



the **secret trust**
of Aspasia Cruvellier Mirault



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of a Free Woman of Color
in Antebellum Georgia

Janice L. Sumler-Edmond

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The University of Arkansas Press

FAYETTEVILLE 2008

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Manufactured in the United States of America

ISBN-10: 1-55728-880-1

ISBN-13: 978-1-55728-880-6

12 11 10 09 08 5 4 3 2 1

Text design by Ellen Beeler

The paper used in this publication meets the minimum requirements
of the American National Standard for Permanence of Paper
for Printed Library Materials Z39.48-1984.

Library of Congress Cataloging-in-Publication Data

Sumler-Edmond, Janice.

The secret trust of Aspasia Cruvellier Mirault : a free woman of color
in antebellum Georgia / Janice L. Sumler-Edmond.

p. cm.

Includes bibliographical references and index.

ISBN 978-1-55728-880-6 (cloth : alk. paper)

1. Mirault, Aspasia Cruvellier, d. 1857.
 2. Mirault, Aspasia Cruvellier, d. 1857— Family.
 3. African American women—Georgia—Savannah—Biography.
 4. Free African Americans—Georgia—Savannah—Biography.
 5. African Americans—Georgia—Savannah—Biography.
 6. Widows—Georgia—Savannah—Biography.
 7. Savannah (Ga.)—Biography.
 8. Savannah (Ga.)—History—19th century.
 9. Trusts and trustees—Georgia—Savannah—Biography.
 10. Savannah (Ga.)—Social life and customs—19th century.
 11. Savannah (Ga.)—Race relations—History—19th century.
- I. Title.

F294.S2886 2008

975.8'72403092—dc22

[B]

2008013233

*To my family: Steven Edmond, Marilyn S. Jackson,
Lurenda Mosley, and Ida Briggs Baker and to the memory
of my parents, Ernest and Lucille Sumler*

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Map of Savannah, Georgia, 1853

African American fireman in Savannah, ca. 1860s

Laura Mirault Woodhouse Campfield

Judge Henry B. Tompkins

Mary Amelia Scott Jackson

Albert Jackson Sr.

Sidney M. Jackson

Cecilia May Jackson

John Joseph “Joe” Millen

Albert Jackson Jr. and the Hampton Institute
graduating class of 1894

ACKNOWLEDGMENTS

Throughout the seven-year journey of researching and writing this book, I have been the fortunate beneficiary of much guidance, support, and encouragement. Institutional support came in the way of a year-long sabbatical from my teaching and administrative duties at Clark Atlanta University. That sabbatical period, occurring early in the life of this project, gave me the time to conceptualize my ideas about Aspasia Mirault and her nineteenth-century world and to construct a first draft of the manuscript. I am grateful also for two awards received in my current role as a faculty member at Huston-Tillotson University. A Sam Taylor Fellowship Award from the General Board of Higher Education and Ministry of the United Methodist Church provided funding for two visits to archival repositories at the final stages of this project. For the past two Decembers, I received UNCF-Mellon Book/Research Awards from the UNCF-Mellon Programs. These awards were used to purchase photographs and to defray duplicating costs.

I am deeply indebted to my girlhood friends, several relatives, a host of new acquaintances, and a number of very capable archival staff persons, all of whom provided assistance as I completed this work. To these individuals, I offer my gratitude: Virginia A. Batchelor, Tina Bowers-Colman, Bridget Battle-Mullice, Diane Batts Morrow, Gillian Brown, Dale Couch, Kathy DuBose, Vaughnette Goode-Walker, Billy Higgins, Herbert Holmes, Father Charles Hoskins, the Jackson family (Rick, Nicole, Deedee, Pharoah, Damian, Tarique, Maya, and Jada), Richard Jarvis, Kathleen Jennings, Allyson and Monique Keith, the Lawrence family (Fred, Mark, Carolyn, Marla, and Monica), Sharen Lee, Donzella Maupin, Sandra Barber Moore, Dorothy Paul, Ruth L. Rivers, Winona L. Scott, Harriet Peeler Stone, Nathan Stone, Jeff VanDetta, and Jeanne Williams. I would like to thank the University of Arkansas Press's readers for their insightful commentary and suggestions.

Over the years, several sister-historians have served as stellar role models who shared sage advice and experiences as we entered the field of history, first as graduate students and later as professionals. These women have been by my side through this book project. The friendship and support of Rosalyn Terborg-Penn, Alexa Benson Henderson, Adele Logan Alexander, Jacqueline A. Rouse, and Vicki Crawford have proved invaluable.

Along this journey, I have enjoyed the support of family members who nurtured me with a rock solid faith in my ability and in the project at hand. I am lovingly grateful to my husband, Steven Edmond; my sister, Marilyn S. Jackson; my aunt, Lurenda Mosley; and my godmother, Ida Briggs Baker.

PROLOGUE

Aspasia Cruvellier Mirault, a remarkable free woman of color, her children, and her grandchildren lived in Savannah, Georgia, throughout the 1800s. Aspasia's experiences as a matriarch, a businesswoman, and a landowner provide an uncommon glimpse of African American life during the nineteenth century. Her effort to raise a family and to achieve economic stability constituted one swatch of the patchwork quilt that was antebellum Georgia. Aspasia's life story, woven into the fabric of her community, illuminates the African American quest for dignity and financial success within a thriving southern environment during the decades leading up to the Civil War.

Indeed, what was the meaning of life for a free black businesswoman in the South during a period when being male and having white skin were the most valued of human properties? During Aspasia's lifetime, the privileges of citizenship as well as access to power and opportunities, especially economic opportunities, remained primarily the domain of white men. Even the majority of white females lacked many advantages afforded their male counterparts.¹ Thus, Aspasia's experiences and those of her family provide a critique about the limitations placed on people of color in nineteenth-century America. A host of legal, social, and economic roadblocks hindered the progress of free blacks, including entrepreneurs like Aspasia.² Although they possessed little power, nonetheless Aspasia and other members of the free black community in Savannah prospered by their industry and intelligence and by turning the system to their favor.

The story of Aspasia's life and labors presents intriguing questions. What were the secrets of her success, and how did she manipulate the constrictions to live a notable life? An émigré from Santo Domingo who eventually operated a bakery business in Savannah, Aspasia took bold steps to shape her own destiny. As she encountered obstacles, Aspasia's determination to create her reality speaks volumes about her character and spirit. What amount of verve is required when an African American woman defies a state statute to buy a piece of property? How does one leverage agency to realize self-advancement? In addition to her own hard work, Aspasia effectively used the power and influence of others to create a good life for herself and her children. She cultivated interracial guardianships, intraracial associations, and religious affiliations that helped her navigate the complexities of antebellum Savannah

society. Throughout her life, Aspasia relied upon the support of family members and others within the African American community. White support came from several prominent men, including a Savannah mayor, who served as Aspasia's guardians and partners. Although he risked a one-thousand-dollar penalty, another white man conspired with Aspasia to avoid the biased provisions of a state law. In large measure Aspasia's financial success stemmed from her ability to generate sufficient goodwill among whites and to sustain the support of her family and the African American community.

Aspasia's success mirrored similar achievements by many of her free black neighbors. These African American men and women lived productive lives as a cooperative and interdependent community. Many raised families, made a living, and formed a variety of secular and religious relationships both within the black race and across racial lines. Over the years, Aspasia and her cousin Simon Mirault drew steady patronage from a white clientele who frequented their respective business establishments. When Simon's father, Louis Mirault, died in 1828, his white executors meticulously inventoried the deceased tailor's list of clients, black and white, who had contributed to his prosperity. Some of Aspasia's African American neighbors owned real estate and enslaved property; others, like her, operated businesses, and still others served as community leaders and as liaisons between Savannah's black and white populations.

The chronicling of Aspasia's life is not without its complexities. The historian of the black experience is typically confronted with a paucity of private records for African Americans who lived during the antebellum era. No private papers such as letters, journals, or business records have survived from either Aspasia or the members of her immediate family. Thus, there is no evidence of the recorded thoughts or details of their day-to-day experiences. As a general rule, state laws that prohibited most blacks, even free people of color, from obtaining the rudiments of an education were largely responsible for the dearth of private records penned by antebellum blacks. Yet Aspasia and members of her family were literate with some level of education. She occasionally received and presumably wrote letters, but those documents have not been located.

Public records in the form of federal, state, county, and city documents have been analyzed to reconstruct the lives of Aspasia and her descendants. State statutes, court documents, newspaper accounts, tax digests, military records, census data, city directories, and church sacramental registers offer glimpses into the lives of Aspasia's family. The methodology employed has its strengths as well its limitations. Although public records are a rich source of information, these documents are typically devoid of personal details and reminiscences. According to the St. John the Baptist Catholic Church Register, for example, Aspasia and her sister Justine attended and served as witnesses at their brother's wedding in February 1828. While their presence is documented, the record fails to reveal thoughts and emotions of the attendees when the

groom, who was a free man of color, married an enslaved woman. The available records do not permit us to tap into the thoughts or hear the voices of the participants. Most public records have the same constraints. Similarly, tax digests provided the details of an individual's annual indebtedness, but do not give the taxpayer's reaction to that indebtedness.

This book chronicles events leading up to and including the litigation to settle a property dispute. Aspasia's family based their ownership claim on the existence of a secret trust agreement. But neither Aspasia nor George Cally, her secret trust partner, memorialized their concurrence in a written document. Without any documentary evidence, the existence of an agreement was called into question. The jury that decided the property dispute in 1878 faced a similar dilemma, but their ability to discern the credibility of several witnesses resolved the matter for the trial court. The court reporter transcribed the sworn testimony which verified a secret trust agreement.

The issue of Aspasia's marital status presented a similar challenge. There are no surviving public or private records detailing the date of the nuptials or the first name of her spouse. Yet, Aspasia, either officially or on her own account, changed her surname from Cruvellier to Mirault, having discarded her maiden name during the middle of the 1820s, according to surviving church records. Aspasia had begun to use the surname of Mirault by the time of her brother's wedding. Chatham County records revealed that Samuel Mirault was the most likely candidate to have been either Aspasia's paramour or her husband. Aspasia and Samuel registered together as free people of color in the Chatham County Court of the Ordinary in 1828. Samuel died in 1831 but evidence of his relationship with Aspasia as well as the birth of two children to that union has survived. In the years following Samuel's death, the names of Aspasia's two daughters, Louisa Mirault and Letitia Mirault, were recorded by county officials alongside their mother's name as a family unit and in the federal census records.

Aspasia's life story has evolved through a spectrum of public records and the scattered reminiscences of those who knew her. The historian of those voiceless persons who have left no private papers must corroborate pieces of information among the various sets of available sources and then evaluate those sources within a contextual framework. What follows is the story of Aspasia Cruvellier Mirault, a free woman of color, and her labors to raise a family and to build a successful life in antebellum Savannah, Georgia.

CHAPTER ONE

The Cruvelliers in Savannah

Spring came early to Savannah in 1842. Blossoming trees and the sounds of nesting birds signaled a change of seasons throughout south Georgia. Several months of sunny, warm, and humid weather lay just ahead. For Aspasia Cruvellier Mirault, a widowed matriarch and free black entrepreneur, the agreeable weather very likely matched her mood. About to realize a lifelong dream, Aspasia's optimism probably knew no bounds that year. She planned to purchase a piece of Savannah real estate, the culmination of considerable hard work and sacrifice. Certainly, Aspasia could reflect with satisfaction on her recent accomplishments. Over the previous several years, her popular bakery and confectionary establishment, located on the corner of Bull and Broughton Streets in Savannah, had turned a handsome profit. The ever-thrifty Aspasia had accumulated sufficient money for the down payment on a city lot.¹

Contemplating her next move, Aspasia's thoughts likely raced with anticipation. First, she would purchase the land as the site for a homestead. A top priority was the relocation of her family, including adolescent-aged sons, Joseph and Robert, her grown daughter and helpmate, Letitia Davis, as well as several grandchildren. They lived in cramped quarters behind her bakery shop. Aspasia wanted to build a structure at the new location capable of housing both her family and the business. She must have been pleased to learn that Savannah mayor W. T. Williams and the city's nine aldermen had voted to open the newly platted Pulaski Ward to public auction, presenting her with a golden opportunity to purchase one of the lots.²

Aspasia's plans were not without their vexing complications. A Georgia statute passed several decades earlier in 1818 prohibited blacks, even free-born blacks like Aspasia, from buying land in Savannah. The property law emerged from a hostile racial climate that existed in Georgia, relegating most free African Americans to a lowly servile status. The majority of blacks were enslaved. Free blacks occupied a permanent middle ground in southern

society slightly above the enslaved blacks but far below whites.³ An examination of the first half of the nineteenth century suggests that for the most part African Americans, like whites, went about their lives, trying to do the best they could for their families. While life was by no means easy for the majority of Americans, whether they were black or white, the added burden of racial prejudice hampered black progress. Disenfranchised, frequently denied an education, and subjected to harsh penalties when they did break the law, the majority of free blacks lived restricted lives in America. Like their counterparts in Virginia and South Carolina, Georgia legislators never entertained the concept of black suffrage at any time during the colonial or antebellum eras.⁴ In keeping with the sentiment found throughout the nation, Aspasia and other free blacks in Savannah confronted racial prejudice in a variety of forums.⁵ This gloomy reality for most black people bore little resemblance to Aspasia's lofty plans for herself and her family.

Perhaps absorbed with the prospect of purchasing real estate, Aspasia may have lost sight of the prohibitions placed on black people. Euphoria, occasioned by her monetary success with the bakery, buoyed Aspasia's perspective about the limitations she faced. Aspasia's temporary good feeling would collide with the realities of race when she discovered the details about the law that denied free blacks the right to purchase land in Savannah. In Aspasia's case, her knowledge of the property ban and her unwillingness to succumb to it were two entirely different matters. Determined to provide her family with some degree of financial security, Aspasia devised a plan to own a piece of real estate in spite of the restrictive legislation to the contrary. She entered into a trust arrangement that allowed her to circumvent the state law.

Discerning businesswoman that she was, Aspasia likely weighed both the benefits and burdens of her decision. On the one hand, she would benefit from landownership, particularly the ability to move her family to more comfortable living quarters and to expand her already thriving bakery business. She would have been able to pass on the land acquisition to her children. On the other hand, creating a trust that was contrary to law must have been a burden on Aspasia's mind and may have delayed her action. In the end, the prospects of landownership won out, and Aspasia proceeded with the secret trust arrangement. Employing the same savvy skill and determination she had garnered over the previous decade in building a successful bakery business, Aspasia set her plan into motion.⁶ She was determined to fashion her own destiny.

Aspasia was not alone in her resolve to manage her fate in spite of racism. Confronted with discriminatory laws, many free African Americans, whether they resided in the state of Georgia or elsewhere, realized they had few options other than circumventing the restrictions. It was not unusual for sympathetic whites to help blacks avoid the impact of statutory racism. Aspasia had at least one white comrade, a man by the name of George Cally, who assisted her in securing what would become her prized real estate possession. Cally, a native

of Massachusetts and a newcomer to Savannah, helped Aspasia with the land purchase. The long-term repercussions of Aspasia's decision to purchase the property through Cally would add unexpected dimensions to her extraordinary life.⁷

Luckily members of the free black community had allies like Cally because their detractors were plentiful. If southern legislators were so inclined, they had many opportunities to act upon their antiblack sentiments. Throughout the early decades of the nineteenth century, Georgia lawmakers and their counterparts in other states used legislation to control African Americans, both those unfortunate souls who were enslaved as well as those blacks who were nominally free.⁸ Members of the Georgia legislature never envisioned black people as independent and productive members of society. Instead, the lawmakers enacted legislation to curb black liberty, take away rights, and keep blacks in a dependant status.⁹ The mobility of free blacks was restricted through laws. An 1808 law authorized justices of the peace "to bind out to service" young black males over the age of eight. The act's preamble set out the legislators' primary concern, "Whereas, the permitting of free [N]egroes and persons of color to rove about the country in idleness and dissipation has a dangerous tendency."¹⁰

As viewed by the Georgia legislature, personal freedom was a condition restricted to whites. By decreeing that slaveholders could not manumit their bondsmen without permission from the legislature, lawmakers made themselves the final arbiters of African American freedom. After December 1801, all applications for manumissions in Georgia had to be reviewed by the legislature. In this effort, Georgia was in accord with the majority of her sister states that mandated legislative or judicial approval before manumission could be effected. Severe penalties attached, including a fine of two hundred dollars, for Georgia slaveholders who attempted to circumvent the manumission law.¹¹ Nearly two decades later during their 1819 session, legislators provided a rationale and a stiffer penalty for violating the restrictive manumission process. Lawmakers remained convinced that "sound policy" and "the exercise of humanity towards the slave population . . . imperiously require that the number of free persons of color within this state should not be increased by manumission, or by the admission of such persons from other states to reside therein." Beginning that same year, violators faced a larger fine of five hundred dollars for each offense of the manumission law.¹²

Another legislative pronouncement, enacted eight years earlier in 1811, consisted of an elaborate set of criminal procedures to govern slave trials. The statute authorized panels of three justices of the peace to hear evidence and adjudge the guilt or innocence of enslaved persons who were charged with a crime. Obviously pleased with their handiwork, just a few years later and with only minor adjustments, Georgia lawmakers expanded the breadth of the same law to include trials for free persons of color. Blacks, both enslaved and free,

were lumped together and meted out the same limited degree of criminal justice in the state. Further, in an attempt to keep a close watch on what was perceived as the criminal inclinations of African Americans, lawmakers during their 1817 legislative session hammered out a statute delineating a list of capital punishment crimes for black offenders. People of color in Georgia would pay with their lives if convicted of certain enumerated crimes, such as inciting a slave insurrection, raping a white woman, poisoning a white person, burglary, or arson. Blacks found guilty of attempting any of the aforementioned crimes suffered the same fate as if their actions had been successfully carried out.¹³

Reinforcing their efforts to place the institution of slavery on a solid legal foundation, Georgia lawmakers designed a set of discriminatory laws specifically targeting the free black population, like Aspasia and her family. Antipathy toward free blacks emerged early in the life of the new republic. Few whites ever contemplated the prospect of blacks living among them as equals. Toward the end of the eighteenth century, some whites tried to prevent free West Indian blacks from migrating to North America.¹⁴ By the 1790s in the wake of the Haitian Revolution, large groups of émigrés, blacks and whites from the Caribbean island, sought refuge in cities and towns along the southeastern coast of the United States. While for the most part, foreign whites were well received by their white American counterparts, black people, on the other hand, were shunned. Foreign blacks, especially those from Santo Domingo, struck terror in the minds of white Americans who suspected those blacks might foment a slave revolt in North America. Because of these fears, the white majority population sought ways to prevent black émigrés from settling among them. Lawmakers were inundated with antiblack petitions, and angry whites staged protests, aimed at denouncing the presence of foreign blacks. In 1793, white citizens of Charleston, South Carolina, held a mass meeting to expel “the French [N]egroes,” while in nearby Savannah, many ships arriving from the West Indies were diverted from the harbor.¹⁵ Two years later, whites in Savannah gathered to express their concerns and to demand that officials keep all blacks from the island nations, but particularly enslaved blacks, from entering their city.¹⁶ But sometimes their efforts to keep foreign blacks away from North American shores failed. Aspasia’s family, the Cruvelliers from Santo Domingo, would join a sizable group of black émigrés who settled in Savannah.

Given the growth of the free black population, the Georgia legislature imposed a system giving whites the authority to control the legal affairs of blacks.¹⁷ Commencing in December 1808, courts began processing applications from African Americans who, in compliance with the new law, entered into a legal arrangement with a white person residing in the same county. Whites became agents for the blacks. The legislators created a powerful tool for the local control of the day-to-day activities of black people and for limiting their individual liberty. Although free blacks did not occupy the same

lowly status in society as enslaved persons, they nonetheless were obliged to answer to a white person whose assent was needed to transact most business and legal affairs.¹⁸ In accordance with the statute,

Said guardian . . . shall be, and is hereby vested with all the powers and authority of guardians for the management of the persons and estates of infants; and all suits necessary to be brought for and against such free persons of color, shall be in the name of such guardian, in his capacity of guardian.¹⁹

Although the guardian system was intended to limit black independence, in reality it did not always have a detrimental impact on the free black population. It was not uncommon for a black ward to benefit from his or her relationship with the white guardian. Guardians were frequently in a position to assist their wards in securing property and credit or in helping the ward advance in his or her trade or business venture. Some whites took a personal interest in their wards and interceded on their behalf in legal and economic matters. Farish Carter, a Georgia planter, reportedly served as the guardian for about one hundred free black persons.²⁰ Sometimes a mutual religious affiliation, such as membership at St. John the Baptist Catholic Church in Savannah, helped to cement a positive relationship between black wards and their white guardians. The Miraults, a free black Catholic family and later Aspasia's in-laws, enjoyed such a relationship with their guardian, Jean Gaudry, a white man and fellow parishioner at St. John's Church.²¹

Aspasia's family the Cruvellers and scores of other black residents of Savannah complied with the state law mandating the establishment of guardian relationships with whites. Savannah resident James Morrison served as the guardian for the entire Cruvellier family, including Aspasia and several of her siblings. Following her marriage into the Mirault family Aspasia switched guardians. She arranged for James B. Gaudry, a lawyer and bank clerk, to act as the guardian for herself and her children. Gaudry exercised his responsibilities toward Aspasia's family throughout most of the 1830s. By 1840, John E. Ward, a lawyer and one-term mayor of Savannah in 1854, served as Aspasia's guardian. Other members of Aspasia's immediate family selected Lewis D'Lyon, an attorney, to attend to their guardianship needs.²²

Other restrictions and regulations were leveled on the free black population. An 1810 statute required blacks to register with state authorities within ten days of their arrival in Georgia. A fine of thirty dollars or a jail sentence awaited those who failed to follow the law's strict dictates. Eight years later in 1818, Georgia lawmakers mandated an annual registration requirement for all free black persons. Pursuant to the law, on or before the first Monday in March, subsequently changed to July, all free persons of color were obliged to pay fifty cents to the local court clerk who would in turn register their name,