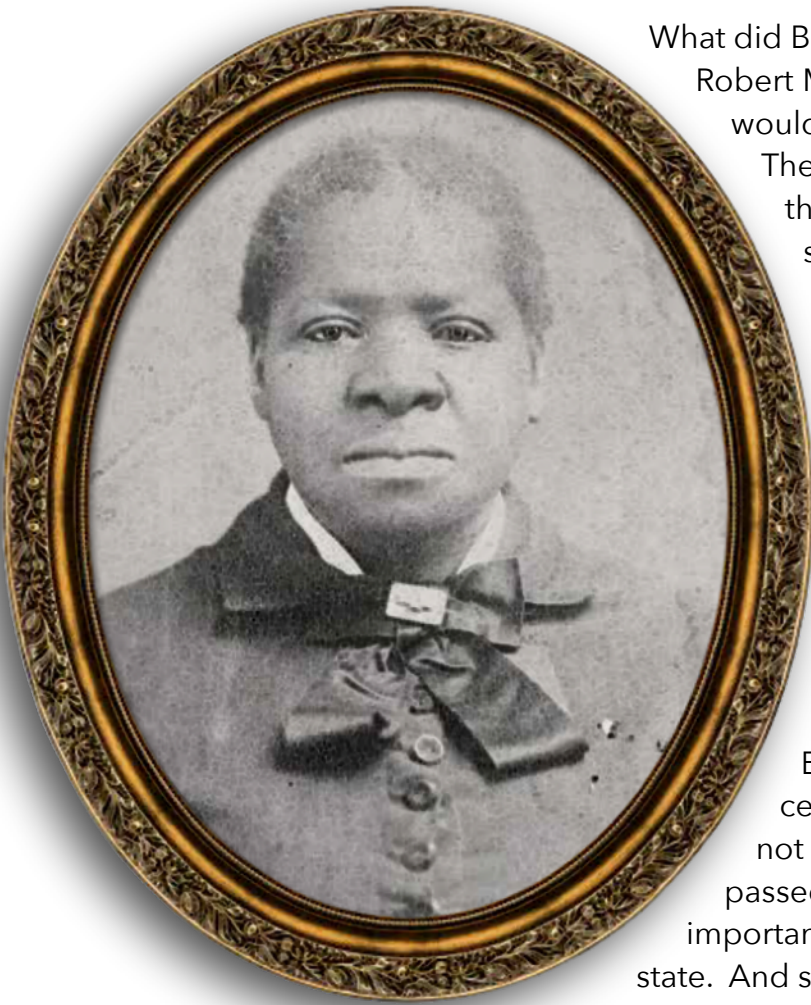


The Life and Times of Biddy Mason

PART ONE

By Jerry Grayson



What did Biddy think—how could she have felt—as her master, Robert Mays Smith, passed word his Mississippi household would move west to a place called the Utah Territory? The household included nine slaves. Biddy, one of that nine born into bondage, would have become somewhat accustomed to (and that's not to suggest accepting of) an existence filled with forced labor, violence and its ever-present threat, powerlessness, uncertainty, oppression, belittlement and vulnerability for an enslaved Black woman. In spite of that stifling, repressive world, her life's course included finding ways to empower herself as much as was allowed; Biddy may have wondered in Smith's announcement what other opportunities, no matter how seemingly small, would reveal themselves to her with this journey to yet another place unknown. Even if she'd heard the name California, she certainly couldn't have known she'd wind up there—not stay in Utah—just three years after both places passed from Mexican to United States control and, most importantly, just one year after California became a U.S.

state. And she had absolutely no reason at first to believe, or even hope or consider, in spite of California's myriad 19th century complications and tacit slavery tolerance, that she would not only be there but eventually be freed by its laws, be valued and sought out for her abilities, and ultimately, be more than prosperous. Neither the emergence of a new religion born in America, nor the country's war with a neighbor, nor America's westward expansion was fully within her reckoning—no hint how they could affect her, change the course of her life. They all would. All she could know for certain in heading to what Smith sometimes referred to as "Deseret" was that she would soon, again, be on the move by command.

The year was 1847. Robert Mays Smith (also referred to as Robert Marion Smith by some sources—this article will use Robert M. Smith, Robert Smith, or simply Smith) was a recent (mid-1840s) convert to the still-fairly-new Church of Jesus Christ of Latter-day Saints, also known as the Mormons. Smith's new religious practice was unlikely to have endeared him to many in Mississippi; some there, and across the pre-Civil War U.S., expressed open hostility to Mormons. Also informing Smith's decision to move was the call to an expanding flock by Brigham Young, the church's new leader, to migrate to the Great Salt Lake Valley. Young envisioned his congregants and converts populating a haven, a promised land he foresaw

ultimately as “the State of Deseret” where immigrants put down “Stakes of Zion”.^{1,2} Robert M. Smith’s new faith needed him to act, to establish his own stake in the new land, to answer Young’s call. The household would go west beginning early in 1848.³ In her own way Biddy, a chattel slave, became a pioneer, a frontierswoman.

Born simply Bridget (generally, American slaves did not get surnames) Biddy’s life began in Hancock County, Georgia, in 1818.⁴ Probably. Hancock County of the early 19th century symbolized the well-



Enslaved people picking cotton under an overseer’s watch on a Mississippi plantation, c. 1850. Credit, Library of Congress, Public Domain

established, expanding economic significance of cotton in the South; fields of bolls bursting with fluffy white fiber, tended and picked by seeming armies of Black slave labor.⁵ Biddy was the newborn daughter of such labor, soon separated from her mother, maybe just after birth, maybe as a toddler. A young Biddy would be raised by, nurtured by and learn from the slaves around her, from the older enslaved women in particular. Over time she grew proficient in herbal remedies, in cooking, in large animal herding and husbandry, in nursing the sick back to health and in childbirth.⁶ She proved a solid study, and a quick one,

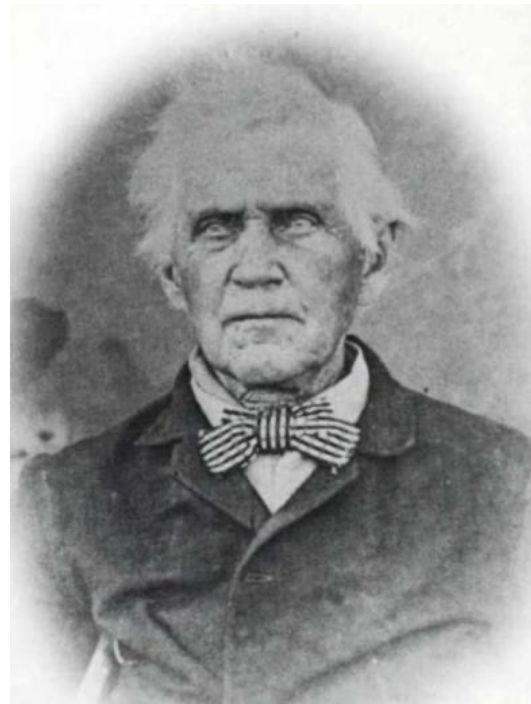
and Biddy’s midwife and nursing skills became vital in helping transform the lives of others, and her own.

Available information suggests Biddy spent her earliest years on one or two plantations in Georgia’s east-central hills.⁷ Biddy’s life before Robert M. Smith remains today the subject of conflicting narratives: she came from an owner who made her a wedding gift to Smith when he married Rebecca Dorn in South Carolina in 1830; she was part of Smith’s father-in-law’s estate and passed to Smith in the estate’s settlement in 1847; she was sold away to Mississippi before 1830 and was gifted to Smith by an in-law or a prosperous Mormon in the 1840s. The first telling is tenuous because Smith accounts for no slaveholdings in the 1840 Mississippi census.⁸ The second narrative is weakened by that 1840 census and by the estate settlement notation of other slaves who would go with Smith from Mississippi to Utah to California; Biddy not listed in that settlement.⁹ The third possibility is also unsupported by evidence but plausible.

Biddy’s formative years (1825 - 1840) came in the slave labor-intensive heyday of the ante-bellum South’s King Cotton period. Southeast Georgia (Hancock County) and neighboring western South Carolina

(Smith's home region, the Edgefield District) included early adopters of Eli Whitney's newly-invented cotton gin for crop processing.¹⁰ Smith, still a young man, was himself seemingly chasing a life among the cotton elite, reaching for membership in what many popularly knew as "the Cottonocracy".¹¹

Robert Smith had, according to a descendant, married up.¹² He came of age the product of a relatively poor immediate family, while Rebecca Dorn's upbringing benefited from the resources of a father with a fairly large South Carolina plantation. Rebecca's paternal grandparents immigrated to colonial South Carolina from Germany in 1765, more than a decade before the American Revolution.¹³ According to the descendant, as a young girl Rebecca possessed her own slave girl—evidence points to this slave being Hannah, one of the 13 freed alongside Biddy in Los Angeles in 1856.^{9, 14} Rebecca Dorn's marriage may not have secured a man at the station Rebecca's parents envisioned, but Smith apparently presented an ambitious, striving figure. He also benefited from a modest \$150 bequest (about \$5,500 today) from his grandfather, giving him at least a grubstake of his own.¹⁵ The need to prove himself, without help from the Dorns or others, may have partly prompted Smith's decision to move from South Carolina to Mississippi in 1830.



The newly-wed Smiths seem to have settled first near Logtown, in Mississippi's Hancock County, about 50 miles northeast of New Orleans, Louisiana. Smith remained restless—would not stay put. Records show Smith purchased 75 acres of land in Franklin County, east of Natchez, Mississippi, in 1841.¹⁶ Natchez is roughly 200 miles northwest of Logtown. The cotton industry Smith had grown up with in South Carolina was continuing an expansion which brought numerous migrating planters to richer soils in less-populated areas west of the original southern American colonies.¹⁷ The commercial boom may have presented Smith more opportunity but brought no material benefits for Biddy, still in bondage, still under threat of the lash, subject to the whims, moods and needs of her masters and overseers, and at risk of being uprooted from the other enslaved people who'd become the closest she had to family.



In 1838, Biddy, a young woman of about 20, gave birth for the first time. Her daughter Ellen would in later decades cite her place and year of birth as Logtown, 1838.¹⁸ The record is not clear that Smith was Biddy's master at that point, and no evidence exists as to Ellen's father. This lack of paternal assignment was true of many children born to the enslaved, and the occurrence of slave

Robert Mays Smith, c. 1880 and Rebecca Dorn Smith, undated. Credit: FamilySearch

offspring fathered by their masters and overseers is well documented, a reality commented on contemporaneously in the Civil War diaries of Mary Boykin Chestnut, wife of a former U.S. Senator turned Confederate officer. She wrote:

*"This only I see. Like the patriarchs of old our men live all in one house with their wives and their concubines, and the mulattoes one sees in every family exactly resemble the white children—and every lady tells you who is the father of all the mulatto children in everybody's household, but those in her own she seems to think drop from the clouds, or pretends so to think."*¹⁹

Ellen's paternity seems to follow this 'precipitation' pattern. Smith's attestation in the 1840 Mississippi census, if completed truthfully, dismisses his parenthood.

(NOTE: Biddy's true age also remains unreconciled. While her family recognizes August 15, 1818 as her birthdate, the 1850 Utah Territory census displaying detail of Robert M. Smith's "Slave Schedule" lists Biddy as a 25-year-old with a racial description of her as "Black". The next line of that schedule shows Ellen as 11 years old, and a "Mulatto".²⁰ If the schedule is fully accurate, Biddy bore Ellen at about age 14, but this record of Biddy's age is an outlier.)

Biddy's motherhood in Mississippi expanded in 1842 with a second daughter, Ann. The young woman shouldered child-rearing alongside the demands, burdens and lack of autonomy produced by enslavement. If she thought of freedom, it may still have seemed a very distant dream. At this point, however, it could be expected that Biddy's acquisition of skills and knowledge, especially in herbal remedies, in caring for the sick, and in midwifery, would be reaching notable levels of proficiency if not already fully formed. The ability to heal others and to more safely manage childbirth in the early-to-mid 19th century, especially away from population centers, was not common; medicine had not yet attained what 200 years later can be thought of as its scientific basis.²¹ A contemporary practitioner might readily declare that those needing various types of medical care had imbalances of

2nd Slave Inhabitants in Utah County, Territory

Name of Slave Owner	Number of Slaves	Description			Fugitive from the States	Manner of Manumission	Deaf and Blind	Insane or Lame	Remarks
		Age	Sex	Color					
Agness Blake	1	23	Male	Black					Going to California
	2	17	Female						"
William Crook	Deliah	3	52	"	"				"
	Joby	4	53	Male					"
	Geep	5	57	"	"				"
	Cocoe	6	35	"	"				"
	Nolan	7	17	"	"				"
	Mary	8	25	Female	Yellow				"
	Renderson	9	16	Male	Black				"
Daniel McRumsey	Hose	10	19	Female					"
	Mary	11	3	"	"				"
	George	12	1	Male					"
	Anderson	13	40	"	"				"
	Terrieste	14	16	Female					"
	Harriett	15	28	"	Yellow				"
	Biddy	16	25	"	Black				"
Robert M. Smith	Ellen	17	11	"	Mulatto				"
	Anna	18	7	"	Black				"
	Harriett	19	3	"	Mulatto				"
	Ann	20	13	"	Yellow				"
	Lawrence	21	67	Male					"
	Nelson	22	7	"	"				"
	Jane	23	3	Female					"
William Day	Clary	24	1	Male					"
	Mark	25	24	"	Black				"
	Harriett	26	23	Female					"

1850 Census, Utah Territory, Slave Schedule. Credit: FamilySearch
Larger images available in appendix

body humors, with the healer prescribing bleeding and purging the patient, even applying leeches.²² This seems to have run counter to Biddy's application of healthcare; her practices would ultimately unite her with a university-trained physician who was among the first in Southern California.²³



Mormon temple, Kirtland, Ohio,, c. 1836. Credit: public domain, Wikimedia Commons

Winding back to 1830, as Robert M. Smith readied his initial move from South Carolina to Mississippi, another force in Biddy's future also took shape. That force would first touch Robert Smith.

In April, 1830, western New York State, Joseph Smith (no relation to Robert Smith) founded a new religion originally named the Church of Christ.²⁴ Today we know it as The Church of Jesus Christ of Latter-day Saints. A year after that New York State start, and triggered by Joseph Smith's vision of building a place for the righteous—a "Zion"—the new denomination's central church was established in Ohio, with another, significant presence in Jackson County, Missouri.²⁵ But as the Latter-day Saints (LDS) faith grew in that first decade its religious beliefs, aggressive land acquisition, political leanings, polygamy and other practices encountered strong and sometimes violent opposition. Missouri's governor declared the need for the church's

expulsion or extermination. That purge edict drove most Mormons out of Missouri.²⁶

The LDS Ohio center also met resistance; Joseph Smith stood accused of financial fraud and of conspiring to have a critic murdered.²⁷ These and other events led to substantial Mormon relocation to western Illinois along the Mississippi River in the small village of Commerce, where Smith purchased land, renamed the settlement "Nauvoo", became mayor, and established a high degree of autonomy for the community. The influx of Mormons in Nauvoo in the early 1840s turned it into Illinois's second largest population center at the time—even purportedly greater at one point than the approximately 4,000 headcount of 1840s Chicago.²⁸ In Illinois, Joseph Smith's church and its practices would again, and fairly soon, find simmering, negative sentiment and legal entanglement to the point of Smith needing to surrender to Illinois authorities. Smith had established martial law in Nauvoo; the state accused him of treason. The leader of the still-fledgling church was arrested and locked up in Carthage, IL. In 1844 a mob overran the jail housing Joseph Smith and killed him.²⁹

Smith's death prompted a succession struggle eventually won by Brigham Young, a 43-year-old who'd spent his early adulthood as a religious seeker. Young had left the church in which he was raised but was unsettled on his spiritual course until, at 31, he met Joseph Smith in 1832. Twelve years later, with Smith killed at the hands of that Carthage mob, Young emerged from the church power struggle and assumed leadership, eventually becoming the Latter-day Saints's second president. After the years of strife and confrontation with Illinois authorities and its citizens, and further motivated by disdain for the U.S. government, Brigham Young determined to move his LDS flock much farther west, to the Salt Lake Valley,

which was at that point still part of Mexico.³⁰ He settled on Utah's isolation though there was a cadre of LDS members recently (1846) arrived in Yerba Buena (San Francisco) with the leader of that group urging the Mormons to the Bay Area. That Mormon group's newspaper, one of the earliest in the California, helped touch off the Gold Rush.³¹

About the same time as Young beckoned his congregants to Salt Lake (largely because the region was not under U.S. control) war erupted between Mexico and the United States. The U.S. victory in 1848 forced Mexico to cede what are now the present-day states of California, Utah, Nevada, much of Arizona, New Mexico and more.³² This would somewhat alter the equation for Brigham Young in the Utah Territory, but it would later be determinative for Biddy. California entered the Union in 1850 as a free state; slavery was illegal. The reality, however, wasn't nearly as straightforward. There was little enforcement of the free-state status and, paradoxically, one of the adolescent legislature's decisions in 1852 was to pass a Fugitive Slave Law.³³ The environment was complicated. Even with Young ultimately alerting (or maybe warning) Biddy's master of the risks of taking slaves to California, the Mississippi Mormon convert Smith remained a man centered in his own counsel. But the impact of these dynamics was still in Biddy's future; first came her exodus from Mississippi to Utah.



Brigham Young, c. 1860. Credit: Library of Congress

From their earliest days the Mormons have exercised a rigorous devotion to mission, to evangelizing and to gaining converts, and the practice would not brook boundaries.³⁴ That's how, in 1844, even as the



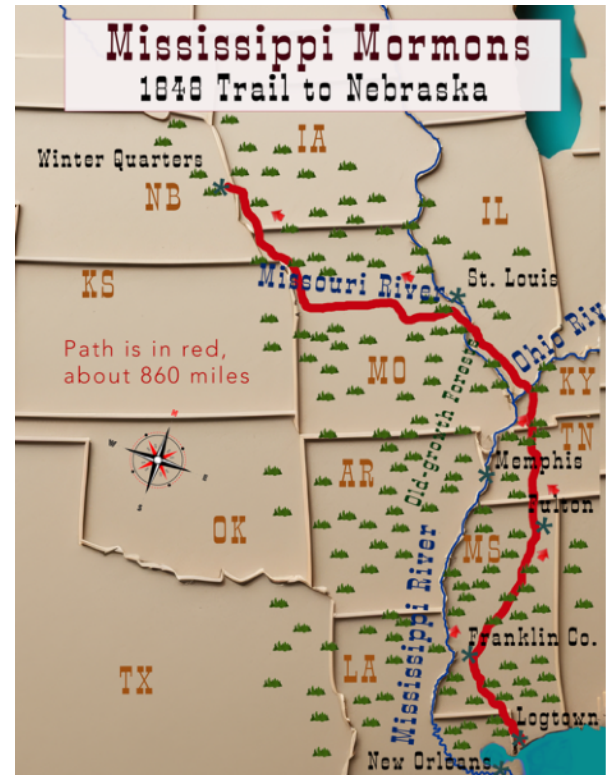
upheaval in the Midwest sent the Latter-day Saints in a new direction in several respects, Mormon missionaries were busy proselytizing in Mississippi.³⁵ Robert M. Smith became one of the LDS conversion successes. And in 1847 as Brigham Young persisted in urging Mormons to strike out for the "State of Deseret" Robert Smith, a man with a new spiritual home and seemingly still eager to prove himself, heeded the call.

The Smith household's 1848 move to Utah would be physically grueling for all and especially so for those in bondage. By now Biddy had given birth to a third girl, Harriet, an infant still nursing. As Biddy herded

Smith's livestock on the move Harriet would be carried mainly on Biddy's back, her other girls in tow.^{36, 37} Rebecca Smith's childhood slave, Hannah, mother to four children and pregnant with a fifth at the start of the long trek, would give birth to a baby girl—with Biddy midwifing—a bit more than a month into the journey.³⁸ (Rebecca Dorn would also give birth, Biddy likely attending.)

Smith's clan did not leave Mississippi alone but ultimately joined a 150-wagon caravan headed north to Nebraska before Utah.³⁹ Brigham Young had designated a gathering point at Winter Quarters, Nebraska (present-day Omaha) from which the pilgrims would follow a known route to Deseret. Estimates put the journey for Smith and household at 1700 miles via the path taken.⁴⁰ While Smith, his family and overseers may have mainly ridden wagons, horses or mules, it is likely the slaves (by common 19th century convention) made the trip on foot—so too would some of the White settlers. As the journey approached Biddy had to have a strong sense of what it would be like; she'd trudged the approximately 600 miles from southeast Georgia (or maybe western South Carolina) to southern Mississippi. That had to include dirt trails—mainly old Native American trade and migration routes—and sometimes ill defined paths through mostly southern wilderness. Surely there were swamps, creeks and thick growth to navigate as she crossed the South.

The trip to Utah Territory would present the same, and more, for a woman with three children, including a nursing infant. The Mormon pioneer and guide John Brown described some of the journey in his diary.⁴¹ Months of walking in a range of weather conditions—heat, pelting rain storms, gusting winds and blowing dust, with particular slow going through the mountains. They traipsed over plains, hills, navigated mountain passes, through forests and brush, fording streams and creeks, even crossed the Mississippi and Missouri rivers, and tramped through banks of mud, brush. Walking for much of the journey, with loads and livestock, it is unlikely their pace was much faster than about a mile an hour, a fact attested to by daily notations documented on a Mormon route map.⁴² Biddy and other slaves were tasked with breaking camp each morning, cooking for the group, herding, and Biddy was called on to tend the sick, and to deliver babies—as noted, at least two born during the migration.⁴³



Their departure from northeast Mississippi (Monroe County—inconvenient from the Natchez area) on March 10, 1848, had the benefit of being part of the second group of Mississippi Mormons traversing the continent's midsection to the Utah Territory. John Brown notes the group included "...56 white persons, 34 colored persons. Their possessions: 28 wagons, 41 yoke of oxen, 22

horses, 32 mules, 48 milch cows, and 100 sheep.”⁴⁴ Two years earlier, 1846, the first caravan of “Mississippi Saints” would have taken a similar route as they followed Brown north to Nebraska, then westward to the Salt Lake Valley. The journey took that initial group from northeastern Mississippi to Memphis, Tennessee, where they then followed the east bank of the Mississippi, used boats to span the Ohio River, continued north, crossing the Mississippi River to the west bank in flatboats and ferries near Saint Louis, Missouri. The ‘46 Saints then followed the Missouri River, mainly overland, to the point where Council Bluffs, Iowa stands on the east side and Winter Quarters, Young’s designated gathering point, sits west. In those first few years they were heeding the call by the hundreds (Robert Smith, with Biddy, was among those) and later by the thousands.^{45, 46} That westward path through Nebraska and beyond, also predominately overland, would then arc across present-day Wyoming angling southwest into what is now Utah.⁴⁷

Robert Smith’s 1848 arrived in the Salt Lake Valley with a household including nine Whites, ten Blacks (Biddy, Hannah, and their eight children) three wagons (four when he left Mississippi according to John



Brown), four oxen (two yokes), eight mules, seven cows and a horse. Smith established a homestead in the Cottonwood area of what is now metro Salt Lake City.⁴⁸ Biddy looked around at a new and vastly different landscape, but her station remained. Her days would still have been consumed with cooking, cleaning, shepherding and

tending the household’s animals, clearing fields and planting when winter had passed. At this point she would also have been a major—even trusted—caregiver, using her herbal medicine knowledge and watching how her charges would and should respond. And Biddy would have become facile and confident in her ability to guide pregnant women, free and enslaved, through childbirth, having now done so in the sparest of conditions.

Why Not Migrate Mainly Via Rivers?

The LDS migration to the Great Salt Lake Valley in the 1840s did include some navigable waterways, such as use of a section of the Mississippi River by the 1848 Mississippi Saints. Primarily, however, the migrants stuck to overland travel for various reasons, including:

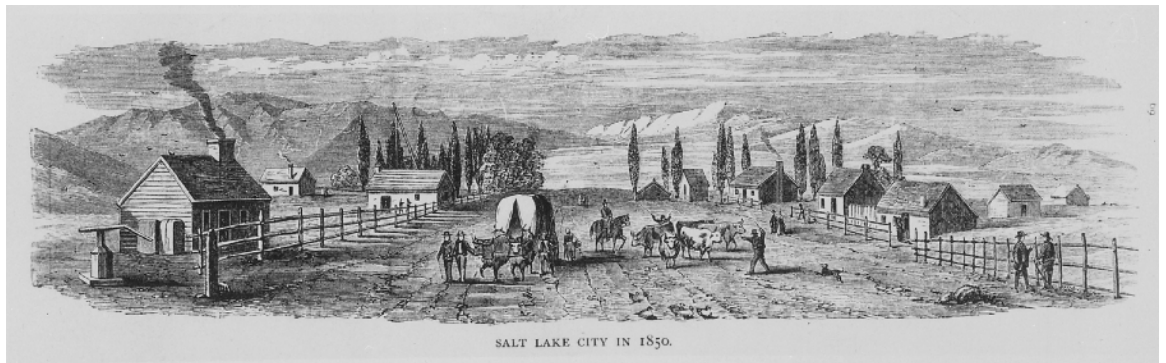
- * *Main rivers along their route, such as the Platte, were non-navigable*
- * *The scale of the migration, with livestock feeding and fresh water needs, made river travel tenuous for sustaining life*
- * *The scale, especially going against strong currents in some cases, also meant greater use of waterways would be expensive and slow*

It was much like what Biddy had known in the South, but on a bit smaller scale. Her life in the Mormon community would be within the constraints of slavery suffused with what Brigham Young and Joseph Smith both referred to as the “Curse of Ham”.⁴⁹ In the Bible’s book of Genesis, Noah finds disfavor with his son Ham, so Noah decrees that Ham’s son Canaan and Canaan’s descendants will be “the servant of servants”. Brigham Young was explicit in his embrace of slavery as a God-sanctioned practice:

"I will remark with regard to slavery, inasmuch as we believe in the Bible, inasmuch as we believe in the ordinances of God, in the Priesthood and order and decrees of God, we must believe in slavery. This colored race have been subjected to severe curses, which they have in their families and their classes and in their various capacities brought upon themselves. And until the curse is removed by Him who placed it upon them, they must suffer under its consequences; I am not authorized to remove it. I am a firm believer in slavery." - Mormon Prophet, LDS Church President, Governor of Utah Territory, Brigham Young on January 23, 1852, delivered to a territorial government assembly.⁵⁰

Young's attitude notwithstanding, the Utah Territory did present change for Biddy. She was now in a place with a harsher environment, with less of the lush, verdant greenery of Mississippi or other parts of the deep South. The party arrived in the valley in late September, 1848, just ahead of what has been recorded as a fierce, challenging winter.⁵¹ It's possible that back in central Mississippi, or in Georgia, Biddy experienced an occasional and transient snowfall, with the snow melting away in days, even hours. Her first winter in Utah had to seem nearly as brutal as her bondage; weeks of temperatures at or below freezing, sometimes below zero Fahrenheit. Biddy encountered snow drifts as tall as an adult, and winter winds that cut through layers of clothing.⁵²

Adding to the extreme, new kind of weather was a scarcity which grew by degrees as the days passed and the paucity increased down the societal hierarchy. The enslaved were at the bottom of that structure, and the threat of starvation, coupled



"Salt Lake City in 1850". Credit: N.A.R.A., Public Domain via Wikimedia Commons

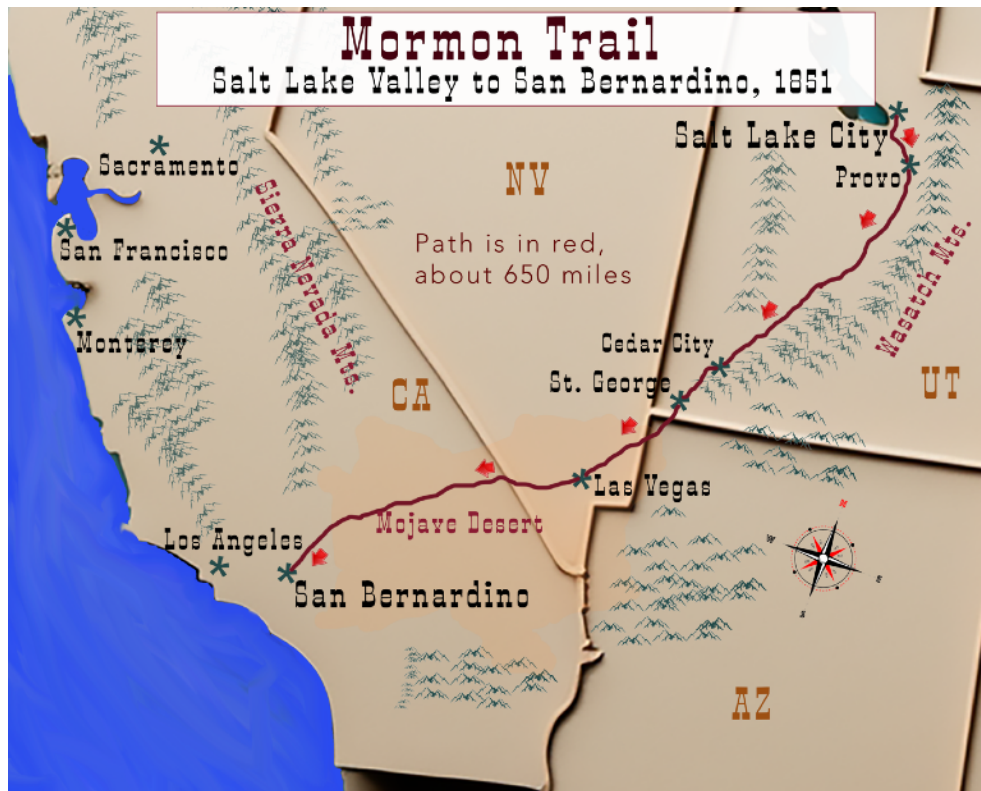
with the harsh climate, had to make simply staying alive a challenge.⁵³ The coming spring and summer of 1849 offered a limited respite. Biddy's first summer in Utah was unseasonably cold and wet, with even some freezing summer temperatures documented and confirmed in journals and later scientific research.⁵⁴ No matter the season, she was ringed in by soaring, majestic mountains in contrast to the gentle hills and flatlands she'd known in the South. Her slavery remained, but Biddy was clearly in the midst of change, of something new and different. Did those mountains serve as imposing barricades leaving her further trapped and without recourse, or did they, and the trip to get there, symbolize the scaling of new and challenging heights to a place where the air changed? We will likely never know, but we do know Biddy could be offered a concept and run with it.

The Mormon influx to Deseret also brought in at least a handful of free Blacks, most notably Jane Manning James and her husband Isaac. Jane and Isaac were both Mormon converts, both part of the 1847 migration and among the first Black Utah pioneers.⁵⁵ The 1850 census documents about 50 "colored" people (including Biddy, Hannah and their eight children) throughout the Utah Territory.⁵⁶ That number represents vastly fewer Blacks by both count and overall population percentage than Biddy

would have been accustomed to in the South. (Blacks in many counties of the South often outnumbered Whites, then and now.) There's no evidence that Biddy actually knew Jane or Isaac James, but with the approximately 2,000 Mormons in the valley engaged in a highly communal existence, there's a good chance Biddy knew of the James family, and that they were free. Jane, the daughter of free Blacks in Connecticut, would give birth to what is recorded as the first Black child born in Utah in May, 1848, just a few months before Biddy's arrival with the Smith party.⁵⁷ For Biddy the midwife this would have (if known) been a seminal event. Certainly the presence of a Black infant born to members of the Mormon congregation would have been a topic of awareness and some conversation for the community.

In 1851, a bit more than two years after settling in Utah, Robert Smith determined to move again, this time to the freshly-admitted state of California, a major U.S. prize in its Mexican-American War victory. Smith wasn't necessarily struggling, but he wasn't prosperous, either, and the LDS leader had issued another call. Brigham Young envisioned a new Mormon colony in the new state and he encouraged some of his flock to settle the area of Rancho San Bernardino, but many more took him up on the suggestion than

he'd expected.⁵⁸ Young also advised the slaveholders among those choosing to settle the new colony that California was a free state, that slaves might be set free once on California soil.⁵⁹ The ever-restless Smith also remained a risk-taker so, unlike some others answering the colonization call, he would take his slaves with him. Biddy endured yet another long trek, again with steep mountains relentless on the horizon, broken by arid plateaus, sudden streams and blowing bramble and dust; they crossed the Mojave Desert just ahead of the height of summer. Without her knowing, Biddy was taking her last laboring steps toward a state of freedom.

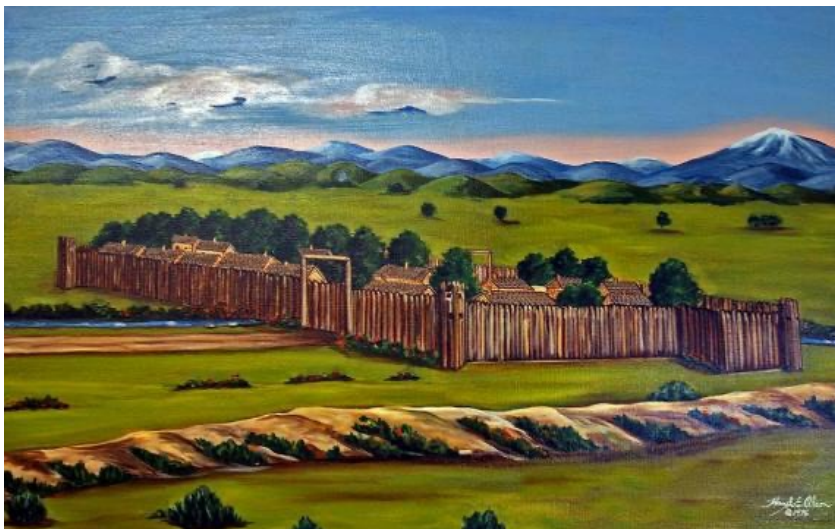


Accounts of Smith's time in San Bernardino indicate he was attaining a level of success and status, the lack of which had initially driven him from South Carolina's Edgefield District. It's possible he was one of the wealthier settlers in California's new LDS colony. He'd been selected in that summer of 1851 to the colony's first High Council, a post with judicial and financial sway, and he'd set up a cattle ranch apart from much of the rest of the Mormon colony on the Santa Ana River. Smith's land existed under joint LDS claim –this would prove problematic.⁶⁰ Biddy's world expanded, too, in new and possibly breathtaking ways. If she'd known free blacks in South Carolina or Mississippi, her interactions with them were likely cursory. Beginning in the Utah Territory (possibly with the James family) and with greater force in Southern California, Biddy came to know of Blacks with both freedom and station. One of them was Elizabeth Flake

Rowan, another Mormon slave brought to San Bernardino, then set free when her owner moved back to Utah. Of significant note was Robert Owens who had worked his way up to a thriving livery stable business in still small Los Angeles with customers throughout the basin and east to San Bernardino.⁶¹ It's not clear but likely, given Owens's livestock supply business, he had engagement with the burgeoning cattle rancher Robert Smith, Biddy's enslaver.



Owens presented his own striking story; a former Arkansas slave who seemingly brokered a work deal with his master to sell Owens's labor to others. Owens split those earnings with the master, saved enough to buy his freedom and drove an ox cart from Arkansas to California where he soon earned enough to free his wife and children in Arkansas.⁶² His arrival in sleepy Los Angeles in or about 1850 was just as the state basked in its admission to the Union, with San Francisco, Sacramento and Monterey as major centers, and L.A. little more than a backwater. Some sources mark Owens's arrival a couple or three years later. Whatever the date, the man soon set to work, first doing odd jobs, then providing cut wood to the U.S. military. That expanded further to his livery stable and a solid business and personal reputation. He also purportedly took wild horses and mules brought up from the ranchos down the coast in San Diego County, tamed them, then sold them to settlers. Whatever the scope business was brisk and Owens—with a hired-hands crew of at least ten vaqueros—became successful, sought out, and over just a few years had attained as much influence and stature as a Black man, a former slave, might expect in his times and surroundings.⁶³ And Owens's son Charles had somewhere along the way met and taken a hankering to Biddy's Ellen, now 17. This was a crucial affinity.



Mormon fort in San Bernardino, c. 1855. Credit: SanBernardino.gov

The early 1850s were also good to and for Robert Smith—he lived on and worked land apart from the spaces surrounding the fort other Mormons had built for communal protection. But Smith's fortunes would turn quickly, and dramatically. In 1855, about four years into his San Bernardino settlement, Smith ran into difficulties apparently because the land he ranched was not his alone and he was forced off it by an LDS majority—a financial and prestige blow to Smith. The ensuing acrimony prompted an estrangement from people in the spiritual home he'd known through eleven years and thousands of migration miles.⁶⁴ All had gone south. It's also believed Smith grew more

anxious about keeping slaves in a free state. An incident documented in the "Alta California" newspaper in April, 1853, where a White man attempted but failed to have a free Black girl arrested as a fugitive slave

may have given Smith pause; the state's legal process could sometimes work for Blacks which meant his slaveholding was at risk more than he'd initially reckoned.⁶⁵ The confluence of bad blood, financial loss and slaveholding peril locally seem to have convinced Smith it was time to take his estate and "slaves" to Texas.

Through the early 1850s Biddy and the others bound to Smith in San Bernardino saw little change in their day-to-day circumstances; nothing of real consequence though it seems from court narratives there may have been a slightly more relaxed dominance Smith asserted. The enslaved had also now been exposed to Owens, Flake and other free Blacks. Further, Biddy's enslaved cohort had traveled thousands of miles to locales vastly different from their origins and that travel may have broadened their minds as much as it can anyone's. The improbable—lives of their own—became the thinkable and the possible, but by what means? The State of California as a governing entity was in no rush to be truly "free", to become an active advocate and champion. The society's dominant classes and even most in the middle of the hierarchy largely had no beef with the status quo. The free Blacks encouraged freedom but, alone, lacked the power to make it happen. Except, it seems, one of them may have, at least through leverage if not outright. Still, as Robert Smith first made then began executing his plan to move to Texas, Biddy, her girls, and the others in bondage seemed resigned that they would again be on the march, now back to the slave-holding South. The Texas move began in late December, 1855.



Word that Smith had pulled up stakes in San Bernardino eventually got to Elizabeth Flake and to Robert Owens and his son Charles who'd expressed his fondness for Ellen.⁶⁶ The man with leverage would act.

Robert Owens, as noted, had become a key contributor in the growing Los Angeles community. He'd provided needed resources, helped other

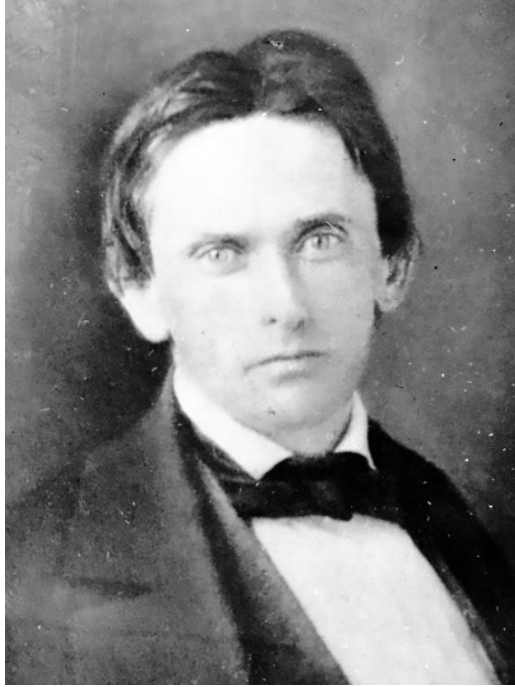


David W. Alexander, c. 1850.
Credit: Security Pacific National Bank Collection, Public Domain

settlers carve out a homestead; many had begun to thrive and the town's population had more than doubled in just a few years. So when Owens apparently went to Los Angeles County Sheriff David Alexander with news of the Smith household's departure, the sheriff conferred with San Bernardino County's Sheriff Robert Clift, and they presented the state district court judge, Benjamin Hayes, with a habeas corpus writ against Smith. The judge approved. With their newly-obtained legal papers, Alexander, Clift, Owens and a posse of Owens's vaqueros picked up the trail of the itinerant household and found the group in the midst of the Santa Monica Mountains, likely on December 31, 1855.⁶⁷

The Los Angeles Star of January 5, 1856 noted the prior week as having "cool, frosty weather, and in some localities ice" as much as an inch thick. So, when the lawmen and their posse came upon Smith's group in

the mountains that New Year's Eve night it's easy to picture Biddy, her girls, maybe others, all huddled in groups, shivering, just trying to keep warm. Smith was served the order to appear in court for illegally holding enslaved people in California. Biddy, Hannah, their children and a grandchild—thirteen slaves total with another on the way for Hannah—were freed of Smith and most were placed in protective custody in L.A.'s jail by the county sheriff.⁶⁸ The hearing to determine their status would also go before Judge Hayes.



Hon. Benjamin I. Hayes, c. 1849.
Credit: USC Libraries and California
Historical Society, Public Domain

The Honorable Benjamin Ignatius Hayes personified the 19th century circuit judge, making his district rounds to hear cases in Los Angeles, San Bernardino and San Diego counties by horseback, by carriage and stage coach, and by taking a steamship up and down the coast. He was the region's first state district court judge and seems, from documentation of his observations in Biddy's hearing, to have been a jurist making findings based on the law (the five-year-old California Constitution and its statutes) with those rulings deeply infused with the ideals and guiding principles of America's founding and of the Enlightenment.⁶⁹

Hayes, a native of Maryland whose young law career took him first to Missouri, was himself a "49er" of a sort, setting out for California in 1849, but headed south, not north to the epicenter of the Gold Rush. His biographers note that he made the trek alone from Missouri to California riding one mule and leading another packed with trip supplies. In April, 1850, he was elected the first county attorney for L.A., with election to his district court judgeship in 1852.⁷⁰ Biddy had been in the state less than a year at that point, still in servitude to the master who'd maybe received her as a wedding gift more than two decades earlier. The first weeks of 1856 dramatically altered that master-slave dynamic; Biddy became a principal petitioner, a legal stakeholder, against Robert M. Smith, with the matter at stake being her liberty. Judge Hayes would hear the details of and rule on the landmark California case we now refer to as *Mason v. Smith*. (Biddy had no last name at the time, as is borne out in the court record.)

The earliest days of 1856 may have brought Biddy the ultimate irony: behind bars but living an unaccustomed freedom. She had none of the daily chores. There were no livestock, crops or sick Smiths to attend. She wasn't suddenly being summoned for an issue, a dressing down, or worse. Rather than her waiting on others, someone brought her and her girls their meals, no matter how modest. It was an existence unknown, perhaps surreal. Still, there hung the question of what she would do when, as she likely was informed, her status with Robert Smith would be determined in court largely by what she might say about it. Biddy had only ever known the slave-master relationship, and that alone could have instilled a limited sense of the possible. Being constantly cowed, even subtly, can lead to a restricting psychology and a narrow range of the possible. As Englishwoman Frances Anne Kemble wrote in her Georgia plantation journal of 1838-39:

*"Imagination shrinks from the possible result of such a state of things. Scorn, derision, insult, menace—the handcuff, the lash—the tearing away of children from parents, of husbands from wives, the labor of the body, the despair of mind, the sickness of heart."*⁷¹

But travel, people and time would chip away at this bound state of being for Biddy, and to a seeming lesser degree for Hannah. The nearly eight years since Mississippi had to give them a new sense of their world. A healthy mix of courage and truth, even understated, might break their bindings further. Would Biddy speak against Smith? Would she get the chance?

On Saturday, January 19, 1856, in a modest Los Angeles County courtroom, Biddy's life changed. She and her children (Ellen, Ann and Harriet) all sat in attendance. Six of the children and one grandchild of the other principal petitioner, Hannah, were also there, but Hannah was absent due to recovery from childbirth—seems she was at Smith's residence in San Bernardino County. (Keep in mind her relationship with Rebecca Smith extending back to childhood.) Also missing were Hannah's sons Lawrence, said to be tending her, and Charles, still apparently also in San Bernardino County but not with Hannah. The newborn had come into the world two weeks earlier and it was agreed Hannah and the baby were better off not recovering in a jail cell.⁷²

In the hearing, Judge Hayes moved first through the nature of the habeas corpus writ; Biddy, Hannah, and their children and a grandchild were being held against their will, held in servitude. The



counterargument from Robert Smith was that, yes, he had been their master in Mississippi, that they had consented to leave the South with him, and he had supported them ever since. In his own telling Smith was now their de facto guardian and protector. The judge noted Smith as saying he was "subjecting them to no more control than his own children." Smith's counsel apparently advised him not to argue continued ownership since that immediately ran counter to California statutes; better he the patriarch of the

extended Smith clan. Judge Hayes noted his skepticism, that Smith, "in some vague manner" had "styled a guardianship".

The petitioners (Biddy and Hannah) had secured legal representation, but that would prove tenuous, at best. The judge's record does not reflect whether that lawyer was effective or even in court that day. There was also the matter of Biddy, a person of color, being prohibited by California law to testify in open court. To navigate that obstacle, the judge took Biddy into his chambers and he brought in "two disinterested gentlemen" of the community as witnesses. In chambers, Biddy made herself clear: "I have always done what I am told to do; I have always feared this trip to Texas since I first heard of it. Mr. Smith told me I would be as free in Texas as here." For the judge it was a telling construction. The judge

conducted a separate interview with Hannah's 17-year-old daughter Ann who would ask Judge Hayes "will I be as free in Texas as here?", essentially a corroboration of Biddy's telling of Smith's assurances. Together they'd revealed to the judge the machinations of Smith, with Hayes noting: "And if ever so little bent by persuasion—the force of a feather was able to do the rest."



While Biddy's and Ann's statements suggested the San Bernardino period was a less stringent regime than had been the case in Mississippi or in Deseret (with new, small liberties afforded and perhaps reduced workloads) a move to Texas, back to slave country in a state that by law did not allow Blacks to enter as free, was almost certain to prompt a reversion. Judge Hayes was clear on this.

At this point the judge had already stepped through most of his fact-finding intended to clearly define the legal relationship between Biddy, Hannah and their offspring on one side, and Smith on the other. Hayes early and easily dismissed the prospect of ownership as absolutely counter to California law (though the law's application was less than merely uneven). While Smith's guardian claim could have some merit, the judge was inclined that "nature" (parentage) was the stronger determinant for the children, and that as adults neither Biddy nor Hannah needed a guardian. With the children now lined up under their mothers rather than Smith, Hayes turned to the determination of consent, of willingly traveling



with Smith to Texas where once they crossed the state line any freedom was gone. It was apparent to the judge that Biddy did not consent and that she and her children should be legally severed from Smith, set clearly free. With Hannah indisposed in her post-natal recovery, and her daughter Ann presenting an unease aligned with Biddy's skepticism of Smith's promises, the judge mused over whether a mother (Hannah) would willingly lead herself and her children into continued and heightened bondage, but he then rejected this as a fate to which the children could be subjected no matter the mother's mindset. "If a woman," he wrote, "might deliberately surrender herself to slavery; she could not carry her offspring to that fate. It is the first grand thought of the Constitution—LIBERTY IS INALIENABLE!"

Judge Hayes, still keeping in sight the voluntary consent question, turned to what he considered "direct proof" against consent, the very writ of habeas corpus brought on behalf of Biddy and Hannah. He noted that Smith did nothing in court to rebut the writ;

produced no evidence that the writ was filed against the women's wishes, attempted no dislodging of their sentiments in court, no testimony from his family or his neighbors. The lack of a counter from Smith was decisive.

In his ruling the judge declared "the said persons of color are entitled to their freedom, and are free and cannot be held in slavery or involuntary servitude, it is therefore argued that they are entitled to their freedom and are free forever."

Biddy's reaction to those words, "free forever", remains out of our grasp. Freedom entered her awareness decades earlier as a privileged concept, and she no child of privilege. But in the fixed world she'd known, over time perhaps, came cracks in the fixture and a grudging inkling of the possible. Surely it increasingly



came to her through the knowledge that other Blacks were at liberty, that the society about her was not just one thing, that different people in different places had different ways. And the vaguely possible could grow into more than hope, become more than possible. Maybe the judge's words felt to her the natural culmination of her journey, but maybe they still seemed unbelievable. Unfathomable. Maybe they left her shaking to her core with an unknown joy and self-determination, and walking out of court that January Saturday, the cool, Pacific air was different. Fresher.

The case was not, however, closed. Judge Hayes still wanted and needed to hear from Hannah and ordered that she be brought to court Monday morning, January 21, her recovering health permitting. He left her children in Sheriff Alexander's special custody. To Biddy and her children he decreed "full liberty". His final declaration that Saturday encompassed all costs that had been associated with the case up to that point and concluded those expenses "shall be paid by the said Robert Smith."

Sunday was not a day of rest for the judge. As he would document on Monday, his Sabbath would find him "pained by an occurrence not to be passed by unnoticed." The attorney for Biddy and Hannah offered up to the judge a motion to dismiss and overturn Hayes's finding, to put Biddy back in Smith's control. The lawyer, through communication delivered by Smith's counsel, claimed he was no longer authorized to prosecute the writ—that he had been discharged by Hannah and Biddy. He had not.

Judge Hayes knew far better than to take this turn at face value. He summoned and deposed Biddy's and Hannah's attorney that day. The man allowed as how he'd been threatened for his representation of the writ, that he was told to abandon it, and when he agreed to do so he was paid \$100, roughly a bit less than \$4,000 today. The attorney admitted he had not conveyed any of this to his formerly-enslaved clients. Hayes declined the attorney's withdrawal, noting that "no attorney can desert his clients at his own pleasure, without good reason therefor and fair notice to them." Both Smith and his attorney denied



any part in these shenanigans; Judge Hayes maintained a reserve: “It is possible—yet strange, if possible—the defendant had nothing to do with (to say the least) an ill-advised stratagem to frustrate the writ of habeas corpus.” The judge continued with wording inferring that this was an instance of people of “a degraded caste” perhaps justified in worse conduct IF this ploy was hatched by Smith and his lawyer. In a lawyerly way he’d made his opinion of both attorneys, and Smith, clear.

Hannah remained in recovery that Monday—a no-show for court—but the judge had at that stage reasoned fully that “nothing else—except force—can account rationally for a favorable disposition in Hannah” with respect to her possibly being amenable to Smith’s Texas plans. Hayes noted her as “a woman nearly white, whose children are all nearly so.” He considered the prospect of her freely consenting to go back into slavery inexplicable. Hayes felt strongly that Hannah wholeheartedly joined the writ but that she feared facing Robert Smith. As with the others Hayes granted her full freedom.

In that Monday session Judge Hayes took the opportunity to speak not just of the law, and of the rights of Bidly, Hannah, et al., but also to offer a peek into how he saw the course of the country’s growing divisions and its tortured relationship with the Declaration of Independence’s promise of “life, liberty and the pursuit of happiness.”

“If we may turn aside,” the judge wrote, “to contemplate the ‘signs of the times,’ and endeavor to foresee the destined course of agitations that shake the sacred altar of national liberty to its base – how long before stern necessities of the White race, unto the end of self-preservation, shall have forged heavier chains for the bondsmen of our country.... The lawful liberty of the humblest dweller on our soil, is a thing too precious to be left the sport of every contingency in human affairs.”

Judge Hayes issued his ruling in the midst of a national atmosphere roiled by the issue of slavery’s present and future; bondage dominated the country’s conversation. Two months after Hayes’s order, both Bidly and Hannah would be name-checked in the then five-year-old New York Daily Times (now the New York Times) in an article entitled “Anti-Slavery in California”.⁷³ Just five years later the U.S. Civil War

BIDDY’S TIMELINE TO FREEDOM

1818 Bidly’s birth in Georgia, 15 August

- Robert M. Smith, 26, inherits \$150 from grandfather **1830**
- Smith marries Rebecca Dorn, moves from South Carolina to Logtown, Mississippi

1838 Bidly gives birth to Ellen in Hancock County, Mississippi

Smith reports no slaves in Mississippi census **1840**

Smith buys land in, has moved to Franklin County, Mississippi **1841**

Bidly gives birth to Ann in Mississippi **1842**

1844 Smith converts to LDS faith, now reports four slaves

- Bidly gives birth to Harriet in Franklin County, Mississippi **1847**
- Smith buys Hannah (Rebecca’s childhood slave, now an adult in South Carolina) in father-in-law’s estate settlement

• Smith, Bidly leave Mississippi in Mormon migration (March) **1848**

• Mississippi group arrives in Nebraska (June)

• Larger Mormon group with Bidly, Smith, Mississippians arrives in Salt Lake Valley, Utah Territory (September)

1851 Smith, Bidly, others leave Utah for San Bernardino

- Smith begins move with Bidly, others to Texas **1855**
- Sheriffs, posse find Smith’s travel group in Santa Monica Mountains (New Year’s Eve)

1856 19 January, Judge Hayes frees Bidly, others from Smith, declares them “free forever”

would erupt with slavery central to the conflict, no matter the persistent, gaslit protestations both then and now.



The little girl born Bridget, come to be known as Biddy by all who knew her, was now fully her own person. Her liberation came circuitously, thousands of miles and thirty-seven years removed from her birth. Biddy's first week free of Robert M. Smith's domination was experienced in what the L.A. Star's weather summary captured as days "pleasantly interspersed with sunshine and shower, and in a few weeks our famished stock will be amply provided

with an abundance of good feed." Surely Biddy could see her ambitious, nurturing spirit being fed with new life sprouting all around her and within.

Freedom may have been a whisper and a phantasm among those who cared for Biddy in her earliest days, and a distant, fuzzy idea for her even later, but she'd been on a personal as well as a physical path moving in the direction of her own freedom as soon as she began to learn. She'd never been taught to read or write, but she rose above with an innate intelligence and curiosity that moved her ahead and opened doors. And she would step through. That January, 1856, weekend in the Los Angeles courtroom marked a beginning. Biddy's true value would be borne out in the years still ahead, and even today.



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Videos on 19th century African American history, and more, at www.youtube.com/@sepiafeatures.

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Selected enlarged images:

Enslaved people picking cotton under an overseer's watch on a Mississippi plantation, c. 1850. Credit, Library of



Congress, Public Domain

Enslaved people picking cotton under an overseer's watch, undated. Credit, Library of Congress, Public Domain



2nd Slave Inhabitants in Utah County, Deseret.

Name of Slave Owners	Number of Slaves	Description			Fugitives from the States	Number Manumitted	Deaf and Blind Insane or Idiotic	Remarks
		Age	Sex	Color				
Agness Flake.	1	23	Male	Black				Going to California
	2	17	Female	"				"
William Crosby	Velak	3						"
	Joby	4	Male	"				"
	Grief	5	"	"				"
	Oscar	6	"	"				"
	Nelson	7	"	"				"
	Mary	8	Female	Yellow				"
	Renderson	9	Male	Black				"
	Hose	10	Female	"				"
	Mancy	11	"	"				"
	George	12	Male	"				"
	William	13	"	"				"
Daniel M. Thomas	Tennessee	14	Female	"				"
	Hannah	15	"	Yellow				"
Robert M. Smith	Biddy	16	"	Black				"
	Ellen	17	"	Mulatto				"
	Ann	18	"	Black				"
	Harriet	19	"	Mulatto				"
	Ann	20	"	Yellow				"
	Lawrence	21	Male	"				"
	Nelson	22	"	"				"
	Jane	23	Female	"				"
William Day	Charley	24	Male	"				"
	Hark	25	"	Black				"
	Harriett	26	Female	"				"

147

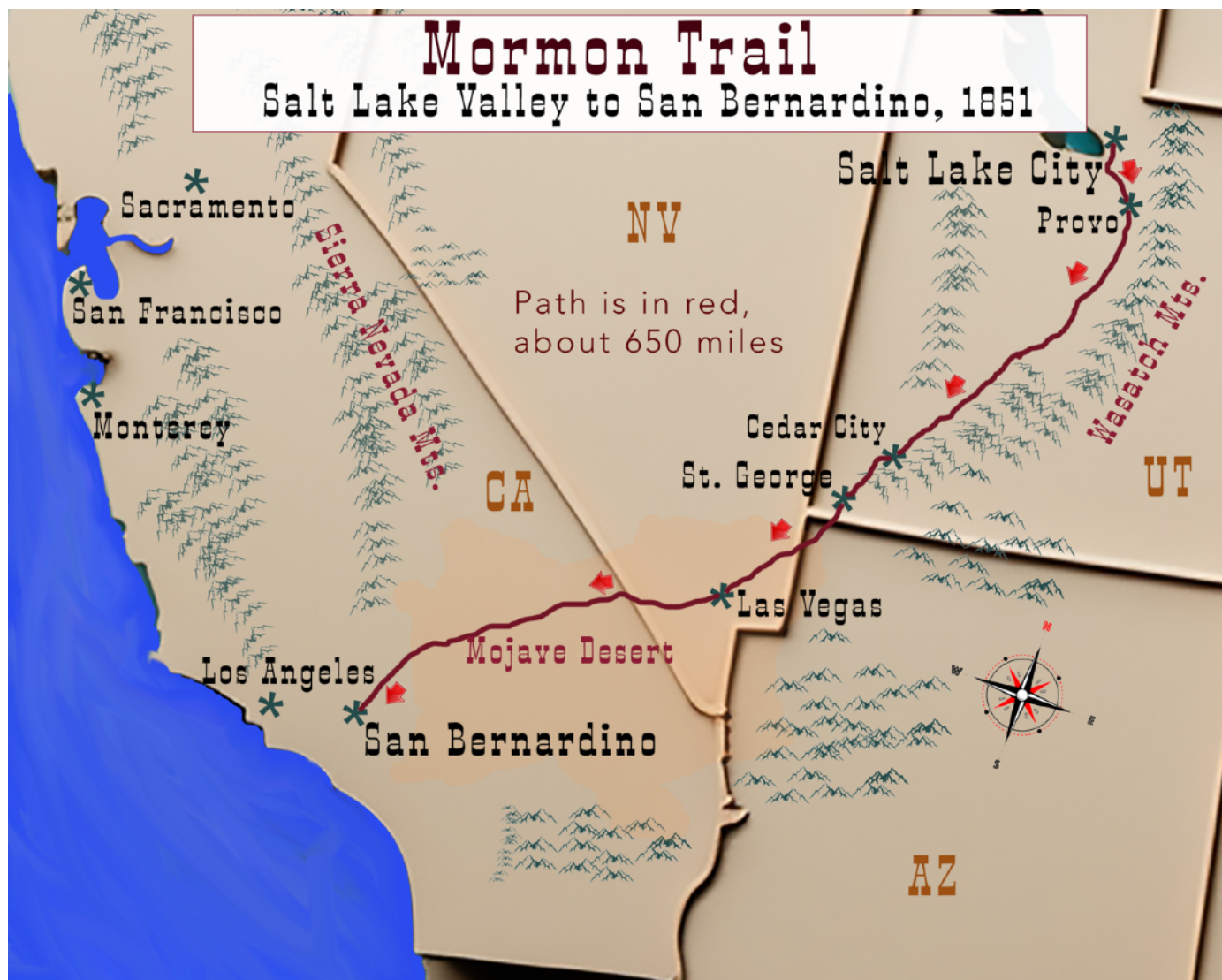
Robert M. Smith	Tennessee	16	14	Female	"
	Hannah	15	28	"	Yellow
	Biddy	16	25	"	Black
	Ellen	17	11	"	Mulatto
	Ann	18	7	"	Black
	Harriet	19	3	"	Mulatto
	Ann	20	13	"	Yellow
	Lawrence	21	9	Male	"
	Nelson	22	7	"	"

1850 Census, Utah Territory, Utah County Slave Schedule, detail. Credit: FamilySearch

Mississippi Mormons

1848 Trail to Nebraska





Path is a rough approximation. Only California was a U.S. state at the time of the migration.





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