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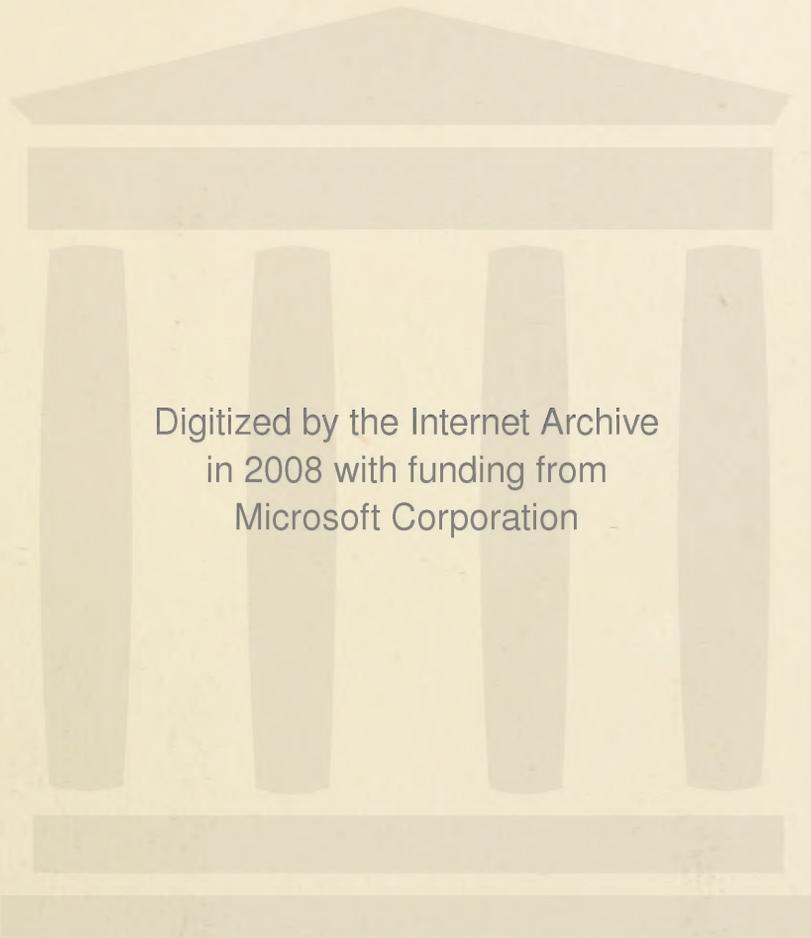
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A HISTORY OF
LOUISIANA

VOLUME III



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A HISTORY OF LOUISIANA

BY

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HISTORICAL SOCIETY



IN FOUR VOLUMES



VOLUME III

THE AMERICAN DOMINATION

PART I

1803-1861



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A HISTORY OF
LOUISIANA

VOLUME III

CHAPTER I

BEGINNING OF THE AMERICAN DOMINATION

Condition of the province at the end of the Spanish domination—Boundaries and divisions—New Orleans—Administration of law—Louisianians wish to preserve the French language in public affairs—Biography of Claiborne—Louisiana divided—Act establishing the Territory of Orleans—Debates in Congress—Dissatisfaction in Louisiana—The first American City Council—Resignation of Mayor Boré—James Pitot elected mayor—Establishment of the Louisiana Bank—Petition to Congress—First officials of the Territory of Orleans—Claiborne's inaugural address and first message—Celebration of the first anniversary of the cession—Acts of the Legislative Council—First aldermen of New Orleans—Mayor Watkins—Poydras's last address to the Legislative Council—Manners and customs.



THAT the reader may understand the changes brought about by the transfer of Louisiana to the United States and the progress during the American domination, it is necessary to present briefly the condition of the province at the end of the Spanish domination. We give here a few extracts from the interesting digest of information received by President Jefferson and communicated by him to Congress on November 14, 1803:

The precise boundaries of Louisiana, westward of the Mississippi, though very extensive, are involved in some obscurity. Data are equally wanting to assign with precision its northern extent.

From the source of the Mississippi, it is bounded eastwardly by the middle of the channel of that river, to the thirty-first degree of latitude; thence, it is asserted, upon very strong grounds, that, according to its limits when formerly possessed by France, it stretches to the east as far, at least, as the river Perdido, which runs into the bay of Mexico, eastward of the river Mobile.

The province as held by Spain, including a part of West Florida, is laid off in the following principal divisions: Mobile, from Balize to the city, New Orleans, and the country on both sides of Lake Pontchartrain, First and Second German Coasts, Cabanose, Fourche, Venezuela, Iberville, Galveztown, Baton Rouge, Pointe Coupée, Attakapas, Opelousas, Ouachita, Avoyelles, Rapides, Natchitoches, Arkansas, and the Illinois.

The city of New Orleans, which is regularly laid out on the east side of the Mississippi, in latitude thirty degrees north, and longitude ninety degrees west, extends nearly a mile along the river, from the gate of France on the south, to that of Chapi-toulas [Tchoupitoulas] above, and a little more than one third of a mile in breadth from the river to the rampart; but it has an extensive suburb on the upper side. The houses in front of the town, and for a square or two backward, are mostly of brick, covered with slate or tile, and many are of two stories. The remainder are of wood, covered with shingles. The streets cross each other at right angles, and are thirty-two French feet wide. There is in the middle of the city a *place d'armes*, facing which are the church and town-house. There are from twelve to fourteen hundred houses in the city and its suburbs. The population is estimated at ten thousand, including the seamen and the garrison. It was fortified in 1793, but the works were defective, could not have been defended, and are now in ruins. The powder-magazine is on the opposite bank of the river.

The public buildings and other public property in New Orleans are as follows: Two very extensive brick stores, from one hundred and sixty to one hundred and eighty feet in length, and about thirty feet in breadth. They are one story high and

covered with shingles. A government house, stables, and garden, occupying a front of about two hundred and twenty feet on the river, in the middle of the town, and extending three hundred and thirty-six feet to the next street. A military hospital. An ill-built custom-house of wood, almost in ruins, in the upper part of the city, near the river. An extensive barrack in the lower part of the city, fronting on the river, and calculated to lodge twelve or fourteen hundred men. A large lot adjoining the King's stores, with a few sheds in it, serves as a park for artillery. A prison, town-house, market-house, assembly-room, some ground-rents, and the common about the town. A public school for the rudiments of the Spanish language. A cathedral church unfinished, and houses belonging to it. A charitable hospital, with houses belonging to it, and a revenue of fifteen hundred dollars annually endowed by a person recently deceased.¹

When the country was ceded to Spain, she preserved many of the French regulations; but by almost imperceptible degrees they have disappeared, and at present the province is governed entirely by the laws of Spain and the ordinances formed expressly for the colony. The governor's court has civil and criminal jurisdiction throughout the province; that of the lieutenant-governor has jurisdiction to the same extent, in civil cases only. There are two alcaldes, whose jurisdiction, civil and criminal, extends throughout the city of New Orleans and five leagues around it, where the parties have no military privilege; those who have that privilege can transfer their cases to the governor. The tribunal of the intendant has cognizance of admiralty and fiscal causes, and such suits as are brought for recovery of money in the King's name, or against him. The tribunal of the alcalde provincial has cognizance of criminal causes, where offenses are committed in the country, or when the criminal takes refuge there, and in other specified cases. The ecclesiastical tribunal has jurisdiction in all matters respecting the church.

The governor, lieutenant-governor, alcaldes, intendant, alcalde provincial, and the provisor in ecclesiastical causes, are, re-

spectively, sole judges. All sentences affecting the life of the culprit, except those of the *alcalde provincial*, must be approved by the superior tribunal, or by the captain-general, according to the nature of the cause, before they are carried into execution. The governor has not the power of pardoning criminals. An auditor and an assessor, who are doctors of law, are appointed to give counsel to those judges; but for some time past there has been no assessor. If the judges do not consult those officers, or do not follow their advice, they make themselves responsible for their decisions. The commandants of districts have also a species of judicial power. They hear and determine all pecuniary causes not exceeding the value of one hundred dollars. Where the suit is for a larger sum, they begin the process, collect the proofs, and remit the whole to the governor, to be decided by the proper tribunal. They can inflict no corporal punishment except upon slaves, but they have the power of arresting and imprisoning when they think it necessary; advice of which, and their reasons, must be transmitted to the governor.

Small suits are determined in a summary way, by hearing both parties, *viva-voce*; but in suits of greater magnitude the proceedings are carried on by petition and reply, replication and rejoinder, reiterated until the auditor thinks they have nothing more to say. Then all the proofs that either party chooses to adduce are taken before the keeper of the records of the court, who is always a notary public. The parties have now an opportunity of making their remarks upon the evidence, by way of petition, and of bringing forward opposing proofs. When the auditor considers the cause as mature, he issues his decree, which receives its binding force from the governor's signature, where the cause comes before him. There is an appeal to Havana, if applied for within five days after the date of the decree, in causes above a certain value. An ulterior appeal lies to the Audience, which formerly sat at Santo Domingo, but which is now removed to some port of Cuba; and thence to the Council of the Indies, in Spain.

Suits are of various durations. In pecuniary matters, the laws encourage summary proceedings. An execution may be had on a bond in four days; and in the same time on a note of hand, after the drawer has acknowledged it, or after his signature is proved. Movable property is sold, after giving nine days' warning, provided it be three times publicly cried in that interval. Landed property must be likewise cried three times, with intervals of nine days, and it may then be sold. All property taken in execution must be appraised, and sold for at least half of the appraisement. In pecuniary matters, the governors decide verbally, without appeal, when the sum does not exceed one hundred dollars. The *alcaldes* have the same privilege when the amount is not more than twenty dollars.

In addition to these courts, four years ago there were established four *alcaldes de barrio*, or petty magistrates—one for each of the four quarters of the city—with a view to improve its police. They hear and decide all demands not exceeding ten dollars; exercise the power of committing to prison; and in case of robbery, riot, or assassination they can, by calling upon a notary, take cognizance of the affair; but when this is done they are bound to remit the proceedings to some of the other judges, and, in all cases, to give them information when they have committed any person to prison.

Most of the suits are personal contracts, rights to dower, inheritances, and titles to land. Those arising from personal quarrels are usually decided in a summary way. The inhabitants are said not to be litigious.

The number of lawyers is small, not exceeding three or four attorneys, and their fees are small. Suits are carried on in writings, called *escritos*, which may be drawn up by the parties themselves, if they please, but they must be presented by the *escribano*, or *notary*, who is the keeper of the records of the court. The fees of the judges are twenty-five cents for every half signature or flourish (which is usually affixed on common occasions), fifty cents for every whole signature; and two dollars and three

fourths for every attendance, as at a sale, or the taking of evidence. The fees of the *abogado*, or person consulted by the judges on law points, are twelve and a half cents for every leaf of which the process consists, and four dollars for every point of law cited. Those of the attorney are sixty-two and a half cents for a simple petition, or *escrito*; but if it should be necessary to read a process in order to form his petition, and if it should require much time and labor, he is compensated in proportion, besides receiving twelve and a half cents a leaf for reading the papers. For attendance on any business, he is allowed one dollar and fifty cents for two and a half hours. The notary has fifty cents for each decree or order of the judge; twenty-five cents for a notification in his office; and fifty cents for one out of it, but within the city; one dollar and seven eighths for every attendance of two and a half hours on business, and twenty-five cents additional for every leaf of paper written by him.

A counselor or two have sometimes resided in New Orleans, but as they have been usually found obnoxious to the officers of the government, they have not continued there. The counselor values his own services, and, in general, exacts large sums. The attorney generally receives from the party who employs him more than is allowed by law.

In cases of petty crime, the finding of the proper court may be said to be final, and without appeal; and commonly such causes are decided in a summary way. In the case of more serious crimes, more solemnity is observed. A person skilled in the laws is nominated by the court to defend the accused. The trial is not public; but examination and depositions in writing are taken privately by the auditor, at any time most convenient to himself, and the counsel of the accused is permitted to be present. Every kind of privilege is granted to him in making his defense. Such suits are usually very tedious and expensive—when the accused is wealthy. If condemned, he is entitled to an appeal, as in civil cases, provided he give security for payment of the future costs. There appears, however, to be a virtual appeal in every capital condemnation, because a stay of execution takes place until the

confirmation of the sentence returns from Santiago de Cuba, where there is a grand tribunal consisting of five judges, before whom counselors plead, as in our courts. Crimes of great atrocity are very rare. Murder, by stabbing, seems to be confined to the Spanish soldiers and sailors. The terror of the magistrate's powers restrains assaults, batteries, riots, etc. Punishments are usually mild. They mostly consist of imprisonment and payment of costs; sometimes the stocks. White men, not military, are rarely, perhaps never, degraded by whipping, and in no case do any fines go into the public treasury. Murder, arson, and aggravated robbery of the King's treasury or effects are punished with death. Robbery of private persons, to any amount, is never punished with death, but by restitution, imprisonment, and, sometimes, enormous costs. Crimes against the King's revenue, such as contraband trade, are punished with hard labor for life, or a term of years on board the galleys, in the mines, or on the public works.

Claiborne, in his proclamation to the people of Louisiana, had announced that he was to exercise the powers of governor and intendant, and the administration of the province was to remain in the same state in which he found it,—that is to say, as it was under the Spanish domination. Laussat, however, by abolishing the *cabildo* and establishing a municipal body, did away with the officers of principal, provisional, and ordinary *alcaldes*, and no judicial officers but the governor and the *alcaldes de barrio* remained in New Orleans. Claiborne, therefore, established on December 30, 1803, a Court of Pleas, composed of seven justices.²

Its civil jurisdiction was limited to cases which did not exceed in value three thousand dollars, with an appeal to the governor in cases where it exceeded five hundred. Its criminal jurisdiction

extended to all cases in which the punishment did not exceed a fine of two hundred dollars and imprisonment during sixty days. The justices individually had summary jurisdiction of debts under the sum of one hundred dollars; but from all their judgments an appeal lay to the Court of Pleas.

The Louisianians were dissatisfied at the way the new American Territory was governed, and their grievances were set forth very forcibly by a "Native," in a pamphlet published in 1804. He says that "Governor Claiborne fell, as it were, from the clouds, without the least knowledge of the country, its inhabitants, their manners, their customs, *their very language*, or their laws, which he was enjoined to follow."³ The Court of Pleas was organized after the American manner, and one may imagine "the embarrassment of the judges themselves, who had no idea of those foreign forms which they should follow and mix with the Spanish laws."

The principal grievance of the Louisianians was the introduction of the English language in all public affairs except in the municipality,—a fact, says a "Native," which would make the Louisianians become "strangers on their native soil" and would "suddenly strike them politically dead." "Is not the use of our native language the most dear property, of which we could not be debarred without becoming insignificant and passive beings?" The Louisianians admitted that, at a future day, the English language should prevail in Louisiana, but they said that time alone could bring about this revolution. They added that they had a sincere desire of fraternizing with their new countrymen; and that, in spite of all their griev-

ances, "ever faithful to the laws and government, they complained in respectful language and prayed for justice." They said of Governor Claiborne that he used his dangerous authority with probity and moderation.

William Charles Cole Claiborne was born in Virginia in 1775, and was therefore only twenty-eight years of age when President Jefferson appointed him governor of the Territory of Louisiana. He was a descendant of William Claiborne, whose name appears in the early history of Virginia and Maryland. He was educated at Richmond Academy and at William and Mary College, but had to earn a living at the age of fifteen and went to New York to look for employment. He found a place in the office of John Beckley, who was then clerk of the House of Representatives, and worked there four years. In Philadelphia, whither Congress removed in 1790, Claiborne acquired the friendship of Thomas Jefferson and of John Sevier. The latter advised him to go west and become a lawyer, and after three months spent in Richmond reading law, he set out for Tennessee. He was elected a delegate to the convention that was to frame a constitution for the new State of Tennessee, then he became one of the judges of the Supreme Court of Law and Equity, and soon afterward he was sent to Congress, to succeed Andrew Jackson, who had been elected to the Senate. In the House he voted for Jefferson for President, and in 1802 he was appointed governor of Mississippi Territory. From that office he was sent to govern Louisiana, where he succeeded in overcoming all prejudices against him and became very popular with the

Louisianians of French origin. The reason of his success was, that he was laborious and thoroughly honest.

By an act of Congress, of March 26, 1804, Louisiana was divided into two parts. All that portion "south of the Mississippi Territory and of an east-and-west line, to commence on the Mississippi River, at the thirty-third degree of north latitude, and to extend west to the western boundary of the said cession," was named the Territory of Orleans. The residue of the province was called the District of Louisiana, and was placed under the administration of the governor of the Indiana Territory and the jurisdiction of the judges of that Territory.

The executive power, in the Territory of Orleans, was vested in a governor to be appointed by the President for three years. He was to be commander-in-chief of the militia of the Territory, to have power to grant pardons for offenses against the Territory, and reprieves for offenses against the United States, until the decision of the President was known, and to have the appointment of all civil and military officers, except those whose appointments were otherwise provided for. A secretary of the Territory was to be appointed for four years. The legislative powers were vested in the governor and a Legislative Council of thirteen members, to be appointed annually by the President. The governor was to publish all the laws annually throughout the Territory, and to report them from time to time to the President, to be laid before Congress. If they were disapproved by Congress, they were thenceforth void. The governor had the right to convene and prorogue the Legislative Council, whenever

he deemed it expedient. "The judicial powers were vested in a superior court and such inferior courts and justices of the peace as the Legislature of the Territory might establish. The superior court consisted of three judges, one of whom constituted a court." A district court was also established, to consist of one judge. "Provision was made for the writ of habeas corpus, admission to bail in cases not capital, and against cruel or unusual punishments."⁴ "The importation of slaves from foreign countries was forbidden, and that of those from the United States was allowed only to citizens, bona-fide owners, removing to the Territory."

These were the principal sections of the act establishing the Territory of Orleans. It gave rise to animated debates in Congress.⁵ Mr. Eustis of Massachusetts said the people of Louisiana were not prepared to enjoy the elective franchise; that he considered them as standing in nearly the same relation to the United States "as if they were a conquered country." Mr. Macon, the Speaker, was opposed to the principle contained in the act, because it established a species of government unknown to the laws of the United States. He was in favor of giving the people of Louisiana the same government that was given to the people of the Mississippi Territory. Several other representatives considered the government about to be given the Territory of Orleans as being most despotic, and as being contrary to the treaty of cession. The act, however, was passed, and was approved March 26, 1804. It was to be in force October 1, 1804, and to continue one

year and to the end of the next session of Congress that might be held thereafter.

The dissatisfaction in Louisiana was very great at the illiberal act of Congress establishing the Territory of Orleans; and that feeling brought about the resignation of Étienne de Boré as mayor of New Orleans. We have seen that on November 30, 1803, Laussat abolished the cabildo and established a municipal body composed of a mayor, a council of twelve members, and a clerk. The mayor and members of the first Municipal Council worked diligently during the twenty days of the second French domination, and they continued in office after the transfer of the province to the United States. On December 30 the Council was reestablished with all the members appointed by Laussat, except Sauv  and Jones, who had resigned.⁶ On December 24 Governor Claiborne presided at the meeting of the Council, and the mayor and members took the oath of allegiance to the United States.

On December 28 burial in churches was forbidden; on January 11, 1804, Delahogue was elected assistant secretary, and two new members, Hulings and Charles Por e, took their seats in the Council. On January 25 curious regulations were adopted about the order of dances at public balls, as follows: "1. Two French contra-dances. 2. One English contra-dance, which will be divided into twelve couples. 3. A waltz."

In May, 1804, the Council consisted of the original members, except Hulings and Por e, who were elected in January, and of Carrick, Le Breton D'Orgenois, and

James Pitot. On May 16, Boré, the mayor, delivered the following address:

GENTLEMEN: The municipal body was formed under the French government; its powers are what they would be if it had remained under that government, Governor Claiborne having confirmed it, at the time of the transfer, with the same powers. It is proper, then, to protest against the constitution decreed by Congress on March 26, because it annihilates the rights of the Louisianians, of whom we form part and of whom we are the only representative body. The American government, by the wisdom of its constitution, cannot and should not, without departing from its principles and its obligations, infringe our natural rights and article third of the treaty of cession. Until the entire colony may oppose in due form the act that annuls those privileges, let us anticipate that moment by our formal protest against a constitution that places us in the class of subjects of the most absolute government. Let us represent to the President the authenticity of our pretensions; let us express ourselves as republicans united to the United States of America, and let the present government, however insufficient and unfavorable it is by its form, subsist until our fate be fixed in accordance with our rights and the treaty of cession.⁷

The Council's answer to the mayor was that, in its opinion, a protest should not be made, but only representations, and that this right belonged to the generality of the citizens of the colony and not to the municipal body in particular.

On May 19, 1804, Mayor Boré announced that his personal affairs did not allow him to share the labors of his colleagues, and that he had sent his resignation to Governor Claiborne. On May 26, Petit presided at a meeting of the Council, and it was decided that a letter be written

to ex-Mayor Boré, expressing the profound sentiment of friendship, confidence, and gratitude of the Council, their regrets that he was no longer presiding officer, their best wishes for the happiness of the city and his own, and their hope that he be replaced by a citizen as wise, as constant, and as zealous for the public good as he.

There is no doubt that Étienne de Boré resigned his office of mayor of New Orleans through his patriotic pride as a Louisianian, when he saw how ungenerous Congress had been in its act of March 26, 1804, establishing the Territory of Orleans. Boré was a man of great merit, and was highly esteemed in Louisiana, which he had enriched by his energy in securely establishing the sugar industry. On June 2, 1804, James Pitot was elected mayor by the Council, and his election was approved by Governor Claiborne.

During the Spanish domination a large quantity of silver was sent from Vera Cruz every year for the expenses of the government of the colony; and when this supply of silver ceased, distress was felt from the scarcity of a circulating medium. There was also a large quantity of *liberanzas*, or certificates, which had not been redeemed by the Spaniards. To relieve the financial distress, Governor Claiborne established the Louisiana Bank; but the people, at first, had little confidence in this institution.

The Louisianians felt such dissatisfaction with the act of Congress relating to Louisiana that a meeting of merchants and planters was held in New Orleans on June 1, and it was determined to petition Congress to repeal that part of the act concerning the division of the Territory

and the restrictions on the importation of slaves. A request was also to be made for the immediate admission of Louisiana into the Union. A committee composed of Jones, Edward Livingston, Pitot, and Petit was appointed to prepare a draft of the petition to Congress, to be submitted at another meeting. The report of the committee, presented at a public meeting in the beginning of July, was approved, and a committee of twelve was chosen to circulate the petition or memorial among the inhabitants for their signatures, and to solicit contributions to defray the expenses of a delegation to be sent to Washington to lay the memorial before Congress. The committee of twelve was also to suggest the names of six individuals, out of whom three would be chosen as delegates of the people. The last public meeting was held on July 18, 1804, and three commissioners were chosen,—Pierre Sauv , Pierre Derbigny, and Jean Noel Destr han.⁸ On July 4 there had been a patriotic celebration of the Declaration of Independence, and Pierre Derbigny had delivered a fine address.

On October 1, 1804, the act of Congress went into effect, and the following officers were appointed by President Jefferson: Claiborne, governor; Brown, secretary; Bellechasse, Bor , Cantrelle, Clark, De Buys, Dow, Jones, Kenner, Morgan, Poydras, Roman, Watkins, members of the Legislative Council; Duponceau, Kirby, and Prevost, judges of the Superior Court; Hall, district judge of the United States; Mahlon Dickens, district attorney; and Le Breton D'Orgenois, marshal.

Prevost was a stepson of Aaron Burr; he opened his

court alone, as Kirby had died and Duponceau had not accepted the appointment of the President. Boré, Bellechasse, Jones, and Clark had been among the most active in organizing the public meetings that had decided to send a memorial to Congress to protest against the establishment of the new government. As they could not therefore consistently serve as members of the Legislative Council, they declined to accept seats in that body. The other members were not zealous in attending meetings, and, as a quorum could not be obtained, Claiborne took advantage of the fact that blank commissions had been sent to him, as the first names of the persons appointed were not known in Washington. He therefore filled four commissions with the names of Dorciere, Flood, Mather, and Pollock, and barely obtained a quorum of the Legislative Council on December 4, 1804.

On September 26, 1804, Claiborne lost his wife and their infant, and "many thousands," says the "Louisiana Gazette," "attended her interment, and business of almost every kind was suspended." This misfortune rendered pathetic Claiborne's address to the people when he was sworn into office on October 2 by James Pitot, Mayor of New Orleans.

FELLOW-CITIZENS: The President of the United States having been pleased to appoint me governor of that part of Louisiana which is constituted the Territory of Orleans, I have attended in this Hall to take in your presence the oaths of office required by law. In this additional and distinguished proof of confidence from the Chief Magistrate of our common country, I find the strongest inducements to merit by my conduct a continuance of

his approbation ; to deserve yours also, fellow-citizens, is my sincere desire, and shall be the fondest object of my cares. All the felicity which a recent domestic calamity has left for me to seek or enjoy, is in contributing to the happiness of those over whom I am called upon to preside. The importance of the trust committed, and the high responsibility attached thereto, are forcibly impressed upon my mind, and have excited the most anxious solicitude. On entering, however, upon my arduous duties, I anticipate with pleasure the principal aid which I shall receive from the judicial and legislative authorities, and the kind indulgence and support which a generous people always extend to the honest appeals of a public officer. Past events, fellow-citizens, guarantee the fulfilment of these expectations. In the course of my late administration, which, from a variety of circumstances, was accompanied with peculiar difficulties, I received from the officers, civil and military, a zealous and able coöperation in all measures for the public good, and from the people in general an indulgence and support, which encouraged harmony and insured the supremacy of the law. I am now ready to take the oaths of office required. And I pray Almighty God to visit with his favor the magistrates and legislators of this Territory ; to enable them to preserve to her citizens and their posterity the blessings of peace, liberty, law, and thus to soften those evils which a wise Providence has annexed in this world to the condition of man.⁹

When the Legislative Council met on December 4, 1804, Governor Claiborne addressed to them a message which we reproduce in part, as it is the first message of a governor of American Louisiana.

FELLOW-CITIZENS OF THE LEGISLATIVE COUNCIL: Receive my sincere congratulations on your present assemblage, and permit me to accompany an acknowledgment of the pleasure I feel on the occasion with an expression of my anxious solicitude for the

honor and usefulness of your labors. When I revert to the important events that produced our present political connection, I look forward to the pleasing prospects of permanent aggrandizement. When I reflect upon our union with the freest people upon earth, and our dependence upon that just government under whose auspices a young nation has so soon become powerful, and, amidst an unexampled advancement of agriculture and extension of commerce, enjoyed liberty, laws, and uninterrupted peace, the satisfaction with which I contemplate the future destinies of this Territory is equaled only by my admiration of the wisdom and virtue which have diffused such political blessings, and promise (under the favor of Heaven) their perpetuity.¹⁰

Claiborne then calls attention to the important and arduous trust committed to the Council. The first object, he says, should be a system of jurisprudence suited to the interests and habits of the citizens, and the governor recommends an energetic system of criminal jurisprudence. "It is not the severity, but the celerity and certainty of punishment, that repress crimes." He requests attention to the interest, convenience, and comfort of New Orleans.

The city has great claims on your most affectionate patronage. The real interest of the merchant and planter is the same; and he is no friend to either who would wish to divide them. Let exertions be made to rear up our children in the paths of science and virtue, and to impress upon their tender hearts a love of civil and religious liberty. Every constitutional encouragement should be given to ministers of the gospel. Religion exalts a nation, while sin is the reproach of any people. It prepares us for those vicissitudes which so often checker human life. It deprives even misfortune of her victory. It invites to harmony and good will in this world, and affords a guarantee for happiness hereafter.



Everything dear to a free people may be considered as insecure, unless they are prepared to resist aggression. Let me advise a prudent economy. Extravagance in a government leads inevitably to embarrassments. Liberality, but not profuseness, economy, but not parsimony, should be your guide.

Although the Legislative Council was in session, and Louisiana had become a Territory of the United States, there was still an impression among some of the inhabitants that the country west of the Mississippi, and perhaps the whole of Louisiana, would be re-ceded to Spain. This opinion was encouraged by Casa Calvo and by Folch, Governor of West Florida. In order, probably, to counteract any such impression, Claiborne caused to be celebrated with great splendor, on December 20, 1804, the anniversary of the transfer of Louisiana to the United States. There was firing of cannon, then a military parade, and the governor gave a collation to which he invited Casa Calvo and Folch and some of the principal inhabitants. The day ended with a ball.

The first session of the Legislative Council lasted from December 2, 1804, to May 1, 1805.¹¹ The president of the Council was Julien Poydras, author of the earliest poem in the literature of Louisiana. The principal acts of the Council were as follows:¹² To incorporate a Marine Insurance Company in the city of New Orleans. This was the New Orleans Insurance Company, which was in existence until 1895, and of which the last president was Jules Tuyes, a highly cultured gentleman of the old régime. For dividing the Territory of Orleans into counties, and establishing courts of inferior jurisdic-

tion. The Territory was divided into twelve counties: Orleans, German Coast, Acadia, La Fourche, Iberville, Pointe Coupée, Attakapas, Opelousas, Natchitoches, Rapides, Ouachita, and Concordia. The county of Orleans comprised "all that portion of country lying on both sides of the river Mississippi from the Balize to the beginning of the parish of St. Charles, including the parishes of St. Bernard and St. Louis." The county of German Coast comprised "the parishes of St. Charles and St. John the Baptist, commonly called the first and second German Coasts." The county of Acadia comprised "the parishes of St. James and the Ascension, commonly called the first and second Acadian Coasts." The other counties were all minutely described, and for each county a judge was to be appointed, who should be a justice of the peace, and as many other justices of the peace as the governor should appoint. An act to institute a university in the Territory of Orleans was approved April 19, 1805. The preamble of this act is very interesting:

Whereas, the independence, happiness, and grandeur of every republic depend, under the influence of Divine Providence, upon the wisdom, virtue, talents, and energy of its citizens and rulers; and whereas science, literature, and the liberal arts contribute, in an eminent degree, to improve those qualities and acquirements; and whereas, learning hath ever been found the ablest advocate of rational religion, and the source of the only solid and imperishable glory which nations can acquire; and forasmuch as literature and philosophy furnish the most useful and pleasing occupations, improving and varying the enjoyments of prosperity, affording relief under the pressure of misfortune, and hope and consolation in the hour of death; and considering that in a common-

wealth, whose humblest citizen may be elected to the highest public office, the knowledge which is requisite for a magistrate should be widely diffused,—

It was therefore enacted that a university be established to be entitled “The University of Orleans.” The governor, the judges of the Superior Court, the judge of the court of the United States for the district of Orleans, the mayor and recorder of New Orleans, and the president of the Legislative Council were ex-officio regents, and the following persons were appointed regents: The Rev. Patrick Walsh, Paul Lanusse, Joseph Faurie, Peter Derbigny, Lewis Kerr, Joseph Saul, Dr. Fortin, Dr. Robelot, Dr. Montégut, Dr. Le Duc, Dr. Dow, James Brown, Edward Livingston, James Workman, Evan Jones, Boré, and Destréhan. The regents were to establish as soon as possible a college to be named “The College of New Orleans,” and were to appoint a president and four professors, one professor for the Latin and Greek languages, logic and ancient history; one professor for the English, French, and Spanish languages, rhetoric and modern history; one professor for mathematics and natural philosophy; and one professor for moral philosophy and the law of nature and nations. The faculty was authorized to grant such degrees as are usually conferred in other colleges in Europe and America. In each county one or more public schools were to be established, and as many schools as the regents might judge fit for the instruction of girls, as “the prosperity of every state depends greatly on the education of the female sex, inasmuch that the dignity of their condition is the strongest

characteristic which distinguishes civilized from savage society.”

The members of the Legislative Council had excellent intentions with regard to public schools; but as they did not provide any fund for their establishment, the plan failed. The “College of New Orleans,” however, was established later. A sum, not exceeding fifty thousand dollars, was to be raised annually by two lotteries,—a rather uncertain and precarious fund.

An act was passed to incorporate a Library Society in New Orleans, and one to incorporate the city of New Orleans, approved February 17, 1805. The boundaries prescribed for the city gave it a large area. The officers were a mayor and a recorder, to be appointed by the governor for one year, fourteen aldermen to be elected by the freeholders owning real estate worth at least five hundred dollars, or renting a household tenement of the yearly value of one hundred dollars. Two aldermen were to be elected from each ward, and the fourteen aldermen formed the City Council, of which the recorder was ex-officio president. The Council was to appoint a treasurer and the necessary subordinate officers.

The Legislative Council held a second session on June 20, 1805, and adjourned early in July. It passed acts for improving the inland navigation of the Territory of Orleans, to establish a Court of Probate, and to incorporate a congregation of the Protestant Episcopal Church in the city of New Orleans. Among the vestrymen of Christ Church were Edward Livingston, John Watkins, J. B. Prevost, and Evan Jones.

On July 5, 1805, the regents of the University of Orleans met, and elected Governor Claiborne chancellor and Mayor Pitot vice-chancellor. It was determined to raise by a lottery a sum not exceeding twenty thousand dollars.

On March 6, 1805, a meeting of the Council was held, at which were present: Mayor Pitot, Petit, Carrick, Fortier, Faurie, Livaudais, Donaldson, Mérieult, and Gurley. The mayor announced that the aldermen elected were: 1st district, F. Arnaud and J. Carrick; 2d district, J. Faurie and F. Duplessis; 3d district, Colonel Bellechasse and Guy Dreux; 4th district, P. Bretonnière and A. Argotte; 5th district, Thos. Harman and P. Lavergne; 6th district, J. B. Macarty and F. J. Dorville; 7th district, Thomas Porée and F. M. Guérin. On March 11 the new City Council was installed. Governor Claiborne went at noon to the City Hall, accompanied by civil and military authorities and by several prominent citizens. He proclaimed James Pitot mayor and John Watkins recorder; and all the new officials took the oath of office, except Colonel Bellechasse, who was absent. From the first meeting of the City Council in November, 1803, to May 25, 1805, the minutes of the very numerous meetings were signed by all the members of the Council. On May 25, 1805, only Watkins, the recorder or president, and Bourgeois, the secretary, signed the minutes.

On July 30, 1805, Mayor Pitot resigned his office, and Dr. John Watkins was appointed mayor by the governor, and Colonel Bellechasse recorder.

After the adjournment, in July, 1805, of the second session of the Legislative Council of the Territory of Or-

leans, Governor Claiborne appointed Julien Poydras judge of the county of Pointe Coupée.

On May 1, 1805, when the Legislative Council was prorogued by Governor Claiborne, Poydras delivered an address, in which he said:

How delicious is the fruit of the tree of liberty, to those who can taste its sweets without having had the trouble of rearing the plant, or of watering it with the sweat of their blood!—without having been obliged to pass anxious nights and tedious days in laboring at its delicate and precarious culture! What care must be taken, what precautions used, to keep at a distance all that might check or prevent its growth; and now dexterously to remove, now forcibly to tear from it, those destructive vines which, like devouring parasites, closely twining themselves round its trunk, penetrate the earth even to its roots.¹³

He spoke of the arduous work of the Council, said they did all that was in their power to do, and added that their successors would be happier than they, as they would enjoy the confidence of the people by whom they would have been elected. The censures that the members of the Council have received have not given them any pain, for they felt like “that Greek who, aspiring to a certain magistracy, and finding himself excluded by the selection of three hundred from among his fellow-citizens, hurried to the temple and returned thanks to the gods that his country contained three hundred citizens of greater merit than himself.”

To give an idea of customs and manners in New Orleans at the beginning of the American domination, we

quote here some extracts from the diary of John F. Watson, who arrived in New Orleans on May 26, 1804.¹⁴

All the houses are different from any that I have ever seen before, in their style of architecture and fabric; such quantities of shipping, too, are surprising. The streets are more alive with population, and there is an outdoor activity of business, that even now surpasses Philadelphia, from which I have come. The chief of the houses are of brick and plastered over smoothly with white mortar; few of them are above one story, unless they are public edifices; all are more decorated with ornamental work than any I have before seen. One-story houses, however, have their ground floor part so high as to make good storehouses. Almost all of them have galleries around them.

November 4, 1804.—The birthday of the King of Spain is celebrated with considerable pomp by the Spanish officers still here. The Governor, Folch, of Pensacola, and suite, being here, they all go in procession to mass. Our Governor, Claiborne, with his suite, joins therein. They all dine at the Marquis de Casa Calvo's; a military band plays during the time of the entertainment.

Ladies in this country never visit strangers first. All expect to be visited by the ladies newly arrived. Our ladies will not yield to this seemingly awkward position, and therefore they pass without native society. Gentlemen cannot visit young ladies often unless they declare themselves as intended suitors. There is no copper coin in circulation; one can't buy anything for less than a six-cent piece, called a picayune.

We made our first parlor fire on the ninth of November. At this time oranges began to be sold perfectly ripe.

The first part of January, three or four flatboats arrived from Charleston on the Ohio; were twelve weeks to three months in coming. They had taken out half their cargoes to get over the falls. By their early arrival they sell their flour at twelve and a half dollars.

Masquerades have ceased here since eight or nine years past, but *sherri-varries*¹⁵ are still practised. They consist in mobbing the house of a widow when she marries; and they claim a public donation as a gift. When Madame Don André¹⁶ was married she had to compromise by giving to the out-door mass three thousand dollars in solid coin! On such occasions the mob are ludicrously disguised. In her case there were effigies of her late and present husbands in the exhibition, drawn in a cart: there her former husband lies in a coffin, and the widow is represented by a living person, who sits near it. The house is mobbed by the people of the town, vociferating and shouting with loud acclaim; hundreds are seen on horseback; many in disguise dresses and masks; and all have some kind of discordant and noisy music, such as old kettles, and shovels and tongs, and clanging metals can strike out. Everybody looks waggish, merry, and pleased. Very genteel men can be recognized in such a mêlée. All civil authority and rule seems laid aside. This affair, as an extreme case, lasted three entire days, and brought in crowds from the country. It was made extreme because the second husband was an unpopular man, of humble name, and she was supposed to have done unworthily. Their resistance to yield any homage to the mob caused the exaction, and the whole sum was honorably given to the orphans of the place. (At a later period Edward Livingston, Esq., was *sherri-varried* here; on which occasion the parties came out promptly to the balcony and thanked the populace for their attention, and invited them to walk into the courtyard and partake of some of their prepared cheer. The compliment was received with acclamation and good wishes for many years of happiness, and the throng dispersed, none of the genteel partaking of any refreshment.) When a *sherri-varrie* is announced, it is done by running cry through the streets, as we cry Fire! fire! and then every man runs abroad, carrying along with him any kind of clanging instrument, or any kind of grotesque mask or dress. All this comes from an indisposition to allow two chances for husbands, in a society where so few single ladies find even one husband.

The carnival commenced the 5th January, 1805; an occasion of great processions and entertainments. From the 10th to the 13th of April is the Holy Week. The scourging of Christ, his crucifixion and ascension, etc., are severally celebrated in the several days. On Thursday, all the Catholics visit the several churches to kiss the feet of Jesus (*le bon dieu*). He appears sitting, bruised, grievous, and crowned with thorns. Some kissed with great devotion, and remained long on their knees. The lower class, the negroes, mulattoes, etc., sit and kneel in the aisles on the pavements, etc. Mothers bring their infants; some cry and occasion other disturbances; some are seen counting their beads with much attention, and remain long on their knees; some are running over their "Ave Marias"; others of less devotion are seen whispering, and smiling, and careless. On Monday (the day of Ascension) the priests, with the host and an altar, issue from the cathedral and go round the Place d'armes in solemn procession, chanting, crossing, and smoking frankincense. As the host is held on high, the people fall down and worship in the street; all walk uncovered. Each side of the pass is decorated with green boughs. The ladies, too, threw flowers from their balconies upon the altar as it was borne along below them.

The ladies are beautiful in person, gestures, and action; all are brunettes; few are blue-eyed or light-haired; none have color in their cheeks, but none look unhealthy. Young ladies do not dare to ride out or appear abroad with young gentlemen; but ladies frequently ride abroad in a chair (*volante*), managing the horse themselves. Their *volante* carriages are very ugly. Often they drive mules, and sometimes horses and mules are driven three or four abreast. They usually drive in gallops; no trotting is seen. Ladies all dress their own hair without curls or ornaments. Girls are never forward or garrulous in conversation; they are all retired and modest in their deportment, and very mild and amiable. I have never seen a presumptuous, talkative rattlecup or hoyden here. The ladies appear seldom abroad before the evening; then they sit at their doors or walk on the levee.

Two miles back from the town is a place called the Bayou (the creek), which is the head of a creek coming from the lake. There is there a good collection of houses and a place of public entertainment called the Tivoli (a new affair), at which is a ball once a week. Parties descend the creek to the lake to fish and bathe. There the water is salt. Crossing the lake is a pleasing and common excursion; it looks and feels much like going to sea. Many vessels come from Pensacola and other places into this Bayou St. John.

Houses in New Orleans have a pretty appearance and display much taste. They have no trees to shade them; fig and orange trees are too low and small for shade. People generally live upstairs in the large houses, and rent the place of entrance, window lights, and everything; many houses have no glass lights.

The goods here are drawn in carts with very high wheels, which are never tired nor the axles ironed. They make much squeaking, and were so formerly ordered by the Spanish government to prevent smuggling.

There are still here many Spanish officers; they are not genteel in their appearance, or well clad; indeed, they seem to have no military taste. There is one, a captain, who is said to be much like Washington, and because he has been told of it he takes care to keep his uniform, etc. When they go to church they all assemble at the Marquis de Casa-Calvo's, and go thence in procession. The Marquis has his own guard regularly on duty at his door. In passing the American guard at the town-house, next the church, it is put under arms, and they and the drums salute the Spanish officers. The same attention is paid by our guard when the host passes a funeral, with this difference, that in the latter case the guard ranges without arms and with their hats or caps off and in hand.

None of the streets have pavements; and after a rain the black, loamy, greasy state of the earth might make it easy enough of sleighing! It is wholly alluvial, without grit or stones. On such occasions we all walk on the long line of single logs, set at the

line of the footway as the water-sewer. There is some fun in contending for this single walk in wet days.

Few persons swim in the Mississippi. Grown people bathe at home; children bathe themselves back of the town, in the flat ditches. Alligators occupy the river and scare men off.

Vegetables are very cheap and plenty. Few persons milk cows, although cattle are plenty and cheap. Horses here are very small and spirited; they live chiefly on corn-blades, brought every day to market in bundles for six cents.

Shrimps are much eaten here; also a dish called *gumbo*. This last is made of every eatable substance, and especially of those shrimps which can be caught at any time, at the riverside, by a small net. Cheap food and quickly had!

All the water drunk and used for washing is brought from the river. It costs eighteen and three fourths cents for drawing a hogshead; the water underground is only useful in cleaning floors, etc. The levee was formerly shaded with willow and orange trees. There are now but few of them left.

The French, Spanish, and Americans here keep very separate society. The Americans congregate much together, and the French, except in business, keep much aloof; but I enter into society freely among them, and find them very friendly and agreeable.

The most of the ornamental part of female attire is made by themselves, always very neat and tasteful. They have a conspicuous hair jewel, or breast or waist buckle of gold, or rich beads, ornaments which last for life. They at no time wear caps, turbans, or bonnets. No bonnets are ever seen, even in the streets. They cover their hair with a graceful veil.

The following curious advertisement is the only one referring to art, if it may be called so, to be found in the "Louisiana Gazette" from July 31, 1804, to October 21, 1806:

Physionomitrace for taking profile likenesses.—I. Hopkins has the honor of informing the Ladies and Gentlemen of this city that he will cut four complete likenesses for four bits, and will attend at any person's house, if sent for at his lodgings in Bienville Street, No. 7. As he has practised this employment with great applause, he hopes to be able to give general satisfaction to all who may please to favor him with their custom.

The miniature-painters whom we saw in New Orleans in 1802 and 1803 must have been ruined in 1805 by their formidable rival, the artist in *physionomitrace*.

CHAPTER II

THE TERRITORY OF ORLEANS

Memorial of the inhabitants of Louisiana presented to Congress—A new form of government for the Territory of Orleans—Claiborne again appointed governor—The first representatives elected by the people—Patriotism of the new Americans—Dissolution of the Legislative Council—Motives of discontent of the members—Claiborne's judicious reply—Insurrection in New Feliciana against Spain—Dispute about the frontier line—Conciliatory policy of Jefferson—Wilkinson goes to Sabine River—Aaron Burr's plot—Wilkinson's arbitrary measures in New Orleans—Later career of the conspirators—Foundation of Donaldsonville—Acts of the Legislature—About education—Apprentices and indentured servants—Slaves—Free people of color—the Black Code—The Civil Code—Pike's expedition.



IN his fourth annual message to Congress, November 8, 1804, President Jefferson referred to the Territory of Orleans and said: "The form of government thus provided having been considered but as temporary, and open to such future improvements as further information of the circumstances of our brethren there might suggest, it will of course be subject to your consideration." On November 12, in the House of Representatives, it was resolved that this part of the President's message be referred to a select committee, and on December 3 Joseph H. Nicholson of Maryland presented to the House a memorial from the inhabi-

tants of Louisiana, said to have been signed by two thousand heads of families. "They labored under an idea that their morals, manners, and customs had been misunderstood, and consequently complained of, and that the law of last session was passed by Congress under those mistaken impressions." They prayed to be allowed to be their own legislators, that the Territory be not divided, and that importation of slaves be not prohibited. The memorial was referred to the same committee on Louisiana government just mentioned, and on January 25, 1805, John Randolph of Virginia made a report, which in the main was favorable to the requests of the inhabitants of Louisiana. The report declared that the grievances felt by the memorialists were based chiefly on their interpretation of the third article of the treaty of cession, concerning the incorporation of the Territory into the Union; "but," continued Randolph, "because the memorialists may have appreciated too highly the rights which have been secured to them by the treaty of cession, the claims of the people of Louisiana on the wisdom and justice of Congress ought not (in the opinion of your committee) to be thereby prejudiced." The committee then submitted a resolution for extending to the inhabitants of Louisiana the right of self-government.

The memorial to Congress had been written by Edward Livingston, and it was carried to Washington and introduced by Pierre Derbigny, Pierre Sauv e, and Jean Noel Destr ehan. These gentlemen displayed ability in performing their difficult tasks, and in a communication to the committee of the House they pleaded with skill

and courage the cause of the Louisianians. The subject was taken up in the Senate also, and an act was passed and approved March 2, 1805, further providing for the government of the Territory of Orleans, as follows: The President was authorized to establish a government similar in all respects to that of the Mississippi Territory, in conformity with the act of Congress of 1787. The Legislature was composed of a House of Representatives of twenty-five members elected for two years, and a Legislative Council of five members appointed by the President out of ten individuals nominated by the House of Representatives. The period of service of the members of the Legislative Council was five years. The governor, secretary, and judges of the Superior Court were to be appointed by the President, with the advice and consent of the Senate—the governor for three years, the secretary for four, and the judges during good behavior. The inhabitants were authorized to form a State government and were to be admitted into the Union, upon the footing of the original States, as soon as the Territory should have sixty thousand free inhabitants. “The people of Louisiana,” says Judge Martin, “complained that in this form, as in the preceding, their lives and property were in some degree at the disposal of a single individual, from whose decision there was no appeal; the law declaring any one of the judges of the Superior Court a quorum.”¹

The President appointed Claiborne governor, Graham secretary, and Prevost, Sprigg, and Matthews judges of the Superior Court.

On November 4, 1805, seventeen representatives met at the City Hall. Governor Claiborne delivered an address, and Destréhan was elected Speaker of the House. The first representatives elected by the people of Louisiana were: Orleans: J. B. Macarty, Hazeur de l'Orme, Dominique Bouligny, John Watkins, James Carrick, Robert Avart, Boré. German Coast: Destréhan, Andry. Iberville: Joseph Le Blanc, Félix Renaud. Acadia: Joseph Landry, William Conway. Lafourche: N. Verret, H. S. Thibodaux. Pointe Coupée: Ebenezer Cooley, S. Croizet. Opelousas: Louis Fonteneau, Luke Collins. Attakapas: Sorrel, Duralde. Natchitoches: E. Prudhomme. Concordia: Samuel S. Mahon. Ouachita: Abraham Morehouse (resigned on November 8).

The following were the persons nominated by the House, from whom the President was to choose the Legislative Council: Bellechasse, Gurley, Macarty, Derbigny, Destréhan, Sauvé, Bouligny, Villeré, Evan Jones, and D'Ennemours. The President selected Bellechasse, Destréhan, Macarty, Sauvé, and Jones.

On February 22, 1806, Washington's birthday was celebrated with great pomp. "The old and new Americans vied with each other in the discharge of their duty on the parade,—all, animated by the same spirit, performed every evolution with wonderful celerity and correctness." The Battalion of Orleans was reviewed by Governor Williams, of Mississippi Territory; and the day closed with a brilliant ball. The people of the Territory and the members of the Legislature took advantage of every opportunity to express their sentiments of patriot-

ism as American citizens. At the meeting of the Legislature in March, 1806, Claiborne's message was answered very appropriately by the Legislative Council through Destréhan, its president, and by the House through John Watkins, its Speaker. This era of good feeling, however, was not of long duration, for on May 26, 1806, the Legislative Council adopted the following resolution:

Whereas, the most essential and salutary measures adopted by this Legislature have been successively rejected by the Governor of the Territory; and whereas this Legislature, the members of which had been induced to accept their appointments only by the hope of being useful to their fellow-citizens, must now be convinced that they can do nothing but cause them a considerable expense: *Resolved*, that the General Assembly be immediately dissolved.

The members of the Legislative Council gave a long explanation of their motives and said:

In this situation of things, the Legislative Council had a right to think it would be wise to terminate an expensive and useless session. The executive power has doubtless an absolute veto with respect to the particular constitution to be applied to this Territory; but if by means of this veto his will and only his will, is to be our supreme law, let him reign alone and without disguise. The Legislative Council should not consent to serve as a rattle to amuse the people.

May 28, 1806. Signed: P. Sauvé, President Legislative Council, J. B. Macarty, J. D. Bellechasse.

The following members of the House of Representatives were of the same opinion as the Legislative Council:

J. Etienne Boré, D. Bouligny, J. Arnaud, M. Andry, F. Bernard, J. Sorrel, Prudhomme, Isaac Hébert, Hazeur de l'Orme, Joseph Landry.

The president of the Legislative Council and the Speaker of the House waited on the governor to inform him of the intention to adjourn, and Claiborne replied very frankly to their communication:

I have no objection to offer to the proposed adjournment. Will you be good enough to express to your respective houses my fond hopes that the laws which have been enacted may conduce to the prosperity of the Territory, and to assure them that, as far as may depend on my coopération, nothing shall be wanting to carry them into effect. It ought not to be a matter of surprise that a difference in opinion should sometimes have arisen among the several branches of the Legislature; while men are left free to think and act for themselves, an unison in sentiments cannot always be expected; nor ought it to be supposed that in a government like ours, composed of departments, and each independent of the other, the same political course should meet the sanction of all. If, therefore, on some occasions, the executive did not approve the proceedings of the two houses, all that can with truth be said is, that our object was the same, but we differed as to the means of promoting the general welfare. A Territorial Governor, if faithful to himself and his country, can alone be influenced by the purest motives of honest patriotism, and in exercising the powers with which he is intrusted his own judgment is his only guide.

This reply of Claiborne proves his sincerity and courage, and appears to have produced a certain effect on the members of the House, who "departed apparently with harmony."² The patriotic spirit of the inhabitants was not diminished by the disagreement between the

governor and the Legislature, for the Fourth of July was celebrated in 1806 with great enthusiasm. There was a salute from Fort Charles at sunrise and at noon. Several "splendid and jovial dinners" were given; a play, "Washington, or the Liberty of the New World," was performed to a crowded audience at the theater, and there was a "handsome ball" at the City Hall. The battalion of New Orleans Volunteers was to have been reviewed in the morning, according to some "very handsome" general orders of the commander-in-chief. The volunteers were expected to "repair with pride and pleasure to the field of exercise," but when the day came the commander himself did not repair there to review them. The battalion, however, was paraded on the square by Major Dubourg. A high mass and a *Te Deum* were sung both at the convent and at the cathedral, notwithstanding a dissension that had arisen between their respective clergy. "His Excellency the Governor, always unwilling to give offense to any party, politely held a candle at both ceremonies." The Orleans Rangers gave a banquet at Bayou St. John.

A few of the toasts of the Volunteers were as follows: "The wooden walls of Old England. John Randolph—a speedy reformation to him, if politically wrong. May the flood never finish its rise till it drowns all the enemies of America. May the Eagle of Liberty fly over the heads of slavery and pick off crowned heads."

Although the United States claimed West Florida as far as the Perdido River, by the treaty of cession of the province of Louisiana, Spain still remained in pos-

session of the Baton Rouge district. The inhabitants of the district, known then as New Feliciana,³ to the number of about twelve hundred, were principally descendants of the British colonists, or immigrants from the United States. They were very much disappointed at remaining under Spanish domination, and in 1805 about two hundred men endeavored to excite an insurrection against Spain. They did not succeed in the undertaking, and the leaders of the movement had to seek a refuge on American soil. Among the leaders were the three Kemper brothers, who resided at Pinckneyville in the Mississippi Territory. They were arrested at night, on September 23, 1805, by armed men in disguise, taken beyond the American frontier, and delivered by order of Grandpré, Governor of Baton Rouge, to some Spanish troops. Fortunately, as they were being conveyed down the river, the whole party was discovered and captured at Pointe Coupée by Lieutenant Wilson, of the American army. The question of the eastern boundary of Louisiana remained unsettled, although James Monroe had been sent to Spain to open a negotiation about the Floridas.

The frontier line on the west between Louisiana and the Spanish possessions was also a subject of dispute. The Spaniards claimed the country west of Natchitoches, and in the beginning of 1806 troops were sent to the town of Adaës, fourteen miles west of Natchitoches, to establish a post there, and a considerable force under Don Antonio Cordero, Governor of Texas, advanced from Trinity River to the town of Nacogdoches. On January 24, 1806, Major Porter, commandant of the post at Natchi-

toches, sent word to the commander at Nacogdoches that he would protect the American citizens in the Territory of Orleans as far as Sabine River. The Spanish commander replied that it was not intended to encroach on American territory, but that he would patrol the country as far as the Arroyo Hondo, seven miles west of Natchitoches, which he considered the provisional boundary between the American and the Spanish possessions, as it had been the conventional boundary between the French and the Spanish possessions until 1762. He also assured the people on the Bayou Pierre, about twenty miles from Natchitoches, that the Red River would soon be the boundary between the Spanish provinces and Louisiana. Major Porter thereupon caused the Spanish garrison at Adaës to be removed beyond Sabine River.

Jefferson had been very conciliatory with regard to the Floridas and to the western boundary.⁴ "Why," says Monette, "press the final adjustment of the western boundary so long before the American population were ready to take actual possession?" In a message to Congress, President Jefferson said: "On the Mobile our commerce passing through that river continues to be obstructed by arbitrary duties and vexatious searches. Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to. While, however, the right is unsettled, we have avoided any change in the state of things by taking new posts, or strengthening ourselves on the disputed territories, in the hope that the other power would not, by a contrary course of conduct, oblige us to meet the example and endanger conflicts of au-

thority, the issue of which may not be easily controlled. But in this hope we have now reason to lose our confidence."

Hostilities were indeed on the point of breaking out on the western frontier, and General Wilkinson was ordered to repel any invasion of the Territory of Orleans. That invasion, according to the Americans, had already taken place, as General Herrera, with twelve hundred men, had taken a position on the Bayou Pierre settlement.

In the mean time Governor Claiborne had been active and had sent a portion of the militia to reinforce the garrison at Natchitoches. Regular troops had also gone there, and General Wilkinson had put New Orleans in a state of defense and concentrated a considerable force in that city and at Fort Adams.

General Wilkinson arrived at Natchitoches on September 24, 1806, and demanded the withdrawal of the Spanish troops beyond Sabine River. General Herrera, on the approach of the American army, had withdrawn from Bayou Pierre. General Wilkinson marched to Sabine River and established his headquarters on the left bank. The Spaniards were on the other bank, and both armies held their positions until November 6, 1806, when an agreement was made between the American and Spanish commanders that their forces should be withdrawn, and the settlement of the boundary question would be referred to their respective governments. "This is the first time," says Monette, "that the Sabine was ever considered as a limit of the Mexican province on the east."

Wilkinson had succeeded in his expedition, of which the object was the withdrawal of the Spanish troops from the limits of the Territory of Orleans. "Yet," adds Monette, "his troops retired indignantly from the Sabine, many of them fully convinced that they had been robbed of their anticipated laurels by the cupidity of their commander, who had entered into dishonorable negotiations, and that money, and not the sword, had terminated the campaign."⁵

The trouble with Spain about the western frontier seemed to be settled by General Wilkinson's expedition. The whole matter of the Spaniards in Louisiana had given Claiborne great annoyance and even anxiety. The Spanish troops, who were to leave the province within three months, had lingered in New Orleans long after the time specified. Our old acquaintance, Intendant Morales, had made numerous grants and sales of land in West Florida, and the Marquis de Casa Calvo had departed from New Orleans only on October 15, 1805. On January 1, 1806, he had returned from Texas to Louisiana and had stopped at Natchitoches, where Major Porter had received him with courtesy, but had refused him admission into the fort. Finally, on January 25, 1806, Claiborne wrote to Morales: "I esteem it a duty to remind you that the departure from the Territory of yourself and the gentlemen attached to your department will be expected in the course of the present month." Morales was thus virtually expelled, and on February 1 he went to Pensacola. On February 4, 1806, Casa Calvo arrived at New Orleans, and he also was asked to with-

draw from the Territory with his officers on or before February 15. Claiborne sent him a passport, February 12, with his best wishes for the health and happiness of the "nobleman whose presence had become so unacceptable." Casa Calvo departed on the day fixed by Claiborne, but full of wrath and indignation. The Spanish marquis was a pleasant man, and his personal relations with Laussat and Claiborne had been courteous and agreeable.

While at Natchitoches in October, 1806, General Wilkinson had received the visit of a secret emissary of Aaron Burr, who had come to ascertain what were the feelings of the general with regard to Burr's projects. Burr was a man of great ability and energy, and was elected Vice-President of the United States in 1801, after coming very near defeating Jefferson for the Presidency. He killed Alexander Hamilton in a duel in July, 1804, became very unpopular in the North, and conceived the plan of organizing a great confederacy in the valley of the Mississippi, with himself for chief. Wilkinson introduced him to several Western men, and to Derbigny, and he was advised by them to begin again his political career, some said in the West, and Derbigny suggested in the Territory of Orleans. After passing through the West, and meeting Blennerhassett and his wife on their island in the Ohio, Burr was received with admiration by Andrew Jackson at Nashville, stayed four days with Wilkinson at Fort Massac, and arrived at New Orleans on June 26, 1805.

Wilkinson "had fitted out for him an elegant barge,



sails, colors, and ten oars, with a sergeant and ten able, faithful hands,"⁶ and had written to Daniel Clark that "that great and honorable man would communicate to him many things improper to letter, and which he would not say to any other." Burr was received "with polite attention," wrote Claiborne to Madison, and remained in the city ten or twelve days. He then went to St. Louis, where he found Wilkinson greatly cooled. The general had received no encouragement from his officers, whom he had sounded on the subject of Burr's plans, and had grown despondent. Therefore in October, 1806, at Natchitoches, he had given evasive answers to Burr's emissary, Swartwout. In the mean time the plot had been maturing, and Blennerhassett entered heart and soul into it, as did many other men all over the country. Boats were building, and the Bastrop claim on Ouachita River in the Orleans Territory, three hundred and fifty thousand acres, was bought by Burr, as if he were merely at the head of a great land company. In vain had Daviess, United States District Attorney at Frankfort, Kentucky, informed Jefferson that the old Spanish conspiracy of 1787 was being revived: the President had done nothing except sending Graham, Secretary of Orleans Territory, to the West to observe the movements of Burr. Daviess had had him tried at Frankfort in November and December, 1806, but twice Burr had appeared before a jury, with Henry Clay as his counsel, and had been triumphantly acquitted. It was his former ally, Wilkinson, who finally denounced the plot to the President, on October 8, 1806. Wilkinson had received a letter from

Burr, in which his plan was fully explained. "Having passed the night in deciphering the letter and reflecting on it," says McMaster, "Wilkinson in the morning again took that dark and crooked course he so well loved. Drawing aside the colonel who commanded the troops, he read the letter, and declared he would send word of the plot to Jefferson and move the soldiers to New Orleans. Yet he did not write for twelve days. He well knew that the purpose of the expedition was to secure the independence of Orleans, and that Burr was in command. Yet in the letter he assured Jefferson that the expedition was against Vera Cruz, and that he did not know who were the leaders, nor what were their intentions regarding Orleans. He knew that the expedition was planned to leave Kentucky on November 15. Yet he sent no word to Fort Adams, nor to the authorities of Kentucky or Tennessee." On receiving Wilkinson's despatches, Jefferson issued a proclamation, November 27, 1806, in which no mention was made of Burr, but notice was given of an illegal conspiracy against Spain. "Orders were despatched to every interesting point on the Ohio and Mississippi, from Pittsburg to New Orleans, for the employment of such force, either of the regulars or the militia, and of such proceedings also of the civil authorities, as might enable them to seize on all the boats and stores provided for the enterprise, to arrest the persons concerned, and to suppress effectually the further progress of the enterprise." ⁷

Although the expedition was declared by the President to be against the dominions of Spain, the representative

of that country in the United States was without any apprehension, as he had been informed of the real purpose of Burr, which was said to be the liberation of the Western States. Whatever was the plot, it was destined to fail. Graham, Jefferson's confidential agent, applied to the Governor of Ohio, and the latter seized the boats and provisions at Marietta. Blennerhassett and about thirty of his associates escaped on December 10 and met Burr at the mouth of the Cumberland River. The whole party, to the number of one hundred men, went down the Ohio, passed by Fort Massac, and proceeded on their way toward New Orleans. At Bayou Pierre, in Mississippi Territory, Burr landed, on January 10, 1807, and saw published, in the "Moniteur de la Louisiane," his letter to Wilkinson. He was greatly alarmed, and retired to the other bank of the river. There he was induced to surrender on January 17, and was taken for trial to Washington, the capital of Mississippi Territory. He was released on bail, fled from the Territory, and was finally arrested on February 19, 1807, at Wakefield, Alabama. After being detained three weeks at Fort Stoddart, he was sent to Richmond, Virginia, where he was acquitted after a most dramatic trial before Chief Justice Marshall.

After Wilkinson had received Burr's letter at Natchitoches in October, 1806, and had written to Jefferson to inform him of the plot, he was fired by an intense zeal to save New Orleans from the conspirators. He reached the city on November 25, 1806, and took active measures for its protection. On December 9 a meeting of the principal inhabitants was held, and Wilkinson and Claiborne

informed them of the dangers that threatened the city. An embargo was laid on the ships in the river, so that their crews might be employed on American vessels. Claiborne placed the militia under Wilkinson's orders, and the general acted in the most arbitrary manner. He caused the arrest in New Orleans of Dr. Erich Bollman, and at Fort Adams of Samuel Swartwout and Peter Ogden, and refused to obey the writs of habeas corpus of the Superior Court of Orleans. He sent Bollman and Swartwout in merchant vessels out of the Territory, and rearrested Ogden after he had been released by the court. Judge Workman applied to Claiborne, who, instead of supporting him, attempted to have the writ of habeas corpus suspended by the Legislature. Workman then resigned his office. He had written to Claiborne a dignified letter in which, says Martin, he said "that, if certain of the governor's support, the judge should forthwith punish, as the law directs, the contempt offered to his court; on the other hand, should the governor not think it practicable or proper to afford his aid, the court and its officers would no longer remain exposed to the contempt or insults of a man whom they were unable to punish or resist." Judge Workman was himself arrested by order of Wilkinson, but was liberated the next day on a writ of habeas corpus from the District Court of the United States. General Adair, of Kentucky, was also arrested in New Orleans by Wilkinson and shipped away north. Several other persons shared his fate.

The later career of the conspirators was generally very unsuccessful. "Of the men who went down the

Mississippi with Burr," says McMaster, "few ever came back. The rest wandered over the Mississippi Territory, and, it is said, supplied the people for years to come with traveling doctors, small politicians, teachers of music, and, what was needed vastly more, teachers of schools. To the last, Wilkinson continued to pose as an honest man, was protected and honored by Jefferson, was thanked by the Legislature of Georgia for betraying Burr, was acquitted by a packed court of inquiry, and has left behind him, in justification of his life and deeds, three ponderous volumes of memoirs as false as any yet written by man."⁸

In the year 1806, during which took place Burr's enterprise, Daniel Clark, Wilkinson's enemy and accuser, was elected delegate to Congress for the Territory of Orleans. It took then thirteen days and seven hours for mail to arrive from Washington to New Orleans via Fort Stoddart.

In 1806 William Donaldson founded the town of Donaldsonville at the mouth of Bayou Lafourche.⁹

In the first session of the first Legislature of the Territory of Orleans, begun on January 25, 1806, John Watkins was Speaker of the House of Representatives, and Jean Noel Destréhan was president of the Legislative Council until May 22, 1806, and Pierre Sauvé from that date to June 7, 1806.¹⁰

The sheriff of each county was ordered to call an assembly of the fathers of families, who should elect five commissioners, whose duty was to adopt a plan for establishing public free schools at the expense of the county, and to report said plan to the Legislature, through the

representatives of the county, at the beginning of the next session. The regents of the University of Orleans should make a like report for the county of Orleans. An act for establishing the age of majority at twenty-one years instead of twenty-five was passed. Also an act for allowing compensation to the members of the Legislature and to the officers of both houses. Each member of the Legislative Council and each member of the House of Representatives was entitled to receive four dollars for every day he attended, and six dollars for every twenty miles of the estimated distance from his place of residence to and from the seat of the Legislature. The secretary of the Legislative Council, who was also translator to the Council, and the clerk of the House of Representatives, who was interpreter and translator to the House, received each a salary of two thousand dollars.

Every innkeeper was required to set up a sign with his name, and also a fair table of rates, to be certified gratis every six months by a judge or justice of the peace. A penalty of twenty dollars was imposed for selling liquors to an Indian, or to a slave without permission of the master, or to a soldier without permission of one of his officers.

With regard to apprentices and indentured servants, several regulations were made, giving the form of indentures, stating the duties of masters and servants, and ordering that apprentices or bound servants absconding should be subject to serve two days for every one that they were absent, or pay damages. Where there were schools, the apprentices or bound servants were to be

taught to read and write and the elements of arithmetic.

No person holding any office of profit under the territory of the United States, except in the militia service and the office of justice of the peace, should be a member of the Legislature.

Persons encouraging slaves to insurrection should suffer death. Persons transporting slaves out of the Territory, without consent of the owners, should be fined in a sum not exceeding two thousand dollars and not less than one thousand dollars.

No free men of color from Hispaniola were to be admitted into the Territory. Every man or woman of color from Hispaniola then residing in the Territory, pretending to be free, must prove the fact before the mayor of a city or a justice of the peace; otherwise the said man or woman would be considered a fugitive slave and employed at the public works.

The Black Code was the most important act passed at the first session of the Legislature. It was somewhat like the code of the French domination, but more humane in its regulations.

James Brown and Moreau Lislet were employed to prepare a civil code, and were to receive each as compensation eight hundred dollars a year for five years. The second session of the first Legislature of the Territory of Orleans was begun on January 12, 1807, and continued until April 14. John Watkins was Speaker of the House of Representatives, and Julien Poydras was president of the Legislative Council. Among the acts

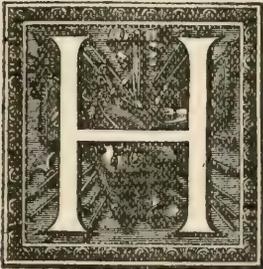
passed were the following: To fix the number of members of the House of Representatives at twenty-five; to abolish the county court and establish in each parish a court of which the judge should be ex-officio judge of probate and act as clerk, sheriff, and notary; to divide the Territory into nineteen parishes; to authorize and direct the directors of the lottery established for school purposes to reimburse the moneys paid by the persons who had taken tickets in said lottery; to pay two thousand dollars to each of the two juriconsults appointed to prepare a civil code, in full compensation for their services.

On July 1, 1807, Lieutenant Zebulon M. Pike arrived at Natchitoches from his exploring expedition to the West. He had gone as far as the Rocky Mountains, and had been arrested in his progress by the Spaniards. He had been accompanied by Lieutenant Wilkinson, son of the general. By the middle of the nineteenth century the territory of the United States was to extend from the Atlantic Ocean to the Pacific. The acquisition of Louisiana in 1803 had rendered possible the extension of the United States beyond the Rocky Mountains.

CHAPTER III

PREPARING FOR STATEHOOD

Edward Livingston and the Batture—Digest of the civil laws—Immigrants from Santo Domingo leave Cuba for New Orleans—Great mortality among the troops in Louisiana—Patriotic letter of the City Council to President Madison—Revolution in West Florida—A convention called—Preamble to a plan of a constitution—Capture of the Baton Rouge fort—Declaration of independence of West Florida—Claiborne ordered to take possession of West Florida—Debates in the Senate—Speech of Henry Clay—Census of 1810—Speeches of Josiah Quincy and of Poindexter in the House—Bill admitting the Territory as a State—Revolt of slaves in 1811—Constitutional Convention of 1811—Louisiana admitted into the Union in 1812—Arrival of the first steamboat—The first officials of the State.



HARDLY had the excitement subsided in New Orleans after the Burr incident when the city was again thrown into confusion in 1807 by the Batture affair. The property of the Jesuits in Louisiana had been seized in 1763 and sold for the benefit of the Crown of France, as the Spaniards had not yet taken possession of the colony. That part of the plantation of the Jesuits in the vicinity of the city passed by regular conveyance to Bertrand Gravier, by whom it was cultivated as a farm. Parts of that farm were laid out into lots, which formed later the suburb St. Mary. An alluvial land or batture had been forming for some time in front of Gravier's

farm and of the suburb St. Mary, but, as it was not considerable, the land was unimproved and the inhabitants of New Orleans were allowed to take sand and earth from it. On his arrival in the city in 1804, says Edward Livingston,¹ the batture in front of the suburb had become an object of consequence and promised to be extremely valuable. The proprietor at that time, John Gravier, opposed the claim of the city corporation that the inhabitants had the right to use the land as formerly. The Superior Court of the Territory rendered a judgment in favor of John Gravier, declaring that the tract of land of Bertrand Gravier was bounded by the Mississippi, and that he had sold the lots fronting and adjoining the highway. As the alluvion had already existed at the time of the latter sale, the court decided that Bertrand Gravier had not divested himself of his title to the batture, and that his heir, John Gravier, was the lawful owner of it. Livingston says that after the decision he purchased from Mr. Gravier, from the heirs of M. Delabigarre, and from Mr. Girod a portion of this land, for about eighty thousand dollars, and paid a considerable sum on the purchase. As soon as the court had rendered its judgment the popular resentment became very great, and, says Livingston, "the people were taught to look to a foreign power for the justice which it was said was denied them by their country." To prove this statement, Livingston quotes the following curious extract from the "Télégraphe":

Should there be no other remedy, if it can be proved that the batture belonged to the city previously to the cession, I have no doubt but that the minister of His Imperial and Royal Majesty

will think it his duty to lay the affair before the Emperor, if his general instructions do not authorize the minister's immediate application to the American Government in behalf of the Louisianians. It is well known that Napoleon will think himself bound in justice and honor to see that the treaty of cession be not violated. The Emperor of the French did not cede his subjects to be devoured by the harpies of chicane. That Alexander knows how to cut the Gordian knot of iniquity.

Livingston endeavored to make improvements on the land, but the citizens, whom he calls a mob, drove off his workmen, and assembled every day to prevent the use of the property by him. The governor was absent from the city, and when he returned on September 1, 1807, Livingston applied to him for protection, and the City Council requested him to prosecute the claim of the United States to the batture. On September 15 matters came to a crisis. At noon about a dozen white laborers were put to work on the batture. Immediately several hundred citizens assembled, roused by the beating of a drum, and Claiborne, having been informed of the disturbance, went to the spot and addressed the crowd. Colonel Macarty and Colonel Bellechasse and other men spoke in favor of the rights of the people, and the citizens retired after deciding to send Colonel Macarty as their agent to lay their grievances before the President of the United States. Livingston complains that Claiborne, in his address to the people, expressed an opinion that the judgment of the Superior Court was not conclusive. But as Livingston was of a different opinion, he set one hundred and fifty men at work on the batture and had spent thirteen thou-

sand dollars on improvements by January 24, 1808, when he received the intelligence that the President had ordered the marshal of the United States to take possession of the property. He says he obtained from the court an injunction restraining the marshal, but that the latter went to the government house, and three regiments of militia were ordered to parade in the streets to help the marshal. Several hundred persons drove off the laborers from the works, and when the river rose everything was swept away by the current.

Livingston was not discouraged by these events, and went to see Jefferson to obtain justice from him. The latter sent a message to Congress, March 7, 1808, about the batture, and submitted to them the settlement of the title. Nothing was done by Congress, and on his return to New Orleans Livingston found persons carrying off earth from the batture. He protested, but Mr. Grymes, the district attorney, said: "I am willing that the citizens shall continue to use the alluvion or batture, fronting the suburb St. Mary, as they have hitherto done, until the President of the United States shall forbid them." In consequence of this permission, says Livingston, damage to the extent of forty thousand dollars was done, and he adds very pithily: "If this is really a demesne of the United States, what can justify the deterioration of it to that amount? Not the President's intention of bestowing it on the city, for that yet wants the sanction of Congress, nor can I think that they will give away five hundred thousand dollars to provide the city of New Orleans with mud, while they with difficulty appropriate a

quarter of the sum to the defense of their most important ports."

Livingston instituted a suit against Jefferson after the latter had retired from the Presidency, and in an answer to the ex-President he uses the following pungent words:

Mr. Jefferson did not like playing at push-pin, as he elegantly terms it; the forms of law were too slow to satisfy his eager desire to do justice. There had been a commotion about the people, there had been an open opposition to the execution of the laws; and he seems to have had a natural sympathy for those who were guilty of it. Profaning the sacred exertions of our own Revolutionary patriots by an assimilation with his own agency in the paltry squabble, his imagination took fire at a striking similarity he discovered between the judgment in the case of the batture and the Massachusetts Port bill, between the opening of my canal and the "occlusion" of the Boston harbor—he pants for the wreaths of Hancock, Adams, and Otis—and he bravely determines to hurl all the vengeance of the Government at the unprotected head of an humble individual, who had nothing for his defence but the feeble barriers of Constitution, Treaty, and Laws.²

This affair gave rise to prolonged litigation.

In March, 1808, Claiborne, at the request of the City Council, caused Fort St. Louis, in New Orleans, to be demolished. The trenches surrounding it were thought to engender disease.

On March 31 the Legislature adjourned; it had met in January. Moreau Lislet and Brown had reported their "Digest of the civil laws now in force in the Territory of Orleans, with alterations and amendments adapted to the present form of government." "Although the Napoleon

code," says Judge Martin, "was promulgated in 1804, no copy of it had as yet reached New Orleans: and the gentlemen availed themselves of the project of that work, the arrangement of which they adopted, and, *mutatis mutandis*, literally transcribed a considerable portion of it. Their conduct was certainly praiseworthy; for, though the project is necessarily much more imperfect than the code, it was far superior to anything that any two individuals could have produced early enough to answer the expectation of those who employed them. The *Fuero Viego*, *Fuero Juezo*, *Partidas*, *Recopilaciones*, *Leyes de las Indias*, *Autos Accordados*, and *Royal Schedules* remained parts of the written law of the Territory, when not repealed expressly or by a necessary implication. Of these musty laws the copies were extremely rare; a complete collection of them was in the hands of no one, and of very many of them not a single copy existed in the province. To explain them Spanish commentators were consulted, and the *corpus juris civilis* and its own commentators were resorted to; and to eke out any deficiency, the lawyers who came from France or Hispaniola read Pothier, D'Aguesseau, Dumoulin, etc."

"Courts of justice were furnished with interpreters of the French, Spanish, and English languages; these translated the evidence and the charge of the court, when necessary, but not the arguments of the counsel. The case was often opened in the English language, and then the jurymen that did not understand the counsel had leave to withdraw from the box into the gallery. The defense being in French, they were recalled, and the indulgence

shown to them was enjoyed by their companions who were strangers to that language. All went together into the jury-room, each contending the argument he had listened to was conclusive, and they finally agreed on a verdict in the best manner they could."

The Digest prepared by Brown and Moreau Lislet was known as the "Old Code." As it required amendment after a few years, a committee was appointed to revise it. This consisted of Edward Livingston, Pierre Derbigny, and Moreau Lislet. "The 'Old Code' revised and remodeled, called the 'Civil Code of Louisiana,' went into operation in 1825. Its last article repeals all former laws for which it provided, and an act of 1828 abolished the Roman, French, and Spanish laws previously in existence, and also 'all the articles contained in the old Civil Code, and all the provisions of the same which are not reprinted in the new Civil Code, except Chapter 3rd, title 10th.'" "But the Supreme Court has decided that the Legislature in abolishing the French and Spanish laws, previously in existence, 'did not intend to abrogate those principles of law which had been established or settled by the decisions of courts of justice.'" Mr. Leovy, from whom we have quoted this information, says very prettily:³

Our laws are a texture composed of the best materials from both the English Common and the Roman Civil Law. Other States and other nations have contented themselves with adopting, without change or modification, either the one or the other of these systems. Our plan is the interweaving of the two, the mingling of both as the colors mingle in the rainbow, and so imperceptibly

that like the verge of the horizon and sea, none but the most experienced eyes can discern the distinctive line between them.

In 1809 the relations between the United States and Great Britain were such that war between the two countries seemed probable. Governor Claiborne sent a patriotic message to the Legislature, and received the following reply: "Tell the Federal Government that the Louisianians, proud to belong to the great family, are ready to vie in zeal, in efforts, and in sacrifices for the defense of their country." These were not idle words, as was proved a few years later by the gallant behavior of the Louisianians when they united their efforts with those of men from other parts of the country to repel a foreign invasion.

The Legislature elected Julien Poydras a delegate to Congress, to succeed Daniel Clark. It adopted also a memorial to Congress to ask for admission of the Territory into the Union. Claiborne was not of opinion that the time had yet come for such a step, and said so in a letter to the Secretary of State.

The invasion of Spain by Napoleon produced an unexpected effect on Louisiana in 1809. At the time of the revolt of the negroes in Santo Domingo a considerable number of the white inhabitants had gone to Cuba, with some slaves, and free persons of color had also accompanied them. The irritation against the French in Cuba on account of Napoleon's treatment of the Spanish royal family was such that the immigrants from Santo Domingo found life unbearable in Cuba. It was natural that



they should look to Louisiana for a refuge. The population of New Orleans was principally of French origin, and the hospitality of the Creoles was well known. A large number of immigrants arrived in the city between the 19th of May and the 18th of July, 1809: fifty-seven hundred and ninety-seven individuals, of whom eighteen hundred and twenty-eight were white, nineteen hundred and seventy-eight free blacks or colored persons, and nineteen hundred and ninety-one slaves. There was opposition to the immigrants from a portion of the population, the native Americans, and the governor felt embarrassed, in his application of the laws, about admitting slave and free colored persons in the Territory. Considering the unfortunate circumstances of the refugees, the laws were not strictly enforced, and they were permitted to reside in the Territory.

General Wilkinson, commander-in-chief of the American army, who had been acquitted in June, 1808, by a court of inquiry, arrived in New Orleans in April, 1809. He found in the city about two thousand men, and looked for a favorable spot for an encampment. He chose an elevated piece of ground at Terre-aux-Bœufs, and in May sent his troops there. Disease spread among them, and in June he received orders to remove to the highlands near Fort Adams and Natchez. It took some time to procure boats, and the troops began their journey up the river on September 15. Their progress lasted forty-seven days; during which, out of nine hundred and thirty-five men who embarked, six hundred and thirty-eight were sick and two hundred and forty died. Out of fewer than

two thousand men, seven hundred and sixty-four died and one hundred and thirty-six deserted. This appalling loss of life among the troops excited such a clamor against General Wilkinson that he was called to the seat of government, and General Wade Hampton was sent to supersede him.

The following letter shows what were the sentiments of the City Council of New Orleans in 1809: ⁴

To his Excellency James Madison, President of the United States.

SIR: With all that respect and esteem, which long and faithful public services are calculated to inspire, the City Council of New Orleans beg leave to approach you, and to tender their congratulations on your elevation to the Presidency of the United States. Under the guidance of your illustrious predecessor, we have seen our Government conducted in safety, in times the most perilous; and our country in the enjoyment of peace and plenty, while the other nations of the earth, by the tyranny or weakness of their rulers, have experienced the scourge of war, with all its concomitant calamities. As one of the principal agents in that policy we so much admire, we recognize the able statesman whom we now have the honor to address, and his past conduct furnishes a guarantee that the interests of our common country could not have been committed to an abler or a more virtuous citizen. We should be wanting in gratitude were we not here to acknowledge the high degree of prosperity which the Territory of Orleans, and this city in particular, has attained, since our connection with the United States. In population, agriculture, commerce, and the mechanical arts, the increase and the improvement have been immense; nor are we at any loss for the cause. We owe it, Sir, to the influence of a free Government, founded in wisdom, and administered by great and good men. Under these impressions, Sir, the City Council of New Orleans pray Almighty God to per-

petuate the American Union and that happy constitution which is the pride and the boast of every faithful citizen.

That your valuable life may be preserved for the service of a grateful country is our ardent wish.

We have the honor to be very respectfully, Sir,

Your most obedient humble servants,

CHARLES TRUDEAU, *President.*

M. BOURGEOIS, *Clerk of the City Council.*

Approved at New Orleans, June 10, 1809.

JAMES MATHER, *Mayor.*

President Madison answered as follows:

TO THE CITY COUNCIL OF NEW ORLEANS: I have received, fellow-citizens, your act of June 10th with the sensibility due to the kindness of its expressions towards me personally, and with all the gratification which the just and patriotic view it takes of the public welfare ought to inspire. The peace and plenty which have distinguished our country, and the convulsions and calamities forming the general character of the times, and under the perplexities resulting from our own affairs, claim for the policy which has preserved those blessings the approbation you bestow on it. Such marks of attachment to the solid interest of our country, and of confidence in the public councils, are the more to be valued as the trials imposed on us by foreign injustice have not yet ceased; and as it is among those who are most averse to war whilst it can be honorably avoided, that we are, at all times, to look for the most unyielding support of the national rights, when peace can no longer be preserved. I behold with the utmost satisfaction the advantages which the Territory and city of New Orleans have reaped from their incorporation with the United States; and especially that you are so fully sensible of the degree in which they are the fruits of our free system of government, administered in the spirit which belongs to it. The Nation into whose bosom you have been received, must always rejoice at your

prosperity, because it at once indicates and promotes the general prosperity. Never was a connection more distinctly pointed out by Nature herself; nor can the reciprocal benefits of it ever cease, whilst the laudable and enlightened sentiments which you proclaim shall continue to pervade the great body of our fellow-citizens.

I tender you my sincere respects and my best wishes.

JAMES MADISON.

July 23, 1809.

We have seen that the people of West Florida had been disappointed at remaining under the Spanish domination after the cession of Louisiana to the United States in 1803. An attempt had been made in 1805 to throw off the Spanish yoke, but had failed. In 1810 a revolution broke out in West Florida, which resulted in the annexation of that province to the United States.

The Governor-General of the Floridas, Vincente Folch, resided at Pensacola, and the Governor of West Florida, Charles Dehault de Lassus, had his headquarters at Baton Rouge. The revolutionary spirit in the Spanish colonies in America, excited by the overthrow of the Bourbons by Napoleon, was felt first in West Florida by the people of New Feliciana. They wished a change in the form of government, and issued a call for a convention. They elected delegates, and the other districts did the same. De Lassus gave his consent to the call for a convention, in spite of the advice of his young lieutenant, Louis de Grandpré, son of Colonel Carlos de Grandpré, the former Governor of Natchez and Baton Rouge, who had died in 1809.⁵ The convention met on July 17, 1810, at Buhler's Plains. The president was John Mills, and

the secretary Dr. Steele. They deliberated two days, adopted a preamble and a series of articles or plan of a constitution, and appointed a committee to prepare an address to the governor. The preamble is an interesting document:

When the sovereignty or independence of a nation has been destroyed by treachery or violence, the political ties which united its different members are destroyed. Distant provinces, no longer cherished or protected by the mother country, have a right to institute for themselves such forms of government as they think conducive to their safety and happiness. The lawful sovereign of Spain, together with his hereditary kingdom in Europe, having fallen under the dominion of a foreign tyrant by means of treachery and lawless power, right naturally devolves upon the people of the different provinces of that kingdom, placed by nature beyond the grasp of the usurper, to provide for their own security. The allegiance which they owed and preserved with so much fidelity to their lawful sovereign can never be transferred to the destroyer of their country's independence.

We, therefore, the people of West Florida, exercising the rights which incontestably devolve upon us, declare that we owe no allegiance to the present ruler of the French nation, or to any king, prince, or sovereign, who may be placed by him on the throne of Spain; and we will always, and by all means in our power, resist any tyrannical usurpation over us of whatever kind, or by whomsoever the same may be attempted; and in order more effectually to preserve the domestic tranquillity and to secure for ourselves the blessings of peace and the impartial administration of justice we propose the following.

The convention at Buhler's Plains adjourned to meet at Baton Rouge on August 22, 1810. The president of the latter convention was John Rhea, and there were members

from the districts of New Feliciana, St. Helena, Baton Rouge, and St. Ferdinand. The sessions lasted from August 22 to August 25, and several reforms were recommended, and officers were appointed to command the militia and administer justice. Governor de Lassus approved all the suggestions; but on September 20, 1810, Colonel Philemon Thomas, commanding the militia, discovered that De Lassus had sent messages to Governor Folch at Pensacola asking him for help to quell an insurrection against the Spanish authorities. On September 24 Colonel Thomas called to a secret council at Baton Rouge John Rhea and some of the most important men in the province, and it was decided by the convention to declare the independence of West Florida and to capture the fort at Baton Rouge. The following report of Colonel Thomas gives an account of his expedition against the fort: ⁶

HEADQUARTERS, FORT OF BATON ROUGE,

September 24, 1810.

To John Rhea, President of Convention of West Florida.

SIR: In obedience to the order of the Convention, bearing date the 22nd inst., I directed Major Johnston to assemble such of the cavalry as might be ready at hand, and march immediately for the fort at Baton Rouge. I then proceeded to Springfield, where I found forty-four of the grenadier company, commanded by Colonel Bollinger, awaiting orders of the Convention. At one o'clock in the morning of the 23rd we joined Major Johnston and Captain Griffith with twenty-one of the Bayou Sara cavalry, and five or six other patriotic gentlemen joined us in our march. At four o'clock the same morning we made the attack. My orders were, not to fire till we received a shot from the garrison, and to

cry out in French and in English: "Ground your arms, and you will not be hurt." This order was strictly attended to by the volunteers till we received a discharge of musketry from the guard-house, where the governor was, which was briskly returned by the volunteers. We received no damage on our part. Of the governor's troops, Lieutenant Louis de Grandpré was mortally wounded; Lieutenant J. B. Metzinger, commandant of artillery, was also wounded, one private killed and four badly wounded. We took twenty prisoners, among whom is Colonel de Lassus. The rest of the garrison escaped by flight. The magazines, stores, etc., found in the garrison, have been reported to you by James Nelson, Esq., who was appointed for that purpose. The various and complicated duties devolving on me from present circumstances of the moment forbid a more minute detail. The firmness and moderation of the volunteers who made the attack was fully equal to that of the best disciplined troops. Whole companies are daily flocking to our standard, and the harmony and patriotism prevailing in the garrison must be highly gratifying to every friend of his country.

Accept, Sir, for yourself and your body, assurances of my highest esteem.

PHILEMON THOMAS,

*Commander of Fort of Baton Rouge and Dependencies.*³

The capture of the fort is said by some writers to have been no honor to the victors, and the death of Grandpré is called by them a murder. McMaster, in his "History of the People of the United States," says: "Grandpré refusing to surrender, the Americans stormed the works, and, finding him standing, sword in hand, the solitary defender of his flag, they basely cut him down at the foot of the staff." Colonel Thomas relates the story very differently in his report to the convention, and he was too

brave and honorable a man for us not to believe his statement of facts. He was illiterate, but was gifted with excellent judgment. The epitaph on his tombstone in the National Cemetery at Baton Rouge is as follows:

To the memory of General Philemon Thomas, who was born in Orange County, Virginia, February 9, 1763, and died in Baton Rouge, Louisiana, November 18, 1847. This tablet is erected by his children. He was soldier of '76 and '14, and member of the convention that framed the constitution of Kentucky, and a member of her Legislature. He moved to Louisiana in 1806. Commanded the forces which captured the Spanish fort at Baton Rouge in 1810. Served many years in the Legislature of Louisiana; was twice elected to the Congress of the United States. Throughout his career he was called a patriot and a good citizen. We know him to be a kind father and a firm Christian. *Sic tibi sit terra levis.*

The death of Louis de Grandpré at the fort of Baton Rouge was deeply regretted. The convention did homage to his memory, and a French poet wrote a tribute that ended thus:

In the midst of the regrets given to your memory,
One cannot help envying your death.
Model of honor, you will live in history
Between Jumonville and d'Assas.⁷

Grandpré was only twenty-three years old, and a romantic love-story is connected with his death.

As soon as the convention heard of the capture of the fort at Baton Rouge a declaration of independence was proclaimed.⁸ It was dated September 26, 1810, and was

signed by John Rhea, president of the convention, and Andrew Steele, secretary. It declares that they remained faithful to their King as long as there was a shadow of legitimate authority to be exercised over them; that they were betrayed by their governor and exposed to all the evils of a state of anarchy; and that it became their duty to provide for their own safety. They, therefore, solemnly published and declared the several districts composing the Territory of West Florida to be a free and independent State. John Rhea addressed a communication, through Governor Holmes, of Mississippi Territory, on October 10, 1810, to Robert Smith, Secretary of State, offering terms of annexation to the United States. The terms were immediate admission into the Union as an independent State or as a Territory of the United States, or annexation to Orleans Territory, with full possession of public lands, and a loan of one hundred thousand dollars. An immediate answer was requested, otherwise the weak situation of the people of West Florida would oblige them to look to some foreign government for support.

The answer of President Madison was given without delay. On October 27, 1810, he issued a proclamation in which he declared that the United States had always considered the territory south of the Mississippi Territory and eastward of the river Mississippi and extending to the river Perdido as having been acquired as part of Louisiana in 1803, and that he deemed it right and expedient that possession be taken of it. He therefore ordered Claiborne to take possession and to exercise the authority appertaining to his office. The governor of the Territory

of Orleans was at that time in Washington. He received orders from the Secretary of State to go immediately, and by the short route, to the town of Washington, in Mississippi Territory, make arrangements with Governor Holmes and with the commanding officer of the regular troops, and proceed to take possession of the territory specified in the proclamation of the President. If opposition was made, he should ask for aid from the regular troops on the Mississippi, and draw from Orleans and Mississippi Territories militia in such numbers as he and Governor Holmes might deem proper. He was not, however, to employ force against any particular place, however small, that remained in the possession of the Spanish.

Before Claiborne could enter West Florida the Independent State party chose Fulwar Skipwith for governor, and he was inaugurated on November 29, 1810.⁹ The flag of the new State, adopted in September, was blue with a silver star in the center. Skipwith and Philemon Thomas tried to resist Claiborne's advance in the Territory, but the latter raised the flag of the United States at St. Francisville and at Baton Rouge.¹⁰ At the latter place the American flag was torn down, and the banner of the new State was raised, and a conflict was avoided only by the arrival of troops and of gunboats which Claiborne had ordered to proceed to Baton Rouge. The fort surrendered, and possession was taken of the whole province in the name of the United States.

Meanwhile Reuben Kemper was sent by Thomas on an expedition against the posts on the Gulf Coast. He marched against Mobile, but was repelled. Governor

Folch, however, discouraged by the abandonment in which he saw himself and by the situation to which the province was reduced, on December 2, 1810, wrote a very extraordinary letter from Mobile to Robert Smith, Secretary of State, and offered to deliver the Floridas to the United States, provided he did not receive succor from Havana or Vera Cruz in December. He also supplicated for assistance against Reuben Kemper. Folch's letter was communicated to Congress, in confidence, by the President, and led to resolutions and to a bill, which were not promulgated until 1818.¹¹ The President was authorized to take possession of Florida east of the Perdido River, if the local authorities were willing to give it up, or if any foreign power attempted to occupy it.

The proclamation of the President annexing West Florida to the Territory of Orleans gave rise, on December 28, 1810, to interesting debates in the Senate of the United States. The whole history of Louisiana was reviewed to prove the validity of the title of the United States to West Florida; and one of the speakers, Mr. Horsey, of Delaware, declared that the proclamation of the President was an unwarrantable assumption of power and a violation of the Constitution. Henry Clay replied to Mr. Horsey, and his speech was admirable. He said:

I shall leave the honorable gentleman from Delaware to mourn over the fortunes of the fallen Charles. I have no commiseration for princes. My sympathies are reserved for the great mass of mankind, and I own that the people of Spain have them most sincerely.

He declared that the United States had a perfect title to West Florida; that a more propitious moment could never present itself for the exercise of the discretionary power placed in the President by the United States; and that the latter, had he failed to embrace it, would have been criminally inattentive to the dearest interests of the country. He added these words, which sound somewhat like the famous Monroe Doctrine of later years:

If you reject the proffered boon, some other nation, profiting by your errors, will seize the occasion to get a fatal footing in your southern frontier. I have no hesitation in saying, that if a parent country will not or cannot maintain its authority in a colony adjacent to us, and there exists in it a state of misrule and disorder, menacing our peace, and if, moreover, such colony by passing into the hands of any other power, would become dangerous to the integrity of the Union, and manifestly tend to the subversion of our laws—we have a right, upon eternal principles of self-preservation, to lay hold of it. This principle alone, independent of any title, would warrant our occupation of West Florida.

By a census taken in 1810 by the marshal of the United States, the population of Louisiana, exclusive of West Florida, was as follows: ¹² City and suburbs of New Orleans, 17,242; precincts of New Orleans, 7310; Plaquemines, 1549; St. Bernard, 1020; St. Charles, 3291; St. John Baptist, 2990; St. James, 3955; Ascension, 2219; Assumption, 2472; Lafourche, 1995; Iberville, 2679; Baton Rouge, 1463; Pointe Coupée, 4539; Concordia, 2895; Ouachita, 1077; Rapides, 2200; Catahoula, 1164;

Avoyelles, 1209; Natchitoches, 2870; Opelousas, 5048; Attakapas, 7369; total, 76,556.

The population of the Territory of Orleans was more than sixty thousand, and, as Poydras said in the House of Representatives on January 2, 1811, "the Territory had a right to become a State; and he could not see the least pretence for an objection to it. Congress, however, would act as in their wisdom they should deem it fit."¹³ Some members of the House were not of Poydras's opinion, and saw many objections to admitting the Territory into the Union. The wisdom of some members of Congress, in which Poydras trusted, seems to us at present to have been small when we read the long debates in January, 1811, and especially the speech of Josiah Quincy of Massachusetts. He used the following expressions, which excited the greatest surprise and interest all over the country:¹⁴

There is a great rule of human conduct, which he who honestly observes cannot err widely from the path of his sought duty. It is, to be very scrupulous concerning the principles you select as the tests of your rights and obligations; to be very faithful in noticing the result of their application; and to be very fearless in tracing and exposing their immediate effects and distant consequences. Under the sanction of this rule of conduct, I am compelled to declare it as my deliberate opinion that if this bill passes, the bonds of this Union are virtually dissolved; that the States which compose it are free from their moral obligations; and that, as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation—amicably if they can, violently if they must.

Mr. Quincy was here called to order by Mr. Poindexter, the delegate from Mississippi Territory.

Mr. Quincy repeated and justified the remark he had made, which, to save all misapprehension, he committed to writing, in the following words: "If this bill passes, it is my deliberate opinion that it is virtually a dissolution of the Union; that it will free the States from their moral obligation; and, as it will be the right of all, so it will be the duty of some, definitely to prepare for a separation, amicably if they can, violently if they must."

After some little confusion, Mr. Poindexter required the decision of the Speaker whether it was consistent with the propriety of debate to use such an expression. He said it was radically wrong for any member to use arguments going to dissolve the government and tumble this body itself to dust and ashes. It would be found, from the gentleman's statement of his language, that he had declared the right of any portion of the people to separate.

Mr. Quincy wished the Speaker to decide, for, if the gentleman was permitted to debate the question, he should lose one half of his speech.

Mr. Poindexter said that, by the interruption given him, he perceived the gallant jade winced. The question he wished to propound to the chair was this: Whether it be competent in any member of this House to invite any portion of the people to insurrection, and, of course, to a dissolution of the Union?

The Speaker decided that the last part of Mr. Quincy's observations was contrary to the order of debate. An appeal was taken from the decision of the Speaker, and by a vote of fifty-six to fifty-three it was not sustained by the House. Mr. Quincy continued his speech, and maintained that the Constitution of the United States was a political compact, which embraced only the United States of America. He said that the preamble to the Constitution declared, We, the people of the United States, for our-

selves and our posterity, and he added that there can, certainly, be nothing more obvious, than that from the general nature of the instrument no power can result to diminish and give away to strangers any portion of the rights of the original partners. . . . This Constitution never was and never can be strained to lap over all the wilderness of the West, without essentially affecting both the rights and convenience of its real proprietors. It was never constructed to form a covering for the inhabitants of the Missouri and the Red River country. And wherever it is attempted to be stretched over them, it will rend asunder. . . . You have no authority to throw the rights and liberties, and property, of this people, into a "hotch pot" with the wild men on the Missouri, nor with the mixed though more respectable race of Anglo-Hispano-Gallo Americans who bask on the sands in the mouth of the Mississippi. I make no objection to these from their want of moral qualities or political light. The inhabitants of New Orleans are, I suppose, like those of all other countries—some good, some bad, some indifferent.

Mr. Quincy ended his speech with these words: The bill, if it passes, is a death-blow to the Constitution. It may, afterward, linger; but lingering, its fate will, at no very distant period, be consummated.

Time has proved that the Hon. Josiah Quincy was but a poor prophet. Mr. Poindexter, from Mississippi Territory, answered Mr. Quincy's narrow-minded and selfish address. He said that the United States, by the third article of the treaty of cession, took solemn engagements to incorporate the inhabitants of the ceded territory into the Union as soon as possible. He said further that Aaron Burr "did not dare to go the lengths which the gentleman from Massachusetts has been permitted to go within these walls," and "had such expressions been es-

tablished by the evidence on his trial, I hazard an opinion that it would have produced a very different result. Perhaps, Sir, instead of exile, he would have been consigned to a gibbet. For it cannot be concealed that the language of the gentleman from Massachusetts, if accompanied by an overt act to carry the threat which it contains into execution, would amount to treason, according to its literal and technical definition in the Constitution and laws of the United States. The fate of Aaron Burr ought to be a salutary warning against treasonable machinations—and if others, having the same views, do not share a similar fate, it will not be because they do not deserve it.”

The debate between Quincy, of Massachusetts, and Poindexter, of Mississippi, is one of the most curious incidents in history, and illustrates admirably the irony of fate, when we think of the great Civil War which was caused by the attempted secession of the Southern States from the Union.

The bill was passed, on January 14, 1811, by a vote of seventy-seven yeas to thirty-six nays, and was approved by the President on February 20, 1811. It provided: ¹⁵

That the inhabitants of all that part of the territory or country ceded under the name of Louisiana, by the treaty made at Paris on the 30th of April, 1803, between the United States and France, contained within the following limits, that is to say, beginning at the mouth of the river Sabine, thence by a line to be drawn along the middle of the said river, including all islands, to the thirty-second degree of latitude, thence due north to the northernmost part of the thirty-third degree of north latitude; thence along the said parallel of latitude to the river Mississippi; thence down

the said river to the river Iberville; and from thence along the middle of the said river and Lakes Maurepas and Pontchartrain, to the Gulf of Mexico; thence bounded by the said gulf to the place of beginning; including all islands within three leagues of the coast, be and they are hereby authorized to form for themselves a constitution and State government, and to assume such name as they may deem proper, under the provisions hereinafter mentioned.

The election for representatives to the convention was to be held on the third Monday in September, 1811, and the convention was to assemble in New Orleans on the first Monday in November. It was to declare, in behalf of the people of the Territory, that it adopts the Constitution of the United States; whereupon it was authorized to form a constitution and State government, provided the constitution to be formed "shall be republican and consistent with the Constitution of the United States; that it shall contain the fundamental principles of civil and religious liberty; that it shall secure to the citizen the trial by jury in all criminal cases, and the privilege of the writ of habeas corpus, conformable to the provisions of the Constitution of the United States; and that after the admission of the said Territory of Orleans as a State into the Union, the laws which such State may pass shall be promulgated, and its records of every description shall be preserved, and its judicial and legislative written proceedings conducted, in the language in which the laws and the judicial and legislative written proceedings of the United States are now published and conducted."

The waste and unappropriated lands were to remain at

the sole and entire disposition of the United States; every tract of land sold by Congress was to be exempt from any tax for the term of five years after the sale; lands belonging to citizens of the United States residing without the State were never to be taxed higher than lands belonging to persons residing therein; no taxes were to be imposed on lands the property of the United States; "and the river Mississippi and the navigable rivers and waters leading into the same or into the Gulf of Mexico, shall be common highways and forever free, as well to the inhabitants of the said State as to other citizens of the United States, without any tax, duty, impost or toll therefor, imposed by the said State." Five per cent. of the net proceeds of the sales of the lands of the United States, after the first day of January, was to be applied to laying out and constructing public roads and levees in the State, as the Legislature may direct.

In January, 1811, there was a revolt of the slaves on a plantation in the parish of St. John the Baptist. Other slaves joined them and to the number of about five hundred they marched, divided into companies, along the river toward New Orleans. They burned the houses of four or five plantations, and might have committed great excesses had they not been routed by the militia and by United States troops. Sixty-six of the slaves were killed in the action or were hanged immediately afterward, and sixteen were sent for trial to the city. These were convicted and executed, and "their heads," says Judge Martin, "were placed on high poles, above and below the city, and along the river as far as the plantations on which

the revolt began, and on those on which they had committed devastation." The people of the Territory wished, by this terrible warning, to protect themselves against the repetition of the horrors of the revolt in Santo Domingo.

The convention met on November 4, 1811; it elected F. J. Le Breton D'Orgenois temporary chairman, and adjourned to November 18. It met again on that day, and elected Julien Poydras president and Eligius Fromentin secretary. It gave to the new State the name of Louisiana,¹⁶ that name which the Territory had lost for several years, and which was to be as glorious in the future under the American domination as it had been in the past under the French and Spanish dominations.

The Constitution was adopted on January 22, 1812. Congress passed an act for the admission of the new State into the Union, and the President approved the act on April 8, 1812. It was declared, however, that the act should not be in force before April 30, the ninth anniversary of the treaty of cession. An act was also passed by Congress and approved on April 14, 1812, enlarging the limits of Louisiana by all that tract of country "beginning at the junction of the Iberville with the river Mississippi, thence along the middle of the Iberville, the river Amite, and of the lakes Maurepas and Pontchartrain, to the eastern mouth of the Pearl River; thence up the eastern branch of Pearl River to the thirty-first degree of latitude; thence along the said degree of latitude to the river Mississippi; thence down the river to the place of beginning." This was the greater part of the Territory

of West Florida, which had proclaimed its independence in 1810.

The following are the names of the members of the convention that framed the first Constitution of the State of Louisiana: Julien Poydras, president. Of the county of Orleans, J. D. Degoutin Bellechasse, J. Blaque, F. J. Le Breton D'Orgenois, Magloire Guichard, S. Henderson, Denis de LaRonde, F. Livaudais, Bernard Marginy, Thomas Urquhart, Jacques Villeré, John Watkins, Samuel Winter. Of the county of German Coast, James Brown, Jean Noel Destréhan, Alexandre La Branche. Of the county of Acadia, Michel Cantrelle, J. M. Reynaud, G. Roussin. Of the county of Iberville, Aman Hébert, William Wikoff, Jr. Of the county of Natchitoches, P. Boissier, J. Prudhomme. Of the county of Lafourche, William Goforth, B. Hubbard, Jr., St. Martin, H. S. Thibodaux. Of the county of Pointe Coupée, S. Hiriart. Of the county of Rapides, R. Hall, Thomas F. Oliver, Levi Wells. Of the county of Concordia, James Dunlap, David B. Morgan. Of the county of Ouachita, Henry Bry. Of the county of Opelousas, Allan B. Magruder, D. J. Sutton, John Thompson. Of the county of Attakapas, Louis De Blanc, Henry Johnson, W. C. Maquille, Charles Olivier, Alexander Porter.

On January 10, 1812, Robert Fulton's *New Orleans* arrived at the levee. It was the first boat propelled by steam on the Mississippi, and it had taken two hundred and fifty-nine hours to make the journey from Pittsburg.

An interesting book about Louisiana is Vincent Nolte's "Fifty Years in Both Hemispheres." The author ar-

rived in New Orleans in 1806, and his descriptions of the city and its inhabitants are amusing but not always trustworthy. He speaks of John McDonogh, and mentions a fact not generally known about the benefactor of our public schools. McDonogh, it seems, had read, in the "Courrier des Etats-Unis," a novel, "Le Médecin du Pecq," by Léon Gozlan, and was so charmed with it that in his will he bequeathed to the author ten thousand dollars, which were duly paid to Gozlan by the American minister at Paris. Nolte did not stay long in New Orleans, on his first visit there; but he returned to America at the end of 1811. While on his way from Pittsburg to New Orleans, on the Mississippi River, he felt at New Madrid, on February 6, 1812, the shock of an earthquake. He gives an admirable description of the Mississippi, "foaming up like a boiling caldron, while the forest trees came cracking and thundering down." He says that at New Orleans "the earthquake had not been any further perceptible, than that the chandeliers in the ball-room had all at once been observed to rock from side to side, and that a number of ladies had felt quite ill, while others instantly fainted." On arriving in New Orleans Nolte found that the city was much improved, and he says: "Its old original inhabitants, of French and Spanish origin, had always shown a certain openness, good faith and sincerity in their mercantile intercourse." The witty and sarcastic merchant got into endless difficulties in the city, and had to fight two duels. He took part in the campaign against the English.

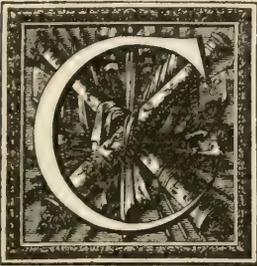
The first officials of the new State of Louisiana were:

Claiborne, governor; Julien Poydras, president of the Senate; P. B. St. Martin, Speaker of the House of Representatives; J. Montégut, treasurer; L. B. Macarty, secretary of state; Thomas Bolling Robertson, representative in Congress; Allan B. Magruder and Jean Noel Destréhan, United States senators; Hall, Mathews, and Derbigny, judges of the Supreme Court.¹⁷ Destréhan resigned before taking his seat in the Senate, and Thomas Posey was appointed in his place by Governor Claiborne. The first presidential electors were Julien Poydras, Stephen A. Hopkins, and Philemon Thomas.

CHAPTER IV

INVASION BY THE BRITISH

Preparations for war with Great Britain—General Wilkinson constructs Fort Bowyer—Claiborne's proclamation about the Baratarians—Jean and Pierre Lafitte—Reward for Jean Lafitte's capture—His response—Claiborne's letter to Jackson—Lafitte sends to the Americans the papers received from the British—The establishment at Barataria destroyed—The British attack Fort Bowyer and are repelled—Proclamation of General Jackson to the Louisianians—Jackson captures Pensacola—Battle of Lake Borgne—Refusal of the Legislature to suspend the writ of habeas corpus—Martial law—Jackson's address to the troops—Bayou Bienvenu—The British arrive at Villeré plantation.



CONGRESS declared war against Great Britain on June 18, 1812, and Governor Claiborne, in his inaugural message to the Legislature, recommended an effective organization of the militia. He made whatever preparation he could for the defense of the State against depredations of the Indians and an invasion by the British, and in 1813 he visited St. Tammany, Baton Rouge, Lafourche, Attakapas, Opelousas, and Natchitoches. At the latter place he addressed the great chief of the Caddo Indians.

General Wilkinson, who had been tried a second time and acquitted by a court martial, had returned to New Orleans in 1812. In February, 1813, the President was

authorized by Congress to occupy that part of West Florida, west of the Perdido, of which the United States had not yet taken possession. General Wilkinson marched against Fort Charlotte at Mobile, and captured it on April 13, 1813. The fort had been in the possession of the Spaniards ever since its capture from the British by the heroic Galvez in 1780. Wilkinson erected Fort Bowyer on Mobile Point, and soon afterward was called from New Orleans to the frontier of Canada. From that moment his name ceases to be connected with the history of Louisiana, in which it occupies a very important place. General Flournoy was sent to replace General Wilkinson as commander of the troops on the Mississippi.

On March 15, 1813, Governor Claiborne issued a proclamation about a number of "banditti" who, upon or near the shores of Lake Barataria, had "armed and equipped several vessels for the avowed purpose of cruising on the high seas, and committing depredations and piracies on the vessels of nations in peace with the United States, and carrying on an illicit trade in goods, wares, and merchandise with the inhabitants of the State." The governor commanded them to disperse and separate, and said that no man could partake of an "ill-gotten treasure" "without being forever dishonored and exposing himself to the severest punishment." Claiborne's proclamation had no effect in stopping the smuggling that was going on at Barataria, for some of the most respectable inhabitants of Louisiana bought goods openly from the Baratarian traders. The latter have often been called pirates, but they were not properly so. They were pri-

vateers sailing under commissions from Cartagena or from France. The islands of Guadeloupe and Martinique were captured by the British in 1806, and Colonel Pakenham greatly distinguished himself in this expedition.¹ Colombia, at about that time, declared her independence of Spain, and commissions were given at Cartagena to privateers to raid the Spanish vessels. There is no doubt that reckless men eager for booty were as often pirates as privateers, and the chiefs of the Baratarians, the Lafittes, may without remorse be called pirates, in spite of the services they rendered Louisiana and the United States, under the leadership of General Jackson.

On the Gulf coast of Louisiana, between the mouths of the Mississippi and Bayou Lafourche, is the island of Barataria, formed in part by the lakes and bayou of Barataria. Upon the island there is an Indian shell-mound at a place called the Temple. The name Barataria is also given to a large basin, about sixty miles in length and thirty in breadth, between the Mississippi and the Lafourche.² At a short distance from Bayou Barataria lies the beautiful island called Grande Terre and later Barataria, and within the pass of Barataria is to be found a secure harbor, about two leagues from the open sea. It was there that a number of privateers, called "banditti" by Claiborne, established their headquarters.

The chief or captain of the Baratarians in 1813 was Jean Lafitte,³ a man of wonderful daring, whose name has been immortalized in history and in legend. He was said to have been born in Bordeaux, and had kept a forge

at the corner of Bourbon and St. Philip streets in New Orleans. With him was his brother Pierre, who had been a seafaring man. Jean Lafitte had acted at first as town agent of the Baratarians, but he became their commander, and established a prosperous trade in smuggling. He had a considerable fleet in the business, both to capture goods at sea and to smuggle them into Louisiana. The events in his career have given rise to endless legends, and the treasures said to have been gathered at Barataria were as marvellous as those of the robbers' cavern in the "Arabian Nights." No "sesame," however, has ever been able to open the door leading to the treasures, and they have remained forever hidden in the former abode of the Baratarian chief. Very often in his childhood did the writer hear wonderful stories about Lafitte and his men. Dreams of fabulous wealth passed through the minds of many a penniless wretch, and the woods and waters of Barataria were often searched for the pirate's treasure. In vain did adventurers dig in the ground or plunge in the water: the treasure was no more to be obtained than the gold in John Law's mines. No more gold has ever been found under the roots of the mighty oak-trees at Grande Terre or under the blue waves of Barataria Bay than on the coast of the Mississippi or at the bottom of the mighty river. The treasure in Louisiana, both at Barataria and around New Orleans, is the wonderful fertility of the soil formed from the fruitful sediment which the Father of Waters spreads on all sides, in his tumultuous course toward the Gulf. The wealth of Louisiana is also commerce with the world by means of the Mississippi,—not



the smuggling of the Baratarians, but legitimate trade with all civilized countries. The treasure of Lafitte is a myth, but it has added to the element of romance in the history of Louisiana, and it has inspired the novelist and the poet. It is good sometimes to abandon the real and give one's self up to one's fancy. It is happiness to imagine for a moment that, unlike the treasure of Captain Kidd, Lafitte's gold and jewels will not always be hidden.

Following Claiborne's proclamation about the Baratarians, legal prosecutions were begun on April 7, 1813, against Jean and Pierre Lafitte, in the United States District Court.⁴ The charge against them was not piracy, but violation of the revenue and neutrality laws of the United States. The Lafittes and some of their companions were captured, but the proceedings amounted to nothing.

On September 17, 1813, several citizens of New Orleans agreed to be responsible *in solido* with Major-General Villeré for the sum of ten thousand dollars which he would have to borrow for the safety and defense of the State, as major-general of militia, in case the Legislature refused to reimburse that amount.⁵ The agreement was signed by the following patriotic men: J. Étienne Boré, Jacques Villeré, Pascalis Labarre, Bernard Marigny, Le Breton Deschappelles, Honoré Fortier, Jacques Fortier, Du Suau de La Croix, Charles Dehault de Lassus, Denis de La Ronde, Duvergé, Lavergne, Zéringue, Livaudais, Hazeur, P. Foucher, B. de La Roche, Dufossat, Pédesclaux, Macarty, J. Bienvenu, M. Fazende, C. Ar-

noult, Olivier Forcelle, Le Breton D'Orgenois, Mayronne, Saint Pé, Pierre Lacoste, P. Sauv , D. Bouligny,  noul Dugu , L. T. Beauregard, Cazelar, and C. Chiapella.

On November 24, 1813, Governor Claiborne issued a second proclamation about the Baratarians, and offered a reward of five hundred dollars for the capture of Jean Lafitte. The latter, in his turn, offered thirty times that amount for Claiborne's head.⁶

In January, 1814, the Baratarians had a skirmish with revenue officers and vanquished them. Claiborne sent a communication to the Legislature on that subject, and said that force should be used against the lawless men at Barataria. It was thought that they had several pieces of artillery on their island, and on March 2, 1814, Claiborne applied again to the Legislature to furnish him with means to "disperse those desperate men on Lake Barataria, whose piracies have rendered our shores a terror to neutral flags, and diverted from New Orleans that lucrative intercourse with Vera Cruz and other neutral ports which formerly filled our banks with the richest deposits." But the Legislature paid no attention to the governor's recommendations.

The Senate, at that time, was opposing Claiborne's appointment of a judge of the Supreme Court and had rejected five nominations made by him. Dominick A. Hall had been appointed by the President district judge of the United States, and a vacancy existed on the Supreme Bench of the State. The governor does not appear to have had much confidence in the militia for the defense of Louisiana, in case of an invasion, and asked that the

number of regular troops be increased. He believed that an effort would be made by the British to take possession of Louisiana and to return it to Spain. Vigorous measures were to be taken against the enemy, who were now freed from their long contest with Napoleon. The great Emperor, after his admirable campaign in France in 1814, where he had repeated the marvels of his campaign in Italy in 1796 and 1797, had had his sword broken in his hand by the capitulation of Marmont at Paris. He had abdicated the crown, had taken a touching leave of his valiant soldiers at Fontainebleau, and had become the sovereign of the small island of Elba in the Mediterranean Sea. The English, who had contributed to the fall of Napoleon by the victories of Wellington in Spain, were elated with their success and resolved to prosecute with activity the war against the United States. Claiborne received orders from the Secretary of War to organize a corps of one thousand infantry militia, and obeyed promptly.

On August 12, 1814, the governor wrote to General Jackson, who was to take command of the troops at New Orleans, and said: "On the native American and a vast majority of the Creoles of the country I place much confidence, nor do I doubt the fidelity of many Europeans who have long resided in the country. But there are others much devoted to the interest of Spain, and their partiality to the English is not less observable than their dislike for the American Government."⁷ He spoke of the battalion of chosen men of color who were commanded by Colonel Michel Fortier, "a respectable and rich mer-

chant of New Orleans," and by Major Lacoste, "a rich and respectable planter." ⁸

No time was to be lost in preparing for defense, for the enemy was already at the door. Arms and officers had been landed by the brig *Orpheus* in the bay of Appalachicola, and the Creeks had been induced to coöperate in an attack on Fort Bowyer. Two sloops of war, the *Hermes* and the *Caron*, commanded by Colonel Nicholls of the artillery, sailed from Bermuda, and on August 14, 1814, touched at Havana, where assistance was asked of the governor-general and permission to land at Pensacola. Both requests were refused, but Colonel Nicholls, nevertheless, went to Pensacola and established his headquarters there. At Baratavia, Jean Lafitte was in distress; his brother Pierre had been arrested in New Orleans, after a severe report of the Grand Jury, and imprisoned. On September 2, 1814, occurred an interesting event in his career and in the history of Louisiana. An armed brig appeared opposite Baratavia Pass, and, after firing at a vessel about to enter, cast anchor at the entrance of the pass. Lafitte went in a boat to find out what was the matter, and met a pinnace containing the commander of the brig, Captain Lockyer, and two officers. He was asked where was Mr. Lafitte, and on his replying that Lafitte was on shore they gave him a package to be delivered to the chief of the Baratarians. Lafitte persuaded the English officer to go to the shore, and then made himself known. The package brought by Captain Lockyer contained a proclamation of Colonel Nicholls to the inhabitants of Louisiana, a letter of

Nicholls directed to Mr. Lafitte or the commandant at Baratavia, a proclamation of Captain Percy of the sloop *Hermes* and commander of the naval forces in the Gulf, and orders from Captain Percy to Captain Lockyer, commander of the sloop *Sophia*.

Lafitte read these papers carefully, and Captain Lockyer proposed to him to enter the service of Great Britain. He would have the rank of captain and a sum of thirty thousand dollars. Lafitte said he would give a reply in a few days, and absented himself for a short time, when Captain Lockyer and his party were taken prisoners by the Baratarians. Lafitte was not able to liberate them before the next morning, and he apologized for the conduct of his men. He wrote an evasive letter to Captain Lockyer, as he intended to inform the Governor of Louisiana of the intrigues of the British.

The proclamation of Colonel Nicholls was dated Pensacola, August 29, 1814. It is a curious document and evinces utter ignorance of the feelings of the people to whom it was addressed. It begins in grandiloquent style:

NATIVES OF LOUISIANA: On you the first call is made to assist in liberating from a faithless, imbecile government your paternal soil. Spaniards, Frenchmen, Italians, and British, whether settled or residing for a time in Louisiana, on you also I call to aid me in this just cause: the American usurpation in this country must be abolished, and the lawful owners of the soil put in possession.

Colonel Nicholls announced his alliance with the Indians, and concluded his extraordinary proclamation with

an apostrophe to the "Men of Kentucky." He referred to Napoleon as "one of the most formidable and dangerous of tyrants that ever disgraced the form of man," and says that when the Britons were fighting for a sacred cause assassins had endeavored to stab them from the rear. These assassins were the Americans, and the men of Kentucky were urged either to remain neutral or to fight under the standard of their forefathers.

Jean Lafitte had been accused of piracy, but he was not a traitor, and he resolved to send to the State government all the papers he had received from the British. He sent them to Mr. Blanque, a representative in the Louisiana Legislature, with an admirable letter in which he said:

Though proscribed by my adoptive country, I will never let slip any occasion of serving her or of proving that she has never ceased to be dear to me. Of this you will here see a convincing proof. Yesterday, the 3rd of September, appeared here, under a flag of truce, a boat coming from an English brig, at anchor about two leagues from the pass. Mr. Nicholas Lockyer, a British officer of high rank, delivered me the following papers, two directed to me, a proclamation, and the admiral's instructions to that officer, all herewith inclosed. You will see from their contents the advantages I might have derived from that kind of association. I may have evaded the payment of duties to the custom-house; but I have never ceased to be a good citizen; and all the offence I have committed I was forced to by certain vices in our laws. In short, sir, I make you the depository of the secret on which perhaps depends the tranquillity of our country; please to make such use of it as your judgment may direct. I might expatiate on this proof of patriotism, but I let the fact speak for itself. I presume, however, to hope that such proceedings may obtain amelioration of the situation of my unhappy brother,

with which view I recommend him particularly to your influence. It is in the bosom of a just man, of a true American, endowed with all other qualities that are honored in society, that I think I am depositing the interests of our common country, and what particularly concerns myself. Our enemies have endeavored to work on me by a motive which few men would have resisted. They represented to me a brother in irons, a brother who is to me very dear, whose deliverer I might become; and I declined the proposal. Well persuaded of his innocence, I am free from apprehension as to the issue of a trial; but he is sick and not in a place where he can receive the assistance his state requires. I recommend him to you, in the name of humanity. As to the flag of truce, I have done with regard to it everything that prudence suggested to me at the time. I have asked fifteen days to determine, assigning such plausible pretexts that I hope the term will be granted. I am waiting for the British officer's answer, and for yours to this. Be so good as to assist me with your judicious counsel in so weighty an affair.

I have the honor to salute you.

J. LAFFITE.⁹

Lafitte wrote also the following letter to Governor Claiborne:

SIR: You will always find me eager to evince my devotedness to the good of the country, of which I endeavored to give some proof in my letter of the 4th, which I make no doubt you received. Amongst the papers that have fallen into my hands, I send you a scrap which appears to me of sufficient importance to merit your attention.

Since the departure of the officer who came with the flag of truce, his ship, with two other ships of war, has remained on the coast, within sight. Doubtless this point is considered important. We have hitherto kept on a respectable defensive; if, how-

ever, the British attach to the possession of this place the importance they give us room to suspect they do, they may employ means above our strength. I know not whether, in that case, proposals of intelligence with the government would be out of reason. It is always from my high opinion of your enlightened mind, that I request you to advise me in this affair.

I have the honor to salute you.

J. LAFFITE.

Pierre Lafitte, who had managed or had been permitted to escape from prison, wrote also a patriotic letter to Mr. Blanque, approving of his brother's action and sending him the latter's letter to Claiborne. Jean Lafitte had also sent to Mr. Blanque an important "scrap" containing information about the proposed movements of the British against Louisiana. An expedition was being prepared against the Baratarians at that very moment, under Commodore Patterson and Colonel Ross, and Mr. Blanque hastened to communicate to Governor Claiborne Lafitte's letters and the papers sent by him.¹⁰ The governor called a meeting of the principal officers of the army, navy, and militia, and submitted to them two questions: "First, whether the letters were genuine, and, second, whether it was proper that the governor should hold intercourse or enter into any correspondence with Mr. Lafitte and his associates." A negative answer was returned to the questions by all the persons present at the meeting, except by General Villeré, who was of the opinion that the papers were genuine and that the Baratarians might be employed in the defense of the State. Claiborne was of the same opinion as Villeré, but he did not

vote. Commodore Patterson and Colonel Ross were therefore ordered to proceed against the Baratarians with the schooner *Carolina* and gunboats. This was done, several of the privateers or so-called pirates were taken prisoners and thrown into the calaboose in New Orleans, and their vessels and goods were seized. Jean Lafitte escaped and retired to the German Coast, where he warned the inhabitants of the impending attack from the British.

On September 5, 1814, Governor Claiborne, in obedience to a letter from General Jackson, issued orders for the militia to be held in readiness for active service. Major-General Villeré was to organize companies in New Orleans on September 10, and Major-General Philemon Thomas, at Baton Rouge, on or about October 1. "Major-General Jackson, commanding the seventh military district," said the governor, "invites me to lose no time in preparing for the defense of the State. This gallant commander is now at or near Mobile watching the movements of the enemy, and making the necessary preparations to cover and defend this section of the Union. He will in due time receive reinforcements from the other States on the Mississippi; he calculates also on the zealous support of the Louisianians, and must not be disappointed." On September 8, 1814, Claiborne again issued general orders about the militia. He directed that the companies should muster, for inspection and exercise, twice a week in New Orleans and its suburbs, and once a week in the interior counties; and he invited fathers of families and men of advanced age to form military associations. He said he was persuaded that efforts

to divide the people would not prove successful. "In defense of our homes and families there surely will be but one opinion, one sentiment. The American citizen, on contrasting his situation with that of the citizen or subject of any other country on earth, will see abundant cause to be content with his destiny. He must be aware how little he can gain and how much he must lose by a revolution or change of government."

On September 15, 1814, a numerous meeting of the citizens of New Orleans and its vicinity was held at Trémoulet's coffee-house.¹¹ Edward Livingston was called to the chair, and Richard Relf was appointed secretary. Livingston made an eloquent speech and proposed a series of patriotic resolutions. As the English had asserted that there was disaffection in the State, the citizens at this meeting declared that such an allegation was false and insidious, and that the people of the State were attached to the government of the United States and would repel with indignation every attempt to create disaffection and weaken the force of the country by exciting dissensions and jealousies at a moment when union was most necessary. A committee of public defense was appointed, consisting of nine members: Edward Livingston, Pierre Foucher, Du Suau de La Croix, Benjamin Morgan, George M. Ogden, Dominique Bouligny, Jean Noel Destréhan, John Blaque, and Augustin Macarty. The committee issued to their fellow-citizens a spirited address, which ended as follows: "Beloved countrymen, listen to the men honored by your confidence, and who will endeavor to merit it; listen to the voice of honor, of duty,

and of nature! Unite! Form but one body, one soul, and defend to the last extremity your sovereignty, your property—defend your own lives and the dearer existence of your wives and children!” The address was signed by all the members of the committee except John Blanque and Ogden.¹²

While the citizens of New Orleans were preparing for defense the British were attacking Fort Bowyer on Mobile Point, a very important position, which controls the navigation of the coast of West Florida and secures an easy communication with Pensacola.¹³ The commander at Fort Bowyer was Major Lawrence; he had a garrison of one hundred and thirty men and twenty guns, and he defended himself with great bravery and ability. The enemy appeared on September 12 with two sloops of war and two brigs, and the next day threw three shells and one cannon-ball against the fort. They had as auxiliaries six hundred Indians and Spaniards. On September 14 the enemy were employed in fortifying, and on September 15 the regular attack was begun. The ships moved against the fort at two o'clock in the afternoon, Captain Percy's ship, the *Hermes*, leading. A dreadful fire was kept up by the British ships and by the fort, which was attacked also by land. The enemy were finally repelled, and the *Hermes* was disabled and burned, but the three other ships—the *Caron*, the *Sophia*, and the *Anaconda*—succeeded in getting out to sea. Major Lawrence had won a victory over the invaders, and their repulse was a happy omen for the campaign just beginning. The effective force of the British was thirteen hundred and

thirty men, and their loss was two hundred and thirty-two men killed or wounded. The Americans lost only five killed and four wounded. General Jackson complimented Major Lawrence and his men on their glorious deeds, and the committee of public defense in New Orleans resolved that a saber be presented to the major as a testimonial of the sense entertained of his skill and gallantry. The brave men under his command received also an expression of gratitude from the committee for the service which they had rendered to Louisiana as well as to the United States.

On September 21, 1814, General Jackson, from his headquarters at Mobile, issued a proclamation to the Louisianians. He called the enemy "the base, the perfidious Britons," to whom the gallant Lawrence had given "a lecture that will last for ages." He added:

LOUISIANIANS: The proud Briton, the natural and sworn enemies of all Frenchmen, has called upon you, by proclamation, to aid him in his tyranny, and to prostrate the holy temple of our liberty. Can Louisianians, can Frenchmen, can Americans ever stoop to be the slaves or allies of Great Britain? I well know that every man whose soul beats high at the proud title of freeman, that every Louisianian, either by birth or adoption, will promptly obey the voice of his country, will rally around the eagle of Columbia, secure it from the pending danger or nobly die in the last ditch in its defence.

Jackson refers to the offers made by the British to the "pirates" of Baratavia, whom he calls "hellish banditti." It is a curious fact that these same "demons" were afterward praised by the general for their conduct at the bat-

tle of New Orleans. On September 21, 1814, General Jackson, by proclamation, invited the free men of color of Louisiana to enroll themselves in the army.

On September 25, Secretary Monroe wrote to Jackson that there was cause to believe that the enemy had set on foot an expedition against Louisiana through the Mobile.¹⁴ President Madison therefore took the necessary steps to reinforce Jackson, and informed him, on October 10, that "not less than twelve thousand five hundred men were already subject to his orders, from Kentucky, Tennessee, and Georgia." General Jackson, at that time, was making preparations to attack Pensacola. This, says Mr. Henry Adams, the President, on October 21, forbade him to do, warning him again of the intention of the British to invade Louisiana. On October 25, General Coffee arrived at Mobile with his Tennessee brigade of twenty-eight hundred men, and on November 3 Jackson marched against Pensacola with forty-one hundred men.

After the massacre at Fort Mimms, on September 13, 1813, by the Creeks, the latter had been completely defeated by General Jackson, on March 27, 1814, and a treaty of peace had been concluded with them on August 9. However, some of the Creeks who had not participated in the treaty had aided the British in their attack on Fort Bowyer in September, 1814. The Spaniards at Pensacola had shown such decided hostility to the Americans during the expedition of the British against Fort Bowyer that Jackson resolved to take possession of Pensacola. On November 7 he attacked the town, which

capitulated after a brief resistance. The next day Fort Barrancas, celebrated in Galvez's campaign in 1781, was blown up by the Spaniards, who retreated to Havana.¹⁵ Major Lacarrière Latour, whose "Memoir of the War in West Florida and Louisiana" is so valuable, approves highly of Jackson's capture of Pensacola, and says:

The following was the situation of affairs: The British expelled from Pensacola Bay; the Indians wandering in those low islands, perishing for want of good food; the Spaniards punished for their want of good faith, and taught by sad experience that they could not expect to injure their peaceable neighbors with impunity.

It was the indomitable energy of Jackson that inspired with boundless enthusiasm all who came in contact with him. As Nolte said: "The general had bent all the strength of his will on one single point, and that was to meet and drive off the red-coats." He returned to Mobile on November 11 with his troops, and on November 22 set out by land for New Orleans, where he arrived on December 2, 1814. Sir Edward Pakenham had sailed from Jamaica with the British expedition four days after Jackson left Mobile.

The situation in New Orleans was gloomy; the Legislature had met on November 10, 1814, but had not been able to accomplish much for the defense of the State. The banks had suspended specie payment; there was no concentration of power, in spite of Claiborne's efforts, and great apprehension was felt for the safety of New Orleans. The presence of Jackson changed the situation,

and inspired every one with confidence and hope. The general was forty-seven years old; he appeared weak and in poor health, but on the day of his arrival he began to attend with great activity to his military duties. He reviewed Major Daquin's battalion of militia on December 2, and two days later he set out to visit Fort St. Philip at Plaquemines. As it was probable that the enemy would approach by the Mississippi, he ordered Major Latour to prepare plans for two batteries on the side of the river opposite Fort St. Philip. He also ordered Governor Claiborne to have all the bayous leading from the Gulf obstructed, and asked the governor to call on the Legislature for help in constructing the necessary fortifications. Jackson, on returning to New Orleans from Fort St. Philip, went to Chef Menteur, and was there when the British attacked and captured the flotilla of American gunboats in Lake Borgne.

On November 24, 1814, a review of the British fleet and troops took place in Negril Bay, Jamaica. Sir Alexander Cochrane, with his squadron, had sailed from the Chesapeake with the army of Colonel Brooks, who had succeeded General Ross, killed before Baltimore. At Negril Bay Cochrane's squadron met Admiral Malcolm's squadron and reinforcements brought from England by General Keane, who was commander-in-chief. The whole army amounted to seventy-four hundred and fifty men,¹⁶ and the fleet consisted of about fifty sail. Among the officers of the squadron were, besides Cochrane and Malcolm, Sir Thomas Hardy, in whose arms Nelson died at the battle of Trafalgar; Rear-Admiral Codring-

ton; and Captain Gordon. General Keane was a young and brilliant officer. This was indeed a formidable force for the attack on New Orleans.

On November 26, 1814, the British fleet sailed from Negril Bay, Admiral Cochrane leading the way on board the *Tonnant*, captured from the French at Aboukir, and followed closely by the *Ramillies*. The enemy cast anchor, December 10, in the channel between Cat and Ship Islands, and were discovered by a small flotilla of gunboats under Lieutenant Thomas Ap Catesby Jones, who had been ordered by Commodore Patterson to observe their movements. On December 13 the five gunboats, perceiving the immense superiority of the enemy, endeavored to fall back upon a fort near the mouth of the Rigolets, called Petites Coquilles, but the wind entirely died away, and the flotilla came to anchor in the passage of Malheureux Island. There Lieutenant Jones had, he said, "but one alternative left him, which was to give the enemy as warm a reception as possible."¹⁷ The tender *Sea-horse* and stores at Bay St. Louis had previously been destroyed by the Americans, to prevent the British taking possession of them. As the water in Lake Borgne was very shallow, Admiral Cochrane sent a flotilla of launches and ships' barges, fifty open boats in all, commanded by Captain Lockyer, to attack Captain Jones's gunboats. The five gunboats had a total of twenty-three guns and were commanded by Lieutenants Jones, Spedden, and McKeever, and Sailing-masters Ferris and Ulrick. They succeeded in taking the tender *Alligator*, armed with a four-pounder and eight men, and the action

became general at ten minutes before eleven in the morning. The Americans made a desperate resistance, especially gunboat No. 156, commanded by Lieutenant Jones in person. Captain Lockyer was severely wounded, and Lieutenants Jones and Robert Spedden also. Lieutenant McKeever was slightly wounded, and the loss of the Americans was about one third their number, which consisted of one hundred and eighty-two men. The British had about twelve hundred men in the action, and lost about three hundred killed and wounded. Great gallantry was displayed on both sides, and the whole American flotilla was finally captured after a heroic resistance. Among the British officers killed was Lieutenant Pratt,¹⁸ who had burned the Capitol at Washington in the summer of 1814, under the orders of Admiral Cockburn.

The battle of Lake Borgne gave the British the command of that lake and enabled them to land their army without opposition. A curious fact connected with that engagement is that after Captain Lockyer had captured Jones's gunboat No. 156 he fired her guns upon the other American boats without striking the American flag. Major Latour expresses surprise at the defenseless condition in which Louisiana had been left in 1814, and says that twenty-five gunboats would have rendered it impossible for the British to land and would have obliged them to abandon the project of attacking New Orleans by the lakes.¹⁹ "To approach by the river is out of the question," says an English officer.²⁰ The same author says of New Orleans as he saw it in 1814:

Though in itself unfortified, it is difficult to conceive a place capable of presenting greater obstacles to an invader; and at the same time more conveniently situated with respect to trade. Built upon a narrow neck of land, which is confined on one side by the river, and on the other by impassable morasses, its means of defence require little explanation; and as these morasses extend to the distance of only a few miles, and are succeeded by Lake Pontchartrain, which again communicates through Lake Borgne with the sea, its peculiar commercial advantages must be equally apparent.

The capture of the American flotilla was announced by Governor Claiborne to the Legislature. That body has been accused of lukewarmness and even of want of patriotism; but Judge Martin,²¹ who in 1814 was attorney-general of Louisiana, defends the Legislature and says:

In attachment to the Union, in zeal for the defence of the country, in liberality in furnishing the means of it, and in ministering to the wants of their brave fellow-citizens who came down to assist them in repelling the foe, the General Assembly of Louisiana does not suffer by a comparison of its conduct with that of any legislative body in the United States.

With regard to the people of New Orleans Judge Martin says:

Although the population of New Orleans was composed of individuals of different nations, it was as patriotic as that of any city in the Union. The Creoles were sincerely attached to liberty and the General Government; they had given a strong evidence of this, on their admission into the Union, by the election of the governor, judges, and almost every other officer sent to them by the President of the United States.



Portrait of G. W. Davis

The Legislature aided Claiborne and Jackson in every way that they believed to be legitimate; but they refused to suspend the writ of habeas corpus as proposed by Claiborne at the suggestion of Jackson and Commodore Patterson. The Legislature, says Judge Martin, knew how loyal were the people, and "thought the State should not outlaw her citizens when they were struggling to repel the enemy. They dreaded the return of those days when Wilkinson filled New Orleans with terror and dismay, arresting and transporting whom he pleased." Louallier, who, as chairman of the ways and means committee, had made a patriotic report in November, was also chairman of the committee that reported against suspending the writ of habeas corpus. It was thought wiser to offer bounties to sailors than to impress them by force into the service of the United States. An embargo law was also passed.

The militia was called out *en masse* by the governor, and on December 16, 1814, he suggested the expediency of an adjournment of the Legislature for twenty or twenty-five days. The two houses refused to comply with Claiborne's suggestion, and thereupon General Jackson declared martial law on December 16. On the day preceding he had addressed to the citizens of New Orleans a spirited and characteristic proclamation, in which he told them not to believe the report that the invasion had been made with a view of restoring the country to Spain. "Believe not such incredible tales—your government is at peace with Spain—it is the vital enemy of your country, the common enemy of mankind, the highway robber

of the world, that threatens you, and has sent his hirelings amongst you with this false report, to put you off your guard that you may fall an easy prey to him." The proclamation ended with these ominous words: "Those who are not for us are against us, and will be dealt with accordingly."

On his return from Chef Menteur, after the battle of Lake Borgne, Jackson displayed the greatest energy and fortified all assailable points. He sent Major Lacoste's battalion of men of color and the dragoons of Feliciana to Chef Menteur, and he wrote to Generals Coffee, Carroll, and Thomas, urging them to come to New Orleans as speedily as possible. A second battalion of men of color was formed, chiefly refugees from Santo Domingo, and was placed under the command of Major Daquin, under whom was Captain Savary, who had served in the French army in the wars of Santo Domingo.

On December 18 Jackson reviewed the troops at New Orleans, the embodied militia, Major Plauché's uniformed companies, and part of the men of color. His aide-de-camp, Edward Livingston, read to the troops energetic addresses. Nolte says that Livingston rendered invaluable aid to the general during the whole campaign and wrote for him all his despatches and proclamations. Grymes was also of service with his pen. The style of Jackson's addresses, after his arrival in New Orleans, is certainly far superior to that of his proclamation of September, 1814, dated from Mobile, which the "Louisiana Gazette" ridiculed. But the spirit of all the addresses and despatches is characteristic of Jackson.

As New Orleans was in great danger, the services of Lafitte and the Baratarians were accepted, and all classes of society were filled with zeal and enthusiasm for the defense of the country. The women of New Orleans gave proof of their patriotism and applauded the men who were preparing to fight for the protection of their hearths. "The streets resounded," says Latour, "with 'Yankee Doodle,' the 'Marseilles Hymn,' the 'Chant du Départ,' and other martial airs, while those who had been long unaccustomed to military duty were furbishing their arms and accoutrements."

The consul of France, the Chevalier de Tousac, who had served in the war of the American Revolution and had lost an arm while fighting for the independence of the United States, regretted that he was not able to fight once more against the British, and encouraged all the Frenchmen in New Orleans to enlist in Jackson's army. The Legislature, in order to enable all men to perform their military duties without being embarrassed by their commercial engagements, passed an act on December 18, 1814, prolonging for one hundred and twenty days the term of payment of all contracts. In New Orleans preparations for the defense had been actively made, and Jackson seemed to have taken all necessary precautions against a surprise by the enemy. Unhappily, however, an important road of ingress had not been sufficiently guarded.

One of the numberless bayous or streams in the vicinity of New Orleans is called Bayou Bienvenu. The British officers name it Bayou Catalan in their reports, and it

was formerly called the river St. Francis.²² It flows into Lake Borgne and "is navigable for vessels of one hundred tons as far as the forks of the canal of Piernas's plantation, twelve miles from its mouth. Its breadth is from one hundred and ten to one hundred and fifty yards, and it has six feet of water on the bar at the common tides, and nine feet at spring tides. Within the bar there is, for a considerable extent, sufficient water for vessels of two to three hundred tons. Its principal branch is that which is called Bayou Mazant, which runs toward the southwest and receives the waters of the canals of the plantations of Villeré, Lacoste, and La Ronde, on which the enemy established his principal encampment." A mile and a half from the mouth of Bayou Bienvenu was a Spanish fishermen's village, the inhabitants of which served as spies and guides to the British. General Keane, having heard that it was possible to effect a landing at the head of Bayou Bienvenu, or Catalan, as he calls it, ordered it to be reconnoitered. Captain Spencer and Lieutenant Peddie were despatched on that errand, and arrived on December 20 at the fishermen's village. There they got a pirogue, disguised themselves as fishermen, employed two inhabitants of the village to row them up the bayou, and succeeded in reaching Villeré's canal, through which they arrived at a point a short distance from the Mississippi River. From the head of the canal they walked to the levee in front of the Villeré plantation, which was only eight miles from New Orleans, and drank some water out of the Mississippi. Their expedition had been successful and proved that it

was possible to arrive unperceived in the vicinity of New Orleans.

After the battle of Lake Borgne the British troops were collected at Ile aux Pois, or Pea Island, at the entrance of Pearl River. On December 22 sixteen hundred men, commanded by Keane, were put into barges or pinnaces, and after a very uncomfortable journey, during which they suffered greatly from rain and cold, they arrived at the mouth of Bayou Bienvenu, and a little later at the fishermen's village. At that place was a small detachment of militia, which had been sent by Major Gabriel Villeré to observe the approach of the enemy. The detachment consisted only of nine white men and three negroes, and had arrived at the village on December 21. They were surprised by the British in the night of December 22, and were all captured, except one man who succeeded in escaping. One of the prisoners was Mr. Ducros, a Creole gentleman, and he was taken to General Keane and Admiral Cochrane and questioned with regard to the number of the American forces. Ducros answered that in the city there were from twelve to fifteen thousand men and from three to four thousand at the English Turn. The other prisoners, by a preconcerted agreement, confirmed Ducros's statement, to the astonishment of the British officers, who had been told by the Spanish fishermen that Jackson's forces amounted to no more than five thousand men.

The enemy advanced in their barges through Bayou Bienvenu and entered Bayou Mazant. After a short distance the boats could no longer be propelled, and the

army marched along the bayou by a road "opened through several fields of reeds, intersected by deep, muddy ditches, bordered by a low, swampy wood."²³ They reached Villeré's canal at about half-past eleven, and soon arrived at a cultivated field of sugar-cane and an orange grove. Colonel Thornton advanced rapidly and surrounded General Villeré's house, in which were a company of militia, who were captured. Major Villeré, a son of the general, was smoking his cigar on the front gallery of the house, and his brother was cleaning a fowling-piece, when they perceived some British soldiers.²⁴ They were both taken prisoners, but Major Villeré leaped through a window of his father's house and escaped the fire of his captors. He ran to the woods, and then met on a neighboring plantation Colonel de La Ronde, with whom he crossed the river.

Villeré and De La Ronde went to Du Suau de La Croix's plantation, and thence Villeré, De La Ronde, and De La Croix hastened on horseback to New Orleans, to announce the arrival of the British. Alexander Walker says, in his "Jackson and New Orleans," that the three Louisianians saw the general at half-past one o'clock P.M. on December 23, and related the story of the arrival of the British on Villeré's plantation, whereupon Jackson exclaimed: "By the Eternal, they shall not sleep on our soil!" Major Lacarrière Latour, however, whose "Historical Memoir" is so accurate and not at all rhetorical, does not mention this incident, and does not say precisely who it was that first informed Jackson of the approach of the British.²⁵ He says he was sent by the general on

December 23 to ascertain whether it was true that several sails had been seen behind Terre-aux-Bœufs, and to examine the communication from that place to Lake Borgne.²⁶ He heard of the capture of the militia company at Villeré's plantation, and approached within rifle-shot of the British troops. He estimated their number at sixteen or eighteen hundred men. "It was then half-past one P.M.," says he, "and within twenty-five minutes after, General Jackson was informed of the enemy's position."

CHAPTER V

THE BATTLES OF DECEMBER, 1814, AND JANUARY 8, 1815

Battle of December 23, 1814—Destruction of the *Carolina*—Battle of December 28, 1814—Interference with the Legislature—Artillery battle of January 1, 1815—Battle of New Orleans—Jackson's reports of the battle—Nolte's statement about cotton bales used in intrenchments—Jackson's general orders—An Englishman's opinion of the campaign.



AS soon as the British had reached Villeré's plantation, Colonel Thornton urged that New Orleans be attacked immediately. General Keane decided to wait for reinforcements, and thus he gave time to Jackson to collect his troops. The American general did not lose a minute: he ordered the alarm-gun to be fired, sent for Coffee and Carroll, who were four miles above the city, and for Major Plauché, who was at Bayou St. John, and marched against the British. There were Coffee's mounted Tennessee riflemen and the volunteer dragoons of the Mississippi Territory, Beale's Orleans Rifle Company, Daquin's free men of color, eighteen Choctaw Indians, Baker's Forty-fourth Regiment, and Plauché's battalion. There were two field-guns, and Commodore Patterson was on board the schooner *Carolina*, which was to take a station opposite the enemy. Governor Claiborne, with four regiments of Louisiana

militia and one company of horse, was stationed in the plain of Gentilly to protect the city from an attack in the direction of Chef Menteur.

As Jackson's army advanced, a negro was captured with copies of a proclamation in French and Spanish, signed by Keane and Cochrane, as follows: "Louisianians! remain quiet in your houses; your slaves shall be preserved to you, and your property respected. We make war only against Americans." The British still foolishly believed that the Louisianians were not Americans; but they were soon to be undeceived.¹ The proclamation was posted on the fences all along the road below the plantation of De La Ronde. The owner of the plantation, Colonel de La Ronde, accompanied General Coffee as a volunteer and as a guide. The plantations on which the battles of December, 1814, and January, 1815, were fought were Villeré's, Lacoste's, De La Ronde's, Bienvenu's, and Chalmette's. The headquarters of the British were in General Villeré's house, and they had mounted a few pieces of cannon near the sugar-house. The line of the enemy extended as far as De La Ronde's plantation; and they felt so little apprehension of an attack that some pickets had lighted fires and part of the army had gone into bivouac. At about seven o'clock the *Carolina* arrived in front of the batture of Villeré's plantation, and a number of British soldiers went on the levee to examine the boat, not dreaming that she had been sent to attack them. At half-past seven the *Carolina* opened fire and compelled the enemy to leave his camp. The forces under Jackson soon appeared and attacked the British sharply in front

from the road, and in the rear of De La Ronde's plantation. At half-past nine the enemy fell back to his camp, and Jackson, seeing that it was too dark to continue the attack, led back his army to their former position on the De La Ronde plantation. At English Turn a detachment of three hundred and fifty Louisiana militia, under General David Morgan, heard that the British had reached Villeré's plantation, and they asked to be led against the enemy. This Morgan refused to do; but when the men heard the firing of the *Carolina*, in the evening of December 23, they could no longer be restrained, and were allowed to march against the British. There was some skirmishing with the enemy at Jumonville's plantation, adjoining Villeré's, but Morgan's detachment, being ignorant of the positions of Jackson's army and fearing an ambush, remained in a neighboring field until three o'clock in the morning of December 24, and then marched back to the English Turn.

Jackson's troops on December 23 amounted to twenty-one hundred and thirty-one men, of whom about eighteen hundred took part in the engagement.² The British officers estimated the number of the Americans at five thousand, because they took Plauché's companies for so many battalions, as each company wore a distinct uniform. Major Latour, who was present at the battle, praises highly Jackson's soldiers and their commanders, and of Jackson himself he says:

But I cannot decline paying the tribute of justice to General Jackson, to say that no man could possibly have shown more per-

sonal valor, more firmness and composure, than was exhibited by him through the whole of this engagement, on which depended perhaps the fate of Louisiana. I may say, without fearing to be taxed with adulation, that on the night of the 23rd General Jackson exposed himself rather too much. I saw him in advance of all who were near him, at a time when the enemy was making a charge on the artillery, within pistol-shot, in the midst of a shower of bullets, and in that situation I observed him spiriting and urging on the marines and the rifles of the Seventh Regiment, who, animated by the presence and voice of their gallant commander-in-chief, attacked the enemy so bravely that they soon forced him to retire.

With regard to the number of the British, Major Latour says that forty-five hundred men were landed on the 23d, before nine o'clock at night. They lost, in killed, wounded, and prisoners, three hundred and five men, according to their report, and the Americans two hundred and thirteen men. The battle of December 23 was very important, and Jackson's impetuosity probably saved New Orleans, which might not have resisted a sudden attack. The general wrote as follows to the Secretary of War:³

HEADQUARTERS, SEVENTH MILITARY DISTRICT,
CAMP BELOW NEW ORLEANS,

27th December, A.M.

SIR: The loss of our gunboats near the pass of the Rigolets having given the enemy command of Lake Borgne, he was enabled to choose his point of attack. It became, therefore, an object of importance to obstruct the numerous bayous and canals leading from that lake to the high lands on the Mississippi. This impor-

tant service was committed, in the first instance, to a detachment from the Seventh Regiment, afterward to Colonel de La Ronde of the Louisiana militia, and lastly, to make all sure, to Major-General Villeré, commanding the district between the river and the lakes, and who, being a native of the country, was presumed to be best acquainted with all those passes. Unfortunately, however, a picket which the General had established at the mouth of the Bayou Bienvenu, and which, notwithstanding my orders, had been left unobstructed, was completely surprised, and the enemy penetrated through a canal leading to his farm about two leagues below the city, and succeeded in cutting off a company of militia stationed there. The intelligence was communicated to me about two o'clock of the 23rd. My force, at this time, consisted of parts of the Seventh and Forty-fourth regiments, not exceeding six hundred together, the city militia, a part of General Coffee's brigade of mounted gun-men, and the detached militia from the western division of Tennessee under the command of Major-General Carroll. These two last corps were stationed four miles above the city. Apprehending a double attack by the way of Chef Menteur, I left General Carroll's force and the militia of the city posted on the Gentilly road; and at five o'clock P.M. marched to meet the enemy, whom I was resolved to attack in his first position, with Major Hinds's dragoons, General Coffee's brigade, parts of the Seventh and Forty-fourth regiments, the uniform companies of militia under the command of Major Plauché, two hundred men of color (chiefly from Santo Domingo) raised by Colonel Savary and acting under the command of Major Daquin, and a detachment of artillery under the direction of Colonel M'Rea, with two six-pounders under the command of Lieutenant Spotts—not exceeding in all fifteen hundred. I arrived near the enemy's encampment about seven, and immediately made my dispositions for the attack. His forces, amounting at that time on land to about three thousand, extended half a mile on the river, and in the rear nearly to the wood. General Coffee was ordered to turn their right, while with the residue of the force I attacked

his strongest position on the left, near the river. Commodore Patterson, having dropped down the river in the schooner *Carolina*, was directed to open a fire upon their camp, which he executed at about half after seven. This being the signal of attack, General Coffee's men, with their usual impetuosity, rushed on the enemy's right, and entered their camp, while our right advanced with equal ardor. There can be but little doubt that we should have succeeded on that occasion, with our inferior force, in destroying or capturing the enemy, had not a thick fog, which arose about eight o'clock, occasioned some confusion among the different corps. Fearing the consequences, under this circumstance, of the further prosecution of a night attack with troops then acting together for the first time, I contented myself with lying on the field that night; and at four in the morning assumed a stronger position about two miles nearer to the city. At this position I remained encamped, waiting the arrival of the Kentucky militia and other reinforcements. As the safety of the city will depend on the fate of this army, it must not be incautiously exposed.

In this affair the whole corps under my command deserve great credit. The best compliment I can pay to General Coffee and his brigade is to say they behaved as they have always done while under my command. The Seventh, led by Major Peire, and the Forty-fourth, commanded by Colonel Ross, distinguished themselves. The battalion of city militia, commanded by Major Plauché, realized my anticipations and behaved like veterans; Savary's volunteers manifested great bravery; and the company of city riflemen, having penetrated into the midst of the enemy's camp, were surrounded, and fought their way out with the greatest heroism, bringing with them a number of prisoners. The two field-pieces were well served by the officer commanding them.

All my officers in the line did their duty, and I have every reason to be satisfied with the whole of my field and staff. Colonels Butler and Pratt, and Major Chotard, by their intrepidity, saved

the artillery. Colonel Haynes was everywhere that duty or danger called. I was deprived of the services of one of my aides, Captain Butler, whom I was obliged to station, to his great regret, in town. Captain Reid, my other aide, and Messrs. Livingston, Duplessis and Davezac, who had volunteered their services, faced danger wherever it was to be met, and carried my orders with the utmost promptitude.

We made one major, two subalterns, and sixty-three privates prisoners, and the enemy's loss in killed and wounded must have been at least ——. My own loss I have not as yet been able to ascertain with exactness, but suppose it to amount to one hundred in killed, wounded, or missing. Among the former I have to lament the loss of Colonel Lauderdale of General Coffee's brigade, who fell while bravely fighting. Colonels Dyer and Gibson, of the same corps, were wounded, and Major Kavanaugh taken prisoner.

Colonel de La Ronde, Major Villeré of the Louisiana militia, Major Latour of the engineers, having no command, volunteered their services, as did Drs. Kerr and Flood, and were of great assistance to me.

I have the honor to be, etc.,

ANDREW JACKSON.

On December 24, at four o'clock in the morning, Jackson fell back and took position on the left bank of Rodriguez Canal, about two miles from the field of battle. He left a small force on De La Ronde's plantation to observe the movements of the enemy, and directed strong intrenchments on the Rodriguez Canal. He established his headquarters in Macarty's house. He also caused the levee to be cut in front of his lines to impede the advance of the enemy by overflowing the ground. Meanwhile the British, by great exertions, succeeded in concentrating

their troops at the Villeré plantation on December 25. On that day Sir Edward Pakenham arrived and took command of the army. He was a brother-in-law of Wellington, was thirty-seven years of age, and was considered one of the bravest and ablest of the British generals. On Christmas Day, 1814, his army numbered five thousand and forty rank and file, and by January 6 he had under his command eight thousand excellent troops. As Jackson was strongly intrenched and was protected by two pieces of artillery, and the *Carolina* and the *Louisiana* harassed the enemy from the river, Pakenham resolved to obtain his artillery from his ships, to free himself from the two American vessels before he should begin his march.

On December 27 his battery was ready, and he succeeded in destroying the *Carolina*. The *Louisiana* was saved by being towed up. On December 26 Morgan was ordered to abandon English Turn and to take position on the right bank of the river. He had previously, by directions of Jackson, cut the levee below Jumonville's plantation, and this measure turned out to be unfortunate. The river having risen, the canals were filled with sufficient water to enable the British to bring up heavy artillery.⁴

In the evening of December 27 the enemy advanced and occupied the Bienvenu and Chalmette plantations. They had several pieces of artillery, and on December 28 began their march against Jackson's lines. A terrible fire from the *Louisiana* and from the batteries broke their columns, and they retreated to the Bienvenu plantation.

Among the men who rendered efficient service on December 28 were those of the artillery company of Dominique You, twenty former Baratarians and companions of Lafitte.

On December 28 an unfortunate incident happened in New Orleans. Since the arrival of the British on December 23 the Legislature had ceased to sit,⁵ as all its members were engaged in the work of defense, either as soldiers in the field or in companies of veterans, or as members of relief committees. Every day, however, at noon, three or four members of the Senate and of the House met in their respective halls to effect an adjournment. On December 28, the President of the Senate, Skipwith, and two members, on arriving at the government house, found on the staircase a sentinel, who forbade them to enter the Senate chamber, and at the same time presented his bayonet. The senators then went to the City Hall and effected the adjournment of their body. Several members of the House of Representatives were treated in the same manner as Skipwith and his colleagues. On December 30 a quorum of both houses was procured, and a committee was appointed to call on Jackson and ask for the reason of the measures taken against the Legislature. The general replied that just after the engagement had begun on December 28, one of his volunteer aides, Colonel Duncan, informed him that he was the bearer of a message from Governor Claiborne to the effect "that the Assembly were about to give up the country to the enemy." Colonel Duncan said he had received the intelligence from a militia colonel, Mr. Declouet, who

had requested him to deliver the message. The general replied that "he did not believe the intelligence; but to desire the governor to make strict inquiry into the subject; and, if true, to blow them up." Colonel Duncan said Colonel Declouet did not say he was sent by Claiborne, and that "he (Duncan) meeting one of Claiborne's aides, directed him to inform the governor the general wished him to prevent the Legislature from assembling." The aide whom Duncan had met was Colonel Michel Fortier, Junior, who had friends and relatives in the Legislature.⁶ Colonel Fortier transmitted without comment Duncan's extraordinary order to Claiborne, who forthwith prevented the Legislature from assembling. An inquiry was made into these unusual proceedings, and a committee reported that the orders given by General Jackson had been perverted by Duncan, and that Declouet's conduct had been extravagant and he had yielded to chimerical fears. The committee also excused Jackson's message to Claiborne, considering the circumstances in which the general received Duncan's information. We cannot share the committee's opinion. It seems to us that Jackson was not justified in using such harsh terms about a Legislature that had placed the whole resources of the State at the command of the general, and whose members had given many proofs of their patriotism as Louisianians and as Americans. He should not have believed the report of treason, or, if he believed it, he should have called Claiborne's attention to it, and not have ordered the governor to "blow them up." Claiborne himself acted hastily and lacked judgment when he caused the doors of the As-

sembly to be closed, and Duncan and Declouet displayed the most astonishing want of calmness and good sense. Jackson said he had replied to a committee that called upon him: "If I thought the hair of my head knew my thoughts, I would cut it off or burn it." It is unfortunate that he should have chosen, on December 28, to express his thoughts in very strong language, rather than to have kept them within his head.

On December 29 Commodore Patterson placed two twelve-pounders and a twenty-pounder behind the levee on the right bank of the river, and this marine battery, manned by sailors from the *Louisiana*, rendered great service. Piernas Canal, which flows into Bayou Bienvenu, was guarded by Colonel Déjan's regiment of Louisiana militia, and General Villeré took command of a second line established between Jackson's line and the city. On December 31 there were skirmishes and cannonading, and on January 1 a severe artillery battle took place, in which the British were again routed. On January 1 a troop of five hundred men of Louisiana militia arrived from Baton Rouge under General Philemon Thomas, and on January 4 twenty-two hundred and fifty Kentucky militia arrived in New Orleans under the command of General John Thomas. Only five hundred and fifty were armed, and under General John Adair they marched to the American lines. On January 6 and 7 active preparations were made by the British for an attack, and on January 8 took place the celebrated battle of New Orleans.

Jackson had chosen his line of defense on December 24;⁷ it was along a canal forming the limits of the Rodri-



guez and Chalmette plantations. A parapet was raised, lined with pales from fences, and the ditch was filled with water. The parapet was very irregular in thickness and height, in some places being twenty feet thick at the top and only five feet high, and in others very thin at the base. The line was about half a mile long toward the wood, and, turning to the left half a mile, ended in an almost impassable cypress swamp. Near the wood the breastwork was not thick enough to resist artillery, and was hardly high enough to protect the men. At that place the ground was so low that the troops walked knee-deep in mud, and the valiant men of Carroll and Coffee were "literally encamped in the water."

The American line was defended by eight batteries consisting of thirteen pieces of artillery. Battery No. 1 was seventy feet from the river, was commanded by Captain Humphreys of the United States artillery, and was served by regular artillery and Major St. Geme's dragoons. Batteries Nos. 2 and 4, commanded by Lieutenants Norris and Crawley of the navy, were served by the crew of the *Carolina*. Battery No. 3 was commanded by Captains Dominique You and Beluche, the former privaters, and was served by French marines. Batteries Nos. 5 and 7 were commanded by Colonel Perry and Lieutenant Kerr and by Lieutenants Chauveau and Spotts, and were served by gunners from the United States artillery. Battery No. 6 was commanded by General Garigues de Flaujac and Lieutenant Bertel and served by men from the company of the Franes. Battery No. 8 did little service, as it was in bad condition; its commander

was a corporal of artillery, and the men were from General Carroll's brigade. On the river was a redoubt defended by a company of the Seventh Regiment under Lieutenant Ross and an artillery detachment from the Forty-fourth under Lieutenant Marant. Near them was the New Orleans Volunteer Company of Riflemen; then came Major Peire's Seventh Regiment, Major Plauché's uniformed companies, Major Lacoste's and Major Daquin's free men of color, and Captain Baker's Forty-fourth regiment. This whole corps was under the command of Colonel Ross. Toward the right were Bellevue, Carroll, Adair, and Coffee. The cavalry consisted of the companies of Captains Ogden and Cheveau, Major Hinds, and a detachment of Attakapas dragoons. The number of the American troops was four thousand, but eight hundred men had been detached to guard the camp, the Piernas Canal, and the outskirts of the wood. Besides the line at Rodriguez Canal, Jackson had, as we have said, another intrenchment a mile and a half in the rear, and he had ordered a third line to be drawn nearer the city.

We have seen that General Morgan had been sent from the English Turn to the right bank of the river, where an intrenchment had been begun by Major Latour, but was not completed. As it was probable that a simultaneous attack would be made by the British on both banks of the Mississippi, Jackson sent, on January 6, his aide, Colonel John R. Grymes, to make a report upon the condition of things on the right bank. Colonel Grymes advised General Morgan to place himself behind the levee and oppose

the landing of the enemy,⁸ but the advice was not heeded. Commodore Patterson, on January 7, at night, observed from the right bank lines of soldiers on the levee, and perceived preparations for an attack. He therefore sent his volunteer aide, D. R. Shepherd, to ask for reinforcements for Morgan. Shepherd saw Jackson at one o'clock in the morning of January 8, and the general ordered General Adair to send five hundred men from the Kentucky militia to Morgan's camp. The detachment was commanded by Colonel Davis and arrived at Morgan's line at four o'clock in the morning. Davis had then only two hundred and fifty badly armed men.⁹ The others had remained behind, exhausted with fatigue. The Kentuckians had eaten scarcely anything and had walked five miles in deep mud when they reached the American line on the right bank. They were then immediately ordered to advance against the enemy. Morgan's forces, on January 8, were about eight hundred men.

Colonel Thornton, who had been sent to attack Morgan on the right bank with four cannon and six hundred men, was delayed in crossing the river, but General Pakenham did not wait for that movement. He began his march against the Americans before daybreak on January 8, and the signal for attack was given with Congreve rockets. General Gibbs led the first column, with the Forty-fourth in front, toward the wood, and met with a terrible fire from the artillery of Garrigues de Flaujac and of Spotts and Chauveau, and the musketry of the Tennessee and Kentucky troops. The British Forty-fourth, commanded by Colonel Mullens, had not brought

the fascines of sugar-cane and ladders, as ordered, and was sent to the rear to get them. This produced some confusion, but still the British column advanced bravely amidst "a constant rolling fire, whose tremendous noise resembled rattling peals of thunder." A detachment of the Forty-fourth arrived with ladders and fascines, led by Pakenham himself, but to no avail, for the gallant commander-in-chief was wounded in the arm, his horse was killed, several officers fell, and the column broke and retired to the rear. Keane advanced with his Highlanders, and Gibbs's column was rallied and marched again to the front, the soldiers throwing down their knapsacks. The fire of the Americans had not slackened for one moment, and the British were again repelled with great slaughter. Pakenham was again wounded and was carried off to the center of the field, where, under a large oak-tree, he soon died. Gibbs was mortally, and Keane severely wounded, and Major Wilkinson took command of the column. He succeeded in climbing up the breastwork, but was killed on reaching the summit. Such was also the fate of Colonel Rennié, who had attacked the right of the American line, had entered into the unfinished redoubt through the embrasures, and had bravely mounted the breastwork, followed by two of his officers. Rennié's column had advanced by the road and had driven in the American outposts. They were received with the tremendous fire of the New Orleans Riflemen and the Seventh Infantry and by the batteries of Humphreys, Norris, Dominique You, and Beluche. The column was forced back in disorder and with great loss. The marine

battery on the right bank fired on Rennié's column until attacked by Thornton's detachment.

According to Major Latour, the center of Jackson's line, at least eight hundred men, remained almost entirely inactive during the attack on the left and the right, as they were too far from the enemy. Plauché's brave Creoles could hardly be restrained from rushing to the left and to the right to fire at the invaders, who had insulted them by inviting them to betray their country. The batteries of the British did little harm, but kept the American batteries busy returning their fire. The fire of the musketry on the plain of Chalmette ceased by half-past eight in the morning. The slaughter of the enemy had been terrible. Major Latour, who was an eye-witness to the events he relates, says that "a space of ground extending from the ditch of our lines to that on which the enemy drew up his troops, two hundred and fifty yards in length, by about two hundred in breadth, was literally covered with men, either dead or severely wounded." The British had fought with the greatest bravery, but had been met with equal bravery by men who were defending their country and who displayed that wonderful skill in handling firearms for which the Americans have always been noted. The total loss of the British on both sides of the river was two thousand and thirty-six; that of the Americans was seventy-one.¹⁰

The rout of the British was hailed with loud cries of joy from Jackson's lines, and the American soldiers displayed their humanity by caring for their wounded enemies. But the joy was changed into anxiety when it was

known that Morgan's troops had been defeated, and that the British might advance against New Orleans from the right bank and attack Jackson from the rear. Morgan commanded some Louisiana and Kentucky militia, and was forced to retreat before Thornton's men. It appears that Morgan's defeat was caused principally by his unwise choice of his lines of defense on Raguets Canal, as the works were only two hundred yards in length, and could be turned, the space to the right of the intrenchment being protected only by a ditch. The soldiers were all raw militia and were poorly armed. The Kentuckians gave way almost at the first attack and fled in disorder, after Major Arnaud's one hundred men of the Sixth Louisiana militia, placed as vanguard, had retreated also, and Thornton followed them as far as Cazelard's Canal. Commodore Patterson reports that, having been abandoned by the force he relied upon to protect his battery, he had been "most reluctantly and with inexpressible pain," after destroying his powder and spiking his cannon, compelled to abandon them. During the night the British crossed the river and joined their comrades on the left bank. General Lambert, who had become commander-in-chief, had withdrawn Pakenham's defeated army from the battle-field. On hearing of the events on the right bank, Jackson ordered General Humbert, a volunteer French officer, to go to Morgan's aid with four hundred militia and to take command of the troops and repel Thornton at any cost. The enemy, however, retired from his position before the Americans were prepared to renew the combat.

On January 9 a British squadron consisting of two

bomb-vessels, a brig, a schooner, and a sloop, which had passed the Balize, bombarded Fort St. Philip, of which the commander was Major Overton. The squadron was not able to pass the fort, and on January 18 descended the river.

On January 19 the American army perceived that the British had retired from the Villeré plantation. There had been no attack on either side since January 8, except some cannonading. A British physician brought a letter on January 9 from General Lambert, "informing General Jackson that the army under his command had evacuated its position on the Mississippi, and for the present had relinquished every undertaking against New Orleans and its vicinity."¹¹ The British commander recommended to Jackson's humanity eighty wounded men whom he had not been able to remove. A few detachments from the American army were sent to harass the retreat of the enemy, who withdrew to their ships on January 27 and sailed away from Louisiana. Precautions were taken to protect the former encampment of the British, and the Second Militia Regiment, a detachment of Kentucky troops, and the Seventh Regiment were left to guard the Villeré and Lacoste plantations and Jackson's celebrated lines at Chalmette. The following letters, written by the victorious general to the Secretary of War, give Jackson's account of the battle of New Orleans. He speaks very severely of the conduct of the Kentuckians on the right bank, but these unfortunate soldiers have received milder treatment from Major Latour and from recent historians, who attribute their flight to their having

been so poorly armed and exhausted by fatigue and want of food:

CAMP, FOUR MILES BELOW ORLEANS,

January 9th, 1815.

SIR: During the days of the 6th and 7th the enemy had been actively employed in making preparations for an attack on my lines. With infinite labor they had succeeded on the night of the 7th in getting their boats across from the lake to the river, by widening and deepening the canal on which they had effected their disembarkation. It had not been in my power to impede these operations by a general attack—added to other reasons, the nature of the troops under my command, mostly militia, rendered it too hazardous to attempt extensive offensive movements in an open country against a numerous and well-disciplined army. Although my forces as to numbers had been increased by the arrival of the Kentucky division, my strength had received very little addition, a small portion only of that detachment being provided with arms. Compelled thus to wait the attack of the enemy, I took every measure to repel it when it should be made, and to defeat the object he had in view. General Morgan, with the Orleans contingent, the Louisiana militia, and a strong detachment of the Kentucky troops, occupied an intrenched camp on the opposite side of the river, protected by strong batteries on the bank, erected and superintended by Commodore Patterson. In *my* encampment everything was ready for action when, early on the morning of the 8th, the enemy, after throwing a heavy shower of bombs and Congreve rockets, advanced their columns on my right and left, to storm my intrenchments. I cannot speak sufficiently in praise of the firmness and deliberation with which my whole line received their approach. More could not have been expected from veterans inured to war. For an hour the fire of the small arms was as incessant and severe as can be imagined. The artillery, too, directed by officers who

displayed equal skill and courage, did great execution. Yet the columns of the enemy continued to advance with a firmness which reflects upon them the greatest credit. Twice the column which approached me on my left was repulsed by the troops of General Carroll, those of General Coffee, and a division of the Kentucky militia, and twice they formed again and renewed the assault. At length, however, cut to pieces, they fled in confusion from the field, leaving it covered with their dead and wounded. The loss which the enemy sustained on this occasion cannot be estimated at less than fifteen hundred in killed, wounded, and prisoners. Upwards of three hundred have already been delivered over for burial; and my men are still engaged in picking them up within my lines, and carrying them to the point where the enemy are to receive them. This is in addition to the dead and wounded whom the enemy have been able to carry from the field during and since the action, and those who have since died of the wounds they received. We have taken about five hundred prisoners, upwards of three hundred of whom are wounded, and a great part of them mortally. My loss has not exceeded, and I believe has not amounted to, ten killed and as many wounded. The entire destruction of the enemy's army was now inevitable, had it not been for an unfortunate occurrence, which at this moment took place on the other side of the river. Simultaneously with his advance upon my lines, he had thrown over in his boats a considerable force to the other side of the river. These, having landed, were hardy enough to advance against the works of General Morgan, and, what is strange and difficult to account for, at the very moment when their entire discomfiture was looked for with a confidence approaching to certainty, the Kentucky reinforcements, in whom so much reliance had been placed, ingloriously fled, drawing after them, by their example, the remainder of the forces, and thus yielding to the enemy that most formidable position. The batteries which had rendered me, for many days, the most important service, though bravely defended, were, of course, now abandoned; not, however, until the guns had been spiked. This

unfortunate rout had totally changed the aspect of affairs. The enemy now occupied a position from which they might have been able to defeat, in a great measure, the effects of our success on this side the river. It became, therefore, an object of the first consequence to dislodge them as soon as possible. For this object all means in my power, which I could with any safety use, were immediately put in preparation. Perhaps, however, it was owing somewhat to another cause that I succeeded even beyond my expectations. In negotiating the terms of a temporary suspension of hostilities to enable the enemy to bury their dead and provide for their wounded, I had required certain propositions to be acceded to as a basis, among which this was one: that although hostilities should cease on *this* side the river until twelve o'clock of this day, yet it was not to be understood that they should cease on the *other* side; but that no reinforcements should be sent across by *either* army until the expiration of that day. His Excellency Major-General Lambert begged time to consider the propositions until ten o'clock of to-day, and in the mean time recrossed his troops. I need not tell you with how much eagerness I immediately regained possession of the position he had thus happily quitted.

The enemy, having concentrated his forces, may again attempt to drive me from my position by storm. Whenever he does, I have no doubt my men will act with their usual firmness and sustain a character now become dear to them.

I have the honor to be, etc.,

ANDREW JACKSON.¹²

CAMP, FOUR MILES BELOW NEW ORLEANS,

January 13, 1815.

SIR: At such a crisis I conceive it my duty to keep you constantly advised of my situation.

On the 10th instant I forwarded you an account of the bold attempt made by the enemy, on the morning of the 8th, to take

possession of my work by storm, and of the severe repulse which he met with. That report, having been sent by the mail which crosses the lake, may possibly have miscarried; for which reason I think it the more necessary briefly to repeat the substance of it.

Early on the morning of the 8th the enemy, having been actively employed the two preceding days in making preparations for a storm, advanced in two strong columns on my right and left. They were received, however, with a firmness which it seems they little expected, and which defeated all their hopes. My men, undisturbed by their approach, which indeed they had long anxiously wished for, opened upon them a fire so deliberate and certain as rendered their scaling-ladders and fascines, as their more direct implements of warfare, perfectly useless. For upwards of an hour it was continued with a briskness of which there have been but few instances, perhaps, in any country. In justice to the enemy it must be said they withstood it as long as could have been expected from the most determined bravery. At length, however, when all prospects of success became hopeless, they fled in confusion from the field; leaving it covered with their dead and wounded. Their loss was immense. I had first computed it at fifteen hundred; it is since ascertained to have been much greater. Upon information which is believed to be correct, Colonel Hayne, the inspector-general, reports it to be in the total two thousand six hundred. His report I inclose you. My loss was inconsiderable, being only seven killed and six wounded.¹³ Such a disproportion in loss, when we consider the number and the kind of troops engaged, must, I know, excite astonishment, and may not everywhere be fully credited; yet I am perfectly satisfied that the account is not exaggerated on the one part, nor underrated on the other.

The enemy having hastily quitted a post which they had gained possession of on the other side of the river, and we having immediately returned to it, both armies at present occupy their former positions. Whether, after the severe loss he has sustained, he is preparing to return to his shipping or to make still mightier

efforts to attain his first object, I do not pretend to determine. It becomes me to act as though the latter were his intention. One thing, however, seems certain, that if he still calculates on effecting what he has hitherto been unable to accomplish, he must expect considerable reinforcements, as the force with which he landed must undoubtedly be diminished by at least three thousand. Besides the loss which he sustained on the night of the 23rd ult., which is estimated at four hundred, he cannot have suffered less between that period and the morning of the 8th inst. than three hundred, having, within that time, been repulsed in two general attempts to drive us from our position, and there having been continued cannonading and skirmishing during the whole of it. Yet he is still able to show a very formidable force.

There is little doubt that the commanding general, Sir Edward Pakenham, was killed in the action of the 8th, and that Major-Generals Keane and Gibbs were badly wounded.

Whenever a more leisure moment shall occur, I will take the liberty to make out and forward you a more circumstantial account of the several actions, and particularly that of the 8th, in doing which my chief motive will be to render justice to those brave men I have the honor to command, and who have so remarkably distinguished themselves.

I have the honor to be, etc.,

ANDREW JACKSON.

P.S.—A correct list of my killed and wounded will be forwarded you by the adjutant-general.

On January 21 the victorious general returned to New Orleans with the remainder of his troops. The men who had valiantly defended their country were received with enthusiasm by the inhabitants of a city which had been protected from a formidable invader. The new State, through which flows the great and beautiful Mississippi, proved in 1814 and 1815 that she was worthy of her older

sisters, and the American Union had no cause to regret having added the star of Louisiana to her galaxy.

In his "Fifty Years in Both Hemispheres" Nolte makes the following statement about cotton bales having been used by Jackson in his intrenchments:

The General wished to erect five or six redoubts along the Macarty Canal, but the miriness of the soil rendered all exertions utterly fruitless. A French engineer then suggested to Jackson the idea of filling up the hollowed redoubts with cotton bales, laid, to the depth of three or four, one above the other. The wooden platforms which were to sustain the heavy cannon, which had been dragged from the arsenal, could then be placed upon the cotton bales, and there secured, while the crenellated openings on both sides of the redoubt could be constructed with six or eight bales fastened to the main body of the redoubt by iron rings and covered with adhesive earth.

Nolte says that the cotton bales referred to, two hundred and fifty in number, were his own property and were recognized by him on the battle-field. Major Latour, however, does not mention the cotton bales in his minute description of Jackson's lines as they were on January 8.

The following general orders are highly interesting and are quoted in full, in order that all the valiant men who took part in the campaign may receive the full praise they deserve:

HEADQUARTES, SEVENTH MILITARY DISTRICT, CAMP BELOW NEW
ORLEANS, ADJUTANT-GENERAL'S OFFICE,

January 21.

Before the camp at these memorable lines shall be broken up, the General thinks it a duty to the brave army which has de-

fended them, publicly to notice the conduct of the different corps which compose it. The behavior of the regular troops, consisting of parts of the Seventh and Forty-fourth regiments of infantry, and the corps of marines, all commanded by Colonel Ross, has been such as to merit his warm approbation. The Seventh Regiment was led by Major Peire, and the Forty-fourth by Captain Baker, in the action of the 23rd, in a manner that does those officers the highest honor. They have continued through the campaign to do their duty with the same zeal and ability with which it was commenced. On that occasion the country lost a valuable officer in the death of Lieutenant McClellan of the Seventh Infantry, who fell while bravely leading his company. Lieutenant Dupuy of the Forty-fourth, although severely wounded in this action, returned in time to take a share in all the subsequent attacks.

To the Tennessee mounted gun-men, and to the gallant leader, Brigadier-General Coffee, the General presents his warmest thanks, not only for their uniform good conduct in action, but for the wonderful patience with which they have borne the fatigue and the perseverance with which they surmounted the difficulties of a most painful march, in order to meet the enemy—a diligence and zeal to which we owe the salvation of the country. Ordinary activity would have brought them too late to act the brilliant part they have performed in the defeat of our invaders. All the officers of that corps have distinguished themselves; but the General cannot avoid mentioning the name of Lieutenant-Colonel Lauderdale, who fell on the night of the 23rd, and those of Colonels Dyer, Gibson, and Elliot, who were wounded, but, disdaining personal considerations, remained firm to their duty.

The cavalry from the Mississippi Territory, under the enterprising leader Major Hinds, was always ready to perform every service which the nature of the country enabled them to execute. The daring manner in which they reconnoitered the enemy on his lines excited the admiration of one army and the astonishment of the other.

Major-General Carroll, commanding the detachment of West



Tennessee militia, has shown the greatest zeal for the service, a strict attention to duty, and an ability and courage that will always recommend him to the gratitude of his country. His troops have, since the lines were formed, occupied and defended the weakest part of them, and borne without a murmur an encampment on a marshy and unhealthy soil. In the memorable action of the 8th January, the chief effort of the enemy was directed against them, but their valor, and that of the brave men who supported them (General Coffee's brigade on the left and a part of the Kentucky troops on the right), soon made it clear that a rampart of high-minded men is a better defence than the most regular fortification.

General Adair, who, owing to the indisposition of General Thomas, brought up the Kentucky militia, has shown that troops will always be valiant when their leaders are so. No men ever displayed a more gallant spirit than these did under that most valuable officer. His country is under obligation to him.

The General would be ungrateful or insensible to merit, if he did not particularly notice the conduct of the officers or men who so bravely supported and so skilfully directed his artillery. Colonel M'Rea, in the action of the 23rd, showed, as he always does, great courage. Lieutenant Spotts, under whose immediate direction our artillery had been placed, led it to action with a daring courage worthy of admiration. Captain Humphreys commanded the first battery on our right. The service is greatly indebted to that officer, not only for the able and gallant manner in which he directed his fire, but for the general activity he displayed in his department. Lieutenant Norris of the navy, with Mr. Walker Martin and a detachment of seamen, was stationed at the second battery, and Lieutenant Crawley, with Mr. W. Livingston (master's mate), with a similar detachment, was stationed at a thirty-two pounder, which was remarkably well directed. They performed their duty with the zeal and bravery which has always characterized the navy of the United States. Captains Dominique You and Beluche, lately commanding

privateers at Baratavia, with part of their former crew and many brave citizens of New Orleans, were stationed at Nos. 3 and 4. The General cannot avoid giving his warm approbation of the manner in which these gentlemen have uniformly conducted themselves while under his command, and of the gallantry with which they have redeemed the pledge they gave at the opening of the campaign to defend the country. The brothers Lafitte have exhibited the same courage and fidelity; and the General promises that the Government shall be duly apprised of their conduct. Colonel Perry, deputy quartermaster-general, volunteered his services at No. 6. He was ably aided by Lieutenant Kerr of the artillery; his battery was well served, bravely supported, and greatly annoyed the enemy. Nos. 8 and 9 were directed by Lieutenant Spotts with his usual skill and bravery, assisted by Mr. Chauveau.

The General takes the highest pleasure in noticing the conduct of General Garrigues de Flaujac, commanding one of the brigades of militia of this State, and member of the Senate. His brigade not being in the field as the invasion was known, he repaired to the camp and offered himself as a volunteer for the service of a piece of artillery, which he directed with the skill which was to be expected from an experienced artillery officer; disdaining the exemption afforded by his seat in the Senate, he continued in this subordinate but honorable station, and by his example as well as his exertion has rendered essential services to his country. Mr. Sebastian Hiriart, of the same body, set the same example, served a considerable time in the ranks of the volunteer battalion, and afterward as adjutant of the colored troops. Major Plauché's battalion of volunteers, though deprived of the valuable services of Major Carmac,¹⁴ who commanded them, by a wound which that officer received in the attack of the 28th of December, have realized all the anticipations which the General had formed of their conduct. Major Plauché and Major St. Geme, of that corps, have distinguished themselves by their activity, their courage, and their zeal, and the whole corps have greatly contributed to enable the

General to redeem the pledge he gave, when at the opening of the campaign he promised the country not only safety, but a splendid triumph over the insolent invaders. The two corps of colored volunteers have not disappointed the hopes that were formed of their courage and perseverance in the performance of their duty. Majors Lacoste and Daquin, who commanded them, have deserved well of the country. Captain Savary's conduct has been noticed in the account rendered of the battle of the 23rd, and that officer has since continued to merit the highest praise. Captain Beale's company of the city riflemen has sustained by its subsequent conduct the reputation it acquired in the action of the 23rd. Colonel de La Ronde, of the Louisiana militia, has been extremely serviceable by his exertions, and has shown great courage and a uniform attachment to the cause of the country.

General Humbert, who offered his services as a volunteer, has continually exposed himself to the greatest dangers, with his characteristic bravery, as has also the Mexican field-marshal, Don Juan de Anaya, who acted in the same capacity. The General acknowledges the important assistance he has received from Commodore Patterson, as well by his professional exertion, as the zealous coöperation of his detachment during the whole course of the campaign. Captain Henley, on board of the *Carolina*, and afterward in directing the erection of several batteries at the bayou and on the right bank of the river, was of great utility to the army. Lieutenant Alexis, of the navy, stationed in the navy arsenal, was indefatigable in exertions to forward to the army everything which could facilitate its operations. His zeal and activity deserve the notice of the government. Major Nicks, who by an accidental wound was deprived of the pleasure of commanding the Seventh Regiment during the campaign, was continually employed in the fort and furnished the ammunition and the artillery that were wanted, with the greatest activity and promptitude. To the volunteers of the Mississippi Territory, and to the militia of the remote parts of this State who have arrived since the decisive action of the 8th, the General tenders his thanks, and is

convinced that nothing but opportunity was wanting to entitle them to the praises that have been merited by the rest of the army. Captain Ogden's troop of horse was particularly useful by their local knowledge of the ground on which they acted; and the small detachment of the Attakapas dragoons, stationed near headquarters, were indefatigable in performing all the duties which devolved on them.

The General would not do justice to his staff if he did not bestow deserved praise on the adjutant-general, Colonel Butler, and his assistant, Major Chotard, for their zeal and activity in the important department of service confided to them, and for the bravery which led them wherever danger or duty required their presence. The vigilance, courage, and attention to duty exhibited during the campaign by Colonel Haynes and his two assistants, Majors Davis and Hampton, have been appreciated as they deserved to be by the General.

The General's aides-de-camp, Thomas L. Butler and Captain John Reid, as well as his volunteer aides, Messrs. Livingston, Duncan, Grymes, Duplessis, and Major Davezac de Castera, the judge-advocate, have merited the thanks of the General by the calm and deliberate courage they have displayed on every occasion and in every situation that called it forth. The topographical engineer, Major Tatum, exhibited all the ardor of youth in the hour of peril, united to the experience acquired by his long services. The chief engineer, Major Lacarrière Latour, has been useful to the army by his talents and bravery. The same praises are due to his assistants, Captain Lewis Livingston and Mr. Latrobe. The medical staff has merited well of the country, and the General would not do justice to his own feelings were he to withhold from Dr. Kerr, hospital surgeon, who volunteered his services, and Dr. Flood, the just tribute of applause deserved by them for their medical skill and personal bravery. The quartermaster's department, though deprived of the personal exertions of Colonel Pratt, who was wounded in the night of the 23rd, performed well their duties. Major-General Villeré and Brigadier

General Morgan have merited the approbation of the General by their unwearied attention since they took the field.

The large mortar was ably directed by Captain Lefebvre and by Mr. Gilbert. Captain Blanchard was very useful as an engineer, and merits the General's praise for the celerity and skill with which he erected the battery which now commands the river, on the right of the camp. Mr. Bosquet and Mr. Ducoin, of Major St. Geme's company, displayed great knowledge and dexterity as artillerists. To the whole army the General presents the assurance of his official approbation, and his individual regard. This splendid campaign will be considered as entitling every man who has served in it to the salutation of his brother in arms.

By command,

ROBERT BUTLER,

*Adjutant-General.*¹⁵

George Robert Gleig, a British officer, author of "The Subaltern," has given a very interesting and impartial narrative of the campaigns of 1814 and 1815. Speaking of the battle-field of January 8, he says:

Of all the sights I ever witnessed, that which met me there was beyond comparison the most shocking, and the most humiliating. Within the narrow compass of a few hundred yards were gathered together nearly a thousand bodies, all of them arrayed in British uniforms. Not a single American was among them; all were English.

The author attributes this disaster at New Orleans to three serious errors: The first was the delay in marching against the city with the sixteen hundred men who had reached Villeré's plantation on December 23. The second error was the selection of the schooner *Carolina* for de-

struction instead of the ship *Louisiana*. The third was the delay in bringing on a general action. It was also an error to withdraw the troops of Thornton from the right bank after Morgan's defeat on January 8. In the whole war, adds Gleig, "we shall find little that is likely to flatter our vanity or increase our self-importance." The cause of the misfortunes of the British was, according to him, that they had been habituated to despise the Americans and to consider them an enemy unworthy of serious regard. Jackson taught them a lesson which they have not forgotten.

CHAPTER VI

AFTER THE BATTLE

Thanksgiving at the cathedral—Jackson's letter to Mayor Girod—The Legislature omits Jackson's name in its vote of thanks to the soldiers—The British capture Fort Bowyer—Jackson's unjust treatment of the French in Louisiana—Louallier's letter criticizing Jackson—Arrest of Louallier and of Judge Hall—Order to arrest Hollander—Orders to arrest Lewis and Dick—Jackson condemned to pay a fine of one thousand dollars—President Madison praises the Louisianians—Resolutions of Congress—Resolutions of the Legislature of Louisiana—Bernard Marigny's "Reflections on the Campaign of Jackson."



ON January 19, 1815, Jackson had written the following letter to the Rev. Abbé Dubourg, administrator apostolic of the diocese of Louisiana:

REVEREND SIR: The signal interposition of Heaven, in giving success to our arms against the enemy who so lately landed on our shores, an enemy as powerful as inveterate in his hatred, while it must excite in every bosom attached to the happy government under which we live emotions of the liveliest gratitude, requires at the same time some external manifestation of those feelings. Permit me, therefore, to entreat that you will cause the service of public thanksgiving to be performed in the cathedral, in token of the great assistance we have received from the Ruler of all events, and of our humble sense of it.

With the greatest respect,

ANDREW JACKSON.

January 23 was chosen for thanksgiving, and the day was celebrated with great pomp. A triumphal arch supported by six columns was erected in the middle of the square opposite the cathedral, and Plauché's uniformed companies lined both sides of the way from the entrance of the square toward the river to the cathedral. On the right of the arch was a young lady representing Justice, and on the left one representing Liberty. Two young children holding a crown of laurel stood under the arch, each on a pedestal, and from the arch young ladies were ranged to represent the States and Territories. They were dressed in white, wore a silver star on their foreheads, and were covered with transparent veils. Each young girl held in her right hand a flag inscribed with the name of the State she represented, and in her left hand a basket adorned with blue ribbons and filled with flowers. A shield, suspended from a lance fixed in the ground, bore the name of the State or Territory represented by the girl. The shields were linked together with verdant festoons and extended from the arch to the cathedral. General Jackson entered the square with his staff, from the side fronting the river, and was received with salvos of artillery. When he passed under the arch the two little children presented to him the crown of laurel, and Miss Kerr, who represented Louisiana, congratulated him in an address. He then advanced toward the church, and the young ladies representing the States and Territories saluted him and strewed flowers in his path. The Abbé Dubourg received him at the entrance of the church and delivered a beautiful and patriotic address, in which he

thanked God for Jackson's splendid and uninterrupted victories. The general replied very modestly, and thanked Abbé Dubourg for the prayers that were offered up for his happiness. He said he received with pleasure, in the name of his soldiers, the symbolic crown that piety had prepared, and he added that it was a source of the most exquisite enjoyment to him that the deliverance of the country had been effected with so little loss, and that not a cypress leaf was interwoven in the wreath presented to him. He was then conducted to a seat near the altar, and an impressive *Te Deum* was chanted. A guard of honor accompanied General Jackson to his quarters, and the town and suburbs were magnificently illuminated in the evening. The ceremonies in the square had been witnessed by throngs of people.

During the stay of the British in Louisiana they had carried off the cattle of plantations on the banks of the Mississippi and at Terre-aux-Bœufs, and one hundred and ninety-nine negroes, whom they never returned to their owners, in spite of the representations made to them. General Jackson took all precautions necessary to protect the State from a return of the enemy, and troops were distributed at all the important posts. General Stephen A. Hopkins was placed at Lafourche, and at the Temple at Barataria, the former abode of Lafitte and his men, Major Reynolds was posted. At Lake Tigouyou was a regiment of valiant Creoles under Colonel Alexandre La Branche. Jackson wrote letters to Major General Villeré urging him to "induce all those who take the proper military pride to avail themselves of the occasion

of inflicting a last blow on our enemy." General Villeré commanded at Camp Villeré at Chalmette, and Colonel Denis de La Ronde was second in command. On January 29, 1815, General Villeré wrote in French the following energetic and noble letter to the commander of the forces of His Britannic Majesty lately stationed on the left bank of the Mississippi:

SIR: I saw with calmness the excess of which the army that you commanded rendered itself guilty. I was not even astonished at the carrying off of my negroes. The conduct of the English in the rest of the Union was known to me, but I was seized with grief when my son, whose candor and inexperience you abused to send me four hundred and ninety dollars—which one of the commissaries of your army handed him by your order for the payment of my cattle, horses, furniture, and other objects—presented to me that sum, and I trembled with indignation at an outrage of which I had no idea. Major-General Jackson consents, at my prayer, to send to you that money, to my eyes as despicable as your way of acting is humiliating. You will not change conduct for that, I know, but at least you will know the character of the man whom you have offended.

I have the honor to be, etc.,

JACQUES VILLERÉ,

*Major-General.*¹

General Villeré attended very diligently to the militia after the departure of the British from the banks of the Mississippi on January 19. Among other things he wrote to Colonel Alexandre La Branche, who commanded the Fifth Regiment of Louisiana militia, to be very vigilant at Tigouyou, and he praised the zeal and activity which

the colonel had displayed throughout the campaign. From the 8th of January the levy *en masse* of the militia had been arriving by companies every day,² and by the end of January, according to the opinion of Major Latour, Louisiana was in a condition to defy double the force by which she had first been attacked.

On January 27, 1815, General Jackson wrote a letter to the mayor of New Orleans, Nicholas Girod, to thank him for the services he had rendered in the time of peril, and to make public acknowledgment of the merits of the citizens of New Orleans. He said their courage and fortitude were not more to be admired than their humane attention to the sick and wounded, Americans and British.

Seldom in any community has so much cause been given for deserved praise; while the young were in the field, and arrested the progress of the foe, the aged watched over the city, and maintained its internal peace; and even the softer sex encouraged their husbands and brothers to remain at the post of danger and duty. Not content with exerting for the noblest purpose that powerful influence which is given them by nature (and which in your countrywomen is rendered irresistible by accomplishments and beauty), they showed themselves capable of higher efforts, and, actuated by humanity and patriotism, they clothed by their own labor, and protected from the inclemency of the season, the men who had marched from a distant State to protect them from insults. In the name of those brave men, I beg you, sir, to convey to them the tribute of our admiration and thanks; assure them that the distant wives and daughters of those whom they have succored will remember them in their prayers, and that for myself no circumstance of this important campaign touches me with more exquisite pleasure than that I have been enabled to lead back to

them, with so few exceptions, the husbands, brothers, and other relatives of whom such women only are worthy.

I anticipate, sir, with great satisfaction, the period when the final departure of the enemy will enable you to resume the ordinary functions of your office, and restore the citizens to their usual occupations. They have merited the blessings of peace by bravely facing the dangers of war. I should be ungrateful or insensible if I did not acknowledge the marks of confidence and affectionate attachment with which I have personally been honored by your citizens; a confidence that has enabled me with greater success to direct the measures for their defence; an attachment which I sincerely reciprocate, and which I shall carry with me to the grave.

For yourself, Mr. Mayor, I pray you to accept my thanks for the very great zeal, integrity, and diligence with which you have conducted the arduous department of the police committed to your care, and the promptitude with which every requisition for the public service has been carried into effect.

Connected with the United States, your city must become the greatest emporium of commerce that the world has known. In the hands of any other power it can be nothing but a wretched colony. May your citizens always be as sensible of this great truth as they have shown themselves at present; may they always make equal efforts to preserve the important connection; and may you sir, long live to witness the prosperity, wealth, and happiness that will then inevitably characterize the great seaport of the western world.

I have the honor to be, etc.,

ANDREW JACKSON.

On February 2, 1815, the Legislature voted thanks to "our brave soldiers from Tennessee, Kentucky, and the Mississippi Territory, and their gallant leaders," and Governor Claiborne inclosed the resolution in letters that he wrote to Generals John Thomas, Carroll, Coffee, and

Adair, and to Colonel Hinds. In the resolution no mention had been made of General Jackson, and in his answer to Governor Claiborne, General Coffee used the following expressions:

While we indulge the pleasing emotions that are thus produced, we should be guilty of great injustice, as well to merit as to our own feelings, if we withheld from the commander-in-chief, to whose wisdom and exertions we are so much indebted for our successes, the expression of our highest admiration and applause. To his firmness, his skill, his gallantry—to that confidence and unanimity among all ranks produced by those qualities—we must chiefly ascribe the splendid victories in which we esteem it a happiness and an honor to have borne a part.

These words of Jackson's brave lieutenant were a rebuke to the Legislature for their apparent ingratitude in ignoring the signal services of the victorious general. The probable reason for this neglect was Jackson's interference with the Assembly on December 28. Alexander Walker, however, who expresses great admiration for Jackson in his book, says that "a sense of dignity more than a want of gratitude prompted this omission,"³ and he adds:

The calumny has obtained a place in all the volumes written in reference to this affair, that the Legislature had really discussed and considered the expediency of surrendering the State to the British. There is not a tittle of proof to sustain this charge. . . . It is not necessary to the greatness or fame of Jackson that the population of New Orleans should be calumniated and falsely accused. It is time, indeed, that those who have committed the error of logic, of truth and justice, should acknow-

ledge and retract a slander and suspicion so peculiarly unjust and inapplicable to the city which gave the most brilliant proof of loyalty and devotion to the Union and Republic that can be found in history.

The Legislature adjourned on February 6, 1815. On the same day the British fleet was seen off Dauphine Island,⁴ and on the 7th, twenty-five vessels and thirteen ships of the line cast anchor at a short distance from Fort Bowyer. Troops were landed, batteries were erected, and the siege was begun. On February 12 Colonel Lawrence was compelled to capitulate, and the Americans evacuated the fort. The glory gained by the British on this occasion was inconsiderable, according to Major Latour's opinion.

General Jackson's energy and determination on the battle-field appear to have been changed to a spirit of despotism after the victory had been won. His treatment of the French inhabitants of Louisiana, and of Judge Hall, evinces an arbitrary use of power which certainly deserves our condemnation. Our chief guide for the history of that period is Judge Martin, whose narrative is eminently impartial and sensible.⁵

On February 13, the day after the capture of Fort Bowyer by the British, Admiral Cochrane wrote to General Jackson that he had received news that a treaty of peace had been signed at Ghent. General Jackson announced the event to the people and to the army, but warned them not to slacken their vigilance, as the information might be a snare. On February 22 a copy of a Charleston newspaper reached the city and confirmed the

news. Before the tidings of peace had been received the general opinion in Jackson's army was that the enemy would never return, and several Frenchmen who had taken up arms with the approval of Tousard, their consul, were desirous of returning to their homes, now that all appearance of danger had vanished. Their families were in want, in spite of the rations of bread and meat that the City Council had distributed among the needy. Some asked to be discharged by their officers, but Jackson refused his consent. Thereupon many Frenchmen obtained from their consul a certificate of their nationality, which, after being countersigned by the general, enabled them to leave the army. After a short time Jackson believed that the certificates were granted too easily by Tousard, and he ordered him out of New Orleans. On February 28 he ordered all the Frenchmen who possessed certificates of their nationality, signed by the consul and countersigned by the commander-in-chief, to retire above Baton Rouge. After three days the names of such persons remaining in the city were to be taken. This order was cruel and unjust, and at the same time impolitic, for some of the Frenchmen had rendered great services as artillerymen and would be very useful, in case there was a renewal of hostilities, which Jackson deemed probable. Some of the best-known citizens of New Orleans endeavored to persuade the general to rescind his order, but to no avail. The Frenchmen were then advised to remain quietly in the city, and were assured that they would be protected in their rights. Copies of Northern newspapers reached New Orleans at that time, announc-

ing that the treaty of peace had been received in Washington, and it was hoped that Jackson would not insist on the execution of his order of expulsion. He persisted, however, and the Frenchmen who had become American citizens believed then that he was actuated by feelings of dislike against the French population. Louis Louallier, a member of the Legislature, who had displayed activity, zeal, and great patriotism, and who was persuaded that the treaty of peace would be immediately ratified by the Senate, published in the "Courrier de la Louisiane" of March 3, 1815, the following "Communication":

MR. EDITOR: To remain silent on the last general orders, directing all the Frenchmen who now reside in New Orleans to leave it within three days, and to keep at a distance of one hundred and twenty miles from it, would be an act of cowardice, which ought not to be expected from a citizen of a free country; and when every one laments such an abuse of authority, the press ought to denounce it to the people. In order to encourage a communication between both countries, the seventh and eighth articles of the treaty of cession secure, to the French who shall come to Louisiana, certain commercial advantages, which they are to enjoy during a term of twelve years, which are not yet expired. At the expiration of that time, they shall be treated in the same manner as the most favored nation—a peace which nothing is likely to disturb, uniting both nations. The French have until this moment been treated in the United States with that regard which a great people deserves and requires, even in its reverses, and with that good will which so eminently distinguishes the American Government in its relations with foreign nations. In such circumstances, what can be the motives which have induced the commander-in-chief of the 7th district to issue general orders

of so vexatious a nature? When the foreigners of every nation, when the Spaniards, and even the English, are permitted to remain unmolested among us, shall the French alone be condemned to ostracism because they rendered too great services? Had they remained idle spectators of the last events, could their sentiments toward us be doubted, then we might merely be surprised at the course now followed in regard to them. But now, are we to restrain our indignation, when we remember that these very Frenchmen who are now exiled, have so powerfully contributed to the preservation of Louisiana? Without speaking of the corps who so eminently distinguished themselves, and in which we see a number of Frenchmen rank either as officers or privates, how can we forget that they were French artillerists who directed and served a part of those pieces of cannon which so greatly annoyed the British forces? Can any flatter himself that such important services could have so soon been forgotten? No, they are engraved in everlasting characters on the hearts of all the inhabitants of Louisiana, and they shall form a brilliant part in the history of their country; and when those brave men ask no other reward but being permitted peaceably to enjoy among us the rights secured to them by treaties and the laws of America, far from sharing in the sentiments which have dictated the general orders, we avail ourselves of this opportunity to give them a public testimony of our gratitude.

Far from us be the idea that there is a single Frenchman so pusillanimous as to forsake his country merely to please the military commander of this district, and in order to avoid the proscription to which he has chosen to condemn them; we may, therefore, expect to see them repair to the consul of their nation, there to renew the act which binds them to their country. But supposing that, yielding to a sentiment of fear, they should consent to cease to be French citizens, would they, by such an abjuration, become American citizens? No, certainly they would not; the man who would be powerful enough to denationalize them, would not be powerful enough to give them a country. It is better, therefore, for a man to remain a faithful Frenchman, than to suf-

fer himself to be scared even by martial law, a law useless when the presence of the foe and honor call us to arms, but which becomes degrading when their shameful flight suffers us to enjoy a glorious rest, which fear and terror ought not to disturb.

But could it be possible that the constitution and laws of our country should have left it in the power of the several commanders of military districts to dissolve all at once the ties of friendship which unite America to the nations of Europe? Would it be possible that peace or war could depend upon their caprice and the friendship or enmity they might entertain for any nation? We do not hesitate in declaring that nothing of the kind exists. The President alone has, by law, the right to adopt against alien enemies such measures as a state of war may render necessary, and for that purpose he must issue a proclamation; but this is a power he cannot delegate. It is by virtue of that law, and a proclamation, that the subjects of Great Britain were removed from our seaports and seashores. We do not know any law authorizing General Jackson to apply to alien friends a measure which the President of the United States, himself, has only the right to adopt against alien enemies.

Our laws protect strangers who come to settle or reside among us. To the sovereign alone belongs the right of depriving them of that protection, and all those who know how to appreciate the title of an American citizen, and who are acquainted with their prerogatives, will easily understand that by the sovereign I do by no means intend to designate a major-general, or any other military commander, to whom I willingly grant the power of issuing general orders like the one in question, but to whom I deny that of having them executed.

If the last general order has no object but to inspire us with a salutary fear; if it is only destined to be read; if it is not to be followed by any act of violence; if it is only to be obeyed by those who may choose to leave the city in order to enjoy the pure air of the country, we shall forget that extraordinary order; but should anything else happen, we are of opinion that the tribunals

will, sooner or later, do justice to the victims of that illegal order.

Every alien friend who shall continue to respect the laws which rule our country, shall continue to be entitled to their protection. Could that general order be applied to us, we should calmly wait until we were forced by violence to execute it, well convinced of the firmness of the magistrates, who are the organs of the laws in this part of the Union, and the guardians of public order.

Let us conclude by saying, that it is high time the laws should resume their empire; that the citizens of this State should return to the full enjoyment of their rights; that in acknowledging that we are indebted to General Jackson for the preservation of our city and the defeat of the British, we do not feel much inclined, through gratitude, to sacrifice any of our privileges, and, less than any other, that of expressing our opinion about the acts of his administration; that it is time the citizens accused of any crime should be rendered to their natural judges, and cease to be dealt with before special or military tribunals, a kind of institution held in abhorrence even in absolute governments; and that, having done enough for glory, the moment of moderation has arrived; and finally, that the acts of authority which the invasion of our country and our safety may have rendered necessary, are, since the evacuation of it by the enemy, no longer compatible with our dignity and our oath of making the Constitution respected.⁶

Louallier's "Communication" greatly incensed Jackson, and he determined to have the author of it arrested as a spy, to be tried by a court martial. Judge Martin contends that, according to the rules and articles of war published by Jackson on March 4, an American citizen could not be tried as a spy by court martial, but for treason by the ordinary process of law. Louallier was a Frenchman by birth, but had become an American by

naturalization. He was arrested at noon on Sunday, March 5, at the Exchange Coffee-house, and requested P. L. Morel, a lawyer, to attend to his case. Application was made to the Supreme Court for a writ of habeas corpus; but Judge Martin, a member of the court, declared that, as the court was only one of the appellate jurisdiction, it could not grant the writ. Morel then applied to Dominick A. Hall, of the United States District Court, for a writ of prohibition, and later for a writ of habeas corpus, which the judge issued. It seems that the stern character of Hall had gained him many enemies, and some of these persuaded Jackson that the judge had committed an offense punishable with death, as he had abetted mutiny. The general immediately ordered Colonel Arbuckle, commander at the barracks, to arrest and confine Hall. The latter was to be prosecuted according to the seventh section of the articles of war, which is as follows:

Any officer or soldier who shall begin, cause, excite, or join in any mutiny or sedition, in any troops or company, in the service of the United States, or in any post, detachment, or guard, shall suffer death, or such other punishment as by a court martial shall be inflicted.

Hall was neither an officer nor a soldier, "but," says sarcastically Judge Martin, "according to the jurisprudence of headquarters, the proclamation of martial law had transformed every inhabitant of New Orleans into a soldier, and rendered him punishable under the articles of war."

Hall was arrested in his house at nine o'clock at night

and confined with Louallier in the barracks. Hall's order for issuing the writ of habeas corpus was demanded of Richard Claiborne, the clerk of the United States District Court, but he answered that the rules of the court forbade him to part with any original paper lodged in his office. He was prevailed upon to go to headquarters, and he told Jackson that it was his duty to issue the writ and he certainly should do so. He was threatened with arrest, but he repeated that he would obey the order of the court. Jackson refused to return to him Louallier's petition, on the back of which had been written the order to issue the writ. It seems that Hall had changed the date on the document from the fifth, which was Sunday, to the sixth, and it was believed by Jackson's counselors that the judge might be prosecuted for forgery.

A little after midnight, P. L. B. Duplessis, marshal of the court, who was a volunteer aide of the general, visited headquarters, and the general announced to him that "he had shopped the judge," and asked him whether he would serve the writ. Duplessis answered that he would execute the court's writ on any man. There was great excitement during the night, and the events of 1806 were recalled, when Wilkinson had attempted to assume dictatorial power. A messenger had arrived in New Orleans, sent by the Department of War to announce the exchange of ratifications of the treaty of peace on February 17. Unfortunately, by an accident, a wrong packet had been given to the messenger, and the official intelligence of peace did not reach Jackson. There was no doubt, however, of the conclusion of peace, for the messenger carried

an order of the Postmaster to expedite him on his errand, as he bore "information of the peace." Jackson himself was so certain of the fact that, on February 6, he wrote to General Lambert suggesting a cessation of hostilities. Martin says the general was thinking of "allowing his fellow-citizens in New Orleans to anticipate this happy return of peace," but persisted in his measures of violence because Hall asked to see a magistrate who would attend to his release. Impatient at any restraint, Jackson refused Hall's request, and, on the suggestion of some of his advisers, he ordered the arrest of Hollander, a merchant of some note. No one has ever known what was his offense.⁷ While it was being argued before the Supreme Court whether a writ of habeas corpus should be issued in favor of Hollander, the latter was released by order of Jackson.

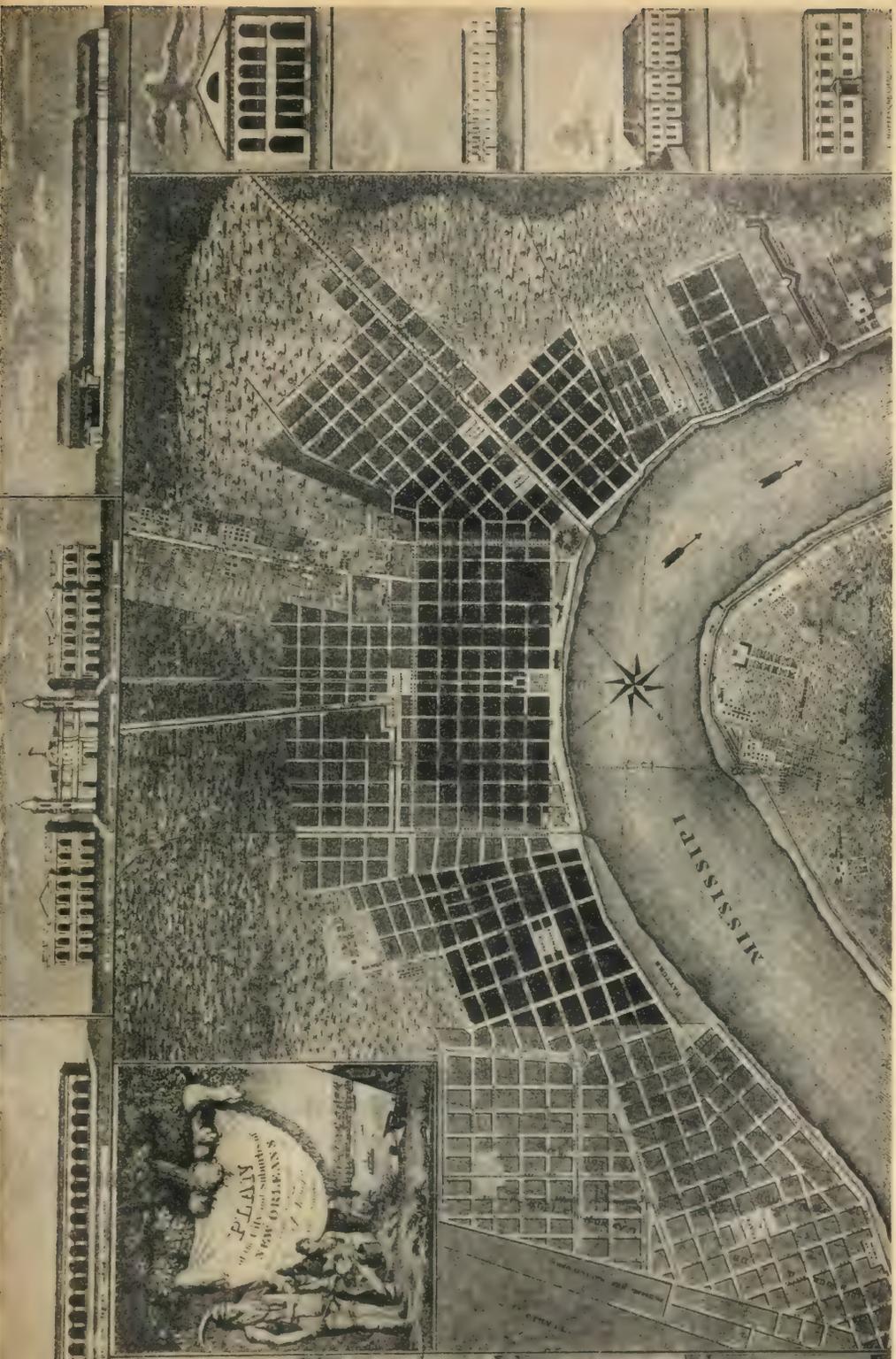
Hall's case brought about curious complications. The United States attorney, John Dick, applied to Joshua Lewis, one of the district judges of the State, for a writ in favor of Hall. Lewis, who was an officer in the company of the Orleans Rifles, and had been praised by Jackson for his gallantry, "without hesitation, on the first call of Dick, laid down his rifle and allowed the writ." Thereupon the commander-in-chief ordered both Dick and Lewis to be arrested. Colonel Arbuckle refused to deliver his prisoner, and Jackson countermanded the orders for the arrest of Dick and Lewis.

On March 7 the court martial met for the trial of Louallier. It was presided over by Major-General Gaines, and on March 9 rendered its decision, which acquitted

Louallier of the charge of being a spy. Jackson disapproved of the finding of the court, and released neither Louallier nor Hall. Meanwhile, on March 8, the commander-in-chief discharged from active service the militia which had assembled at the call for the levy *en masse*. He also suspended the execution of the order of February 28 about the French subjects, after he had received an address from the officers and men of the principal volunteer militia corps of New Orleans, pledging themselves for the future behavior of the Frenchmen in the city. The address had been presented to enable Jackson to recede with good grace from the position he had taken, which had become very critical. The excitement in the city continued to increase, and all the bands of social order appeared to have been dissolved.⁸ The decision of the court martial about Louallier indicated plainly that Hall could not be prosecuted successfully, and, therefore, on March 11, the latter was released from the barracks, led by a guard several miles beyond the limits of the city, and forbidden to return "till the ratification of the treaty is regularly announced, or the British shall have left the southern coast." Early in the morning of March 13 the despatch that had been mislaid reached New Orleans, and its arrival was announced by the firing of cannon. The President had directed that all military offenses be pardoned, and Jackson issued a proclamation to that effect. Louallier was liberated, and Hall returned to the city amid the acclamations of the inhabitants, who "admired in him the distinguishing characteristics of an American magistrate—a pure heart, clean

hands, and a mind susceptible of no fear but that of God.”

On March 21, 1815, took place the trial of General Jackson for contempt of court before Dominick A. Hall, judge of the District Court of the United States. The subject is unpleasant, and we shall not give any details of the trial. The victorious commander acted with moderation, and used his influence to prevent disorder. He was condemned by Judge Hall to pay a fine of one thousand dollars and costs. Jackson immediately signed a check filled by Duncan, and handed it to the marshal. Judge Hall was right to maintain the dignity of his court and to resist despotic power, but he should have remitted the fine which he had imposed on the hero of New Orleans.⁹ The latter, on leaving the court-house, was taken to the Exchange Coffee-house in a carriage drawn by his friends. There he made a speech that almost makes us forget his arbitrary acts. He said that “during the invasion he had exerted every faculty in support of the Constitution and laws. On that day he had been called on to submit to their operation, under circumstances which many persons might have deemed sufficient to justify resistance. Considering obedience to the laws, even when we think them unjustly applied, as the first duty of a citizen, he did not hesitate to comply with the sentence they had heard pronounced,” and “he entreated the people,” says Judge Martin, “to remember the example he had given them, of respectful submission to the administration of justice.” We prefer to see General Jackson on the ground which he had defended so well from



December 23, 1814, to January 19, 1815. On the historic lines, between Macarty and Chalmette, on March 16, he passed in review some of the men who shared his glory, and he listened to a patriotic address presented to him by Major Plauché's battalion of volunteers. His companions in arms thanked him once more for his distinguished services to the State and to the country, and Beale's battalion did likewise.

President Madison, on March 13, requested Jackson to express to his troops his great satisfaction with their conduct, and added:

To our newly adopted fellow-citizens of Louisiana you will give assurance of his [the President's] great sensibility to the decided and honorable proof which they have given of their attachment and devotion to the Union, and of the manly support of the rights of their country.

The following resolutions were adopted unanimously:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled: That Congress entertain a high sense of the patriotism, fidelity, zeal, and courage with which the people of the State of Louisiana promptly and unanimously stepped forth, under circumstances of imminent danger from a powerful invading army, in defence of all the individual, social, and political rights held dear by man. Congress declare and proclaim, that the brave Louisianians deserve well of the whole people of the United States.

Resolved, That Congress entertain a high sense of the generosity, benevolence, and humanity displayed by the people of New Orleans, in voluntarily offering the best accommodation in their power, and giving the kindest attention to the wounded, not only

of our own army, but also to the wounded prisoners of a vanquished foe.

Resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to his Excellency the Governor of Louisiana, accompanied with a request that he cause the greatest possible publicity to be given to them, for the information of the whole people of Louisiana.

Resolutions giving the thanks of Congress to Major-General Jackson and the troops under his command, for their gallantry and good conduct in the defense of New Orleans, were also adopted, as follows:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the thanks of Congress be and they are hereby given to Major-General Jackson, and through him to the officers and soldiers of the regular army, of the militia, and of the volunteers, under his immediate command, and the officers and soldiers charged with the defence of Fort St. Philip, for their uniform gallantry and good conduct, conspicuously displayed against the enemy from the time of his landing before New Orleans until his final expulsion from the State of Louisiana; and particularly for their valor, skill, and good conduct on the 8th of January last, in repulsing, with great slaughter, a numerous British army of chosen veteran troops, when attempting by a bold and daring attack to storm and carry the works hastily thrown up for the defence of New Orleans, and thereby obtaining a most signal and complete victory over the enemy, with a disparity of loss on his part unexampled in military annals.

Resolved, That the President of the United States be requested to cause to be struck a gold medal with devices emblematical of this splendid achievement, and presented to Major-General Jackson, as a testimony of the high sense entertained by Congress

of his judicious and distinguished conduct on that memorable occasion.

Resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to Major-General Jackson, in such terms as he may deem best calculated to give effect to the objects thereof.

Resolved, That Congress entertain a high sense of the valor and good conduct of Commodore D. T. Patterson, of the officers and seamen attached to his command, for their prompt and efficient coöperation with General Jackson, in the late gallant and successful defence of the city of New Orleans when assailed by a powerful British force.

Resolved, That Congress entertain a high sense of the valor and good conduct of Major Daniel Carmick, of the officers, non-commissioned officers, and marines under his command, in the defence of said city, on the late memorable occasion.

The Legislature of Louisiana adopted also resolutions, which we reproduce in full, as they give an excellent idea of the history of those troublous days:

Be it resolved by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the Legislature of the State of Louisiana deem it their duty to proclaim the facts hereinafter stated, as bearing testimony to the zeal and patriotism that were displayed by the citizens in every part of this State during the late invasion of the British.

At the first news of our danger, the militia, together with a vast number of volunteers, flocked into New Orleans from every county in this State. The planters on both sides of the river, within a space of several leagues, either above or below town, furnished thousands of their slaves, and sent them to every particular place where their labor was thought necessary; it was through the means which were voluntarily granted by the planters that most of

the artillery, ammunition, and provisions were transported; and whenever detachments occasionally stopped at their plantations, the latter met them with the most cordial reception, and they were supplied with both food and forage as the same was wanting or could possibly be procured.

It should be remarked, that even these planters, whose estates had already been destroyed by the enemy, or had fallen into his possession, far from being dismayed by the sad prospect before them, had only been brought to that pitch of misfortune that their love of their country might appear with greater lustre. Thus at the same time that MM. Villeré's, de La Ronde's, Lacoste's, and Bienvenu's sugar estates were laid waste, and made a prey to conflagration, M. Villeré, Sen., Major-General of our gallant militia, went on a survey of the upper counties for the purpose of hastening reinforcements, which at the first call presented themselves in readiness to march; and when, after his return to camp, he had once taken charge at the second line of the post that had been assigned him, he was seen there invariably to fulfil his duties with that wonderful tranquillity of mind which a man having nothing to lose would have hardly been capable of; yet this gentleman, the head of a numerous family, could not but know that one hundred slaves of his own were on his plantation at the mercy of the British, and that all his movable property had already been either plundered or destroyed.

His son, M. Villeré, Jun., Major of the Third Regiment, after having, at the peril of his life, effected his escape from the British army, who had surprised him at his house, joined the forces that marched to repel the enemy of the 23rd of December, and has ever since performed an active duty.

The important position of Chef Menteur was protected by Major Lacoste at the head of his corps, consisting of free men of color, whilst his sugar estate was set to ruin and devastation. M. Lacoste, Jun., his son, though deprived of the use of one arm, nevertheless shared constantly with his brother soldiers the toils and dangers of war.

M. de La Ronde, colonel of the Third Regiment, though he abstained from claiming that part of the service which his rank entitled him to, did not disdain to serve as a guide, and with imminent peril continued scouting in woods almost impracticable, both in the flank and rear of the British, for the purpose of reconnoitering and making known their position.

In town, Colonel Fortier, Sen., contributed in a great measure to the more prompt departure for Chef Menteur of the free men of color, already embodied, by furnishing them, at his own cost, with such articles as they stood in need of. To him also the country owes the forming and organizing a second corps of free men of color, to whom the brave Savary was appointed a captain. At his call, both captain and soldiers repaired to his house to be enlisted. He personally attended to the arming and equipping of them; and through his exertions that company, under the command of Major Daquin, was enabled to take the field and to face the enemy a few hours after its formation. M. Fortier caused also several hundreds of muskets unfit for use to be repaired.

No sooner was it reported that a British squadron had arrived on our coast, than the uniformed companies of the militia of New Orleans, under the command of Major Plauché and Captains P. Roche, St. Geme, Hudry, White, and Guibert, and the rifle corps under the command of Captain Beale, who had some time before tendered their services, were placed at the Bayou St. John, to which point it was expected the enemy would attempt to penetrate. It was from that position those gallant companies marched, with the rapidity of lightning, to the plains of Villeré on the 23rd of December, at the first appearance of the British.

They travelled nearly twelve miles with wonderful rapidity, and fought with a bravery and resolution that would have done credit even to experienced soldiers. The first and second regiments of the militia of New Orleans, under the command of Colonels Déjan and Zénon Cavelier, have conducted themselves, in the several posts they were called upon to defend, with zeal and courage. They have borne with patience the fatigue of painful marches,

occasioned by their being successively sent from one position to another.

The Fourth Regiment, commanded by G. W. Morgan, their colonel, was entrusted with the defence of Chef Menteur, upon Major Lacoste's corps being withdrawn therefrom. They discharged their duty in a manner that bade defiance to all possible attempts on the part of the enemy to force that important pass. Three volunteer troops of horse, the one of them from the Attakapas, under the command of Captain Dubuclet, and the other from Feliciana, commanded by Captain Smith, and the last from Bayou Sara, under command of Captain Griffith, had already arrived in town, prior to the landing of the British. Two more troops of horse were immediately formed at New Orleans, headed by Captains Cheveau and Ogden. The conduct of those several corps, upon every occasion where their services have been called for, deserves particular notice; and they were extremely useful. Captain Dubuclet was wounded in the head by a musket-ball while in the act of rallying some men in an engagement on the right bank of the river.

General Thomas, General Hopkins, and General M'Causland, at the head of the gallant militia under their command, hastened by forced marches from their respective counties in order to assist in defending the country.

General Garrigues de Flaujac, by his patriotism and the talents he displayed whilst the capital was threatened by the enemy, has earned the honor of being ranked among those who deserved well of their country.

Whilst our gallant militia were employed in the defence of the country at the several posts which had been assigned them, the citizens more advanced in years, having voluntarily formed themselves into companies of veterans, attended to the preservation of police and civil order in town. They greatly contributed by their good countenance to dissipate the alarm created by the approach of the enemy, and by their unwearied exertions they insured the speedy and faithful conveyance to camp of such articles as were to be sent there. They were also usefully employed in overseeing

that many donations made by our fellow citizens should be both applied properly and without confusion. At the head of these respectable veterans appeared M. Debuys, Sen., their captain.

General Labatut had the command of the town. He performed his task with a zeal and activity that have done him infinite honor.

The Mayor and City Council of New Orleans, by the adoption of measures that indicate their foresight and humanity, have maintained our internal peace, and so far prevented a scarcity of provisions to be felt in the town, to make it doubtful whether the presence of the enemy in our neighborhood had diminished our supplies.

The attention of Mr. Nicholas Girod, the mayor of New Orleans, in the mean while, was extended with great benefit to each part of the service. All the means placed at his disposal were applied in a manner that told of a skilful administrator. Such families as were in actual distress were relieved and furnished with provisions, agreeably to a decree of the City Council appropriating a sum fully adequate to this purpose of benevolence.

The fair of New Orleans, without exception, eagerly undertook a variety of needlework, for the use of the army. Many of them who till then had been accustomed to do none but the nicest work, did not disdain sewing cloaks of the coarsest woolens. They gave both lint and linen for the use of the sick and wounded.

The Ursuline nuns are also entitled to a particular notice. They gave admittance within the walls of their monastery to as many of the sick as could be conveniently lodged therein, and afforded them every aid, conformably to the dictates of true charity.

All the practising surgeons and physicians in the town have acted so as to do the highest honor to their profession. Their readiness in bestowing assistance to the military who wanted it was such as did not permit them to wait till an application should be made for their services. A sympathetic feeling led them several miles below town to meet the wounded on the way and give them immediate attendance.

A committee named by the same veterans above mentioned,

whose patriotism was not merely confined to the performance of the military duties they had willingly submitted to, on which committee they had appointed namely Messrs. Fortier, Sen., Jh. Soulié, and Mr. Louallier, a member of the House of Representatives, was affording relief to the sick and wounded with an indefatigable zeal: procuring subscriptions for the purchase of clothing intended for our fellow soldiers, who had left their homes unprovided for a winter campaign. A sum exceeding fourteen thousand dollars was actually laid out for that laudable object, including in it the appropriation of six thousand dollars made by the Legislature.

Every member on that committee deserves the highest praise for his perseverance and assiduity in fulfilling his task.

The enumeration of the corps and individuals who had given so many proofs of patriotism and devotion to their country, ought not to be closed without mentioning the Governor of this State, whose efforts have constantly been directed towards cherishing the happy disposition of the inhabitants, and whose authority to its utmost extent has been employed in securing the success of the measures adopted for the defence of this country.

Be it further resolved by the authority aforesaid, That each and every person and collection of persons mentioned in the foregoing statement are justly entitled to the gratitude of their country.

Be it further resolved by the authority aforesaid, That it shall be the duty of the Governor of the State of Louisiana, in the name of the said State, to present the corps of veterans of New Orleans with a stand of colors bearing the following inscription: "Our sons were repelling the foe, we attended to the safety of their mothers and wives," and on the other side thereof will be seen a river, with an eagle hovering over the same, and this inscription on the river's bank, "For common use, and the benefit of all."

MAGLOIRE GUICHARD,

Speaker of the House of Representatives.

FULWAR SKIPWITH,

President of the Senate.

Lafitte and his Baratarians had acted so well during the British invasion that President Madison granted them a pardon.

From 1815 to 1817 their movements were little known.¹⁰ They are believed to have cruised in the Gulf during that time, and to have tried to establish themselves at Port au Prince. In 1817 Lafitte's followers numbered about forty, and on April 15 they went to the island of Galveston and established a government, with all the usual officers, and took the oath of fidelity to the Mexican republic. They had no idea, however, of aiding Mexico in its revolution, and their object was to capture Spanish property. At the end of 1817 the number of the freebooters was increased to one thousand, and they did immense harm to Spanish commerce in the Gulf, and took possession of vessels of other nations also.

As the boundary question had not been settled, the Spanish governor objected to the breaking up of the pirates' nest, and Lafitte and his men continued unmolested their life as bucanneers. They built a fort and houses on the site of the present city of Galveston, and formed a settlement named Campeachy. In October, 1819, Lafitte was made governor of Galveston, which had been declared a port of entry by the newly proclaimed republic of Texas. He hanged one of his followers, who had robbed an American vessel; but in 1820 one of his cruisers scuttled an American vessel in Matagorda Bay, and Lieutenant Lawrence Kearny, of the *Enterprise*, was sent in 1821 to destroy Lafitte's establishment. The celebrated privateer, or pirate, as he really was at that

time, received the American officer very courteously and obeyed his orders. His fortifications were demolished, his men disbanded, and he sailed away forever. He continued to cruise until 1826, when he died at Cilam, in Yucatan, and was buried in consecrated ground. He is described by an officer of the *Enterprise* as "a stout, rather gentlemanly personage, five feet ten inches in height, dressed very simply in a foraging-cap and blue frock of a most villainous fit; his complexion, like most Creoles, olive; his countenance full, mild, and rather impressive, but for a small black eye which now and then, as he grew animated in conversation, would flash in a way which impressed me with a notion that 'Il Capitano' might be, when roused, a very 'ugly customer.' He was evidently educated and gifted with no small talent for conversation." Captain Beluche went to Cartagena and became a commodore in the Bolivian navy.¹¹ Captain Dominique You returned to New Orleans, and became a useful citizen. When he died, several years later, military honors were paid to his memory, banks and business houses were closed, and flags on ships and public buildings were placed at half-mast.¹² His epitaph is still to be seen on his tomb in the old St. Louis cemetery.

Among the distinguished men that took part in the battle of New Orleans we have mentioned the name of General Humbert. He was born at Bouvroy in Lorraine in 1755, and joined the army as a volunteer in 1791.¹³ He soon became a brigadier-general, and served in Vendée. In 1798 he was commander-in-chief of the expedition to Ireland, landed with a few men at Killola, and was over-

whelmed by superior numbers and made prisoner. After his liberation he took part in the unfortunate Santo Domingo expedition, and soon afterward lost the favor of Bonaparte. He came to America and lived for several years in New Orleans, where he taught school.¹⁴ In 1816 General Humbert led a force of one thousand men, of all nationalities, into Mexico to fight for the independence of that country. He behaved gallantly, but was unsuccessful, and returned to New Orleans in 1817. He died in that city in 1823. He was an able and valiant officer and one of the handsomest men in the French army at the time of the Revolution. Reuben Kemper, of West Florida fame, was also an officer at the battle of New Orleans.

We shall end this chapter with an abstract of Bernard Marigny's "Reflections on the Campaign of General Jackson." Marigny's services, as given by himself, were as follows:

Member of the committee on defence named by the House of Representatives in 1814; ex-President of the Senate of Louisiana; member of the Convention which erected the Territory of Orleans into a State in 1812; and member of the Convention of 1844 and 1845 which gave a new constitution to Louisiana.

Bernard Marigny, or de Marigny de Mandeville, was born in New Orleans in 1785. He belonged to a distinguished family, and was for a time very wealthy. In his pamphlet,¹⁵ published in 1848, he says that when General Jackson arrived in New Orleans in 1814 the population rose *en masse* for defense. It would be impossible,

he says, to mention a single Frenchman who abandoned the country at the time of danger or refused to fight. A committee of defense was named by the Legislature and was composed of Marigny, Roffignac, and Louallier, members of the House of Representatives. The old men organized companies to guard the city and Fort St. Charles, and Gaspard Debuys was named general of the veterans. The ladies formed committees to procure everything necessary for the wounded and for nursing them, and private hospitals were established. The Legislature requested all the inhabitants who possessed more than one gun to place their firearms at the disposal of the State. The Bank of Louisiana, yielding to public demand, caused the dollars to be cut into four parts, to prevent their being sent out of Louisiana, and to multiply the means of providing for the wants of the people. General Jackson was asked by the committee of public defense to accept the services of Lafitte and his men, but he refused, and it was Judge Hall who caused the prosecution of the Baratarians to be stopped.

On December 28, 1814, Marigny met the Speaker of the House, Magloire Guichard, in great distress, coming down the steps of the government house. Guichard told him, "We are accused of treason, for the doors of the Legislature are closed by order of General Jackson." Marigny says of this incident: "Those who knew this good and respectable Magloire Guichard, a man already aged, will they not say that it was madness to make of him a conspirator?"¹⁶ Marigny, in great anger, went on horseback to Jackson's line, and spoke to him about

the closing of the doors of the Legislature. The general took his hand and said: "Return to the city, reassure your colleagues: all that is a misunderstanding. I was engaged in fighting when I sent word to Governor Claiborne to ascertain whether the Legislature wished to capitulate, and, in that case, to blow it up." Marigny says that Declouet, who had spread the rumor about the Legislature, was a suspicious but honest man who had exaggerated a conversation he had had with Magloire Guichard.

Marigny condemns the arrest of Louallier and Hall, and says that the Senate of Louisiana was right not to pass a bill to present a sword of honor to Jackson and to approve all his acts while in the State. This would have been striking at Hall and Louallier, who, after the general's departure from New Orleans, continued to be esteemed by all the people. Marigny voted against the bill in the House, but remained an excellent friend of Jackson, who stayed at his house during his visit to New Orleans in 1828.

In order to prove the injustice of the accusation against the French in Louisiana in 1814 and 1815, Marigny enumerates their important services, as well as those of the Creoles. He says:

To have a correct idea of the rank occupied by the Creoles and the nationalized citizens of all nations, the reader must be informed that on January 8 the Battalion of Orleans was commanded by J. B. Plauché, a Creole of Louisiana; that it was composed of five companies: Pierre Roche commanded that of Captain Plauché, the four others had for captains St. Geme, Guibert,

Hudry, and Maunsel White; these five captains were naturalized citizens—four Frenchmen and one Irishman, Mr. Maunsel White. St. Geme was the Ajax of the army; it was he who, on December 23, recommended to General Jackson the Rodriguez Canal as the best point to be fortified.¹⁷ Mr. Latour, a Frenchman, a pupil of the Polytechnic School, was one of the principal engineers of the army. Pierre Lacoste, a Creole, commanded all the men of color, but Major Daquin, Creole of Santo Domingo, commanded the men of color of that colony, with whom was Savary, a Creole, also of Santo Domingo, an officer under the French Republic, and a man of recognized valor.

Davezac, a Creole of Santo Domingo, was aide-de-camp of General Jackson; S. Hiriart, Charles Maurian, Fauchié Colson, a naturalized Frenchman, served on the staff. Out of the ten or twelve cannon in Jackson's line, six at least were directed by Creoles of Louisiana or by Frenchmen—Beluche, Bellerive, Raymond, Montégut were Creoles. Dominique You, the Lafittes, Cadet Bouteille, Garrigues de Flaujac, and Chauveau were French or naturalized; Gambi was an Italian. General de La Ronde, who had a perfect knowledge of the localities, as well as Major Villeré, his son-in-law, both Creoles of Louisiana, executed all the orders which they received from the general-in-chief. In the Forty-fourth, in the service of the United States, were a large number of Creoles of Louisiana, officers as well as soldiers. Lieutenant-Colonel Peire, Creole of Santo Domingo, a distinguished officer who had been in the campaign in the Floridas, commanded the Seventh Infantry of the regular army. The mortars were served by Lefebvre, a soldier of the Republic under Bonaparte. The cavalry squadron of New Orleans was commanded by Cheveau, a naturalized Frenchman. Jean-Baptiste Vigné, also a naturalized Frenchman, was the first lieutenant. The company of dragoons of Attakapas had for its chief Dubuclet. That company was composed only of Creoles. Finally, the intrepid Humbert, former General of the French Republic, sought death everywhere and found it nowhere.

General Villeré, a Creole of Louisiana, commanded the line at Dupré Canal; he had about twelve hundred men, three fourths of them Creole militiamen from the parishes of St. John the Baptist, St. James, Iberville, and Lafourche. At Chef Menteur were a large number of Creoles of Louisiana and of naturalized citizens. The artillery there was commanded by Bosque, a Creole of Louisiana. On Bayou Baratavia, at the Temple and other important points, there were more than four hundred Creoles.

Had the campaign lasted longer, with the levy *en masse* of the militia, the majority of Jackson's army would have been composed of Creoles or naturalized Frenchmen. Of the men able to bear arms in New Orleans, in 1814 and 1815, there were, according to Marigny, only about three hundred of Anglo-Saxon race, out of a total population of about eighteen thousand souls.

Marigny speaks very highly of Jean Blanque, a member of the Legislature, and ends his interesting memoir with a chivalric tribute of homage and respect to the fair sex of Louisiana, among whom, says he, would have been found, if necessary, another Joan of Arc to defeat the English. In relating the events of 1814 and 1815, the writer has endeavored to give praise to all the men that deserved it, but he has wished to call attention specially to the admirable behavior of the Louisianians of French origin. This is but simple justice to men whose patriotism had been suspected, and who proved that they were as loyal Americans as the men of Tennessee and Kentucky.

CHAPTER VII

PERIOD OF DEVELOPMENT 1815 TO 1831

Period of tranquillity—Prosperity of Louisiana from 1815 to 1860—Claiborne's farewell address—Election of Governor Villeré—Death of Claiborne—Important laws in 1817 and 1818—Early steamboats in Louisiana—Restriction of immigration—Abatement of party spirit—Debt of the State extinguished—Report on public education in 1820—The word *slavery* appears in a public document in 1820—Robertson's fiery messages—Lotteries authorized—Cold weather in 1823—Lafayette in Louisiana in 1825—Livingston's Criminal Code—Report on the overflows of the Mississippi—Meeting of the Legislature at Donaldsonville in 1831—Danger of disparity in numbers between the white and the black population—Return of the Legislature to New Orleans.



AFTER the stirring events of December, 1814, and January, 1815, there was for several years a period of tranquillity in Louisiana, and we may well call the State fortunate at that time, for it had little political history. From 1815 to the beginning of the great Civil War, its history is one of internal development. Agriculture and commerce flourished wonderfully. The cultivation of the sugar-cane was greatly extended and plantations were established where formerly stood virgin forests. Cotton began to be cultivated more extensively, and soon arose the peculiar civilization of the wealthy planters, who lived on their vast estates in

all the magnificence of feudal lords, governing their slaves with justice, managing their plantations, attending to the politics of their parishes and of the State, and, above all, offering a bountiful hospitality to all who presented themselves at their door, rich or poor. In a short time the sugar plantations represented a capital of forty millions of dollars.¹ Boré's energy and intelligence had been fruitful, from the time when he succeeded in granulating sugar in 1796.

As the Louisianians had proved in 1815 that they knew how to defend themselves from a foreign foe, it was seen that there was perfect safety in settling in the State, and immigrants from the other States of the Union arrived in large numbers to develop the northern and western parishes. They settled also in the prairies southwest of the Tèche. In 1830 the population north of Red River and west of the Ouachita was about two thousand souls.² In 1845 that region contained not fewer than fourteen thousand inhabitants. In 1830 Louisiana was an important State with regard to agriculture and commerce, and in 1840 New Orleans occupied the second place in the country in point of commerce. The population which in 1815 was not more than ninety thousand, half of whom were blacks, was more than four hundred thousand souls in 1845 and was seven hundred and eight thousand and two in 1860. The progress of the State was uninterrupted from the end of the war with Great Britain to the beginning of the Civil War. Honest and efficient governors administered the affairs of Louisiana under the old régime. The State was represented in Congress by able

men; the bench and bar and the members of the medical profession were an honor to Louisiana, and an interesting literature flourished both in French and in English. The momentous events from 1861 to 1877 arrested the growth of Louisiana; but the people have known how to regain their independence and to start the State again on the road of intellectual progress and material prosperity.

On January 8, 1816, the first anniversary of the battle of New Orleans was celebrated with great pomp in the city. By an act of the Legislature, on motion of Mr. Roffignac,³ the governor had been requested to have a *Te Deum* sung at the cathedral, and to invite the officers of the Army and Navy of the United States to attend, as well as the municipal and military authorities in the State. It had been further resolved that the Legislature should be present in a body.

On March 23, 1816, General Jackson arrived in New Orleans, and he was honored on the Sunday following with "salutes and congratulations demonstrative of the respect due to the man who, under the protecting power of Omnipotence, saved our city."⁴ On the fourth of July, 1816, a splendid dinner was given at Jackson Hall, at which Judge Joshua Lewis presided and Colonel Michel Fortier, Senior, was vice-chairman. The toast to Jackson was as follows: "Major-General Andrew Jackson—In the hour of danger our country was fortunate in finding a second Washington."⁵

In 1816 Claiborne's term of office as governor came to an end. He had accomplished his work well, from the memorable twentieth of December, 1803, when he stood

on the balcony of the Cabildo and saw the banner of the United States rise proudly to the top of the staff erected in the center of the Place d'Armes, to December 17, 1816, when he again became a private citizen of Louisiana and of the United States. On November 20, 1816, he delivered his farewell address to the General Assembly, and the last official words of the first governor of American Louisiana deserve to be remembered. He congratulates the State on the peace that reigns in the United States and in Europe, and speaks of the immigrants who come to a favored land, where the rights of conscience, of person, and of property are secure. He calls attention to the necessity of a well-regulated militia, and adds:

But to guard against foreign aggression is not our only duty. We should take at home every precaution to preserve unimpaired for our posterity the rich inheritance of free elections, equal representation, and just laws. The great instructors of mankind, the faithful historians, inform us that free governments have often been assailed by the hand of violence, and that an enlightened people can best maintain their rights against the ambition, the fraud and artifice, which are always lying in wait to grasp them. I speak of that inordinate ambition which in all ages has prompted men to rise to power and distinction on the ruins of public liberty—of that fraud and artifice with which tyrants of every grade veil their designs, but never so successfully as among a people uninformed or unwatchful of their privileges. The representatives, therefore, of a free State should consider the diffusion of knowledge an object of primary importance, they should give great publicity to the charter that defines with accuracy and allots with precision the powers of the different branches of government, to the laws severally enacted, and to the various subjects that may from time to time occupy their delibera-

tions. But, above all things, care should be taken to rear their youths in the paths of virtue, science, and patriotism, that those who are to succeed to independence and self-government may know how to estimate, how to use, and how to conserve the great heritage. The interests, then, of literature I hope will always be fondly cherished, and the most liberal encouragement extended to those worthy citizens who devote themselves to the instruction of our children in the way they should go—in teaching the young ideas how to shoot and the affections how to move.

In many points of view, gentlemen, this city is peculiarly entitled to your notice. It is your only seaport, and the great commercial depot for Western America. The rapidity of its growth is as inevitable as the magnitude and splendor which she must ultimately attain. Hence the necessity of establishing and perfecting such municipal regulations as shall ensure to the many thousands of persons destined to reside and to sojourn within its limits the reign of law and order; as shall discourage vice and incite to virtue; as may provide employment for the poor, relief for the distressed, and, under the protection of Heaven, promote the health and protract the life of man.

Gentlemen, the period to which the constitution limits my continuance in office will arrive in a few weeks. In the meanwhile, I shall employ myself in bringing to a close such unfinished business as requires my agency, and in preparing the executive department for a transfer to the respected and distinguished citizen designated as my successor.

It is now the thirteenth year that I have assisted in administering the government of this section of the United States; and when I look back to the scenes through which we have passed, no one can be more sensible of the many obstacles encountered. In the State in which I found affairs on my first arrival in Louisiana, amidst the frequent changes of government that ensued, and the difficulty of accommodating the laws to the wishes of a people different in language, in customs, in early habits, and on many subjects discordant in sentiment and opinions, it became impossible

to pursue a course of conduct with which all would be satisfied. A continued opposition therefore excited no surprise. I could only hope, from the generous character of the citizens, that the great majority would view with candor and receive with indulgence my honest efforts to serve them. Feeling the weakness of human nature, I am far from supposing it has not been my misfortune to commit many errors. When I entered upon the public service, I could only stipulate to discharge my duties zealously and faithfully to the best of my judgment. My conscience assures me that this condition has been fulfilled, and with the most scrupulous exactitude. In every situation of life I shall cherish the warmest attachment for the interests of this State. I trust that no event may occur to disturb her happiness; that no untoward circumstances may interrupt her prosperity. Concord, harmony, and mutual confidence sweeten the private and domestic circle; they tend no less to give tranquillity and force and safety to political communities. The solemn covenant by which Louisiana was ceded to the empire of American liberty has been happily consummated. The people have been received into the bosom of the American Union, and with equal privileges. Let, then, no improper jealousies be fostered, no injurious distinctions be made. We are members of one family, and all have the same common interest.

I cannot retire from the station to which the people of the State were pleased to raise me, without tendering to them my sincere acknowledgments. Had this station been free from every embarrassment, I might not perhaps have justly estimated their generous patronage, but in moments of my greatest difficulty the proofs of personal confidence, and the ready support afforded me, were such as can never be forgotten—they are deeply engraven on a grateful heart.⁶

On November 19, 1816, the returns of election for the office of governor were read, and General Jacques Villeré was found to have received twenty-three hundred and

fourteen votes and Judge Joshua Lewis twenty-one hundred and forty-five.⁷ The Assembly then proceeded to the election of the governor, and Villeré received forty-three votes and Lewis three votes. Villeré was therefore proclaimed as elected Governor of Louisiana. He had been an unsuccessful candidate for that office in 1812.

In January, 1817, Claiborne was elected to the United States Senate, but he did not live to take his seat in that body. He died on November 23, 1817, greatly regretted by the people of Louisiana. The City Council, "most sincerely participating in the grief which so great a loss occasions among all good citizens, actuated by the sentiment of the most lively gratitude for the essential services rendered by the late William C. C. Claiborne to the State of Louisiana, and to the city of New Orleans in particular, when filling the functions of governor, and well convinced that no less important ones were to be expected from him as a Senator in Congress," adopted the following resolutions:

Resolved, That the City Council will wear mourning for a week in consequence of the lamented death of the Hon. William C. C. Claiborne, and that they will attend his funeral in a body.

Resolved, also, that a monument shall be raised, at the expense of the city of New Orleans, to the memory of that illustrious citizen, and that a committee shall be charged to lay before the Council the plan of that monument, and determine the inscription to be placed on the same.⁸

The following communication appeared in the "Louisiana Courier," November 25, 1817:

Mr. William C. C. Claiborne died on the 23rd instant, after a very long and painful disease, during which he preserved that sweet temper and that kindness which had secured him the love of all those who had an opportunity of being acquainted with him. [His career is then related until his return to Tennessee from Congress, and the communication continues.] Having returned to Tennessee at the time when the suffrages of the citizens of the Union were divided between Mr. Thomas Jefferson and Aaron Burr, Mr. Claiborne was chosen as an elector, and the election of Mr. Jefferson was no longer doubtful. It suffices to bring to the recollection of every good American that it was Mr. Claiborne's vote which gave them as President the enlightened citizen, the virtuous philosopher, whose administration so essentially contributed to the prosperity of America, to secure to his memory that respect and gratitude due to citizens who rendered great services to their country. Where is the inhabitant of Louisiana who, on reflecting that it is to Mr. Jefferson he owes the happiness of belonging to the American Union, will not weep over the loss of the man who secured his election to the Presidency? The cession of this country opened a new career for Mr. Claiborne; he left the Mississippi Territory, of which he was governor, to fill the functions of commissioner charged to administer Louisiana and entrusted with all the powers which had been enjoyed by the Governors and Intendants under the Spanish Government. Soon afterward Louisiana was formed into a Territory, and for ten years Mr. Claiborne was its governor. His remarkable honesty, the softness of his manners, and the evenness of his temper, made him universally beloved. He exerted his influence in propagating that inviolable attachment which he bore to republican institutions; and if we now hold a rank among the most patriotic States of the Union, it is, in a great measure, owing to the example and precepts of Mr. Claiborne. The erection of the Territory of Orleans into a State furnished to the Louisianians an opportunity of rewarding his services by raising him to the first magistracy. His administration during four years secured him new rights to public

love and gratitude, and, the constitution of the State being opposed to his reelection, the General Assembly chose him as one of our Senators in Congress. He was on the eve of rendering to the country services no less essential than those which had hitherto marked his political career, when death deprived America of a most virtuous citizen, his family of a tender father and husband, and his numerous friends of a good and worthy man. Louisiana will long deplore the loss she has sustained, and she will never cease to cherish the remembrance of him who so well deserved her love and confidence.

Claiborne's predecessor as United States senator was James Brown, who had succeeded Thomas Lloyd Posey in December, 1812. Claiborne's colleague would have been Eligius Fromentin, successor to Allan B. Magruder in 1813. Henry Johnson, who became Governor of Louisiana in 1824, was elected to succeed Claiborne in the Senate. General Villeré took the oath of office as governor before the two houses at twelve o'clock on December 17, 1816.

Jacques Philippe Villeré was born in Louisiana in 1761. He was the son of Joseph Roy Villeré, one of the martyrs of the Revolution of 1768 and of Louise Marguerite de la Chaise, a granddaughter of Treasurer de la Chaise during the French domination and of the Chevalier d'Arensbourg. The family name was Roy, or Rouer de Villeré. When his father died, in 1769, Jacques Philippe Villeré was only eight years old. He was educated in France at the expense of Louis XVI,⁹ and in 1780 was appointed lieutenant of artillery in a regiment at Santo Domingo. He resigned that office and went back to Loui-

siana, where he married Jeanne Henriette Fazende in 1784. He became a sugar-planter, and in his house the British established their headquarters in December, 1814. His services during the campaign were very valuable. Before he was elected governor, Villeré had occupied several important places in Louisiana, and he was highly esteemed by the people. His administration from 1816 to 1820 was uneventful, but was marked by great prosperity.

In 1816 a distinguished man who had been in Louisiana several years paid the following tribute to the people of New Orleans:

Much distortion of opinion has existed, and is not yet eradicated in the other parts of the United States, respecting public morals and manners in New Orleans. Divested of preconceived ideas on the subject, an observing man will find little to condemn in New Orleans, more than in other commercial cities, and will find that noble distinction of all active communities, acuteness of conception, urbanity of manners, and polished exterior. There are few places where human life can be enjoyed with more pleasure, or employed to more pecuniary profit.¹⁰

On January 1, 1817, a branch of the Bank of the United States was opened in New Orleans, and in 1818 the State Bank of Louisiana was established with a capital of two million dollars.

The Legislature in 1817 and 1818 passed several important laws:¹¹ The insolvent debtor could escape imprisonment by abandoning all his property to his creditors; but the fraudulent bankrupt was incapable of

occupying any place of honor or profit. The death penalty was decreed against any person who should kill another in a duel, but the penalty was never enforced. A fine or imprisonment, at the discretion of the court, was decreed against those who should seek to corrupt a judge, or obstruct a public road, or keep a house of ill-fame, or be accomplices to a crime after the fact. Several laws were enacted concerning the Black Code.

In 1811 a charter had been granted to Robert R. Livingston and Robert Fulton for the exclusive privilege of navigating the Mississippi with vessels propelled by steam.¹² A resolution was adopted by the Legislature in 1817 to inquire whether the charter should not be repealed, and a very interesting report on the subject was made on January 30, 1817, by P. L. Morel, chairman of the committee on commerce and manufactures. Attention was called to the fact that in 1812 the citizens of Louisiana witnessed for the first time the "magnificent spectacle" exhibited by the steamboat *New Orleans* navigating the waters of the Mississippi. "That sublime invention" facilitated greatly the intercourse between the most distant parts of the State, and diminished by one fourth the rate of freight between New Orleans and Natchez. In 1813 the *Vesuvius* was built, and in 1814 the *Ætna*. Unfortunately, the *New Orleans* was wrecked in 1814, and the *Vesuvius* was burned in 1816. A new *New Orleans* was built in 1816, and the *Vesuvius* sprang up again from her ashes. The committee therefore thought that the company should be encouraged by all possible means. In less than four years they built five steamboats,

which contributed to give life and prosperity to commerce.

In his message to the Legislature on January 6, 1818,¹³ Governor Villeré said:

Only three years have elapsed since the United States were yet contending against the pretended mistress of the seas, for the preservation of their rights, the protection of their commerce, their honor, and perhaps their independence. During that contest, the most just which a republic ever waged against a powerful monarch, we learned to appreciate those resources which a free and generous people can ever find in their patriotism and valor against the most formidable enemies. Signal victories crowned on every side the courage of our heroes. The world applauded our success and learned to respect us. . . . The Louisianian who retraces the condition of his country under the government of kings, can never cease to bless the day when the great American confederation received him in its bosom.

The governor says that soon the debt of the State will be entirely paid and the taxes considerably reduced; he asks that new provisions be adopted concerning the crime of dueling, which he calls a "prejudice worthy only of the black ages"; he refers to the yellow fever, which extended its ravages over New Orleans in the summer of 1817, and suggests that a lazaretto be established. Finally he mentions the death of Claiborne, "one of our best patriots, one of our citizens the most distinguished for his virtues and his talents, as well as for the services which he had rendered to the country."

On March 5, 1818, Governor Villeré sent another message to the Legislature, in which he refers to the disorders

that took place in New Orleans in February, caused by the prodigious increase of the population, and he recommends that a regulation be adopted to protect the State against the immigration of unprincipled foreigners.¹⁴ On January 6, 1819, the governor says in his message that party spirit has almost entirely disappeared, and that hardly any remembrance remains of "those dangerous distinctions which had been created by idle prejudices between citizens of different origins."¹⁵ He reports that the militia is being thoroughly reorganized; and that, owing to the creation of the criminal court of the city of New Orleans, there has been perfect security in the city. He says the debt of the State has been reduced to ten thousand dollars. He asks that a penitentiary be established, in order that the unfortunate debtor be not confounded with the condemned malefactor in the same prison. And he makes a strong plea for better facilities for education, suggesting that the science of public law be taught to youth, even at the expense of the government, in order that "children be taught from their tender age that they are members of the Sovereign, that, as such, it is their duty to contribute to the common good, to make all their exertions for promoting the welfare of society, and to shun whatever may disconcert its harmony, interrupt good order, or disturb tranquillity."

In his message to the Legislature on January 5, 1820,¹⁶ Governor Villeré passes in review the condition of Europe, predicts that liberty will soon triumph there, and draws a pleasing picture of the condition of the United States and of Louisiana, of which the population has

trebled since the cession. He says, however, that the prosperity of the State would have been much greater if it had not been visited by the scourges of war and yellow fever, and he regrets that the lazaretto established existed but for one year. The steamboats have carried the disease to the highest situations bordering on the Mississippi, and efficacious measures should be taken to prevent the contagion from being introduced by ships coming from other countries. The governor announces that the debt of the State has been entirely extinguished, and that forty thousand dollars remain in the treasury for current expenses. He recommends the formation of a code of procedure and the revision of the criminal laws, which are so antiquated that trial by battle is still allowed as in England, although rarely resorted to in that country.

On November 22, 1820, Governor Villeré sent his last message to the Legislature.¹⁷ He gives good advice on the subject of education, and says:

It is especially to be wished, that means might be discovered of educating our youth in such a manner as to give the children of all our citizens, of various origins, if not the same moral features, at least a distinctive national character.

He takes the liberty of reminding the Legislature that "the important and delicate functions of preceptors ought to be generously paid." He asks that measures of precaution be taken against yellow fever, which had again ravaged New Orleans in the summer of 1820. He does not agree with the medical faculty that the disease is not contagious but constitutional,—that is to say, natural

to the climate,—and he proves his assertion by mentioning the fact that out of a large number of prisoners in New Orleans not a single one was affected by the malady. This was due to their having been sequestered from the rest of the world and protected from immediate contact with persons affected with the fever. The governor was certainly wiser in his day than the whole medical faculty of Louisiana. His services were appreciated by the House, and on motion of Edward Livingston a committee was appointed to prepare an address expressive of the approbation of the House and constituents of the governor's administration, and “ particularly of the impartiality and moderation with which he has endeavored to extinguish the spirit of party and promote union among all the citizens of this State.” The Speaker, Armand Beauvais, appointed on the committee Livingston, Moreau Lislet, and Philemon Thomas, and they reported to the House, on November 24, a beautiful address, which was adopted and presented to Governor Villeré.

On November 21, 1820, the returns of elections were read before the Legislature as follows: Thomas B. Robertson, nineteen hundred and three votes; Pierre Derbigny, eleven hundred and eighty-seven votes; A. L. Duncan, ten hundred and thirty-one votes; Jean Noel Destréhan, six hundred and twenty-seven votes. Robertson and Derbigny, according to the Constitution, were proclaimed to be the candidates who were to be balloted for; but Moreau Lislet, in the name of Mr. Derbigny, declared that the latter had too much respect for the will of the people to be considered a candidate for governor, and

that he wished his friends to vote for Mr. Robertson. Thereupon Thomas Bolling Robertson was elected governor by the General Assembly. The new chief magistrate was a Virginian by birth, and had been the first representative of the State in Congress in 1812. His administration, like that of his predecessor, was marked by no great event.

A joint committee of both houses, on December 11, 1820, made a report on public education,¹⁸ signed by Laroque Turgeau from the House of Representatives, and Bernard Marigny from the Senate. The report says that although the University of the Territory was incorporated by the law in 1805, it was only in 1811 that funds were really appropriated for that purpose and that the College of Orleans and grammar-schools in the counties were established. The committee lays stress on the necessity for colleges, and recommends that three colleges be added to the College of Orleans—one in Florida, one in Acadia, and the other at some central place in the western parishes. The College of Orleans was bound to admit gratis fifty day scholars. It received from the State four thousand dollars per annum, and the grammar-schools six hundred dollars each. The committee was of opinion that the annual appropriation for the College of Orleans should be increased to six thousand dollars, and that of each grammar-school to eight hundred dollars. Each of the State colleges should admit gratis eight boarders, for whose clothing, books, etc., the State would pay three hundred and fifty dollars a year to each of the four colleges. Each college should also admit gratis twelve day pupils,

and each grammar-school eight day pupils, to whom would be furnished books, paper, and pens. The following schedule of expenses was presented:

Twenty-six grammar-schools endowed with \$800 each..	\$20,800
Three new colleges, \$4000 each.....	12,000
The College of Orleans.....	6,000
Expenses of clothing, washing, paper, books, etc., for eight pupils in each college [four colleges] at \$350..	1,400
<hr/>	
Total annual expenditure.....	\$40,200

For the purchase or erection of buildings for the three proposed colleges, fifteen thousand dollars was to be appropriated.

The College of Orleans, which began its existence in 1811, was closed in 1826. It was on a large tract of land, on a portion of which stands now the church of St. Augustin, at the corner of Hospital and St. Claude streets. Charles Gayarré, the historian, was educated at the College of Orleans, and he gives an interesting account of it in his novel, "Fernando de Lemos." He mentions among the professors Jules Davezac, principal in 1812; Rochefort, who was an enthusiast for poetry and Latin; Teinturier, the mathematician; and Joseph Lakanal, the last principal, whose appointment to that office is said to have injured the institution. Lakanal, however, was a very distinguished man and had rendered great services in France, at the time of the Convention, as chairman of the committee on education. To him were due most of the important measures adopted by the Convention with re-

gard to the Normal School, the Bureau of Longitudes, and the primary and central schools. He voted for the execution of Louis XVI in 1793, and this act is said to have been the cause of his unpopularity as principal or president of the College of Orleans. He was a member of the Council of Five Hundred during the Directory, and later was commissioner-general for the Rhine department, where he displayed great activity. During the Consulate and the Empire he was a teacher in Paris and an inspector of weights and measures. At the restoration of the Bourbons, Lakanal was proscribed as a regicide, and went to the United States. Congress made him a grant of five hundred acres of land, and Jefferson received him cordially. He was elected president of the College of Orleans, but resigned that office in 1825. He established himself on a farm on Mobile Bay, and resided there until 1837, when he returned to France. He passed his last years in Paris, a zealous member of the Academy of Moral and Political Sciences.¹⁹ Lakanal was born at Sèvres, France, in 1762, and died in Paris in 1845. A few years ago a statue was erected to him, and several Louisianians sent to France their little piece of marble for the monument of a man who had honored Louisiana by being president of her first college.

The College of Orleans closed its doors in 1826, and the College of Louisiana was established at Jackson, East Feliciana. This was succeeded by the Centenary College of Louisiana. Great exertions were made for many years to establish an efficient system of education, but the mistake was committed of appropriating large sums of

money for colleges and secondary schools and comparatively little for primary and grammar schools. Mr. R. M. Lusher, who was State superintendent of education several years, says that from 1812 to 1845 inclusive, "prior to the establishment of a general system of elementary free public schools, Louisiana expended for the support of education \$1,636,897.61," chiefly for fostering academies and colleges.²⁰ In 1834 the secretary of state was made ex-officio superintendent of schools, to receive reports from parish officers and have them brought before the grand jury if derelict in their duties. In the same year, 1834, Governor A. B. Roman uttered the following wise words:

Common schools, wholly free, are the only ones that can succeed under our form of government. They break down the odious distinction which exists in those in Louisiana between the children of the poor and those of the rich, they oblige the rich as well as the poor to be interested in the selection of competent teachers to take charge of them, and they offer the best of all possible guarantees, to wit: experience. This infallible teacher of all statesmen of the land has proved that the project of educating the indigent class gratuitously, in schools opened for the children of the opulent, who pay for their instruction, is an illusion in a country where the first ideas imbibed by man are those of liberty and equality.

The public-school system of Louisiana was really created by the Constitution of 1845. Before that date there were in New Orleans several good private schools, and the Medical College of Louisiana, which was chartered in 1835. In the parish of St. James the College of

Jefferson was opened in 1834, principally through the efforts of Governor Roman.²¹ "It contained," says De Bow, "a numerous body of able professors, averaged during the last five years of its existence above two hundred pupils, and could be compared without any disadvantage to any other institution of the Union." Unfortunately, the main buildings were destroyed by a fire in 1842, and the institution did not recover from that shock and soon closed its doors. The College of Jefferson became the Louisiana College in 1855, and took again the name of Jefferson in March, 1861. Its principal benefactor was the distinguished planter and philanthropist Valcour Aime, of St. James parish, whose munificence enabled the Marist Fathers, in 1865, to acquire the land and buildings of Jefferson College and reopen it.

At Grand Coteau, at a beautiful spot in the Attakapas country, the Jesuits established in 1835 the College of St. Charles. The Ursuline nuns, who had moved into their new building in 1824, continued to have a flourishing school for girls. Education in Louisiana, from the time of the cession to the year 1845, was not neglected, and it is a mistake to believe that there were few educated persons at that time. Some, especially the wealthy sugar-planters, sent their sons to France to be educated. The Louisianians are to be praised for their efforts in behalf of education, although they made the mistake of attending more to academies and colleges than to public schools. Laroque Turgeau and Bernard Marigny, in 1820, were animated with the best intentions, and their report deserves respectful consideration.

On December 18, 1820, Thomas B. Robertson took the oath of office and delivered his inaugural address.²² He does not appear to have had a clear conception of the duties of the three great departments of government, when he says that the Legislature is the paramount authority, and adds:

Here, in this great American democracy, the people respect first themselves, then their legislators, and afterwards bestow on their executive, judicial, and ministerial agents that countenance which their talents and virtues may entitle them to receive.

The governor expresses the hope that a treaty concluded with Spain will not be ratified, as it is paying too dear a price for Florida to abandon Texas, to which "our title," according to the President and the Secretary of State, "was as clear and indisputable as that to the city of New Orleans itself." Governor Robertson says he can see nothing in the political affairs of the country that can endanger the Union of the States, which "is necessary to our respectability abroad and happiness at home," and yet he refers to a "newly invented sympathy for a certain description of our population," and the ominous word "slavery" appears for the first time in a state paper in Louisiana. The governor approves of ex-Governor Villeré's recommendations about protection against yellow fever, although he has no decided opinion about contagion.

In his message of January 9, 1822, Governor Robertson complains of the defenseless condition in which the General Government leaves Louisiana, and concludes a rather uninteresting message with the expression of his

“ardent admiration of the noble and successful struggle” in Mexico and South America, and of his “abhorrence of the modern champions of slavery and superstition” in Europe. The governor impresses us as having been a very ardent republican of the exaggerated type. His messages are much more fiery than those of his predecessor, and lack judicial calmness.

The annual messages of the governors give almost completely the history of the quiet times before the Civil War, and there is little else to notice in the chronicles of those days. In 1821 the first Methodist Episcopal Church was organized. It had been preceded by the “First Presbyterian Church of New Orleans,” organized in 1818. Lotteries were then a popular way of raising funds for public improvements and for charitable and religious organizations, and the Legislature freely granted the privilege. In 1822 the Louisiana Legion was formed out of the volunteer companies of New Orleans.

On January 6, 1823, A. B. Roman of St. James parish, was elected Speaker of the House, and on January 7 Governor Robertson sent his message to the Legislature.²³ He refers to the report of the Board of Health, and says that if quarantine has produced no good effect it should be abandoned on account of the hindrance to commerce. He complains that the United States Government has failed to dispose of a large quantity of land in the State, thus impeding progress and internal improvement. He says pirates and murderers are ravaging the neighboring seas and that the defenses required are neglected by the Federal Government. In another message the governor

speaks very sensibly about the market price of things, and says he is opposed to regulating the price by law.

The year 1823 was marked by extraordinarily cold weather. On February 16, after a summer heat, a severe frost set in, "the water near the banks of the river was frozen, and persons skated on the marshes. All the orange-trees were killed, watermen in their boats, negroes in their cabins, cattle in the forests, perished from cold."²⁴ Valcour Aime of St. James parish, in his exceedingly accurate Plantation Diary, mentions the cold in February as follows:

Weather pretty fair in February, until the 15th; thermometer on the 15th, 10° , Réaumur, below zero. Ice was thick enough on the batture to bear the weight of a person, and the cold so intense that cane planted, which had not previously received rain, froze in the ground.²⁵

In 1823 the Legislature authorized the establishment of six gambling-houses in New Orleans, on condition that each should pay five thousand dollars for the benefit of the Charity Hospital and of the College of Orleans.²⁶

On January 5, 1824, Governor Robertson began his message with words that remind us of the men of the eighteenth century—of the Girondists and the Jacobins:

Fortunately for mankind, the principles on which liberty and happiness depend, are, of all others, the most simple and easiest understood. Strip them of the tinsel, clear them of the rubbish with which they have been artfully surrounded by tyranny and superstition, they exhibit themselves with a native grace, an attractive charm, that none but the inveterately perverse have either the inclination or the power to withstand.²⁷

After this philosophical effusion, the governor gives very good advice. He asks for the repeal of laws authorizing imprisonment for debt, and says with commendable warmth:

The spirit of our government, the epoch at which we live, the dictates of justice, and the feelings of every honest heart, all revolt against this odious legacy of ages passed away.

We are glad to hear from Governor Robertson that the General Government, since his last message, had attended to the fortifications and military works of the State, and that Captain David Porter, the hero of Valparaiso, had hunted the pirates through their hiding-places and inflicted upon them the chastisement their crimes demanded. But no relief had been obtained from the government with regard to public lands. The season in Louisiana had been eminently disastrous, owing to inundations and storms, but the governor adds that the city in 1823 was almost entirely exempt from contagious diseases, and he paints a vivid picture of the future prosperity of Louisiana. He concludes this topic by "summing up in one ennobling word countless sources of happiness and exultation,—we are Americans, citizens of the only free, peaceful, and enlightened government on earth." He has abhorrence of Europe. An atrocious war is raging in Spain, and France, "once the friend of freedom and of man," is binding chains on the Spanish people by helping the despot Ferdinand VII. Greece alone commands the warmest sympathy. The events in Europe indicate hostility against free governments, and "are we

not already told that our neighbors, in this continent of America, are to be brought within the pale of legitimate government, through the tender mercies of an unholy band of crowned conspirators?" We agree entirely with Governor Robertson in his opinion about Ferdinand VII and the war for Greek independence, but we can hardly understand why such subjects were brought to the attention of the Legislature of Louisiana. They would have been more appropriate in a message of the President of the United States to Congress.

In December, 1823, James Brown resigned his seat in the United States Senate to accept the office of minister to France, and on January 15, 1824, Josiah Stoddart Johnston received twenty-nine votes for senator, and Edward Livingston twenty-seven. Governor Robertson, having accepted the appointment of judge of the United States District Court, sent in his resignation as governor on November 15, 1824, and Henry Schuyler Thibodaux, president of the Senate, became acting governor. He filled that office until December 13, 1824, when Governor Henry Johnson was inaugurated.

Henry Johnson had been elected governor by the Legislature on November 17, 1824. He had received twenty-eight hundred and forty-seven popular votes; ex-Governor Villeré, eighteen hundred and thirty-one; Bernard Marigny, fourteen hundred and twenty-seven; and Thomas Butler, one hundred and eighty-four. Although the choice from the two candidates receiving the largest number of votes was vested in the Legislature, it was really the popular votes that elected the governor, as

the Legislature always followed the will of the people. Dominique Bouligny was elected to succeed Henry Johnson in the United States Senate. He was the son of Don Francisco Bouligny, who had come to Louisiana with O'Reilly in 1769. Governor Johnson, like Governor Robertson, was a Virginian by birth. His political career in Louisiana was long, as he became again a representative and a senator in Congress after the expiration of his term as governor. He died in 1867, aged eighty-eight years.²⁸ Governor Robertson died in 1828.

On December 13, 1824, Acting-Governor Thibodaux delivered a short but modest and sensible speech, and Governor Henry Johnson delivered his inaugural address.²⁹ He said that in the few years that had elapsed since Louisiana became part of the Union her citizens "have evinced ample capacity for freedom and self-government." He expressed the great pleasure it gave the people of the State that General Lafayette should have consented to become the guest of Louisiana as well as of the nation, and he made the following reference to the newly propounded Monroe Doctrine:

The policy adopted in relation to those nations struggling for liberty, particularly those of southern America, who are more immediately in our vicinity, whilst it displays a just sympathy for the cause in which they are contending, evidences an active vigilance to maintain our own independence, and to oppose any attempt on the part of the combined sovereigns that may seem to endanger it.

Governor Johnson's inaugural address is calmer than that of Governor Robertson, and his words about the neces-

sity of education and of moral and religious obligations are well put.

The Louisiana State Bank was established in 1824, and the State delivered to the institution bonds for two million four hundred thousand dollars in payment of twenty thousand shares. On January 22, 1825, General Carroll visited New Orleans, and a committee was appointed by the Legislature to express to him the sentiments of gratitude of the people of Louisiana. The general replied with his characteristic modesty:

GENTLEMEN: I regret exceedingly that I am unable to do justice to my own feelings, in making my acknowledgments for this unexpected mark of kindness on the part of the General Assembly of Louisiana. The events to which you have been pleased to refer, in relation to the defence of this city during the war, terminated fortunately and gloriously. But Tennessee, whose militia I had the honor to command on that memorable occasion, claims to herself no peculiar credit for the part she bore in the arduous and interesting struggle. She was discharging a duty which she owes to every State in the Union in case of invasion, and one which she is persuaded Louisiana would reciprocate under similar circumstances with cheerfulness and alacrity. For myself, I have nothing to say. I was an humble auxiliary to Jackson, whose fame as a soldier will brighten with time, and to whom this country is more indebted for military services than to any other man, Washington excepted.³⁰

The general ended his address by thanking the Assembly for their distinguished attention, and assuring them "that hereafter, as formerly, should an emergency occur, my best exertions shall be cheerfully given in support of whatever may tend to promote the security, prosperity, and happiness of Louisiana."

On January 27, 1825, J. Roffignac, mayor of New Orleans, sent to the House and to the Senate copies of a letter from General Lafayette to the corporation of the city, announcing his arrival in New Orleans early in the spring. A joint committee of the Legislature and of the City Council was appointed to concert measures for the reception of the general. The steamer *Natchez* was sent to Mobile by the city of New Orleans, to carry Lafayette to Louisiana. On board the steamer was a delegation, at the head of which was Joseph Armand Duplantier, an old friend and companion in arms of the general. The steamer arrived early on April 10 at Jackson's lines at Chalmette, and Lafayette landed amidst the firing of artillery and the acclamations of a large crowd. Leaning on the arm of General Villeré and on that of Mr. Duplantier, he was conducted to the house where Jackson had his headquarters during the battle of January 8, 1815. He was received by Governor Johnson, who addressed him as follows: ³¹

GENERAL: Louisiana enjoys to-day the happiness of receiving on her soil the man whom a whole people, by a unanimous voice, has saluted with the glorious title of the guest of the nation; the man who, fighting for the cause of liberty and humanity, shed his blood for her long before she had appeared as a new star in the federal constellation.

The governor alluded then to the progress made in half a century by the States that were the immediate theater of the war. He continued:

Louisiana will offer you a delightful and consoling spectacle, which none of the other States have been able to present to you;

you will acquire there the sweet conviction that your generous efforts for the cause of liberty have not been unfruitful for all those who pride themselves on having with you a common origin. This State, founded by Frenchmen, and of which the greater part of the inhabitants are their descendants, enjoys fully, as a member of the American confederation, that liberty for which you have fought and shed your blood. The moderate and wise use that the French have made here of that liberty, answers in a triumphant manner those who have proclaimed them unworthy of it, and who have calumniated you for having labored to obtain for them that greatest of all benefactions. On the lands watered by this superb river and by its tributaries, on which less than fifty years ago civilization had not traced its luminous furrow, you will find States formed spontaneously, strong in resources and in all the vigor of youth. Where the Indian wandered in vast solitudes, you will find fields covered with rich crops, flourishing cities, an active commerce, and a population free and enterprising, cultivating everywhere with success the arts that ennoble man and make the charm of social life. In calculating only the sum of present happiness, you might still be satisfied; but in turning your eyes toward the future, with what delight will you see the prosperity continually increasing in future ages! Rapid in its course, civil and religious liberty will march without a pause; its exhaustless energy will multiply everywhere its new creations, new States will succeed each other, and millions of free men hidden in the future will bless with the same fervor and the same enthusiasm that animate us to-day, the illustrious philanthropists whose virtues have raised the glorious edifice of American liberty. As first magistrate, and speaking in the name of all Louisianians, I repeat to you, be welcome on this land discovered by your ancestors.

Lafayette replied as follows:

When I saw myself on this majestic river, within the limits of this republic from which I received an invitation so honorable

and so affectionate, sentiments of American and French patriotism united in my heart, as they were united in that happy Union which has made of Louisiana a member of the great American confederation, established for the happiness of several millions of living men, for that of so many other millions yet to be born, and for the example of the human race. But I feel an emotion still greater on receiving, on this celebrated soil, in the name of the people of this State, by the voice of its first magistrate, a greeting so affectionate. It is here, gentlemen, that under the conduct of General Jackson, after a vigorous attack against the enemy who was coming to invade this territory, the blood of the sons of my revolutionary contemporaries was mingled with that of the children of Louisiana, on the memorable day when an incomparable victory, if we consider the circumstances, ended in such a glorious manner a war just in principle, and maintained with glory on both elements.

You have kindly, sir, congratulated me on the satisfaction given to me by the marvels I have witnessed and by those that remain for me to see—satisfaction so much the more delightful for an American veteran, that we find in these marvels irresistible arguments in favor of the principles for which we raised the banner of independence and liberty. I thank you particularly for the obliging and liberal observation which you have made, that in this State one can be convinced of the aptitude which a French population has of using wisely the benefits of a free government; and I take the liberty to add that one finds consequently in this aptitude the proof of the part which the European despots and aristocrats have had in the deplorable excesses that have delayed thus far the establishment of liberty in France.

After Lafayette's address many persons, including veterans of the War of the Revolution, were introduced to him. Many ladies were present, and Bernard Marigny, in their name, expressed their sentiments of admiration

to the general. The whole party then marched toward New Orleans and entered the city amid two lines of troops and the booming of cannon and ringing of bells. In the center of the Place d'Armes was an arch of triumph sixty-eight feet high, designed by Mr. Pilié. This was ornamented with allegorical figures and bore the inscription: "A grateful republic has dedicated this monument to Lafayette." The general was received under the arch of triumph by Mayor Roffignac, who welcomed him in the name of the people of New Orleans. Lafayette expressed his gratitude for the reception, and was taken afterward to the Court-house, where Denis Prieur addressed him in the name of the City Council. The general was then conducted to the City Hall (the present Cabildo), where he was to reside during his stay in New Orleans. From the balcony of the Cabildo he reviewed the troops, among whom were fifty Choctaw Indians marching in single file. The next day the general received the visit of members of the Legislature and members of the bar of New Orleans. The latter were led by Pierre Derbigny, who addressed Lafayette in their name. In the evening the guest of Louisiana went to Caldwell's English Theater and to the Orleans French Theater, where he was received with enthusiasm. Delegations from the medical society, from the clergy, from the free men of color who had fought under Jackson and many others, called upon Lafayette. He attended a public ball and a Masonic dinner, and received the visit of the venerable Père Antoine, the former Antonio de Sedella of the time of the Spanish domination. Finally, on April 15, 1825,



the general embarked on board the *Natchez* and left New Orleans. He stopped for a day at Baton Rouge, and was greeted with as much enthusiasm as in New Orleans. He visited the United States barracks, and there, instead of military equipments, he found a large assembly of women. Lafayette was charmed with the new garrison at the barracks, attended a public banquet in Baton Rouge, and late at night reëmbarked on board the *Natchez*. Governor Johnson accompanied him as far as the town of Natchez, and a committee of four Louisianians remained with him until he arrived at St. Louis.³²

On January 2, 1826, Governor Henry Johnson told the Legislature that he had made a tour through the parishes and found everywhere harmony and good will.³³ Symptoms of discord manifested themselves on some occasions in New Orleans, but they were chiefly confined to the columns of newspapers. The number of students at the College of Orleans, says the governor, does not exceed twenty, and it would be better to replace this institution by a university where should be taught the sciences of law and medicine, and other branches of learning, to those who have already completed their scholastic studies. Particular attention is called to promoting the prosperity of the city of New Orleans; a penitentiary is again recommended, and vigilance is said to be needed along the frontiers on the Sabine, where disorders and depredations have taken place. With regard to lotteries for State exigencies, or for charitable, religious, or literary institutions, Governor Johnson says that "it may deserve inquiry whether it is expedient to resort, for any object whatever,

to a mode of raising money so uncertain in its results, and so extravagantly expensive when effectual."

The first session of the eighth Legislature was opened in New Orleans on January 1, 1827. Octave La Branche was elected Speaker, and on January 3 Governor Johnson sent in his annual message. This document refers mainly to proposed internal improvements, such as canals from the Mississippi to Lake Pontchartrain, to the At-takapas and to Barataria Bay and the Island of Grande Terre. Mention is made of the death of ex-Presidents Adams and Jefferson, both of whom died on July 4, 1826, and the governor suggests relief for the family of the latter. "Next to Virginia, his native land, no State in the Union owes such a debt of gratitude to the departed sage as Louisiana." The sum of ten thousand dollars was offered to Jefferson's family by an act of the Legislature. The punishment of the pillory for white persons was abolished in 1827. In the same year the "Consolidated Association of the Planters of Louisiana" was established.³⁴ Its capital was two millions of dollars, increased later by five hundred thousand dollars. Its stock was secured by mortgages on real estate and even on slaves. The planters obtained money easily, and spent it freely. A few profited by the system, but a large number were ruined.

On January 8, 1828, General Jackson was received by the Legislature and welcomed by Governor Johnson as the "Guest of Louisiana," as Lafayette had been in 1825. Jackson was received also by the people of New Orleans with enthusiasm.

At the first session of the ninth Legislature, which be-

gan on November 17, 1828, A. B. Roman was again elected Speaker of the House, and Pierre Derbigny was elected governor on November 18. His principal competitor had been Judge Thomas Butler. The last message of Governor Henry Johnson was unimportant except with regard to the public lands. He says that of the twenty-five millions of acres vacant at the time of the cession, only one hundred and eighty-two thousand acres had been sold in 1828. The prosperity of the State had been greatly retarded by the jurisdiction still exercised by the United States over the public lands.

Pierre Derbigny was born at Laon, France, about 1778.³⁵ Before being elected Governor of Louisiana he had occupied offices in the Territory and in the State, among them that of judge of the Supreme Court, which was organized in 1813. "The first three judges of the Supreme Court," says De Bow,³⁶ "were Dominick A. Hall, George Matthews, and Pierre Derbigny. Hall soon resigned, discovering that his knowledge of civil law was too limited for the office, and his place the year after, 1815, was filled by Judge Martin. These jurists were all eminent. Derbigny, it is said, united with all the learning and science requisite to place him in the first rank of jurists, the sterling integrity and unsullied honor that made him an ornament of the bench. Judge Derbigny resigned his seat in 1820 in favor of Judge Porter."

Governor Derbigny was inaugurated on December 15, 1828.³⁷ In his address he speaks of the great example offered to the world by the people of the United States, and mentions the prodigious increase in their strength, know-

ledge, and wealth in the short space of half a century. In spite of so many advantages, and "in the full enjoyment of the most extensive national liberty," discord had reigned in the country. "Let us lay aside all animosities arising from party feeling, all invidious distinctions of origin and language." The governor advises economy and a just proportion between expenditures and revenue; he considers the question of education as of vital importance, and he announces the completion of the code of criminal law by Edward Livingston. This was a volume of eight hundred pages, and De Bow says of this work:³⁸ "Mr. Livingston made a great book, but one of little practical utility. It consists of five divisions—a Code of Crimes and Punishments, a Code of Procedure, a Code of Evidence, a Code of Reform and Prison Discipline, a Book of Definitions. In this undertaking Mr. Hoffman has said he has shown himself a philosophical legislator, possessed of all the capabilities of the late Jeremy Bentham, but without any of his objectionable peculiarities, together with all the wisdom of Montesquieu, and the animating and ennobling philanthropy of Beccaria." Livingston prepared also an elaborate system of penal law for the United States, which was printed by order of Congress. This distinguished legislator was elected United States senator from Louisiana in 1829, and in 1831 he became Secretary of State in Jackson's cabinet. In 1833 he was sent to France as minister plenipotentiary, to negotiate the indemnity of twenty-five million francs for damages inflicted during the wars of Napoleon. Livingston died in 1836. He was born at Cler-

mont, New York, in 1764. Mignet, the French historian, pays him the following tribute: ³⁹

In spite of the imperfections inseparable from such a great work, the penal legislation of Livingston presents a vast and superb whole. His four codes are coördinated, and complete each other. They are like a vault, of which each stone would form the key. If one were taken off, all would crumble down. He has said so himself with the just sentiment of the merit of his book. Indeed, Livingston, providing in general for the defence of society with the sentiment of justice, proceeding to the pursuit of crime with the respect of right, seeking the proof of facts with taste for truth and need for certainty, and punishing the culprits with desire for their reform, has composed a book that recommends itself to the attention of philosophers as a beautiful system of ideas, and to the use of nations as a vast code of rules.

In 1829 the New Orleans Gas Light Company was incorporated, and a levee system throughout the State was provided for by an act of the Legislature. The Committee on Internal Improvements had made an interesting report, on January 14, 1829, on the dangers of inundation from the Mississippi. They said that the Legislature had thought proper, some years ago, to authorize the stopping of the river Iberville at the points where the Mississippi made a débouché. By straight lines the river would make its course more direct to the ocean, but it was another question how far the inhabitants of the bends would like to be placed on false rivers. "It has often been remarked that civilized man took possession of the lower Mississippi too soon by upwards of one hundred years. Had the delta remained unmolested by the

art of man to this day, the river would not perhaps overflow its natural banks at any points, where levees are now created, and the face of the interior alluvial country would have been much more elevated." The very high embankments on the Po were mentioned by the committee, and they said that, if such a system is not to be relied upon as respects the Po, it is certainly not sufficient to restrain the wild fury of the Mississippi. With regard to outlets, the committee's words are very judicious: "If drains and sluices are to become in part our dependence, these, following the laws which the parent stream imposes upon them, will require embankments. When these become insufficient, new drains and sluices will be required from these outlets, and we shall have removed over and over again all the features of the parent stream, less strong in character, but strikingly portrayed in miniature." The river may be straightened at some points, but "may it not rush through some opposite bends and meet the ocean by new routes?" "Before another year the Mississippi may of its own will take leave of Red River, which has so long been compelled to pay its tribute, and may command the Atchafalaya to receive that tributary. By a sudden caprice, or by slower inroads, it may break in upon Red River again, and once more accept its waters." The committee recommend an appeal to the General Government, and ask for the aid and services of skilful engineers. The report is signed by W. S. Hamilton, chairman.

Governor Derbigny's administration came to an end suddenly on October 7, 1829. His horses ran away, and

he was thrown from his carriage. He died five days afterward, greatly regretted by the people, who appreciated his ability and high character. The president of the Senate, Armand Beauvais, became acting governor and filled that office until January 14, 1830. In that year the Legislature met at Donaldsonville, and its most important act was the incorporation of the Pontchartrain Railroad Company, one of the earliest of its kind in the United States.⁴⁰ It was also decreed that an election of governor be held in July, and that one of the persons voted for should be elected governor by the Legislature for the term of four years. Jacques Dupré, who had been elected president of the Senate, succeeded Beauvais as acting governor. He held the office one year, from January, 1830, to January, 1831, and gave a rare example of moderation in relinquishing it to A. B. Roman before the full term of Governor Derbigny had expired. Governor Dupré was noted for his excellent judgment.

The winter of 1830 was very severe, and the orange-trees were again destroyed.⁴¹ The first session of the tenth Legislature was begun at Donaldsonville on January 3, 1831.⁴² Among the members of the House were W. C. C. Claiborne, a son of the former governor; Charles Gayarré, the historian; Trasimond Landry, who became lieutenant-governor of Louisiana; and Alcée La Branche, who became Speaker of the House. Charles Derbigny, a son of the late governor, was a member of the Senate. Alexandre Mouton, of Lafayette, who was elected Speaker of the House, was destined to play an important part in the history of the State. The returns

of the election for the office of governor were read, and A. B. Roman was found to have received the largest number of votes. His principal competitors had been Armand Beauvais and W. S. Hamilton, whose report on the floods of the Mississippi is mentioned above. He had declined to come into competition before the Legislature with Roman, who had obtained a larger popular vote.

Acting-Governor Dupré referred in his message to the Revolution that had taken place in France in 1830, and to the uprising of the people in Belgium and Holland. He spoke of the danger of the tariff on sugar being repealed, and argued that the tariff was not merely an act of generosity to Louisiana, inasmuch as the State imported from other States from seven to eight millions of dollars of provisions, goods, etc., and the whole agricultural product of Louisiana for exportation was worth between five and six millions of dollars. The acting governor was in favor of prohibition of the further introduction of slaves into the State, as the large disparity in numbers between the white and the black population could not be viewed with indifference or inattention. "The annual supply is gradually pouring in, and scarce a ship arrives from the slaveholding States that does not come freighted with a living cargo of vice and crime, to be disgorged upon our shores and incorporated into our domestic establishments." These are strong words, written in 1831 by a slaveholder who understood the danger to the State of a large slave population.

The Legislature refused to accept the apartments pro-

vided for their accommodation by the citizens of Donaldsonville. They had met in the Court-house on the first day of the session, but had been asked to get another building, as the next morning the roof of the Court-house was to be taken off for repairs. As the Government House was not ready for the use of the Legislature, and there was difficulty in finding suitable quarters, the General Assembly adjourned, on January 6, to meet in New Orleans on January 8. The question of a building appears to have been a pretext, according to the speech of Bernard Marigny made in the Constitutional Convention of 1845: ⁴³

Having promised the country members to remove the seat of government from New Orleans to the country, some years since, to give it a trial, we consented to remove the session of the Legislature to Donaldsonville—that was the decision, and the location was made there. Thanks to the delightful dreamers of those days for the future prosperity of Louisiana, said the contractor; for he got fifty thousand dollars for the job of putting up the State House. But what was the end of this scheme? The members of the Legislature had scarcely assembled ere they began to complain, and many even, it is said, cried with bitterness and mortification at being cooped up in so small a place. Every steamboat that landed was boarded by the Legislature, almost in a body, to know the news from town. Each day was to them an insupportable burden. Each night was fraught with ugly dreams, and each succeeding morning they would say, “I would not pass another such a night for all the world.” At last they all had a dream. It seems one and all were taken in charge by Queen Mab, and she clearly showed them that the walls of the new State House were about to fall over their heads and crush them into mummies. Oh, what a catastrophe! Horrible, indeed! We could

not convince them to the contrary, and back they came to New Orleans.

On their return to New Orleans, on January 8, both houses repaired in a body to the cathedral for the celebration of the anniversary of the battle of New Orleans.

CHAPTER VIII

FIFTEEN YEARS OF GROWTH 1831 TO 1846

Governor Roman's inaugural address—Address of congratulations to the French people on the Revolution of 1830—Cholera in 1832—Resolutions about nullification—Board of public works created—Riot in New Orleans in 1834—New Orleans divided into three municipalities—Financial troubles—Progress of the sugar industry—Documents relating to Louisiana in the archives at Paris—Constitutional Convention—Encouragement of literary talent—Libraries in New Orleans in 1846—Reorganization of the Louisiana Historical Society—Growth of Louisiana as an American State.



ANDRÉ BIENVENU ROMAN

belonged to a family established in Louisiana about 1740. He was born in St. Landry parish on March 5, 1795. His father, Jacques Roman, was a native of Louisiana and raised immense herds of cattle in the vast prairies of the Attakapas country. He moved to St. James parish when his son was a child, and became a successful sugar-planter. André Bienvenu Roman was educated at St. Mary's College, Baltimore. After his graduation in 1815 he bought a sugar plantation in the parish of St. James, and married in 1816. He was elected to the House of Representatives in 1818, was Speaker of that body four years, then parish judge two years, and again Speaker of the House in 1830. After serving four

years as governor, from 1831 to 1835, A. B. Roman was reelected to that office and served from 1839 to 1843. He displayed good judgment and unflinching firmness, and was, without doubt, one of the ablest governors of Louisiana. After his second term, Governor Roman returned to his plantation and refused to reënter politics. He was, however, a member of the Constitutional Conventions of 1845 and 1852, and of the Secession Convention of 1861. He was not a secessionist, but he remained loyal to the State and was one of the three peace commissioners sent to Washington by the Confederate Government in 1861. After the Civil War Governor Roman was appointed recorder of deeds and mortgages in New Orleans, and he died there suddenly while walking in the street, on January 26, 1866. W. H. Sparks says of him: ¹ "Of all the Creole population, A. B. Roman was, at this time, the most prominent and the most talented. In very early life he was elected governor of the State, and discharged the duties of the office with great ability, and, after Claiborne, with more satisfaction to the people than any man who ever filled the office." As president of the draining-company, Governor Roman planned a system of drainage that was very helpful to New Orleans. His five brothers were men of energy and indomitable courage, and so were his two sons—Charles, who fought at Shiloh as acting major of the Orleans Guards, and Alfred, who was distinguished as a soldier, a man of letters, and a jurist.

The inaugural address of Governor Roman, on January 31, 1831, is well written and judicious.² He says

he feels grateful that his election was not due to party spirit, and he rejoices at it, because it proves "that in Louisiana we are all Louisianians, and that we all belong equally to the great American family." He refers to affairs in Europe and to the growth of the liberal spirit, and devotes a great part of his message to the question of education and internal improvements.

On March 24, 1831, the House of Representatives adopted an address to the French people, congratulating them on the glorious Revolution of July, 1830.³ The address was prepared by a committee of which Mr. Gayarré was chairman. It is somewhat bombastic, but is very interesting, and we quote a small part of it:

FRENCHMEN: Your triumph, which filled every portion of our great American family with joy, was hailed with peculiar delight in Louisiana. Yes, the voice of France, whether in glory or in grief, ever finds an echo in Louisiana. We well know that France ever fostered with maternal solicitude the prosperity of Louisiana. When necessity separated her from her bosom, she confided her to the nation most worthy of the trust, and no doubt felt an emotion of pride when that country, which was once a colony of France, rose to the station of a sovereign State, and when the American star was seen glittering in her forehead.

Frenchmen, the congratulations we address you come from our hearts. May we soon be able to offer similar ones to the other nations of the earth. The man of destiny has declared it—a revolution in France is a revolution in Europe! Liberty is then about to commence her triumphal march around the globe, and we hope, if it be necessary, a French car will carry the divinity.

The address was to be printed on vellum paper and forwarded to the American minister in Paris, to be pre-

sented to the Chamber of Deputies. Lafayette, on October 8, 1831, wrote to William C. Rives, the American minister in Paris, that the president of the Chamber of Deputies had told him that an official communication from the Legislature of a foreign state cannot, in France, consistently be received, unless it passes through the French executive, and that the matter ought to be settled previously with the minister of foreign affairs, General Sebastiani. The last-named said that the address, being from a State Legislature with which, according to the federal system, a foreign government could maintain no direct relations, "however high the respect he entertained for the House of Representatives of Louisiana, he could not see how he could, with propriety, charge himself with the communication of their address." This is a curious matter, and we cannot help thinking that our worthy legislators in 1831 allowed themselves to be carried away a little injudiciously by their love for liberal institutions. We could understand their congratulations better if France had become a republic. They believed, probably, that "Louis-Philippe was the best of republics" for France.

In 1831, from August 16 to August 17, a terrific storm drove back the waters of the Gulf into the lakes and bayous, and inundated New Orleans.⁴ Boats in the river were thrown upon the levees, and great damage was done in the city and in the country adjacent to the Gulf. In 1832, the Government House having been burned some years previously, the State bought the old building of the Charity Hospital in Canal Street, to make of it a State

House. In the same year a penitentiary was built at Baton Rouge. The State, which had often been visited with epidemics of yellow fever, suffered severely from Asiatic cholera in 1832. In New Orleans more than five thousand persons died, and yellow fever raged at the same time. Many negroes on the plantations died from cholera. "Jackson and cholera," says Debouchel, quaintly, "met in the United States, exerting at the same time their power."

On January 7, 1833, Alcée La Branche was elected Speaker of the House of Representatives. He was a son of Colonel Alexandre La Branche, and became later a member of the United States House of Representatives and American chargé d'affaires in Texas.

Governor Roman, in his message of January 7, 1833,⁵ says that the cholera was more fatal in New Orleans than in any other city in the Union. In the country its evils were slightly felt. The Union Bank, organized in 1832, has succeeded in preventing the disastrous results that might have followed the withdrawal of large sums by the Bank of the United States. The governor refers to the nullification proceedings in South Carolina, and says that they tend to destroy the very foundations of the Union. "Such doctrines find no advocates in Louisiana." The banking capital at the end of 1832 was \$25,873,420. Governor Roman recommended the establishment of an agricultural society. This was done, and some years later the governor became the zealous and efficient president of the society.

In accordance with the governor's message about South

Carolina, a joint committee of the Senate and House, of which Thomas C. Nicholls was chairman, presented, on February 4, 1833, the following resolutions, which were adopted:

Resolved, That the attitude assumed towards the government of the United States by the State of South Carolina is justified neither by necessity nor law; that the whole course of her policy is calculated to involve the Union in unnatural excitement, and has a direct tendency to weaken the cause of liberty throughout the world.

Resolved, That it becomes the duty, and it is the determination, of Louisiana to support the integrity of the Union, when assailed either by internal commotion or foreign aggression.

The resolutions were to be forwarded to the President of the United States, to the governors of the States respectively, and to the senators and representatives of Louisiana in Congress.

The committee on Federal relations made a long report and recommended the following resolutions:

1st. That nullification and secession are essentially revolutionary measures, no less irreconcilable to that principle which gives life and efficacy to our political institutions, an acquiescence in the will of a majority, seeking only redress through an appeal to an enlightened public opinion, than they are incompatible with every sound principle of government.

2nd. That the tendency of the late measures of South Carolina to bring State rights into disrepute is the point of view in which they are not the least to be deplored or deprecated.

3rd. That an ardent attachment to the Union would induce this Legislature to yield a hearty approval to any measure calcu-

lated to restore harmony, without outraging the rights of the States on the one hand, or humiliating and degrading the constitutional powers of the General Government on the other.

When viewed in the light of subsequent events, the resolutions of the Legislature of Louisiana in February, 1833, sound strange indeed.

On December 9, 1833, Governor Roman announced to the Legislature that cholera had that year ravaged nearly the whole State with almost the same intensity as in 1832, and that yellow fever had appeared in New Orleans when the people had scarcely had time to congratulate themselves on their deliverance from the cholera.⁶ Fortunately, the situation of Louisiana in December, 1833, was again prosperous. The governor deplores the death of Senator Josiah Stoddart Johnston, who perished in one of the frequent steamboat accidents of that time.

On December 11, 1833, John McDonogh petitioned the Legislature, praying to be authorized to educate certain slaves. On January 5, 1835, Governor Roman announced that a board of public works had been created in 1833 and referred to the numerous internal improvements accomplished from 1831 to 1835. He said the exports of Louisiana for 1835 would amount to more than forty million dollars—five hundred thousand bales of cotton, one hundred thousand hogsheads of sugar, and twenty-five thousand hogsheads of tobacco forming the basis of them.

In 1834 a riot in New Orleans was caused by the supposed cruelty of a woman to her slaves. An immense crowd attacked her house, and destroyed everything that

was in it. Seven slaves were found chained and bearing marks of cruel treatment. The woman succeeded in escaping the fury of the crowd, and went to live in France.

On January 12, 1835, Charles Gayarré was elected United States senator, but he was unable, through illness, to occupy his seat in the Senate. On February 3, 1835, John R. Grymes made an attack on the person of Alcée La Branche, Speaker of the House, while the latter was walking toward the chair. After a full investigation of the facts, Grymes was brought to the bar of the House and severely censured by the Speaker *pro tempore*. Mr. Grymes, a Virginian by birth, was one of the ablest lawyers in Louisiana. He succeeded, as attorney of the city of New Orleans, in making good the city's title to the Batture property. "By an agreement of all parties," says Sparks, "this Batture was surveyed into squares and lots, and sold at public auction, and the money was deposited in the Bank of Louisiana, to the credit of the Supreme Court of the United States, to abide the decision of that tribunal as to the rightful ownership. The decision gave it to the city. Grymes, as attorney for the city, by order of the court, received a check for the money. The bank paid the check, and Grymes appropriated one hundred thousand dollars of it as a fee for his services, and then deposited the remainder to the credit of the Mayor and Council of the city." ⁷ Another great lawyer in those days was Étienne Mazureau, a Frenchman by birth, who was for many years attorney-general of Louisiana.

Edward Douglass White was elected governor by the



Legislature, January 6, 1835. His competitor before the people had been John B. Dawson. Governor White was born in Tennessee, and was educated at the University of Nashville. He had filled the offices of judge of the City Court of New Orleans and representative to Congress before his election as governor. He died in 1847. He was the father of Justice E. D. White, of the United States Supreme Court. During his administration Louisiana seemed to be "possessed with Bankomania,"⁸ as Jefferson used to say, and several new banks were established. In 1836 New Orleans was divided into three municipalities, each declared to be a distinct corporation, and governed by a council composed of a recorder and the aldermen elected by the wards within the limits thereof. There was one mayoralty, and a general council, composed of the councils of the three municipalities, with power to legislate on points of common interest, over which the recorder of the first municipality presided. There were twenty-four aldermen in the council of the first municipality, ten in that of the second, and seven in that of the third. The first municipality comprised the region about the old French and Spanish town, the second began at the Faubourg St. Mary, and the third at the Faubourg Marigny. The mayor had a qualified veto. The Faubourg St. Mary improved wonderfully, thanks to the enterprise and perseverance of Samuel J. Peters and James H. Caldwell. Peters was a merchant and a Canadian by birth. Caldwell was a comedian by profession, and a native of England. He built, in 1822, the first English theater in New Orleans, the Camp Street

Theater, and was the first to light the city with gas. Peters and Caldwell were aided in their projects by Edward York, a merchant of the city.

In 1837 fourteen banks in New Orleans suspended specie payments,⁹ and to replace small coin the three municipalities issued bills varying in value from one bit (*escalin*) to four dollars. Corporations and individuals also issued bills. The new tariff had caused a depreciation in the price of sugar, and on some plantations cotton was cultivated instead of sugar-cane. In 1834 Louisiana had produced one hundred and fifty-five thousand bales of cotton; in 1837 the production was two hundred and twenty-five thousand bales. There was a great deal of speculation, and many failures took place. In 1838 the banks adopted good financial measures, and in 1839, when Governor White retired from office, specie payments had been resumed and the financial crisis was passed.

On February 4, 1839, A. B. Roman was inaugurated for the second time governor of Louisiana. His competitor had been Denis Prieur. In his inaugural address he uses these noble and wise words:¹⁰

I announced before the election, that I would be the Governor of Louisiana, and not the chief of a party. I am proud to repeat that declaration here. Recognizing in every citizen the right to act and to think freely, in relation to the great political questions which divide us, I shall know how to respect in others that independence of opinion which I claim for myself. Those who think that it is enough to be honest, capable, and faithful to the constitution, in order to merit public employments, are themselves, in my opinion, unworthy of any.

Governor Roman was a Whig in politics, but he was not a partisan. He was not one of those politicians who declare that the spoils belong to the victor. He recommended moderation and prudence in dealing with the abolitionists, whose "incendiary doctrines" had been supported by the influence of some members of Congress "whom it would not be unjust to regard as affected with mental alienation." The governor referred to the invasion of the soil of Louisiana by a body of armed men, under the command of an officer of the republic of Texas, who marched as far as Shreveport.

On January 7, 1840, Governor Roman sent to the Legislature a message in which he treats of the financial situation of Louisiana and of the United States. This message gives excellent advice about the banking system. Andrew Jackson was invited in 1840 by the citizens of New Orleans to join them in the commemoration of the victory of January 8, 1815. He accepted the invitation, and the Legislature requested the people of New Orleans to permit them to adopt the invitation to Jackson as that of the whole State, and that he be regarded as the guest of Louisiana, instead of the guest of New Orleans. Five thousand dollars were placed at the disposal of a joint committee of the Senate and the House, to defray the expenses of the celebration.

An agricultural society had been incorporated in 1833, of which Governor Roman was president. Its headquarters were in the parish of St. James, on a small farm that it had purchased. There were in Louisiana in 1840 five hundred and twenty-five sugar plantations, employ-

ing forty thousand laborers and producing annually about seventy million pounds of sugar and three hundred and fifty thousand gallons of molasses.¹¹ The price of sugar was only three to four cents a pound.

The first species of the cane cultivated in Louisiana was the Malabar, Bengal, or Creole. It was very sweet and tender, but was easily frost-bitten and had such prickly leaves that often the laborers and mules were wounded by the thorns. The Tahiti species was introduced about 1790, but it is not known by whom. The third species, the ribbon cane, which superseded the former varieties, was originally from Java. It was introduced into Louisiana by Jean Joseph Coiron, who had a plantation at Terre-aux-Bœufs. Mr. Coiron was a native of Martinique, and had resided in Savannah, Georgia. In 1817 he planted some of the ribbon cane in his garden, and "in 1825 he bought a schooner-load of them and planted them on his plantation. From this plantation they were scattered over the entire State and gave a new ardor to sugar culture. Its ability to withstand greater cold enabled the planters to open new plantations further north, and this greatly enlarged the area of cane-growing in Louisiana."¹² Although the sugar-planters had to contend against great obstacles, such as inundations, or crevasses, tariff fluctuations, and early frosts, they were, as a whole, highly successful until 1862. They were men of intelligence, of enterprise, and of tireless energy, and it is a great mistake to suppose they led lives of idleness. They were as laborious as they were honorable, hospitable, and charitable. They at first used

cattle-power, but in 1822 steam-power was introduced and gave a great impetus to the industry.¹³ In 1818 the crop was twenty-five thousand hogsheads, of about one thousand pounds each, and in 1861 it was two hundred and thirty-five thousand eight hundred and fifty-one long tons.

The first planter that ever boiled syrups in vacuum-pans in Louisiana was Thomas A. Morgan, of Plaquemines parish, in 1830. Gordon and Forstall, and Valcour Aime, of St. James parish, used the vacuum-pan about the same time; but the latter, on account of his numerous and costly experiments, is considered the pioneer in refining sugar directly from the cane-juice.¹⁴

Important articles on sugar and the sugar-cane are to be found in "De Bow's Review," contributed by the editor, by Valcour Aime, by Edmond J. Forstall, by Judge A. P. Rost, and by Judah P. Benjamin.

The cotton crop in 1840 was about two hundred thousand bales, of four hundred pounds each. In 1811 the crop had been only five thousand bales. There were in 1840 three public canals, and ten railroads completed or begun, and in New Orleans there were sixteen banks, with forty branches in the parishes.

The Presidential election in Louisiana in 1840 was very lively, and the Whigs won, the vote of the State being cast for William Henry Harrison. The principal Whig orators were Mazureau and Seargeant S. Prentiss, of Mississippi, and of the Democrats John R. Grymes and Pierre Soulé. In 1840 imprisonment for debt was abolished.

In his message of January 4, 1841,¹⁵ Governor Roman speaks of the intense political excitement of the last Presidential election, and recommends the adoption of a registry law for voters. He says the solvency of the banking institutions in Louisiana is so well established that the notes they issue, although not redeemed in specie, are at a discount of hardly two per cent. "Their paper is in demand throughout the State, and forms very nearly the only circulation of a neighboring State." At the beginning of 1839 the State owed to the banks seventy-five thousand dollars; the debt in 1841 amounted to eight hundred and fifty thousand dollars. Governor Roman had vetoed several bills by which State bonds were to be issued in favor of incorporated companies. As these bills were supposed to be intended to foster internal improvements, the governor was assailed by nearly all the newspapers in the State, and is said to have been burned in effigy in his native parish of St. Landry.¹⁶ The banks suspended specie payments toward the latter part of 1841, and there were great financial difficulties. Governor Roman's firmness and excellent judgment in a financial crisis were soon highly appreciated by the very persons who had attacked him most violently. On the subject of the vetoes the governor says: "It was in vain that I urged on them [the members of the Legislature] that to incur a debt or issue bonds, without providing at the same time certain means for their payment, is to vote a tax from which in the end the people cannot escape."

In February, 1841, one of the judges of the Supreme Court absented himself from the State, and a joint com-

mittee of the Senate and the House addressed a letter on the subject to François Xavier Martin, senior judge of the Court. The following extract from the latter's reply shows the independent spirit of the man: "With regard to the motives which induced the court to grant him the leave, no one has a right to inquire into them: the judiciary is one of the three coordinate branches of the government, absolutely independent from and irresponsible to either of the other two."

On December 13, 1841, Governor Roman informed the Legislature that there were in Paris a large number of manuscripts relative to the colonial history of Louisiana, and that he had obtained permission to have them examined and copied. This work was done by a Louisianian, and the governor recommended that a small appropriation be made to pay for it. He added that the papers in the archives in France shed new light upon the annals of Louisiana. "It will appear, for instance, that the true object of the conspiracy which O'Reilly deemed it his duty to extinguish in the blood of its chiefs, was not, as then proclaimed, to restore the dominion of France, but to establish a republican government under the protection of England. So that Lafrénière and Villeré were the first martyrs of American liberty, and poured out their blood in the attempt to establish a republic in Louisiana eight years before the Declaration of Independence of 1776." The sum of one thousand dollars was appropriated by the Legislature to pay for the copy of the documents.

On January 3, 1843, Governor Roman sent his last message to the Legislature.¹⁷ He said:

I leave the office with which I have been honored, with the painful conviction of having done very little for the good of the State, and of having often failed in preventing what was injurious. It affords me some relief, however, to be able to say that I have refused my signature to various bills which, but for my disapproval, would have added to the debts of the State the sum of seven million one hundred and eighty-five thousand dollars, and that the act which binds us to pay, without any consideration, five hundred thousand dollars for the Clinton and Port Hudson Railroad does not bear my name. My true consolation is in the certainty that distress, in a country so endowed with every element of prosperity and wealth, cannot be durable. . . . Louisiana must yet be prosperous and happy, if the means which we still retain are administered with that prudence and economy which should have been always observed.

On January 30, 1843, Alexandre Mouton took the oath of office as governor. His competitor had been Henry Johnson. The new governor was born in the Attakapas country, on November 19, 1804; he was a descendant of Acadian exiles who had taken refuge in Louisiana after their ruthless expulsion from their homes by Lawrence in 1755. When elected governor he had had large experience in public affairs, having been Speaker of the House and United States senator. He was president of the Secession Convention of 1861. General Alfred Mouton, killed at Mansfield in 1864, was his son. Governor Mouton was a Democrat in politics. In his inaugural address he expresses his sentiment for State rights; he deplores the unfavorable financial situation of Loui-

siana, the State owing to the banks one million two hundred thousand dollars, and for State bonds on which the interest was unpaid. There were many other financial obligations, but the governor says manfully:

We must meet the exigencies of our own times, and not throw them upon our children; their days will have their evils, dangers, and trials, as ours have had. Then let us not worry them. The present generation received our State and metropolis without a stain and without a debt. Let us, as far as depends upon us, transmit our heritage unimpaired to our successors.¹⁸

In July, 1844, an election was held for members of a convention to revise the Constitution of 1812, the people having voted by a great majority for such a revision. The convention met at Jackson on August 5, 1844, but adjourned on August 24 to meet in New Orleans on January 14, 1845. It was in session until May 16, 1845, and adopted a constitution.

Among the members of the convention were the following: Ex-Governor A. B. Roman, John R. Grymes, Felix Garcia, Duncan F. Kenner, Joseph Walker, Pierre Soulé, Bernard Marigny, George Eustis, Christian Roselius, William C. C. Claiborne, C. M. Conrad, Judah P. Benjamin, Antoine Boudousquié, Isaac T. Preston, and Thomas H. Lewis. Bernard Marigny was elected temporary chairman, and Joseph Walker, of Rapides, permanent chairman. Horatio Davis was secretary of the convention.

The Constitution of 1812 was no longer considered sufficiently democratic, and that of 1845 was certainly

an improvement on it. An important change was the creation of a new office, that of lieutenant-governor, who was to be president of the Senate and to succeed the governor for the residue of his term, in case of the latter's death, removal from office, or resignation. The governor and the lieutenant-governor were not required to possess any property qualification as in the old Constitution. They must have attained the age of thirty-five years, been fifteen years citizens of the United States, and residents within the State for the same period next preceding the election. The governor was made ineligible for the succeeding four years after the expiration of the time for which he was elected.

J. D. B. De Bow gives the following account of the proceedings of the convention:

Great and strenuous exertions were made in the Convention to apply the native American qualification, and thus exclude from this high office whoever may have had the misfortune not to have been born amongst us. This, we think, is carrying proscription entirely too far, and we rather agree in the main with those eloquent gentlemen who battled against the attempted innovation, and so triumphantly demonstrated its unjust and injurious tendencies. Amongst these most conspicuously stood Mr. Soulé, the gifted advocate, and Mr. Marigny. These gentlemen might have been considered as the advocates of the French interests of Louisiana, and standing, as it were, intermediate between the order of things which belonged to the State in early days, and the new one which has been coming upon her. We can appreciate the delicacy of their position in the Convention during such a discussion as this, and admire the skill, ability, and patriotism with which they conducted themselves. "Is it because the times are changed," said Mr. Soulé, "that we have to seek new subjects

to immolate upon the altars of prejudice? Be it so. Attempt to enforce the spirit of persecution. The times are not far off when, yielding this question, it will not only embrace the limits of the State, but will gradually come down to districts, then to parishes, then to towns, and finally we shall be told that we must choose our governor or representatives from such and such a plantation." The case is an extreme one, but we heartily agree with Mr. Soulé. That proscription, once commenced, will know no limits.

Mr. Marigny made a long speech full of historical reminiscences, sarcasms, good humor, and admirable good sense. He appeared to have thrown himself into the subject with an enthusiasm which none but a Frenchman could have felt. "Sir," said he to Benjamin, "contrary to all parliamentary usage, you call upon the other distinguished member from New Orleans, Mr. Soulé, and ask him: Sir, suppose you had been placed at the head of an army to meet in deadly combat your own countrymen, could you, would you have done it? Sir, I tell you that you have inflicted upon him unjust provocation, and I give you distinctly to understand that I take up the glove in his behalf; and, Sir, I trust that you will not complain of my not being a native of the country, since I descend from those ancient warriors who conquered the country, and here represent six generations of Louisianians. Fortunately for me, all your fine quotations are lost upon me. I have never read any of those works which are supposed necessary to make a logical man. But, Mr. President, I am one of those who, looking at things as they are, feel myself capable of meeting the emergency of the hour, and of according my political acts to the political wants of my country. But, Sir, I ask you by what right do you expect to disfranchise, in 1845, those who have rights guaranteed them in 1812. Sir, I tell you—I, Bernard Marigny, tell you—that you are, after all, nothing but the servants of the people, nothing more, nothing less; presume upon your authority, and they will soon bring you to a just appreciation of their power over you; and it would not at all surprise me if they were obstinately to persist at the very next election in selecting a gov-

error from the very men whom you are so anxious to exclude. The laws of the land recognize no distinction between one class of citizens and another. Is there any principle of free government, any principle of republicanism, to sanction such a pretension? They say that a naturalized citizen is not to be intrusted with the powers we confer upon our governor. What, Sir, is the power of the governor, compared with the power we are now administering?" The native American exclusiveness was thrown out of convention, and we consider it dead in Louisiana.

Hereafter, the elections all over the State are to be completed in one day, a provision of much wisdom when it is considered how largely it shuts the door against all frauds. The time of election, too, changed from the first Monday in June to the first Monday of November, evidences a disposition to protect the ballot box from the influences of those who are content to make Louisiana only a depot for their merchandise and an office for their trade during a part of the year, and have their homes in every part of the United States. These men now brave the "baptism of yellow fever" or they can never be considered citizens of Louisiana, enjoying the plenitude of the elective franchise. It cannot be doubted that the new arrangement will do much towards fixing a population with local attachments and sympathies, in place of the incongruous masses which have been only crowding here for a short season. The voter must have resided two consecutive years in the State, without an absence at one time of over ninety days, unless leaving a house or an office in his occupation; with this qualification, every white man may vote. The Legislature is to meet biennially, and not to sit longer than sixty days; the policy of which there can be no question about. Long parliaments have always been wicked ones. The representative must have resided three years in the State, and the senator ten years.¹⁹

The judicial power was to be vested in a Supreme Court, in District Courts, and in justices of the peace.

The Legislature was prohibited "from pledging the State faith in aid of any private persons, corporations, or bodies politic, except so far as issuing bonds against outstanding liabilities."²⁰

The granting of divorces was left with the courts and no longer with the Legislature. A stringent clause was inserted against dueling.

The most important articles about education were the following:

The Legislature shall establish free public schools throughout the State, and shall provide means for their support by taxation on property or otherwise.

A university shall be established in the City of New Orleans. It shall be composed of four faculties, to wit: one of law, one of medicine, one of the natural sciences, and one of letters.

The university was to be called the "University of Louisiana," and the Medical College was to constitute the faculty of medicine. The Legislature was ordered to provide for the further organization and government of the university, but most unwisely and strangely was not bound to contribute by appropriations to the establishment and support of the institution. A State superintendent of education was to be appointed for the term of two years, and a seminary of learning was to be established. The latter institution was founded later at Alexandria, and General William T. Sherman was for a little time its superintendent. It was succeeded by the present Louisiana State University and Agricultural and Mechanical College at Baton Rouge.

Universal suffrage was established by the Constitution of 1845, under which "every free white male, who has been two years a citizen of the United States, who has attained the age of twenty-one years, and resided in the State two consecutive years next preceding the election, and the last year thereof in the parish in which he offers to vote, shall have the right of voting." The Constitution was ratified by the people, and the new Legislature met on February 9, 1846. Charles Gayarré and Victor Debouchel, the historians, were members of the House. Gayarré had been a very active member of the last Legislature, and was of that of 1846. He was, a little later, appointed secretary of state by Governor Isaac Johnson.

In his last message on February 10, 1846,²¹ Governor Mouton announces the return of prosperity to the State, and adds the following words, which have always proved to be true in the history of Louisiana: "Happily, there is a spirit of enterprise among our citizens, which, aided by the productiveness of our soil and the commercial advantages of our State, will ever prevent long-continued depression." The governor says that, on the requisition of the general commanding the Southern Division of the United States army, he sent to Texas, in the summer of 1845, two companies of artillery with field-pieces; and that these volunteers, engaged for three months, served their time faithfully and secured the marked approbation of the general commanding the army in Texas.

The penitentiary was for several years a source of great expense to the State. In 1846 the governor announced that it had been leased for a term of five years,

and the State had been relieved of all its expenses. Referring to education, Governor Mouton says: "Experience in other States, as well as in this city, proves the free-school system to be the only efficient one; all others have been vastly expensive and of very little utility." He says that, under the provisions of an act of 1842, he has purchased two volumes of manuscripts, copied from the French archives, respecting the early history of Louisiana, and he recommends that some measure be adopted to procure from Spain copies of documents relating to Louisiana as a Spanish colony. The State debt, greatly reduced, amounted in 1846 to one million three hundred thousand dollars, for which bonds had been issued. Governor Mouton concludes his message by announcing officially the death, on June 8, 1845, of Andrew Jackson.

It has fallen to the lot of but few men to secure to the same degree the confidence and esteem of the people of this country, and none more than the citizens of Louisiana knew how to appreciate the great traits of his noble character; he was specially entitled to their gratitude for the signal services which he rendered in the successful defence of Louisiana from foreign invasion.

Governor Isaac Johnson, of West Feliciana, was inaugurated governor on February 12, 1846. His principal competitor had been William Debuys, former Speaker of the House. Trasimond Landry had been elected lieutenant-governor. Isaac Johnson had been a member of the Legislature and a district judge. In his inaugural address he expresses with force his belief in the rights of the States as distinct from those of the Gen-

eral Government. He congratulates the people on the accession of Texas to the Union, and he says the establishment of free schools will not be easily effected in some sparsely settled parts of Louisiana. "But the Legislature will feel the necessity of carrying mental culture, by some means, to the humble cottage of the poorest child, and make adequate provision accordingly."

A bill was passed to purchase one hundred copies, at three dollars a copy, of Gayarré's "History of Louisiana," in French, for the use of the public schools: ²²

For the promotion of the literary talent of our common country, and more particularly of Louisiana, the law-giving power should ever lend its warmest support and countenance. A new era is about to dawn upon us in the establishment of free schools, and it well becomes a great State to encourage the rising generation, by rewards of public gratitude and legislative approval to those who have preceded in the walks of literature and science. The first volume of the History of Louisiana is undoubtedly worthy of the commendation bestowed upon it by the press and common opinion, and it is to be hoped that Mr. Gayarré will continue his laudable enterprise to a full completion.

The Legislature adjourned on June 1, 1846, to meet on January 11, 1847. It had a great deal of work to do to put into effect the different clauses of the new constitution. The year 1846 is important in the history of Louisiana. It is noticeable for the war with Mexico and the establishment of free public schools and a university. New Orleans at that time had four libraries accessible to the public.²³ The first in size and importance was that of B. F. French, containing about seventy-five hundred vol-

umes. In 1842, when no public library existed in the city, Mr. French opened his for the use of the public, for reference, free of charge, and it had remained so. The second library in importance was that of the State, containing about three thousand volumes. The third was the Public-School Library of the Second Municipality, containing about three thousand volumes. This was a subscription library. The fourth library was that of the Young Men's Free Library Association. This also was a subscription library and contained about two thousand volumes.

In 1846 Judge François-Xavier Martin died.²⁴ The court of which he had been a member had ceased to exist in consequence of the adoption of the constitution of 1845. This remarkable man was born in Marseilles on March 17, 1762. At the age of eighteen years he went to Martinique, and then to Newbern, North Carolina. There he first taught French, then he became a printer, later publisher of a newspaper, and finally was admitted to the bar in 1789. While in North Carolina he wrote and published books on law and a history of that State. In 1809 he was appointed judge of the Territory of Mississippi, and in 1810 he was transferred to the bench of the Superior Court of the Territory of Orleans. In 1812 he was appointed attorney-general of Louisiana, and in 1815 a judge of the Supreme Court. He published in 1827 his *History of Louisiana*, which is very valuable. It is reliable and is written with judgment and impartiality. The style is clear, though somewhat too dry. Judge Martin was exceedingly laborious and highly

honorable, and his only defect was an extraordinary parsimony. He left a large fortune to his brother, and, strange to say, the will of that great jurist was contested. The Supreme Court, however, maintained it. Martin was a foreign member of the Academy of Marseilles and a doctor of laws of Harvard University. He died on December 10, 1846, and a shaft of granite marks his resting-place. He had sat on the bench with George Matthews and Pierre Derbigny.²⁵ The latter resigned his seat in 1820 in favor of Judge Porter. In 1846 the Supreme Court was reorganized, and the judges were George Eustis, chief justice; associates, King, Rost, and Slidell.

The Louisiana Historical Society was also reorganized in 1846. It had been established in 1836, and Judge Henry A. Bullard was its first president. In June, 1846, it was reorganized by John Perkins, J. D. B. De Bow, Edmond J. Forstall, Charles Gayarré, General Joseph Walker, and Alfred Hennen. Judge Martin was elected president. In 1847 the society was incorporated, and Judge Bullard was elected president for the second time, and John Perkins and J. D. B. De Bow secretaries. Judge Gayarré was elected president in 1860; but the time was inauspicious, and the society slumbered from 1860 to 1877, when a new charter was obtained from the Legislature, transferring the domicile of the society from Baton Rouge to New Orleans. In 1888 Judge Gayarré resigned the office of president, and the Hon. William Wirt Howe, a distinguished jurist, was elected president. He held that office until February, 1894, when Alcée

Fortier was elected to succeed him. The events from 1831 to 1846 are not as spirited as those of preceding years, but they are important. They indicate the growth of Louisiana as an American State, the adoption of more democratic principles in the administration of the commonwealth, and the foundation of a great system of free public schools.

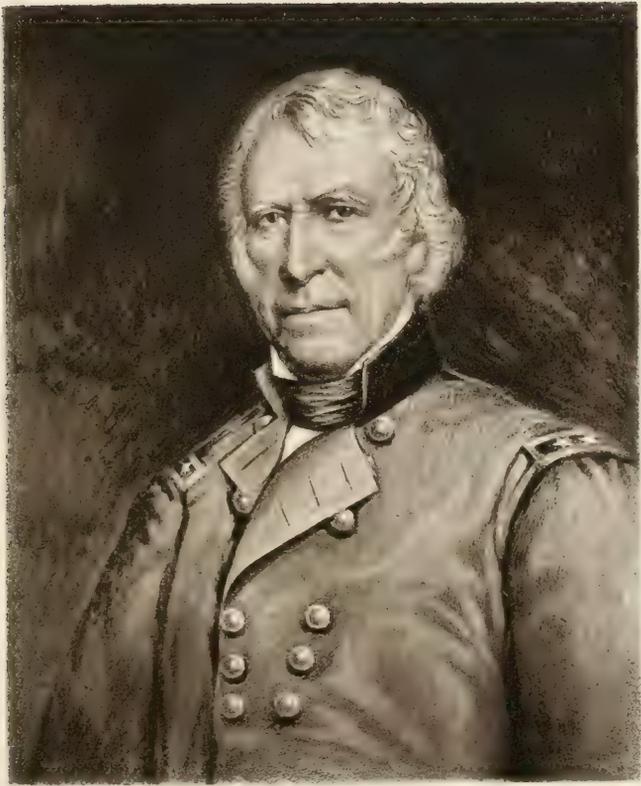
CHAPTER IX

FROM THE MEXICAN WAR TO THE CIVIL WAR 1846 TO 1861

Taylor's army of occupation—Louisiana troops in the Mexican War—Public schools helped by the establishment of a university—Governor Isaac Johnson on the Wilmot Proviso—The University of Louisiana—President Hawks's report—Baton Rouge the capital of Louisiana—Consolidation of the three municipalities in New Orleans—Epidemics in 1853 and 1854—The Know-Nothing party—The destruction of Last Island—Disorder in New Orleans in 1858—Secession Convention of 1861—Governor Moore takes possession of forts and arsenals in Louisiana—Ordinance of Secession.



IN July, 1845, General Zachary Taylor's army of occupation was sent to Texas and was encamped at Corpus Christi. As his forces were insufficient, a call was made upon General Edmund Pendleton Gaines, commanding the Department of the South, for volunteer artillerists. Great enthusiasm was displayed, and two batteries were selected by General Gaines—Captain Forno's Native American artillery and Captain Bercier's battery of the Orleans artillery. Both were placed under the command of Major Gally, of the Orleans artillery, and were despatched to Corpus Christi. On the arrival of United States mounted batteries, Gally's batteries returned to Louisiana, after three months' ser-



vice. Zachary Taylor, born in Virginia in 1784, had been living in Louisiana since 1840.

On April 26, 1846, General Taylor called for five thousand volunteers from Louisiana and Texas, and on May 5 a large meeting was held in New Orleans. The president was Colonel William Christy,¹ and the vice-presidents were Major Mountford, Peter K. Wagner, Alcée La Branche, S. J. Peters, S. W. Downs, and William C. C. Claiborne. Patriotic resolutions were adopted, and speeches were made by Theodore G. Hunt, Randell Hunt, and others. A roll was forthwith opened for the inscription of names of volunteers, and some one in the crowd called out: "Those on the platform sign first." The suggestion was complied with, and the roll was signed with enthusiasm by the officers of the meeting and by many other men. On May 9 a stand of colors was presented to General Persifer F. Smith, for the Louisiana volunteers, by the ladies of New Orleans. On May 10 the Louisiana Legion offered its services through General Donatien Augustin. General William Debuys, former candidate for governor, shouldered a musket alongside of his sons in the Orleans Guards. On May 25 there was a mass meeting, presided over by Governor Isaac Johnson, and thanks were voted to Generals Taylor and Gaines, and to Taylor's soldiers, to Governor Johnson, and to the authorities of the State, and satisfaction was expressed at the enthusiastic response of the citizens. The battles of Palo Alto on May 8, 1846, and of Chaperalo on May 9 were declared to be among the proudest memorials of American skill, discipline, and gallantry.

Besides the Louisiana Legion, the number of volunteers was forty-eight hundred and sixty-four in June, 1846.

The Legislature made an appropriation of three hundred thousand dollars, and the soldiers were quickly encamped, says Colonel William Miller Owen in "Memoirs of Louisiana," on the Rio Grande from its mouth to Matamoras. The same writer adds:

Strange to say, up to March 1, 1847, in all the battles with Mexico, the Louisiana State militia was represented by General Persifer F. Smith and the Phœnix Company, Captain Albert G. Blanchard, Lieutenants Tenbrink and Scott.

As the Louisiana volunteers had enlisted for three and six months, and the War Department preferred twelve-month volunteers, most of the men from Louisiana were mustered out of service before the end of the war. Captain A. G. Blanchard deserves great credit for raising the Phœnix Company from the ashes, as it were, of the Louisiana militia, and for serving until the war was ended. With regard to the capture of Monterey, Kendall says:

To render success certain, the Fifth Infantry, with Captain Blanchard's Louisiana Volunteers—the latter as good and trusty soldiers as ever shouldered a musket—were sent to do the work.

Colonel Owen mentions a battalion of volunteers raised in Louisiana in May, 1847, commanded by Lieutenant-Colonel Charles Filsca, which performed good service under General Scott until July, 1848. During the war with Mexico a distinguished son of Louisiana began a

celebrated military career, G. T. Beauregard, who was destined to play an important part in the Civil War.

In his message of January 11, 1847, Governor Isaac Johnson refers at length to the Mexican War and announces the death of United States Senator Alexander Borrow. The latter was succeeded by the great orator Pierre Soulé. The first Legislature convened under the constitution of 1845 terminated its labors on May 4, 1847, and the Speaker, Preston W. Farrar, delivered a valedictory address, the first of the kind in the history of Louisiana.

The Legislature met on January 17, 1848, in regular session at New Orleans for the last time before the removal of the capital to Baton Rouge. Governor Isaac Johnson's message of January 18 is an able and very complete state paper.² The governor declares that he is in favor of annual and limited sessions of the Legislature, and that if sessions are biennial they should be unlimited. He announces that the University of Louisiana has begun its operations, and says the establishment of a system of education, beginning with the common schools and ending in the university, will be hailed as the brightest era that has yet occurred in the history of the State. If the university is sustained, "then, and perhaps not till then, the common-school system will have become deeply and firmly fixed in the habits and affections of the people, who with fair opportunity will fully comprehend the truth that even the learning of one man makes a thousand learned."

Governor Johnson says the volunteer troops from Loui-

siana have been denied the rare good fortune of participating in any of the great battles of the war with Mexico, but he adds that "in all contests with the enemy, in the shifts and turns of guerrilla warfare, in patient endurance and discipline, they have proved themselves quite equal to experienced veterans." The governor speaks with indignation of the Wilmot Proviso as an attack upon the institution of slavery, and says it is a question over which Congress is not invested with the slightest authority under any circumstances. "The issue has been forced, and it should be met respectfully and temperately; but at the same time with a firm and uncompromising resistance. Let us, at least, take care that they who have sowed the speck of storm shall not force us to reap the whirlwind." These were ominous words delivered thirteen years before the fated year 1861.

A sword and a gold medal were presented to General Zachary Taylor by the State, and a sword to General Scott and one to General Worth. The patriotism of the Legislature during the Mexican War was as great as during the invasion by the British in 1814 and 1815.

The Legislature adjourned on March 16, 1848, to meet in Baton Rouge in 1850, and the Speaker, Preston W. Farrar, in his valedictory address, referred feelingly to the city of New Orleans:³

This is the last meeting of the Legislature of the State in its ancient and renowned capital. By the fiat of the people, this noble city, founded and inhabited by the fathers of Louisiana, and of all other spots more boldly allied with her chivalry and romantic history—whose name is associated with a victory that electrified

all Europe with wonder and with admiration for the valor and prowess of American arms—a city whose fame “sits on a high hill,” and attracts the confidence of the world, and on this flourishing commonwealth reflects so much honor and glory—has, by those who are its natural guardians, and who should have been its protectors, been decreed unfit to even dispense the commonest hospitality to the representatives of the people. . . . Perhaps it has been aptly though fortuitously ordained that the last Speaker in this Chamber should himself be a citizen of New Orleans, and that he should surrender to the iron will of the Convention the keys of the old Capitol. It is done. And we now bid it God-speed, and entreat that the new mistress of the people may resemble our own proud city in all things, except its ability to serve and its fortune to please the people.

The University of Louisiana, referred to in Governor Isaac Johnson's message, was successful in its departments of medicine and law. The academical department did not prosper, although commerce was introduced as one of the subjects taught, and the distinguished editor J. D. B. De Bow was made professor of that important branch of knowledge. Rev. Dr. F. L. Hawks was the first president of the university, and in his report in 1848 he says: “Without adopting all the views of modern utilitarianism, we hesitate not to say that the education is essentially defective which discards all consideration of utility.” He recommends a thorough knowledge of the French and Spanish languages, a practical scientific course, and the establishment of a professorship of commerce.

There was a special session of the Legislature in December, 1848, to consider the question of free public

schools, and five hundred and fifty thousand dollars were appropriated for their organization and support. The first superintendent of public education was the distinguished scholar Alexander Dimitry.

The Legislature met for the first time at Baton Rouge on January 21, 1850, and Preston W. Farrar was again elected Speaker of the House, in spite of his dislike of the new capital of the State. In his message, Governor Isaac Johnson urges an increased appropriation for free public schools, and says that already twenty-two thousand children are being educated in those schools.⁴ He refers in energetic words to the "repeated, galling, and unprovoked aggressions of antislavery."

On January 28, 1850, General Joseph Walker took the oath of office as governor, and General J. B. Plauché as lieutenant-governor. Their opponents had been A. De-clouet and D. F. Kenner. In his inaugural address Governor Walker mentions the happy selections made by the people in the parishes where elections had been held, and recommends that the constitution be amended so that all judges be elected. He lays much stress on the necessity for good public schools and, like his predecessor, expresses his sentiments very forcibly on the antislavery agitation.

Joseph Marshall Walker was born in New Orleans, but became a cotton-planter in Rapides parish.⁵ He was a Democrat in politics, as had been Governors Isaac Johnson and Alexandre Mouton. Indeed, under the skilful leadership of John Slidell, the Democratic party retained the administration of affairs in Louisiana until the times of the Civil War.

The Constitution of 1845 was not considered to be sufficiently democratic, and, notwithstanding the opposition of Governor Walker, a convention was called to change it. The governor had reaped what he had sown when he had advised an amendment making the offices of all judges elective. The convention assembled in Baton Rouge on July 5, 1852, and adjourned on July 31. The president was Duncan F. Kenner, and the secretary J. B. Walton. The Constitution of 1852 was a very radical production. The candidates for governor and lieutenant-governor were no longer required to be thirty-five years of age and to have been fifteen years citizens of the United States and residents of Louisiana for the same period next preceding the election. By the new constitution, the age required was twenty-eight years, and the time of citizenship and residence within the State was reduced to four years. The offices of all judges, including the Supreme Court, were made elective, the sessions of the Legislature were to be annual and limited to sixty days, and, says Mr. Gayarré, "the restriction against running the State into debt and against creating banks, being found inconvenient, was left out in the new constitution."

In 1852 the three municipalities in New Orleans were consolidated into one, and the city of Lafayette was included in the city limits.⁶ In the new city government there were two chambers, one of aldermen elected by municipal districts, and one of assistant aldermen elected by wards. There was a mayor, ex-officio chief of police, and a controller, a surveyor, and a street commissioner.

The Constitution of 1852 ordained that the secretary

of the Senate and the clerk of the House of Representatives be conversant with the French and English languages, and members were allowed to address either house in French or in English.

In his last message, on January 17, 1853, Governor Walker speaks more hopefully of the condition of national affairs, and gives good advice with regard to the power granted by the constitution to create banking institutions, saying that probably there never was a time when it was less necessary to extend this class of facilities than the present. With regard to the necessity of educating the people, he utters the following wise words: ⁷

Mexico, a neighboring Republic, possesses a constitution and form of government almost identically the same as ours, and yet she is subject to an almost constant reign of anarchy and despotism, while we enjoy all the blessings of peace and good government. Why is this? Why this difference? It is mainly, without doubt, to be attributed to the superior education and intelligence of our people. The best form of government is but of little avail to a people unless the right views and right feeling prevail among its great masses, and this can never be the case unless the youth are blessed with a good education.

Governor Walker says he agrees with Judge Gayarré, the secretary of state, in his recommendation that the French and Spanish historical documents belonging to the State should be published. The governor pays a high tribute to Gayarré as a historian, and quotes from the fifth volume of Bancroft's *History of the United States* the following well-deserved compliment: "The work of

Gayarré is one of great merit and authority, built firmly on trustworthy documents."

On January 18, 1853, the votes cast for governor and lieutenant-governor were counted, and Paul O. Hébert and W. W. Farmer were declared elected. The new governor was of Acadian descent and was born on November 12, 1818.⁸ He was educated at Jefferson College, in St. James parish, and was graduated at West Point in 1840. He became a lieutenant in the engineer corps, and in 1841 assistant professor of engineering at the Military Academy. He resigned from the army in 1845 and was appointed chief engineer to the State of Louisiana. He took a brilliant part in the Mexican War, and in the Civil War served as a Confederate brigadier-general in the Trans-Mississippi Department. He died on April 20, 1880.

The year 1853 was noted for the most disastrous epidemic of yellow fever that had yet visited Louisiana. In 1854 the disease appeared again, but with somewhat less virulence. These were the times of filibustering expeditions, and when the news of the fate of Lopez was known in New Orleans there was a riot against the Spanish consulate. In spite of the desolation caused by yellow fever in 1853 and 1854, the State was prosperous, and we are astonished to see the following words in Governor Hébert's message in 1855 with regard to the public schools: "Indeed, the system may be considered almost a failure, or rather it is not a system. It is the bewildering confusion of chaos." In spite of this harsh criticism, the system did prosper until disorganized by the war.

The year 1855 "was marked by what may be called the demolition of the ' Know-Nothing ' party in Louisiana." ⁹ This was a secret, oath-bound fraternity, organized in 1852, which had for its purpose opposition to foreign citizenship. Its objects, however, were not made known even to the members until they had reached the higher degrees, and when questions were asked by outsiders the members would reply, " I don't know," whence the name of " Know-Nothings." As early as 1835 an attempt was made in New York City to organize a movement against foreigners, but it failed, only to be revived in 1843 and 1844 in New Jersey and in Philadelphia.¹⁰ In 1853 a secret political party was organized, and it carried Massachusetts and Delaware in 1854. In 1855 it gained ground in New York, and especially in the Southern States. Judge Gayarré, who was an eye-witness to these events, gives the following account of the demolition of the " mysterious order " of Know-Nothings: " Thus far it was a mere State organization, but it soon was found indispensable to connect it with the other lodges of the same order in the other States, with a view to establish upon the original association a national party. To this effect, there was to be a grand meeting of all the lodges in Philadelphia in the month of May. It was to be an imposing Convention, in which means were to be devised to strengthen the association, and to enable it to elect a President of the United States and secure the reins of the government. But it began to be rumored at this time in Louisiana that the main object of this wide-spread organization was the proscription of Catholics. It produced great excitement,

and it was determined to test the question. Six delegates, of whom five were Protestants and one a Catholic, were elected to the Philadelphia Convention. On their presenting themselves to that body, the five Protestants were told that they could come in, but the Catholic was rejected unless he consented to make certain concessions, to which he was not in the least disposed to assent. His Protestant colleagues remonstrated in vain against such a distinction, and the result was, that they retired with their Catholic associate. On the report of this fact, made in an immense meeting in New Orleans, the Know-Nothing party in Louisiana emphatically refused affiliation with the party of that name in the other States, and from that time this celebrated order, which seemed at first to be gifted with such exuberant vitality, rapidly decreased in numbers and influence in Louisiana, because many hurried to withdraw their names and coöperation." In 1856 the Know-Nothings called themselves the "American Party," and had Millard Fillmore for their candidate for President. In 1860 the "American Party" took the name of the "Constitutional Union Party," and it soon disappeared in the turmoil of war.

In 1856 took place the catastrophe called the Last Island storm. On August 10 the island, which was a pleasure resort, was swept by a wave from the Gulf, and nearly two hundred persons perished. This calamity inspired Lafcadio Hearn to produce his charming novel, "Chita," in which he depicts the horrors of the tempest.

Robert C. Wickliffe was inaugurated governor of Louisiana in January, 1856. He was a native of Ken-

tucky, where his father had occupied important offices. Governor Wickliffe had been a State senator and was a Democrat. In his message of January, 1857, the governor mentions the disorders that had taken place in New Orleans at the two last general elections, when acts of violence were committed by "organized ruffians" on naturalized citizens. The evil came, says Gayarré, from "that corruption which enabled foreigners just landing on our shores to vote, and which put two or three thousand illegal voters at the disposal of whatever party had the means of buying them."¹¹

On June 4, 1858, New Orleans was threatened with civil war.¹² Under orders of a vigilance committee, about five hundred men took possession of the arsenal and court-house at Jackson Square and barricaded the streets. On June 5 they were joined by about one thousand armed men. The Native American party, on its side, had taken possession of Lafayette Square and had planted cannon there. Fortunately, there was no strife on election day, June 7, and the Native American candidate, Gerard Stith, was elected mayor. His opponent had been Colonel G. T. Beauregard.

In 1859 Judah P. Benjamin was elected United States senator, but he was not to remain long a member of that body. In his last message to the Legislature, in 1860, Governor Wickliffe referred to the raid of John Brown at Harper's Ferry. The war was inevitable, and Wickliffe's successor, Thomas Overton Moore, was assuming a heavy burden when he took the oath of office in 1860.

Governor Moore was a native of North Carolina. He

was a resident of Rapides parish when elected governor. Like his predecessor, he had been a State senator and was a Democrat. He called the Legislature in special session, in December, 1860, and said: "I do not think it comports with the honor and self-respect of Louisiana, as a slave-holding State, to live under the government of a Black Republican President." The governor advised that a State Convention be called to meet at once. The convention met on January 23, 1861, at Baton Rouge. Ex-Governor Alexandre Mouton was elected president, and J. T. Wheat secretary. On taking the chair, President Mouton delivered an address which ended with the following words:¹³

I mistake very much the character of this body, if calmness and deliberation do not mark its proceedings, and if we are to be disturbed by angry discussions. At all events, we are engaged in an important cause, the cause of a brave, loyal, and enlightened people asserting their rights, and I trust that, with the help of God, they will be able to carry them out.

The Legislature had met in regular session at the same time as the convention, and the governor transmitted to the latter body, on January 24, his annual message to the General Assembly. Governor Moore said that, "In accordance with an arrangement entered into with the commanding officer, in the presence of a force too large to be resisted, Baton Rouge barracks and arsenal, with all the Federal property therein, were turned over to me on the eleventh and twelfth instant, and on the thirteenth the Federal troops departed. About the same time the

State troops occupied Fort Pike, on the Rigolets, and Forts Jackson and St. Philip, on the Mississippi River, and such other dispositions were made as seemed necessary for the public safety.”¹⁴

A motion was made by Louis Bush to approve the course of the governor in taking possession of the forts, arsenals, and munitions of war within the limits of the State, and was carried by a vote of one hundred and nineteen yeas to five nays.

On January 26, 1861, John Perkins, Jr., of Madison, called up the following ordinance of secession, reported by him as chairman of the Committee of Fifteen:¹⁵

An Ordinance to dissolve the union between the State of Louisiana and other States united with her under the compact entitled “The Constitution of the United States of America.”

We, the people of the State of Louisiana, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, That the ordinance passed by us in Convention on the 22d day of November, in the year 1811, whereby the Constitution of the United States of America and the amendments of the said Constitution were adopted, and all laws and ordinances by which the State of Louisiana became a member of the Federal Union, be and the same are hereby repealed and abrogated; and that the union now subsisting between Louisiana and other States, under the name of “The United States of America,” is hereby dissolved.

We do further declare and ordain, That the State of Louisiana hereby resumes all rights and powers heretofore delegated to the Government of the United States of America; that her citizens are absolved from all allegiance to said Government; and that she is in full possession and exercise of all those rights of sovereignty which appertain to a free and independent State.

We do further declare and ordain, That all rights acquired and vested under the Constitution of the United States, or any act of Congress, or treaty, or under any law of this State, and not incompatible with this ordinance, shall remain in force and have the same effect as if this ordinance had not been passed.

The ordinance was adopted by a vote of one hundred and twelve yeas to seventeen nays. Ex-Governor A. B. Roman was among those who voted in the negative. He signed the ordinance, however, and cast his lot with the Confederacy.

The president of the convention, Ex-Governor Mouton, was permitted to give his vote on the adoption of the ordinance, which he did in the affirmative. When the result of the vote was ascertained, President Mouton said: "In virtue of the vote just announced, I now declare the connection between the State of Louisiana and the Federal Union dissolved, and that she is a free, sovereign, and independent power."

Thomas O. Moore, Governor of the "Independent State of Louisiana," came upon the floor, "preceded by the flag of the State, and took position on the platform of the president."¹⁶

Prayer was offered by the Rev. W. E. N. Lingfield, and the flag was blessed by Father Hubert. The following resolution, presented by Mr. Perkins, was then unanimously adopted:

Resolved, That we, the people of the State of Louisiana, recognize the right of the free navigation of the Mississippi River and its tributaries by all friendly States bordering thereon. And

we also recognize the right of egress and ingress of the mouths of the Mississippi by all friendly States and powers; and we do hereby declare our willingness to enter into any stipulations to guarantee the exercise of said rights.

On motion of Mr. Perkins, the Ordinance of Secession was signed by the president of the Convention, and by the delegates to the number of one hundred and twenty-one. The Convention adjourned on January 26, to meet in New Orleans, on January 29, at the City Hall.

On January 30 the Convention elected six delegates to represent Louisiana in the Convention to assemble at Montgomery, Alabama, on February 4, 1861. They were: John Perkins, Jr., Alexander Declouet, Charles M. Conrad, Duncan F. Kenner, Edward Sparrow, and Henry Marshall.

On February 5 an ordinance was passed for the establishment of a regular military force for the State of Louisiana, and on February 11 a State flag was adopted. The chairman of the committee, J. K. Elgee, of Rapides, made these remarks about the flag:

We dedicate, therefore, the thirteen stripes upon our flag to the memory of those whose unconquerable love of freedom has taught us, this day, how peacefully to vindicate our rights and protect our liberties. The committee, too, could not forget that another race, bold, warlike, and adventurous, had planted the first colony of white men on the shores of Louisiana; the name of our State, that of our city, nay, even the morning roll-call of the Convention, as it summoned us to our duties, bade us remember that some tribute was due to the children and descendants of the founders of the colony—the blue, the white, the red, emblems of

hope, virtue, and valor, to the memory of those who first on this soil laid the foundation of an empire. Still another race and another nation remained, who equally demanded a recognition in a flag designed to be national. If to France we are indebted for the foundation of the colony, Spain merits an acknowledgment at our hands, for by her was the infant structure built up. Her mild and paternal rule is yet spoken of by the oldest inhabitants, whilst the great body of our law stands this day a monument of her wisdom. To the children of Spain we dedicate the colors of red and yellow, which we have woven into our plan. The star cannot fail to remind you that Louisiana has arisen to take her place in the political firmament. Uniting, then, our three distinct nationalities into one, we present a flag which carries with it a symbol dear to every American, whether it be at the last hour of dissolution, or the dawn of a new birth—it is the badge of Union.¹⁷

On March 21, 1861, on motion of T. J. Semmes, the Convention assented to and ratified the Constitution of the Confederate States of America, adopted at Montgomery on March 11, 1861. The State Constitution of 1852 was amended in several particulars to suit the altered condition of things, and the Convention adjourned finally on March 26, 1861. The members of that body had done a great and serious work, and had accomplished their task with dignity and with a full sense of the heavy responsibility that rested upon them. In seceding from the Federal Union the people of Louisiana knew that this act meant war. They did not shrink from the ordeal, and they fought bravely and well for rights which they considered sacred.

NOTES

NOTES

CHAPTER I

- ¹ Almonester.
- ² Martin's Louisiana, Vol. II, p. 238.
- ³ View of the Political Situation of Louisiana from the thirtieth of November, 1803, to the first of October, 1804. By a Native. Translated from the French. P. 16.
- ⁴ Martin's Louisiana, Vol. II, p. 241.
- ⁵ Annals of Congress, 1803-1804.
- ⁶ City Archives—American Documents, 1804-1814.
- ⁷ City Archives.
- ⁸ Martin's Louisiana, Vol. II, pp. 249, 250.
- ⁹ Louisiana Gazette, October 5, 1804 (City Archives).
- ¹⁰ Louisiana Gazette, December 7, 1804.
- ¹¹ Martin says erroneously that the Council adjourned in February.
- ¹² Acts passed at the first session of the Legislative Council of the Territory of Orleans, 1805.
- ¹³ Louisiana Gazette, July 12, 1805.
- ¹⁴ The American Pioneer, Vol. II, No. 5, p. 227. From the private collection of Mr. William Beer, librarian of the Howard Memorial Library.
- ¹⁵ Charivaris.
- ¹⁶ The widow of Almonester.

CHAPTER II

- ¹ Martin's Louisiana, Vol. II, p. 261.
- ² Louisiana Gazette, May, 1806.
- ³ Monette's Valley of the Mississippi, Vol. II, p. 454.
- ⁴ Monette's Valley of the Mississippi.
- ⁵ Monette's Valley of the Mississippi, Vol. II, p. 465.

⁶ Parton's *Life of Burr*.

⁷ Jefferson's Message to Congress, January 22, 1807.

⁸ McMaster, Vol. III, p. 88.

⁹ *Moniteur de la Louisiane*, July 7, 1806.

¹⁰ Acts published by authority, 1807.

CHAPTER III

¹ *The Batture at New Orleans: An Address to the People of the United States* (1808).

² *The New Orleans Book*, edited by Robert Gibbes Barnwell, p. 14.

³ *Louisiana and her Laws*, by Henry J. Leovy, in the *New Orleans Book* (1851), p. 232.

⁴ *City Archives—American Documents, 1804–1814*.

⁵ Henry L. Favrot, *the West Florida Revolution*, in *Publications of the Louisiana Historical Society*, 1895.

⁶ Favrot, in *Publications of the Louisiana Historical Society*, 1895, calls attention to the fact that Gayarré and Martin are in error in saying that De Lassus was absent at the time of the attack. Gayarré and McMaster say also erroneously that Grandpré was the only man killed on the side of the Spaniards.

⁷ Favrot.

⁸ *Annals of Congress, 1810–1811*, p. 1254.

⁹ Favrot.

¹⁰ McMaster, Vol. III, p. 373.

¹¹ *Annals of Congress, 1810–1811*, p. 1251.

¹² *Martin's Louisiana*.

¹³ *Annals of Congress, 1810–1811*, p. 482.

¹⁴ *Annals of Congress, 1810–1811*, p. 525.

¹⁵ *Annals of Congress, 1810–1811*, p. 1326.

¹⁶ It had been suggested to give to the new State the name of Jefferson, but Bernard Marigny says, in his *Reflections on the Campaign of General Jackson*, p. 44, that Louis De Blanc de St. Denis, from Attakapas, declared that if such a proposition had any chance of success he would arm himself with a barrel of powder and blow up the Convention.

¹⁷ Report of John T. Michel, Secretary of State, 1902.

CHAPTER IV

¹ De Bow's Review, Vol. XIX, p. 148.

² Lacarrière Latour's Historical Memoir of the War in West Florida and Louisiana in 1814 and 1815, p. 13.

³ He signed his name "Laffite," but we shall keep the spelling generally adopted.

⁴ Alexander Walker's Jackson and New Orleans, p. 37.

⁵ From a paper in the possession of Mr. Hugues J. de Lavergne, a great-grandson of General Villeré.

⁶ Hubert Howe Bancroft, Vol. XVI, p. 40.

⁷ Gayarré's Louisiana, Vol. IV, p. 335.

⁸ It is needless to say that Colonel Fortier and Major Lacoste were not colored men. They belonged to families which, in 1814, had been nearly a century in Louisiana. Colonel Fortier had served in Galvez's army in his campaign against the English, from 1779 to 1781, and had long been a captain of artillery in the militia service of Spain.

⁹ Latour, Appendix, p. xii.

¹⁰ Latour, Notes, p. 254.

¹¹ Louisiana Gazette.

¹² Louisiana Gazette.

¹³ Latour, p. 31.

¹⁴ Henry Adams, History of the United States, Vol. VIII, p. 326.

¹⁵ Latour, p. 50.

¹⁶ Alexander Walker, p. 92. The Author of the Subaltern, George Robert Gleig, an Englishman, gives the number of the troops as 5000. He says, however, that the force was "formidable."

¹⁷ Latour, Appendix, p. xxxiv, Jones's Report.

¹⁸ Walker, p. 104.

¹⁹ Latour, p. 62.

²⁰ Gleig, Campaigns of the British Army at Washington and New Orleans in the years 1814 and 1815, p. 259.

²¹ Martin's Louisiana, p. 368.

²² Latour, p. 78. See Plate 5 of his Atlas.

²³ Latour, Appendix, p. cxliii, Keane's Report.

²⁴ Walker, p. 126.

²⁵ Latour, p. 88.

²⁶ The tradition in the Villeré family agrees with Walker's narrative of the incident, and there is no doubt that Major Gabriel Villeré was the first person that informed Jackson of the arrival of the British. In his flight through the woods he was obliged to kill a favorite dog which had accompanied him and would have betrayed him while he was hidden in a tree. Major Villeré was a brave and honorable man, and was unanimously acquitted by a court martial that tried him for having been surprised by the British. He had refused to present any testimony in his defense.

CHAPTER V

¹ Latour, p. 91.

² Latour, p. 105.

³ Latour, Appendix, p. xlv.

⁴ Latour, p. 117.

⁵ Martin (Gresham's edition), p. 378.

⁶ Gayarré, Vol. IV, p. 568.

⁷ Latour, p. 146.

⁸ Walker, p. 317.

⁹ Latour, p. 173.

¹⁰ Henry Adams, Vol. VIII, p. 380. Jackson, in his second report of the battle, gives his loss on the left bank as seven killed and six wounded, and this number has been accepted by historians.

¹¹ Latour, p. 184.

¹² Latour, Appendix, p. lii.

¹³ "This was in the action on the line; afterward skirmishing was kept up, in which a few more of our men were lost."

¹⁴ Major Carmick.

¹⁵ Latour, Appendix, p. clxxxv.

CHAPTER VI

¹ From papers in the possession of Mr. Hugues J. de Lavergne.

² Latour, p. 204.

³ Walker, Jackson and New Orleans, p. 402.

⁴ Latour, p. 218.

⁵ Martin (Gresham's edition), p. 388.

⁶ Judge Martin's translation.

⁷ Martin, p. 399.

⁸ Martin, p. 404.

⁹ The original amount of the fine, with interest for thirty years, was refunded, in 1845, to General Jackson by an act of Congress, on the recommendation of President Tyler. The Legislature of Louisiana, at that time, proposed to refund the amount from the treasury of the State.

¹⁰ Works of Hubert Howe Bancroft, Vol. XVI, p. 41.

¹¹ Castellanos, *New Orleans as It Was*, p. 310.

¹² Castellanos, p. 89.

¹³ P. Larousse, *Grand Dictionnaire Universel*.

¹⁴ Castellanos, p. 49.

¹⁵ Bernard Marigny, *Réflexions sur la Campagne du Général André Jackson en Louisiane en 1814 et 1815*.

¹⁶ In French: "Qu'il fallait avoir le diable au corps pour faire de Magloire Guichard un conspirateur?"

¹⁷ It is said that it was General Moreau who indicated that point to St. Geme, in 1804, as an admirable one for defense.

CHAPTER VII

¹ Victor Debouchel, *Histoire de la Louisiane*, p. 136.

² Monette's *Valley of the Mississippi*, Vol. II, p. 517.

³ *Journal de la Chambre des Représentants—Seconde Session de la Seconde Législature*, p. 11. The name is spelled Roufiniaco.

⁴ *Louisiana Gazette*, March 26, 1816.

⁵ *Louisiana Gazette*, July, 1816.

⁶ *Journal of the House of Representatives, First Session, Third Legislature*, p. 6.

⁷ *Journal of the House, First Session, Third Legislature*, p. 5.

⁸ *Louisiana Courier*, November 25, 1817.

⁹ *Biographical Sketches of Louisiana's Governors, by a Louisianaise (1885)*.

¹⁰ Darby, *Geographical Description of the State of Louisiana*, p. 187.

¹¹ Debouchel, *Histoire de la Louisiane*, pp. 137, 138.

¹² *Journal of the House, First Session, Third Legislature*, p. 55.

- ¹³ *Journal of the House, Second Session, Third Legislature, p. 4.*
- ¹⁴ *Journal of the House, Second Session, Third Legislature, p. 51.*
- ¹⁵ *Journal of the House, First Session, Fourth Legislature, p. 5.*
- ¹⁶ *Journal of the House, Second Session, Fourth Legislature, p. 4.*
- ¹⁷ *Journal of the House, First Session, Fifth Legislature, p. 5.*
- ¹⁸ *Journal of the House, First Session, Fifth Legislature, p. 22.*
- ¹⁹ Larousse, *Grand Dictionnaire Universel.*
- ²⁰ Fortier's *Louisiana Studies, p. 260.*
- ²¹ *De Bow's Review, Vol. XI, p. 437.*
- ²² *Journal of the House, First Session, Fifth Legislature, p. 30.*
- ²³ *Journal of the House, First Session, Sixth Legislature, p. 5.*
- ²⁴ Debouchel, *Histoire de la Louisiane, p. 141.*
- ²⁵ Valcour Aime, *Plantation Diary, p. 8.*
- ²⁶ Debouchel, *Histoire de la Louisiane, p. 140.*
- ²⁷ *Journal of the House, Second Session, Sixth Legislature, p. 5.*
- ²⁸ *Louisiana's Governors, by a Louisianaise.*
- ²⁹ *Journal of the House, First Session, Seventh Legislature, p. 34.*
- ³⁰ *Journal of the House, First Session, Seventh Legislature, p. 82.*
- ³¹ We translate from the French text.
- ³² A. Levasseur, *Lafayette en Amérique en 1824 et 1825.*
- ³³ *Journal of the House, Second Session, Seventh Legislature, p. 3.*
- ³⁴ Debouchel, *Histoire de la Louisiane, p. 143.*
- ³⁵ *Louisiana's Governors, by a Louisianaise.*
- ³⁶ *De Bow's Review, Vol. I, p. 418.*
- ³⁷ *Journal of the House, First Session, Ninth Legislature, p. 33.*
- ³⁸ *De Bow's Review, Vol. I, p. 416.*
- ³⁹ Larousse, *Grand Dictionnaire Universel.*
- ⁴⁰ Condon's *Annals, in Gresham's Martin, p. 431.*
- ⁴¹ Debouchel, p. 146.
- ⁴² *House Journal, p. 3.*
- ⁴³ *De Bow's Review, Vol. I, p. 428.*

CHAPTER VIII

- ¹ W. H. Sparks, *Memories of Fifty Years, p. 450.*
- ² *House Journal, First Session, Tenth Legislature, p. 53.*
- ³ *House Journal, First Session, Tenth Legislature, p. 151.*
- ⁴ Debouchel, p. 147.

- ⁵ House Journal, First Session, Eleventh Legislature.
- ⁶ House Journal, Second Session, Twelfth Legislature, p. 2.
- ⁷ W. H. Sparks, *Memories of Fifty Years*, p. 438.
- ⁸ Debouchel, p. 157.
- ⁹ Debouchel, p. 161.
- ¹⁰ House Journal, First Session, Fourteenth Legislature, p. 41.
- ¹¹ Debouchel, p. 175.
- ¹² W. C. Stubbs, in *Standard History of New Orleans*, p. 652.
- ¹³ E. J. Forstall, in *De Bow's Review*, Vol. I, p. 54.
- ¹⁴ *De Bow's Review*, Vol. I, p. 165.
- ¹⁵ House Journal, First Session, Fifteenth Legislature.
- ¹⁶ *De Bow's Review*, Vol. XI, p. 441.
- ¹⁷ House Journal, First Session, Sixteenth Legislature, p. 3.
- ¹⁸ House Journal.
- ¹⁹ D. B. De Bow, in *De Bow's Review*, Vol. I, p. 423.
- ²⁰ *De Bow's Review*, Vol. I, p. 426.
- ²¹ House Journal, First Session, First Legislature, p. 3.
- ²² House Journal, March 12, 1846, p. 19.
- ²³ *De Bow's Review*, Vol. I, p. 381.
- ²⁴ William Wirt Howe, *Memoir of François-Xavier Martin*.
- ²⁵ *De Bow's Review*, Vol. I, p. 418.

CHAPTER IX

- ¹ *Louisiana Courier*, May 5, 1846.
- ² House Journal, p. 4.
- ³ House Journal, p. 176.
- ⁴ House Journal, p. 8.
- ⁵ *Louisiana's Governors, by a Louisianaise*.
- ⁶ Norman Walker, *Municipal Government*, in *Standard History of New Orleans*, p. 98.
- ⁷ House Journal, p. 5.
- ⁸ *Louisiana's Governors*, p. 34.
- ⁹ Gayarré, Vol. IV, p. 678.
- ¹⁰ *Harper's Encyclopædia of United States History*.
- ¹¹ Gayarré, Vol. IV, p. 684.

¹² Condon's Annals of Louisiana, in Martin, p. 455.

¹³ Journal of the Convention of 1861, p. 5.

¹⁴ Journal of the Convention, p. 14.

¹⁵ Journal of the Convention, p. 17.

¹⁶ Journal of the Convention, p. 18.

¹⁷ Journal of the Convention, p. 47.

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