

Malvina Matthews: The Murderess Madam of Civil War–Era Natchez

Joyce L. Broussard

On the night of May 26, 1868, Malvina Matthews, the notorious sixty-some-year-old proprietress of Natchez, Mississippi's most well-established brothel, allegedly shot to death Private John Moffatt, a U.S. soldier stationed at nearby Fort McPherson. According to eyewitnesses, an intoxicated Moffatt and a fellow soldier, Phillip Bilo, forced their way into the house of ill repute, where they confronted several prostitutes and their male customers. Private Bilo later testified that Moffatt, eager for a fight, boasted that he "could whip any man in the house." After exchanging rough words with the women and their patrons, the two soldiers departed the house only to find their way blocked by a locked gate. Moffatt, in a drunken rage, demanded loudly that someone had better come quick to let them out. Within minutes, if not seconds, a shot (or shots) struck Moffatt, killing him instantly. Private Bilo then leaped over the fence and ran several town blocks to the Union encampment, where he awaited sunrise before informing his superior officer of the shooting. Once alerted, the commanding officer of the Natchez Post rounded up the women living and working as prostitutes in the brothel (at least four blacks and one white), several black servant girls, and the four male patrons (white residents of Natchez) from the previous night. Two days later a civilian coroner's jury of inquest determined that Moffatt "came to his death by a gunshot wound in the head and neck [inflicted] by Lavina J. Matthews," the white woman who owned the racially mixed whorehouse where the shooting had occurred along

JOYCE L. BROUSSARD is an associate professor of history and the director of the Natchez Project at California State University, Northridge.

with the residence next door in which she lived.¹

Matthews's trial could have been heard by a military commission, but the commandant of the Natchez Post, the newly arrived Brevet Colonel Nathan A.M. Dudley, believed a civil trial might better promote reconciliation between the town's white residents and the military as it attempted to implement the policies of Military Reconstruction recently imposed on southern states by the United States Congress. Brevet Major General Irvin McDowell, the commanding general of the 4th Military District, headquartered at Vicksburg, agreed and ordered Matthews's release to Adams County authorities for civilian trial.² Matthews,

¹ *Natchez Democrat*, May 30, 1868; *State vs. Malvina (alias Lavina or Lavinia) J. Matthews*, Transcript, 1868-1869, Circuit Court of Adams County, Natchez, MS (hereafter CCAC), Historic Natchez Foundation, Natchez, MS (hereafter HNF). The manuscript proceedings of this case include testimony, military orders, assorted communications, and relevant miscellaneous documents. See also the correspondence between the commander of the Natchez Post to military personnel at the headquarters of the 4th Military District of Mississippi in Vicksburg, MS, most notably Colonel N.A.M. Dudley to Brevet Major General John Tyler, Acting Adjutant General, 4th Military District of Mississippi, May 30, June 9, October 20, and November 6, 1868, U.S. Army Continental Commands, Letters Sent, Post Natchez, Record Group 393 (hereafter RG 393), National Archives Records Administration, Washington, D.C. (hereafter NARA); and Sexton Records, Natchez, Adams Co., MS, HNF.

² N.A.M. Dudley to B.H. Hunter, sheriff of Adams County, June 21, 1868, *State vs. Malvina J. Matthews*, CCAC, HNF. Brevet Major General Irvin McDowell served as commander of the 4th Military District for only one month, from June 4 to July 4, 1868, after which he was replaced by Major General Alvan C. Gillem. Colonel Dudley came to Natchez from Vicksburg to assume command of the post on June 8, 1868. The issue of how to handle criminal cases involving U.S. soldiers and civilians was murky to say the least. Although empowered to prosecute civilians in military commission trials, the U.S. Army was directed by the Military Reconstruction Act of 1867 to support "competent civil officers" whenever possible. As it happened, only a few cases involving civilians and soldiers were tried by the military, but the determination of which cases would be so handled was left to the discretion of local commanders, subject to review by superior officers. The crime of horse stealing, abuses involving blacks, and in cases where the alleged civilian criminal feared unfair treatment because of his or her loyalty to the Union were exceptions to the rule. In 1868 two other commissions originating at the Natchez Post were in process, thus possibly explaining, in part, Matthews being tried by a civilian court. See General Orders 1 through 30 issued by Brigadier General E.O.C. Ord, Commanding General, 4th Military District, Vicksburg, MS, March 26, 1867, Mississippi Department of Archives and History, Jackson, MS (hereafter MDAH). On the use of military commissions in Mississippi and the South during Reconstruction see James W. Garner, *Reconstruction in Mississippi* (Baton Rouge: Louisiana State University Press, 1968), 180-83, 213-16; James E. Sefton, *The United States Army and Reconstruction, 1865-1877* (Baton Rouge: Louisiana State University Press, 1967), 29-31, 90-13; and Christopher Waldrep, *Roots of Disorder, Race and Criminal Justice in the American South* (Urbana and Chicago: University of Illinois

thereafter confined in the county jail without bail for the "felonious and willful" murder of Private Moffatt with "malice of aforethought," faced a first-degree murder charge. Ten days later the Circuit Court released Matthews on a \$3,000 bail and reduced the charge against her to manslaughter, much to the surprise of Colonel Dudley. Matthews and two friends pledged residential property as security for the bail.³

Matthews's lawyer, William T. Martin, one of the most prominent attorneys in the state, persuaded the court to move the trial to the April 1869 term, claiming that the defendant's ill health, advanced age, and obese physical condition (as certified by her doctor) made it all but impossible for her to appear in court.⁴ Colonel Dudley, increasingly uneasy about the turn of events in the case, now feared that he had made a mistake in recommending a civilian trial rather than a military commission for Matthews.⁵ In the ensuing proceedings that occurred in October of 1869 because the court had canceled its April term, the prosecution argued that Matthews had fired the fatal shot or shots from somewhere in her adjoining house or yard. The surviving documents do not reveal precisely how Martin framed his defense, but his concluding "instructions" to the jury challenged the credibility of the prosecution's two female witnesses, a black prostitute named Francis Harrison and a white prostitute named Louisa Guido (neither of whom had been present at the time of the murder). Both testified, however, that Matthews had confessed to having shot one or two soldiers. Martin's words emphasized that no one actually saw Matthews fire the gun or guns that killed Moffatt. He argued that even if Matthews had fired the fatal shots,

Press, 1998), 41-48, 106-11.

³ *State vs. Malvina J. Matthews*, CCAC, HNF. Matthews posted \$1,500 for bail by taking a mortgage on some of her real estate. Natchez residents John McDowell and Mary C. Russell also raised another \$750 each by pledging properties they owned as security. It appears that the circuit judge set original bail at \$1,500 but then doubled it, possibly to demonstrate to military authorities his attention to the case.

⁴ Martin's role is fully explained later in this essay. When Matthews's postponement was granted at the end of 1868, one of the town's newspapers reported that Adams County circuit court judge James Smiley had increased her bail to \$6,000, but there is no official record indicating this increase. It is unlikely that Matthews would have fled seeing that she owned property in Natchez and had been a Natchez resident consistently for more than thirty-five years. Moreover, she was an old woman and in ill health. See *Natchez Weekly Democrat*, December 14, 1868.

⁵ It took Dudley only a few months in service as commander of the Natchez Post to mistrust the "sincerity and integrity" of the city's civilian officials. Dudley to Tyler, November 6, 1868, RG 393, NARA.

there was no way of knowing, considering the darkness of the night and the absence of an eyewitness, if she had shot to kill or just to scare off drunken soldiers in defense of her property and life. After hearing the testimony of all the involved parties, the jury (one of the first racially mixed juries in Adams County history) found Matthews not guilty.⁶

A careful examination of this case in the context of the historical moment (Military Reconstruction) and the specific place in which it occurred (Natchez, Mississippi) tells us much about how so-called “public women” like Malvina Matthews coped with life in southern urban communities amidst the tumultuous aftermath of the Civil War. It also sheds light on the local implementation of Military Reconstruction in criminal matters neither directly political nor overtly economic. What’s more, examining Matthews’s life in retrospect, from 1868 to when she first arrived in Natchez in the 1830s, reveals the surprisingly varied ways that supposedly marginalized females (prostitutes, disorderly women, and criminals) navigated a society rooted in slavery and the racial, gender, and class norms of the day. As a highly visible “public woman,” based on both her enterprise and her extended appearance in the public records, Matthews’s life illuminates the functioning of the town’s legal system for women like her, and perhaps, in part, for all women in the mid-nineteenth-century South. Her story demonstrates that in some cases personal connections and property, when manipulated mindfully, weighed against propriety and gender ideology in ways that enabled at least one antebellum, southern white woman to turn societal constrictions into a remarkable display of female independence.⁷

In the pursuit of Malvina Matthews this essay asks four simple, but

⁶ *Natchez Democrat*, October 21, 1869; *State vs. Malvina J. Matthews*, CCAC, HNF.

⁷ For secondary literature dealing with the marginalized, unruly, disorderly, and public woman of the nineteenth-century South see Victoria Bynum, *Unruly Woman: The Politics of Social & Sexual Control in the Old South* (Chapel Hill, North Carolina: University of North Carolina Press, 1992); Catherine Clinton, *Public Women and the Confederacy* (Milwaukee, Wisconsin: Marquette University Press, 1999); “Public Woman’ and Sexual Politics during the American Civil War,” in *Battle Scars: Gender and Sexuality in the American Civil War*, Clinton and Nina Silber, eds., (New York: Oxford University Press, 2006), 61-77; Suzanne Lebsack, *The Free Women of Petersburg: Status and Culture in a Southern Town, 1784-1860* (New York: Norton, 1984); Alicia Long, *The Great Southern Babylon: Sex, Race, and Respectability in New Orleans* (Baton Rouge, Louisiana: Louisiana State University Press, 2004); Del Upton, ed., *Madaline: Love and Survival in Antebellum New Orleans* (Athens, Georgia: University of Georgia Press, 1996); and LeeAnn Whites, *Gender Matters: Civil War, Reconstruction, and the Making of the New South* (New York: Palgrave MacMillan, 2005), 65-84.

difficult to answer questions: Who was Malvina Matthews? How did she find herself charged with the murder of a Yankee soldier? What explains her acquittal? And how had she navigated life as a prostitute who seemingly endured and even prospered, despite all odds, during the thirty-five-plus years she plied her trade in a small southern town? In answering these questions we need to begin with the time and place in which her case played out.

Moffatt’s murder and Matthews’s subsequent trial occurred in an especially volatile, transitional period for the Natchez community, which was dominated by the economic, social, and political turmoil that accompanied the attempted creation, by the U.S. Congress, of a new structural reality known as Congressional or Military Reconstruction. Home to some of the wealthiest planters in the lower South prior to the Civil War, Natchez residents had lived under military rule since federal troops occupied the town in the summer of 1863, after the fall of fortress Vicksburg located eighty miles upriver.⁸ Although a provisional civil-

⁸ There is a substantial amount of scholarship on antebellum and Civil-War-era Natchez, including these key articles and books: Justin Behrend, “Rebellious Talk and Conspiratorial Plots: The Making of a Slave Insurrection in Civil War Natchez,” *Journal of Southern History* (February 2011): 17-52; Joyce L. Broussard, “Naked before the Law: Married Women and the Servant Ideal in Antebellum Natchez,” Elizabeth Anne Payne, Martha H. Swain, and Marjorie Julian Spruill, eds., *Mississippi Women: Their Histories, Their Lives*, (Athens: University of Georgia Press, 2010), 57-76; Joyce L. Broussard, “Occupied Natchez, Elite Woman, and the Feminization of the Civil War,” *Journal of Mississippi History* (Summer 2008): 179-208; and Joyce L. Broussard, “Stepping Lively in Place: The Free Black Women of Antebellum Natchez,” Elizabeth Anne Payne, Martha H. Swain, and Marjorie Julian Spruill, eds., *Mississippi Women: Their Histories, Their Lives*, (Athens: University of Georgia Press, 2010), 23-38. See also Cita Cook, “The Practical Ladies of Occupied Natchez,” in *Occupied Women: Gender, Military Occupation, and the American Civil War*, LeeAnn Whites and Alecia P. Long, eds., (Baton Rouge: Louisiana State University Press, 2009), 117-36; Ronald L.F. Davis, *From Slavery to Sharecropping in the Natchez District, 1860 to 1890* (Westport, CT: Greenwood Press, 1982); Ronald L.F. Davis, *The Black Experience in Natchez, 1720 to 1880* (Denver: Eastern National Press, 1999); Herschel Gower, *Charles Dahlgren of Natchez: the Civil War and Dynastic Decline* (Dulles, VA: Brassey’s Inc., 2002); Ariela J. Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton: Princeton University Press, 2000); William R. Hogan and Edwin A. Davis, eds., *William Johnson’s Natchez: The Diary of an Ante-bellum Free Negro* (Baton Rouge: Louisiana State University Press, 1951; reprinted 1979, 1993); D. Clayton James, *Antebellum Natchez* (Baton Rouge: Louisiana State University Press, 1968); Winthrop Jordan, *Tumult and Silence at Second Creek: An Inquiry into a Civil War Slave Conspiracy* (Baton Rouge: Louisiana State University Press, 1993); Anthony E. Kaye, *Joining Places: Slave Neighborhoods in the Old South*

ian government resumed functioning in Natchez at the end of the Civil War, the U.S. military (garrisoned at Fort McPherson) could supersede civilian government if the need occurred, especially in matters regarding the formerly enslaved. For the most part, the U.S. military throughout Mississippi refrained from interfering with civilian authority until the Congressional Reconstruction Act of 1867 empowered it to decisively prepare the state for ratification of a new constitution incorporating full civil rights for blacks. With the onset of Military Reconstruction, Natchez became one of five military posts in the 4th Military District, with Union soldiers barracked principally in Fort McPherson, a crudely constructed earthen-walled garrison built during the war on the northern edge of town. Private Moffatt served among the one hundred white soldiers still stationed at Natchez in 1868; all black soldiers in Mississippi had been mustered out two years earlier, in May 1866, although many black veterans continued to wear their uniforms on the streets of Natchez, and they composed a potential militia force to be called up for emergency service by the state government.⁹

Although much would change in the relationship of the town's white citizenry and the Union military with the onset of Congressional

(Chapel Hill: University of North Carolina Press, 2007); Robert E. May, *John A. Quitman, Old South Crusader* (Baton Rouge: Louisiana State University Press, 1985); John Hebron Moore, *Andrew Brown and Cypress Lumbering in the Old South* (Baton Rouge: Louisiana State University Press, 1967); Michael Wayne, *Death of an Overseer: Reopening a Murder Investigation from the Plantation South* (New York: Oxford University Press, 2001); and Michael Wayne, *The Reshaping of Plantation Society: The Natchez District, 1860-1880* (Baton Rouge: Louisiana State University Press, 1983).

⁹ See United States Army Commands, 4th Military District Orders, 1867-1870, Microfilm Roll No. 2585, MDAH. For scholarship on Congressional Reconstruction and the role of black soldiers in Mississippi see Davis, *The Black Experience in Natchez*, 140-51; Noralee Frankel, *Freedom's Women: Black Women and Families in Civil War Era Mississippi* (Bloomington and Indianapolis: Indiana University Press, 1999); Garner, *Reconstruction in Mississippi*; William C. Harris, *Presidential Reconstruction in Mississippi* (Baton Rouge: Louisiana State University Press, 1967), 37-141, 228-46; William C. Harris, *The Day of the Carpetbagger: Republican Reconstruction in Mississippi* (Baton Rouge: Louisiana State University Press, 1979), 1-311; J.S. McNeily, "War and Reconstruction in Mississippi, 1863-1890," in *Publications of the Mississippi Historical Society, Centenary Series*, vol. II (Madison, WS: Democrat Printing Co., 1918), 165-535; David G. Sansing, "Congressional Reconstruction," in *A History of Mississippi*, vol. I, Richard A. McLemore, ed., (Hattiesburg: University Press of Mississippi), 571-89; David Henson Slay, "New Masters on the Mississippi: The United States Colored Troops of the Middle Mississippi Valley," (Ph.D. diss., Texas Christian University, 2009); Dunbar Rowland, *History of Mississippi: The Heart of the South*, vol. II (Chicago: S.J. Clarke Publishing Company, 1925), 105-206; Vernon Lane Wharton, *The Negro in Mississippi* (New York: Harper & Row, 1947), 138-156.

Reconstruction, local whites gave high marks to most military officers at Fort McPherson and those in charge of the Freedmen's Bureau (an independent federal agency staffed by army officers) in Natchez during the years of Presidential Reconstruction from 1865 through 1867. Like the generally non-confrontational military commanders of the 4th Military District (at least under much of Presidential Reconstruction in Mississippi and somewhat beyond), Union officers in Natchez usually deferred to elected officials and civilian courts in most matters involving petty crime, government services, issues of property, and financial disputes.¹⁰ Many of the town's white residents, especially members of the area's antebellum elite, had tried as much as possible during those years to befriend and accommodate some of the more receptive Union officers.¹¹ For example, Ellen McGowan Biddle, wife of Lieutenant Colonel James Biddle, commanding officer at Natchez in 1867 and part of 1868, recalled in later life how uniformed Confederates veterans had escorted her family (upon her husband's transfer to Vicksburg) to their awaiting boat "amid cheers of the citizens."¹²

Still, when Private Moffatt met his death on the bluff, the often heavy-handed and even criminal conduct of some rank-and-file Union soldiers from 1863 through Presidential Reconstruction had enraged many of the town's white citizens, especially those embittered by having the formerly enslaved as their uniformed agents of occupation. During these years, from 1863 until mustered out in the summer of 1866, several thousand black soldiers served in Natchez, with some housed in private domiciles and buildings throughout the area.¹³ Most of the town's white residents knew about, or had experienced, what they judged to be criminal or harsh treatment by Union soldiers who had invaded their houses, plundered their properties, and even wounded or killed members of their families or close neighbors and friends.

Some Union soldiers faced a court martial for their actions, and

¹⁰ See editorial comment regarding Order # 1, issued by General E.O.C. Ord on his assuming command of the 4th Military District of Mississippi in *Tri-Weekly Democrat*, March 26, 1867.

¹¹ Broussard, "Occupied Natchez, Elite Woman, and the Feminization of the Civil War"; Cook, "The Practical Ladies of Occupied Natchez." For similar efforts elsewhere in the South see Drew Gilpin Faust, *Mothers of Invention: Women of the Slaveholding South in the American Civil War* (Chapel Hill: University of North Carolina Press, 1996), 30-65.

¹² Ellen McGowan Biddle, *Reminiscences of a Soldier's Wife* (New York: L.B. Lippincott & Co., 1907; reprint, General Books, 2009), 16.

¹³ Davis, *The Black Experience in Natchez*, 140-57.

some were found guilty and punished with fines and prison sentences or execution. Such was the case when a band of black soldiers invaded the estate house of Eliza Rogillio on March 29, 1866, stealing gold, guns, and clothing before kidnaping her son and shooting him to death. Two soldiers, judged guilty in a court martial, faced a firing squad, but the rest escaped punishment much to the fury of the Rogillio family.¹⁴ Sergeant George W. Squire of the 12th Wisconsin Infantry, in another example, conspired with a black woman to rob the house of her employer, J.M. Simpson. Squire's court martial put him in prison at hard labor for five years.¹⁵ The eight soldiers who assaulted and robbed George Marshall and his wife received prison terms ranging from ten to fifteen years at hard labor.¹⁶ When two Union pickets shot and wounded attorney and planter John T. McMurrin, the army subjected them to a military court martial and quickly executed them.¹⁷

On the other hand, the final reckoning in the court martial trial of three soldiers accused of terrorizing and robbing, Elgin, the country residence of the spinster Alice Jenkins, appears never to have been fully resolved. In Jenkins's case, the soldiers allegedly tormented the woman and her brother along with a female friend of the family in an all-too-common story of plunder and abuse by criminal soldiers in Union uniforms, who often operated under the guise of following military orders to search suspicious premises.¹⁸ Similarly, only two of the five Union soldiers who allegedly had murdered George Sargent, Sr., and

¹⁴ Private Richard H. Burr, et al., Court Martial Trial, Murder, 1866, Records of the Office of the Judge Advocate General, Court Martial Proceedings, Record Group, 153 (hereafter RG 153), NARA; Colonel H.A. McCaleb, 6th U.S. Colored Infantry, to Brevet Colonel M.P. Beston, Assistant Acting Adjutant General, 4th Military District, April 1, 1866; McCaleb to Lieutenant Colonel A.S. Gilson, Judge Advocate General, Department of Mississippi, date unknown, RG 393, NARA.

¹⁵ Sergeant George W. Squire, Court Martial Trial, November 14, 1864, RG 153, NARA.

¹⁶ Private Melvin Thompson, et al., Court Martial Trial, January 18, 1865, RG 153, NARA.

¹⁷ Alice McMurrin Diary, January 10, 1865, HNF; M.L. McMurrin to J.T. McMurrin, Jr., January 1, 1865, Addison Papers, Natchez National Historical Park, Natchez, MS.

¹⁸ Privates John Feltis, John M. Park, and Stephen P. Salter, Court Martial Trial, November 16, 1864, RG 153, NARA. The three soldiers were found guilty and sentenced to fifteen years of hard labor with a ball and chain attached to their legs for two months of each year. Although jailed in the military fort in Natchez, they were released after their terms of military service ended because they had been "good soldiers" who were never fully informed of their verdicts or sentences. See also: Elizabeth Lee Thompson, "Southern Women, Gender Roles, and the Unconventional Alice Jenkins," *Journal of Mississippi History* 62 (Spring 2000): 45-46.

terrorized his family at Gloucester (a villa estate located just outside of Natchez) faced a firing squad. The dead Sargent's surviving son and daughter, George, Jr., and Mary Duncan, struggled for years unsuccessfully to bring to trial the three remaining soldiers, two of whom were inexplicably transferred out of state by the U. S. military.¹⁹

In other court martial cases, local whites protested, to little avail, that the military typically brushed aside incidents of alleged plunder and pillage by U.S. troops as a normal consequences of war and military occupation. Thomas R. Shields, for example, an esteemed member of Natchez white society, complained to U.S. Colonel B.G. Farrar in June of 1864 that a band of armed Union soldiers had ransacked his house and several others in the area, pleading that something be done to stop such "outrages in the future."²⁰ Colonel W.C. Earle, of the 70th U.S. Colored Infantry, accused of raiding the home of an area planter, received only a slap on the wrist for having failed to give a receipt for the plundered property, a ruling that the commanding officer of the Natchez Post eventually overruled.²¹ In another case, the officer charged with allowing soldiers to plunder and pillage escaped punishment for lack of reliable witnesses.²² When a Military Commission cashiered Captain William Pierce for publicly rebuking several "respectable" white women as "whores," threatening to rape his black servant girl, and wildly driving while intoxicated a mule at full speed through Natchez, the Judge Advocate General restored him to rank and service.²³ More than one hundred court martial proceedings related to incidents in the Natchez

¹⁹ In this case the victim, son of the first territorial governor of Mississippi, Winthrop Sargent, hailed from one of the most prominent families in Natchez. See privates David Geer, Alexander McBride, William Thomas, et al, Court Martial Trial, Murder, August 24, 1864, RG 153, NARA; for the struggle to bring the remaining alleged guilty soldiers to justice see George Sargent, Jr., to General A.C. Gillem, Commander, 4th Military District-Mississippi, Oct 28, 1868; J.M. Smiley, Judge, 1st Judicial District, Mississippi, to John Tyler, Acting Adjutant General, 4th Military District, Mississippi, November 23, 1868, Governors' Papers (Adelbert Ames), MDAH; Mary Duncan to Major General Henry W. Halleck, July 25; Major General Henry W. Halleck to Mary Duncan, October 3, 1864, RG 393; and U.S. Census (1850, 1860), Manuscript Population Schedule, Adams Co, MS, NARA. See also Timothy B. Smith, *Mississippi and the Civil War: The Home Front* (Jackson: University Press of Mississippi, 2010), 119.

²⁰ Thomas R. Shields to Colonel B.G. Farrar, June 27, 1864, RG 393, NARA.

²¹ Colonel W.C. Earle, Court Martial Trial, October 24, 1865, RG 153, NARA.

²² Lieutenant Colonel H.A. McCaleb, Court Martial Trial, October 24, 1864, RG 153, NARA.

²³ Captain William Pierce, Court Martial Trial, June 28, 1865, RG 153, NARA.

area occurred during the years 1864 to 1869, ranging from desertion, disorderly conduct, mutiny, larceny, absence without leave, and public intoxication to rape, plunder, marauding conduct, assault and battery, and murder. In many of these cases soldiers were acquitted of criminal conduct if they feigned intoxication as an excuse for their actions.

On more than one occasion clashes occurred between white police officers and uniformed soldiers, often around the time of payday when the troopers had money to spend on liquor and women. One of the most explosive incidents happened in 1866 when several policemen engaged a number of black soldiers in a confrontation on city streets that left one policeman dead and several wounded. Witnesses depicted both the police and soldiers as drunken and out-of-control hoodlums. The military refused to hand the Union troopers over to civilian courts for trial, and their court martial hearing concluded that they had acted in self defense, an outcome that once again infuriated the town's white citizens.²⁴

Conflicts arose almost daily, moreover, between white civilians and Union soldiers as the army and the Freedmen's Bureau tried to mediate labor disputes and protect civil liberties for blacks. It mattered little, in the eyes of many white citizens, that Bureau officers often sided with planter landlords and merchants in disputes with black wage hands, sharecroppers, and tenants. When Mississippi whites ratified a state constitution in 1865 with its infamous "Black Code" provisions, which regulated and constricted civil rights for blacks, the military, following Congressional directives, blocked their enforcement. Additionally, the military and the Freedmen's Bureau assisted the American Missionary Association and other groups in setting up black schools, hospitals, and churches. Such actions greatly strengthened the independence and political autonomy of area blacks much to the regret of those more reactionary whites who wanted to limit black empowerment as much as possible.²⁵

The mere presence of Union soldiers on the streets of Natchez, even after all black soldiers had been mustered out of service, continued to irritate if not enrage many of its white citizenry. Off-duty soldiers brawled

²⁴ *Natchez Democrat*, March 19, April 30, 1866; privates Curtis Black and Monday Harper, Court Martial Trial, April 13, 1866, RG 153, NARA.

²⁵ Justin Behrend, "Freedpeople's Democracy: African-American Politics and Community in the Postemancipation Natchez District," (Ph.D. diss., Northwestern University, 2006), 125-28; 169-72; Bradley Bond, *Political Culture in the Nineteenth-Century South: Mississippi, 1830-1900* (Baton Rouge: Louisiana State University Press, 1995), 158-62; Harris, *Presidential Reconstruction in Mississippi*, 121-53.

among themselves, drank in public, consorted openly with black and white prostitutes, and caused trouble largely beyond the ability of the town's municipal officials, and even military officers, to control.²⁶ One whorehouse customer testified that drunken soldiers had often tried to visit Matthews's bordello only to be turned away under strict orders from the resolute madam of the house. Matthews firmly directed the black prostitute Jane Duncan, who ran the establishment visited by Moffatt and Bilo, to refuse service to any and all Union soldiers, explaining that they would be coming "in droves with whiskey," having "been paid off the day before." When the local newspaper reported Moffatt's death, it speculated that the soldier had broken into Matthews's house for reasons linked to "Whiskey, bestial lust, or a revengeful spirit for attempted outrages by the roommates of the establishment."²⁷

More than one Union soldier, moreover, had lost his life while visiting the town's Above-the-Hill brothels (possibly Malvina Matthews's place) overlooking the Mississippi River. A year prior to Moffatt's death, Private Charles Leonard confronted two of his fellow soldiers in one of the houses on the bluff as they engaged the black prostitute Mollie Matthews and a white prostitute named Lizzie (aka Mollie Williams). For some unknown reason, Leonard entered through the back door, causing Lizzie to run to Private Samuel McCrudden, fearful that Leonard meant to shoot her. The three soldiers ended up in front of the house where Leonard shot McCrudden in the head, killing him instantly. In the ensuing trial, handled in the Adams County Circuit Court rather than before a military commission, Leonard pleaded self-defense. When the only witness to the shooting, Private James Carr, the other soldier present that fateful night, mysteriously disappeared in a military transfer to Tennessee, the Adams County District Attorney had no choice but to continue the case until the witness could be produced, which never happened. This incident reached the Circuit Court in January of 1868, only months before Moffatt's death.²⁸ Clearly Matthews and her employees had good reason to fear drunken Union soldiers as customers, joining no doubt in the general consternation felt by some if not most residents at the sight of such uniformed and often intoxicated men afoot after dark

²⁶ Biddle, *Reminiscences of a Soldier's Wife*, 11-13; *Natchez Democrat*, July 6, 1867.

²⁷ *Natchez Weekly Courier*, May 30, 1868; *State vs. Malvina J. Matthews*, CCAC, HNF.

²⁸ *State vs. Charles Leonard*, January 29, 1868 and April Term, 1868, CCAC, HNF; see also *Natchez Democrat*, May 25, June 1, 1867; January 6, 1868; January 30, 1868.

on the streets of Natchez.

Such conflicts between the military and Natchez civilians escalated dramatically in 1868, when Congress replaced the state's elected governor (Benjamin Humphreys) with a northern-born army general, Adelbert Ames, as the provisional governor of the state and the commanding general in charge of the 4th Military District, which included all of Mississippi.²⁹ Unlike previous military commanders of the state, Ames (the son-in-law of U.S. General Benjamin Butler) aggressively supported and attempted to enforce a Reconstruction policy aimed at achieving civil and political equality for blacks. Charged with governing the state until its citizens ratified a new constitution that accepted all provisions of Congressional Reconstruction, Ames replaced a number of previously appointed and elected officials throughout the state with men loyal to him and supportive of the new order. In Natchez, Ames appointed two black justices of the peace, one of whom, John R. Lynch, had been born into slavery.³⁰ Although blacks in Mississippi were already empowered by military dictum to vote, offer testimony in judicial proceedings, and sue and be sued in courts of law, Ames took the empowerment of blacks one step further when he opened jury service to all male heads of households regardless of race. To accommodate this order, local sheriffs responsible for creating jury pools devised a process, acceptable to Ames, whereby in those counties with large black populations, the juries selected from eligible freeholders would, as much as possible, include six whites and six blacks. It was for this reason that six of the thirteen jurors in Malvina Matthews's case, randomly selected from the eligible population in Adams County, were black.³¹

Moffatt's death occurred just as the town's citizens were caught up

²⁹ "Roster of Officers," 24th U.S. Infantry, December 1868, Administration of Provisional Governor, Adelbert Ames, Governor's Papers, MDAH. Harris, *Day of the Carpetbagger*, 34-66; Dunbar Rowland, "The Rise and Fall of Negro Rule in Mississippi," *Publications of the Mississippi Historical Society*, vol. 2 (Oxford: Mississippi Historical Society, 1899), 189-99.

³⁰ John R. Lynch, *Reminiscences of an Active Life: The Autobiography of John Roy Lynch*. Edited with an Introduction by John Hope Franklin (Chicago: The University of Chicago Press, 1970), 61-65.

³¹ "List of Jurors, August 1866-1869, Natchez, Adams Co., MS, HNF; Garner, *Reconstruction in Mississippi*, 231-32; Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge: Harvard University Press, 2003), 241-43; Harris, *Presidential Reconstruction in Mississippi*, 108-12; *The Day of the Carpetbagger*, 55-56, 255; Wharton, *The Negro in Mississippi, 1865-1890*, 154. The terms "head of a household" did not require property ownership but only residency to serve as a juror.

in heated battle to draft a new state constitution, one that offered full political and civil rights for blacks while disfranchising large numbers of whites by excluding, among others, all former legislators who had supported secession.³² As the Adams County Justice of the Peace interrogated witnesses to Moffatt's murder in the summer of 1868, the new "black and tan" constitution, so named because of the mixed racial composition of the constitutional convention that had drafted the document, suffered defeat with surprisingly large numbers of blacks voting against it.³³ There followed a chaotic twelve months wherein voters hotly debated revising the rejected constitution by eliminating those provisions disfranchising some whites. In November of 1869, Governor Ames submitted for ratification a revised constitution that included suffrage and civil rights protection for blacks without the disfranchising provisions of the earlier constitution. Under close military supervision, a large majority of voters approved the new constitution. The newly elected Republican-controlled state legislature thereafter quickly ratified the 14th and 15th Amendments, allowing Mississippi to rejoin the Union and ending the Military Reconstruction of the state.³⁴

From the time of Moffatt's murder to the not guilty verdict for Matthews, black political activity supported by the military increased substantially in Natchez and throughout the state as white and black leaders of the Republican Union League vigorously recruited members, held mass meetings and parades, and actively marshaled the black vote in support of the new constitution.³⁵ Natchez became a hotbed of political activism by white and black Republicans, out of which emerged black leaders such as Robert W. Fitzhugh, James Lynch, John R. Lynch, Hiram Revels, and Robert H. Wood, as well as hundreds of black activists in Natchez and its hinterland.³⁶ Blacks throughout in the town and

³² Garner, *Reconstruction in Mississippi*, 201-02.

³³ Historian Lawrence Powell also contends that massive voter fraud as well as black opposition played a significant role in the failed ratification of the state constitution. See article by Lawrence Powell, "Correcting for Fraud: A Quantitative Reassessment of the Mississippi Ratification Election of 1868," *Journal of Southern History* 55 (November 1989): 633-58.

³⁴ Harris, *The Day of the Carpetbagger*, 257; Lynch, *Autobiography*, 45-59.

³⁵ Michael W. Fitzgerald, *The Union League Movement in the Deep South: Politics and Agricultural Change During Reconstruction* (Baton Rouge: Louisiana State University Press, 1989), 87, 91.

³⁶ For information on these individuals and the parts they played as black leaders in the Natchez area see Behrend, "Freedpeople's Democracy," 455-50; Davis, *The Black*

countryside defiantly registered to vote, brought appeals for justice to local courts with the assistance of Freedmen's Bureau officers, contested whites for the town's public space, and engaged in all sorts of political activity ranging from withholding their labor in contractual disputes with planters and merchants to proselytizing on the streets of Natchez in support of Republican candidates and the new constitution. In an amazing demonstration of black activism, more than nine thousand African Americans gathered in Natchez to celebrate peacefully the Fourth of July in 1867, a sight that undoubtedly upset some of the town's long-time white residents even as it impressed others, especially among white conservatives like Martin.³⁷ All of these political activities heightened, to say the least, the presence of Union soldiers on the streets of Natchez and in its immediate rural environs.

In turn, once it became clear to white conservatives that revolutionary changes were underway and that blacks would not be duped or intimidated by persuasion or economic retribution, organized resistance to black civil and political rights reached new levels of violence aimed at terrorizing blacks and their white Republican allies. The nascent Ku Klux Klan made its first appearance in Natchez in the spring of 1868, according to reports in the local press; and a gang of hooded men, including one of the town's most prominent white lawyers along with a member of its old-line planter class, allegedly brutalized and nearly burned alive a white teacher of black students in a case eventually reviewed by the U.S. District Court.³⁸ On a hot summer day in 1868, the army broke up an assemblage, or mob, of Natchez whites preparing to attack a meeting of the Republican political organization known as the Union League. In disbanding the group by force and confiscating weapons, the army once again found itself in public conflict with those whites actively opposed to black political ascendancy.³⁹

The assault on the northern-born, white teacher (married to a black

Experience in Natchez, 178-80; Eric Foner, *Freedom's Lawmakers: A Directory of Black Officeholders During Reconstruction* (Baton Rouge: Louisiana State University Press, 1993, 1996), 137-39, 180-81, 235; and George A. Sewell, *Mississippi Black History Makers* (Jackson: University Press of Mississippi, 1977), 15-37, 52-66, 90-92.

³⁷ *Natchez Democrat*, April 8, June 10, July 8, 1867.

³⁸ *Natchez Democrat*, January 1, January 20, February 3, February 20, April 6, 18, May 4, 18, 22, July 7, 21, and August 1, 1868. See also Derrick S. Ward, "William T. Hewitt and the Role of Violence in Reconstruction Era Adams County, Mississippi," Biennial Historic Natchez Conference, January 19-22, 1994, Natchez, MS.

³⁹ *Natchez Democrat*, August 3, 1868.

teacher) commanded great public interest in Natchez and the state. Colonel Dudley arrested the group's ringleader, William T. Hewitt, a prominent Natchez attorney, Adams County Solicitor, and secretary of the Adams County Democratic Club, along with several other Natchez whites, transporting them to Vicksburg where they faced a military commission trial for "conspiracy to assault and outrage with intent to injure." Although the military trial found Lewis Winston and Jacob Bowman innocent, it convicted Hewitt and J.H. McIlwaine, sentencing each to one year of hard labor in the state penitentiary. The Military Commission also held George B. Bennett (a witness who owned the Natchez tavern where the defendants allegedly had met and planned the assault) in contempt for refusing to testify, slapping him with a heavy fine and a year's imprisonment. Natchez whites responded with anger to the verdicts, forcing Dudley to call for reinforcements to handle a potential riot in the streets. Hewitt, prior to being sent to state prison, had appealed for a writ of *habeas corpus* to the U.S. District Court, meeting at Jackson, Mississippi. The Court ruled that the sentences exceeded the penalty for a misdemeanor in the Adams County Circuit Court, no more than six months in the county jail. After serving a portion of his sentence, Hewitt returned to Natchez in November of 1868, where he resumed his job as the Adams County Attorney, an appointed position made by the Board of Supervisors. Within a month Dudley again arrested Hewitt for the attempted assassination of a newly elected, Republican state legislator, George C. McKee. Hewitt escaped his military guard, however, and hid out as an outlaw for much of the next year, aided and abetted by friends and supporters throughout the state.⁴⁰

Clearly, at the time of Moffatt's murder and Matthews's trial, the situation in Natchez fumed like a smoldering powder keg ready to explode. An obviously exaggerated story in a New York newspaper

⁴⁰ General Court Martial Orders, No 37, Headquarters, 4th Military District, Department of Mississippi, Vicksburg, MS, Nov 1, 1868; Colonel N.A.M. Dudley to Governor Adelbert Ames, January 7 and 14, 1869, Governor's Papers, MDAH; Dudley to Colonel Samuel Green, Acting Adjutant General, Sub District Mississippi, July 22, 30, 1868; Dudley to Brevet Major John Tyler, Acting Adjutant General, 4th Military District, September 21, December 26, 28, 29, 30, 1868; Dudley to James Gillespie, Sheriff, Tensas Parish, LA, January 3; Dudley to W. Harris, Sheriff, Concordia Parish, LA, January 7; Dudley to Governor Adelbert Ames, January 21, 1869, RG 393, NARA; United States Congress, House, Condition of Affairs in Mississippi, House Miscellaneous Document, No. 53, 40th Congress, 3d. Session, No. 52 and 53, 1868, 267. See also *Natchez Democrat*, August 1, October 12, December 26, 1868; Behrend, "Freedpeople's Democracy," 218-220.

further inflamed the town's white, conservative citizenry by castigating Natchez for the frequent assassinations of Republican activists in murders covered up by the so-called "rebel press."⁴¹ The same story also accused "rebel magistrates" of releasing killers on "straw bail," an obvious reference to the Hewitt case. In November of 1868, Natchez Post Commander Dudley, probably feeling overwhelmed, urgently requested more troops to supplement the one hundred federal soldiers on hand: "The people here are just as bad rebels as ever they were, and would say so, and glory in it if they dared; and I want more troops to protect the loyal citizens and the Negroes, and prevent riots and insurrections." Dudley's request was denied, however, forcing him to severely limit his peace-keeping efforts.⁴²

Malvina Matthews first appears in the public records of Natchez in 1833 as a woman aged somewhere between twenty-one and thirty-six who had inherited what looks like the furnishings and accoutrements of a bordello. Eliza Perry, who died while visiting Natchez from New Orleans, bequeathed (in a nuncupative or "deathbed" will) to Melvina Jane Houghman, later known as Malvina Jane Matthews, six beds, card tables, dining room tables, chairs, washbasins, and assorted bureaus.⁴³

⁴¹*Natchez Democrat*, September 14, 1868. The editor of the *Natchez Democrat* responded to this story printed in the *New York Post* by writing that the Natchez informer who had supplied the story "ought to be branded on the forehead 'LIAR,' and kicked out of the city."

⁴² Dudley to Brevet Major-General S. C. Greene, November 21, 1868, Report of Inspection of Post of Natchez, RG 393, NARA.

⁴³ Eliza Perry, Will, September 24, 1833, Will Book 2, Office of Records, Natchez, Adams Co., MS (hereafter ORAC). Perry may have operated a brothel in Louisville, Kentucky, prior to moving to New Orleans. See U.S. Census (1830), Manuscript Population Schedules, Louisville, KY, NARA. Matthews's exact age in 1832 is difficult to discern. She is reported in her trial in 1868 to be at least sixty five years old and perhaps as old as seventy, yet other records have her born in 1812. It is likely that she never revealed her true age in the public records. See also Dudley to Tyler, June 9, 1868, RG 393, NARA, in which he describes Matthews as a "notorious prostitute of thirty-five years standing." Malvina Jane Matthews was one of many aliases that served her purposes during the course of her long life and nefarious career. She appears in the legal records under a number of aliases such as: Melvina or Malvina Jane Houghman; Lavine or Lavina or Lavinia or Malvina or Melvina Jane Huffman (or Hoffman); Malvina or Melvina or Lavine or Lavinia Jane Mitchell; and Malvina or Melvina or Lavine or Lavinia J. Matthews. After she married Edward Matthews in 1852, she generally appears in the records as Malvina (or Melvina) Jane Matthews. The various versions of Houghman (i.e. Huffman, Hoffman, etc.) probably reflect mistakes in spelling by clerks rather than attempts to mislead, although she may have been of Jewish ancestry. Ever capable of adapting, she converted to Catholicism during her murder trial. See Melvina Jane Matthews, Born Huffman in Virginia, sixty-

As a single woman living under the name of Malvina Jane Houghman, or Malvina Huffman (or Hoffman), Matthews had come to Natchez from Virginia (at least according to what she told the census taker), possibly arriving there with Perry to work as a prostitute or to operate a whorehouse. At the time of her arrival, the town's prostitutes principally worked in the bars, dance halls, gambling dens, and brothels at the Under-the-Hill waterfront, an area much wilder than what she and Perry had probably experienced in New Orleans, where some brothels were highly fashionable places of business. Antebellum New Orleans, governed by the customs and laws of the Napoleonic code, reigned as the libertine and multiracial, cosmopolitan "Queen City" of the lower South. It sported a long history of concubinage and interracial sex, a thriving market for "fancy girls" (light-skinned female slaves marketed for sex), and the open acceptance of the institution of *placage* (long-term, carefully committed, and often contractual relationships between white men and free women of color). Nothing as institutionalized or sophisticated as this existed in Natchez, although forms of concubinage, or long-term interracial sexual affairs between white men and their enslaved women, were played out in well-known but never fully admitted relationships. In Natchez of the 1830s, on the other hand, the public tended to view prostitution as a somewhat nefarious but ubiquitous and generally tolerated commerce engaged in by low-down black and white residents of the worst sorts.⁴⁴

five or seventy years of age, Register of Baptisms, January 20, 1869, St Mary's Cathedral Archives, Natchez, Mississippi. Her death records indicate that she was commonly known as Melvina Matthews, "better known as Lavine Mitchell. Sexton Records, Natchez, Adams Co., MS, HNF. The real mystery name is that of Mitchell because there is no record of her having been related to or married to anyone by that name.

⁴⁴ See Michael Beard, "Frontier Port on the Mississippi: A History of the Legend of Natchez Under-the-Hill, 1800-1900" (master's thesis, Louisiana State University, 1981); Todd A. Herring, "Natchez, 1795-1830: Life and Death on the Slavery Frontier" (Ph.D. diss., Mississippi State University, 2000), 102-38, 276-314; Herbert Keller, ed., "A Journey through the South in 1836: Diary of James D. Davidson," *Journal of Southern History* (August 1935), 357-62; Alecia P. Long, *The Great Southern Babylon*, 6-20; Joan Martin, "Placage and the Louisiana *Gens de Couleur Libre*: How Race and Sex Defined the Lifestyles of Free Women of Color," in Sybil Kein, ed., *Creole: The History and Legacy of Louisiana's Free People of Color* (Baton Rouge: Louisiana State University Press, 2002); and Jennifer M. Spear, *Race, Sex, and Social Order in Early New Orleans* (Baltimore: The Johns Hopkins University Press, 2009). For the type of interracial sexual connections and affairs in early Natchez similar to what often occurred in New Orleans, see Cecilia M. Schulman, "The Bingamans of Natchez," *Journal of Mississippi History* (Winter 2001): 285-315.

Shortly after obtaining her inheritance, Matthews purchased a lot and house on the bluff that overlooked the Mississippi River, near the town's abandoned lighthouse that was completely destroyed by a tornado in 1840. She lived in this house until her death in 1875, having acquired (sometime prior to or in the 1850s) two adjoining lots, or portions of them, and at least two other domiciles, from which locations she ran her business, along with other select properties in town. By the time of her trial for murder, Matthews owned three brick houses, all facing east along Broadway Street, two of which she rented to black prostitutes.⁴⁵ Matthews's property set on a bluff of land some eighty feet above Under-the-Hill Natchez, a bustling part of town known for its bars, brothels, dance halls staffed by prostitutes, and gambling dens as well as warehouses, mercantile establishments, barber shops and bath houses, along with cheap hotels that serviced boatmen, cotton brokers, tradesmen, planters doing business at the wharfs, and river travelers. Prior to the Civil War, boatloads of the enslaved were commonly docked at the waterfront from where slave traders marched their human cargo up town to the Forks-of-the-Road slave market on its outskirts. A half-mile upriver at the water's edge set the world famous Brown's Gardens, a beautifully landscaped English-style garden situated just below the largest lumber mill in the lower South. Beyond the lumber mill, the waterfront bottoms curved into the so-called "Devil's Punch Bowl," a swampy indentation that once provided refuge for river pirates and still, in the 1830s, harbored all sorts of riffraff.⁴⁶

From her vantage point high on the bluffs fronting the city proper but distinct from the rest of Above-the-Hill Natchez, a road led down to the waterfront (and possibly a long wooden staircase climbed up from the

⁴⁵ The following deeds are cited in their order of appearance in the records: John R. Wells to Melvina Jane Huffman, February 27, 1834; Joseph Winscot to Malvina J. Huffman, September 27, 1846; Malvina J. Huffman to Edward J. Matthews, May 10, 1852; Edward J. Matthews to John Liddell, James Hardie and G. Malin Davis, January 19, 1854; Edward J. Matthews and Wife Malvina J. Matthews to Joseph Buntura, Aug. 12, 1857; and Edward J. Matthews to Malvina J. Matthews, December 24, 1868, Deed and Mortgage Record Books, ORAC; the property is described by Colonel Dudley in his correspondence about the case: Dudley to Tyler, May 30, 1868, RG 393, NARA.

⁴⁶ Stephen Minor, Plats, Under the Hill, January 21, 1829, Deed and Mortgage Record Books, ORAC; Jim Barnett and H. Clark Burkett, "The Forks of the Road Slave Market at Natchez," *Journal of Mississippi History* 63 (October 2001): 169-87; Virginia P. Matthias, "Natchez Under-the-Hill: As it Developed Under the Influence of the Mississippi River and the Natchez Trace," *Journal of Mississippi History* 7 (October 1945): 201-21; John Hebron Moore, *Andrew Brown and Cypress Lumbering*.

landing to the top of the bluff), which gave Matthews's place easy access to riverboat men, dock workers, travelers to Natchez via the Natchez Trace and the Mississippi River, slave traders, and all types of men interested in prostitutes, including the town's white males. While Matthews's place of business extended from the Under-the-Hill waterfront to the upland, it stood much removed and separate from the squalid bars, gambling parlors, saloons, and other dens of iniquity below. Her holdings occupied the near center of a grassy promenade that ran along the bluff with spectacular views of the river and the Louisiana delta. This commons separated the edge of the bluff from the lowlands below and the commerce of Main Street-Natchez as well as the town's upland garden district and residential neighborhoods. Matthews's property, situated amidst several working-class houses (one owned by a riverboat captain and another by a former lighthouse keeper turned blacksmith), stood out in the 1850s as a rough-edged enclave most likely marked in the public imagination as the one-time "lighthouse district" that featured a thriving Above-the-Hill whorehouse business.⁴⁷

Over time, Matthews faced charges for "keeping a bawdy house" in only two years, 1841 and 1842, according to city and county justice dockets. In fact, the vast majority of charges against women for keeping such houses occurred in those years, suggesting that the arrests reflected a stepped-up-but-momentary scrutiny by reform-minded municipal authorities rather than any longterm, moral campaign against prostitution. Of the 174 criminal actions allegedly committed by Natchez women from 1830 to 1862, only eleven females faced charges for keeping brothels (or disorderly houses), and Matthews's arrests count for four of the total. No Natchez woman was ever charged directly with prostitution during these years by city or county authorities, although court records verify that selling sex was a thriving business in Natchez for all of its antebellum history.⁴⁸

⁴⁷ See David L. Cipra, *Lighthouses, Lightships, and the Gulf of Mexico* (Alexandria, VA: Cypress Communications, 1997), 151-52; Davis, *The Black Experience in Natchez*, 21; James, *Antebellum Natchez*, 260-62; C.A. Lesueur, "Lighthouse Bluff at Natchez," April 1830, Sketch, Lighthouse Files, HNF; Map of Natchez, U.S. Military Corps, 1864, HNF.

⁴⁸ Ordinance to Suppress Disorderly Houses, February 8, 1843; Ordinance for the Preservation of Good Order and Morality within the City of Natchez, January 17, 1866, Municipal Ordinance Books, HNF. In the 1843 ordinance the law focused on so-called "dance houses" in which immoral conduct occurred. No mention is made of bawdy houses or prostitution. Matthews's house never met the specific description of a disorderly house as defined by the law. See James, *Antebellum Natchez*, 260, for a brief but misleading

During this time, Matthews seems to have been caught up in a frenetic drive to rid the town of gamblers and free blacks, a purge that lasted from 1840 through 1842, which was best described as the “Inquisition” by the free black barber William Johnson in his incredible diary.⁴⁹ Although empowered to enforce ordinances (promulgated in 1829, 1843, and 1866) aimed at suppressing disorderly houses, Natchez police seldom conducted sweeps of the town’s many brothels, preferring instead to levy fines on sex workers as a source of municipal revenue or as a means of imposing order in the community. Consequently, prostitution assumed the status of a public nuisance much like appearing drunk in public, cross-dressing, being nude in public, or disorderly conduct, all of which generated income for the municipality from the fines levied. At no time prior to her trial for murder did city authorities pass ordinances that actually outlawed prostitution. The most common crimes attributed to females ranged from selling liquor without a license to larceny, harboring slaves, receiving stolen goods, trading with slaves, and assault and battery; although not arrested for selling sex, many of the women charged with the above crimes are identified in the court proceedings as known prostitutes.⁵⁰

Other than her arrests for keeping a disorderly house, Matthews never shows up in the criminal records, except for one case of assault and battery in 1846. Moreover, of the six or seven other known women who owned or managed bordellos in town, none were ever arrested as common criminals for such offenses as thieving, assault and battery, or trading with slaves. Some of these brothel madams (who can be identified in the public records) owned or rented houses in Above-the-Hill Natchez, namely, Elizabeth Lawrence, Jane Mayes, and Mary Simmons. Two other women, the free blacks Nancy and Caroline Kyle, lived as mother and daughter in a dwelling inherited from the white merchant Christopher Kyle, probably the father of Caroline, in an area east of Matthews’s property. The Kyle women were nearly driven from town in 1841 by a local zealot, who accused them of “keeping a House of ill

fame, a house of asination [*sic*], a whore House, & c,” at a meeting of the Adams County Board of Police.⁵¹

Although never just a common criminal, Matthews could not escape her reputation as a well-known and notorious character by the 1840s. A divorce suit in 1839 named her as the woman of “ill fame” with whom William Ducay had had “sexual connection,” along with several “diverse other women of evil and dissolute habits ...”⁵² The grand jury indictment in 1841 against Matthews for keeping “a certain ill-governed and disorderly house” accused her in no uncertain terms of being an “evil woman of evil name and fame” who ran an establishment wherein evil women and men engaged in “dishonest conversation,” coming together at all hours of the day and night in “drinking, tipping, whoring, and misbehaving themselves ...” Matthews denied the allegations, possibly claiming that her business did not fit the ordinance definition of disorderly houses, which specifically referred to dance halls and gambling dens. In likely anticipation of trouble ahead, she had deeded, in trust, her residence in 1841, along with her slaves and personal property, to a relative of her longtime male associate (probably Matthews’s sexual companion at the time). This transfer of title possibly enabled her to claim that she personally could not be held responsible for operating a disorderly house under any definition.⁵³ Although it is unclear from the extant records how this case ended, Matthews probably paid a small fine, and she never again faced similar charges, despite continuing to operate a thriving sex-selling business up through the time of Moffatt’s murder.⁵⁴

This legal maneuvering by Matthews reflected the workings of an astute mind (probably enhanced and informed by her male patrons) and a determined business sense, perhaps unusual in a day and place in which women, enslaved and free, were severely constrained in both their private lives and public affairs. As an unmarried woman until 1852, Matthews enjoyed the legal status of the *feme sole*, meaning that she, unlike a married woman who lost all legal rights as a *feme covert* (women covered by the legal identity of their husbands), could wheel

comment on municipal efforts to limit prostitution to Under-the-Hill Natchez.

⁴⁹ Hogan and Davis, eds., *William Johnson’s Natchez*, 12-13. See also Thomas C. Buchanan, *Black Life on the Mississippi: Slaves, Free Blacks, and the Western Steamboat World* (Chapel Hill and London: University of North Carolina Press, 2004), 145-46.

⁵⁰ See Joyce L. Broussard, “Female Solitaires: Women Alone in the Lifeworld of Mid-Century Natchez, Mississippi, 1850-1880” (Ph.D. diss., University of Southern California, 1998), Appendix D, 474-80.

⁵¹ See Broussard, “Stepping Lively in Place,” 29-30; Hogan and Davis, *William Johnson’s Natchez*, 345.

⁵² *Elizabeth Ducay vs. William Ducay*, Divorce, January 14, 1839, Chancery Court Records, Natchez, Adams Co. MS (hereafter CHCAC), HNF.

⁵³ *State vs. Lavinia Mitchell (alias Malvina Huffman)*, November 1, 1841, CCAC, HNF.

⁵⁴ Malvina J. Hoffman to Alfred Bemiss, Deed of Trust, April 29, 1841, Deed and Mortgage Record Books, ORAC.

and deal as an independent agent insofar as local custom would allow.⁵⁵ Matthews's name appears frequently in legal cases as well as in the county mortgage and deed books documenting loans, property transactions, foreclosure actions, and suits for debt collections in Natchez.⁵⁶

In one well-documented case her free black neighbor, Fanny Leiper, charged Matthews with having fraudulently obtained Leiper's house and lot, collecting rents thereafter, on the property while Leiper resided in Ohio. The case went all the way to the Supreme Court of Mississippi, where Matthews argued that Leiper never owned the property in question because she was enslaved at the time she had purchased it. Instead, Matthews claimed that she had acquired the property in a legal purchase from the New Orleans resident listed on the deed as its co-owner. Most likely Leiper had included this person on the title (unbeknownst to him until Matthews discovered it) as a legal precaution should anyone try to challenge her claim of legal ownership because of her once enslaved status.⁵⁷

The State Supreme Court eventually upheld Leiper's case. They ruled that her slave status made no difference because her owner would

⁵⁵ For discussion of the legal meaning of the terms *feme sole* and *feme covert* see William Blackstone, *Commentaries on the Laws of England* (Oxford, 1765-69), vol. 1, 430; Broussard, "Naked Before the Law," 64-65; and Karin Wulf, *Not All Wives: Women of Colonial Philadelphia* (Ithaca, NY: Cornell University, 2000), 3-5.

⁵⁶ *Walter J. Sexton vs. Malvina J. Huffman*, February 23, 1841; *Robert Stewart vs. Malvina Hoffman (alias, Malvina Mitchell)*, May 14, 1841; *Charles F. Thomas and wife Cecelia vs. Malvina J. Matthews*, Mortgage, March 30, 1857; *Malvina J. Matthews vs. Benjamin F. Womack*, September 29, 1858; *Edward J. Matthews and wife Malvina J. Matthews vs. Amasa Davis et al.*, April 23, 1859, CCAC, HNF; Malvina J. Hoffman to Charles Reynolds, Mortgage, May 7, 1841; Amasa Davis & wife Ann E. Davis to Malvina J. Matthews, Mortgage, April 6, 1857; Edward J. Matthews and wife Malvina J. Matthews to Joseph Buntura, Deed, August 12, 1857; Joseph Buntura and wife Frances Buntura to Edward J. Matthews, Deed, January 14, 1858; Stephen & Jane Ellis to Edward J. Matthews, Mortgage, March 5, 1858; Edward J. Matthews and wife Malvina J. Matthews to Martha B. Benbrook, Deed, January 4, 1860, Deed and Mortgage Records Books, ORAC.

⁵⁷ Joseph Winscot to Malvina J. Huffman, Deed, September 27, 1845, Deed and Mortgage Record Books, ORAC; *Leiper vs. Huffman et al.* (1851), 26 Miss. 622, MDAH. For a more detailed discussion of this case see Joyce L. Broussard, "Stepping Lively in Place: The Free Black Women of Antebellum Natchez," 33-38. This case is also discussed briefly by historians Nik Ribiansky and Charles S. Sydnor. In Sydnor's article, he states mistakenly that Malvina Matthews (Hoffman) was a free black woman. See Nik Ribiansky, "'She Appeared to be Mistress of Her Own Actions, Free From the Control of Anyone': Property Holding Free Women of Color in Natchez, Mississippi, 1779-1865," *Journal of Mississippi History* 67 (Fall 2005): 217-25, and Charles S. Sydnor, "The Free Negro in Mississippi before the Civil War," *The American Historical Review*, XXXII (July 1927): 777.

have held title to the disputed property if it had been transferred to her while she was enslaved; and he would have then relinquished that title to Leiper at the time of her freedom. Thus the person who sold the property to Matthews, in the court's decision, held title in trust for Leiper (or Leiper's owner) and could not dispose of it without Leiper's consent. The records do not explain fully what then happened to the property, but within a few years Matthews gained title to at least a portion of it and appears to have used it to further her business interests. Leiper, although listed in the census as a washerwoman, stated in her deposition that she and Matthews had been intimate friends when the two women lived in adjacent houses on the bluff.⁵⁸

Living as a spinster for all of the 1820s, 1830s, and 1840s, and operating under the legal status of a *feme sole* until her marriage to Edward J. Matthews in 1852, Malvina Matthews exhibited all the traits of an ambitious, entrepreneurial woman when the Civil War engulfed her life and the lives of all those around her. Malvina Matthews's enterprise rested on operating a bordello of long standing as well as owning, buying, selling, and managing property. While running her brothel business, Matthews aggressively used her properties in the "lighthouse district" as security for loans; she held promissory notes for at least \$3,500 by 1860, and she most likely had other investments not recorded in the public records.⁵⁹ She counted among her friends and business associates working-class women like herself, both free blacks and whites, as well as the enslaved women that she owned. Among the records is an apprenticeship document indicating that Matthews had assumed responsibility for raising and educating a neighbor's two-year-old child, the daughter of a known prostitute.⁶⁰

In 1860, Malvina Matthews owned eight enslaved people: one male aged forty, four women between the ages of nineteen and thirty-years old, and three children under the age of nine. Ten years earlier, Matthews had owned only one enslaved female (a woman under twenty-three-years of age) who lived in her household along with four white women

⁵⁸ *Leiper vs. Huffman et al.* (1851), 26 Miss. 622, MDAH; Edward J. Matthews and wife (Malvina J. Matthews) to John Liddell, James Hardie, and G. Malin Davis, January 19, 1854, Deed and Mortgage Records Books, ORAC.

⁵⁹ See *Edward J. Matthews and wife Malvina J. Matthews vs. Amasa Davis and Anne E. Davis*, April 23, 1859, CCAC, HNF.

⁶⁰ William H. Simmons & wife Mary with Melvina J. Huffman, Agreement, May 8, 1852, Deed and Mortgage Record Books, ORAC.

in their twenties who were most likely prostitutes. She appears to have bought and sold enslaved people regularly over the years, using them, occasionally, as security for loans. It is likely that some of the enslaved women she owned in 1860 had worked as prostitutes; and some of them, after their emancipation, might have worked for her as prostitute employees, possibly among the women present that night when someone killed Private Moffatt.⁶¹

On November 5, 1852, Malvina married Edward J. Matthews, an Irishman from Louisiana, who thereafter appears to have worked with her as a business partner. But their marriage was not an easy one, and she sued for divorce on January 5, 1860, alleging that he had had numerous sexual encounters with various “lewd women” during the past seven or eight years, including the prostitute to whom Matthews had sold the bluff property located next to hers, Mary Simmons (the same woman who had apprenticed her two-year old daughter to Malvina Matthews in 1852). To make matters worse, Matthews charged her husband with having had “carnal and adulterous intercourse” with the enslaved Sabra, a mulatto whom she had purchased as her separate property. The affair with the enslaved woman, according to Matthews, had been going on for years, but it recently had taken a new course when her adulterous spouse ran off with Sabra, keeping “her as a concubine in a room attached to a stable in town.”⁶² As with all women seeking divorce in antebellum Mississippi, Matthews’s suit, according to the state’s legal code, could only be granted on grounds of adultery, impotence, or abandonment, a legal rigidity that required her to present herself as a “dutiful and faithful wife,” who had fully abided by her marriage vows. Also, as a *feme covert*, or a married woman with few independent legal rights, law and custom required Matthews to file her petition for divorce by way of a “best friend” (because married women, like minors and “idiots,” could not sue under their own name), which she did, when Joseph C. Russell acted in her behalf.⁶³

There is no way of knowing whether Matthews had been a “faithful

⁶¹ Ibid; see also Melvina J. Huffman to Alfred Bemiss, Deed of Trust, November 16, 1842, Deed and Mortgage Record Books, ORAC; U.S. Census (1840, 1850, 1860, and 1870), Manuscript Population Schedules, Natchez, Adams Co. MS, NARA.

⁶² *Malvina J. Matthews v. Edwin (sic) J. Matthews*, Divorce, January 6, 1860, CHCAC, HNF.

⁶³ For information on divorce in antebellum Natchez see Joyce Broussard, “Naked before the Law: Married Women and the Servant Ideal in Antebellum Natchez,” 57-76.

and dutiful” wife to Edward, as she claimed, but it probably seemed unlikely to most observers given her profession and reputation. More was at stake for her than ending an unhappy marriage, however. She had property to protect under the Married Women’s Property Act in force as Mississippi state law since 1839, which enabled her to claim independent title to both personal and real property despite being married. Although the law protecting married women’s property existed on the books, her claim to separate status in property ownership could be contested in a court of law, and she feared that her estranged husband would run off with her slaves, or at least one of them, as well as try to claim her other assets. With this in mind, Malvina Matthews obtained a writ of injunction forbidding Edward, under any claim of “marital control,” from seizing her house, real estate, notes due her (which she held in her name for loans and mortgages given), and the eight enslaved people that she owned at the time of the suit. She portrayed Edward Matthews as a no-account, impoverished scoundrel without assets of his own or even a job, saying that all that he “possessed and consumed” came from her.⁶⁴

Two months later, Matthews abruptly withdrew her petition for divorce. What happened to persuade her to change her mind is unclear, but Edward left the state soon after to live in Louisiana, possibly taking the enslaved Sabra with him. Perhaps rather than fight over their properties in divorce litigation, Malvina Matthews simply had paid her estranged husband to leave Natchez. Perhaps she had agreed to withdraw the divorce, with Edward’s approval, in order to satisfy more definitely the three-year-absence provision for claiming spousal abandonment. Whatever the reality, the war intervened. She filed a second petition for divorce on September 17, 1866, limiting her justification simply to her husband’s abandonment in 1861. Edward never responded to the subpoenas issued by the court, and her witnesses affirmed that he had been living somewhere in Louisiana for all of that time following her first divorce appeal. Because Edward Matthews failed to contest or challenge his wife’s divorce petition, the court finally granted Malvina Matthews’s divorce on April 25, 1867, a year prior to her alleged shooting of Private Moffatt.⁶⁵

⁶⁴ *Matthews vs. Matthews*, Divorce, January 6, 1860, CHCAC, HNF.

⁶⁵ *Matthews vs. Matthews*, Divorce, September 17, 1866, CHCAC, HNF; Edward J. Matthews to Malvina J. Matthews, Deed, December 24, 1868; William T. Martin and wife

Matthews's numerous legal dealings over the thirty-five years prior to her trial for murder connected her to some of the most prominent lawyers in Natchez. For example, Frederick K. Winchester, the prosecuting attorney in the first phase of her murder trial, was related to the attorney George Winchester who had served as her divorce attorney in 1860; Josephus Hewitt, counsel for her second divorce proceeding in 1866-67, was the father of William Hewitt (the county attorney for Adams County at the beginning of her murder trial, and the same Hewitt involved in the alleged terrorization of the white teacher mentioned earlier).⁶⁶ G. Malin Davis, moreover, one of the wealthiest attorneys in Natchez, although never her solicitor, had worked closely with both Malvina and Edward Matthews in a complicated real estate deal in 1857.⁶⁷

None, however, could match the stature of William T. Martin, who represented her in a protracted foreclosure case in 1860 and, later, in the 1868-69 Moffatt murder case.⁶⁸ Although an antebellum Whig who voted against secession as a delegate to the state secession convention in 1860, Martin subsequently raised a Confederate cavalry troop composed of the wealthiest men in the area and led them to war on the Virginia front. Serving with Jeb Stuart in the east and then in the western theater under generals Braxton Bragg, James Longstreet, Earl Van Dorn, and Joseph Wheeler, Martin advanced quickly to the rank of Major-General and garnered much honor and recognition for his "invincible cavalry." No Natchez Confederate returned home with greater acclaim.⁶⁹ After

to M.J. Matthews, Deed; December 24, 1868; and Malvina J. Matthews to James Orr & Joshua Curtain, Mortgage, December 25, 1868, Deed and Mortgage Record Books, ORAC. Edward's and Malvina's story does not end with their divorce. Edward held legal title to Malvina's residence on the bluff even as she continued to live there after her divorce. When Malvina went on trial for the murder of Private Moffatt in 1868, Edward deeded fully the house and property to Malvina, which she then mortgaged to James Orr and Joshua Curtain as collateral for a loan to secure bail.

⁶⁶ *Mattheus vs. Mattheus*, January 6, 1860, George Winchester, Solicitor for Malvina Matthews; *Mattheus vs. Mattheus*, April 25, 1867, Josephus Hewitt, Solicitor for Malvina Matthews, CHAC, HNF.

⁶⁷ G. Malin Davis and wife to Edward J. Matthews, Deed, January 3, 1856, Deed and Mortgage Record Books, ORAC.

⁶⁸ *Edward J. Matthews and wife Malvina J. Matthews vs. Charles F. Thomas and Cecilia J. Thomas*, April 23, 1859; May 23, 1859; March 24, 1860, CCAC, HNF.

⁶⁹ William T. Martin, Pardon, October 5, 1865, Amnesty Papers, Microfilm Roll 4047, MDAH; William T. Martin, Testimony, December 12, 1877, Claim of Katherine Minor, Civil War Claims Commission, RG 153, NARA. See also: David Evans, *Sherman's Horsemen: Union Cavalry Operations in the Atlanta Campaign* (Bloomington: Indiana University Press, 1996), 210-11, 323; Jaime Lenowski, "William T. Martin: A Pillar of Southern

the war Martin quickly assumed leadership of the town's conservative elements, won election as president of the Adams County Board of Police (which later became the Board of Supervisors), organized a white militia group to confiscate guns from blacks throughout the county, served as a delegate to the state's constitutional convention in 1865 and again in 1890, won election as the Democratic candidate for Congress in 1868 (but was rejected by the U.S. Congress), participated in numerous business ventures (including the presidency of the Natchez, Jackson, & Columbus Railroad), and practiced law at a feverish pace. During the years of Reconstruction (1865 to 1876) Martin and his firm handled well over 1,700 legal cases in a whirlwind of activity that greatly restored a measure of his family's antebellum wealth.⁷⁰

Martin enjoyed a positive reputation with Colonel Dudley as a skilled and fair-minded litigator, even though he often defended Natchez citizens in conflicts with the military. In one case where an intoxicated white resident murdered a black man only to be set free on a \$50 bond, Post Commandant Dudley praised Martin for having said that such a low bail amounted to "a farce." In another case, Martin represented the captain of the boat on which Hewitt had attempted to assassinate a Republican representative to the state legislature, winning his eventual release and freeing the boat from seizure by Colonel Dudley. Martin also represented one of the local citizens suspected by Dudley of having assisted Hewitt in his escape from jail. When Dudley changed his mind and requested a military commission trial for Malvina Matthews, he justified it by saying (in words Martin had used earlier) that a civil trial would be little more than a "farce," what with "General Martin, the most able man in the County," conducting her defense.⁷¹

Honor," Fifth Biennial Historic Natchez Conference, February 13-16, 2002, Natchez, MS; Dunbar Rowland, *The History of Mississippi: The Heart of the South*, vol. 2 (Chicago: S.J. Clarke Publishing Co., 1925), 112; *The War of the Rebellion: Official Records of the Union and Confederate Armies* (Washington, D.C.: Government Printing Office, 1880-1901), Ser. 1, Vol. 5: 440; Vol. 11: 214-15; Vol. 23: 600; Vol. 30: 311, 666, 682-83, 689, 700, 710-11, 722-23, 725; Vol. 31: 519, 735, 737, 749, 769, 802, 810, 838-39; Vol. 32: 88, 91, 116-17, 121-22, 184, 507-08, 576, 580, 596, 803; Vol. 38: 958; Vol. 45: 788, 796-97, 785, 788; Vol. 52: 611.

⁷⁰ William T. Martin to Nep [sic], April 16, 1866, William T. Martin Papers, Center for American History, University of Texas-Austin, Austin, TX; *Natchez Democrat*, October 14, December 30, 1867; May 21, 1868; September 9, 16, 1869. See also: Behrend, "Freed-people's Democracy," 205-06, 220. Based on her analysis of all the chancery and circuit court records for Adams County, historian Jamie Lenowski tabulated 1720 cases filed by Martin between 1866 and 1874. See Lenowski, "William T. Martin."

⁷¹ Dudley to Tyler, August 26, October 20, 1868; December 29, 1868; Dudley to William

Martin's stature in Natchez also reflected his consistent conservative ideology that privileged class over race and gender. This perspective enabled him to embrace, within limits, individuals and causes both as a lawyer and a politician in actions that may seem puzzling at first glance in a slave-based and patriarchal society where whiteness and gender functioned as the most important, socially differentiating aspects of life. In matters of politics and economics, if not always social relations, one's education and property status seemed to matter more to Martin than one's race or gender. Prior to the Civil War, for example, Martin had served as the prosecuting attorney in the murder of William Johnson, a prosperous free black, slave-owning barber considered by Natchez whites as the most worthy example of propriety and decorum among a small group of property-owning free blacks in Natchez, most of whom were descended from white fathers and enslaved mothers. After the Civil War, Martin continued to represent black clients when he prosecuted the killer of Johnson's son, Byrum Johnson, and defended, among others, the prominent free-born David Singleton, accused of receiving stolen property.⁷² As a Natchez politico, Martin worked hard in the post-war years to persuade the wealthiest and most educated of the town's black population to join his Conservative Union Party (later named the National Union Republican Party). In doing this, he befriended the most talented of the town's black Republicans, including men like John R. Lynch, perhaps the most powerful black politician in the state, in hope of splitting the black Republican vote and thereby creating a Whig-type political alliance of upper-class whites and blacks.⁷³ In demonstration of his conservative principles years later, Martin, a delegate to the Mississippi Constitutional Convention of 1890, cast one of only eight votes against the historic Jim Crow document, and he refused, along with only three other delegates, to sign the constitution. He possibly voted against the constitution because its Jim Crow disfranchising poll taxes, residency requirement, and literacy tests (the "understanding clause") were obviously intended to eliminate all black voters, including

T. Martin, January 10, 1869, RG 393, NARA.

⁷² *State vs. David Singleton*, April Term, 1866, CCAC, HNF (for the Singleton case see Behrend, "Freedpeople's Democracy," 177). See also: Davis, *The Black Experience in Natchez*, 57-59, 190; Davis and Hogan, eds., *William Johnson's Natchez*, 262-72; *Natchez Democrat*, January 22, April 16, 23, 1866; *Natchez Democrat*, January 17, 1872.

⁷³ Behrend, "Freedpeople's Democracy," 301; *Natchez Democrat*, July 23, 1866; October 14, 1867; *Natchez Tri-Weekly Courier*, January 8, 31, 1868, and October 11, 1869.

property-owning and educated blacks, without disfranchising the state's uneducated and property-less white populous. He also, as a longtime conservative, objected to the constitution's defaulting provision on the public debt. For Martin, class always seemed to matter more than race.⁷⁴

In view of Martin's history and political profile, it is likely that he defended Matthews because of their antebellum connections as her counsel, her status as a property-owning slave-holder, and her long-standing membership in the Natchez community. But there may have been something else at work. High among Martin's many entrepreneurial ambitions stood his hope to develop a rail line from Natchez to Jackson, Mississippi, with a train station or rail terminal located on the bluff near the old lighthouse site and adjacent to, or directly on, Matthews's property. There is no way of knowing if his railroad schemes influenced Martin to defend Matthews, but it seems likely in view of the fact that she later mortgaged a portion of her bluff property to Martin in 1872, and then sold a twenty-foot strip of it to the Natchez, Jackson, and Columbus Railroad on the same day. Martin's wife, moreover, acquired the remainder of Matthews's prime bluff property in a tax sale in 1881, six years after the notorious madam's death. By 1882, Martin, as president of that same railroad, erected his envisioned railroad station, rails, and yards on lands once owned by the notorious madam he had defended for killing Private Moffatt.⁷⁵

Given Martin's instructions to the jury, in which he questioned the credibility of the two witnesses for the prosecution, Louisa Guido and Francis Harrison, known prostitutes, one white and the other black, who both swore that they had heard Matthews confess to having shot "one or two

⁷⁴ Justin J. Behrend, "Losing the Vote: Disfranchisement in Natchez, Mississippi" (master's thesis, California State University-Northridge, 2000), 35-98; Eric Charles Clark, "The Mississippi Constitutional Convention of 1890: A Political Analysis" (master's thesis: University of Mississippi, 1975), 157; Lenowski, "William T. Martin." Although involved in organizing a militia of wealthy whites to put down a suspected slave uprising in 1860, which resulted in the wholesale execution of dozens of suspected blacks, Martin escaped blame for the murders by having already left for military service when the outrage occurred. He later explained his role by saying that he had helped organize the militia to prevent such atrocities at the hands of poor whites in the area. See Jordan, 17, 77, 252-54.

⁷⁵ Malvina J. Matthews to William T. Martin, Mortgage, December 10, 1872; Malvina J. Matthews to Natchez, Jackson, and Columbus Railroad, Deed, December 10, 1872; Robert H. Wood, Sheriff to Margaret D. Martin, Tax Collector Deed, March 7, 1881; and Robert H. Wood, Sheriff, to Margaret D. Martin, Tax Collector Deed, March 7, 1881, Deed and Mortgage Record Books, ORAC. See also: Behrend, "Freedpeople's Democracy," 287-93.

soldiers,” it is perhaps not surprising that its members came in with a verdict of “not guilty.”⁷⁶ But clearly, too, the larger context in which the case played out mattered greatly. It mattered that significant segments of the white community resented—or outright hated—Union soldiers not only for what they symbolized but also for their role in fostering a new, revolutionary social order as well as for their often unruly if not criminal behavior. It mattered, too, that Matthews was tried in a civilian court, probably a concession on the part of the military aimed at soothing tempers among local whites and in view of the fact that two other civilians were being tried concurrently by military commissions.⁷⁷ Additionally, having William T. Martin as her defending counsel must have afforded her a measure of respectability in the eyes of some members of the jury.

Because neither the deliberations nor the vote of the jury is part of the public record, it is impossible to know what actually swayed its members to acquit Matthews. The composition of the jury seems crucial. As before the war, members of the petit jury pool were selected at random from eligible Adams County freeholders, but Matthews’s jury was among the first in the county to include black participants.⁷⁸ Although we do not know for certain which twelve members of the original thirteen men randomly selected for the jury pool actually served as jurors, we do know that six of the thirteen were black, suggesting that Malvina must have won the support of at least some of its black members. Of the six blacks, William Burns lived in Natchez in 1860 as a “free person of color” (whose wife had acquired a house in town by 1866); two others, Alexander Lee, a carriage driver, and Shadrack Moore, were property owners at the time of Moffatt’s death; Henry Harris worked as a laborer and lived with his seamstress mother in town; and John Foster, about fifty-seven years old in 1869, appears to have been a sharecropper. The remaining black juror, Henry Clay Burns, left no traceable record. Three of the above noted black jurors were born in Mississippi and might have been enslaved prior to the Civil War. None appear to have been Union soldiers, nor were they political activists insofar as can be determined.

⁷⁶ Louisa Guido, Unlawful Co-habitation, July 21, 1866; Fighting and Disturbing the Peace, May 30, 1870; Jail Docket, Natchez, Adams Co., HNF.

⁷⁷ *U.S. vs. Robert Hurst*, Murder, Trial by Military Commission, August 17, 1868; *U.S. vs. Thomas Jenkins*, Assault with Intent to Kill, Trial by Military Commission, July 23, 1868, RG 153, NARA.

⁷⁸ Jury Lists, 1866-1869, Natchez, Adams Co., MS, HNF.

It is not improbable to suspect that property-owning black men might have resented the often reckless behavior of white Union soldiers, remembering how some of these soldiers had abused black women during the military occupation of Natchez, had forced black refugee children and the elderly into disease-ridden contraband camps, and had sometimes intimidated or even killed black civilians. Also, it was just such men as these property-owning blacks that Martin actively solicited for membership in his class-conscious Conservative Party organization.⁷⁹ Nevertheless, the temperament, politics, and opinions of the black jurors are little more than mere supposition, and how they arrived at their verdict in this particular case is beyond the available evidence to reveal.

Among the white jurors it seems likely that some of them were predisposed in Matthews’s favor. Three of the white jurors were Irish-born residents: James McCabe, a thirty-five-year-old carpenter; Thomas C. Pollock, a prosperous fifty-one-year-old married merchant; and John Prendergast, a property owner in town. Pollock, as a founding member and co-executive with Martin of the Adams County Democratic Club, shared and actively supported Martin’s political interests; he also worked closely with Martin in his railroad promotional efforts.⁸⁰ Some of these white jurors may have known Matthews’s Irish husband; and her well-timed conversion to Catholicism and baptism at St. Mary’s Cathedral in January of 1869 possibly worked to her advantage.⁸¹ All of her jurors probably knew the fourth white man in the jury pool, John Getzandanner, who owned a tavern located not far from Matthews’s bordello and just across the street from the county court house. A vociferous advocate

⁷⁹ John and Mary Florence Murphy to Virginia Burns, Deed, September 28, 1866, Rebecca A. Minor and W.J. Minor to Shedrick Moore, Deed, May 28, 1868, Shedrick Moore to Rhody Sanders, Deed, December 4, 1869, W.T. Hewitt to Shadrack Moore, Deed, January 13, 1871, John Foster and Hillery Chapman to Beekman and Meyer, Mortgage, March 18, 1874, Deed and Mortgage Record Books, ORAC; U.S. Census (1870, 1880, 1890), Manuscript Population Schedules, Natchez, Adams County, MS, NARA; and Private Henry Shafer, Court Martial Trial, June 14, 1864, RG 153, NARA. In one typical case a white soldier assigned to guard duty at the refugee camp Under-the-Hill accidentally shot and killed a six-year-old black boy. It was revealed in his court martial trial that white soldiers often used their rifles, supposedly unloaded, to intimidate blacks and to keep them from leaving the camps. For some Union soldiers it was great sport to lord over black refugees in such ways under the guise of promoting discipline and orderly conduct. See Behrend, “Freedpeople’s Democracy,” 71-78.

⁸⁰ *Natchez Democrat*, May 26, July 30, 1868.

⁸¹ Melvina Jane Matthews, Register of Baptisms, January 20, 1869, St Mary’s Cathedral Archives, Natchez, MS.

for cracking down on anyone selling liquor without a license (meaning his illegal competitors), Getzandanner had had several run-ins with the law for selling liquor on Sunday, and his saloon probably had witnessed its share of rowdy soldiers on pay day. Juror Prendergast, what is more, had acquired property in a transaction with Getzandanner's relatives by marriage. The circumstances of a shared ethnicity, longstanding membership in the community, religion (especially once Matthews had converted to Catholicism), business dealings, and a working-class familiarity may have predisposed some or all of these men to view Matthews's plea with considerable sympathy, if not empathy.⁸²

Perhaps most important, two other white jurors from among the seven in the pool had reason to weigh both seriously and favorably Martin's defense of Malvina Matthews. One of these men, the twenty-four-year-old Melvin Gibson, had recently married the daughter of Eliza Rogillio, whose family had been attacked by Union soldiers in 1866 in a robbery that ended with the murder of Eliza's son, Elias Julian Rogillio. Gibson's family owned a plantation in Louisiana where the fugitive Hewitt was believed to be hiding from his military pursuers.⁸³ Sitting too in judgment was George Sargent, Jr., whose father, George W. Sargent, Sr. (as noted earlier) had been murdered by a group of five federal soldiers in a botched robbery in 1864. Having Sargent on Matthew's jury, even as he campaigned relentlessly to force the military to bring to justice the remaining soldiers who had been involved in that murder, leaves little doubt (though no absolute certainty) about where his sympathies rested. Although much depended on Martin's ability to present a convincing defense, it is not difficult to surmise that Malvina Matthews enjoyed several trump cards with (either or both) Gibson and Sargent sitting on her jury. In a modern-day trial, both men, as well as

⁸² A fifth white juror, H. Irvin, has disappeared from the available public records. For Getzandanner, see *Natchez Democrat*, July 11, 1867; Mary Bartlett to Phillip Hauser and John M. Getzandanner, Lease, October 20, 1865, Philip Hauser and wife Augusta Hauser and John C. Schwartz to John Prendergast, Deed, February 8, 1867; Phillip Hauser and wife to Wilhelmina Getzandanner, Deed of Gift, May 10, 1867, W. B. Briel and wife to John M. Getzandanner, Lease, April 10, 1868, John M. Getzandanner to Wilhelmina Getzandanner, Transfer, September 12, 1868, Deed and Mortgage Record Books, ORAC; see also Marriage Records, Natchez, Adams County, MS, ORAC; and Will Book 4, ORAC; for Pollock's close association with Martin see *Natchez Democrat*, July 30, 1867, May 14, 26, 1868; and Thomas C. Pollock, Box # 205, Probate Records, HNF.

⁸³ Dudley to Gov. Warmouth, Louisiana, January 7, 1869, Governors' Papers (Adelbert Ames), MDAH.

most of the white jurors, would have been dismissed for cause.⁸⁴

Another factor may have worked to Matthews's advantage, namely Colonel Dudley's antagonistic relationship with many Natchez whites as he actively promoted the empowerment and equality of Natchez blacks. Ever since his appointment as commander of the Natchez Post, Dudley had demonstrated his lack of respect for many of the town's more reactionary white citizenry. His actions, especially those protecting black citizens from being terrorized by white residents, differed sharply from previous commandants. Dudley had served with distinction in Louisiana during the war, even commanding a company of Louisiana free blacks in the Red River campaign, and he brought something of a moralist's temperament to his post in Natchez.⁸⁵ He clashed openly and often with the editors of the town's Democratic newspapers over their strident and embittered criticism of military support for black voting rights, education for the formerly enslaved, and African American workers in their contracts with planters. He regularly disarmed civilians and aggressively policed the outlying areas of the county, including across the Mississippi River in Louisiana, whenever he sensed trouble.⁸⁶

In an unprecedented move, Dudley even tried to clamp down on prostitution in Above-the-Hill Natchez, issuing a stern letter to the town's mayor about the operation of a midtown brothel by several black women, including young girls aged twelve to fifteen, located near a tavern that did a thriving business serving soldiers on their paydays.⁸⁷ Dudley worked hard to keep "lewd women" out of the barracks, and he tolerated little drunkenness among his men or the city's police, at least

⁸⁴ For Sargent see George W. Sargent, Probate Box # 188; and Circuit Court Minutes, 1855-1869, HNF; U.S. Census (1860, 1870, 1880, 1890), Manuscript Population Schedules, Natchez, Adams Co., MS, NARA. Refer also to footnote no. 19 of this article.

⁸⁵ A career army officer, Dudley spent most of his service after the Civil War on the western frontier, where he won notoriety for his victorious campaigns against the Crow as well as the alleged atrocities committed by his troops in the Lincoln County War. He also faced at least two court martial trials for "drunkenness on duty" and "conduct unbecoming an officer," but survived to retire honorably and with a late-in-life promotion to brigadier general. See Frank J. Welcher, *The Union Army, 1861-1865: Organizations and Operations*, vol. 2 (Bloomington and Indianapolis: Indiana University Press, 1993), 26, 44-45, 49-50, 52-53, 66, 69, 314-15, 492, 723, 727-28, 730, 734, 751-56, 759, 764; www.arlingtoncemetery.net/namdudley.htm, accessed April 10, 2010; and Robert M. Utley, *High Noon in Lincoln: Violence on the Western Frontier* (Albuquerque: University of New Mexico Press, 1987).

⁸⁶ Dudley to Brevet Major John Tyler, December 29, 1868; Dudley to Brevet Major General Adelbert Ames, January 7, 1869, RG 393, NARA.

⁸⁷ Dudley to Mayor of Natchez, July 10, 1868, RG 393, NARA.

to the limited extent that he could control such activities. But he almost always defended his soldiers in conflicts with the local white citizenry, and most of his actions enraged large segments of the white community that opposed civil and political rights for blacks. It undoubtedly helped Malvina Matthews to have had Colonel Dudley as her chief antagonist, especially among those members of the jury who most likely viewed, with disdain, the aggressive, northern-born, and somewhat arrogant Union Colonel. In their minds, Dudley most likely loomed large as more of an actual enemy overall than the aging madam, whom they probably accepted as a legitimate and well known, though somewhat colorful, member of their southern community.⁸⁸

When Malvina Matthews walked out of the court house after her trial had ended with a “not guilty” verdict, she probably strode somewhat defiantly, as an aged, seriously overweight woman who, once again, had beaten the odds stacked against her. One can envision her being assisted by her lawyer, the stately William T. Martin, and receiving the acknowledgements of her jurors and perhaps even the prosecuting attorney. For Malvina Matthews, who lived another six years before dying of consumption, the trial marked the final episode in her story as perhaps the most notorious “public woman” in mid-nineteenth-century Natchez.

Although not the most respected female in town, she had participated actively and successfully in the town’s economy as a property owner and business woman. She sustained herself and provided jobs for aberrant women and services for male customers of all classes, and she generally had obeyed the law. As a slaveholder, Matthews’s enterprise conformed to the contours of a society where slave ownership had placed her among the town’s privileged few, allowing her to share in the bonds of mastery with all white and free black slaveholders as well as with all those who aspired to own slaves.

Throughout her life Malvina Matthews, as a *feme sole* and then as a married woman (but always as a white, slave-holding property owner), had used both local custom and the law to navigate a world largely defined by a male-dominated, hierarchical social order rooted in slavery. No matter what one thinks of her business, prostitution (like marriage

and motherhood), did not undermine fundamentally the mid-nineteenth century gender roles for women as the objects of male sexual desire and the subjects of male superiority. Most important, although having no political rights whatsoever, nothing within the law or local custom prevented Matthews, and other *feme sole* women like her who understood fully how to manipulate the system, from negotiating life as independent business women, property holders, and slave mistresses. Once married Matthews continued to operate pretty much as an independent, if not legally autonomous, business woman, obviously observing the constraints of the *feme covert* status without letting it inhibit her enterprise or her maneuvering. When her husband proved to be a burden emotionally, and perhaps financially, she found a way to discard him by employing the legal tools available to her under the strictures of the *feme covert*.

Amid the turmoil of the Civil War and Reconstruction, Malvina Matthews again called upon her antebellum male connections to successfully navigate her way to a not guilty verdict for the alleged murder of Private Moffatt. In doing this she was incredibly lucky and also gave new meaning to the idea of “social networking.” It was her good fortune to have had William T. Martin on her side as well as a jury that included some men whose family members had been murdered by Union soldiers. It mattered greatly, too, that her case was adjudicated in a civilian trial instead of a military commission, especially at a time when many of the town’s white residents deeply resented rank-and-file Union soldiers as well as the new breed of Union officers (such as Colonel Dudley) who worked to enforce, somewhat, the tennets of Military Reconstruction. Not to be forgotten, her trial occurred at the very moment when some of the town’s leading citizens, such as her attorney Martin and the white juror Pollock, most likely eyed her property with interest as they schemed to bring a railroad to Natchez.

Over her lifetime, Malvina Matthews hardly ever missed a step, and she even created a few new ones. Never really a victim, her story reveals not only the surprising openness of the social order in which she lived, but also how at least one woman had partaken of a complicated dance that found her stepping lively within the community’s social and cultural boundaries in conformity only to its most important rules. She lived out her life as a truly independent woman. This was a female who took full advantage of the town’s incredibly tolerant moral code regarding prostitution as well as a legal system that afforded her (as a bawdy woman,

⁸⁸ Dudley to Tyler, June 23, August 3, 12, 26, September 26, December 29, 30, 1868; January 6, 15, 21, February 10, 1869; Dudley to James Stowers, RG 393, NARA; *Natchez Daily Democrat*, March 19, 1869.

a *feme sole*, a married woman, a divorcee, and as an alleged murderess) a measure of empowerment and protection. Indeed, she almost always allowed the men in her life to appear to be taking the lead, at least most of the time.⁸⁹ In doing this, she literally got away, perhaps, with murder.

⁸⁹ Historian Laura Edwards explores somewhat similarly the way in which women in North Carolina were able to use the law and custom to their advantage as long as the hierarchical public order was maintained. See Laura Edwards, "Reconstruction and North Carolina Women's Tangled History with Law and Governance," in Paul D. Escott, ed., *North Carolinians in the Era of Civil War and Reconstruction* (Chapel Hill: University of North Carolina Press, 2008), 155-92.