in Low Country Georgia, 1750-1800," *The Journal of African American History* 95 (Spring 2010), 163-164; Jennifer Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, 2004), 62-66; Gomez, *Exchanging Our Country Marks*, 93; Osborn, *Our New Husbands Are Here*, pg. 36 (notes 26-27); Hoffman, "Gender Ideology and Practice in Mande Societies and in Mande Studies," *Mande Studies* 4 (2002), 1-20.

matrilineal traditions likely blended together the various strands of her African ethnicity with her experiences within Choctaw society in the early nineteenth century.

In contrast to Sally's matrilineal household, her male children adopted the outward appearance of patriarchal, male-headed households. Jack was married to the "full blood" Choctaw Oulatona "according to the Choctaw custom." By the year 1835 Jack and Oulatona had five daughters, ranging from ages two to eleven.²⁰ In 1840, Jack Tom's family appeared on the federal census for Sumter county (with the last named misspelled as "Thom.") The family was listed as a free colored family with Jack as the head of the household, and the family had enlarged to eight children including one son and seven daughters. In total, Jack Tom's family included 10 "free persons of color" and 3 slaves. The census recorded that three persons were engaged in agricultural labor (though it does not list the names of these three individuals.)²¹ If the Tom marriage really did follow "Choctaw custom," Oulatona would have been employed in agricultural labor. Since three slaves are listed in the household, it is likely this is who the census recorder meant was engaged in agricultural labor on the Tom family farm.

The household of Moses Tom, the eldest of the Tom children, closely resembled that of his brother Jack. In 1835 Moses lived with his "full-blooded" Choctaw wife Ohoyo on Tom's Creek, located about five miles outside the town of

²⁰ Sumter County Deed Book A pg 493. The daughters of Jack were Sophia (b. April 15, 1824), Syna (b. September 18, 1824), Hannah (b. December 29, 1827), Vicey (b. June 25th, 1829), and Rhoda (b. April 20, 1833).

²¹ 1840 Federal Census, Sumter County Alabama

Gainesville. Their eight children lived with them, ranging from ages nineteen to one. The removal census of the Choctaw tribe in 1830 recorded Moses as having ten acres of cultivated land and a mostly youthful household of six children, all under the age of 10. In 1840, the federal census recorded that Moses Thom headed a household of twenty-one “free colored persons.” Since Moses and Ohoyo had eight children in 1835, the additional free persons of color could not have been an increase in children. In addition, two of the men in this household were listed as between the ages of 36-54, while two women were recorded as between the ages of 24-35. The census also recorded that seven members of the household were engaged in agricultural work, though of course it does not specify which members worked in agriculture.²² As will be discussed in more detail below, the large increase in Moses’ household probably represented an investment in African slaves.

The organization of the Tom family certainly appears anomalous when compared with the other free black families who resided in Sumter county and highlights the economic autonomy that distinguished the Tom family from other African-American families in the region. The vast majority of free blacks who lived in Sumter county accommodated white racial superiority and the plantation complex by living under the domination or authority of white men. By comparison the Tom family exercised an unusual amount of autonomy and control over their domestic and familial affairs. According to the 1850 Alabama census, the population of Sumter county included 8,919 whites, 14,329 slaves, and just 29 free blacks. A few of these

²² Sumter County Deed Book A, pg. 491; U.S. Federal Census 1840; American State Papers, Public Lands, Volume VII, pg. 77).

free blacks appeared to be women who lived in what appeared to be domestic relationships with white men, but most of the free blacks in Sumter county lived on plantations among a larger slave population. Susannah, whose race was recorded as “black,” lived with a white man named John Dabney along with her three “mulatto” children. Similarly, a white man named William Drake was the head of a household that included Polly Scott and her eight children, ranging from ages one to twenty-five, all described as “mulatto.” Drake also owned 45 slaves, yet Polly and her children were the only blacks articulated as living in his household. The nature of the evidence from the census can only be suggestive, but it seems likely that both William Drake and John Dabney lived with their black female lovers and their mixed-race children. These free blacks account for 12 (nearly half) of all free blacks in Sumter county. Another 13 free blacks were recorded living on plantations with a large number of slaves. The plantation of P.B. Ward was representative of this trend. Ward’s household in 1850 included five whites, 44 slaves, and 1 free black. The free blacks who lived on plantations among a larger slave population had probably been manumitted by their former masters and chose to remain on the plantations close to family or kin, or they may have had matrimonial or other kinship ties to the slave community and chose to reside on the plantation for the sake of these relationships.²³ The overwhelming majority of African-American residents of antebellum Sumter county were slaves on the region’s cotton plantations, yet even the tiny population of free blacks still remained subordinated to the plantation regime and the authority of

²³ 1850 U.S. Federal Census, Population Schedule, Sumter County, Alabama; Brenda Stevenson, *Life in Black and White: Family and Community in the Slave South* (Oxford: Oxford University Press, 1997).

white men. The Tom family's autonomy stands in clear contrast to the material and social conditions of their African-American neighbors.

The Tom family's economic success was founded primarily upon their accumulation of large grants of land and their ownership of African slaves. The Choctaw connections of the Tom family allowed them to claim homesteads in the 1830s, and these land grants gave the family economic power and wealth that alluded other free blacks. The fourteenth clause of the Treaty of Dancing Rabbit Creek provided "reservations" for Choctaw residents who wished to remain in the South and become American citizens. Those Choctaw "heads of family" who wished to remain in the South simply had to declare their intentions to the American agent and they would receive 640 acres of land, plus additional acreage depending on the number of children in their families. After they had occupied the land for five years, the families would be granted citizenship and title to the land.

Despite the promises of assimilation and citizenship, very few Choctaw successfully laid claim to the promises of the Treaty of Dancing Rabbit Creek. The American agent to the Choctaw, Colonel William Ward, notoriously opposed Indian assimilation and worked to remove as many Choctaw as possible to the West. Other American officials described Ward as "extremely intemperate" and a "very negligent officer" who was often too drunk to conduct business on behalf of the U.S. government. Several Choctaw complained that Ward would refuse to record their names unless they met him at specific times and locations, and even then Ward often failed to appear at the appointed times. One incident in particular demonstrated the antipathy of the American agent towards the Choctaw. A group of 200 Choctaw

leaders held a council for the purpose of declaring their intentions to remain in the South rather than relocate to the Arkansas territory. Since they could not speak English, the Choctaw gathered 200 sticks that represented each Choctaw man wishing to register for a reservation and appointed an interpreter to approach Ward with the names to be recorded. When presented with the 200 sticks, Ward violently threw them aside, “declaring there were too many of them, and they must go West.”²⁴ Of the 19,000 Choctaw appearing on Colonel William Armstrong’s 1831 census, only 69 were registered by Ward for reservations under the 14th clause of the removal treaty. Making matters worse, Ward submitted two conflicting registers to the federal government, with names listed on one but missing from the other. Multiple members of the Tom family managed to overcome these difficulties and have their names recorded not only on the Armstrong roll but both of Ward’s registers as well.

Ward’s registers offer a glimpse into the difficulties that Anglo-Americans encountered when attempting to racially classify the Tom family. True to his reputation as a slovenly record keeper, Ward recorded the names of five members of the Tom family on his register, but each member appears twice. In one entry, Ward registered Jack Tom has a ‘half breed’ but in the second entry for Jack, Ward recorded that he was a “colored man.” Ward’s designation of Jack as a colored man was the only time he used that phrase in the 169 entries of his register. Similarly, when he entered Ohoyo’s name on the register he marked her as ‘a half breed.’ In the second entry for Ohoyo, Ward failed to mention her race at all, preferring instead to

²⁴ U.S. Congress, House Committee on Indian Affairs. “Land Claims Under 14th Article Choctaw Treaty,” May 11, 1836. H. Rep. 663, 24th Congress, 1st Session (1836).

note the desirable land that her family occupied on the Tombigbee river. Ward incorrectly labeled both Jack Tom and Ohoyo Tom as “half-breeds,” but the more reliable testimony of Thomas Ware and Charles Buchannon, brothers-in-law of the Tom family, insisted that Jack was descended from two African-American former slaves and that Ohoyo was a “full-blood” Choctaw woman. Between June and August 1831, Ward registered multiple members of the Tom family on his register of Choctaws who wished to remain in the South. Charles Buchannon and William Lightfoot, who had married daughters of the Tom family, were listed as “a white man” and a “half-breed” man respectively. A man named Jim Tom, described only as a “half breed” also appeared on Ward’s register.²⁵ Ward’s use of the term “half-breed” to describe a full-blood Choctaw woman and the son of former enslaved Africans was probably the result of the mixed- race nature of the Tom family. The extended family included African, Native, and Anglo-Americans; decoding the exact ethnic composition of this family must have presented a challenge to an outsider like Ward, who was not known for accurate record keeping at any rate.

Despite the confusion over their racial classification, members of the Tom family managed to make valid claims and receive reservations under the provisions of the treaty, thus providing the family with the resource that would be at the heart of their economic survival. The Toms were eligible for large grants of land based on

²⁵American State Papers, Public Lands, Volume VII, p. 77-79. (The identification of Jim Tom can’t be established with any certainty. He was listed on Ward’s Register and the Armstrong roll, and his name exists on a couple of deeds in the Sumter county courthouse. Neither Thomas Ware nor Charles Buchannon mentioned him in their testimony regarding the Tom family history. Given the fact that he was listed on the Armstrong roll as having two children under the age of 10, it is possible that Jim is the brother of Moses and Jack and the son of “Old Sallie” and “Old Tom.”

their family size at the time of the Dancing Rabbit Creek Treaty. Ohoyo Tom claimed 2,240 acres of land while her brothers-in-law Jack Tom and Charles Buchannan each claimed 960 acres of land, and William Lightfoot, the African-American husband of her sister-in-law, claimed 1,120 acres of land. In total, members of the Tom family successfully petitioned for 5,280 acres of land. Agent William Ward's remark that Ohoyo and Jack Tom's land was situated on the Tombigbee river provides insight into the type of land they relieved. A location on the Tombigbee river provided important connections to markets in Mobile, allowing the Toms to cultivate their crop and sell it easily to the riverboats that regularly traveled the Tombigbee by the 1840s. The Toms lived in a rural neighborhood, yet they were never far removed from the larger Atlantic markets that existed outside of Sumter county. Furthermore, the Toms received some of the most valuable land in the Gulf South; the rich, dark soil of Sumter county was well-suited to producing cotton, thereby allowing the Toms to engage in the most lucrative trade of the Gulf South.

The revenues raised by the sale of land gained from the Treaty of Dancing Rabbit Creek allowed the Toms to invest in other, more lucrative properties. For instance, Jack sold a portion of his land grant located along the banks of the Tombigbee river in order to purchase a city lot in the town of Gainesville, the largest city and county seat of a Sumter county. Likewise, Moses used the capital he raised from sale of the treaty lands to purchase a town lot in the city of Mobile. Before his death Moses sold a portion of the town lot to his mother Sally, and after his death his brother Jack bought the remainder of the plot at public auction. How the Toms used

the city plots is unclear from the records, though like white planters the Toms possibly used the plots as both a place of residence and as a site for storage of the cotton grown on their upriver plantations. The small sum Jack paid for his brother's Mobile property (\$150) suggests the land that lacked buildings or other improvements, so the family may have used the land mostly as a site of storage for their valuable cotton.²⁶

Moses and Ohoyo proved especially adept raising large sums of money by selling land that Ohoyo had been granted under the removal treaty. In May of 1841, Moses and Ohoyo sold 340 acres of land to George Whitefield for \$5800 and 335 acres to John Eydle for \$6700.²⁷ After Moses' death in 1841, the estate inventory listed several promissory notes payable to the Tom family, most likely for land they had sold to their white neighborhoods. The largest debt was from George W. Gaines and endorsed by his father, former Choctaw agent George S. Gaines, in the amount of \$1000. Local white planters George Whitefield and John Whitsett owed the Toms \$690 and \$67.92, respectively. Most of these white men who were indebted to Moses Tom were substantial plantation owners who ranked in the upper echelons of the emerging plantation elite. Whitsett was recorded as the master of 60 slaves in the Alabama state census of 1850 and by 1860 his estate was valued at over \$400,000.²⁸ The money that the Tom family accumulated as a result of these financial transactions

²⁶Moses Tom Estate Papers, Sumter County Probate Court.

²⁷ Moses Tom to John Ezell, Sumter County Deed Book B; in 1836 the Toms also sold about 300 acres of their land to their brother-in-law Thomas Ware for \$200, see Ohoyo and Moses Tom to Thomas Ware, Sumter County Deed Book A.)

²⁸Alabama State Census, 1820-1866; 1850 Greene County AL. ; 1860 Federal Census Sumter County, Northern Division

would have given them economic resources unimaginable to most free blacks in rural antebellum Alabama.

Yet Moses Tom's estate inventories also contains clues that that the economic and social playing field had been stacked in favor of white Alabamians. Several Native Americans also owed the Tom family money as well, yet it seems unlikely that the estate collected these debts. The entry for Tinochiga was typical, which tersely recorded that he owed the Toms \$110 yet was "insolvent." Three other Native names were recorded as owing various amounts of money to Moses Tom, yet each of them was also declared insolvent. The reasons for these debts is not clear, yet it may be possible that the Native Americans who owed money to the Toms were kinspeople or close friends who turned to Moses and Ohoyo for assistance during the stressful time of Indian removal in the 1830s. The Toms' ability to claim a homestead and then produce cotton and sell valuable excess land provided them with a resource that allowed them to escape the worst abuses of Afro-Indian peoples during the era of Removal.

While Moses and Ohoyo may have acted as creditors to their Choctaw kin and neighbors, Jack Tom acted as a creditor to his white neighbors, providing them with loans that enabled the purchase of African-American slaves. In November 1842 Jack provided a loan of \$700 to Missouri Boyette so that she could purchase two male slaves from John Kerr. The promissory note was due in March 1844, and Boyette used the slaves as security for the loan from Tom. Whether or not Jack was able to recover his money from this transaction was less certain. In 1844, the year she was to complete payment on the promissory note, Missouri became embroiled in a dispute

with her siblings over the possession of slaves from her mother's estate, and she was accused of "...intending, designing, and contriving to cheat and defraud..." her siblings by leaving Alabama "...in a secret and clandestine manner..."²⁹ No records survive to indicate whether Jack collected the debt or what happened to the two male slaves that his loan financed. Yet what is important is that white planters like the Boyettes and the Kerrs would turn to Jack Tom to assist in financing these transactions. In providing resources to his fellow planters and acting as a good neighbor, Jack could further claim to be acting like as a patriarch.

Like their white neighbors, Moses and Ohoyo were actively engaged in cotton production, as an inventory of Moses' estate taken after his death demonstrated. Their farm produced one bale of cotton in 1840 valued at \$15, and the cotton for 1841 "now in the seed" was valued at \$170, implying that the Tom farm produced about 11 bales of cotton. The Tom's traded this cotton in the antebellum market that had emerged along the Tombigbee river. The Walton family, who owned a cotton plantation in neighboring Greene county, acted as middlemen between small cotton producers and the large factors in the city of Mobile. In addition to recording cotton sales from Native Americans such as W.A. Lange, listed in their inventory as "A Chickasaw," and A. Patten, also listed as a "Chickasaw," the Walton's inventories also recorded one customer named "Free Moses." Considering that the Walton's business was centered on the area of the Tombigbee where the Toms lived, there is a

²⁹Missouri Boyette, Sumter County Deed Book B; Will of Sarah Boyette, Sumter County Will Book, Volume 1, page 225-227; Petition of James Hair to the Sumter County Court, in Race, Slavery, and Free Blacks, Series II: Petitions to Southern County Courts, 1775-1867, PAR # 20184409.

high probability that “Free Moses” was Moses Tom.³⁰ Other Tom family members must have also been involved in the cotton trade as well. As noted above, Sally accepted cotton as a form of currency when selling her land. In addition, the Tom family investment in chattel slavery points to an interest in producing for cotton for the market economy that was developing in 1830s Alabama.

The Tom family’s mastery over African slaves underwrote their economic success and served to set them apart from other free blacks and most other Choctaw. During their residence in Sumter county various members of the Tom family held African peoples in bondage and used them as laborers on the rich soil of their plantations on the Tombigbee river, though Jack Tom was the member of the family most remembered as a slave-owning free black. The total number of slaves owned by the Tom family is unclear in the historical record. As mentioned above, certain members of the Gainesville community recalled that Jack Tom sold a total of twenty slaves when his mother died. However, on the Armstrong roll Sally was recorded as owning only one slave, and the deed records in Sumter county mention Jack’s name in association with the sale of five different slaves. In September 1844 Jack sold to William Shot a young female slave named Margo, described in the deed as “nineteen years old and of yellow complexion.”³¹ Eight months later in May 1845 Jack paid \$864 to William J. Steele for a 29 year old male slave named Eber. Eber was undoubtedly Eber Wright, and the circumstances of Wright’s sale were retold in the Sumter county newspaper *The Republican Pilot*. According to the paper, George

³⁰Cited in James Wainwright, “Both Native and Deep South.”

³¹Jack Tom to William Shot, Sumter County Deed Book A, Sept. 23, 1844.

Wright, a free black man, sold his children/slaves Ebert, Eli, Ezekiel, Enon, and Ezra, who ranged from ages twenty-five to sixteen. The reasons that Wright was forced to sell his children/slaves were unclear, but the paper did record that “Jack Tom, another free Negro in Gainesville, bought several of the boys. The others got good homes and people in Gainesville who knew of them said they didn’t believe they were complained of their changed status.”³² The only deed that was recorded in the courthouse was for the purchase of Eber, though it is possible that Tom bought other siblings and didn’t record a deed. In total Jack Tom was associated with the ownership of 10 enslaved Africans, though this number might have been higher and the records of ownership failed to survive.

Moses and Ohoyo were also engaged in slave ownership as well; of the 21 persons living in Moses Tom’s household in 1840, several of them were likely enslaved Africans. As mentioned above, natural increase could not possibly explain the large expansion in Moses and Ohoyo’s family in the five years spanning 1835 to 1840, when the house hold increased from eight to twenty-one. Additionally, when Moses died in 1841 his probated will declared his intention that his wife be “well supported” and should “have a servant about the house man and woman.” In

³²*The Republican Pilot*, March 27 1841; *Gainesville Dispatch* August 14, 1875; Despite the paper’s benign portrayal of the Wright brothers’ treatment, it is difficult to accept the idea that they were content in their position. Free blacks who had purchased the freedom of their kin but had not emancipated them could be forced into selling family members during times of financial crisis. Jack Tom, as sympathetic as he might be, also bought and sold slaves in an effort to capitalize on his economic power. And as everyone would discover in the coming decade, a free black man with an Indian wife was far from secure in his social position in the antebellum deep South, and his enslaved property’s status and livelihood was precarious as well.

addition, he left his three eldest sons “servants” named Ben, Jim, and Mary.³³ Like his mother and brother, Moses also owned enslaved Africans but interestingly did not refer to them as such, preferring to use the more benign term “servant” in his last will and testament. Moses clearly demonstrated a sense of ownership and possession over the “servants,” to the extent that he directed which of his surviving family members inherited the servants upon his death. However, Moses’s status as the free son of former enslaved Africans may have left him uneasy about owning human chattel, which might explain why he referred to these individuals as “servants” rather than slaves. Whatever the term he used to describe the enslaved people who labored on his farm, Moses Tom’s ability to own human chattel and derive economic advancement from their forced labor may have allowed him to imagine a common patriarchal identity with both local white planters and members of the Choctaw elite, whose patriarchal identities were at least partially based on slave ownership.

Ohoyo Tom’s actions after her husband’s death demonstrated that she probably ignored the wishes of Moses and continued to exercise control over important resources within the family. When Ohoyo recorded her will in 1843, she provided that her three children Lotty, John, and Eve should have “all the cattle and hogs and horses” as well as the “servants” Ben and Mary (most likely the same Ben and Mary mentioned in Moses’s will.) She also mentioned that her land was not to be sold until her children had prepared to “remove over the West of Arkansas” and then the proceeds of the land sale should be divided equally among her children.³⁴ Despite

³³Will of Moses Tom (the male children who inherited the “servants” were Cyrus, Watson, and Solomon).

³⁴ Sumter County Will Book 1, page 133.

the fact that Moses had intended his male children (Cryus, Watson, and Solomon) to inherit three slaves, Ohoyo had control of the slaves upon her death two years later. Furthermore, Ohoyo directed that her younger children, including two of her daughters, should inherit the cattle and the slaves, rather than the three older male children that Moses had preferred.

Ohoyo's control of the family's cattle and slaves suggests that she maintained control over a lucrative and important resource by following her matrilineal Choctaw customs. As the hunting lands of the Choctaw declined and more adopted private property, many Choctaw turned to raising cattle as a lucrative market in which to make money and to replace traditional methods of sustenance. The Choctaw word for cattle, *alhopa*, translates to "fruit tree which could be cultivated." The association of fruit trees and agrarian cultivation allowed Choctaw women to synthesize new types of labor with their traditional understandings of the gendered division of labor within Choctaw society.³⁵ The cattle that appeared in the Tom estate inventory was the single most valuable item they possessed. Ohoyo managed to maintain some traditional sense of Choctaw womanhood in order to exercise economic influence within her family. In addition, though the cattle appear in the inventory of Moses Tom's estate in 1841, Moses did not attempt to dispose of the cattle in the same way he did the "servants" Ben, Mary, and James. Only the will of Ohoyo Tom attempted

³⁵James Taylor Carson, "Native Americans, the Market Revolution, and Culture Change: The Choctaw Cattle Economy, 1690-1830," in Greg O'Brien, editor, *Pre-Removal Choctaw History: Exploring New Paths* (Norman, OK: University of Oklahoma Press, 2008), 191-193. See also James Taylor Carson, "Choctaw and Chickasaw Women, 1690-1830," in Elizabeth Anne Payne et al, editors, *Mississippi Women: Their Histories, Their Lives* volume 2 (Athens, GA: University of Georgia Press, 2010), 7-22.

to dispose of the cattle, indicating that this lucrative commodity remained under her control during her lifetime.

The racial and ethnic composition of Indian slave holders has been a major preoccupation of the historiography of Indian slavery. Historians have argued that mixed race white/Indian men were more inclined to embrace the racial ideology of their white fathers and exploit the labor of African slaves. More recently, other historians have demonstrated that “full blood” Indians also proved willing to adapt their racial ideas to the growing institution of slavery.³⁶ Greenwood Leflore, the son of a Choctaw woman and French fur trader, owned more slaves than any other Choctaw in the antebellum period. Leflore’s estate eventually consisted of 15,000 acres, 450 slaves, and a large plantation home furnished with French antiques. Leflore’s wealth and power made him one of the most formidable of the plantation elite in Mississippi. Yet one of his fellow leaders, Mushulatubbe, was a “full blood” Choctaw who also owned a large amount of property and slaves, though not quite to the extent of Leflore’s estate.³⁷ However, the practice of slave ownership among free blacks who lived among the Indians of the South is not a topic that has been explored in any depth by historians, most likely due to the fact that such occurrences were rare and remain difficult to document. The slave owning practices of the Tom family demonstrates that free Africans also found slave ownership a lucrative enterprise in the antebellum period and supports the arguments of those historians who have found

³⁶Richard White, *The Roots of Dependency*

³⁷ Krathaumer, *Black Slaves, Indian Masters*

that slave ownership was not limited to Native Americans with “mixed blood” connections.

After the 1840s, it becomes harder to trace members of the Tom family. Moses died in the early 1841, and his wife Ohoyo died sometime soon after him. Neither Jack Tom nor his mother Sally ever recorded a will, so it is not possible to determine their dates of death. Two documents provide clues that most of the Tom family eventually abandoned the family’s landholdings in Alabama and relocated to Oklahoma along with the vast majority of the Choctaw people. In 1833 Ohoyo and Jack Tom sent a petition to Lewis Cass, then Secretary of War, asking that the family should be “put in peaceable possession” of the land they had received under the Treaty of Dancing Rabbit Creek. According to the petition, the Toms felt that “The white people have been at war with us Ever since they have become our neighbors,” and they asked Cass to intervene to prevent further “misuse and Destruction of property.”³⁸ The petition was also endorsed by Charles Buchannon and William Lightfoot, both of whom had married the sisters of Moses and Jack. As mentioned above, the land that had been granted to the Tom family was very valuable due to its proximity to the Tombigbee River, so the family probably faced enormous pressure from Anglo-American intruders to sell their land and remove to Oklahoma. The family’s request to be left in “peaceable possession” of their land hints at the fact that the land transactions recorded in the deed books of Sumter county may not have always been voluntary in nature.

³⁸Ohoyo Tom et al to Lewis Cass, Letters Received Office of Indian Affairs, Roll 170, Frames 484-485.

A separate legal document indicates that the children of Jack and Oulatona Tom were living in Fort Smith, Arkansas by January of 1859. Fort Smith, on the Oklahoma border, served as the federal government's primary Western staging ground during the era of Indian removal. Eight of Jack Tom's children signed a power of attorney agreement allowing their brother, Sinai, to act on their behalf in a dispute with Jeremiah Brown, their former neighbor in Sumter county and one of the largest slave owners in Alabama. The agreement stated that Sinai was empowered to "ask and demand" of Brown for any money that might still be owed to the Tom family as a consequence of land transactions that Jack had overseen with Brown during the 1840s.³⁹ If the petition of Ohoyo and Jack Tom hints at the coercion used to force the Toms into leaving Alabama, the efforts of Jack's children to recover old debts demonstrates that the family may not have always been able to make advantageous use of their property.

No records exist to confirm how much success Sinai may have had in the Tom family's suit against Jeremiah Brown, though if he did venture to Sumter county he almost certainly returned to a county that was vastly changed by 1859. By the eve of the Civil War, Jeremiah Brown had accumulated several plantations totaling more than 8,000 acres, and he was reputed to have more than 1,000 slaves. He was known for his generosity to missionary causes, donating more than \$15,000 each year to Methodist missionary organizations, and he endowed an professorship in theological studies at nearby Howard College in Marion, Alabama. On the 1840 census Brown was listed as having 131 slaves, and by 1855 the Alabama state census recorded his

³⁹ Sumter County Deed Book A.

slaveholdings at 520. Yet Brown's ability to act as a paternal figure within his black belt community and his enormous wealth was at least partially built on his success at exploiting the inability of the Tom family to maintain their independence. This was the same Jeremiah Brown who promised Sally Tom bales of cotton in exchange for land, and he also bought Jack Tom's homestead when his children decided to move West. Price further commented on the amount of slaves that his master owned, stating that "Couldn't nobody 'cide which had the mos' niggers er the mos' lan', Mr. Jerry Brown or Mr. Wade Hampton in Souf Carolina."⁴⁰ Men like Jeremiah Brown used their wealth and economic clout to strengthen their position atop the South's racial hierarchy, thereby making legal challenges from the Afro-Choctaw Tom family extremely unlikely to succeed.

White planters in the heart of the black belt were not the only ones drawing a sharper contrast between white, Natives, and Africans. In fact, the Tom family may have initially chosen to take their chances among their white neighbors in Sumter county rather than move West with the Choctaw in order to escape the emerging racial consensus among that tribe. The Choctaw passed laws aimed at suppressing the interracial relationships exhibited by the Tom family as early as the 1820s. In 1826 the Choctaw, led by a group of "mixed bloods," adopted a Constitution and a formal set of written laws in an effort to politically unify the Choctaw. One of the laws passed by National Council decreed that neither Choctaws nor "whites who lived among them" would be permitted to marry black slaves. Furthermore, the law

⁴⁰ 1840 Federal Census, Sumter County; 1855 Alabama State Census Sumter County; Andrew Price, 1st Supplemental Series, Mississippi Narratives, Volume 09s, pg. 241-42.

stipulated that Choctaw men who had sex with black female slaves would suffer thirty five lashes, while Choctaw women who had sex with black males would suffer twenty-five lashes. The guilty parties would also pay a fine of \$50, which be split between the witnesses who attested to the relationship and the Choctaw treasury.⁴¹

In 1842 the Choctaw nation adopted a second written constitution in order to “...promote the general Welfare and secure to ourselves and our Posterity the right of Life, Liberty, and Property.” The constitution declared that “...no free negro, or any part negro, unconnected with Choctaw and Chickasaw blood, shall be permitted to come and settle in the Choctaw Nation.” Though this provision seemingly left a small window of opportunity for Africans with Choctaw blood, the constitution also forbade any person “who is any part negro” from ever holding political office or becoming a naturalized citizen of the Choctaw nation. Free negroes were not allowed to settle within the nation’s boundaries; the only persons of African decent who were allowed to live amongst the Choctaw were either slaves or the product of a previous generation’s interracial mixing. The Choctaw General Council in 1838 criminalized sexual relations between Choctaw citizens and African slaves; the first offense was punishable by a fine and the second offense punished by thirty-nine lashes. Moses, Jack, and their siblings would have been unwelcome in the Choctaw nation, since they were African and not related to the Choctaw by blood. The relationships of Ohoyo and Oulatona with Moses and Jack were now criminalized in the eyes of the Choctaw law. Their mixed race Afro-Choctaw children would find limited tolerance

⁴¹ Peter Pitchlynn, *A Gathering of Statesmen: Records of the Choctaw Council Meetings, 1826-1828*. Edited and translated by Marcia Haag (Norman, OK: University of Oklahoma Press, 2013), 141-143.

among the Choctaw, yet they were expressly denied citizenship and political rights. The very relationships that allowed the Tom family to exercise power and economic independence in Sumter county would not be tolerated under the new Choctaw regime West of the Mississippi.

Through their Constitution and law codes, the Choctaw criminalized the relationships that had allowed Moses and Jack Tom to establish economic independence and claim a measure of autonomy and power. Moses and Ohoyo's relationship clearly predated the adoption of these laws by at least a decade, as their oldest child was born in 1816. We have no way of knowing how the time family reacted to these developments, but it may have been the existence of these laws that convinced the Tom family to remain in Alabama, where they at least had land and economic resources, rather than travel to the West with Choctaw who clearly resented their relationship.

The Choctaw were not the only Southern tribe that began to criminalize relationships between blacks and Indians/whites. In 1824 the Cherokee National Council passed a statute that prohibited intermarriage between negroes and Indians. The law provided for corporeal punishment for any Cherokee who had sexual relations with a negro; 59 lashes for a male Cherokee who had sex with a negro and 25 for an Indian or white woman who did the same. Furthermore, the Cherokee declared that all free negroes coming into Cherokee country after 1824 would be considered "...intruders and shall not be allowed to reside." Similarly, the Creeks passed laws criminalizing Indian/negro sexual relationships in 1842, and by 1859 Creek leaders had revoked the citizenship of Creeks "of negro origin." In addition,

the Creek council, dominated by Creek slaveholding men, formally revoked the right of the clans to adopt outsiders by decreeing that the children of Creek women and negro men could not be members of the Creek nation if they were “more than half negro.”⁴²

As the slave owning Indian men began to assert their control over both their nuclear families and their African slaves, the matrilineal traditions of their forefathers gradually gave way to patriarchal authority and ideas about communal property were replaced by private property. Thus when Moses and Jack Tom attempted to arrange their domestic affairs to resemble patriarchal households, it was not only white Southern plantation owners they intended to mimic. Increasingly Choctaw men were also deploying patriarchal power in an effort to incorporate into American society and maintain their independence from both federal and Southern state governments.⁴³ By presenting at least the outward appearance of being land and slave owning patriarchs, Moses and Jack could claim affinity with both Anglo-American and Anglo-Choctaw men who increasingly placed importance on patriarchy as a form of social organization.

Sally Tom and her daughter-in-law Ohoyo clearly preferred matrilineal arrangements that empowered females within the domestic realm. Historians investigating gender in the antebellum South have convincingly demonstrated how race and class were more salient identities than gender for women of the plantation belt.

⁴²William McLoughlin, *Cherokee Renaissance in the Early Republic* (Princeton: Princeton University Press, 1986), 340; Theda Perdue, *Slavery and the Evolution of Cherokee Society, 1540-1866* (Knoxville, TN: University of Tennessee Press, 1979); Saunt, *Red, Black, and White*, 88-89.

⁴³Saunt, *Red, Black, and White*,

Through acquiescing to the exploitation of African-American slaves, white Southern women gained labor, prestige, and the “protection” of white male patriachs.

However, it seems clear that Indian and African women could form cross-racial solidarity in their efforts to combat the racialized identities

The records generated by Anglo-American men were perhaps biased in their recording of Moses and Jack Tom’s patriarchal status. For instance, the 1830 Armstrong census of Choctaw Indians listed Sally Tom’s sons-in-laws and daughters residing in her home, yet Armstrong also recorded these same men as the “heads of household” for Indian families, which entitled them to homesteads. This designation was given to the men, even though they clearly lived in their home of their mother-in-law and had no land under cultivation. In addition, any time Jack Tom sold land or slaves, his wife Oulatoona was required to give special testimony that she had not been coerced into signing over her rights. For instance, when Jack sold land to the Boyette family, a justice of the peace examined Oluatoona and was satisfied that she had voluntarily relinquished her dower rights without “any threats of coercion from or on the part of her . . . husband.”⁴⁴ In the antebellum period such protections had become standard for white women who engaged in commercial transactions, but as a full blooded Choctaw Oluatona may have seen herself as in command of the financial transactions taking place, especially since it was her Choctaw lineage that would have allowed Jack Tom to claim land under the removal treaty in the first place.

⁴⁴ Sumter County Deed Book D, pg. 650.

The documentary evidence available for the Tom family provides clues that they held onto matrilineal traditions and social norms in an effort to combat the imposition of a rigid racial hierarchy taking shape in antebellum Alabama. When Sally and Ohoyo Tom declared themselves to be “heads of a Choctaw family” as required under the removal treaty, they gained access to land that enriched their families and allowed them to accumulate the most valuable form of capital in the Antebellum South. The family also engaged in a complicated relationship with slavery and profited from forced labor of people of African descent. Jack and Moses Tom clearly adopted patriarchal understandings of property and power and presented an image to the Sumter county community meant to solidify their connections to the planter class. The entangled identities of the Tom family allowed this Afro-Choctaw family to maintain their freedom and independence from the plantation complex while also ensuring the family’s prosperity and economic viability.

Epilogue: Race, Gender, and the Deliberate Ambiguity of Cross-Cultural Peoples

Race had been a flexible and unstable category of social difference for most of the colonial era, yet Euro-Americans adopted a more rigid approach to race categorization by the dawn of the nineteenth century. In the seventeenth century Europeans had been inclined to believe in a single creation and that all humanity was descended from a common ancestor; in this world-view, skin color was the product of cultural and geographic factors. Yet the late seventeenth and eighteenth centuries witnessed an increasing stratification of racial thought, especially in regards to people of African descent. The creation of slave societies centered upon plantation production in places as diverse as the West Indies, the Chesapeake, and the Carolina Lowcountry resulted in the legal codification of slavery and created a permanent, degraded status for persons of African descent. In tandem with the legal codification of race, the scientific rationalism of the Enlightenment encouraged philosophers and social thinkers to systemically study, explain, and classify racial difference. The writings of men like Carl Linnaeus provided Euro-Americans with a taxonomy that rationalized white superiority and political dominance while justifying the racial subordination of non-white people. In *Systema Naturae* (1735), Linnaeus divided humans into four broad categories including Homo Sapiens Europeus, which he described as "smart, inventive. Covered by tight clothing, ruled by law," and Homo Sapien Afer, who were "sluggish, lazy, crafty, slow, and careless. Covered by grease.

Ruled by caprice."⁴⁵ In the Euro-American mind race transformed from a flexible cultural construct to an innate biological category that could not be changed. The ideas of men like Linnaeus ultimately culminated in the scientific racism of the nineteenth century, in which new disciplines like phrenology sought to further rationalize Euro-American exploitation and dispossession of non-white people.⁴⁶

Barely a century before this shift in racial attitudes, Anglo-Americans had fought amongst themselves regarding the contours and boundaries of white masculine and patriarchal identity. The founding of Georgia in the 1730s allowed the elite Trustees of that colony to imagine the existence of a paternalist, communitarian social order founded on the principles of yeoman domestic economies and free from the influence of African chattel slavery. Yet as chapter one demonstrated, the vision of the Trustees foundered because it failed to consider the reality that Anglo-American patriarchal identity in North America, and more particularly in the Southern colonies, had come to rely upon the exploitation of land and slaves. The “malcontent” colonists articulated a keen awareness that their racial and gendered identities as Anglo-American men were limited by the restrictions placed upon them by the Trustees. After the Trustees surrendered their charter in the 1750s and gave up on their Utopian vision, Georgia rapidly became a slave society in which Anglo-Americans men

⁴⁵Quoted in Ibram Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* (New York: Nation Books, 2016), 80-82.

⁴⁶Kendi, *Stamped from the Beginning*, 79-103; Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge, MA: Harvard University Press, 1981), 43-61; Claudio Saunt, *Black, White, and Indian: Race and the Unmaking of American Family* (Oxford: Oxford University Press, 2006), 66-83; Winthrop Jordan, *Black Over White: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill, NC: University of North Carolina Press, 1968), 216-268.

solidified their positions as patriarchs and as masters of the land and slaves that had been denied them under the Trustees. As the Anglo-American line of settlement moved steadily inward towards the interior of the Gulf South, the rigidity of white patriarchal identity repeatedly came into the conflict with the flexible gendered and racial identities of bicultural peoples.

Many cross-racial peoples confronted the inflexibility of Anglo-American racial categories by adopting mutable gendered identities that assisted them with rejecting claims of Anglo-American superiority with simultaneously accumulating wealth and status. Mary Musgrove and her multiple husbands were representative of this trend. Relying on her matrilineal Creek connections allowed Mary to create ties of reciprocity with Creek traders and merchants were ultimately served to enrich Mary and her husbands. At the same time, Jacob Matthew and Thomas Bosomworth used the wealth generated by Mary's business ventures to present the image of Anglo-American patriarchs, something which Mary found beneficial during her struggles with the royal officials as she fought legal battles over land which had been promised to her. Placing Musgrove's experiences into dialogue with Fenda Lawrence exposes the ambiguous place that people of Native descent had come to occupy within American society. Like Musgrove, Lawrence used her cross-cultural background to protect and enrich her family from the Gambian slave trade on Africa's west coast. However, when she moved to Georgia and South Carolina, Lawrence found that the legal and social institutions that supported slavery severely curtailed her autonomy and freedom. Only by subordinating herself the plantation

regime and gaining the protection of a white male could Lawrence hope to escape the worst abuses of the slave trade.

In the post-Revolutionary era Native Americans occupied a liminal space in America's racial hierarchy that placed them somewhere between Euro-Americans and African-Americans. The Enlightenment's emphasis on environmentalism and education led some Euro-American thinkers to conclude that Native Americans could be converted into "civilized" members of society if they would only adopt Euro-centric ideas about family organization, property ownership, and religion. Yet as chapter three of this dissertation has demonstrated, the relationship between Anglo and Native Americans had reached a decisive turning point by the first decades of the nineteenth century. Anglo-American perceptions that the prior attempts at "civilization" had failed combined with the new scientific racism of the nineteenth century and resulted in a profound turning point by the time Andrew Jackson was elected president in 1828. Anglo-Americans no longer believed Indians capable of cultural transformation, and many federal officials advocated relocating Native groups West of the Mississippi River. While Jefferson and his followers had envisioned a world in which Anglo and Indian blood would intermingle and spread throughout the continent, later settlers and politicians advocated for segregation and expressed a strict abhorrence at the idea of Anglo and Indian intermixture. Legislators and settlers in the Gulf South quickly abandoned the idea of Native incorporation. In 1828 the state of Georgia extended its jurisdiction over Cherokee lands; Alabama and Mississippi quickly followed up extending their jurisdictions over Choctaw and Chickasaw lands as well. By 1830 Congress had enacted the

Indian Removal Act, which provided Andrew Jackson and his populist supporters the means and justification for expelling Indian peoples from their homelands and forcing them beyond the Mississippi.

During the antebellum era, the Native peoples of the Gulf South relied upon tactics learned during the colonial era to combat the increasing racialization imposed upon them by Anglo-American settlers. Bicultural peoples in the Gulf South flourished along the “gender frontier” of Anglo-Indian settlement. People like Mary Musgrove and her husbands learned that playing both sides of Anglo-Indian identities was an effective way to accumulate property, power, and resources. As the Anglo-Americans came to the conclusion that Native and African-Americans shared a common space on the social hierarchy of North America, Anglo-Native peoples continued to deploy their bicultural identities in ways that would have been recognizable to their eighteenth-century ancestors. Claiming the powers inherent within both Anglo patriarchal identities and Native matrilineal and matrifocal family arrangements gave the bicultural peoples of the Gulf South a small, yet distinct opportunity to combat racial categorization while also protecting their class status.

North America was not the only place that witnessed the type of intimate entanglement examined in this dissertation. In almost all locales Europeans travelled in the early modern era, merchants, missionaries, and members of colonial militias created relationships with local women. While these liaisons provided crucial support to European men as they traveled, traded, and settled throughout the Atlantic world, imperial governments often wrangled with the repercussions such intimate entanglements had on social and political hierarchies in the far-flung places they

sought to rule. Once the initial generations of contact passed, European settlers attempted to exercise more power and influence over local affairs while metropolitan governments became increasingly concerned with enforcing patriarchal notions of family and sex. The imposition of European gender norms were an effort to buttress European claims to power and dominance. By deciding on the legitimacy of intimate unions and the status of their offspring, imperial authorities sought to give meaning to racial difference and construct rationales for European cultural dominance.

Placing the early American republic in a larger global context reveals that North America shared much in common with a “global gendered order” that emerged in the nineteenth century. Euro-Americans across the globe used patriarchal family norms, Westernized ideas about the gender division of labor, and the sanctification of private property in ways that bolstered their claims to racial and political superiority in places as diverse as the West Indies, South Africa, and India. For example, the abolition of slavery in the British empire in the 1830s brought new attention to efforts to re-shape the colonial social order that had dominated British slave societies for two centuries. European missionaries and social reformers attempted to restructure family life by granting African men the patriarchal privileges that had been denied to them under slavery while “domesticating” African women by refocusing their work from field labor to the home. Just as the U.S. federal government’s “civilization program” had sought to transform Native American family life, reformers and government officials across the globe made regulation of family politics an integral part of constituting metropolitan authority. The process of instructing non-white people in the finer points of “civilized” family life allowed reformers and government officials

to articulate a racialized national/imperial identity while also providing the framework for excluding non-white peoples from that identity.⁴⁷

By the early nineteenth century mixed-race individuals, the products of an earlier era, became newly problematic in the disparate places that Europeans and Americans sought to rule. Persons who originated in the blended families that had made commercial ties possible in the eighteenth century blurred the lines between new polarized racial identities that emerged in the nineteenth century. Women like Rachel Pringle Polgreen, a free woman of color in the Southern Caribbean who claimed Anglo and African ancestry, used blended customs to challenge the imposition of racial norms and imperial authority. Polgreen and other free women of color created novel understandings of marriage that allowed them to simultaneously lay claim to economic power and Anglo-European notions of respectability. The “free colored moment,” as Kit Candlin and Cassandra Pybus have termed the period between the 1780s and 1840s, allowed women like Polgreen to take advantage of the unsettled economic and social terrain of the era in ways that allowed them to accumulate property, wealth, and power. Likewise, the mixed-race Afro-Dutch women who participated in the slave trade on the Gold Coast embraced Christianity and European material culture partly because it helped distinguish them from the enslaved women they sold to Atlantic merchants. Just as Delilah Wall and Rhoda Gunn had done in the Alabama and Mississippi courts, mixed-race women throughout the Atlantic world attempted to find empowerment by calling upon their bi-cultural

⁴⁷ Kirsten McKenzie, “‘My On Mind Dying Within Me’: Eliza Fairbarin and the Reinvention of Colonial Middle-Class Domesticity in Cape Town,” *South African Historical Journal* 36 (1997), 22-23; Catherine Hall, “Of gender and Empire,” in Phillipa Levine, editor, *Gender and Empire* (Oxford: Oxford University Press, 2007), 46-76.

understandings of gender and power. Hybrid people practiced a flexibility of gender relations that eventually came into conflict with the rigid implementation of racial and gendered hierarchies that accompanied the settlement and growth of settler colonies, whether in the Gulf South, West Indies, or Africa's Gold Coast.⁴⁸

The republican state that emerged in the years after the American Revolution was embedded with ideas about egalitarianism and the great promise that "all men are created equal." The U.S. was in the uncomfortable position of having embraced equality for the purposes of throwing off the yoke of empire only to embrace methods of imperial rule in an effort to dispossess Native American peoples. The existence of the republican state was a central difference between the era of Rhoda Gunn, Delilah Wall, the Afro-Choctaw Toms, and their eighteenth century ancestors. The need to define and limit citizenship led to judges and lawmakers to adopt a hierarchal and racialized vision of social order that essentialized Native racial differences and used their supposed racial and cultural inferiority to provide justification for political exclusion and economic dispossession. Drawing boundaries more firmly around inclusion and exclusion and formalizing legal codes gave Anglo-American men a power they did not have earlier, and it limited the ability of cross-racial individuals to play both sides to their maximum advantage. For Anglo-Native peoples like the Walls, Juzans, and Colberts, Jefferson's 'empire of liberty' would put more emphasis

⁴⁸ The historiography mixed-race families throughout the Atlantic world has expanded significantly in recent years. See especially: Kit Candlin, *Enterprising Women: Gender, Race, and Power in the Revolutionary Atlantic* (Athens, GA: University of Georgia Press, 2015), 179; Pernille Ipsen, *Daughters of the Trade: Atlantic Slavers and Interracial Marriage on the Gold Coast* (Philadelphia, PA: University of Philadelphia Press, 2015); Brooke Newman, "Gender, Sexuality, and the Formation of Racial Identities in the Eighteenth-Century Anglo-Caribbean World," *Gender and History* 22 (2010): 585-602; Jennifer Spear, *Race, Sex, and Social Order in Early New Orleans* (Baltimore, MD: Johns Hopkins University Press, 2014); Andrew Frank, *Creeks and Southerners: Biculturlaism on the Early American Frontier* (Lincoln, NE: University of Nebraska Press, 2005).

on the “empire” while radically redefining “liberty.” For non-white peoples, the methods and tactics of American national expansion and imperial rule were indistinguishable from those adopted by other Westernized powers across the globe in the nineteenth century.

By the dawn of the twentieth century both Native Americans and the U.S. federal government would rely upon their experiences during the antebellum era in ways that informed their interactions with each other at the beginning of a new century. Progressive reformers and the federal government made yet another attempt to “civilize” and assimilate Native peoples under the auspices of the Dawes Allotment Act. This legislation built upon prior attempts to transform Native peoples dating back to the administration of George Washington and the “Civilization program” of an earlier era. In addition, the boarding school movement sought to build upon the goals of organizations like the American Board of Commissioners for Foreign Mission by promoting Anglo style education and religion among Native peoples. Though these new efforts at reform and assimilation were traumatic for many Native peoples and marked a new chapter in Anglo-Native relations, evidence suggests that bicultural peoples continued to eschew Anglo categories of race by deploying flexible gender arrangements just as their ancestors had done in the eighteenth and nineteenth centuries.

Many of the descendants of those families whose life stories form the nucleus of this dissertation eventually relocated West of the Mississippi river, yet they continued to practice the adaptive gender culture they had developed in the Gulf South in the years before their removal. Historians have documented the nearly

insurmountable odds that faced bicultural peoples after the plantation economy of the Gulf South reached maturity. Yet the experiences of these families after their relocation suggests that historians should understand the decision to relocate as far more complicated than a simple surrender to the forces of American national expansion. Moving West allowed at least some people the opportunity to continue embracing the diverse strands of their identities in ways their families had practiced for generations. For instance, David Wall (the husband of Delilah Juzan Wall) continued to practice polygamy after becoming a resident of Oklahoma and Texas. Once she moved to Oklahoma, Delilah lived with her sisters, echoing the matrifocal households that had once dominated the social organization of the Five Tribes of the Gulf South. The descendants of the Tom family continued to identify with the patrilineages established by Jack and Moses Tom in antebellum Alabama. When the Dawes Commission enrolled members of the Tom family in the late nineteenth century under the terms of the Dawes Allotment Act, they recorded the presence of Nicholas Tom in Soper, Oklahoma, who was probably Sally Tom's great-grandson. The children of Nicholas Tom were also enrolled as members of the Choctaw tribe, and their names were Moses, Watson, and Sicily. The similarity of these children's names, who were born in the 1880s, clearly demonstrates a desire of the Tom family descendants to memorialize and identify with their ancestors who had so skillfully protected their wealth and status by deploying the many different strands of their identities.⁴⁹ By doing so these families called upon the legacy of their bicultural

⁴⁹For David Wall's life after relocation, see Chapter 4, pg. 24, footnote 24. Establishing Nicholas Tom's exact connection to the earlier generations is difficult because he gave conflicting testimony to the Dawes commission regarding his parent's identity. In 1901 he told the commission that his father's name was Tom and his mother's name was Betsie, but that he didn't know much about

ancestors who had always known how and when to deploy their various identities when attempting to evade the rigid ideas about gender and family that Anglo-Americans had created in service of producing and justifying perceived racial differences.

whether or not they ever received provisions under the Treaty of Dancing Rabbit Creek because “I was young and didn’t know much.” However, in 1906 Nicholas was asked to identify his mother when he made an application to be enrolled as a member of the Mississippi Choctaw Indians; he replied that he didn’t know her name because “...she died when I was a baby.” I believe Nicholas was not more forthcoming about his ancestry for two reasons: the difficulty that people of African-American descent suffered when attempting to win official recognition as members of the Five Tribes, and also because his connections to the Mississippi Toms may have precluded him getting any benefit under the Dawes Act, since the Treaty of Dancing Rabbit Creek was interpreted in a way to prevent those Choctaw who had remained in Mississippi from claiming any future annuities given to the tribe. See the case file of Nicholas Tom in “Final Rolls of Citizens and Freedmen of the Five Civilized Tribes in Indian territory,” RG 48, Records of the Office of the Secretary of the Interior, Microfilm T529.

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