

“JUMPING THE BROOM”, OIL, INHERITANCE AND AFRICAN AMERICAN MARRIAGE IN THE SOUTH

Kenyatta D. Berry, J.D.
Genealogy Roadshow (PBS)
Author, *The Family Tree Toolkit*
Kenyattaberry.com

What does it mean to jump the broom?

To symbolize marriage because it was illegal for the enslaved to marry. The couple jumped over the broom stick while holding hands to symbolize good luck.¹ The ceremony sometimes took place at the enslavers house or at the enslaved individuals cabin.

Who was Old Joe Edwards?

Old Joe was a slave of the Gantt family in Union County, Arkansas and prior to 1850 he took up with Susan a slave of the Wroten family. Susan lived about eight miles away from Old Joe. During his time with Susan, Old Joe began a relationship with Patsy also a slave of the Gantt family. Patsy and Old Joe lived in adjoining slave cabins. Nancy Gantt a descendant of the slave owning Gantt family testified that Old Joe was the father of Patsy’s children and married Patsy by jumping the broom. After the Civil War, Old Joe began a relationship with Aveline about 1826. In 1870, there were two children living with Joseph and Aveline, presumably their sons Jetson born about 1865 and James born about 1867.

Marriage laws during Reconstruction

Bureau of Refugees, Freedmen, and Abandoned Lands: On May 3, 1865, Maj. Gen, Oliver Otis Howard issued orders to the Assistant Commissioners on the conditions for legitimizing slave marriage.

*"In places where the local statutes make no provisions for the marriage of persons of color, the assistant commissioners are authorized to designate officers who shall keep a record of marriages, which may be solemnized by any ordained minister of the gospel." Howard's orders also required ministers to report on marriages they performed, including "such items as may be required for registration at places designated by assistant commissioners."*²

"An Act to legalize marriages of persons of color" was approved by the Arkansas legislature on December 20, 1866, and took effect immediately thereafter. The Act legalized all putative

¹ Tera W. Hunter, *Bound in Wedlock: Slave and Free Marriage in the Nineteenth Century*, (Cambridge: Belknap Press of Harvard University Press, 2017), pgs. 46-47.

² Reginald Washington, “Sealing Sacred Bonds of Holy Matrimony: Freedmen’s Bureau Marriage Records,” *Prologue* Vol. 37, No. 1, (Spring 2005)

marriages between "persons of color," whether previously freed or slave, who were "living together as husband and wife" at the passage of the Act.³

Who was J. W. Edwards?

James W. (Jim) Edwards was the only surviving son of Joseph and Aveline Edwards. As best determined, Joseph and Aveline died by 1876. When Jim died in 1946, his property had two oil producing wells valued between \$125,000 to \$3,000,000. He died without a will, leaving a widow and no surviving children. Per Arkansas law ½ would go to his widow and the other ½ to surviving relatives.

Who were the legitimate heirs of James W. Edwards?

To determine the legitimate heirs of J. W. Edwards, interviews were conducted by lawyers, neighbors and the story spread like wildfire about the oil on J. W. Edwards land. There were three family lines Sophronia, the surviving sister of Aveline, the Patsy line and the Susan line.

Records used in Research

- Census Records
- Court Records (1946-1953)
- Legal Journal articles
- Newspaper Articles
- Oral History
- Testimony of neighbors, relatives and former enslavers of the Patsy and Susan lines

Who are the legitimate heirs of James (Jim) W. Edwards?

The Aunt Sophronia, the surviving sister of Aveline, the Patsy line or Susan Line

Resources

Hunter, Tera W., *Bound in Wedlock: Slave and Free Marriage in the Nineteenth Century*, Cambridge: Belknap Press of Harvard University Press, 2017.

Goring, Darlene. "The History of Slave Marriage in the United States," *John Marshall Law Review* 39, No. 299 (2006): 299-347

Taylor, Orville W., *Negro Slavery in Arkansas*, Fayetteville: The University of Arkansas Press, 2000.

Taylor, Orville W. "Jumping the Broomstick: Slave Marriage and Morality in Arkansas," *Arkansas Historical Quarterly* Vol. 17, (1958): 217-231.

Washington, Reginald. "Sealing Sacred Bonds of Holy Matrimony: Freedmen's Bureau Marriage Records," *Prologue* Vol. 37, No. 1, (Spring 2005)
<https://www.archives.gov/publications/prologue/2005/spring/freedman-marriage-recs.html>

³ Darlene Goring, "The History of Slave Marriage in the United States," *John Marshall Law Review* 39, No. 299 (2006): 334.