

# The Color of Intimacy: Marriage, Passing, and the Legal Strategies of Afro-Creole Women in Antebellum New Orleans

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*Just because they are white, [they] believe that we are made to be scorned, spurned, and slighted. I am free and I am as worthy as you are; I have not earned my freedom on my back.*

— Maria Cofignie, free woman of color in New Orleans, 1795<sup>1</sup>

*A great number [of white men] form liaisons with these lascivious, coarse, and lavish women and are ruined, to be dismissed and replaced by others or end vilely, living with these women with swarms of children, who, condemned by original sin to abjection, become what they can.*

— Charles-César Robin, French writer in Louisiana, c. 1804<sup>2</sup>

*As the quadroons on their part regard the negroes and mulattoes with contempt, and will not mix with them, so nothing remains for them but to be the friends, as it is termed, of the white men. The female quadroon looks upon such an engagement as a matrimonial contract.*

— Karl Bernhard, Duke of Saxe-Weimar Eisenach, 1828<sup>3</sup>

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<sup>1</sup> Hanger, “Cultural and Political Activities,” 149. This quote is taken from the court case *Pedro Fabrot v. Maria Cofignie* (1795).

<sup>2</sup> Robin, *Voyage to Louisiana, 1803-1805*.

<sup>3</sup> Bernhard, *Travels through North America, during the Years 1825 and 1826*, 61.

## Introduction

In *Travels through North America During the Years 1825 and 1826* (1828), German prince Karl Bernhard narrates a striking spectacle that he discovered while visiting the city of New Orleans—the “quadroon ball.”<sup>4</sup> His understanding of these balls goes as follows: Wealthy young ladies of color, under their mothers’ watchful eyes, attended the balls to court white men. These men later negotiated with the mothers for their daughters’ hand and, through contract, promised to financially support the daughter and the children they may have. Each couple would then cohabit and spark an intimate (perhaps romantic) affair until the white man found a white woman he could legally marry. After visiting the Crescent City in 1835, British social theorist Harriet Martineau echoed Bernhard’s findings in her polemic *Morals of Slavery* (1837). Beyond associating interracial unions with quadroon balls, Martineau transformed free women of African descent into tragic debutantes. According to her, “Every Quadroon woman believes that her partner will prove an exception to the rule of desertion” and many died by suicide once their white suitor left them. Later travelers’ accounts and fictional stories repeated these tropes.<sup>5</sup>

These fantastical tales informed the common perception of “plaçage,” the term used by historians to describe intimate arrangements between white men and free women of color in antebellum New Orleans and Caribbean colonies ruled by the French and Spanish. Historians disagree as to how the word “plaçage” was used prior to the Civil War: Kenneth Aslakson posits that the word originally applied to free Black couples, but Shirley Elizabeth Thompson says that it originally applied to all unmarried, cohabitating couples. Neither author states that “plaçage”

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<sup>4</sup> The word “quadroon” has contested meanings. The strictest definition refers to people of ¼ African ancestry and ¾ European ancestry, but the word was often used to describe mixed-race Black people broadly, with an emphasis on light skin and beauty. In this sense, “quadroon” was interchangeable with “mulatto” and “octoroon”, despite the latter terms referring to different quantities of racial mixture. Emily Clark discusses the connotations of “quadroon” in the 18th and 19th centuries in the prologue to her book *The Strange History of the American Quadroon* (2013).

<sup>5</sup> Aslakson, “The ‘Quadroon-Plaçage’ Myth of Antebellum New Orleans”; Rogg, “Creole Gatherings”; Sherrier, “The Forgotten Caste of the Quadroon in Nineteenth Century Literature.”

appeared in government-produced records, but its derivative “placée” circulated as slang and was used infrequently in antebellum literature. The word “plaçage” comes from the French word “placer,” which means “to place.”<sup>6</sup> By referring to a woman in such an arrangement as a placée (“placed woman”), the word implicitly positions the woman as a passive agent in relation to her male partner. Historians have variously characterized plaçage as a courtship practice akin to common-law marriage, concubinage, and “quasi-prostitution.”<sup>7</sup> Stories of plaçage suggested that beautiful mixed-race women could never be content because they felt alienated from other Black people but their African ancestry denied them full acceptance into white society.

In essence, these narratives have misrepresented Afro-Creole women by contributing to the archetype of the “New Orleans quadroon,” an ill-fated woman whose (classically Western) beauty is supposedly undercut by her African ancestry. The New Orleans quadroon evolved into the “tragic mulatto” trope during the 1840s and 1850s, a trope which was used to elicit sympathy from white readers in abolitionist writings.<sup>8</sup> The fetishized image of fallen women of color that developed in the U.S. slightly deviates from the seductress archetype that white colonists such as Médéric Louis Élie Moreau de Saint-Mery developed in the Caribbean. The latter frames femmes de couleur as greedy and manipulative. However, both fetishize the mixed-race women’s beauty and treat traces of Black blood as illicit.<sup>9</sup> The taboo attached to mixed-race women’s

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<sup>6</sup> Aslakson, “Outside the Bonds of Matrimony,” 107; Thompson, *Exiles at Home*, 282. The earliest travelog that uses “placée” is George William Featherstonhaugh’s *Excursion through the Slave States, Volume 2* (1844).

<sup>7</sup> Dessens, “Corps, couleur et sexualité.” In the 19th century, Louisiana civil law used “concubinage” to mean the cohabitation of unmarried couples, and did not necessarily imply financial payment for sexual labor. Dessens uses the term “quasi-prostitution” to describe how antebellum travelogs framed quadroon women as being financially dependent on their white lovers, with the assumption that these women commodified their sexuality for protection.

<sup>8</sup> Aslakson, “The ‘Quadroon-Plaçage’ Myth of Antebellum New Orleans”; Clark, *The Strange History of the American Quadroon*, 133. Clark spends all of chapter five discussing how the “New Orleans quadroon” was integral to creating the “tragic mulatto,” a literary figure often used to explore the tragic effects of racial self-denial. For this paper, the term “creole” refers to those born in colonial Louisiana, as opposed to those immigrating from the Old World or Anglo-America. Here, “creole” by itself does not denote race, so I’ll be using “Afro-Creole” to denote people of African descent who were born in the colony and their descendants. Thompson extensively discusses the historical debates over the meaning of “creole” in Louisiana in her book *Exiles at Home* (2009).

<sup>9</sup> Clark, *The Strange History of the American Quadroon*, 6. Charles-César Robin evoked the seductress archetype when describing interracial partnerships in Louisiana in *Voyage to Louisiana, 1803-1805*.

existence and their relations with white men contrasts with the virtue that white wives were expected to uphold. Moreover, these archetypes fail to capture the real ways in which women's agency was constrained. Interracial partnerships took shape under the oppressive context of slavery. Colonial Louisiana's economy and social hierarchy were underwritten by slavery and set the tone for the strategies that women of color employed. Even when these women were free at the beginning of these unions, many of them were previously enslaved or had mothers who were enslaved. As such, they were keenly aware of the power imbalance between themselves and white men, as the latter could exercise sexual dominance over their bodies and financial dominance over their lives with few to no legal repercussions.

For my thesis, I will investigate the lives of two free Afro-Creole women who engaged in intimate partnerships with white men in New Orleans from the late 18th century into the 19th century. These women are Marianne Celeste Dragon (1777-1856) and Modeste Foucher (c. 1775-1853). Celeste Dragon was a litigious woman of French-Canadian, Greek, and African ancestry and best known for "successfully" passing as white prior to marrying her white partner. Foucher was a mixed-race entrepreneur and the life partner of Barthélemy Lafon, a reputed architect. By examining their interracial unions and *plaçage* as a historiographical concept, I will elucidate how racial barriers to marriage undermined equal access to citizenship. Beyond providing legal recognition to an intimate relationship, marriage functions as a civil, social, and ultimately political institution. Through marriage, other legal rights and norms are practiced, which include inheritances for legitimate children, transfer of estates upon a spouse's death, and access to widow(er)'s benefits. However, numerous hardships emerged for free Afro-descendant women in interracial unions, such as: white men abandoning their mixed-race partners for white women, mixed-race children being legally illegitimate, and lawsuits over inheritances. By

analyzing Celeste Dragon's and Foucher's experiences with family formation, racial identity, and litigation, I argue that they navigated ever-changing social and legal hierarchies in New Orleans with constrained agency. That agency renders the label of "placée" inapplicable to both Afro-Creole women. Yet they have been marginalized in histories of Pre-Civil War Louisiana due to scholars studying them solely in relation to the men to whom they were attached.

### Socio-Legal Transformations

French settlers established sovereignty over Louisiana in 1682. It was not until 1718 that the Kingdom of France founded New Orleans, after which colonial administrators formally governed enslaved people and *gens de couleur libre* ("free people of color") under the Code Noir of 1724. France then sold the colony to Spain in the Treaty of Fontainebleau in 1762. From 1769 to 1800, Spain governed enslaved people and free Black people in the colony under Las Siete Partidas. In October 1800, Emperor Napoleon renegotiated the return of Louisiana as a French colony through the Treaty of St. Ildefonso, then sold it to the United States in 1803. Despite the retrocession, Spanish sovereignty remained in effect until November 1803. The French fully administered Louisiana for only 20 days in the 19th century. Six years before achieving U.S. statehood, Orleans Territory instituted the 1806 Code Noir, modeled on the 1724 Code Noir. The Codes of 1724 and 1806 resembled the 1685 Code Noir enacted in the French Caribbean. However, the Louisiana Codes Noirs criminalized *all* interracial unions, not just those outside of marriage. Regarding the treatment of enslaved people, Spanish policy was ostensibly less restrictive than French by increasing avenues for manumission and penalties for abuse. Both sets of slave law were still less restrictive than British, Dutch, and American law.<sup>10</sup>

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<sup>10</sup> Gross, "Legal Transplants," 4–6. "Less restrictive" refers to the opportunities that enslaved people legally had to become emancipated, receive redress for their enslavers' abuse, and otherwise be socially mobile. Since the publication of Frank Tannenbaum's *Slave and Citizen* (1946), historians have long debated the severity of different

Restrictions on interracial marriage in pre-Civil War Louisiana were imposed to enforce the boundary between whiteness and Blackness—a boundary that became increasingly porous as communities of gens de couleur libre grew in size, social stature, and economic power under Spanish civil law.<sup>11</sup> By 1805, gens de couleur libre constituted 20 percent of the total New Orleans population, an increase of 17 percent from 1771; free people of color flourished in other regions, such as Natchitoches Parish and St. Landry’s Parish.<sup>12</sup> Interracial relations and the growth of free people of color as a demographic reflect gender imbalances among both European colonists and enslaved laborers. Low numbers of European women present in the Americas led male colonists to sexually pursue enslaved Indigenous and African women. Women and their mixed-race children generally outpaced men in terms of manumission rates in Spanish and French colonies. Creole women and enslaved domestics were most favored due to their intimate bonds with their slaveholders. Moreover, families of color strategized to liberate enslaved relatives and partners. Census data from 1805 and 1810 shows a severe numerical imbalance favoring free women of color over men of color in New Orleans, which had been exacerbated by refugee migration from St. Domingue during the Haitian Revolution (1791-1804). The same migration also expanded the single white male population. While the earliest generations of gens de couleur libre were born due to racial openness in intimate unions during the French, Spanish, and Early American periods, that openness declined in the decades following U.S. statehood. Racial endogamy accelerated among populations of gens de couleur libre in the 1830s. By 1840, legal and social norms had converged in the direction of greater racial separation.<sup>13</sup>

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slave regimes in the Americas, and whether it is appropriate to consider one slave system more humane than another. This thesis makes no judgment as to whether one colonial regime was more benevolent than another, as manumission arguably increased the longevity of the slave system. Additionally, my comparison of slave regimes is mainly premised on the *letter* of the law, as opposed to its enforcement.

<sup>11</sup> Hanger, “Free Black Women in Colonial New Orleans.”

<sup>12</sup> Gross, “Legal Transplants,” 14; McLaughlin-Stonham, “Legal and Social Colour Distinctions in Antebellum Louisiana.”

<sup>13</sup> Gross, “Legal Transplants,” 14–15; Aslakson, “Outside the Bonds of Matrimony,” 105–6.

## Literature Review

The most recent historiography on plaçage has deconstructed the practice, as imagined by outsiders to Louisiana, as a myth that flattens the experiences of free women of color. Historian Kenneth Aslakson argues that the practice of plaçage had very little to do with quadroon balls, gatherings which have long been perceived as being where interracial unions were initiated. Aslakson attributes the historical conflation of the two phenomena to misleading reports by Anglo-American travelers, people who were unfamiliar with New Orleans culture and likely held more hostility towards interracial relations than the French and Spanish. Additionally, Aslakson discusses methods by which free Black women navigated the law to protect the inheritances of their mixed-race children in his book *Making Race in the Courtroom* (2014).<sup>14</sup> Historian Emily Clark similarly critiques public misconceptions about interracial partnerships as the “plaçage complex” in *The Strange History of the American Quadroon* (2013). She characterizes free creoles of color as faithful Catholics who valued marriage and emphasizes that many of these women sought free men of color as husbands, despite writers such as Karl Bernhard often implying that these women preferred *not* to associate with mixed-race men, and Black people in general. Moreover, many interracial unions were long-term partnerships that resembled marriage, not casual dalliances that most travelers’ accounts suggest.<sup>15</sup> Building off of Aslakson and Clark, French historian Nathalie Dessens contrasts the oft-cited Anglo-American travelers’ accounts of New Orleans with the correspondences of a Haitian refugee to New Orleans to highlight the hypersexuality imposed on free women of color. Dessens posits that fantasies of plaçage mirror the commodification of enslaved women’s bodies in the marketplace, with the quadroon ball

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<sup>14</sup> Aslakson, “The ‘Quadroon-Plaçage’ Myth of Antebellum New Orleans”; Aslakson, “Outside the Bonds of Matrimony.”

<sup>15</sup> Clark, *The Strange History of the American Quadroon*.

replacing the auction block.<sup>16</sup> None of the aforementioned authors found evidence of legal contracts negotiated between white bachelors and their mixed-race partners' families. My thesis builds on Aslakson, Clark, and Dessens by analyzing the legal proceedings that Afro-Creole women engaged in as a result of their partnerships, and my analysis will recognize the agency these women exerted to preserve the social and economic standing that their families enjoyed.

The interracial partnerships these women entered significantly shaped their engagement with Louisiana's legal system. Celeste Dragon exercised her rights as a wife to increase control over her estate and used loopholes within the law to obscure her African heritage, while Foucher was involved in at least three court cases, one in which she acted as a character witness to the defense of another free woman of color and others which involved her fights to secure inheritances from her partner's estate.<sup>17</sup> By examining these two more closely, we can understand how the image of the "New Orleans placée," a concept seeped in fetishization and tragedy, contributed to the simplification of Afro-Creole women's social motivations and legal strategies. In addition to notarial records and court cases, this thesis utilizes visual representations of racial mixture from the 18th and 19th centuries, both within and outside of the U.S., to aid us in understanding the complexity of mixed-race womanhood under colonial rule. Multiple essay collections offer a breadth of knowledge on the status of femmes de couleur libres in New Orleans across the French, Spanish, and American regimes. These collections include *Creole: The History and Legacy of Louisiana's Free People of Color*, *Louisiana: Crossroads of the Atlantic World*, and *The Devil's Lane: Sex and Race in the Early South*.<sup>18</sup> These volumes

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<sup>16</sup> Dessens, "Corps, couleur et sexualité."

<sup>17</sup> Bullard, Gasquet et al. v. Dimitry, 9 La.; Dimitry v. Pollock, 12 La.; Porter, Carraby v. Morgan, 5 Mart.; Foucher, f.w.c. v. Carraby et al., 6 Mart.; Morrison, "'Big Businesswoman' Eulalie Mandeville and the World of Female Free Black Entrepreneurs in Antebellum New Orleans."

<sup>18</sup> Kein, *Creole*; Vidal, *Louisiana*; Clinton and Gillespie, *The Devil's Lane*.

illuminate how free women of color navigated laws written and rewritten to maintain white supremacy, patriarchy, and slavery as an economic system in Louisiana.

Marianne Celeste Dragon is a noteworthy deviation from the dominant *plaçage* narrative, as she was able to pass as white to marry her white partner. Yet she has been marginalized in the stories narrating the lives of her father Michel Dragon, husband Andrea Dimitry, and male descendants. In *Exiles at Home* (2009), Shirley Elizabeth Thompson provides the most extensive account of the Dragon-Dimitry family and details how the racial identity of Celeste Dragon and her maternal forebears came under legal scrutiny as anxiety over interracial unions grew in the mid-19th century. Thompson's bibliography is impressive, as she relies on direct court records, notarial records, newspaper archives, and literature from legal historians Ariela Gross and Cheryl Harris, who have both studied whiteness as a legal identity. Yet despite giving some attention to Celeste Dragon's inheritances, her court case *Forstall, f.p.c. v. Dimitry* (1833), and her success in passing as white before the law, Thompson ultimately renders Celeste Dragon a secondary character in the story she tells of her grandson George Pandelly and his defamation suit against Victor Wiltz in *Pandelly v. Wiltz* (1854). Because of this, numerous aspects of Celeste Dragon's life go unscrutinized. Thompson misdates Celeste Dragon's portrait to it being completed *after* her marriage to Dimitry (and after she starts identifying as white), thus missing an opportunity to discuss her self-presentation as a wealthy woman of color. Other than *Forstall*, Thompson does not discuss court cases in which Celeste Dragon was an active litigant, despite her being involved in numerous suits regarding her estate management, including one against her own husband. Thompson's analysis of Michel Dragon's will is also incomplete, given that she does not closely engage with changes in legitimacy law that occurred between Celeste Dragon's birth

and her father's death— legal changes which would have informed Monsieur Dragon's decision-making.<sup>19</sup> My chapter on Celeste Dragon intends to fill in these analytical gaps.

Outside of *Exiles at Home*, Celeste Dragon is discussed in genealogies which are largely preoccupied with the accomplishments of her son Alexander Dimitry or father Michel Dragon. Genealogies, such as the 2005 article “The Dimitry Family of Fabled New Orleans,” uncritically repeat the idea that Celeste Dragon and her maternal antecedents have Indigenous ancestry, despite this lineage being invented as a result of *Forstall, f.p.c. v. Dimitry*.<sup>20</sup> Even when these genealogies do not mention Indigenous ancestry, they emphasize Celeste Dragon's French-Canadian ancestry through her maternal grandfather. Taken together, these older sources whitewash Dragon-Dimitry women. To counteract this, my thesis will discuss the implications of mixed-people identifying as white in the late 18th century and contrast that with the prospect of being “discovered” as Black in the 19th century. Critical race theorist Cheryl Harris argues that whiteness legally and theoretically functions like property because the status imbues its possessor with the right to exclude others. Legal scholars Katherine Franke and Eva Saks have discussed the implications of litigating whiteness on marital law. In her theory on the “performance of whiteness,” Ariela Gross interrogates how litigants in the antebellum South defended their claims to whiteness by providing evidence regarding their ancestry, physical appearance, and reputation in their local community.<sup>21</sup> Overall, this scholarship speaks more to boundaries hardened by 19th century scientific racism, which does not quite reflect race relations in colonial New Orleans. Yet these theoretical approaches are incredibly useful to consider when analyzing *Pandelly v. Wiltz*, a case that injected hardened racial attitudes into the past.

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<sup>19</sup> Thompson, *Exiles at Home*.

<sup>20</sup> Frangos, “The Dimitry Family of Fabled New Orleans.” See also *Old Families of Louisiana* (1931).

<sup>21</sup> Harris, “Whiteness as Property”; Franke, “What Does a White Woman Look Like? Racing and Erasing in Law”; Gross, “Litigating Whiteness”; de la Fuente and Gross, “Not of the Same Blood.”

As for Modeste Foucher, anthropologist Jay Edwards and author Ina Johanna Fandrich provide the most extensive account of her partnership with Barthélemy Lafon in two reports to the Louisiana Division of Historic Preservation. Using notarial records, inventory files for lawsuits, and sacramental records, the researchers do their best to piece together key details of the almost two-decade relationship, lasting from the time of the Louisiana Purchase until Lafon's death on September 29, 1820. The authors reflect on the couple's piety, and emphasize the extent to which Lafon was committed to Foucher, despite the perceived impropriety around mixed-race partnerships in Louisiana.<sup>22</sup> Edwards and Fandrich state that Foucher and their children could not inherit Lafon's estate after he died due to her not being his wife and Lafon's family in France traveling to the state to claim heirship. The authors also discuss Lafon's debts and the properties that Foucher's mother owned. Despite being well-researched, these reports are ultimately about Lafon's life story and his architectural contributions to the city, a fact which leads to Foucher largely being framed as his ill-fated love interest. Critically, they never discuss her maneuvers (some of which were successful) to recover bequests from Lafon's estate.

With the exception of a 2021 blog post, Foucher is largely discussed in relation to Barthélemy Lafon and their son Thomy Lafon, and information about her life is very scattered. The blog post written by Chelsey Napoleon, the Clerk of the Orleans Parish Civil District Court, has excerpts of notarized records related to the emancipation and property ownership of Foucher's mother, Julie Brion.<sup>23</sup> Online genealogies of Foucher suggest she is of Haitian descent, but there are no primary sources I could find confirming this. Articles about Thomy Lafon, a businessman famous for his philanthropy in the city, mention Foucher as his mother, but provide little detail about his upbringing. Lastly, Foucher is briefly mentioned in two articles discussing

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<sup>22</sup> Edwards and Fandrich, "Surveys in Early American Louisiana: Barthelemy Lafon"; Edwards, Fandrich, and Richardson, "Barthélemy Lafon in New Orleans 1792 – 1820."

<sup>23</sup> Napoleon, "Women's History Month."

*another* woman of color in an interracial relationship: Eulalie Mandeville. After the death of her lover, Mandeville was sued by her lover's remaining family members for the properties he bequeathed to her and their mixed-race children. During the trial, Foucher acted as a witness on Mandeville's behalf.<sup>24</sup> This court case, *Macarty et al. v. Mandeville, f.w.c.* (1848), shows that Foucher was in community with free Afro-Creole women.<sup>25</sup> Foucher contrasts Celeste Dragon because little evidence suggests that the former publicly denied her African heritage. Foucher's Blackness, Lafon having extended family that could claim his estate, and Lafon's financial decline limited her ability to assert property rights in the way that Celeste Dragon could.

### Primary Sources

For my analysis of Celeste Dragon, I will be using a 1795 portrait of her, the original marriage certificate for her and Dimitry, notarial indices, baptismal records, court rulings related to the family's estate management, and evidence presented in *Pandelly v. Wiltz* (1854). Regarding the *Pandelly* case, the defendant published English translations of many documents related to the Dragon-Dimitry family that he submitted as evidence, including the translated marriage certificate for Celeste Dragon's parents and the judgment made in *Forstall, f.p.c. v. Dimitry*, in the newspaper *The New Orleans Crescent* on August 4, 1853. The purpose of this publication is made clear, as *The Crescent* includes remarks from the defense pointing out Celeste Dragon's mother changing racial identification across legal documents. Additionally, *The New Orleans Daily Delta* provides extensive coverage of the trial everyday between February 2, 1854 and February 12, 1854, summarizing the witness testimonies and motions made by the

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<sup>24</sup> Wilson, "Plaçage and the Performance of Whiteness"; Morrison, "'Big Businesswoman' Eulalie Mandeville and the World of Female Free Black Entrepreneurs in Antebellum New Orleans."

<sup>25</sup> For more information on *Macarty v. Mandeville* as a whole, see Kimberly Welch's "The Stability of Fortunes" (2022) and chapter four of Thompson's *Exiles at Home* (2009).

attorneys. Such news coverage reveals how trials litigating racial identity functioned as sites of spectacle and entertainment for the general public. The ruling in *Dragon v. Dimitry* (1834) is taken from the March 5, 1834 issue of *The New Orleans Bee*. For other suits related to Celeste Dragon's property management, I accessed their full case files, which include petitions, subpoenas, court orders, and final judgment. My analysis of Celeste Dragon is guided by the following questions: How did Celeste Dragon use racial constructs in order to shape her social status? What advantages and disadvantages were conferred onto her as a wife and legitimate child? How did her legal strategies reproduce racial and social class prejudice?

For my analysis of Foucher, I will be relying on her mother's act of emancipation, notarized transactions, and the court cases *Carraby v. Morgan et al.* (1827), *Foucher, f.w.c. v. Carraby* (1828), and *Macarty et al. v. Mandeville, f.w.c.* (1848). The first two court cases deal with Foucher's attempts at recovering one of Lafon's properties after his passing. Despite having no other historian analyze them, these cases reveal the ways in which free women of color judicially exercised their property rights, as well as the challenges they faced once their white partners die. As a dispute involving Foucher's childhood friend, *Macarty* reflects how family members attempt to nullify inheritances made by white men to their partners of color. While two authors mention Foucher's participation in the trial, neither quotes her testimony directly. As with Celeste Dragon's property management cases, I gained access to the full case files of Foucher's litigation. Analyzing the documents in these cases provided critical context for answering the questions I had while reading Edwards's and Fandrich's writings. My analysis of these cases will be guided by the following questions: How does Foucher's positionality lead to a different relationship between race, class and gender? How does that impact her legal strategies?

While I gathered many of my primary sources online, I also conducted archival research in New Orleans, with a particular focus on the Foucher-Lafon family. I viewed records from the following sites: Notarial Archives Research Center, the Louisiana Historical Center, the Historic New Orleans Collection, New Orleans Public Library, and Amistad Research Center at Tulane University. Through my visits, I accessed the full case files for *Forstall, f.p.c. v. Dimitry* and *Pandelly v. Wiltz*, evidence of Foucher's property ownership outside of her mother and partner, city directories, newspaper clippings related to Thomy Lafon, and documents pertaining to notarial indices that I found online. Additionally, I read the unpublished master's thesis on Barthélemy Lafon written by Harriet Pierpoint Bos in 1977, as it is still among the most comprehensive accounts of Lafon's career in New Orleans. By and large, the primary sources in the aforementioned archives were public-facing records, which do not capture the interiority of these women's private lives. As such, I cannot reasonably assess the *emotions* that Celeste Dragon and Foucher may have felt in their intimate partnerships, familial relations, or litigation.

Unpacking the inner worlds of Celeste Dragon and Foucher posed numerous challenges because I could not directly access materials created from their perspective. I found no diaries or letters written by either of these women.<sup>26</sup> But I can glean their voices through their legal strategies. To contextualize their wealth, I used an inflation calculator created by data expert Ian Webster based on the Consumer Price Index for all monetary figures.<sup>27</sup> Additionally, I pull information on each woman from two databases: Afro-Louisiana History and Genealogy and The Collins C. Diboll Vieux Carré Survey. Created by historian Gwendolyn Midlo Hall, the former database indexes thousands of notarized slave purchases beginning in 1719, which I will use to

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<sup>26</sup> That being said, private letters written by Marie-Françoise Monplaisir (Celeste Dragon's mother) were presented in *Pandelly v. Wiltz* (1854) to attest to Monplaisir's "good education" and "affectionate relations" with her white father (Celeste Dragon's grandfather), according to *New Orleans Daily Delta*. I found three of these letters in the New Orleans Public Library and they give texture to the inner lives of the Dragon-Dimitry family.

<sup>27</sup> Webster, "U.S. Inflation Calculator."

elucidate how Celeste Dragon and Foucher participated in the slave trade. Unfortunately, the records only go as far as 1820, which limits my ability to assess the women's slaveholding patterns in their later adulthood. A project of the Historic New Orleans Collection, the Vieux Carré Survey archived property records in the French Quarter. The database catalogs ownership history and architectural designs of buildings owned by the Dragon-Dimitry and Foucher-Lafon families. However, this survey has no information on properties in adjacent neighborhoods, such as the Faubourg Tremé. For full case files, I accessed the archives of the Louisiana Supreme Court managed by the University of New Orleans. These documents allow me to answer: How did free people of color assert themselves in white, privileged spaces such as the courtroom?

### Chapter Guide

In sum, my thesis will combine legal analysis with visual analysis to juxtapose the stereotypical ways women of color were perceived (by white men) with the nuances of their complicated lives under a white supremacist legal system. Using two Afro-Creole women and their families as case studies of interracial relations in antebellum New Orleans will elucidate how free women of African descent used legal codes and intimate partnerships to their advantage. In so doing, my thesis will convey how multiracial, Afro-descendant women exercised agency under slavery and colonialism. My argument will unfold in three chapters. In the following chapter, I will first analyze Celeste Dragon's 1795 portrait in the context of visual representation of femmes de couleur libres. Then, through the family's marriage certificates and Michel Dragon's will, I will discuss the significance of legitimacy and the racial barriers imposed on mixed-race children when it comes to accessing inheritances from white parents. I will proceed to examine how the Dragon-Dimitry family defended their claims to whiteness in

*Forstall, f.p.c. v. Dimitry* (1833) and *Pandelly v. Wiltz* (1854). I will conclude by discussing how Celeste Dragon articulated her property rights in the courtroom. In the second chapter, I will analyze the emancipation of Foucher and her mother Julie Brion. Next, I will discuss how moral norms and class shaped Foucher and Lafon's household and religious affiliations. Then, I will analyze *Carraby v. Morgan* (1827) and *Foucher, f.w.c. v. Carraby* (1828) to demonstrate the legal challenges that free women of color faced after their white partners died. Following that, I will review *Macarty v. Mandeville, f.w.c.* (1848) as an example of kinship between elite femmes de couleur. I will end the chapter with a discussion of the Foucher-Lafon family's slaveholding patterns. In my third chapter, I will jointly assess the lives of Celeste Dragon and Foucher with regard to their racial self-identification, social networks, courtroom activities, and the impact of their actions on their descendants. My assessment will answer this question: What do their racial claims and legal maneuvers teach us about women's agency in the colonial context? Afterwards, the conclusion of my thesis will highlight the spectrum of experiences free Afro-Creole women had in New Orleans due to their intimate partnerships, social networks, and economic status.

## Chapter One: Madame Dimitry, Generational Legitimacy, and Performing Whiteness

Marianne Celeste Dragon (March 1, 1777-April 22, 1856) is among few free women of African descent who transgressed socio-legal norms and officially married a white man in Spanish colonial Louisiana. Celeste Dragon was born to Michel Dragon (1739-1821), a Greek slave trader who served as a lieutenant in the Spanish militia, and Marie-Françoise Chauvin Beaulieu de Monplaisir (1755-1822), a mixed-race woman who had been enslaved by her father prior to partnering with Monsieur Dragon in 1775.<sup>28</sup> On October 29, 1799, Celeste Dragon married Andrea Dimitry (1775-1852), a Greek merchant, in a Catholic wedding at St. Louis Cathedral. Celeste Dragon bore all ten of Dimitry's children; all of them were recorded as white in their baptismal records. As historian Shirley Elizabeth Thompson rightly notes, references to Celeste Dragon's status as a free woman of color began to disappear from the public record that same year.<sup>29</sup> Celeste Dragon's family commissioned a formal portrait of her four years before her marriage to Dimitry, while she still identified as a woman of color.



School of Salazar, *Portrait of Marianne Celeste Dragon*  
(1777–1856), ca. 1795. Oil on canvas. 37.25 in x 30.25 in.  
Louisiana State Museum. Gift of John T. Block, 05750.

By putting this portrait in conversation with visual representations of Afro-descendant women prior to the Civil War, Celeste Dragon's legal and notarial transactions, and her marriage to Dimitry, I argue that Celeste Dragon's wealth, racial ambiguity, and familial connections amounted to her wielding complicated claims to legitimacy.

<sup>28</sup> In both primary and secondary sources, members of the Dragon-Dimitry family will have French, Spanish, and English variations of their names used somewhat arbitrarily. Legal documents refer to Celeste Dragon as Maria Anna and Marie-Anne. Similarly, Andrea is referred to as André, Andria, and Andrew. And this pattern holds for Celeste Dragon's parents too. For clarity, I will be using "Monsieur Dragon" to refer to Celeste Dragon's father for the rest of this chapter.

<sup>29</sup> Thompson, *Exiles at Home*, 39.

### Fashioning the Free-Born Self

The portrait of Celeste Dragon, painted by Mexican artist José Francisco Xavier de Salazar y Mendoza circa 1795, stands out from other paintings of mixed-race women from both French and Spanish colonies made before and after hers. In terms of Celeste Dragon's class status, Mendoza portrays her very similarly to the Afro-Caribbean women painted by Agostino Brunias and Marius-Pierre le Masurier. In the vein of those painters, Mendoza creates a respectable image of *femmes de couleur* through Celeste Dragon's pearls, blue *robe à la française*, and basket of flowers. The marble-topped gueridon on which the flowers rest also reflects Celeste Dragon's wealth. However, it is most remarkable that Celeste Dragon's hair is completely uncovered in the portrait, given that the Spanish tignon law would have been in effect for nearly a decade. Spanish Governor Esteban Rodríguez Miró instituted the tignon law of 1786, which forced free women of African descent to wear headdresses and banned opulent adornment.<sup>30</sup> Enslaved women typically wore headscarves to protect their hair while they were working, so the tignon law intended to visually mark the inferior status of *femmes de couleur libres* and discourage miscegenation by blocking the beautification and display of hair. Similar sumptuary laws were passed in the Caribbean, so the tignon appears in many paintings of



Julien Vallou de Villeneuve, *Petit Maître Que J'aime*, 1840. Oil on canvas. 58.5 cm x 68.3 cm. Collection Chatillon : L558.

*femmes de couleur* in the late 18th and early 19th centuries across the Americas. But given her free-born status, Celeste Dragon likely sought to distance herself from any signifiers of the

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<sup>30</sup> Kein, *Creole*, 62. The tignon has a complicated place in Black women's representation, as *femmes de couleur libres* reclaimed it as a fashion statement after colonial governments attempted to subordinate these women.

enslavement her mother escaped. European artists depicted dark-skinned women who could not escape their subjugation as having their hair covered, topless, oiled, and nameless. In contrast, Celeste Dragon's curly hair is styled *à la hérisson* ("hedgehog style"), which was fashionable in the 1780s and 1790s among European, aristocratic women. In sum, Celeste Dragon's presentation is the antithesis of the subjugated status her mother endured as an enslaved woman.

Celeste Dragon and her family may have used the portrait itself as a tool to showcase her eligibility for marriage. Mendoza signals Celeste Dragon's youth and femininity by placing flowers around her bosom. The laced bodice, while not uncommon on *robes à la française* at the time, could have been chosen by Mendoza or Celeste Dragon herself as a nod to her sensuality. That being said, the subtle ways in which Celeste Dragon appeals to male observers do not push the boundaries of what a respectable Catholic debutante would look like. Moreover, this portrait considerably lacks the erotic subtext that outsiders to New Orleans would imbue in their



Jacques Amans, *Creole in a Red Headdress*, ca. 1840. Oil on canvas. Historic New Orleans Collection. 2010.0306.

portrayals of mixed-race women, and Afro-Creole women more broadly. *Creole in a Red Headdress* (1840) by Jacques Guillaume Lucien Amans is an exemplar of that eroticism, as the unnamed sitter bares her shoulders to the audience and her clothing gives little suggestion of her class status. In contrast, Celeste Dragon being named in her portrait's title gives her more distinction. She stands out from the Afro-Caribbean women painted by Mendoza's contemporaries in this regard, especially

since most of those works were group portraits or paintings of fictitious sitters. For example,

Italian artist Agostino Brunias painted composite images of free women of color he observed in Barbados, Dominica, and St. Vincent, rather than representations of specific people. Celeste Dragon's portrait also shows no hints of the social anxiety conveyed by Anglo-Americans in their depictions of mixed-race women and interracial unions—depictions which treated Blackness as a disruption to the social order.<sup>31</sup> This portrait acts as a visual trace of Celeste Dragon's reputation and is an exceptional case where a woman of African descent appears to have some control of her own image during the colonial period. The rarity of Celeste Dragon's portrait proves the rule of visual subjugation that Afro-descendant women experienced in Western art. Likewise, the “success” of Celeste Dragon's passing and marriage proves the rule of legal subjugation that Afro-descendant women in interracial partnerships faced under slavery.<sup>32</sup>

Before discussing Celeste Dragon's racial identity after 1799, we need to interrogate “passing” as a phenomenon. Legal scholars Katherine Franke and Cheryl Harris split racial categorization into “social race” and “legal race.”<sup>33</sup> Social race pertained to whom one associated with, while legal race pertained to one's racial designation as defined in statutes and case law. In the former category, if one possessed Eurocentric features and held class privilege, then their community could accept them as white, even if rumors of African blood circulated. This is a



Agostino Brunias, *West Indian Flower Girl and Two Other Free Women of Color*, ca. 1769. Oil on canvas. 31.8 cm x 24.8 cm. SL.13.2013.8.3

<sup>31</sup> Aslakson, “The ‘Quadroon-Plaçage’ Myth of Antebellum New Orleans.”

<sup>32</sup> For our purposes, “success” means the extent to which Celeste Dragon's whiteness was legally validated. As chapter three will demonstrate, whether passing can be considered a choice is highly dubious.

<sup>33</sup> Franke, “What Does a White Woman Look Like? Racing and Erasing in Law,” 1233; Harris, “Whiteness as Property,” 1739.

situation that many light-skinned people of color found themselves in under Spanish rule.<sup>34</sup>

Modern discourses on passing treat whiteness as a hard boundary to be crossed. This conception of whiteness is rooted in the mid-19th century, as biological understandings of race grew prominent in legal discourses. By 1854, passing as white was tantamount to committing fraud. Such rigidity does not reflect race relations in the late 18th century Spanish Empire. Passing as white may have operated as an open secret within the community Celeste Dragon resided in, rather than a practice that was rigorously policed even in non-legal settings. Her family's wealth and her father's standing as a military officer likely offered her protection as she transitioned between racial identities. However, Celeste Dragon's social race and legal race came into conflict in *Forstall, f.p.c. v. Dimitry* (1833). One cannot know whether she felt any anxiety in her racial transition, but to understand why she began legally identifying as white after this portrait's completion, we need to assess the legal barriers erected to prevent interracial marriage.

### Matrimony and the Ex-Colored Woman

While the Louisiana Codes Noirs of 1724, 1806, and 1825 unambiguously banned interracial marriage in Louisiana, considerable incongruity exists within the historiography as to whether the Spanish government (1769-1802) instituted a similar ban. Christophe Landry, who documented 164 sacramental and civil marriages between interracial couples from 1712 to 1910 in Louisiana, says that interracial marriage was "expressly prohibited" until 1868.<sup>35</sup> In contrast, Thompson argues that miscegenation was treated more as a matter of impropriety, rather than illegality.<sup>36</sup> Primary sources worsen the confusion. Newspaper coverage of the *Pandelly* case reflects Landry's understanding of Spanish laws on interracial marriage. *The New Orleans Daily*

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<sup>34</sup> Hanger, "Free Black Women in Colonial New Orleans," 221–22.

<sup>35</sup> Landry, "Mixed Marriages in Louisiana Creole Families," 3.

<sup>36</sup> Thompson, *Exiles at Home*, 39.

*Delta* states, “Under the Spanish government it was forbidden to marry whites to blacks.”<sup>37</sup>

According to a translation of Celeste Dragon’s marriage certificate, Capuchin priest Antonio de Sedella, also known as Père Antoine, read out “the marriage bans” when he officiated the wedding ceremony. Thompson reads Père Antoine’s proclamations as him being conscious of the illicit nature of the affair.<sup>38</sup> Thompson interprets these bans to refer to restrictions on interracial marriage, but examining the 1799 marriage certificate alongside the 1815 marriage certificate for Dragon and Monplaisir reveals a misinterpretation on her part. The word “amonestaci3n” — which should have been translated as “banns” — refers to a Catholic tradition. Weddings were announced to the community weeks in advance so that community members could raise objections. Objections were typically legal impediments, such as one of the fiancés already being married. The official translation of the 1815 marriage certificate clarifies this misunderstanding, as it uses the word “banns” and follows the same format as the 1799 certificate.<sup>39</sup>

Returning to the issue of anti-miscegenation under Spanish rule, examining the resilience of French colonial attitudes helps to clarify this conundrum. According to researcher Mary Williams, Louisiana’s white planter class resisted “liberal” aspects of Spanish slave law — especially the right of enslaved people to self-purchase. In 1777, planters proposed the *Code Noir Ou Loi Municipale*, a code modeled after the 1724 Code Noir that prohibited interracial marriages, marriages between enslaved Black people and free people of color, and concubinage between white men and women of African descent. While the city council approved this code, it was never endorsed by the Spanish governor nor sent to the Crown for final enactment.<sup>40</sup> The *Loi Municipale* should have held no legal authority, but Spanish bureaucrats were sympathetic to

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<sup>37</sup> “Pandelly v. Wiltz,” *The New Orleans Daily Delta*, February 2, 1854.

<sup>38</sup> “Pandelly Affair,” *The New Orleans Crescent*, August 4, 1853; Thompson, *Exiles at Home*, 39.

<sup>39</sup> “Pandelly Affair,” *The New Orleans Crescent*, August 4, 1853. When I say “official,” I am referring to translations of both marriage certificates that were produced for *Pandelly v. Wiltz*.

<sup>40</sup> Vidal, *Louisiana*, 153–54.

planters' fears of miscegenation and the unpopularity of the Crown's slave code made it so that "local customs would have remained in use."<sup>41</sup> Use of the *Loi Municipale* was likely *not* restricted to master-slave relations, as French legal and social practices with regard to marriage contracts survived under Spanish rule.<sup>42</sup> Kimberly Hanger's and Mary Williams' works point to the *Real Pragmatica* as another significant obstacle to mixed-race marriages. An edict promulgated in Spanish America in 1778, the *Real Pragmatica* allowed white parents to prevent marriages of their children under the age of 25 to potential partners of "substantial social inequality."<sup>43</sup> Hanger elaborates that church officials performed interracial weddings, albeit infrequently: "Most church authorities continued to promote the doctrine of free will in the choice of marriage partners, but they did so in opposition to the rising power of the state, thus increasingly to little avail."<sup>44</sup> These barriers, combined with the expensive fees associated with church ceremonies, made marriage inaccessible for the vast majority of interracial couples.

The fact that Celeste Dragon and her parents held weddings at all speaks to their elite status relative to other multiracial families during this period. Given that Dimitry emigrated to Louisiana without his parents, Celeste Dragon did not have to worry about her would-be in-laws raising objections to their marriage as she would if Dimitry had been a status-conscious white creole. The 1799 marriage certificate refers to Celeste Dragon as a "hija natural" (natural daughter), which signifies that she was born out-of-wedlock. In the margin, a subsequent note states that Celeste Dragon has been legitimated through her father's marriage to her mother.<sup>45</sup> Père Antoine officiated the wedding of Monsieur Dragon and Monplaisir on December 30, 1815, after 40 years of the pair cohabitating and 38 years since Celeste Dragon's birth.<sup>46</sup> The addendum

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<sup>41</sup> McLaughlin-Stonham, "Legal and Social Colour Distinctions in Antebellum Louisiana," 33.

<sup>42</sup> de la Fuente and Gross, "'Not of the Same Blood,'" 197.

<sup>43</sup> Hanger, "Free Black Women in Colonial New Orleans," 221.

<sup>44</sup> Ibid.

<sup>45</sup> Microfilm of 1799 Marriage Certificate, Archives of the Archdiocese of New Orleans.

<sup>46</sup> *Sacramental Records Of The Roman Catholic Church Of The Archdiocese Of New Orleans*, Vol. 11, 1813-1815.

belies a distinct element of Spanish domestic law: retroactive legitimation. The Spanish colonial hierarchy was particularly concerned with the honor bestowed upon one's family. Through the concept of *limpieza de sangre* ("purity of blood"), families maintained their honor by producing legitimate children, making marriage a prerequisite for elite status.<sup>47</sup> Unlike English common law, Spanish law allowed children to become legitimate if their parents married *after* their birth. This retroactive legitimation produced a revised copy of Celeste Dragon's marriage certificate that became central to litigating their whiteness. The family actively suppressed the original certificate in favor of the revised one in *Forstall*. Overall, Celeste Dragon bypassed legal barriers designed to preserve racial and class stratification in one's access to marriage.

The extensive interactions between Monsieur Dragon and his son-in-law contradicts an understated yet important aspect of the "plaçage complex": the absent white father. The stories of plaçage, as narrated by Anglo-American visitors, make no mention of how white fathers may have supported their mixed-race daughters in securing a partner. Instead, the "mulatto mother" alone bargains with white suitors for her daughter's hand.<sup>48</sup> However, Dimitry likely met Celeste Dragon through her father, given that both men are Greek immigrants. One witness in *Pandelly v. Wiltz* testified that Monsieur Dragon deliberately brought Dimitry from Greece to marry Celeste Dragon.<sup>49</sup> The older Dragon supported the couple well into their marriage. Monsieur Dragon also sold at least three enslaved people to his son-in-law on August 18, 1809.<sup>50</sup> Property transfers between the two men were recorded from 1817 to 1819. One could see Celeste Dragon marrying

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<sup>47</sup> Gross, "Legal Transplants," 20. The concept, *limpieza de sangre*, originated in medieval Spain as a means to discourage Spanish Catholics from intermarrying with Jewish and Muslim people. However, Spanish colonists applied the discriminatory ideology along racial lines after they began having intimate encounters with Indigenous and African women in the Americas.

<sup>48</sup> Aslakson, "The 'Quadroon-Plaçage' Myth of Antebellum New Orleans." One of the earliest accounts of plaçage, *Travels through North America During the Years 1825 and 1826* by Karl Bernhard (1828), mentions white fathers as possibly being involved in bargaining with their daughter's suitor.

<sup>49</sup> "Pandelly v. Wiltz," *The New Orleans Daily Delta*, February 4, 1854. Testimony of Madame Sabatier.

<sup>50</sup> de Quinones, Stevan, Vol. 11, Folio 158, August 18, 1809.

an immigrant as a way in which she and her father maneuvered around the social stigma against interracial partnerships among some elite circles in New Orleans, as Dimitry would not have carried the same level of prejudice as status-conscious white creoles, who knew that law and custom functioned to keep Blackness and whiteness separate (however unsuccessfully).

### Litigating along the Color Line

Celeste Dragon skillfully maintained her respectable image in the courtroom. In 1832, Celeste Dragon's legal identity as a white woman came under scrutiny in a lawsuit, *Forstall, f.p.c. v. Dimitry*. In the Third District Court of New Orleans, sisters of color Pauline and Josephine Forstall challenged Celeste Dragon's claim to property that their family sold to her mother. In the original sale, Monplaisir was listed as a free woman of color, but had since identified as white. The court ruled in Celeste Dragon's favor, saying that she and her family were "in possession of [the right] to be treated as persons not born of Negro extraction."<sup>51</sup> The court ordered the plaintiffs to expunge references to Celeste Dragon as a free woman of color from their petition. Celeste Dragon's legal defense underscores the malleability of racial categorization in New Orleans, even as scientific racism grew in prominence during the first half of the 19th century. Celeste Dragon brought witnesses to establish that she had Native American ancestry, as opposed to African ancestry. Multiple family friends testified to Celeste Dragon's maternal grandmother being a "sauvagesse," and emphasized her having straight hair and "the hue of an Indian"—despite the grandmother being consistently identified as a "negresse" in notarial records.<sup>52</sup> By law, "the qualification of *person of color* does not apply to persons of Indian descent, but only to those of negro descent."<sup>53</sup> Claiming indigeneity allowed Celeste

<sup>51</sup> Thompson, *Exiles at Home*, 50. Quoting from the ruling.

<sup>52</sup> *Pauline Forstall and Josephine Forstall v. Mme. Dimitry and M. Dimitry* (1833), 3 DC 6382, Parish Court.

<sup>53</sup> "Pandelly Affair," *The New Orleans Crescent*, August 4, 1853.

Dragon to explain away physical characteristics that may be deemed “exotic” without her or her family being “tainted” by Black blood. After the judgment, the Forstall sisters agreed to settle the case for \$1,900 (roughly \$67,600 in 2023) and Celeste Dragon kept her property.<sup>54</sup> The fact that Indigenous ancestry did not legally disqualify Celeste Dragon from identifying as white, but African ancestry would have reveals whiteness to be both an expansive and exclusionary category. The expansiveness of whiteness ends at the hard line of Blackness.

The *Forstall* case became pivotal two decades later, when Celeste Dragon’s grandson George Pandelly went to court in *Pandelly v. Wiltz* (1854) to challenge accusations of him having African ancestry through his matrilineal line. Protecting his status as a local politician, Pandelly repeated Celeste Dragon’s legal strategy by asserting the Indigeneity of Dragon-Dimitry women. Thompson details Pandelly’s claims to Indigeneity, but she fails to mention how Celeste Dragon laid the foundation that her grandson built upon. Wiltz’s attorneys countered Pandelly’s ancestral claims by publishing notarial records involving Celeste Dragon’s mother, where she is listed as either “mûlatresse” (meaning ½ Black and ½ white) or “quarterona” (meaning ¼ Black and ¾ white). The fact that both these pseudoscientific terms appear in Monplaisir’s legal trail reveals an irony: Construction of racial identity was imprecise and words intended to quantify African ancestry revealed little about an individual’s ethnic makeup. Beyond genealogy, Pandelly relied on reputation— i.e. Celeste Dragon *acting* white— to persuade jurors of his racial purity. Witnesses who knew the family personally characterized Celeste Dragon as a “a good, virtuous and moral lady” and discussed how Celeste Dragon almost exclusively socialized with white people.<sup>55</sup> Manuel Prados, a longtime friend of the Dimitrys, testified that in 1816 Celeste Dragon attended a *cordon bleu*, a private society ball often held by wealthy free women of color. Upon

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<sup>54</sup> Ibid.

<sup>55</sup> Thompson, *Exiles at Home*, 53; “Pandelly v. Wiltz,” *The New Orleans Daily Delta*, February 2, 1854.

cross examination, Prados threatened the family's whiteness by characterizing the *cordons bleus* as a mark of distinction for wealthy, free Creoles of color.<sup>56</sup> Testimonial evidence illuminates how light-skinned free people could not rely solely on their skin color and hair texture to be white; they needed to be wary of the company they kept in order to maintain their racial performance.

Celeste Dragon's performance of whiteness in the legal context is impressive given the fact that documentation of her African ancestry and of her being born out of wedlock was still available in notarial records. Both her and her mother's baptismal records refer to them as free women of color; in both his will and his official acknowledgement of paternity, Monsieur Dragon refers to Celeste Dragon as his natural daughter.<sup>57</sup> Mixed-raced children could never be acknowledged as "legitimate" due to the legal barriers to interracial marriage across the various colonial regimes governing Louisiana in the early 19th century. Moreover, the Civil Digest of 1808 forbade mixed-race children from petitioning to prove their white parentage. In the indices where Monsieur Dragon's transactions are listed, numerous women of color are explicitly demarcated with the suffix "f.d.c.l." (*femme de couleur libre*). Much like the 1786 tignon law, such demarcation was legally mandated to separate free people of color from white people.<sup>58</sup> That Celeste Dragon does not have this label affixed to her name in these indices shows how skillfully she downplayed African heritage after her wedding in 1799. So while notarial records prove Celeste Dragon was born out of wedlock (which would then raise questions as to *why* her wealthy parents were unmarried), that fact alone did not disqualify her claims to whiteness.

However, Monsieur Dragon's choice to *not* refer to Monplaisir as his wife in his 1819 testament exposes how tenuous their union was in the eyes of the law. Their marriage violated

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<sup>56</sup> "Pandelly v. Wiltz," *The New Orleans Daily Delta*, February 3, 1854. Testimony of Manuel Prados. Within misconceptions of *plaçage*, the *cordons bleus* has been conflated with public quadroon balls. See Joan Martin's "Plaçage and the Louisiana *Gens de Couleur Libre*" (2000).

<sup>57</sup> "Pandelly Affair," *The New Orleans Crescent*, August 4, 1853.

<sup>58</sup> "Index of Christoval de Armas, Notary Public," Vol. 2, pp. 7. Article 30 of the 1808 Civil Digest only allows white illegitimate children to prove their parentage if their father does not acknowledge them.

the 1806 Code Noir and would have been void if Monplaisir's African ancestry had been revealed. Thompson's characterization of Monplaisir as a placée does not capture her legal predicament. Prior to 1815, Monplaisir and Monsieur Dragon would have been considered as "living in open concubinage," according to the 1808 Civil Digest. One could see Monsieur Dragon's notarial acts as ways to circumvent legal limits imposed by the Digest on inheritances and gifts from white people to people of color. He acknowledged Celeste Dragon as his *natural* daughter and "sought to reinforce [Monplaisir's] claims to household property and immovables" by naming Monplaisir as one of the executors of his estate.<sup>59</sup> Between 1817 and 1819, Monsieur Dragon gave multiple *donations inter vivos* ("gifts between the living") to Celeste Dragon. Moreover, the law limited inheritances for illegitimate children and subjected them to the threat of disinheritance. To maximize Celeste Dragon's inheritance, Monsieur Dragon confirmed that he had "no legitimate ascendants nor descendants, nor any colateral [sic] relatives."<sup>60</sup> However, a close examination of Louisiana's changing statutes reveals an additional rationale for Dragon's actions. Between 1808 and 1824, Louisiana families lost the practice of retroactive legitimation that the Spanish allowed. The 1808 Civil Digest defines a "legitimate child" to only include a child whose parents married before their birth. Retroactive legitimation would not be explicitly re-codified until three years after Monsieur Dragon's death.<sup>61</sup> Thus, Monsieur Dragon referring to his child as "natural" and executing multiple *donations inter vivos* were him addressing the ambiguity of Celeste Dragon's legitimacy, as well as overt racism within inheritance law. The absence of *any* mention of his marriage to Monplaisir in Monsieur Dragon's will exudes racial anxiety. Monsieur Dragon's practices are all responses of subversion to the racial barriers of

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<sup>59</sup> Thompson, *Exiles at Home*, 40. "Pandelly Affair," *The New Orleans Crescent*, August 4, 1853. Translation of will probated in April 1819.

<sup>60</sup> "Pandelly Affair," *The New Orleans Crescent*, August 4, 1853.

<sup>61</sup> Vidal, *Louisiana*, 265. See Title VII, Chapters 1 and 2 of the 1808 Civil Digest for laws concerning legitimacy.

legitimacy these changing laws targeted. He and Monplaisir were savvy in reading the law for loopholes that would permit Celeste Dragon to receive uncontested bequests.

Through their legal machinations, Celeste Dragon's parents protected her status as a member of the propertied elite. Her father passed down properties on Chartres St. and Exchange Alley.<sup>62</sup> The Dragon-Dimitry's elite status was predicated on their involvement in the slave trade. The database, Afro-Louisiana History and Genealogy (1718-1820), contains 36 transactions wherein Monsieur Dragon (also listed as Miguel Dragon) sold enslaved people between 1781 and 1816. Monsieur Dragon sold five enslaved people to Celeste Dragon's mother in June 1791. Independently, Monplaisir purchased and sold property, including enslaved people, while she identified as a "free quadroon." Pandelly's accusers submitted records of these transactions into evidence in the 1854 court case and published them in *The New Orleans Crescent*.<sup>63</sup> The defense in the *Pandelly* case argued that the family attempted to minimize their African ancestry even before Celeste Dragon began identifying as white. Monplaisir was identified as a "mûlatresse" while she was still enslaved, evidenced by her 1755 baptismal record. According to Wiltz's attorneys, the earliest references to Monplaisir as a "quadroon," beginning in 1785, were corrections made to notarial records that originally referred to her as a "mûlatresse."<sup>64</sup> Monplaisir's slave purchases are of particular interest because it reveals a process of whitening that correlates to her shift as a freedwoman and slaveholder. Celeste Dragon likewise used slaveholding to distance herself from the color line, as she enslaved at least eight people by the end of her life.<sup>65</sup> Their slaveholding and the outcome of *Forstall* demonstrate how whiteness operated as a commodifiable privilege—one that legitimated a person's claims to property.<sup>66</sup>

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<sup>62</sup> Properties are listed in the digitized Vieux Carré Survey.

<sup>63</sup> "Pandelly Affair," *The New Orleans Crescent*, August 4, 1853.

<sup>64</sup> Ibid.

<sup>65</sup> "Succession de Madame Marianne Dragon," *The Semi-Weekly Courier*, February 7, 1857.

<sup>66</sup> Harris, "Whiteness as Property," 1716.

Whiteness as Property<sup>67</sup>

Through her active litigation, Celeste Dragon strategically characterized herself as someone who cannot be enslaved. In 1834, Celeste Dragon won a lawsuit against her husband for estate mismanagement by proving the extent to which her husband relied on her assets. The ruling cites a sum of \$7,000 given to Celeste Dragon from her father, \$20,000 from the Bank of Louisiana on a mortgage “given by plaintiff on her own paraphernal property,” and household furniture she purchased.<sup>68</sup> Judge Charles Maurian ruled in her favor and awarded her \$27,000 (\$939,000 in 2023) plus interest in damages. This case is quite extraordinary because, by proving that Dimitry’s finances were “in such a state of derangement” that her assets were threatened, Celeste Dragon was able to circumvent the Head-and-Master rule.<sup>69</sup> In Louisiana civil law, the Head-and-Master rule allowed only husbands to have final say on community property, which is jointly-owned property within the household.<sup>70</sup> The facts of this case challenge the idea that being a legal wife would have definitively benefited women of color in interracial partnerships, as the law also constrained women’s autonomy across all races when it came to the assets they shared and managed with their husbands. As Hanger states, wives in colonial Louisiana could find themselves impoverished due to their husbands’ “lack of judgment, neglect, or deliberate fraud” due to the Spanish doctrine *patria potestas* (“power of the father”).<sup>71</sup> The Head-and-Master rule originated from this patriarchal doctrine and survived in Louisiana until 1979. Equally important, enslaved people had very limited opportunities to testify against white people in the courtroom by 1830, so this case displays how Celeste Dragon successfully

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<sup>67</sup> Harris, “Whiteness as Property.”

<sup>68</sup> “State of Louisiana,” *The New Orleans Bee*, March 5, 1834. Paraphernal property refers to a wife’s belongings apart from her dowry.

<sup>69</sup> *Ibid.* Judge Maurian is the same judge that ruled in Celeste Dragon’s favor in *Forstall, f.p.c. v. Dimitry* the previous year.

<sup>70</sup> Sundberg, “Women and the Law of Property Under Louisiana Civil Law, 1782--1835.,” 60.

<sup>71</sup> Hanger, “Free Black Women in Colonial New Orleans,” 226. Aslakson notes that while wives could petition courts to separate their property from their husbands, very few women successfully did so.

distanced herself from Blackness. The 1834 case was cited in subsequent legal disputes between Celeste Dragon and her husband's creditors.<sup>72</sup> These cases, much like *Forstall*, demonstrate how Celeste Dragon deployed her whiteness to increase control over aspects of her life and how the courtroom affirmed her sense of control.

In contrast to Celeste Dragon's active participation in the courtroom in her early adulthood, participants in her grandson Pandelly's litigation treated Celeste Dragon's body as "the scene of the crime."<sup>73</sup> Attorneys objectified her and her maternal antecedents by submitting testimonies of their phenotypes into evidence, even though one's appearance does not correlate to a specific quantity of African blood. Jurors in race trials often took an "I know it when I see it" approach when it came to discerning the racial identities of litigants.<sup>74</sup> At Pandelly's request, the judge allowed jurors to visit the Dimitry estate to see Celeste Dragon and discern her race in person after all testimonies were heard. The same day that this motion was granted, witnesses and jurors examined the hair of Pandelly's mother in court.<sup>75</sup> These juridical decisions demonstrate how the bodies of Afro-descendant women—even those who supposedly crossed the color line—were treated as spectacle by white supremacist society. Only Dragon-Dimitry women were subjected to such invasive scrutiny, *not* Pandelly himself or his



School of Salazar, *Portrait of Lt. Michel Dragon*. Oil on canvas, 1810. Louisiana State Museum.

paternal ancestors. A possible exception to this is Monsieur Dragon; a portrait of him

<sup>72</sup> *Dimitry v. Pollock*, 12 La.; *Bullard, Gasquet et al. v. Dimitry*, 9 La.

<sup>73</sup> Thompson, *Exiles at Home*, 61.

<sup>74</sup> Gross, "Litigating Whiteness."

<sup>75</sup> "Pandelly v. Wiltz," *The New Orleans Daily Delta*, February 3, 1854.

commissioned in 1810 was exhibited before a witness in the case.<sup>76</sup> In contrast, no evidence suggests that Celeste Dragon's portrait was admitted into evidence. The tignon being absent from the portrait could have helped Pandelly's argument, as its absence would have undercut the defense's ability to culturally identify Celeste Dragon and her descendants with Blackness.

That being said, Celeste Dragon's portrait likely would not have sated the jury's curiosity. Thompson summarizes Pandelly's rationale for exposing his maternal ancestors thusly: "In order to win his case, George Pandelly had to present a compelling narrative of his ancestry, one that would convince the jury that his family had remained lily-white in spite of the challenges to purity posed by past regimes."<sup>77</sup> The trial's emphasis on Blackness as a matrilineal trait—something that can only be passed down through a woman—is a byproduct of the heritability of enslavement. Throughout the Americas, Black and mixed-race children inherited their status from their enslaved mothers through *partus sequitur ventrem*, a doctrine that can be traced to Roman slave law.<sup>78</sup> This doctrine turned Black women's wombs into physical sites for reproducing slaveholders' economic capital. As chattel slavery grew inseparable from Blackness, race became a gendered construct.<sup>79</sup> A child's racial status rested squarely on the mother's sexual liaisons. As a result, attorneys exoticized Afro-descendant women and rendered Celeste Dragon's body as a mystery to be uncovered in the courtroom.

Celeste Dragon's proximity to whiteness through her father and husband enabled her to maximize her socioeconomic and legal autonomy. Because of her father's savvy and fidelity to her, Celeste Dragon was shielded from having her inheritance contested, unlike so many children of interracial unions. Celeste Dragon exuded a similar savvy in *Forstall, f.p.c. v. Dimitry* and in

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<sup>76</sup> Ibid. Testimony of Manuel Prados.

<sup>77</sup> Thompson, *Exiles at Home*, 47.

<sup>78</sup> Morgan, "Partus Sequitur Ventrem," 4. While Morgan primarily discusses the English Atlantic, she cites Las Siete Partidas as stipulating the same matrilineal heritability of enslavement.

<sup>79</sup> Harris, "Whiteness as Property," 1719.

numerous disputes over her estate, as she skillfully exploited the permeability of New Orleans' racial boundaries, as well as constrained spaces for women's agency, to defend her privileged position. To put it plainly, Celeste Dragon's claim to Indigenous ancestry was a legal fiction that she created to maintain her access to whiteness. Passing as white was pivotal to Celeste Dragon exerting her property rights, especially as the Louisiana state government under U.S. control chipped away at the rights gens de couleur libre once held under previous Spanish and French regimes. The erosion of power among free people of color can be attributed to the white planter elite feeling threatened by their growing population and violent slave revolts, not necessarily an inevitable outcome of Americanization. No matter the colonial regime, Louisiana law required free people of color to show deference to white people, lest they faced criminal punishment. After 1806, free people of color had to carry freedom papers to distinguish themselves from enslaved people.<sup>80</sup> Had the court ruled against Celeste Dragon in the *Forstall* case, not only would her marriage to Dimitry have been legally invalid, she would have lost her tenuously held social equality with white elites. Celeste Dragon's legal victories and racial performance should not be treated as the norm for free women of color in antebellum New Orleans, as our next subject— Modeste Foucher— had her financial autonomy compromised as a woman of color who partnered with a white man.

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<sup>80</sup> Gross, "Legal Transplants," 12.

## Chapter Two: Modeste Foucher and the Trials of a Widowed ‘Quadroon’

Modeste Foucher (c. 1775–April 9, 1853) was born to Julie Brion (1754–1802), an Afro-descendant freedwoman, and Joseph Antoine Foucher (1745–1792), a French-Creole planter and officer in the Spanish militia.<sup>81</sup> By the time of the Louisiana Purchase, the younger Foucher had begun an intimate relationship with Barthélemy Lafon (1769–1820), a French-born man who reshaped New Orleans as an architect, cartographer, local politician, and surveyor. Foucher’s life after Lafon’s death has received little scholarly attention, despite her being involved in at least three civil suits. *Carraby v. Morgan* (1827) and *Foucher, f.w.c. v. Carraby* (1828) involved a property from Lafon’s estate. Twenty years later, Foucher acted as a witness for the defense in *Macarty et al. v. Mandeville, f.w.c.* (1848). By analyzing these cases, I contend that Foucher faced greater structural challenges to protecting her and her children’s inheritances relative to Marianne Celeste Dragon, by identifying as an unmarried woman of color and facing white men as her legal opponents. However, her status as a wealthy free woman enabled her to exert agency in the courtroom and afforded her an elite social network outside the fortified bounds of whiteness. Records concerning Foucher’s family also reveal the inconsistencies around racial designation in the historical archives.

### Building an Afro-Creole Household

Foucher was born enslaved to the white couple René Brion and Marianne Piquery. The couple emancipated Foucher with her mother and two older siblings, Benedicte and Achille, in an act notarized on October 12, 1776.<sup>82</sup> The record identifies Julie Brion as “una mulata”

<sup>81</sup> Napoleon, “Women’s History Month.” The year of Foucher’s birth is imprecise. Brion’s act of emancipation listed Foucher as being one year old, meaning she was born in the last three months of 1774 at the earliest. However, Foucher’s gravestone says she was 80 years old upon death. Given that she died on April 9, 1853, numerous online genealogies date Foucher’s birth to 1772. I choose to view the age on the gravestone to be approximate, with her true age lying between 77 and 79 at time of death. I cannot find a baptismal record to confirm her date of birth.

<sup>82</sup> Garic, Juan Baptiste, Vol. 7, Folio 270v, Oct 12, 1776. The act uses Spanish variants of the Brion family’s names.

(meaning ½ Black and ½ white), suggesting that her mother was fully African.<sup>83</sup> Neither Brion's act of emancipation nor her succession explicitly state her parentage; however, her two oldest children received bequests from Monsieur Brion, a detail which suggests him being the younger Brion's father.<sup>84</sup> Within a decade of her emancipation, Brion had ascended the colonial hierarchy as a wealthy free woman of color. In October 1785, she purchased almost 100 textiles and cloths in an estate auction, which suggests that she traded in dry goods.<sup>85</sup> In their reports to the Louisiana Division of Historic Preservation, Jay Edwards and Ina Fandrich rightfully characterize Brion as "an educated and enterprising woman" who owned multiple properties in the French Quarter.<sup>86</sup> A 1791 census records Brion as living on Toulouse Street, where her father resided.<sup>87</sup> According to a report by Louisiana Governor Baron de Carondelet, Brion had also owned two 2-story homes that burned down on December 8, 1794. Her houses were among 212 properties in "a third of the richest part of the city" that were destroyed in the Great Fire.<sup>88</sup> By the time she died in 1802, she had five more children by Joseph Foucher. After her death, Brion's estate was divided among her surviving children through an act notarized on September 13, 1804. The estate was valued at \$14,345 (\$363,700 in 2023) and included at least three homes in the French Quarter.<sup>89</sup>

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<sup>83</sup> Some genealogies erroneously say that Foucher was born in Haiti. The earliest known reference for this claim is a brief biography of Thomy Lafon, Foucher's youngest son, from the *Dictionary of American Biography* (1928). The biography does not provide a source for this ancestral claim. While Foucher could have Haitian ancestry by way of her maternal grandmother, I found no primary sources to support this claim.

<sup>84</sup> Reeves, *Notable New Orleanians*, 23–24.

<sup>85</sup> Dart and Wymond, "Index to the Spanish Judicial Records," 231–38. Between October 21 and October 24, 1785, Brion purchased 48 pieces of differently colored ribbons, 8 ells of white gauze, 11 black gauze handkerchiefs, 6 pounds of differently colored silk, and 4 pairs of silk stockings from the estate of military captain Nicolas Forstall. Brion may have been a clothier.

<sup>86</sup> Edwards and Fandrich, "Surveys in Early American Louisiana: Barthelemy Lafon," 37.

<sup>87</sup> *The Daily Picayune*, August 12, 1895. Julie may have been living in the elder Brion's house at the time of the census, as records do not show her owning a house on that street.

<sup>88</sup> Holmes, "The 1794 New Orleans Fire," 34, 36–37. Brion may have been compensated for her property losses, as the Royal Treasury issued bonds to be sold and loaned to help homeowners rebuild.

<sup>89</sup> Napoleon, "Women's History Month." See Appendix B for evidence of Brion's property ownership.

Brion leveraged her white partner's family to build her wealth. According to scholar William D. Reeves, Pierre Foucher, Joseph Foucher's younger brother, "financed many of [Brion's] property transactions."<sup>90</sup> Moreover, Brion named Pierre Foucher the tutor and curator of her five youngest children in her will.<sup>91</sup> Modeste similarly received familial support in her finances. Notarial acts from the first half of 1807 demonstrate the resources she had access to through her father's family. In February of that year, Foucher received \$6,600 (about \$170,200 in 2023) from her uncle Pierre. In a later transaction, she and her sister Eulalie Foucher were given power of attorney over their aunt, Marguerite Foucher Sarpy, and each received \$1,000 (about \$25,800 in 2023) plus interest from the executor of their late father's estate.<sup>92</sup> To borrow from Shirley Elizabeth Thompson, these transactions by white relatives were likely rooted in "codes of obligation accompanying interracial kinship" that developed during the colonial era.<sup>93</sup> The financial support that Modeste and her mother received from her father's side of the family minimized many risks and costs they may have encountered for their entrepreneurial ventures.

Modeste Foucher developed her entrepreneurial savvy by observing her mother. One exchange of French Quarter properties speaks to Foucher's managerial skills. On October 9, 1805, Foucher sold a property on Bourbon Street, and purchased another on Orleans Street from the planters Françoise and Etienne Marie de Flechier.<sup>94</sup> Foucher had only owned the Bourbon St. property for less than seven months, having bought it from prominent interpreter Simon Favre. The Vieux Carré Survey shows that she kept the Orleans St. property until her death in 1853. This exchange of properties shows that Foucher accrued wealth via real estate. By 1821, Foucher was a vendor in the city; an 1834 directory lists her as operating a dry goods business.<sup>95</sup> Edwards

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<sup>90</sup> Reeves, *Notable New Orleanians*, 23.

<sup>91</sup> Pedesclaux, Pedro, Vol. 48, Folio 938v, September 13, 1804.

<sup>92</sup> Pedesclaux, Pedro, Vol. 54, Folio 50, 1807; Pedesclaux, Pedro, Vol. 54, Folio 75, 1807.

<sup>93</sup> Thompson, *Exiles at Home*, 195. Thompson was writing in reference to Eulalie Mandeville's white family.

<sup>94</sup> Napoleon, "Women's History Month."

<sup>95</sup> Pedesclaux, Phillipe, Vol. 20, Act. 602, May 26, 1821; "Michel's New Orleans Annual and Commercial Register."

et al. characterize Foucher as an “entrepreneurial-minded property owner.”<sup>96</sup> As Nathalie Dessens underscores, some incarnations of the “plaçage complex” imply that free women of color gained entrepreneurial skills through the experience of navigating quadroon balls as a sort of marketplace. Specifically, historian Monique Guillory posits that by learning to negotiate the price of their bodies, girls who attended these balls developed the managerial skills that would aid in them gaining financial freedom.<sup>97</sup> To the contrary, Foucher would have witnessed and benefited from her mother’s commercial endeavors since childhood. Foucher inherited a two-story house on Chartres Street from her mother and likely went into the same occupation.<sup>98</sup> Foucher’s financial freedom was a precondition for entering a relationship with Lafon.

While Foucher’s intimate liaison with Lafon constituted “open concubinage” under Louisiana civil law, the couple’s conduct speaks to a model of family formation among creole elites that emphasized resource-sharing and propriety. Fleeing the turbulence of the French Revolution, Lafon arrived in New Orleans circa 1790. Foucher began her relationship with Lafon by 1803, and the couple stayed together until he died of yellow fever on September 29, 1820. According to Edwards et al., the pair “maintained a common household, engaged in frequent business collaborations, and co-raised their children.”<sup>99</sup> After Brion’s death, Lafon became the legal guardian of Foucher’s youngest sibling, René Bienvenu.<sup>100</sup> Lafon also purchased Brion’s house at 60 St. Louis Street, keeping the property within the family. Foucher and Lafon had five children together and made that house the family home.<sup>101</sup> Lafon surveyed properties owned by Foucher and her sister Eulalie in 1807, as well as a plantation owned by their aunt Madame

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<sup>96</sup> Edwards, Fandrich, and Richardson, “Barthélemy Lafon in New Orleans 1792 – 1820.,” 290.

<sup>97</sup> Dessens, “Corps, couleur et sexualité.” See Monique Guillory’s “Under One Roof: The Sins and Sanctity of the New Orleans Quadroon Balls” (1997) for her argument on plaçage and quadroon balls.

<sup>98</sup> Napoleon, “Women’s History Month”; Edwards, Fandrich, and Richardson, “Barthélemy Lafon in New Orleans 1792 – 1820.,” 150.

<sup>99</sup> Edwards, Fandrich, and Richardson, “Barthélemy Lafon in New Orleans 1792 – 1820.,” 63.

<sup>100</sup> *Ibid.*, 64.

<sup>101</sup> *Ibid.*, 63; Bos, “Barthelemy Lafon,” 17.

Sarpy.<sup>102</sup> These details suggest there being a financial egalitarianism between Foucher and Lafon, and emphasize the extent to which Lafon was familially committed to Foucher; he abided by the same codes of obligation as Foucher's white relatives had for her and her mother.

In the absence of marriage, Foucher and Lafon used religious institutions to construct histories that distanced their children from the family's history of enslavement. Edwards et al. speculate that Foucher met Lafon at church given that they were devout Catholics, a detail which aligns with Emily Clark's pious characterization of well-off free women of color.<sup>103</sup> The act of emancipation also indicates that Brion, who was 22 years old at the time, was baptized and active in the Catholic Church.<sup>104</sup> Brion continued affiliating with the Church after her emancipation, which would have influenced Foucher's piety. She and Lafon collaborated with Père Antoine, the Capuchin priest who officiated the weddings of the Dragon-Dimitry family, and had him conduct their children's baptisms.<sup>105</sup> The couple's activeness in St. Louis Cathedral allowed them to cultivate a pious image, which increased their social capital. This particular performance of respectability politics disrupts the depraved image that white people perceived in interracial partnerships. In the early 1830s, English novelist Frances Trollope and American lawyer John H.B. Latrobe both imbued intimate unions between white men and "female quadroons" with sin in their writings. The latter author explicitly characterized such relations as "unholy and accursed" and invoked the stigma of prostitution.<sup>106</sup> The sinfulness ostensibly stems from the lack of formal ceremony for these unions, which contributes to the reputation of New Orleans as a hedonistic city. However, the notion of sin in these writings has less to do with literal religious

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<sup>102</sup> See Lafon Survey Book No. 1/92, 79; Lafon Survey Book No. 1/108, 95 in the Historic New Orleans Collection.

<sup>103</sup> Edwards, Fandrich, and Richardson, "Barthélemy Lafon in New Orleans 1792 – 1820.," 63; Clark, *The Strange History of the American Quadroon*, 72–74.

<sup>104</sup> Garic, Juan Baptiste, Vol. 7 Folio 270, Oct 12, 1776.

<sup>105</sup> Edwards, Fandrich, and Richardson, "Barthélemy Lafon in New Orleans 1792 – 1820.," 63.

<sup>106</sup> Wilson, "Plaçage and the Performance of Whiteness," 187. Latrobe's salacious characterization of interracial partnerships in *Southern Travels* (1834) still differs from the Caribbean archetype of mixed-race seductress, as he places the onus of sin on white men in these relationships.

observance, and more to do with how miscegenation disrupted Louisiana's racial and economic hierarchies.<sup>107</sup> Understanding these perceptions of impropriety, Foucher occupied an unstable position as an enterprising woman of color and legally defended herself following Lafon's death.

### Embattled Inheritances

The extent to which Foucher and her children were recognized in Lafon's succession requires scholarly attention. Fandrich states that Foucher and their children could not inherit Lafon's estate after he died due to her not being his wife and their children not being legitimate. By contrast, historian Cameron Strang states that Lafon "left a legacy to her and their children in his will."<sup>108</sup> According to prevailing inheritance law, "a father [of natural children] could leave them only one-third of his property if he left legitimate ascendants, one-half if he left legitimate brothers or sisters, and three-fourths if he left collaterals below brothers and sisters."<sup>109</sup> Lafon had white collateral heirs through his relatives in France, three of whom traveled to the state in the years immediately following his death. The French family had received word of the fortunes Lafon amassed in the previous decade, as his assets were estimated to be worth \$175,516.50 in 1813 (about \$3.28 million in 2023).<sup>110</sup> Consequently, Lafon's father would have been the primary beneficiary of the estate. His father Pierre Lafon, his older brother Jean Pierre Lafon, and his niece Jeanne Philippe Lafon came to New Orleans one by one to claim the estate. The eldest Lafon arrived in the city in 1822, but died of yellow fever before he could collect on his inheritance. Mere months later, Jean Pierre and his wife likewise died of yellow fever after they

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<sup>107</sup> Visual media produced by Anglo-Americans, such as the lithograph "Practical amalgamation" (1839), conveys the same concern of perversion that underscores Trollope and Latrobe's descriptions of interracial partnership.

<sup>108</sup> Edwards, Fandrich, and Richardson, "Barthélemy Lafon in New Orleans 1792 – 1820.," 64; Strang, "Allegiance, Identities, and National Scientific Communities," 194.

<sup>109</sup> Aslakson, "Outside the Bonds of Matrimony," 112.

<sup>110</sup> Bos, "Barthelemy Lafon," 4, 121. This estimate comes from a will Lafon probated in 1813. Bequests to Foucher and her eldest children in this will were identical to those promised in 1809, with a bequest of \$5,000 promised to Thomy as well.

arrived to collect on Barthélemy Lafon's fortune. That fate did not befall their daughter Jeanne Philippe, who was the last white relative who could claim heirship to Lafon's estate. Lafon's niece battled for her inheritance before the Louisiana Supreme Court in the case *Jeanne Philippe Lafon v. Executors of B. Lafon* (1824), where she won recognition as her uncle's primary heir.<sup>111</sup>

Another issue that inhibited all relatives, not just Foucher and her children, from accessing Lafon's estate was his deep financial troubles. After the War of 1812, Lafon struggled to prove ownership over numerous holdings, resulting in the city government confiscating them. Lafon was most indebted to Jean Gravier, who became one of the two executors of his estate.<sup>112</sup> Upon the intervention of Lafon's creditors, the sheriff of New Orleans repossessed many of Lafon's properties and made them available for purchase at public auction, beginning in 1816.<sup>113</sup> The proceeds from these auctions, also known as sheriff sales, went to his creditors. One such sale resulted in a particular property leaving the Foucher-Lafon family's hands. In May 1823, the brothers Antoine and Pierre Carraby acquired a property that belonged to the Lafon estate through a sheriff's sale. The property was a plot of land situated on Canal Street, just on the northeastern edge of Central Business District. Foucher attempted to render this sale null and void on two separate occasions: *Carraby v. Morgan* (1827) and *Foucher, f.w.c. v. Carraby* (1828). We cannot discern how Foucher emotionally responded to her partner's socioeconomic decline. However, her litigation against the Carraby brothers reveals a complex legal strategy that would prove unsuccessful in recovering her family's property.

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<sup>111</sup> Edwards, Fandrich, and Richardson, "Barthélemy Lafon in New Orleans 1792 – 1820.," 65.

<sup>112</sup> *Ibid.*, 64. The consequences of Lafon's debt reverberated beyond his immediate family. Foucher's nieces and nephews, as well as her brother Achille Burel, were forced to navigate the courts to attain inheritances after the death of Foucher's brother René because Lafon was the curator of his estate. After Lafon died, the executors of his own estate Jean Gravier and Jean Pourimat refused to pay their share of René's inheritance until a judgment was granted in the family's favor on December 7, 1821. Details of this case can be found in *The Race and Slavery Petitions Project*, housed within the Digital Library on American Slavery.

<sup>113</sup> Bos, "Barthelemy Lafon," 113.

In *Carraby v. Morgan* (1827), the Carraby brothers charged the sheriff George Morgan for illegally seizing their property and trespassing. The Carraby brothers then sought an injunction to stop the seizure and sought \$1,000 (about \$30,000 in 2023) in damages. Foucher is listed in the suit as an intervener on the side of the defense, meaning she inserted herself in the dispute due to having a personal stake in the outcome. As an intervener, Foucher argued that the plaintiffs had no right to seek damages from the sheriff for trespassing on the property or to seek an injunction because they had no right to the property in question. The petition filed by the Carraby brothers alludes to a separate lawsuit that Foucher had filed against the executors of Lafon's estate. She persuaded the sheriff to seize the property to assert her own claim.<sup>114</sup> In answering the plaintiff's petition, Morgan argued that the property belonged to the succession of Lafon, based on his will. That the sheriff acted on Foucher's behalf speaks to her legal savvy and prominence within the city. However, Judge Joshua Lewis ruled in the plaintiffs' favor and the Louisiana Supreme Court affirmed the ruling on appeal, showing the limits of Foucher's savvy.

Foucher's suit in *Foucher, f.w.c. v. Carraby* (1828) sought to reclaim the house on Canal Street by proving that she had paid a mortgage on the property and that she was both an inheritor and creditor of Lafon. Her petition reveals that she secured a ruling from the Court of Probates awarding her \$4,413 (about \$133,000 in 2023) plus interest from the estate in 1825. This earlier judgment suggests many strategic and successful endeavors by Foucher in navigating racial barriers to estate transfer than Edwards et al. acknowledge in their report, where they state that the family "were ineligible to inherit a penny of his estate."<sup>115</sup> Foucher's petition mentions that Lafon acknowledged their first two children in the will he executed on September 4, 1809. According to the petition, the will addresses his children as Pierre Barthelemi Laralde and

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<sup>114</sup> Porter, *Carraby v. Morgan*, 5 Mart.

<sup>115</sup> Edwards, Fandrich, and Richardson, "Barthélemy Lafon in New Orleans 1792 – 1820.," 64.

Carmelite Laralde and bequeathed them \$7,000 each (\$220,000 in 2023).<sup>116</sup> The eldest son was bequeathed the lot on Canal Street; Foucher’s attorney quotes Lafon as writing, “I give and bequeath Pierre Barthelemi Laralde this land.”<sup>117</sup> Lafon’s will additionally bequeathed \$7,000 to Foucher. Foucher entered into evidence the record of the case *Foucher v. Executors of B. Lafon* in the Court of Probates, the record of the sheriff’s sale, and Lafon’s will.<sup>118</sup> In the First Judicial District Court, Judge Lewis ruled in favor of the Carraby brothers just as he did in *Carraby v. Morgan*. Foucher appealed to the Louisiana Supreme Court, but received the same judgment.

One must question how rigorously Foucher’s Blackness was notated in city documents. In indices written by notary public Pedro Pedesclaux, Foucher is not marked by the suffix “f.d.c.l.”<sup>119</sup> In contrast, notary public Christoval de Armas had been using suffixes to distinguish free people of color in the 1810s. City directories of 1822, 1823, 1832, and 1834 do not list Foucher as a free woman of color.<sup>120</sup> The 1822 and 1823 directories refer to Foucher as a widow, clearly in recognition of Lafon’s then-recent death. By referring to Foucher as a widow, these directories acknowledge that she and Lafon were a committed pairing, despite their union lacking legal sanction and protection. In directories from 1834 onward, racial suffixes were used, so it is striking to see Foucher racially unmarked when her contemporaries were not afforded the same luxury on the same page. Passing could have been situational for Foucher; she could have identified as white when dealing with white people, but was acknowledged as Afro-descendant by the free people of color she associated with. That being said, Foucher could not play into that

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<sup>116</sup> Calculated based on the value of \$7000 in 1828 (the year of the trial), not 1809 (when Lafon’s will was notarized).

<sup>117</sup> *Foucher, f.w.c. v. Carraby et al.*, 6 Mart. The will was written in French, so the above quote is my translation. I also attempted to find the full case file for *Foucher v. Executors of B. Lafon* (1825) in the New Orleans Public Library City Archives, but the case was missing from their collection of probate records.

<sup>118</sup> *Ibid.*

<sup>119</sup> See Appendix B for an example of Foucher being racially unmarked.

<sup>120</sup> The 1822 and 1823 editions of *The New-Orleans Directory and Register*; *The New Orleans Annual Advertiser*; for 1832; *Michel’s New Orleans Annual and Commercial Register*, 83.

racial ambiguity to even the playing field in her battles with the Carraby brothers. In the 1827 and 1828 court cases, the suffix “f.w.c.” appears after her name.

The surname “Laralde” also poses an interpretive problem for understanding how the family racially identified. In their 2018 report, Edwards and Fandrich state that Lafon and Père Antoine used this surname as part of aliases in the children’s baptismal records.<sup>121</sup> Their baptismal certificates were placed in the white registry and gave children legal documentation should they choose to identify as white outside of New Orleans. Having only 1/8 African ancestry, Pierre Barthelemi and Carmelite (who also went by Edward and Cecilia respectively) left the city and spent their adulthood as white people in Cincinnati, Ohio.<sup>122</sup> The pair’s whiteness would not publicly come under scrutiny until more than a century later in August 1937, three months after the death of Pierre Barthelemi’s daughter Louise Laralde. Miss Laralde left a fortune originally valued at \$330,000 (about \$6.9 million in 2023) without any children to inherit, which incentivized 150 people to claim themselves heirs of her estate. Among those people were descendants of Foucher.<sup>123</sup> Newspapers in Cincinnati and beyond covered the years-long heirship investigation, some of which made the explicit connection between the Laralde siblings and their younger brother Thomy Lafon, who identified as a Creole of color.<sup>124</sup> Foucher’s

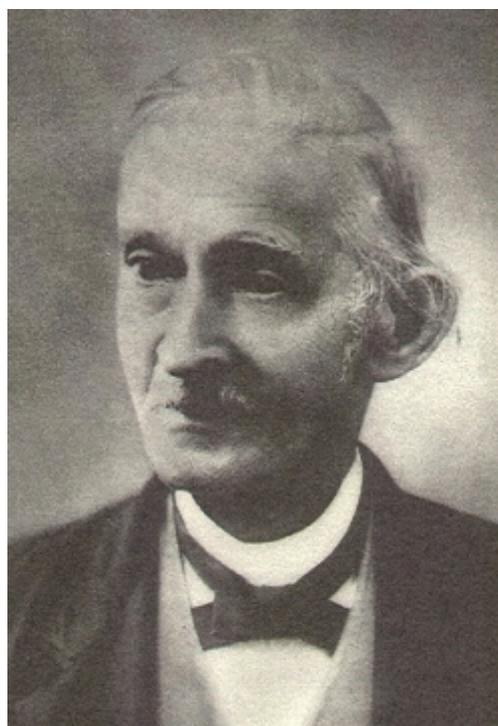


Photo of Thomy Lafon. Year unknown.  
Courtesy of the Amistad Research Center.

<sup>121</sup> Edwards and Fandrich, “Surveys in Early American Louisiana: Barthelemy Lafon,” 11.

<sup>122</sup> *Ibid.*, 17.

<sup>123</sup> *The Cincinnati Enquirer*, November 19, 1940.

<sup>124</sup> *Louisiana Weekly*, December 10, 1938; *The Detroit Tribune*, December 10, 1938; *The Pittsburgh Courier*, December 17, 1938; *The Pittsburgh Courier*, December 24, 1938; *Louisiana Weekly*, January 20, 1940. Newspapers

descendants were among 29 people to be declared heirs to the Laralde estate in 1940.<sup>125</sup> The color line still appears to have complicated issues of legal inheritance well into the 20th century.

Foucher's litigation is a consequence of how French and Spanish legal traditions systematically excluded multiracial families from the protections given to legitimate heirs in Louisiana. While the 1808 Civil Digest actively restricted inheritances between partners "living in open concubinage," it offered no minimum guarantees for people in those relationships and their offspring. The law imposed no legal obligations on a white man who cohabitated with a woman of African descent with regard to testamentary bequests to that woman. This inflexible element of Louisiana domestic law differs significantly from legal jurisdictions elsewhere in the U.S., as they offered recognition and protection for "common law marriages." The duration after which cohabitating partners could be considered *de facto* married varies by state, but the general principle is rooted in English common law.<sup>126</sup> Regardless of its duration, Foucher and Lafon's cohabitation could never become legally equivalent to a civil marriage. As a result, Foucher had to rely on other facts, such as being one of Lafon's creditors, to have any standing to sue in court.

### Kinship in the Courtroom

Two decades after her own inheritance battles, an elderly Foucher testified for the defense in the civil suit *Macarty et al. v. Mandeville, f.w.c.* (1848). The defendant Eulalie Mandeville was a free woman of color from one of the wealthiest families in New Orleans. In the late 1790s, she began a relationship with Eugène Macarty, a white creole. Once Macarty died in 1845, his relatives sued Mandeville for the inheritances he bequeathed her, despite the pair being together

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that emphasized the racial identity of the Laralde siblings were often republishing reports from the Associated Negro Press, as their reports made note of Thomy Lafon's prominence among creoles of color.

<sup>125</sup> *The Cincinnati Enquirer*, November 19, 1940.

<sup>126</sup> Aslakson, "A Legal System in Flux."

for 50 years and having seven children. The couple even took marriage vows days before Macarty's death at St. Augustine Church.<sup>127</sup> Macarty's family stood to gain by nullifying his will and stripping Mandeville of her inheritances. Foucher knew Mandeville from childhood and spoke to the financial resources that Mandeville had growing up. According to Foucher's testimony, Mandeville grew produce and sold wood on a property she inherited from her white father and had engaged in the dry goods business for at least 40 years. On cross examination, Foucher added that she knew Eugène Macarty for many years and that he had "no means" when he began his relationship with Mandeville.<sup>128</sup> These details were important to undercutting Macarty's white relatives, who wanted to paint Mandeville as penniless prior to her relationship with him. As historian Carol Wilson notes, "They charged that when the pair began living together, Eulalie brought nothing to the relationship but a single unproductive tract of land from her father."<sup>129</sup> By undermining Mandeville's economic success, the plaintiffs implied that she was a street peddler dependent on Macarty. This strategy plays into the white male protector ideal that *plaçage* narratives often perpetuate and puts Mandeville's morality into question. In contrast, Foucher and other witnesses on Mandeville's behalf corroborated that Macarty relied on her financial stability for investments in his loan brokerage business.

Foucher was among multiple free Afro-Creole women who testified in this lawsuit. These women, such as Marie Louise Panis and Sophie Mousante, were also entrepreneurs in intimate relationships with white men.<sup>130</sup> Historian Janet Morrison speculates there being a strong social

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<sup>127</sup> Morrison, "'Big Businesswoman' Eulalie Mandeville and the World of Female Free Black Entrepreneurs in Antebellum New Orleans," 67. While the marriage was legally unlicensed, it confirmed the couple's commitment to each other, a fact which informed the court's ruling in Mandeville's favor. Separately, Mandeville's choice in church speaks to the distinct social network that free people of color operated in. St. Augustine's Church was founded in the Tremé by Black nuns from the Sisters of the Holy Family to service Catholics of color in 1842. The second building for St. Augustine had been donated by Thomy Lafon.

<sup>128</sup> Macarty et al. v. Mandeville, f.w.c., 3 La. Ann. Testimony of Modeste Foucher, 240.

<sup>129</sup> Wilson, "*Plaçage* and the Performance of Whiteness," 191.

<sup>130</sup> Morrison, "'Big Businesswoman' Eulalie Mandeville and the World of Female Free Black Entrepreneurs in Antebellum New Orleans," 79–81.

network in which wealthy women of color operated, as both Mousante and Foucher testified that they regularly visited the house that Mandeville and Macarty shared: “The testimonies also suggest an active alternative social life, apart from White society, taking place in these high-class drawing rooms between free women of color and their White elite partners.”<sup>131</sup> Business relations strengthened these bonds, as selling dry goods was a lucrative occupation among *femmes de couleur libres*, especially during the War of 1812.<sup>132</sup> This moment demonstrates that while free people of color were increasingly being politically disenfranchised, they still used the courtroom to protect each other. This trial is just one form of proof that the Foucher-Lafon family had socialized with other free people of color. For example, Modeste’s youngest children had lived in the Faubourg Tremé, the main neighborhood for the city’s free people of color population.<sup>133</sup> Her daughter Alphée Lafon married the free man of color Lavinski Baudin, a choice which follows the trend of racial endogamy among Afro-Creole people that solidified in the 1840s. Together, the couple operated a successful shoe store owned by Alphée’s older brother Thomy.<sup>134</sup> However, class status and the economy of slavery confined the family’s racial solidarity.

Foucher’s testimony reveals how the economic freedom that women of her ilk sought depended on enslaved labor. She briefly alludes to Mandeville spending time at Terre aux Boeufs, a plantation owned by Mandeville’s father and from which Mandeville inherited 100 acres of land.<sup>135</sup> Regarding the dry goods business, Foucher testified that Mandeville regularly used three enslaved women to sell merchandise in the streets, as well as “other persons which [sic] she employed for that purpose.”<sup>136</sup> These other persons referred to free Black women

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<sup>131</sup> Ibid., 80.

<sup>132</sup> Ibid., 75.

<sup>133</sup> Toledano, Christovich, and Swanson, *New Orleans Architecture*, 103.

<sup>134</sup> Ibid.; Kein, *Creole*, 218.

<sup>135</sup> Wilson, “Plaçage and the Performance of Whiteness,” 193.

<sup>136</sup> Macarty et al. v. Mandeville, f.w.c., 3 La. Ann. Testimony of Modeste Foucher, 239. Historian Rashauna Johnson discusses how Louisiana legislators policed enslaved street vendors in her book *Slavery’s Metropolis* (2016). These laws enabled the harassment of all vendors of African descent, which Foucher and Mandeville may have endured.

vendors. Madame Chavenet, another witness for the defense, testified that Mandeville worked with eight to ten people who sold on commission, in addition to enslaving at least five sellers.<sup>137</sup> The 1830 census corroborates these testimonies, as Mandeville was recorded enslaving thirteen people, seven of whom were women. Her status as a slaveholder was a symbol and prerequisite for her being a *gross marchande* (“big businesswoman”). Despite having been born enslaved, Mandeville participated in the trade to maintain her status and shield herself from the social vulnerability that comes from having recognizable African ancestry.<sup>138</sup> Mandeville’s respectable image ultimately carried the day in court, as Judge E. A. Canon ruled in her favor. Foucher shared the contradictory position of being an emancipated enslaver with Mandeville.

### Masters of the Same Blood

Members of the Foucher-Lafon family were slaveholders. The database Afro-Louisiana History and Genealogy shows that Foucher’s mother was involved in four slave purchases from 1787 to 1801. In addition to those purchases, Brion owned a family of four people, with the mother Hyasinthe serving as her cook.<sup>139</sup> The earliest surviving record of Modeste Foucher’s slaveholding comes from an 1801 baptismal register, as it lists a Black woman named H el ene as her bondwoman.<sup>140</sup> H el ene was one of two people that Foucher owned towards the end of her life, according to a probate record signed on April 25, 1853. Foucher did not emancipate H el ene upon her death: “The negress H el ene was sold [to him] at the sale of my properties.”<sup>141</sup> Notarial records contain a transaction wherein Foucher sold two enslaved people, Eline and Achille, on

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<sup>137</sup> Morrison, “‘Big Businesswoman’ Eulalie Mandeville and the World of Female Free Black Entrepreneurs in Antebellum New Orleans,” 70,72. Testimony of Madame Chavenet.

<sup>138</sup> Ibid., 71; Woodson, “Free Negro Owners of Slaves in the United States in 1830,” 56.

<sup>139</sup> Reeves, *Notable New Orleanians*, 23.

<sup>140</sup> St. Louis Cathedral, “Bapt emes des personnes de couleur libres et esclaves,” 1801.

<sup>141</sup> Succession of Modeste Foucher, April 25, 1853. My translation of the following quote: “La n egresse H el ene eu lui vendue   la vente de mes biens.”

June 27, 1807. Foucher also sold eight enslaved people, including a family of three, in a sale executed on March 20, 1813. Another notarial index shows that Foucher purchased an enslaved man named Babet on June 5, 1822 in Act No. 555.<sup>142</sup> Later, a study conducted by the Association for the Study of Negro Life and History listed Foucher as having enslaved one person in 1830.<sup>143</sup> The slaveholding histories of Modeste’s siblings— specifically Benedicte Burel, Julie Bonne Foucher, and Antoine Foucher— are better preserved in notarial records.<sup>144</sup>

Above all, Barthélemy Lafon operated as a slave trader and plantation owner. Strang speculates that Lafon was “funneling smuggled slaves to New Orleans buyers,” as he was recorded purchasing 10 people *and* selling 28 between 1799 and 1803.<sup>145</sup> In that same period, Lafon purchased a 34,000-acre plantation at Chef Menteur, a region east of New Orleans. According to scholar Harriet Pierpoint Bos, Lafon used this plantation to graze animals during the winter and to sell timber to the U.S. Department of Navy.<sup>146</sup> Records show that Lafon kept purchasing enslaved people until the year he died, but the number of enslaved people on this plantation is unknown. Following his death, “portions of the Chef Menteur tract were sold to Barthelemy’s creditors, and interest in the remainder of the tract was divided among Jean Pierre’s heirs,” according to a 1997 government report.<sup>147</sup> Consequently, Foucher and her children were excluded from profiting off of those parts of the plantation. Due to inheriting little from the Lafon estate, Foucher bought a lot of land from the plantation for \$900 (about \$23,800 in 2023)

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<sup>142</sup> Index of Pedro Pedesclaux, Notary Public, Vol. 54, 1807; Ancestry, *Louisiana, U.S., Records of Enslaved People, 1719-1820*; Index of Pedro Pedesclaux, Notary Public, Vol. 66, 1813; Index of Philippe Pedesclaux, Notary Public, Vol. 23, 1822. Three of the eight people sold in 1813 were named Lubin, Marie, and Charlotte.

<sup>143</sup> Woodson, “Free Negro Owners of Slaves in the United States in 1830,” 57.

<sup>144</sup> See Gwendolyn Midlo Hall’s database, *Afro-Louisiana History and Genealogy (1718-1820)*.

<sup>145</sup> Strang, “Allegiance, Identities, and National Scientific Communities,” 193. Lafon was known to have trafficked people born in Africa, Louisiana, and the Caribbean. However, the origins of the people sold in this specific timeframe are unknown. Given the timing, these enslaved people were likely smuggled from St. Domingue.

<sup>146</sup> Bos, “Barthelemy Lafon,” 73–75; Edwards, Fandrich, and Richardson, “Barthélemy Lafon in New Orleans 1792 – 1820,” 62. On January 7, 1801, Lafon purchased the property from Louis Brognier de Clouet, a lieutenant in the Spanish militia. Lafon did not build a house on the plantation until 1804.

<sup>147</sup> Smith et al., “Cultural Resources Report for Mississippi River-Gulf Outlet New Lock and Connecting Channels,” 27.

at a public auction in 1821. Based on probate records, Foucher kept this property until her death.<sup>148</sup> Cumulatively, the manual labor and social capital extracted from possessing Black people allowed Foucher's family to gain business opportunities, alliances, and legal acumen.<sup>149</sup>

Through her litigation, Foucher distinguished herself as someone who was un-enslavable. In her various roles as third-party, plaintiff, and witness, Foucher demonstrated a competency for reading the law and understanding the levers of power to which she had to appeal. She operated in a network of enterprising free women of color who defended one another's resources. We can reasonably trace this savviness to her mother, whom she emulated in terms of entrepreneurship and social networking. Foucher's litigation against the executors of Lafon's estate and the Carraby brothers demonstrates one consequence of her and Lafon not being married: the inability to guarantee that inheritances promised to their children would actually be passed down. Foucher's legal battles were made all the more difficult by Lafon's declining socioeconomic status towards the end of his life. Despite receiving one favorable ruling from the Court of Probates, Foucher was unable to recover the property originally bequeathed to her eldest son. And while Lafon's white relatives accrued interest on his plantation, Foucher had to actively purchase properties from the estate to keep them within the family. The legal machinations of the Foucher-Lafon family represent the contradictory alliances that wealthy free people of color engaged in— at once being in community with other Afro-descendant people, creating a paper trail that would allow them to distance themselves from the color line, and allying themselves with those who profit most from the economy of slavery. The choices made by the Foucher-Lafon family ought to be contrasted with those of the Dragon-Dimitry family, as both

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<sup>148</sup> Succession of Modeste Foucher, April 25, 1853.

<sup>149</sup> The family's participation in real estate market was inextricably linked to the slave trade. On December 31, 1810, Lafon sold a property on Burgundy Street for the price of \$950 (\$23,100 in 2023) and 5 enslaved people.

households illuminate the ways in which wealth, slaveholding practices, and proximity to whiteness created a circumscribed space for free women of color to exert agency.

### Chapter Three: The Legacies of Interracial Intimacies

The stories of Marianne Celeste Dragon and Modeste Foucher reflect a particular hypervigilance that wealthy mixed-race women experienced while navigating the rules imposed by slavery and colonialism. These women lived in a time and place where every gradation of European ancestry needed to be leveraged to increase one's access to social capital and evade physical violence. Much of the freedom these women enjoyed was underwritten by their familial connections and enslaved laborers. Their relative financial stability sets them apart from many women, free and enslaved, who shared their African heritage. But their social and legal maneuvers showed that they exercised autonomy in the public sphere. The courtroom and the church were stages on which both multiracial families performed respectability politics. Playing into their racial ambiguity, participating in the slave system, and engaging in litigation were among many methods by which *femmes de couleur libres* protected themselves, their families, and their properties— even if they perpetuated an extremely unequal status quo. Moreover, these methods allowed wealthy women of color to exercise a narrow form of agency *outside of sexual labor* in a social hierarchy where racial lines and economic stratification were ever evolving.

#### Family as Institutional Protection

Celeste Dragon and Foucher were insulated from the worst elements of the slave system due to the resources they gained from their familial connections to white wealth. Their respective mothers, Marie-Françoise Monplaisir and Julie Brion, had been enslaved until they were liberated by their own white fathers. Consequently, Celeste Dragon was born free and Foucher was manumitted in infancy. They had a lower likelihood of experiencing the hard labor, and perhaps sexual predation, that their mothers may have endured. Unlike their mothers, Celeste

Dragon and Foucher entered into their liaisons with white men as free women, so their sexual autonomy was comparatively less compromised. Notarial records show that both daughters received financial assistance from paternal figures, which increased their autonomy. Michel Dragon gave his daughter multiple *donations inter vivos* and testamentary bequests in the last three years of his life. Foucher received money from her uncle and the executor of her father's estate. Though Foucher generated her own revenue through real estate and dry goods, her familial resources gave her the start-up capital that poor femmes de couleur could not rely on for their businesses. Both women's access to generational wealth ought to be contrasted against the deprivation of free Black women who fled from St. Domingue to New Orleans during the Haitian Revolution. Lacking strong local networks, many refugees were considerably more vulnerable to white men's exploitation and often provided sexual labor as a means of survival.<sup>150</sup> Due to their families having established economic footholds in the city, Celeste Dragon and Foucher belonged to a propertied elite among those who shared their racial background.

Something ought to be said for the relative ease with which Brion passed down properties to her children in comparison to Monsieur Dragon. In his will, Monsieur Dragon went to excruciating detail to ensure that his wife's and daughter's inheritances were uncontested by making clear in the eyes of the law that no other person could take precedence over them in his succession. By contrast, Brion shows no such anxiety over legitimacy in her will. The difference is rooted in the racist and patriarchal ideologies underlying inheritance law in early 19th century New Orleans. In the event that a woman only had children out of wedlock, Louisiana's inheritance laws generally did not impede that mother's ability to pass down property, regardless

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<sup>150</sup> Clark, *The Strange History of the American Quadroon*, 70. The threat of sexual predation was worsened for these women due to Black women and girls not being recognized as victims of rape under Louisiana criminal law. Moreover, the kinship practices that St. Domingan refugees brought to New Orleans, including the quadroon ball, were conflated into "plaçage."

of her children's race. This is because the law presumed that women would have less property that they could independently own (and thus pass down) than men. As a result, the Louisiana government rigorously policed property owned by men, with the intent to shield wealthy, white men from supporting children they fathered outside of marriage. As Kenneth Aslakson notes, the forced heirship provisions in the 1808 Civil Digest made it incredibly difficult for mixed-race children to inherit from their white fathers, as those provisions required fathers to prioritize legitimate children and collateral heirs, even if those heirs lived abroad.<sup>151</sup> The irony that Brion arguably experienced greater autonomy in deciding her succession than Monsieur Dragon due to the state being more protective of white men's property is noteworthy.

Comparing the legal traces of Brion to Monplaisir reveals the malleability of racial identification for slaveholders of color in the colonial era. While no surviving documents show that Brion identified as a white woman, she is occasionally referred to as “*parda libre*” in records dated after her emancipation. *Pardo*, much like *quadroon*, has contested meaning in late 18th century racial terminology. Historians generally agree that *pardo/a* was a designation for light-skinned people of African descent, implied some European ancestry, and was preferred over *mulato/a*.<sup>152</sup> In the freedom petition made by one of Brion's bondwomen, Martona, in April 1800, colonial officials used the label of “*parda libre*” to contrast with Martona's identification as an enslaved “*mulata*.”<sup>153</sup> This also reflects the fluidity of racial taxonomy in the Spanish Empire relative to Anglo-America. Similarly, Monplaisir's transition from “*mulatresse*” to “*quarterona*” coincided with her ascension from slave to enslaver, when you contrast her baptismal record with her slave purchases. Taken together, the racial identities of these *femmes de couleur* were most

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<sup>151</sup> Aslakson, “Outside the Bonds of Matrimony,” 110–13.

<sup>152</sup> Vidal, *Louisiana*, 140.

<sup>153</sup> “Proceedings instituted by Martona to obtain her freedom,” April 17, 1800. As a note, Brion is misidentified as “Brionon” in the database which archived this petition, the Louisiana Colonial Documents Digitization Project.

flexible in records pertaining to their slaveholding. This suggests that, even though racialization was not binary in the late 18th century, slaveholding created an opportunity for wealthy mixed-race people to maximize their social standing and perhaps legally whiten themselves.<sup>154</sup>

Similar to slaveholding, the Catholic Church allowed both families to increase their claims to social respectability. Through sacramental records, the Dragon-Dimitry family used their alliance with Père Antoine to ease Celeste Dragon's transition into whiteness. The St. Louis Cathedral revised Celeste Dragon's marriage certificate to reflect that she had been legitimated after her parents married in 1815, *despite* the fact that retroactive legitimation was not codified between 1808 and 1824. Nonetheless, two versions of her marriage certificate exist: the original from 1799, which adds Celeste Dragon's legitimation as an addendum in the margins; and a copy, which includes her legitimate status in the main paragraph as if it had always existed.<sup>155</sup> Critically, the later copy was submitted into evidence in *Forstall, f.p.c. v. Dimitry* (1833). The fact that litigants could use baptismal records and marriage certificates as courtroom evidence reflects the power of the Catholic Church in Louisiana law and society. Likewise, Lafon and Père Antoine protected the former's children by using a fictitious surname on their baptismal records. These documents created the paper trail necessary for Pierre Barthelemi and Carmelite to transition into whiteness in Cincinnati, where they passed down their status to their children.

### Courthouse Contestations

Celeste Dragon and Foucher used the legal system to maneuver around their significant other's poor financial choices to varying degrees of success. Celeste Dragon separated her assets from her husband's and actively litigated against his creditors in the 1830s. Lafon neared

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<sup>154</sup> Legal whitening also occurred when people of color purchased the privileges of whiteness (known as *gracias al sacar*) in Spanish America, which historian Ann Twinam explores in her book *Purchasing Whiteness* (2015).

<sup>155</sup> See Appendix A for side-by-side comparison of certificates.

bankruptcy at the end of his life; what little remained of his estate went to his creditors and his niece Jeanne Phillippe Lafon. The fact that Foucher could attain a favorable ruling from the Court of Probates and appeal to the Louisiana Supreme Court twice speaks to the resources she had at her disposal to recover her and her children's bequests. In these proceedings, she revealed that she was one of Lafon's creditors, showing that her significant other leveraged her resources for greater business opportunity. Nonetheless, her litigation against the Carraby brothers proved unsuccessful. Moreover, had Foucher and Lafon been legally married, she and their children may have earned interest on the remainder of Lafon's plantation at Chef Menteur. Instead, Foucher bought land from the plantation to keep it within the family. Celeste Dragon's litigation against Dimitry reflects the ways in which marriage can expose women to financial ruin, while Foucher's litigation demonstrates how being unmarried left women of color unprotected in regards to inheritances. Despite those differences, both women's court cases reveal the resources that each brought into their unions. The ability to be in the courtroom so frequently signifies these women's class privilege, as there were numerous court fees associated with litigation.<sup>156</sup>

The legal proceedings involving Celeste Dragon and Foucher in their late adulthood reveal the ways in which misogynoir pervaded the courtroom. Testimonial evidence in *Pandelly v. Wiltz* (1854) heavily scrutinized the lineage and virtue of Dragon-Dimitry women; the lack of such scrutiny towards men in the family proves race to be a gendered construct. Moreover, the motion for jurors to visit Celeste Dragon in her own home shows how the bodies of Afro-descendant women were treated as sites of spectacle. Foucher, unlike Celeste Dragon, maintained her agency in the final trial she was a party to in her old age. In *Macarty v. Mandeville, f.w.c.* (1848), Foucher actively participated in crafting Eulalie Mandeville's respectable image to undercut the Macarty family, who wanted to paint Mandeville as a

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<sup>156</sup> Aslakson, "A Legal System in Flux," 64.

concubine dependent on her white lover's wealth. Through her testimony, Foucher collaborated with other free, enterprising women of color, bound together by their African ancestry, colonial roots, gender, and business relations. While *Pandelly* was indicative of the anxieties white Southerners had over the social boundaries of race, *Macarty* provides ample evidence of the distinct networks that Afro-Creole elites operated in— including those outside the purview of white society. Moreover, Mandeville's victory in the second case demonstrates that wealthy people of color were capable of self-defense as white elites sought to diminish their social and political capital.

Celeste Dragon and Foucher set the precedent for the strategies that their descendants employed to defend their personhood and property. In his defamation suit against Victor Wiltz, George Pandelly followed his grandmother's lead by having his witnesses play into featurism, texturism, and colorism to substantiate his Indigenous ancestry. However, Pandelly took it a step further by motioning for jurors to visit the Dimitry estate and creating an opportunity for the defendant to publish his family's legal and sacramental records through local newspapers. By contrast, no evidence suggests that the proceedings of *Forstall, f.p.c. v. Dimitry* made their way into city newspapers in the 1830s. Pandelly sacrificed the dignity and privacy of his maternal forebears to save his political career and, ultimately, his access to whiteness. Pierre Barthelemi Laralde and Carmelite Laralde petitioned the Court of Probates to recover bequests from their father's estate in 1828, three years after Foucher's litigation against Lafon's executors and concurrent with her litigation against the Carraby brothers.<sup>157</sup> While Foucher's eldest children were able to obscure their African ancestry by moving to Cincinnati, the "truth" of that ancestry came to light during the 1937 heirship investigation. In these instances, the extent to which passing can be considered a choice is dubious; the "hypervaluation of whiteness" caused by

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<sup>157</sup> Pitot, *Laralde et al. v. Morphy*.

Black chattel slavery rendered passing to be, in many cases, a coercive act of self-denial.<sup>158</sup> The publicity that Pandelly's and the Laralde siblings' decisions garnered proved that passing was an unsustainable solution to the inequities produced by white supremacy.

### Antebellum Alliances

A significant difference between these two families lies with whom they showed racial solidarity: Celeste Dragon publicly aligned herself with whiteness whereas Foucher stayed in community with other free people of color. Dragon-Dimitry women were consistent in their performance of whiteness after 1799. Witnesses in *Forstall* and *Pandelly* testified to Celeste Dragon and Monplaisir socializing with white people, them being of "good" character, and them having no traces of African ancestry. The impetus for Celeste Dragon's passing was her marriage to Dimitry. She had to commit to this performance, lest she render her marriage void and threaten the legitimacy of her children. While Lafon created the paper trail necessary for his children to pass as white, the Foucher-Lafon family did not have the same imperative for them to deny their Blackness as Celeste Dragon and her children. This also could have been a difference of opportunity: While no visual representations of Foucher are publicly available, her features and phenotype may have been an impediment to her being able to permanently identify as white. Regardless, Foucher and Lafon were more flexible in their racial alliances.

The shifting racial identities constructed by Celeste Dragon and Foucher affected their descendants' political orientations. While Foucher's two eldest children chose to pass as white, her youngest children resided in Faubourg Tremé, where wealthy free people of color concentrated their capital and political organizing. This environment undoubtedly impacted Thomy Lafon's political leanings. A year prior to the start of the Civil War, the younger Lafon

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<sup>158</sup> Harris, "Whiteness as Property," 1743.

became a founding member of “Generation of 1860,” an equal rights group that formed in the Tremé and included Afro-Creole civil rights activists Rodolphe Desdunes, Aristide Mary, and Paul Trévigne.<sup>159</sup> The younger Lafon funded *The New Orleans Tribune*, the first Black daily newspaper in the United States; has been characterized as a Radical Republican; and left money to many pro-Black causes in his will.<sup>160</sup> In contrast, three of Celeste Dragon’s male descendants swore allegiance to the Confederacy: her son Alexander Dimitry (1805-1883) served as Assistant Postmaster General in the Confederate government; her grandsons John Bull Smith Dimitry (1835-1901) and Charles Patton Dimitry (1837-1910) served as army privates in Tennessee and Louisiana respectively.<sup>161</sup> The Dimitrys’ allegiance to the Confederacy underscores the extent to which Black chattel slavery reified white identity: “Inherent in the concept of ‘being white’ was the right to own or hold whiteness to the exclusion and subordination of Blacks.”<sup>162</sup>

The Dragon-Dimitry and Foucher-Lafon families survived the rapid consolidation of racial boundaries through their constant litigation, slaveholding practices, and social networks. Foucher’s parents died before Louisiana left the Spanish Empire. Celeste Dragon’s parents died within a decade of Louisiana becoming a U.S. state. While these parents offered financial protection to their daughters prior to their deaths, they did not live to see the most aggressive measures by the state to police the social, economic, and physical mobility of gens de couleur libre. These measures discouraged manumission, dismantled free Black militias, segregated public settings, and restricted the travel of free people of color within and outside the state.<sup>163</sup> Most importantly, the parents did not live to see the legal troubles that their daughters became embroiled in as a result of these socio-legal transformations. Both Celeste Dragon and Foucher

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<sup>159</sup> New Orleans African American Museum, 2023.

<sup>160</sup> Amistad Research Center, Charles B. Rousseve papers; Castenell, “The Architects of Reconstruction.”

<sup>161</sup> *Dictionary of American Biography*, 313-314. Louisiana Historical Center.

<sup>162</sup> Harris, “Whiteness as Property,” 1737.

<sup>163</sup> McLaughlin-Stonham, “Legal and Social Colour Distinctions in Antebellum Louisiana.”

died in the decade preceding the Civil War. By the time of their deaths, the Fugitive Slave Act of 1850 had passed, Dred Scott had been fighting for citizenship in federal courts, and the position of free Afro-descendant people was made all the more precarious. While New Orleans experienced more racial fluidity relative to the rest of the U.S., cases such as *Pandelley v. Wiltz* demonstrated an increased rigidity of racialization that swept throughout the Atlantic world in the mid 19th-century. In the antebellum era, white political elites sought to make the line between “slave” and “free” congruent with the line between “Black” and “white.”

Alongside the rise of scientific racism existed an imperative by members of the white planter class in the United States to expel the country's free Black population. They believed that the presence of free people of color threatened the slave system and found it impossible for free people of color and white people to peaceably co-exist.<sup>164</sup> Narratives that framed mixed-race Black women as tragic and/or portrayed racial mixture as disruptive bolstered this broader ideology. John H.B. Latrobe, who wrote disparagingly on interracial partnerships in New Orleans, was an active member and eventual president of the American Colonization Society (1817-1912), the leading institution attempting to deport free-born and emancipated Black people to Africa, having a state chapter founded in Louisiana by 1831.<sup>165</sup> The earliest travelogs dissecting the promiscuous nature of the “New Orleans quadroom” were contemporaneous with



Edward Williams Clay, “Practical amalgamation,” 1839, London: Published by G.S. Tregear. Library Company of Philadelphia.

<sup>164</sup> Gross, “Legal Transplants,” 10–11. Not all white planters adhered to this view. Some believed that the free people of color, many of whom also being slaveholders, could be used as a buffer against the enslaved Black population.

<sup>165</sup> Louisiana planters actively participated in the American Colonization Society, with the most prominent one being John McDonogh (1779-1850). His correspondences to members of ACS are kept at the Louisiana State Museum.

Foucher's and Celeste Dragon's judicial activities. Textual narratives infantilizing women like them or expressing disdain for interracial partnerships coincided with the widespread distribution of anti-miscegenationist visual media, such as Edward Williams Clay's satirical print series, "Practical amalgamation" (1839). The families of Foucher and Celeste Dragon lived in the shadow of anti-miscegenationist movements, which would have informed strategies to solidify their positions in a hypo-descendant racial order.

Conversely, narratives that were meant to be sympathetic towards Afro-descendant women reinscribed racist and misogynist stereotypes by patronizing these women and treating racial exogamy as scandalous. By the mid-1800s, free men of color openly stigmatized Black women who engaged in interracial partnerships. In the poetry anthology *Les Cenelles* (1845), Rodolphe Desdunes and Armand Lanusse prescribe a narrow model of virtue for young Afro-Creole women to follow. Premised on fidelity to Afro-Creole men, this model morally condemns the *placer* system as a "materialistic decision to favor concubinage with a white man over marriage."<sup>166</sup> These poets presume Black women's victimhood by arguing that they were being deceived by white lovers who would inevitably abandon them. While some scholars argue that these attacks were aimed at white men's sexual exploitation, others viewed them as "paternalistic and conservative wish[es] to police women's bodies."<sup>167</sup> The binaries presented in *Les Cenelles* echo the moralistic tone used by H.B. Latrobe and Harriet Martineau in their accounts of quadron balls from the preceding decade.<sup>168</sup> Moreover, these binaries ignore the value that elite women such as Celeste Dragon and Foucher placed on propriety when partnering outside their race. Celeste Dragon met Dimitry through her father. Foucher likely met Lafon through the Catholic Church. Their choices in significant others demonstrate a particular pattern

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<sup>166</sup> Rogg, "Creole Gatherings," 107. Lanusse uses "placer" (root word of *plaçage*) in his poem "Épigramme" (1845).

<sup>167</sup> *Ibid.*, 112.

<sup>168</sup> Wilson, "Plaçage and the Performance of Whiteness."

among wealthy women of color; they “made partnerships with white men by means of long-established networks of sociability and kinship” when they chose not to be racially endogamous.<sup>169</sup> As Emily Clark notes, the most prominent contributors to *Les Ceneilles* were men of Haitian descent, meaning they may have witnessed their sisters struggle in the Afro-Creole marriage market and seek interracial union as an alternative.<sup>170</sup> Yet the poets’ social commentary can be read as essentializing *all* Afro-Creole women’s interactions with white men. Needless to say, no evidence suggests that either Celeste Dragon or Foucher bargained for a white suitor’s protection while attending a quadron ball.

### Historiographic Evaluation

The most comprehensive histories of these particular families up until now, Shirley Elizabeth Thompson’s *Exiles at Home* and Jay Edwards and Ina Fandrich’s government reports, left us significant room to question plaçage as a historiographical concept and the harms caused by applying it to these women. When Thompson analyzes Monsieur Dragon’s will, her reliance on plaçage as social construct prevents her from interrogating the legal complications of Celeste Dragon’s legitimacy. By describing Monplaisir as Monsieur Dragon’s “placée,” Thompson does not engage with the more pertinent issue of retroactive legitimation, nor the dynamics of sexual consent between Celeste Dragon’s parents prior to her birth. As Carol Wilson critiques, Thompson uses the image of the beautiful “New Orleans quadron” to discuss perceptions of Afro-Creole women.<sup>171</sup> While Edwards and Fandrich rightfully dispute the sense of impropriety that white elites perceived in Foucher and Lafon’s cohabitation, the authors still refer to Foucher

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<sup>169</sup> Clark, *The Strange History of the American Quadron*, 154.

<sup>170</sup> *Ibid.*, 156–57.

<sup>171</sup> Thompson, *Exiles at Home*; Wilson, “Plaçage and the Performance of Whiteness,” 188–89.

as a “placée” and inadvertently frame Foucher as a tragic figure following Lafon’s death.<sup>172</sup> To counteract the marginalization these women encountered in previous literature, this thesis sought to treat free women of color as full-fledged human beings whose social motivations and behaviors were influenced by the men in their lives, but not wholly defined by them.

In narrating the histories of Celeste Dragon and Foucher, this thesis has paid particular attention to their parentage, racial identification, social networks, and forays into the courtroom. The very process of reconstructing Celeste Dragon’s and Foucher’s lives calls attention to how historical archives often reify the legacies of the powerful.<sup>173</sup> Traces of Afro-Creole women’s slaveholding highlights the extent to which people who looked like them were dehumanized when they were alive and invisibilized after they died. One difficulty in representing Foucher’s slaveholding patterns stems from obfuscation in the public record. In notarial indices, at least two of her transactions within the slave trade were marked with *vente* (“sale”) or *otro* (“other”) — rather than *vente d’esclave* (“sale of slave”).<sup>174</sup> By contrast, Celeste Dragon’s portrait was a marker of distinction that only the wealthy could access and has been preserved in public memory through the Louisiana State Museum. That being said, art historian Lucia Olubunmi Momoh speculates that Celeste Dragon’s likeness had been whitened as a direct result of *Pandelly v. Wiltz*.<sup>175</sup> While the portrait was restored in the late 20th century, its 19th-century manipulation speaks to the erasure that sitters of color have endured in Western art.<sup>176</sup> Lastly, legal records provided a unique opportunity to explore the constrained agency of free women of

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<sup>172</sup> Edwards and Fandrich, “Surveys in Early American Louisiana: Barthelemy Lafon”; Edwards, Fandrich, and Richardson, “Barthélemy Lafon in New Orleans 1792 – 1820.”

<sup>173</sup> See Michel Rolph-Trouillot’s *Silencing of the Past* (1995).

<sup>174</sup> See Appendix B for an example of such obfuscation.

<sup>175</sup> Momoh, “The Art of Erasure,” 65-66. See Appendix C for Celeste Dragon’s portrait prior to restoration.

<sup>176</sup> *Ibid.* The portrait’s manipulation bears some resemblance to the treatment of Antoine Louis Collas’s *Portrait of A Free Woman of Color Wearing a Tignon* (1829) and François Jacques Fleischbein’s *Portrait of Free Woman of Color* (1837). See Lucia Olubunmi Momoh’s thesis, “The Art of Erasure” (2019), to learn more about the defacement of portraits featuring free women of color in antebellum New Orleans.

color because of the law's capacity to both oppress and empower. Law under French, Spanish and American rule legitimated social constructs such as marriage and white identity, and disenfranchised those who fell outside the bounds of those constructs. At the same time, Afro-descendant people inserted fluidity into a white supremacist, patriarchal, and classist legal regime to solidify their own statuses.

## Conclusion

Through this historical investigation, we have unraveled the contradictions and constraints of being a *femme de couleur libre* in New Orleans prior to the Civil War. Beginning in the late 18th century, the city underwent a multitude of political transformations. While legally unsanctioned, intimate liaisons across the color line were widespread in the colonial era. Over time, social stigma against racial mixture rose, as it was seen as a threat to both the white planter class and free Afro-Creole community. Afro-descendant women bore the brunt of the stigma and were mythologized into the “New Orleans quadroon.” Yet those who were free and economically privileged protected their untenable social positions through their judicial activity. The ability for free Afro-descendant women to appear as independent parties in court marks a circumscribed space of power. While wives such as Marianne Celeste Dragon were rendered politically subordinate to their husbands, they still held a distinct legal identity that they could use to assert their property rights. And while she never married, Modeste Foucher commanded respect as a free woman of color through her litigation and entrepreneurial ventures. Both women’s litigation reveals the mechanisms by which free Afro-Creole elites survived as they faced increasing disenfranchisement. Through the courts, these women defended their immediate economic interests, reputations, and resources they could pass onto their children. Yet, the fetishistic connotations of the New Orleans quadroon have limited how we have understood the social motivations and behaviors of the women they are attached to. The term “*placée*” inscribes a level of passivity in Afro-descendant women and places them in a subordinate position relative to the men that they partnered with. The term fails to capture how white supremacy, patriarchy, and the entrenchment of slavery circumscribed these women’s social opportunities and, perhaps most critically, how these women negotiated with *and* subverted oppressive power structures.

Appendix A

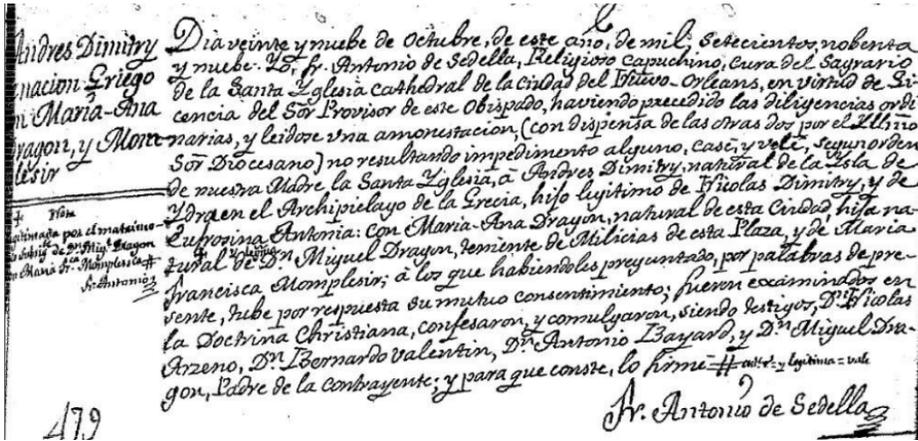


Figure 1: Celeste Dragon's 1799 marriage certificate, with retroactive legitimation noted in the margins. Image courtesy of the Archives of the Archdiocese of New Orleans.

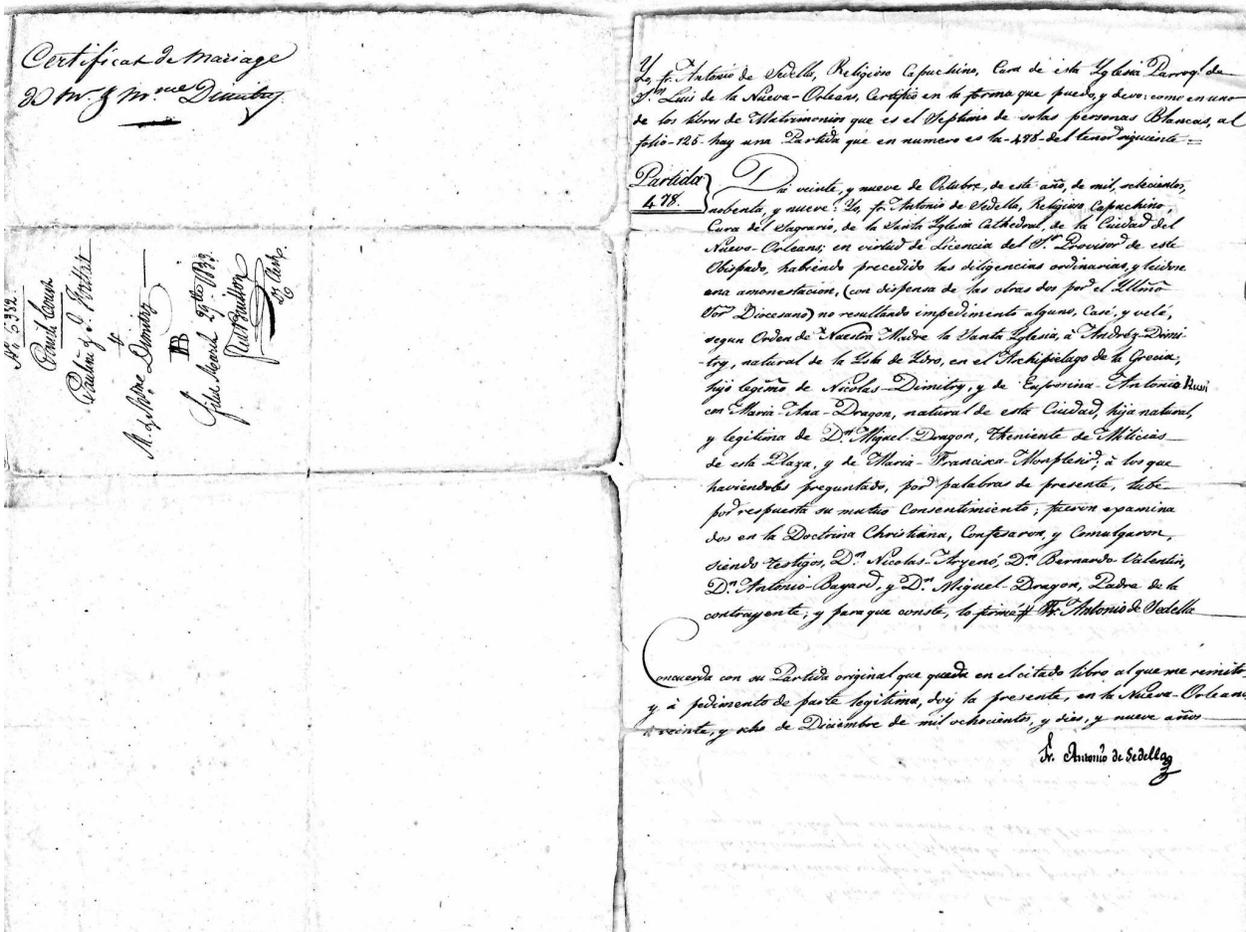


Figure 2: Revised copy of Celeste Dragon's marriage certificate, presented in Forstall, f.p.c. v. Dimitry (1833). Image courtesy of the New Orleans Public Library.

Appendix B

3<sup>o</sup> Barrio

Relacion que yo M. Juan de Lantuecho Regidor y Alayordomo de Armas desta Ciudad de la Nueva Orleans forme de la Viandas e Proportiones de las Casas del Tercer Barrio, numero de ellas, y cantidad de fuegos e Chimeneas de cada una, sacado de la Lista o Padron que formo por orden deste Gobierno en Dize y seis de Mayo de 1776 en Respectiva Real Cedula de V. M. Pedro Dezilet para la recaudacion de la contribucion anual de 20 reales por fuego para atencion de los abastecidos de esta Ciudad a contar desde primero de Enero hasta el dia de la fecha.

Saber.

Num. de las Casas	Nombre	Fuegos	Chimeneas
1	Julia Norte	2	3
2	del Hacer	1	1.4
3	del Regulin	3	4.4
4	Juan Gane	3	4.4
5	Jupidon Gane neta	3	4.4
6	Juan Bautista Lachave	3	4.4
7	Jupidon Gane	3	4.4
8	Anda	2	3
9	Margarita Aubry	2	3
10	Simanca Jimin	2	3
11	Anda	6	9
12	Julia Serien	6	9
13	est. Champany	6	9
14	est. Druir	3	4.4
15	Maria Marta	4	6
16y 17	est. Indio	8	12
18	est. Gantier	3	4.4
19	Margarita Trudeau	3	4.4
20	Philip Morel	3	4.4
21	Thomas Vilasica	3	4.4
22	Antonia Gane	2	3
23	est. Pragnier	1	1.4
24	Thomas Bertrand	5	7.4
25	Josua Theobald	4	6
26	est. Gantier	3	4.4
27y 28	Las R. est. Beaulieu	8	12
29	est. Samuel Armoise	3	4.4
30	Julia	2	3
31	Julia Delmas	4	6
32y 33	est. Blache	8	12
34	Magia Pina	2	3
35	Luiz Edouard	3	4.4
		103	154

Figure 3: Report of chimney tax, Dec. 31, 1797. This document directly proves Julie Brion’s property ownership, as it records her paying the tax on 3 houses in the third ward of New Orleans (line 12). Image courtesy of the New Orleans Public Library.

vente ..... Foucher Modeste à J. E. Livaudais fils ..... 95

Figure 4: 1813 slave sale by Modeste Foucher, as shown in the index of notary public Pedro Pedesclaux (Vol. 66, Folio 95). This transaction, wherein Foucher sold eight enslaved people, is rendered as “vente” in lieu of “vente d’esclave,” making it difficult to catalogue Foucher’s participation in the slave trade. Image courtesy of the Notarial Archives Research Center.

Appendix C



Figure 5: Portrait of Marianne Celeste Dragon before 20th century restoration. Image courtesy of Lucia Olubunmi Momoh. Black-and-white version available at the Smithsonian Institution.

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