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## Investing in Citizenship: Free Men of Color of Color and the case against Citizens Bank ~ Antebellum Louisiana

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Investing in Citizenship: Free Men of Color of Color and the case against Citizens Bank ~  
Antebellum Louisiana

A Thesis

Submitted to the Graduate Faculty of the  
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by

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## Abstract

Despite the popularity of free people of color in New Orleans as a research topic, the history of free people of color remains misunderstood. The prevailing view of free people of color is that of people who: engaged in plaçage, attended quadron balls, were desperately dependent upon the dominant population, and were uninterested or afraid to garner rights for themselves.

Contemporary historians have endeavored to amend this stereotypical perception; this study aims to be a part of the trend of revisionist history through an in-depth analysis of the co-plaintiffs in *Boisdoré and Goulé, f.p.c., v. Citizens Bank* and their case. Because Boisdoré and Goulé sue at critical time in New Orleans history, three decades after the Louisiana Purchase during the American transformation of New Orleans, their case epitomizes the era in which it occurs. In bringing suit, Boisdoré and Goulé attempted to thwart some of those forth coming changes.

Free People of Color, Antebellum New Orleans, Banking, *Boisdoré and Goulé, f.p.c., v. Citizens Bank*, Creole, Americanization

## **Investing in Citizenship: Free Men of Color of Color and the case against Citizens Bank ~ Antebellum Louisiana**

François Boisdoré and Jean Goulé, two New Orleans residents, purchased shares of an 1833 incorporated bank, the Citizens Bank of Louisiana, in April 1834. This mundane activity would not ordinarily qualify as remarkable, but Boisdoré and Goulé were free people of color in the Deep South, at a time when most people of color were enslaved. In most other states, before the Civil War, Boisdoré and Goulé would not have been in a position to buy shares in any company. New Orleans's history, culture, and sizeable population of free people of color made their purchases possible; however, it did not ensure they would keep those shares. Two years after the purchases of François Boisdoré and Jean Goulé, in 1836, the state legislature and Citizens' president amended the bank's charter. Under the new charter, free people of color were no longer allowed to own shares of Citizens Bank.<sup>1</sup> Boisdoré and Goulé refused to quietly accept this affront; they opted instead to fight.

The free men of color hired two prominent New Orleans attorneys, Judah Benjamin and Christian Roselius, to represent them in a suit against citizens for the restoration of their position as stockholders. Through the legal battle of Boisdoré and Goulé against Citizens Bank of Louisiana, one can adequately grasp the manner in which a free person of color existed in the state of Louisiana. Their lives not only illuminate the tenuous position of free people of color, but their lives also foreshadow the struggles that free men and women of color would endure in Louisiana in the years directly preceding the Civil War. This paper argues that the case of

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<sup>1</sup> *Boisdoré and Goulé, f.p.c., v. Citizens Bank of Louisiana*, No. 2956, 9 La. Ann. 506 (1836) located in the UNO Archives, Docket #2956-1836, Acc. 106 Louisiana State Supreme Court Case Files, Series #2946 - #2964 1813-1846, Box 139.

Boisdoré and Goulé was a critical step in free people of color's struggle for equal rights, providing evidence that from the earliest attempts to infringe upon their limited legal rights, free people of color fought to retain them.

## **Historiography of Citizens Bank and Free People of Color**

Boisdoré and Goulé's situation has been cited by several historians and scholars in a cursory manner. Scholars such as Robert Reinders, Violet Harrington Bryan, Ira Berlin, Caryn Cossé Bell, and Ellen Holmes Pearson have all mentioned Boisdoré and Goulé in their works, thereby bringing limited attention to an unknown and perpetually overlooked situation. These scholars dedicate, at most, a few sentences to the case of Boisdoré and Goulé in an attempt to bolster their arguments. These brief synopses of the case, fail to convey the complexities of the issue and ignore the full historical significance of the incident. An issue of such magnitude—free black stockholders of a bank in the Deep South losing their rights and suing for reinstatement—deserves a thorough examination.

Robert Reinders 1965 article "The Free Negro in the New Orleans Economy, 1850-1860," seeks to correct historical misapprehensions about free black participation in the Crescent City's financial system. Reinders demonstrates that prior to the antebellum period free people of color dominated skilled trades and operated many small businesses. In addition to employment, free black involvement in the economy extended to property ownership and investments.<sup>2</sup> Reinders references *Boisdoré and Goulé v. Citizens Bank* in a single sentence regarding investments without mentioning the name or the title of the case. In a subsequent footnote, he states that free people of color rather infrequently purchased stocks. Reinders' use of *Boisdoré*

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<sup>2</sup>Robert Reinders, "The Free Negro in the New Orleans Economy, 1850-1860," *Louisiana History* 6, no. 3 (1965): 275 and 281.

and *Goulé v. Citizens Bank*, however, aided him in establishing that free people of color's inclusion in the economy significantly waned during the late-antebellum period.

Violet Harrington Bryan includes Boisdoré and Goulé's case in her article "Marcus Christian's Treatment of *Les Gens de Couleur Libre*," to substantiate Marcus Christian's observations on Free People of Color.<sup>3</sup> In her article, Bryan evaluates several chapters of Christian's manuscript, *A Black History of New Orleans*.<sup>4</sup> She states that Christian had a special interest in the social development and economic success of free blacks because much of his research focused on balls, dances, professions and the property ownership of free people of color.<sup>5</sup> He espoused the idea that following the Battle of New Orleans until the 1830s, free people of color achieved their greatest accomplishments. After 1840, Christian commented that free blacks suffered a massive loss in standing.<sup>6</sup>

Violet Harrington Bryan uses the Boisdoré and Goulé case to support Christian's thesis of free black achievement lasting until the 1830s. She condenses the incidents preceding the case and the eventual outcome into a few sentences. Bryan views the fact that two free men of color could purchase stocks as proof of the attainments of free blacks; the bank's revocation of

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<sup>3</sup> Marcus Christian was born in the early 1900s in Houma, Louisiana. He worked as a journalist, poet, author, and as the proprietor of a dry-cleaning business.

Bryan's essay appears in *Creole: The History and Legacy of Louisiana's Free People of Color*. *Creole* is a collection of 15 essays edited by Sybil Kein, which aims at satisfying a historical void. As a book, *Creole* seeks to define the term "Creole," as well as explain the inimitable culture of those considered to be creoles. Violet Harrington Bryan, "Marcus Christian's Treatment of *Les Gens de Couleur Libre*," in *Creole: The History and Legacy of Louisiana's Free People of Color*, ed. Sybil Kein (Baton Rouge: Louisiana State University Press: 2000), 42-43; Sybil Kein, introduction to *Creole: The History and Legacy of Louisiana's Free People of Color*, (Baton Rouge: Louisiana State University Press: 2000), xvii.

<sup>4</sup> Bryan examines the following chapters of Marcus Christian's work, which reveal his interpretations about Free People of Color: 9-11, 18, 22-24 and 42, respectively "The Creole Dialect", "Folklore of French- and English-Speaking Negroes of Louisiana", "Voodooism and Mumbo-Jumbo", "The Free Colored Class of Louisiana", "Negro Periodicals, Literature and Art in Louisiana", "The Negro Painters, Sculptures, architects and Craftsmen", "The Negro and the Theater", "Carnival Groups and Social, Aid and Pleasure Clubs". Violet Harrington Bryan, "Marcus Christian's Treatment," 45.

<sup>5</sup> Christian noted that most free people of color who owned property were women. Violet Harrington Bryan, "Marcus Christian's Treatment," 52.

<sup>6</sup> Violet Harrington Bryan, "Marcus Christian's Treatment," 51-52.

Boisdoré and Goulé's rights signifies the decline of free people of color.<sup>7</sup> She posits that whites viewed free black wealth and privilege as a threat to their dominance and authority; this fear motivated them to restrict the rights of free people of color. "Marcus Christian's Treatment" gives insight into how people one or two generations removed from the abolition of slavery viewed free people of color.

Ira Berlin's *Slaves without Masters: The Free Negro in the Antebellum South* is an important overview of the history of free blacks in the south; however, it fails to fully consider local struggles such as the court battle of Boisdoré and Goulé. Berlin acknowledges that the free people of color in Louisiana held a more privileged position than their free black counterparts elsewhere.<sup>8</sup> Much of his discussion concentrates on the participation of free men of color in the military, particularly the Battle of New Orleans. According to Berlin, Andrew Jackson, the commander of the American forces for the Battle of New Orleans, ambiguously vowed to improve the status of free blacks, if America won.<sup>9</sup> Despite America's victory, the government neglected to enact Jackson's vague assertions to the free black soldiers, but the free men failed to complain, giving the impression that free blacks lacked the gumption and fortitude necessary to confront the government and protest unfair treatment. Berlin's assessment of Boisdoré and Goulé's case against Citizens Bank coincides with the docile view of free blacks he offers; he indicates that free people of color owned some of the stocks in Citizens, the largest American state bank.<sup>10</sup> Berlin omits the barring of free blacks as stockholders in Citizens Bank and Boisdoré and Goulé's confrontation of the bank in court, a fact that would have contradicted his theory.

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<sup>7</sup> Violet Harrington Bryan, "Marcus Christian's Treatment," 52.

<sup>8</sup> Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: New Press, 1992), 110.

<sup>9</sup> Ira Berlin, *Slaves Without Masters*, 127 -128.

<sup>10</sup> Ira Berlin, *Slaves Without Masters*, 129.

Caryn Cossé Bell's *Revolution, Romanticism, and the Afro-Creole Protest Tradition in Louisiana, 1718-1868* conveys the history of remonstrance by free blacks. According to Bell, the conditions in the state and European customs allowed the free people of color in Louisiana to become wealthy, well-educated, and relatively privileged; these exceptional traits enabled the free blacks from Louisiana to contest unfair treatment. Free blacks in Louisiana drew inspiration from the Atlantic Revolutions in France, America, and Haiti to fuel their activism. One such act of protest stated by Bell is the Boisdoré and Goulé incident with Citizens Bank. She succinctly summarizes the finer points of the case and its result. With the aid of extensive research, including— free black literature, local newspapers, church and organization records and court cases— Bell argues that free people audaciously and actively challenged injustice. However, she ignores the state's involvement in the revoking of Boisdoré and Goulé's privileges as stockholders.<sup>11</sup>

Legal historians such as Ellen Holmes Pearson use the case to argue that in the midst of the government imposing harsh restrictions free blacks were more concerned with personal and economic survival. In her article, "Imperfect Equality: The Legal Status of Free People of Color in New Orleans, 1803-1860," Pearson juxtaposes the laws created to govern free blacks after the Louisiana Purchase against court cases involving free blacks during the same era. In her discussion of free black court cases, Pearson refers to the civil suit of Boisdoré and Goulé against Citizens. She discloses the circumstances that led to Boisdoré and Goulé's suing: the charter amendment barring free blacks as property owners.<sup>12</sup> In addition, Pearson elucidates the court battle that ensued and the final decision rendered. Her treatment of the case overlooks the ways

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<sup>11</sup> Caryn Cossé Bell, *Revolution, Romanticism, and the Afro-Creole Tradition in Louisiana: 1718 – 1868* (Baton Rouge: Louisiana State University Press, 1997), 2, 6, 24, and 81-82.

<sup>12</sup> Ellen Holmes Pearson, "Imperfect Equality: The Legal Status of Free People of Color in New Orleans, 1803-1860," in *A Law Unto Itself: Essays in the New Louisiana Legal History*, eds. Warren M Billings and Mark F Fernandez (Baton Rouge: Louisiana State University Press, 2001), 204.

in which the case directly affected other free people of color. The outcome of Boisdoré and Goulé's court case had implications for free people of color besides the co-plaintiffs.

## **Historical Scholarship of Free People of Color in New Orleans**

Boisdoré and Goulé's status as free men of color inhabiting New Orleans connected them to an exceptional legacy, nearly as old as the city. Free blacks initially appeared in New Orleans in the 1720s during France's first possession of Louisiana.<sup>13</sup> In French New Orleans, free blacks lived under the *Code Noir*.<sup>14</sup> According to the *Code*, free people of color were supposedly given rights as full citizens except: they were disenfranchised, barred from holding public offices and marrying white people. The document also outlined how an enslaved African might become free; it granted any master over the age of twenty-five the ability to manumit his slaves. Some of the *Code's* provisions were very restrictive and at times made free people of color follow some of the same rules put in place to control the enslaved. Despite restrictions imposed by the *Code Noir*, free blacks in New Orleans could conduct business, lend money, buy and own slaves, open their own schools, sue whites and testify against them in court and attend social functions. The *Code Noir* remained in place and virtually unchanged in New Orleans until the end of French rule in the 1760s.

The Spanish initially took possession of Louisiana in 1766. Under Spanish rule, the population of free blacks saw the enactment liberal laws and codes. The practice of *coartación* introduced in New Orleans by the Spanish serves as the prime example of liberality. *Coartación* guaranteed a slave or the family member of a slave the right to buy freedom for a slave.

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<sup>13</sup> The first free blacks came to New Orleans from France and French Caribbean colonies. Thomas N. Ingersoll, "Free Blacks in a Slave Society: New Orleans, 1718-1812," *The William and Mary Quarterly: A Magazine of Early American History and Culture* 48, no. 2 (1991): 175.

<sup>14</sup> The French introduced *Le Code Noir* (The Black Code,) an updated version of King Louis XIV's 1685 *Code Noir*, in 1724. It outlined the rights and limitations of slaves and free people of color in the French colonies. Thomas N. Ingersoll, "Free Blacks in a Slave Society," 176.

Additionally, in Spanish Louisiana, free people of color were allowed to interact and communicate with slaves.<sup>15</sup> Although interracial marriages were prohibited by the Spanish, marriages between Spaniards and light-skinned mulattoes were often permitted.<sup>16</sup> The Spanish government also granted free blacks protection from arbitrary searches and police cruelty. Spanish control of New Orleans ended in November of 1803; the following month European control of the city ceased as Louisiana became an American possession.<sup>17</sup>

The United States acquired an expansive territory of land that included New Orleans, an important port city containing one of the most privileged populations of free people of color in slaveholding North America. New Orleans's free people of color, also known by the French term *gens de couleur libres*, held a visible place in nineteenth-century New Orleans society. The Americans found the social structure of New Orleans unusual; because they believed that in a slave-owning society virtually all of the black inhabitants of the city should have been enslaved. The amount of free people of color, if any existed, should have been extremely small and certainly not privileged.

By the time the Americans came to Louisiana, the *gens de couleur* had cultivated a rich culture and had become a relatively prosperous group within New Orleans society.<sup>18</sup> Rather than trying to understand and accept the uniqueness of Louisiana and its free black residents, the American government attempted to bring Louisiana in line with American standards and customs, through the law. The law served as the vehicle of Americanization because it was the

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<sup>15</sup> Kimberly Hanger, *Bounded Lives, Bounded Places: Free Blacks in Colonial New Orleans, 1769-1803*, (Durham: Duke University Press, 1997), 108.

<sup>16</sup> Kimberly Hanger, *Bounded Lives, Bounded Places*, 93.

<sup>17</sup> The city was French for 20 days in 1803 before becoming American. Junius P. Rodriguez, *The Louisiana Purchase: A Historical and Geographical Encyclopedia* (Santa Barbara, CA: ABC-CLIO, 2002), 97.

<sup>18</sup> The prosperity of free people of color in New Orleans is in comparison to the enslaved and free people of color living elsewhere. According to Kimberly Hanger, there were a few free people of color living in New Orleans who were exceedingly wealthy; however, the vast majority of free people of color had to work for a living. *Bounded Lives, Bounded Places*, 55.

only aspect of society to which the new governing nation, the United States, had enough access to make its desired changes. Once enforced, the spirit of these new laws would permeate to the other aspects of society and transform New Orleans. The American-inspired legislative changes is the chiefly responsible for the suit of Boisdoré and Goulé.<sup>19</sup>

The legal status of free blacks is perhaps the single most important factor that shaped the lives of free blacks in New Orleans before the American takeover. The liberality of legislation had an effect on the population growth, economic participation, and social activities of free people of color. Because of the grave significance of the law, scholars of free people of color tend to focus on the laws created by the French, Spanish, and Americans. By researching legislation, scholars have the ability to judge the relative liberality of a governing nation toward free blacks. Also, by scrutinizing the laws imposed by a governing nation on free people of color, scholars can decipher the goals and fears of that particular nation. Laws created out of fear expose the governments' self-perceived vulnerabilities.

Historians who choose to write about free people of color in New Orleans must research the history of an anomalous group that existed under the rule of three considerably different governing nations. Historians Kimberly Hanger and Donald Everett examined the colonial history of free people of color in New Orleans. Kimberly Hanger's works tend to solely focus on the Spanish era in New Orleans (1769-1803), while some of Everett's research compares *gens de couleur* living under French and Spanish rule (1718-1803). Scholars such as Judith Schafer, H.E. Sterkx, and Shirley Thompson have used legal sources and legislation to contribute to the historical knowledge of free people of color living during American Rule (after 1803). Some

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<sup>19</sup> Warren M. Billings and Mark F. Fernandez, eds., *A Law Unto Itself: Essays in the New Louisiana Legal History*, (Baton Rouge: Louisiana State University Press, 2001), 16.

historians, like Thomas Ingersoll, assume the task of comparing the treatment of free people of color under French, Spanish, and American rule into a single work.

“Free People of Color in Colonial Louisiana” by Donald Everett examines free people of color living and working under French and Spanish control. Everett writes about the rules the French *Code Noir* and the Spanish Cabildo government imposed on free people of color. He debunks the *Code*’s claim of giving free blacks “the same rights, privileges, and immunities which are enjoyed by free-born persons.”<sup>20</sup> Everett confirms that colonial Louisiana governments imposed greater restrictions on free blacks than white citizens. In addition to studying the law, Everett also evaluates free people hiring themselves out, slaves purchasing or gaining freedom for themselves or loved ones, and free black involvement in court cases. He revealed these transactions or suits to be heavily managed by the government. Everett’s article exposes free people of color’s tumultuous relationship with the government.

In *Bounded Lives, Bounded Places: Free Black Society in Colonial New Orleans* Kimberly Hanger offers a glimpse into the New Orleans free blacks or *libres*, as the Spanish called them, inhabited in the late 1700s. She explores issues such as manumission, military service, family structure, friendships, occupations, ownership, customs and traditions, and activism. Hanger argues that the Spanish government granted free blacks in New Orleans more liberty than the French and American governments.<sup>21</sup> The independence the Spanish granted to *libres* allowed for a significant increase in the number of free blacks living in New Orleans. The increase in size not only created a “free black consciousness” but also laid the groundwork for the success and prosperity achieved by free blacks under American rule.<sup>22</sup> Hanger’s argument, while compelling, discounts the progress made while the French ruled New Orleans. Free people

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<sup>20</sup> Donald E. Everett, "Free Persons of Color in Colonial Louisiana," *Louisiana History* 7, no. 1 (1966): 23.

<sup>21</sup> Kimberly Hanger, *Bounded Lives, Bounded Places*, 1.

<sup>22</sup> Kimberly Hanger, *Bounded Lives, Bounded Place*, 5.

of color's appearance during the first French period accustomed the citizens of New Orleans to the notion of a free black class; the era of adjustment under French rule is the actual basis of free black success in the 1800s.

Judith Schafer's book *Becoming Free, Remaining Free: Manumission and Enslavement in New Orleans, 1846-1862* scrutinizes the manumission of slaves through the Louisiana Judicial System. In 1825, Louisiana's updated civil code, unlike the laws in other states, continued to allow slaves to sue for their freedom or self-purchase through a contract with their master, in addition to allowing masters the right to manumit slaves at will.<sup>23</sup> As a result of the manumission laws, hundreds of slaves became free in probate court and civil court proceedings. Schafer cites many of these cases involving blacks successfully or unsuccessfully attempting to become free.

Schafer asserts that New Orleans' courts had a history of granting manumissions, but that as time went on the state created laws limiting the ability of slaves to gain their freedom.<sup>24</sup> Even after becoming free people of color, manumitted slaves might still have legal woes or oppositions to maintaining their new status. Schafer cites the 1850s as a particularly hostile time in New Orleans for new and established free people of color. The hostility was a manifestation of the state's contempt toward free blacks, an unwanted segment of the population. Schafer reveals a rarely discussed aspect of Louisiana history; in 1859, the state endorsed the idea of free people of color leaving or choosing to be enslaved; some free blacks chose enslavement.<sup>25</sup> Schafer's book shows how over time New Orleans became more like other southern cities in America.

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<sup>23</sup>Judith Kelleher Schafer, *Becoming Free, Remaining Free: Manumission and Enslavement in New Orleans, 1846-1862* (Baton Rouge: Louisiana State University Press, 2003), 3.

<sup>24</sup> Judith Kelleher Schafer, *Becoming Free, Remaining Free*, 14.

<sup>25</sup> Judith Kelleher Schafer, *Becoming Free, Remaining Free*, 148, 149 and 152.

H. E. Sterkx's *The Free Negro in Antebellum Louisiana* comments that Louisiana's view of free blacks during the antebellum period was a departure from the past.<sup>26</sup> Sterkx provides a basis for this idea by describing the cultural characteristics, economic activities, and laws governing free people of color during the French and Spanish colonial periods in the first two chapters of his book. In the rest of his book, he covers free people of color living under American rule. Sterkx investigates free black population growth, their distinctive societal status, role in the economy, social endeavors, and the increasing sanctions and exclusions they faced in antebellum Louisiana. Sterkx posits that in antebellum Louisiana free people of color lost many of their rights; the state government discussed the possibility of forcing free people of color to leave.<sup>27</sup> Colonization organizations formed but ultimately failed due to lack of federal and state government funding and public support.<sup>28</sup> Sterkx's book demonstrates that although Louisiana did not force free people of color from the state, free people were undesired residents and treated as such in antebellum Louisiana.

Shirley Thompson's *Exiles at Home: The Struggle to become American in Creole New Orleans* combines the topics of Americanization and Creole free people of color in New Orleans into a single focus. During the nineteenth-century, both Creolization and Americanization occurred in New Orleans with each process carving its own indelible mark upon the city.<sup>29</sup> The ways in which Americanization altered New Orleans had detrimental ramifications for the population of free people of color. Free creoles of color attempted to avoid the difficulties that came with American control by passing. Thompson argues that fair-skinned creoles who

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<sup>26</sup> H. E. Sterkx, *The Free Negro in Ante-Bellum Louisiana*, (Rutherford, NJ: Fairleigh Dickinson University Press, 1972), 5.

<sup>27</sup> H. E. Sterkx, *The Free Negro*, 287

<sup>28</sup> H. E. Sterkx, *The Free Negro*, 9-10 and 295.

<sup>29</sup> Shirley Elizabeth Thompson, *Exiles at Home: The Struggle to Become American in Creole New Orleans*, (Cambridge, MA: Harvard University Press, 2009), 8.

appeared phenotypically white, such as Anastasie Desarzant, called Toucoutou, tried to become labeled as white once free people of color lost many of their rights in New Orleans.<sup>30</sup> According to Thompson, overwhelmingly, free creoles were unable to successfully pass and instead united into a cohesive community.<sup>31</sup>

Thomas Ingersoll's "Free blacks in a Slave Society: New Orleans, 1718-1812" spans all three rulers of New Orleans before Louisiana's statehood: New Orleans as a colonial holding of France and Spain and then as part of an American Territory. Much of the article focuses on: the *Code Noir*, *Coartación*, and William Claiborne. Ingersoll examines the *Code* and the French application of its laws to govern free people of color. The French used these laws to ensure that free people of color and all blacks remained inferior to whites.<sup>32</sup> When the Spanish gained control of the colony they kept the black code in place but added a few liberating adjustments for slaves and free people of color.<sup>33</sup> The right of slaves to self-purchase, *coartación*, through a government regulated process was one of those adjustments.<sup>34</sup> Later, when America ruled New Orleans, William Claiborne became the governor of the Territory of Orleans.<sup>35</sup> As governor, Claiborne modified the laws of New Orleans, which had a significant impact on the inhabitants of African descent living in the city. Ingersoll demonstrates that the laws governing free blacks altered as the country ruling the city changed.

The works of scholars Reinders, Bryan, Berlin, Bell, Pearson, Everett, Schafer, Sterkx, Thompson, Hanger, and Ingersoll have enriched the study of free people of color living in

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<sup>30</sup> Shirley Elizabeth Thompson, *Exiles at Home*, 2.

<sup>31</sup> Shirley Elizabeth Thompson, *Exiles at Home*, 6.

<sup>32</sup> Thomas N. Ingersoll, "Free Blacks in a Slave Society," 176.

<sup>33</sup> Thomas N. Ingersoll, "Free Blacks in a Slave Society," 180.

<sup>34</sup> In French Louisiana, slaves could purchase their freedom according to the rules of the *Code*, which gave masters a great deal of latitude in determining whether or not a slave could be manumitted. In Spanish Louisiana, self-purchase became a right guaranteed to slaves, provided that the slave and his or her family had the money to do so. Kimberly Hanger, *Bounded Lives, Bounded Places*, 25-26.

<sup>35</sup> Thomas N. Ingersoll, "Free Blacks in a Slave Society," 192.

Louisiana, especially New Orleans. The present study will broaden the breadth of understanding about free people of color by exploring the lives of Boisdoré and Goulé beyond their lengthy court case, in their other business endeavors and personal lives. Unlike many previous works about free blacks, the focus is on the business dealings of wealthy and thriving free men of color, a group that has received less attention than free black intellectuals or even free women of color. *Boisdoré and Goulé v. Citizens Bank* reiterates the idea of this case as an act of protest and cooperation between two *gens de couleur libre* born free. Additionally, it provides an analysis of nineteenth-century New Orleans, and the three classes comprising its society: whites, free blacks, and slaves. The distinctive focus of *Boisdoré and Goulé v. Citizens Bank* serves as an attempt to offer new insights about the free people of color living in antebellum New Orleans.

### **Francois Boisdoré and John Goulé as Free People of Color in New Orleans**

Louisiana was one of the only three caste slave societies in North America. The three castes comprising Louisiana's society included whites, enslaved blacks and a sizeable population of free people of color.<sup>36</sup> Privileges and race differentiated the members of each class from one another. Whites were of European descent, had citizenship, the right to vote and the full protection of the law.<sup>37</sup> The enslaved on the other hand, were of at least partial African descent and belonged to whites or free people of color. Slaves had few protections under the law, such as protection from the overly harsh treatment of masters. Free people of color shared characteristics

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<sup>36</sup> According to the 1830 census, Louisiana had a population of 215,739 people comprised of 16,710 free people of color, 89,441 whites, and 109,588 slaves. In 1830, Louisiana had more free people of color as residents than any other state in the Deep South. The census shows that 1,572 free people of color lived in Alabama in 1830; 2,486 lived in Georgia in 1830; a mere 519 in Mississippi, and 7,921 free people of color resided in South Carolina. Clerk of the House of Representatives, *Abstract of the Returns of the Fifth Census*, <http://www2.census.gov/prod2/decennial/documents/1830a-01.pdf>.

<sup>37</sup> Only males held the right to vote.

with both enslaved Africans and whites being of at least partial African descent and often part European descent but having liberties, respectively.

Issues such as money, lineage, and ethnic heritage distinguished members of the free black class in Louisiana from one another.<sup>38</sup> The way a person entered into the caste was perhaps the single greatest indicator of status amongst free people of color. Being descended from free lineage rather than gaining manumission placed a free person higher within the class. How a person became free, by birth or manumission, appears to be a determinant of other factors that affected the status of free people of color. Those born to free parents sometimes benefited from their family's accumulation of wealth, such as businesses, money, and property.<sup>39</sup> On the other hand, the newly freed started their new lives with little or no wealth. Free blacks born to free families had the advantage of alliances with free black relatives and friends while the newly freed had ties and alliances with the enslaved.<sup>40</sup> Camaraderie existed among those descended from free stock that transcended place of origin.<sup>41</sup> Through hardwork, by attaining wealth, and acquiring an education, newly freed blacks could enter into the upper echelons of free black society.

Some factors affecting status within the free black class, such as ethnic heritage, could not be overcome. Free people of color and slaves mixed with French or Spanish heritage held a higher status than those free blacks who only had African ancestors.<sup>42</sup> Both the French and

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<sup>38</sup> Kimberly Hanger, *Bounded Lives, Bounded Places*, 2.

<sup>39</sup> Kimberly Hanger, "Landlords, Shopkeepers, Farmers, and Slave-Owners: Free Black Female Property-holders in Colonial New Orleans," in *Beyond Bondage: Free Women of Color in the Americas*, eds. by David Barry Gaspar and Darlene Clark Hine (Urbana: University of Illinois press, 2004), 231.

<sup>40</sup> Kimberly Hanger, *Bounded Lives, Bounded Places*, 2.

<sup>41</sup> Local free people of color willingly received free black immigrants from Haiti and France that were born free into their group. Paul F. Lachance, "The 1809 Immigration of Saint-Domingue Refugees to New Orleans: Reception, Integration and Impact," *Louisiana History* 29, no. 2 (Spring 1988): 111.

<sup>42</sup> Mixed race free people of color were often thought to be the result of *plaçage*. Under *plaçage*, a free woman of African descent garnered protection and financial support from a white man. In many cases a *placée*, the woman of

Spanish divided black people into categories based upon the amount of white heritage the individual had. Mixed-race people of predominantly white heritage were termed mulatto, quadroon, or octoroon.<sup>43</sup> A person considered to be a mulatto was said to contain 50% African heritage, people called quadroons were thought to have only 25% African heritage, and people deemed octoroons only had 12.5% African heritage. Although those whose ancestry was 50% or more European received the most elevated status, people of mostly African heritage with some white ancestry enjoyed a higher status, as well. Griffes, people who allegedly had 25% white ancestry and *sacratas* individuals thought to have 12.5% white ancestry, both enjoyed a more elevated status than ‘negroes’- people who only contained African blood.<sup>44</sup> Those mixed-race people who blended French, Spanish, and African customs together became known as Creoles of Color or simply Creoles.<sup>45</sup>

Jean Goulé and François Boisdoré probably fell into the category of Creoles of color born free. Their French names, Jean Goulé and François Boisdoré, suggest ties to the New Orleans European heritage. Goulé and Boisdoré probably both spoke and read French; both of their contracts with Citizens Bank, as well as the charter of the Citizens Bank of Louisiana is written in French.<sup>46</sup> French was the predominant language of the free people of color. Free people of color not only completed business transactions in French, but many also successfully immigrated

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African descent, would act as a second wife to the man that supported her. Often a *placée* and her “husband” built a home and had children together. Laura Foner, “The Free People of Color in Louisiana and St. Domingue: A Comparative Portrait of Two Three-Caste Slave Societies,” *Journal of Social History* 3, no. 4 (Summer 1970), 410-411.

<sup>43</sup> Donald Edward Everett, “Free Persons of Color in New Orleans, 1803-1865,” (PdD diss., Tulane University, 1952), 7. Ben Melvin Hobrathsch, “Creole Angel: The Self-Identity of the Free People of Color of Antebellum New Orleans,” (master’s thesis, University of North Texas, 2006), 3-4.

<sup>44</sup> Donald Edward Everett, “Free Persons of Color in New Orleans, 1803-1865,” 7.

<sup>45</sup> Sybil Kein, introduction to *Creole*, xiii-xiv.

<sup>46</sup> François Boisdoré and Jean Goulé both had documents notarized in French where they signed their own names and not a mark signaling their illiteracy. François Boisdoré, Theodore Seghers (notary), Notarized Act no. 16, August 25, 1834. Jean and Catherine Goulé, Theodore Seghers (notary), Notarized Act no. 45, September 12, 1834.

to Paris. Additionally, *Les Cenelles*, a book of poetry written by free people of color in 1845, was written in French, which establishes that there were free people of color producing literature for a francophone black audience.<sup>47</sup>

The dominant religion of the free people of color harkened to New Orleans' French and Spanish roots. Most free people of color inhabiting New Orleans practiced Catholicism, the main religion of France and Spain. Boisdoré and Goulé were Catholics who married in the Catholic Church. On May 24, 1828, François Boisdoré married Maria Josephe Sophia Olivier before the witnesses: Juan Luis Doliolle, Theofil Cavelier, and Joseph Doliolle.<sup>48</sup> Two years before Boisdoré's wedding, Jean Goulé married a young woman named Catherine Priou on August 17, 1826, in the presence of two witnesses Louis de St. Felix and Pierre Goulé.<sup>49</sup> At the time of the marriage, Catherine was under-aged and listed as a minor. Goulé and his wife baptized their children in the Catholic Church, as well.

Jean Goulé's two daughters Marie Rose and Marie Josephe were baptized before their first birthdays. Marie Rose was born on July 18, 1827, and baptized June 21, 1828.<sup>50</sup> Marie Josephe, like her older sister, was named after her god-mother, Marie Josephe Priou. Louis de St. Felix, one of the witnesses from her parents' wedding, served as her god-father.<sup>51</sup> The Goulés baptized Marie Josephe on January 25, 1831, a little more than 10 months after her birthdate of March 9, 1830. The Goulés had three more children after Marie Rose and Marie Josephe.

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<sup>47</sup> Shirley Elizabeth Thompson, *Exiles at Home*, 117.

<sup>48</sup> Charles E. Nolan, ed., Dorenda Dupont, assoc. ed., J. Edgar Bruns, trans, *Archdiocese of New Orleans Sacramental Records vol.18, 1828- 1829* (Chelsea, Michigan: Sheridan Books, 2003).

<sup>49</sup> Charles E. Nolan, ed., Dorenda Dupont, assoc. ed., J. Edgar Bruns, trans, *Archdiocese of New Orleans Sacramental Records vol. 17, 1826-1827* (Chelsea, Michigan: Sheridan Books, 2002).

<sup>50</sup> At Marie Rose's baptism, Etienne Maximilien Henry and Marie Rose Priou christened her as god-parents. Charles E. Nolan, ed., *Archdiocese of New Orleans Sacramental Records vol.18, 1828-1829*.

<sup>51</sup> Charles E. Nolan, ed., Dorenda Dupont, assoc. ed., J. Edgar Bruns, trans, *Archdiocese of New Orleans Sacramental Records vol 19, 1830-1831* (Chelsea, Michigan: Sheridan Books, 2004).

The births of a son and two more Goulé daughters appear in the *Louisiana Birth Record Index, 1790-1899*. The Goulés gave their son, Jean Serevin, born on March 11, 1832 his father's first name.<sup>52</sup> Almost exactly two years after the birth of Jean Severin, his sister Marie Louise was born on March 12, 1834.<sup>53</sup> Marie Philomene, the youngest Goulé, appeared in the *Index* on Independence Day, 1836.<sup>54</sup> The births of Jean Severin, Marie Louise, Marie Philomene, and their two older sisters, Marie Rose and Marie Josephe, represent the first generation of the Goulé family born in United States.

Immigration was another way New Orleans's population of free people of color increased. Thousands of free people of color came to New Orleans from the Caribbean following the start of the Haitian revolution in 1791.<sup>55</sup> Those immigrants included masters along with their slaves as well as free people of color. Jean Goulé and his wife were Caribbean born and likely immigrated to New Orleans during this wave of Haitian immigration. Jean Goulé was born in Port-Au-Prince, St. Domingue, to Jean and Catherine Peyron Goulé.<sup>56</sup> Evidently, he moved to Orleans Parish before his marriage because the wedding record states that he was a parish resident. Catherine Priou, Goulé's wife, is probably a part of Haitian Revolution migration, even though she was born in Santiago de Cuba.<sup>57</sup> At the outbreak of the Haitian Revolution, many slave owners, along with their slaves, and free people of color initially fled to Cuba. The Spanish government forced the refugees to leave Cuba in 1809.<sup>58</sup> Approximately, 9,059 refugees came to New Orleans following their forced removal from Cuba and about 3,102 of the refugees were

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<sup>52</sup> *New Orleans, Louisiana Birth Records Index, 1790-1899*, Volume: 4, Page #: 211.

<sup>53</sup> *New Orleans, Louisiana Birth Record Index, 1790-1899*, Volume: 4, Page #: 212.

<sup>54</sup> *New Orleans, Louisiana Birth Records Index, 1790-1899*, Volume: 4, Page #: 213.

<sup>55</sup> Paul F. Lachance, "The 1809 Immigration of Saint-Domingue Refugees to New Orleans," 110.

<sup>56</sup> Charles E. Nolan, ed., *Archdiocese of New Orleans Sacramental Records vol. 17, 1826-1827*.

<sup>57</sup> Charles E. Nolan, ed., *Archdiocese of New Orleans Sacramental Records vol. 17, 1826-1827*.

<sup>58</sup> Paul F. Lachance, "The 1809 Immigration of Saint-Domingue Refugees to New Orleans," 110.

free people of color. Nearly all of those expelled came from either Baracoa or Santiago de Cuba.<sup>59</sup> The free people of color refugees integrated into free people of color society.

Native free people of color from New Orleans seem to have accepted and assisted the refugees who emigrated from Haiti. François Boisdoré was born in New Orleans to François Dubuison and Adelaide Boisdoré.<sup>60</sup> His wife, Maria Josepheia Sophia Olivier, was born in the city as well. Boisdoré had roots in New Orleans, but he joined forces with Goulé, a newcomer to the city, in a court case. The Haitian free people of color's French background likely eased their transition into New Orleans, a city that shares French heritage. Because of their integration into New Orleans society, the refugees were able to impart aspects of Caribbean culture and customs to New Orleans. After the appearance of the immigrants in the city, shot gun houses, a Haitian style of architecture, emerged in New Orleans.<sup>61</sup> Similar changes emerged in language, economics, politics, and religion after the arrival of the St. Domingue refugees in New Orleans.

Occupations in skilled trades and the service industry were a defining aspect of the free people of color, established before the arrival of the Haitian immigrants. Free women of color held jobs as hairdressers, seamstresses, or washwomen.<sup>62</sup> Some free women of color in New Orleans were entrepreneurs and owned restaurants or boarding houses for travelers. Free men of color tended to have occupations in skilled trades or as artisans. Typical jobs for free men of color were as iron workers, marble sculptors, masons, cigar makers, and leather craftsmen. François Boisdoré and John Goulé worked in the skilled trades. Boisdoré worked as a builder; the most notable Boisdoré design is perhaps the Soniat house located at 1133 Chartres,

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<sup>59</sup> Paul F. Lachance, "The 1809 Immigration of Saint-Domingue Refugees to New Orleans," 111.

<sup>60</sup> Charles E. Nolan, ed., *Archdiocese of New Orleans Sacramental Records vol.18, 1828-1829*.

<sup>61</sup> Nathalie Dessens, *From Saint-Domingue to New Orleans: Migration and Influences*, (Gainesville: University Press of Florida, 2007), 149.

<sup>62</sup> Jane E. Dabel, " 'My Ma Went to Work Early Every Mornin': Color, Gender, and Occupation in New Orleans, 1840-1860," *Louisiana History: The Journal of the Louisiana Historical Association* 41, no. 2 (Spring 2000): 222-224.

completed in 1829.<sup>63</sup> Boisdoré's co-plaintiff, Goulé, worked as a tin smith, according to an 1822 city directory.<sup>64</sup>

The same directory that listed the occupations of Boisdoré and Goulé also lists their addresses. A high concentration of free people of color lived in Faubourgs Treme and Marigny.<sup>65</sup> In the 1822 city directory, François Boisdoré is stated as living at "90 Burgundy below Orleans Avenue."<sup>66</sup> John Goulé is said to live at "1 Toulouse North of the levee towards the battleground" in the same directory, in the same neighborhood.<sup>67</sup> The free people of color in New Orleans formed a close-knit community amongst themselves. The free people of color lived in the same neighborhoods, attended church with one another, participated in the same social organizations, and "formed economic bonds and marriage ties with one another that served to keep title and ownership status relatively consolidated."<sup>68</sup>

Boisdoré and Goulé both participated in economic partnerships with other free people of color; François Boisdoré also had a partnership with Louis Doliolle, an affluent free man of color.<sup>69</sup> In 1832, the city of New Orleans drafted a plan for city improvements that included the condemnation of the properties of Boisdoré, Doliolle, and other free people of color to increase the size of certain streets.<sup>70</sup> The other free blacks who owned property on Esplanade sold their land for pittance but Boisdoré and Doliolle refused to sell until the city gave them a favorable

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<sup>63</sup> Roulhac Toledano, *The National Trust Guide to New Orleans*, (Washington, D.C.: Preservation Press, 1996), 27;

<sup>64</sup> "a worker who makes or repairs things of sheet metal (as tinplate)" *Merriam Webster Dictionary* on-line "tinsmith;" New Orleans Public Library Main Branch, "New Orleans City Directory 1822," *City Archives*.

<sup>65</sup> Shirley Elizabeth Thompson, *Exiles at Home*, 130.

<sup>66</sup> New Orleans City Directory 1822.

<sup>67</sup> New Orleans City Directory 1822.

<sup>68</sup> Shirley Elizabeth Thompson, *Exiles at Home*, 133.

<sup>69</sup> Louis Doliolle, his son, Jean-Louis Doliolle and his brother, Jean-François Doliolle were all builders/architects, like Boisdoré. The Doliolles, typically built creole cottages. They came to New Orleans from Provence, France in the late-1700s. Sharon F. Patton, *African-American Art* (Oxford: Oxford University Press, 1998), 58. Shirley Elizabeth Thompson, *Exiles at Home*, 133.

<sup>70</sup> Friends of the Cabildo, Mary Louise Christovich, Sally Kittredge Evans, and Roulhac Toledano, *New Orleans Architecture: Vol. 5, the Esplanade Ridge*, (Gretna, La: Pelican Pub. Co, 1977), 61.

price. Their reluctance to sell was an issue for the city and the focus of a Joint Municipality committee meeting attended by members of the first and third municipality committees in January 1841.<sup>71</sup>

At the meeting, the Chairmen of the First and Third Municipalities, M. Cruzat and Francois Coquet, respectively, jointly issued a statement regarding the situation. The chairmen explained the city's success in acquiring virtually all of the land along Esplanade from the levee to Bayou Road, apart from the property owned by Boisdoré and Dolliole. In the statement, the chairmen describe Boisdoré and Dolliole's refusal to sell as "obstacles," which have been recently removed through the reaching of an agreement.<sup>72</sup> Boisdoré and Dolliole agreed to sell their combined 10,833 feet of land for a price of a quarter per foot, for a total of \$2,708.25. The municipalities paid Boisdoré and Dolliole a year and six months after the date of the Joint Municipality's address. As this incident illustrates, Boisdoré obviously had no qualms about challenging the government.<sup>73</sup>

No records exist to suggest that Goulé battled the city government like Boisdoré. However, there is evidence of Goulé being associated with well-to-do free people of color, just as his co-plaintiff did. Two free men of color, Joseph Bazanac and Richard Lambert, were Goulé's business partners.<sup>74</sup> In 1832, Goulé and Lambert placed an advertisement in a local

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<sup>71</sup> Friends of the Cabildo, *New Orleans Architecture: Vol. 5*, 61.

<sup>72</sup> Friends of the Cabildo, *New Orleans Architecture: Vol. 5*, 61.

<sup>73</sup> Friends of the Cabildo, *New Orleans Architecture: Vol. 5*, 61.

<sup>74</sup> Joseph Bazanac was a musician; he played the flute and the bassoon. Bazanac also taught courses in English and French at the Catholic Society for the Instruction of Indigent Orphans or *La Société Catholique pour l'Instruction des Orphelins dans l'Indigence*. Richard Lambert worked as a music teacher; he taught the famous musician Edmond Dédé. Caryn Cossé Bell, *Revolution, Romanticism*, 125. James M. Trotter, *Music and Some Highly Musical People: Containing Brief Chapters on I. A Description of Music. II. The Music of Nature. III. A Glance at the History of Music. IV. The Power, Beauty, and Uses of Music. Following Which Are Given Sketches of the Lives of Remarkable Musicians of the Colored Race. With Portraits, and an Appendix Containing Copies of Music Composed by Colored Men* (New York: Johnson Reprint Corporation, 1968), 348. Lucius R. Wyatt, "Six Composers of Nineteenth-Century New Orleans," *Black Music Research Journal* 10, no. 1 (1990): 128.

newspaper, the *New Orleans Argus*.<sup>75</sup> According to the paper, Goulé and Lambert had first rate tobacco for sale. Their advertisement boasted that they recently received the tobacco from the Cuban cities of Havana and St. Yago. Goulé had several other dealings with Lambert that involved a notary rather than a newspaper.<sup>76</sup>

In 1836, Goulé gave Lambert and Bazanac power of attorney while he went away on a trip. According to Act no. 523 notarized by Theodore Seghers on June 20<sup>th</sup>, Goulé authorized Lambert and Bazanac to make business deals for him in his absence, paying his debts, depositing checks into his accounts, making withdrawals, paying insurance policies, buying or selling property, and the like.<sup>77</sup> Later on November 1 of the same year, Goulé purchased six plots of land on St. Antoine Street in Fauboug Marigny with Lambert and Bazanac, evidenced in Seghers Act no. 898.<sup>78</sup> At the time of the purchase Goulé was likely still away; as the document states, Lambert is acting on Goulé's behalf and Goulé's signature is noticeably absent from the act.

Substantiation of Boisdoré and Goulé's involvement in various business transactions, including the South's most widespread business, slave ownership, exists. In Act no. 523 where Goulé granted Lambert power of attorney, he also gave Lambert the power to buy and sell slaves for him.<sup>79</sup> This power bestowed upon Lambert suggests that Goulé either owned slaves or had an interest in becoming a slave owner. Goulé's co-plaintiff, Boisdoré, is linked to the peculiar institution as a result of notarized acts.

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<sup>75</sup> The *New Orleans Argus* was a French language newspaper published in New Orleans from 1824 to 1827. The following advertisement from Jean Goulé and Richard Lambert appeared in the *Argus*: *Les soussignés ont reçu par derniers arrivages de la Havane et de St. Yaro, et offrent à vendre 500 surons tabac espagnol, de première qualité. Goulé and Lambert, rue de la Leveé, près du Reul Road. New Orleans Argus, September 29, 1832.*

<sup>76</sup> Perhaps Goulé's Cuban-born wife, Catherine Priou, helped broker his Latin American cigar deal.

<sup>77</sup> Jean Goulé, Theodore Seghers (notary), Notarized Act no. 523, June 20, 1836.

<sup>78</sup> Jean Goulé, Theodore Seghers (notary), Notarized Act no. 898, November 1, 1836.

<sup>79</sup> Jean Goulé, Notarized Act no. 523.

Boisdoré and his wife employed the services of New Orleans notaries Joseph Arnaud and Louis Caire, respectively, to notarize their selling and manumitting of slaves. On April 9, 1828, Joseph Arnaud recorded Boisdoré's sale of a slave to C. Zeringue.<sup>80</sup> More than a month later, on May 25, 1828, François Boisdoré's wife drafted her will with the assistance of Louis Caire.<sup>81</sup> In the document, she granted freedom to her 15-year-old negress, Victoire, when she turned twenty-five.<sup>82</sup> Boisdoré, his wife Maire Joseph Sophia Olivier, and Goulé belonged to the elite group of free blacks that participated in the ownership of people of African descent. By owning slaves, Goulé, Boisdoré and his wife exhibited their commitment to New Orleans and American slave-owning culture, signifying that they were not antislavery but were individuals dedicated to and who had profited from the slavery.<sup>83</sup>

Boisdoré and Goulé's existences typify the history of New Orleans's free people of color in many ways. During their lifetimes, the majority of the city's population of free people were either native or Caribbean born and Francophones. Those free men and women inhabiting the city usually lived in either Marigny or Treme and practiced Catholicism. Boisdoré and Goulé fit all of the aforementioned characteristics; however, their stories differ from the norm in terms of wealth. Boisdoré and Goulé amassed modest fortunes and participated in several business deals. Perhaps their most difficult business transaction involved Citizens Bank.

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<sup>80</sup> François Boisdoré, Joseph Arnaud (notary) Notarized Act no. 178, April 9, 1828.

<sup>81</sup> In 1828, Marie Josephe Sophia Olivier is listed as sick in Volume 18 of the *Archdiocese of New Orleans Sacramental Records* Charles E. Nolan, *Archdiocese of New Orleans Sacramental Records vol.18, 1828- 1829*.

<sup>82</sup> Marie Joseph Sophia Olivier died later in 1828. Marie Josephe Sophia Olivier Boisdoré, Louis Caire (notary) Notarized Act no. 265, May 25, 1828. New Orleans Public Library, *Probate Records*, "Marie Josephe Sophia Olivier," 1828.

<sup>83</sup> For an in-depth study of free black slave owners in the South consult: Michael Johnson and James Roark, *Black Masters: A Free Family of Color in the Old South* (New York and London: WW Norton and Company, 1984), 23.

## Citizens Bank

From the time of its inception, Citizens Bank's board of directors, administrators, and cashiers were either descended from wealthy Creole families or well-established businessmen.<sup>84</sup> Arguably, the most successful of the businessmen associated with the bank served as its president at one time or another. From 1833 to 1836, the bank regularly changed presidents. During a three-year span, four men served as the bank's president: Du Suau de La Croix (1833), L. G. Hilligsberg (1834), John A. Merle (1835), and Edmond Forstall (1836-1837). Boisdoré and Goulé bought shares of Citizens during L. G. Hilligsberg's one-year term as bank president. At the time of their purchases, the bank was still a private entity. Two years later, in 1836, when Boisdoré and Goulé sued Citizens and its current president, Edmond Forstall, the bank would be under the influence of the state.

Forstall was born in New Orleans to a well-to-do family that worked in the mercantile business and owned land and slaves.<sup>85</sup> Following in his family's footsteps, in 1826 Forstall became a partner in Gordon Forstall, and Company, a mercantile company that conducted business with Liverpool, England. Throughout the rest of his career, Forstall had dealings with several banks and international companies. Forstall worked as one of Louisiana State Bank's directors in 1818 and later as the comptroller of Consolidated Association of Planters of Louisiana in 1829, a property bank.<sup>86</sup> As comptroller, Forstall helped the bank garner

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<sup>84</sup> Alphonse Annet Lelong, *Reminiscences Culled from the Annals of the Citizens Bank of Louisiana, the Oldest Financial Institution of that State: Ante-bellum Banking Methods, Financing the Planting Interests of the State* (1911).

<sup>85</sup> Irene D. Neu, "My Nineteenth-Century Network: Erastus Corning, Benjamin Ingham, Edmond Forstall," *Business and Economic History* 14 (1985): 9.

<sup>86</sup> Larry Schweikart, *Banking in the American South from the Age of Andrew Jackson to Reconstruction* (Baton Rouge and London: Louisiana State University Press, 1987), 211.

connections with foreign companies such as the Baring Brothers, a banking House in London.<sup>87</sup> The Consolidated Association of Planters of Louisiana worried that Forstall might be working for the foreign companies to which he introduced them.<sup>88</sup> So, they dismissed Forstall from his position. He quickly rebounded with jobs at other banks that considered his association with foreign companies as an asset. Working first with Union Bank, he drafted much of the bank's charter and in 1832 helped sell 78% (5,500 of 7,000) of the bank's bonds to the Baring Brothers. Citizens Bank recruited Forstall in 1834 as a director, hoping that he might sell their bonds to foreign companies, too. Later in 1836, Citizens Bank chose Forstall for the position of Bank President.

The Citizens Bank of Louisiana was established via charter during the spring of 1833.<sup>89</sup> Citizens functioned as the state of Louisiana's third and final property bank—a bank created “for the purpose of financing extensive deals in land and slaves,” likely plantations.<sup>90</sup> At the time of its opening, the bank could issue \$12 million in bonds backed by \$14,400,000 from stock subscribers, like Boisdoré and Goulé.<sup>91</sup> Stock subscribers could mortgage property, such as land, lots, houses or slaves (up to one third of a subscribers mortgaged items could be slaves) to pay for their stocks. The logic behind property as security was “the value of Louisiana's slaves and property could never depreciate.”<sup>92</sup>

The state of Louisiana expected certain requirements of Citizens Bank and in return allowed the bank incentives. The Citizens Bank had to extend the state half a million dollars in

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<sup>87</sup> Larry Schweikart, “Antebellum Southern Bankers: Origins and Mobility,” *Business and Economic History* 14 (1985): 84; Obituary of Edmond J. Forstall, *New Orleans Daily Picayune*, November 23, 1873.

<sup>88</sup> Larry Schweikart, *Banking in the American South*, 211-212.

<sup>89</sup> Stephen A. Caldwell, *A Banking History of Louisiana* (Baton Rouge: Louisiana State University Press, 1935), 48.

<sup>90</sup> Alphonse Annet Lelong, *Reminiscences Culled from the Annals of the Citizens Bank of Louisiana*.

<sup>91</sup> Stephen A. Caldwell, *A Banking History of Louisiana*, 49.

<sup>92</sup> Stephen A. Caldwell, *A Banking History of Louisiana*, 49.

credit.<sup>93</sup> Also, at least 300,000 of the Citizens Bank’s loans had to be lent to borrowers in parishes other than Orleans. Citizens Bank did not have to pay municipal or state taxes because it funded the Lake Borgne Navigation Company in its obligatory endeavor of digging the Lake Borgne Canal. However, in the event that the Canal did not get completed, Citizens owed the state \$500,000.

In 1836, the state became more involved in the Bank’s operations. Citizens Bank intended to sell bonds internationally to European companies. Unfortunately, most European Companies deemed Citizens’ bonds as a risky business venture that lacked sufficient security.<sup>94</sup> Citizens Bank finally attracted foreign bond buyers two years after the bank’s initial charter. In late 1835, Edmond Forstall brokered a deal with Hope and Company of Amsterdam, which agreed to purchase \$3 million in bonds from Citizens—providing the bank procured the backing of the state of Louisiana.<sup>95</sup>

The state support came at a cost to Citizens Bank. The state reluctantly agreed to “issue state bonds and accepted the bank bonds as security” only after the bank accepted certain terms such as extending half its loans to rural areas. Also, the Bank was required to allow the state to probe the bank’s records at any time with a special committee of the legislature and grant the legislature the right to select 5 of the bank’s 12 directors.<sup>96</sup> In 1836, the Louisiana Legislature incorporated Citizens Bank and amended the bank’s charter. One of the new state proposed amendments barred free people of color as stockholders. François Boisdoré and Jean Goulé took

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<sup>93</sup> Stephen A. Caldwell, *A Banking History of Louisiana*, 49.

<sup>94</sup> Stephen A. Caldwell, *A Banking History of Louisiana*, 49.

<sup>95</sup> George Green, *Finance and Economic Development in the Old South: Louisiana Banking, 1804-1861* (Stanford: Stanford University Press, 1972), 25.

<sup>96</sup> Stephen A. Caldwell, *A Banking History of Louisiana*, 50. Alphonse Annet Lelong, *Reminiscences Culled from the Annals of the Citizens Bank of Louisiana*.

offense to the new rule and decided to challenge it in court with Judah Benjamin and Christian Roselius as their attorneys.

### **Boisdoré and Goulé's Legal Counsel: Judah Benjamin and Christian Roselius**

The enigmatic and self-contradictory Judah P. Benjamin was born to Philip and Rebecca Benjamin in 1811 on the Island of Saint Croix.<sup>97</sup> During Benjamin's 73-year-long life, he would live in various locales around the Atlantic; mystery and furtiveness would surround the details of his life in almost every city. Although records exist concerning Benjamin's public life, his private life remains a mystery. Benjamin burned his private letters and personal documents; only a few letters he wrote to friends like Jefferson Davis and family members such as his sisters still exist.<sup>98</sup> Despite Benjamin's record burning, the facts of his life are well-known, but his opinions and motivations remain speculative without any surviving documents available to corroborate claims.

By the age of 17, Benjamin had terminated his collegiate career and moved to New Orleans. The Yale dropout, whose family had little money, came to New Orleans with five dollars.<sup>99</sup> In New Orleans, Benjamin would marry a wealthy and well-connected member of New Orleans society, Natalie St. Martin, and amass a huge fortune by working in several fields.<sup>100</sup> In

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<sup>97</sup> Eli N. Evans, *Judah P. Benjamin, the Jewish Confederate* (New York: Free Press, 1988), 4-5.

<sup>98</sup> Pierce Butler, *Judah P. Benjamin* (Philadelphia: G.W. Jacobs & Company, 1907), 7.

<sup>99</sup> Eli N. Evans, *Judah P. Benjamin*, 23.

<sup>100</sup> Benjamin and Natalie St. Martin married in 1833 at St. Louis Cathedral. A few days prior to their nuptials, the two signed a marriage contract, prenuptial agreement, stating the who they were, her parents's names, and the possessions they entered into the marriage with before the notary Louis Feraud. One of Natalie's witnesses for the marriage contract signing was Alonzo Morphy, opposing counsel in *Boisdoré and Goulé v. Citizens Bank*. The marriage of Benjamin and St. Martin was unique they only lived together in New Orleans for a few years before she moved to Paris to educate their only child to live past infancy, Anne Julie Marie Natalie Benjamin known affectionately as Ninette. Once Natalie and Ninette Benjamin moved, Judah Benjamin only saw his wife and daughter on his annual trips to France.

Benjamin began his working life in Louisiana as a teacher, tutor, and clerk in the office of a Notary.<sup>100</sup> Pierce Butler, *Judah P. Benjamin*, 25 and 34 -35; Winston De Ville, "The Marriage Contract of Judah P. Benjamin and Natalie St. Martin, 1833," *Louisiana History*. 37, no. 1 (1996): 81-84.

1832, the Louisiana state bar admitted Benjamin and he began working as an attorney.<sup>101</sup> In addition to law, Benjamin worked in politics and had a lucrative business. He owned a twenty-room plantation home on the outskirts of New Orleans with 140 slaves who produced sugar on the palatial twenty-room property. As a lawyer in Louisiana, Benjamin would gain recognition as one of the greatest legal minds in the state and the entire country.<sup>102</sup>

Benjamin's keen mind, his success as an attorney, and his commitment to the institution of slavery allowed him to hold high-ranking positions in the Confederate Government. During the Civil War, Benjamin served as the Confederacy's Attorney General for part of 1861.<sup>103</sup> Later that year, Jefferson Davis gave Benjamin the position of Secretary of War. In 1862, Benjamin became the Confederacy's Secretary of State—a post he would retain until the end of the war.

After the Confederacy surrendered, Benjamin fled to Europe. Benjamin's post-bellum arrival in Europe was not unlike his arrival to New Orleans. Once again, he was in a new city with little money.<sup>104</sup> Just as he had done in New Orleans, Benjamin gained admittance to the English bar and amassed a fortune. Similar to his New Orleans career, England recognized him as one of its greatest barristers. Judah Benjamin died in 1884, the year following his retirement from the English Bar.<sup>105</sup>

Benjamin lived an unusual and extraordinary life. He lived all over the Western World, achieved fame as a member of the American and English bar, and notoriety in a few places. Perhaps, Benjamin's most well-known and perplexing deed was as a Jewish member of the

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<sup>101</sup> Pierce Butler, *Judah P. Benjamin*, 25.

<sup>102</sup> Robert Douthat Meade, *Judah P. Benjamin: Confederate Statesman* (New York: Oxford University Press, 1943), 59. Eli N. Evans, *Judah P. Benjamin*, 32. Edgar M. Kahn, *Judah Philip Benjamin in California* (Los Angeles: Anderson, Ritchie & Simon, 1968), 158.

<sup>103</sup> Unofficially, throughout the war, Benjamin spent twelve hours a day beside Jefferson Davis discussing strategy, according to Jefferson Davis's wife. Because of Judah Benjamin's role in the Confederacy he was dubbed "the brains of the Confederacy." Pierce Butler, *Judah P. Benjamin*, 18. Robert Meade, *Judah P. Benjamin*, xi.

<sup>104</sup> Robert Meade, *Judah P. Benjamin*, 337.

<sup>105</sup> He worked as a barrister until 1883 when he retired and relocated to Paris, France where his wife and child lived. Eli N. Evans, *Judah P. Benjamin*, 344 and 399.

government of the Confederate States of America. The slave-owning Judah Benjamin, who would one day become the strategist of the Confederacy, seems like an unlikely choice to represent two free men of color and their property rights alongside Christian Roselius.

Christian Roselius's life story is that of a European teenager who came to America in search of a better life. The young immigrant arrived in his new country with little money but through hard work and determination Roselius attained prestige.<sup>106</sup> In addition to wealth, Roselius earned acclaim, the respect of his colleagues, and a place in Louisiana legal history. He would marry a local woman named Emily and raise a family.<sup>107</sup> The remarkable tale of Christian Roselius' stunning ascendancy began in Germany.

Christian Roselius was born August 10, 1803 in Brunswick, Germany.<sup>108</sup> At the age of 16, he decided to emigrate to America. Roselius arrived in New Orleans in July 1820. Shortly after his arrival in New Orleans Roselius became an apprentice to a printer, Davy, who paid for the cost of his trans-Atlantic voyage. Roselius kept his job as a printer, his first in the printing field, for two years.<sup>109</sup> Roselius worked for the *Louisiana Courier* as a journeyman printer, as editor of the *Halcyon*, and as an English educator at a female school before becoming an attorney.

Six years after moving to America, Roselius began his legal education in a manner reminiscent of his foray into the literary profession. In 1826, Roselius began studying law under Auguste Davesac, a criminal lawyer.<sup>110</sup> He clerked under Davesac for about a year and a half

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<sup>106</sup> "Death of Christian Roselius," *Times Picayune*, September 6, 1873, 4.

<sup>107</sup> "Died," *Times-Picayune*, September 7, 1861, 2; "Christian Roselius. Rooms of the Supreme Court of Louisiana," *Times-Picayune*, November 16, 1873, 6.

<sup>108</sup> "Christian Roselius," *Times-Picayune*, 6.

<sup>109</sup> "Christian Roselius," *Times-Picayune*, 6.

<sup>110</sup> "Christian Roselius," *Times-Picayune*, 6.

before appearing before the Louisiana Supreme Court to obtain his law license. Louisiana Supreme Court judges Mathews, Martin, and Porter deemed Roselius suitable and granted him a license in June of 1828.

As a lawyer he represented clients in various legal disputes from slaves suing for their freedom to masters attempting to reassert their authority and ownership over slaves who claimed to be free.<sup>111</sup> After he established himself, Roselius taught law at the University of Louisiana Law School, now Tulane Law. Roselius was a highly respected legal educator and honorable lawyer.

Roselius's legal reputation propelled him to eminence in southern politics. In 1861, Roselius took part in the South's most important political debate, succession. At Louisiana's succession convention, Roselius gave a rousing speech in favor of maintaining the Union. Although he believed in the preservation of the nation, he was not a proponent of extirpating slavery. Roselius supported the right of slave owners to own slaves and held that secession was unnecessary to maintain slavery. Because of his pro-Union inclinations, Roselius was offered the position of Chief Justice of the Supreme Court of Louisiana during the state's occupation.<sup>112</sup> Roselius declined the offer, probably due to his devotion to the state of Louisiana. Roselius found a way to be loyal to both Louisiana and the United States when the two allegiances were at odds with one another.

Christian Roselius, an assiduous and intelligent man, worked his way to the upper echelons of the Louisiana bar. He achieved great success in all of his professional endeavors: first as a printer, then editor, and finally as an attorney and law professor and dean of faculty at

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<sup>111</sup> Judith Kelleher Schafer, "'Voleur De Nègres': The Strange Career of Jean Charles David, Attorney at Law," *Louisiana History* 44, no. 3 (2003): 263 and 265; Shirley Thompson, "'Ah Toucoutou, Ye Conin Vous': History and Memory in Creole New Orleans," *American Quarterly* 53, no. 2 (2001): 249 and 251.

<sup>112</sup> Barnes F. Lathrop, "Disaffection in Confederate Louisiana: The Case of William Hyman," *The Journal of Southern History* 24, no. 3 (1958): 317.

the University of Louisiana. In addition, he won the respect of his adopted hometown and state. The legal contemporaries of Roselius held him in such high regard that John Rozier read a speech celebrating Roselius's life shortly after his demise in September of 1873 at a meeting of the Louisiana bar.<sup>113</sup> Despite his opposition to secession, the members of Louisiana Bar still venerated Roselius's death though he died during the south's period of atoning for rebellion, Reconstruction.

Benjamin and Roselius seemed to be at times rivals with very different opinions. Benjamin was a slave owning, pro-secession member of the Confederate government. On the other hand, Roselius was a Union-preserving, proslavery, non-slave owner, who frequently represented wrongfully enslaved black people suing to be manumitted— provided they could compensate him: Roselius turned away black clients who did not have the means to afford his fees.<sup>114</sup> Since Roselius and Benjamin were diametrically opposed on key issues and agreed on few points, it seems unlikely that the two men would ever collaborate on a case, much less a case where they were counsel for clients of African descent. Somehow, despite grave philosophical differences, Judah Benjamin and Christian Roselius united to represent Boisdoré and Goulé, two free men of color, against Citizens Bank. The only possible explanation for the unlikely union of Benjamin and Roselius is that this case was near the start of both of each their careers.<sup>115</sup> So, both attorneys were building their reputations and less likely to be discriminating in their client and case selection.

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<sup>113</sup> Roselius' wife Emily preceded him in death; she passed in 1861. Roselius's daughter and three grandchildren survived him. "Died," *Times-Picayune*, September 7, 1861, 2. "Christian Roselius," *Times-Picayune*, 6.

<sup>114</sup> Joseph G. Tregle, "Thomas J. Durant, Utopian Socialism, and the Failure of Presidential Reconstruction in Louisiana," *The Journal of Southern History* 45, no. 4 (1979):498.

<sup>115</sup> Butler states that new lawyers, such as Benjamin, eagerly accepted cases that they likely would have turned away once they became more established. Pierce Butler, *Judah P. Benjamin*, 38.

## ***Boisdoré and Goulé v. Citizens Bank***

Free men of color François Boisdoré and Jean Goulé both purchased shares of Citizens Bank in 1834. According to the Bank's charter, "all persons who shall be in good faith possessors of real property within the state," were eligible to become stockholders in the bank.<sup>116</sup> On August 25, 1834, before notary Theodore Seghers, Boisdoré mortgaged two adjacent properties bound by Dumaine and Madison for 200 shares of Citizens for \$20,000. Goulé purchased 150 shares of Citizens on September 12, 1834, at a price of \$15,000. Jean and Catherine Priou Goulé mortgaged a property in Faubourg Marigny, bound by Elysian Fields and Marigny before notary Theodore Seghers.<sup>117</sup> The president of Citizens Bank, Lucien G. Hilligsberg, signed the agreement, as well making Boisdoré and Goulé stockholders in the Bank. Boisdoré and Goulé remained shareholders of the bank until 1836.

In 1836, the State of Louisiana amended the Citizens Bank's charter. One of the new amendments stated, "... no person or persons who is not a free white Citizen of the United States and domiciliated in the state of Louisiana shall be either directly or indirectly owner of any part of the Capital stock of said company."<sup>118</sup> Citizens Bank used this legislature-created amendment to terminate Boisdoré and Goulé as stockholders. So, the two free men of color brought a legal suit against the bank to have their rights as stockholders restored.

Surprisingly, none of the other free blacks who purchased stock from the bank appear as plaintiffs in lawsuits against the bank. In 1834, the same year Boisdoré and Goulé purchased

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<sup>116</sup> *Boisdoré and Goulé, f.p.c., v. Citizens Bank of Louisiana*, No. 2956, 9 La. Ann. 506 (1836).

<sup>117</sup> According to their notarized contracts with the bank, Boisdoré and Goulé were required to keep their properties insured; in case of damage or destruction, the bank would receive the insurance settlement. The documents of both free men of color were signed in front of witnesses Victor Seghers and Lewis Jeumper. François Boisdoré, Theodore Seghers (notary), Notarized Act no. 16. Jean and Catherine Goulé, Theodore Seghers (notary), Notarized Act no. 45.

<sup>118</sup> *Boisdoré and Goulé, f.p.c., v. Citizens Bank of Louisiana*, No. 2956, 9 La. Ann. 506 (1836).

their shares, four free women of color: Eugenie Gresseau, Magdelene Pierre Lay, Marie Genevieve Mickline/Miqueline, and Louise Vaudrey invested in Citizens' stocks.<sup>119</sup> The following year, 1835, free woman of color, Marie Louise Panis bought shares of Citizens Bank.<sup>120</sup> Perhaps financial issues prevented Gresseau, Lay, Mickline/Miqueline, and Vaudrey who purchased 70, 130, 90, and 60 shares respectively, (less than both Boisdoré and Goulé had purchased) from suing. Panis, a rich plantation owner in St. John the Baptist Parish, who bought 790 shares of the Citizens, certainly could have afforded to sue. Rather than wait on the outcome of a lawsuit, Panis sold her stocks in 1836; maybe the other four free women disposed of their stocks, too.<sup>121</sup> Possibly, Gresseau, Lay, Mickline/Miqueline, and Vaudrey were secretly involved in the case. Maybe the free black community believed free black businessmen made better plaintiffs than free women of color; Goulé and his wife bought shares of the bank but only he participated in the law suit. Even though the free women did not openly participate in the suit, a successful suit for Boisdoré and Goulé also, meant that any free woman of color still in possession of shares of Citizens would have regained her rights, as well.

Boisdoré and Goulé retained attorneys Christian Roselius and Judah Benjamin to represent them. The attorneys filed a petition for the two men on April 7, 1836. In the petition filed in the first Judicial District Court, Boisdoré and Goulé's attorneys argued that under the 1833 charter, the two free men of color should "have a right to all the advantages, privileges and

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<sup>119</sup> Eugenie Gresseau, Theodore Seghers (notary), Notarized Act no. 95, October 14, 1834; Magdelene Pierre Lay, Theodore Seghers (notary), Notarized Act no. 40, September 9, 1834; Marie Genevieve Mickline/Miqueline, Theodore Seghers (notary), Notarized Act no. 79, October 3, 1834; Louise Vaudrey, Theodore Seghers (notary), Notarized Act no. 125, November 17, 1834.

<sup>120</sup> Marie Louise Panis, Theodore Seghers (notary), Notarized Act no. 196, April 18, 1834.

<sup>121</sup> Juliet E. K. Walker, *The History of Black Business in America: Capitalism, Race, Entrepreneurship* (New York, London, Mexico City, New Delhi, Singapore, Sydney, and Toronto: MacMillan Library Reference USA and Prentice hall International, 1998), 132.

immunities, to which by law such stockholders are entitled.”<sup>122</sup> Roselius and Benjamin asked that the Bank respond to the charges of the petition, reinstate Boisdoré and Goulé as stockholders, and pay each man \$2,000 for damages.

Alonzo Morphy filed Citizens Bank’s response to Boisdoré and Goulé’s petition on April 14, 1836.<sup>123</sup> Morphy a stockholder of the bank, represented the Citizens Bank, its directors, and president, Edmond Forstall.<sup>124</sup> Citizens conceded that the petition of Boisdoré and Goulé contained the truth. Despite truthfulness of the petition written by Roselius and Benjamin, the defense attempted to justify its actions. The defense declared that the bank consented to the charter amendments written by the Louisiana legislature, which barred Boisdoré and Goulé as stockholders, in exchange for obtaining state’s backing. Further, free people of color could not

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<sup>122</sup> *Boisdoré and Goulé, f.p.c., v. Citizens Bank of Louisiana*, No. 2956, 9 La. Ann. 506 (1836).

<sup>123</sup> A. Morphy stands for Alonzo Morphy who was born in Charleston, South Carolina in 1798. His family came to New Orleans in the early 1810s. At the age of eighteen, he decided to study law at the French College d’Orléans (a now defunct school formerly located in Fauborg Marigny). Over the course of his professional life, Morphy held a seat in the Louisiana House of Representatives for two terms, held the post of Attorney General for the state of Louisiana, practiced law, worked as a regent of New Orleans schools, served as part of the administration of Charity Hospital, and worked as the director for the Bank of Louisiana. In 1839, he received what was perhaps his most prestigious position as a Justice of Louisiana’s Supreme Court. Morphy would hold his seat on the bench until his retirement in 1846.

Morphy had an equally impressive personal life. In 1829, he married Louise Thérèse Félicité Thelcide Le Carpentier, a wealthy woman from a prominent Louisiana family. Le Carpentier’s family was so affluent that she and Morphy entered into a prenuptial agreement before their marriage. In case of a divorce, both parties would leave the marriage with the property they brought into the marriage. Morphy entered the marriage with \$16,000 worth of property that included six slaves; his future wife came into the marriage with \$4,000 given to her by her father. The Morphys had four children: Edward, Paul, Malvina and Helen. Their son Paul was considered the greatest chess player of his time. In part due to his marital union and partially because of his success, Alonzo Morphy died as a respected member of Creole society in 1856. Philip W. Sergeant and Fred Reinfeld, *Morphy’s Games of Chess: 300 Games by the Greatest Chess Player of All Time* (New York: Dover, 1957), 1-2; David Lawson and Thomas Aiello, *Paul Morphy: The Pride and Sorrow of Chess* (Lanham: Garrett County Press, 2011), 9-10; William Head Coleman, *Historical Sketch Book and Guide to New Orleans and Environs: With Map : Illustrated with Many Original Engravings, and Containing Exhaustive Accounts of the Traditions, Historical Legends, and Remarkable Localities of the Creole City*, (La Crosse, Wisconsin: Brookhaven Press, 2001), 313; Stanley Clisby Arthur, George Campbell Huchet de Kernion, and Charles Patton Dimitry, *Old Families of Louisiana* (New Orleans: Harmanson, 1931), 55-57; Alonzo Morphy and Louise Thérèse Félicité Thelcide Le Carpentier, Joseph Arnaud (notary), Notarized Act no. 53, February 20, 1829.

<sup>124</sup> Morphy made several purchases of Citizens Bank stock in 1834. Alonzo Morphy, Theodore Seghers (notary), Notarized Act no. 22, April 27, 1834; Theodore Seghers (notary), Index vol. 10, 1834; *Boisdoré and Goulé, f.p.c., v. Citizens Bank of Louisiana*, No. 2956, 9 La. Ann. 506 (1836).

be stockholders of the bank without jeopardizing the state's support of Citizens Bank. The defense asked for the case to be dismissed and the plaintiffs to pay the costs.

On April 19, 1836, Judge Charles Watts called for the reinstatement of Boisdoré and Goulé as stockholders.<sup>125</sup> According to the case file, Judge Watts made his decision for several reasons. Boisdoré and Goulé had become stockholders in 1834, under the original charter. Because the amendment that bars them as stockholders appeared in the eighth section of the Louisiana legislature's 1836 journal and outlined who could become new stock subscribers of the bank, it should not have affected Boisdoré and Goulé. If Boisdoré and Goulé lost their rights as stockholders, then all the shareholders not inhabiting Louisiana should have lost their rights as stockholders, too.

The defendant, Citizens Bank, disagreed with Judge Watts' decision and appealed to the Supreme Court of Louisiana. On April 27, 1836, A. Morphy filed a petition for appeal for the Citizens Bank of Louisiana. Morphy claimed that the judgment was an "error" and asked the Supreme Court for an appeal.<sup>126</sup> Morphy declared that the defendants would accept and follow any decision that the Supreme Court rendered.

The plaintiffs' attorneys presented the Supreme Court with their five-point argument on May 18, 1836.<sup>127</sup> Benjamin reiterated that Boisdoré and Goulé initially met all the requirements for becoming stakeholders. Also, at the time of the state's amendment to the charter, the two free men of color were considered stockholders. No new law should have been able to disavow them of their right as such.

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<sup>125</sup> *Boisdoré and Goulé, f.p.c., v. Citizens Bank of Louisiana*, No. 2956, 9 La. Ann. 506 (1836).

<sup>126</sup> *Boisdoré and Goulé, f.p.c., v. Citizens Bank of Louisiana*, No. 2956, 9 La. Ann. 506 (1836).

<sup>127</sup> *Boisdoré and Goulé, f.p.c., v. Citizens Bank of Louisiana*, No. 2956, 9 La. Ann. 506 (1836).

Benjamin's second point contains several sub points concerning the eighth section of the Legislature's journal. According to Benjamin, the legislature's journal does not revoke the rights of Boisdoré and Goulé for several reasons. First, the language of words that supposedly barred Boisdoré and Goulé are in the future tense of French, "*qu'aucune person qui ne sera pas citoyen libre il blanc des Etats Unis et domicile dans l'etat de la Louisiane ne derendra directement ni indirectemener proprectaire d'aucune partie de fonds capital du la dite compagnie.*"<sup>128</sup> Second, laws cannot be applied *ex post facto*. Third, the French verb tense, unlike English, only conveys notions of events and actions yet to come. Fourth, the legislature lacked the authority to revoke the rights of stockholders; if the legislature did have the power to do so and desired to revoke stockholders or a group of stockholders, then the legislature would have to clearly state its objective, which it did not. Benjamin's second point ended with the reminder that the new amendment directly followed the section of the legislature's journal that lists the qualifications for new stockholders.

Benjamin questioned the validity of the new amendment that barred Boisdoré and Goulé with his third point. The legislature passed the law but the stock subscribers did not vote on it, a requirement for any possible changes to be made to the charter. Instead of following protocol, the board of directors and president agreed to the change and attempted to implement it. These men did not have the authority to consent to a charter amendment that would cause Boisdoré and Goulé or any other stock subscribers to lose their rights as stockholders.

In his fourth point, Benjamin addresses article 438 of Louisiana's Civil Code, a key component of Citizens Bank's case. Article 438 gave the state the ability to "dissolve" a

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<sup>128</sup> In translation, the law stated that any person who was not a free white resident of Louisiana could not own stocks in the bank. *Boisdoré and Goulé, f.p.c., v. Citizens Bank of Louisiana*, No. 2956, 9 La. Ann. 506 (1836).

corporation but not necessarily the right to alter a business. The state could only invoke this power “when the corporation abuse their privileges, or refuse to accomplish the conditions on which such privileges were granted” or “if they deem it necessary or convenient to the public interest”; aiding a distressed bank did not fit the criteria necessary for the state intervention.<sup>129</sup> Benjamin indicated that the legislature did not follow aforementioned law because Boisdoré and Goulé were not compensated or repaid for their property and the loss of their rights as stock subscribers. Benjamin proved the actions of the bank were illegal and invalid. So, in his last point he asked that Boisdoré and Goulé receive money to pay their legal fees.<sup>130</sup>

Citizens Bank’s attorney filed a four- point response to the appellee’s argument. Morphy claimed that the amendment of the journal of the legislature did disavow Boisdoré and Goulé by stating they cannot be stockholders in any way, shape or form.<sup>131</sup> Next, he sought to justify the amendment’s approval. Morphy declared that the legislature’s law that created the amendment gave the president and director the power to approve the amendment. Morphy’s last two points to the judge were as unconvincing as the first two; they lacked legality, and defied logic and reasoning.

In the third point, the appellant’s attorney argued that Boisdoré and Goulé informally consented to the new amendments. Boisdoré and Goulé requested to be reinstated as stock holders, which, if granted by the courts, would restore all of their terminated rights. The benefits lost by Boisdoré and Goulé included the right to receive earnings from the bank. Citizen’s agreement with Hope and Company had generated a great deal of revenue for the bank and its stockholders. Morphy alleged that by suing to regain their positions as stockholders, Boisdoré

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<sup>129</sup> Wheelock S. Upton and Needler R. Jennings, *Civil Code of the State of Louisiana; with Annotations* (New Orleans: E. Johns & Co. Stationers’ Hall, 1838), 64.

<sup>130</sup> *Boisdoré and Goulé, f.p.c., v. Citizens Bank of Louisiana*, No. 2956, 9 La. Ann. 506 (1836).

<sup>131</sup> *Boisdoré and Goulé, f.p.c., v. Citizens Bank of Louisiana*, No. 2956, 9 La. Ann. 506 (1836).

and Goulé accepted the new rules to the bank's charter.<sup>132</sup> Without the new state-created amendments that barred Boisdoré and Goulé, the deal with Hope and Company could not have been closed, which would have rendered their stocks worthless. Morphy declared that if the stocks were not of any value, then Boisdoré and Goulé would probably not be suing for their rights. He then ended by citing Louisiana Civil Code 438, Morphy asserted that it granted the legislature the right to alter corporations; therefore, establishing that the legislature had the authority to alter the charter.

Judge Henry Bullard reviewed both arguments before rendering a decision. Judge Bullard opened by reiterating the facts of the case— namely that Boisdoré and Goulé's rights as stockholders were canceled.<sup>133</sup> The judge then addressed the points of contention in the case. Boisdoré and Goulé's rights are only alienable, if they agreed to it or if the law provides for the rights to be taken away. Bullard then explains that neither of these conditions was met.

Although the bank asserted that the new charter had been accepted, Judge Bullard proved it not to be. Judge Bullard found the president and board of director's approval insufficient to alter the charter.<sup>134</sup> Because the 1833 charter did not grant the president and board of directors the right to accept an amendment that disavows stockholders, they did not possess the right. The stockholders did not have an opportunity to accept or reject the changes to the charter. Judge Bullard concluded that Boisdoré and Goulé did not lose their rights as stockholders by choice.

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<sup>132</sup> *Boisdoré and Goulé, f.p.c., v. Citizens Bank of Louisiana*, No. 2956, 9 La. Ann. 506 (1836).

<sup>133</sup> Henry Adams Bullard was born in Massachusetts in 1788. Bullard studied at Harvard before being admitted to the Pennsylvania bar in 1812. In 1813, Bullard arrived in Natchitoches, La and joined the Louisiana Bar. As a resident of Louisiana, Bullard worked as a lawyer, served terms as a Louisiana state senator, Secretary of State and District Court Judge. He also taught law at University of Louisiana Law School and became the school's first dean. From 1834-1846, Bullard sat on Louisiana's Supreme Court. Robert Feikema Karachuk, "A Workman's Tools: The Law Library of Henry Adams Bullard," *The American Journal of Legal History* 42, no. 2 (1998): 161. *Boisdoré and Goulé, f.p.c., v. Citizens Bank of Louisiana*, No. 2956, 9 La. Ann. 506 (1836).

<sup>134</sup> *Boisdoré and Goulé, f.p.c., v. Citizens Bank of Louisiana*, No. 2956, 9 La. Ann. 506 (1836).

After establishing that Boisdoré and Goulé did not give up their rights, Judge Bullard addresses whether the legislature had the power to bar Boisdoré and Goulé as stockholders. Citizens Bank procured the state's support to finalize a deal with Hope of Amsterdam. According to the state's agreement with Citizens, "...the state pledges its faith, all the securities granted by the act incorporation of said bank, and especially by the third and fourth sections of said act to the holders of its bonds, are hereby transferred to the state, and the holders of the bonds which may be issued in virtue of this act."<sup>135</sup>

Citizens Bank hinged its deals with Hope and Company and the state upon the property of Boisdoré, Goulé, and the other stock holders, but excluded the two free men. That was not only unethical and unfair but unconstitutional. Judge Bullard argued since Boisdoré and Goulé's property was not released first.<sup>136</sup> Further, he interpreted the French language of the charter amendment to refer to the future. Judge Bullard concluded that the law only applies to future stockholders and not current ones, he ordered the reinstatement of Boisdoré and Goulé as stock subscribers and awarded them costs (court fees) without damages (attorney fees). The court records show that Boisdoré and Goulé regained their stocks but it does not note whether or not they retained or disposed of the stocks after this frustrating ordeal.

## **Implications of the Case**

Boisdoré and Goulé's 1836 case is an indicator of the transformations that would eventually come to fruition in New Orleans and all of Louisiana. Under American rule, the state government seized the opportunity to bar free people of color from becoming stock subscribers of the distressed Citizens Bank. In exchange for the state's support, the bank not only agreed but went so far as to disavow current stockholding free people of color. The bank's distressed

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<sup>135</sup> *Boisdoré and Goulé, f.p.c., v. Citizens Bank of Louisiana*, No. 2956, 9 La. Ann. 506 (1836).

<sup>136</sup> *Boisdoré and Goulé, f.p.c., v. Citizens Bank of Louisiana*, No. 2956, 9 La. Ann. 506 (1836).

financial situation forced them to agree to have the rights of stockholding free people of color revoked. Fortunately, Boisdoré and Goulé could afford to hire attorneys to sue and have their rights as stockholders reinstated. The First Judicial District and the Supreme Court of Louisiana both found that Boisdoré and Goulé should be restored as stock subscribers. Although Boisdoré and Goulé won their case, they were probably among the last free people of color to own stock in Citizens Bank. Further, their case signals the state's desire to restrict free people of color and the white Creole community's inability to assist in the matter with their own culture being at the mercy of Americans.

In pre-Civil War New Orleans, the Louisiana government became more restrictive. The state—not the bank—authored the Citizens Bank charter amendment that barred free blacks. Because of the state's role in creating the amendment that revoked Boisdoré and Goulé, their case should not be considered as an isolated incident but a part of the state's agenda to diminish the limited freedom's of free people of color. Therefore, the case should be contemplated in the context of antebellum New Orleans and studied alongside the laws implemented to restrict the rights of free people of color following the 1836 lawsuit. When Boisdoré and Goulé challenged the bank's new charter amendment in court, they confronted the mentality of disenfranchisement and segregation that would become increasingly apparent in late-antebellum Louisiana.

*Boisdoré and Goulé v. Citizens Bank* is a civil rights lawsuit that concerned the rights of all free blacks rather than an act by private individuals protecting their own rights. The outcome of the court case had implications for the other free black stockholders of the bank: Eugenie Gresseau, Magdelene Pierre Lay, Marie Genevieve Mickline/Miqueline, Marie Louise Panis, and Louise Vaudrey. The end result of the case contained consequences that affected the entire caste

of free people of color, too. Boisidoré and Goulé's courtroom success demonstrated that despite the government's aggressive assault on the rights of free people of color property and investments made by free blacks before the Antebellum period might remain intact under the protection of the Louisiana Supreme Court. Additionally, this case helped to establish that lawsuits were an effective method of challenging inequality for free people of color and later for African Americans during the civil rights movement of the twentieth century.

The details of Boisidoré and Goulé's lives are typical of the Creole of color experience in New Orleans while their court case signifies the changes that occurred in late-Antebellum Louisiana. Louisiana's culture and customs allowed the men to be prosperous and educated enough to purchase stock from the bank. However, the state's shifting attitude toward free blacks jeopardized their freedoms, property, and investments. Although they triumphantly retained their investment in the bank, ultimately the entire class of free blacks lost their rights and privileges.

### **Changes in Nineteenth Century New Orleans**

*Boisidoré and Goulé v. Citizens Bank* and the historical characters involved represent the extraordinary set of circumstances occurring in nineteenth-century New Orleans. This was a time, not unlike the present, when the Crescent City attracted people from all over the world, enticing them to relocate to the city. People such as Jean Goulé and his attorneys, Judah Benjamin and Christian Roselius, arrived in New Orleans from other cities. Goulé came to New Orleans from the Caribbean Island of Haiti; his move to New Orleans occurred during the tumultuous post-revolutionary period in Haiti. Although he was a foreign free man of color, Goulé successfully integrated into a New Orleans's population of free people of color.

Judah Benjamin and Christian Roselius, the attorneys of Boisdoré and Goulé, were born outside of America. Benjamin, like Goulé, was born in the Caribbean, whereas Roselius was European by birth. Their respective decisions to relocate to New Orleans can likely be attributed to the economic conditions surrounding the city in the early 1800s. During the early part of the nineteenth-century, men born of meager means could attain riches in New Orleans; both Roselius and Benjamin found fortunes in New Orleans.<sup>137</sup> In addition, the city's accessibility via water made it ideal for transatlantic and interstate travel, which probably contributed to the decisions of the prospective attorneys and their future client to come to the Crescent City. In the early 1800s, there was a place for a Caribbean Catholic free man of color, a Caribbean-born Jewish man, and a German Protestant man in New Orleans's three-tiered society. Goulé, Benjamin, and Roselius' relocations prove that during the first years of American rule, New Orleans remained in a condition similar to its condition under European rule. A few years after their arrivals, significant changes were on the horizon.

During the nineteenth century, the city of New Orleans underwent two transformative processes: Creolization and Americanization. The nineteenth century creolization or 're-creolization', as one historian has termed it, occurred during the early 1800s.<sup>138</sup> The mass migration of Haitian immigrants to New Orleans precipitated 're-creolization' and revived the Gallic atmosphere in the city. Haitian immigrants, like Goulé, had many cultural similarities with the people of Louisiana; their relocation to New Orleans only slightly altered the city's culture.

Americanization, which happened in the mid-nineteenth century, was a much more drastic process than 're-creolization'. During Americanization, New Orleans, a formerly

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<sup>137</sup> Edgar M. Kahn, *Judah Philip Benjamin in California*, 157.

<sup>138</sup> Nathalie Dessens, *From Saint Domingue to New Orleans*, 3.

European-controlled city, transitioned into its American future. This process of transition caused radical changes in the laws, society, and culture of New Orleans.<sup>139</sup> Among the many differences Americanization brought was a shift in the treatment and attitude toward free people of color.

Creole solidarity coupled with migration and immigration thwarted early attempts at Americanization. The Americans, who relocated to New Orleans following the Louisiana Purchase, clashed culturally with White Creoles on several fronts- language, religion, customs, and politics.<sup>140</sup> White Creoles tended to be Francophone and Catholic while Americans were mostly English-speaking, protestant, and favored a republic.<sup>141</sup> The free people of color or Creoles of Color along with white Creoles formed a Creole majority that averted American cultural domination. In 1809, black and white Creoles received aid in their endeavor to suppress American cultural influence.

The refugees of the Haitian Revolution of both races who initially fled to Cuba, following the insurrection on Hispaniola, came to New Orleans beginning in 1809 when Cuba expelled them.<sup>142</sup> While the Americans reluctantly accepted the thousands of refugees who came to New Orleans, the Creoles gladly welcomed these immigrants.<sup>143</sup> Although the culture of the Haitian Creoles differed slightly from New Orleans Creole culture, the Creoles of New Orleans found uniting with the immigrants from the West Indies to be a better option than having their culture engulfed by American culture. Haitian immigrants moved into Faubourg Marigny, a

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<sup>139</sup> In terms of language, the case contains remnants of the cities past and suggestions of its future. The notarized documents, the bank's charter, and the journal of the legislature that are entered in as evidence are in French. The civil case and Supreme Court proceedings are in English in the American courts.

<sup>140</sup> Shirley Thompson, *Exiles at Home*, 9.

<sup>141</sup> The Americans attempted to change New Orleans; they made English the city's official language. Also, the protestant Americans admonished Creoles lack of religious devotion, particularly their tendency for socializing and throwing balls on the Sabbath. Joseph Tregle, jr., "Creole and Americans," in *Creole New Orleans: Race and Americanization*, eds. Arnold R. Hirsch and Joseph Logsdon (Baton Rouge: Louisiana State University Press, 1992), 149.

<sup>142</sup> Paul Lachance, "The 1809 Immigration of Saint-Domingue Refugees to New Orleans," 109.

<sup>143</sup> Nathalie Dessens, *From Saint Domingue to New Orleans*, 44.

neighborhood adjacent to the Creole Neighborhoods of Faubourg Tremé and the French Quarter.<sup>144</sup> The mass migration of people from St. Domingue helped to reinvigorate the Gallic culture of New Orleans, which allowed the Creoles to maintain the majority until the 1830s and free people of color to retain their rights.<sup>145</sup>

Due largely to the mass influx of American settlers and European immigrants, Americans and recent residents began outnumbering Creoles in the 1830s.<sup>146</sup> Once Americans attained the majority, they began implementing laws aimed at altering the structure of New Orleans. Incidents such as the distribution of David Walker's Appeal by free people of color in 1830 resulted in the creation of stringent laws aimed at disenfranchising free blacks.<sup>147</sup> An early example of the harsh American influenced mandates that affected of free people of color started in 1840, when the city of New Orleans required free blacks residing in the city to sign a roll and register.<sup>148</sup> By 1855, the state discontinued all methods of population increase for free people of color besides the natural process of births of children to free people of color already inhabiting the city legally without governmental permission.<sup>149</sup> Free blacks living in the state witnessed the rights they once enjoyed being stripped away.

These American-inspired laws had a noticeable effect on the population of free blacks in New Orleans. From 1810 to 1840, when Creole culture remained dominate in parts of the city,

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<sup>144</sup> Shirley Thompson, *Exiles at Home*, 5.

<sup>145</sup> Nathalie Dessens, *From Saint Domingue to New Orleans*, 34.

<sup>146</sup> Joseph Tregle, argues that the wave European immigration to New Orleans from 1830 to 1860 is the actual cause of rapid Americanization in the mid-neinteenth century. During the above mentioned era, most of the European immigrants to the city came from Ireland or Germany. According to Tregle, these immigrants were uninterested in maintaining Creole culture. Joseph Tregle, "Creole and Americans," 166.

<sup>147</sup> David Walker's 1929 Appeal entitled "David Walker's Appeal, in four articles, together with a preamble, to the coloured citizens of the world, but in particular, and very expressly, to those of the United States of America." called for slaves and free blacks to join forces and overthrow slavery. Ellen Holmes Pearson, "Imperfect Equality," *A Law Unto Itself*, 195.

<sup>148</sup> New Orleans Public Library, "Register of Free Persons of Color Entitled to Remain in the State 1840-1863".

<sup>149</sup> Under the 1855 Act, a slave holder could only manumit a slave by petitioning the courts and paying hefty fees. Judith Shafer, *Becoming Free, Remaining Free*, 71-72.

the number of free people of color residing in the city increased. In 1810 about 4,950 free people of color lived in New Orleans. Ten years later, New Orleans recorded 6,237 free blacks residing in the city. Then, in 1830 the amount of free blacks increased by more than 5,000 to 11,562. A decade later, in 1840, 15,072 free people of color inhabited New Orleans. In 1850, after the implementation of many of the strict laws, the population of free blacks dwindled to 9,905 in 1850. The next decade 1860 saw a slight increase to 10, 939, which is most likely a result of natural means. The laws that aimed at limiting the number of free blacks in New Orleans obviously worked inhibiting non-native free blacks from immigrating to the city and also, convincing some free black residents to relocate elsewhere.<sup>150</sup>

Those free people of color who remained in New Orleans in the 1850s observed the state passing laws that endangered their social life and reduced their liberty. Under new laws, the state not only prevented free blacks from creating new clubs or organizations, but it also disbanded the organizations already in existence. In addition to threatening and destroying pastimes, the state jeopardized the livelihood of free people of color, by making it illegal for free people of color to own pool halls, bars, and cafés or be employed as the captains of riverboats.<sup>151</sup> The government's assault on the social institutions of free people was not limited to economic ventures or social clubs. The state made it illegal for free people of color to have separate religious organizations without the supervision of whites.<sup>152</sup>

The city became very unwelcoming to free blacks; some individuals advocated the colonization of the population. The state legislature promoted another idea, in 1859 lawmakers

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<sup>150</sup> Caryn Cossé Bell, *Revolution, Romanticism, and the Afro-Creole Tradition in Louisiana*, 78.

<sup>151</sup> Laura Foner, "The Free People of Color in Louisiana and St. Domingue," 427-429.

<sup>152</sup> In 1858, the city of New Orleans disbanded African Methodist Episcopal Church because of the passing of a new city Ordinance that made all black religious institutions unlawful. Robert Reinders, "The Churches and the Negro in New Orleans, 1850-1960," *Phylon*, XXII (Fall, 1961): 246.

endorsed the idea of free blacks choosing a master and becoming a slave.<sup>153</sup> A few free blacks with strong ties to the community choose the option and enslaved themselves. Other free people of color found the new conditions in the city intolerable and left the city.<sup>154</sup> The numerous privileges that once characterized the status of free people of color in New Orleans ceased to exist; by the onset of the Civil War, the free blacks living in New Orleans, Louisiana lived in a restrictive society much like the restrictive two-caste societies endured by free blacks in other slaveholding states endured. The free black residents of New Orleans actively contested their loss in status, but they were unable to successfully prevent the onslaught of American marginalization.

Fierce opposition did not deter free people of color from fighting for enfranchisement. At a meeting held in November of 1863, a young free man of color, François Boisdoré, gave an unplanned yet impassioned and eloquent speech that evoked free men of color's Battle of New Orleans participation.<sup>155</sup> He declared, "When our father's fought in 1815 they were told that they should be compensated...We have waited long enough... If the United States has the right to arm us, it certainly has the right to allow us rights to suffrage."<sup>156</sup> In addition to voting rights, Boisdoré championed: the abolition of slavery and racial egalitarianism; he vehemently opposed President Lincoln's proposal for the mass migration of people of African descent. In the quest for

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<sup>153</sup> According to Shafer, at least 17 free blacks enslaved themselves. Judith Shafer, *Becoming Free, Remaining Free*, 152.

<sup>154</sup> In antebellum Louisiana, many members of the free black class considered immigrating to other countries, such as Mexico and Haiti. Over two hundred free people of color, left New Orleans and moved to Haiti between 1859 and 1860. Mary Niall Mitchell, *Raising Freedom's Child: Black Children and Visions of the Future After Slavery*, (New York: New York University Press, 2008), 13. Robert Reinders, "The Free Negro in New Orleans Economy," 284.

<sup>155</sup> François Boisdoré the civil rights activist is thought to have been the son and namesake of Goulé's co-plaintiff. In addition to this activism, François Boisdoré, jr. also worked as bookkeeper. He died in the 1890s. Friends of the Cabildo, Roulhac Toledano, Mary Louise Christovich, and Betsy Swanson, *New Orleans Architecture, Volume VI: Faubourg Tremé and the Bayou Road ; North Rampart Street to North Broad Street, Canal Street to St. Bernard Avenue*, (Gretna, La: Pelican Pub. Co. 1980), 94.

<sup>156</sup> Caryn Cossé Bell, *Revolution, Romanticism, and the Afro-Creole Tradition in Louisiana*, 248.

civil rights, François Boisdoré fought alongside Creole leaders such as Paul Trévigne and Pinckney Benton Stewart Pinchback better known as P.B.S. Pinchback.<sup>157</sup> Later generations of Creoles of color, like their free men of color forefathers, Boisdoré and Goulé, refused to accept proscription.

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<sup>157</sup> Paul Trévigne was the editor of *L'Union*, a French Language newspaper and a teacher at the Institution Catholique des Orphelins Indigents. P.B.S. Pinchback served as Captain of the Native Guard. During Reconstruction, Pinchback was Lt. Governor of Louisiana and for a few days acting governor. Caryn Cossé Bell, *Revolution, Romanticism, and the Afro-Creole Tradition in Louisiana*: 224 and 248; Joseph G. Dawson, *The Louisiana Governors: From Iberville to Edwards* (Baton Rouge: Louisiana State University Press, 1990), 169.

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