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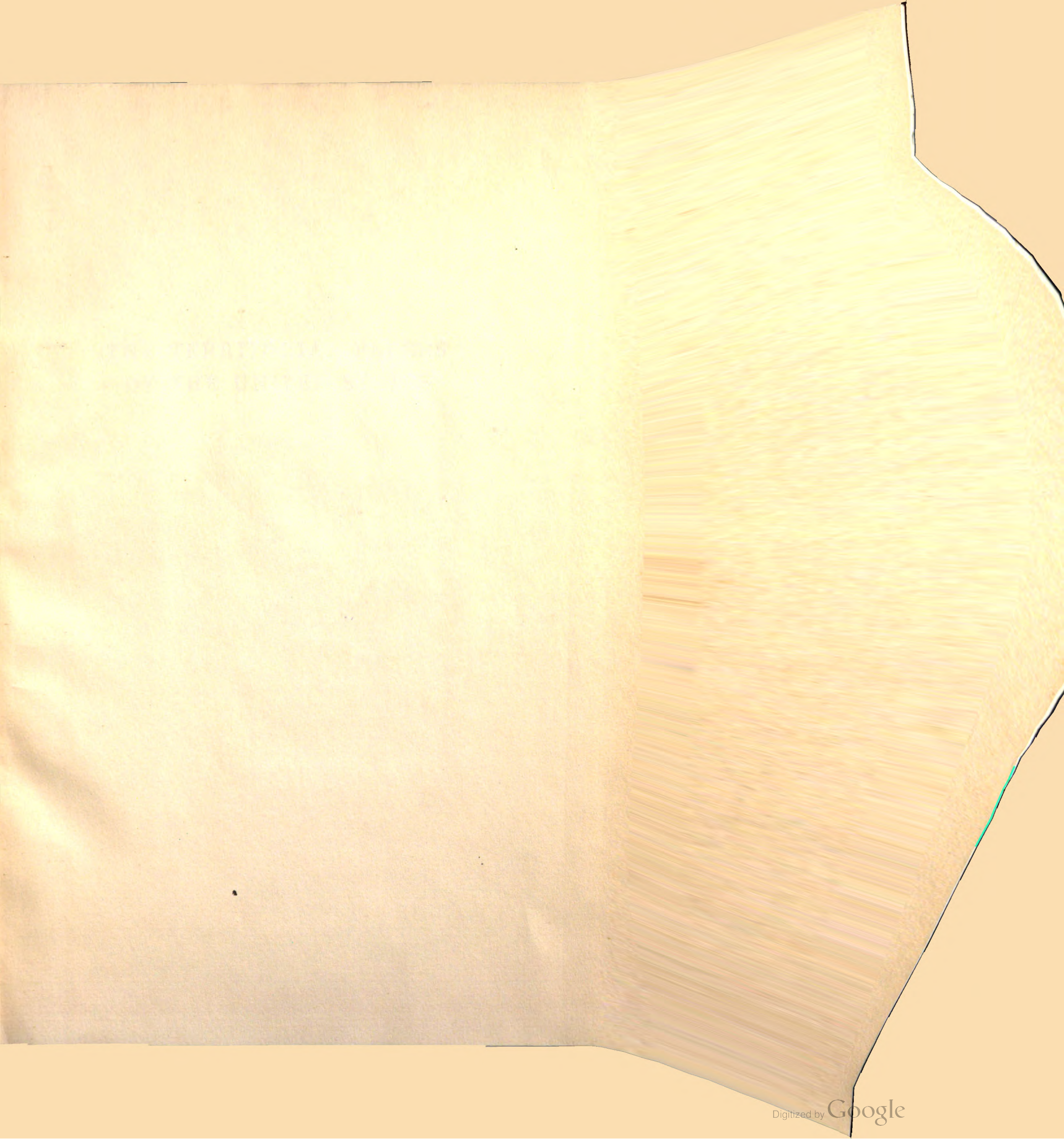


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THE TERRITORIAL PAPERS
OF THE UNITED STATES

THE TERRITORIAL PAPERS OF THE UNITED STATES

Compiled and edited by
Clarence Edwin Carter

VOLUME IX
The Territory of Orleans
1803-1812



UNITED STATES. *Department of State*
GOVERNMENT PRINTING OFFICE
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TO THE
ACADEMY
OF

ERRATA

To the many misspellings, etc., evident in the old source material reproduced in this volume, the present printing has unfortunately added the following:

Page 259, the last footnote should be numbered 19

Page 374, fourth line from bottom. For higherto read hitherto

Page 457, footnote 80. For July 30, 1805, read July 13, 1805

Page 501, twenty-fourth line. For fo read to

Page 724, twenty-sixth line. For nf read of

*Page 774, the document beginning on this page is dated March 8th,
1808*

ERRATA

To the many messengers who...
reproduced in this volume...
the following...
Page 201, the last sentence...
Page 202, the first sentence...
Page 203, the first sentence...
Page 204, the first sentence...
Page 205, the first sentence...

PREFACE

The present volume, which constitutes Volume IX of the series of *The Territorial Papers of the United States*, being issued by the Department of State under the authority of an act of Congress, embodies the relevant official papers of the Territory of Orleans, 1803-1812, as found in the Federal archives in Washington, D. C. The papers are principally derived from the archives of the Departments of State, Treasury, War, Interior, and Post Office, the files of the Senate and House of Representatives, and the Manuscripts Division of the Library of Congress. Headnotes to successive documents on the following pages designate the specific repositories from which the papers selected for publication have been drawn. It will be noted in this connection that certain of the papers in question have been transferred to the National Archives, in accordance with the provisions of the National Archives Act, approved June 19, 1934. Since the present volume was set in type, the series known as Appointment Office Files, of the State Department, has also been transferred.

The boundaries of the present book are in general similar to those of previous volumes of the series of which it is a part. Selective rather than comprehensive publication has been the rule. Within the compass of this comparatively modest undertaking an exhaustive presentation of every category of papers touching the territories is impossible. The authorizations of funds already made and in prospect are relatively limited, so that economy of space has been and will continue to be a constant factor in determining the content of the volumes now being prepared and published. At the initiation of the project of publication of *The Territorial Papers*, therefore, certain general principles of inclusion and exclusion were established for the series. The canons of admissibility then adopted, after a careful survey of the field, were made sufficiently elastic to allow for variations in the types of records relating to the different territories. Such elasticity with respect to categories of documents to which preference would be given was essential because each territory of the United States possessed, in addition to elements common to others, certain unique features both with respect to its inherent character and to the extent of the preservation of its official papers in the Federal archives. It was therefore deemed impractical to define with exactness the types of papers to be incorporated in each volume or set of volumes.

III

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5-6-41 not printed off

In accordance with the general rules there laid down, therefore, papers heretofore published are omitted from the edition. A considerable number of pertinent documents have from time to time been printed through State or other auspices, and their duplication is viewed as undesirable. Reference citations to such printed materials are, however, appended to the corresponding documents printed in this series. But there are exceptions to this rule of exclusion: papers which have been defectively printed in a material degree, or printed in editions now inaccessible, are included, and an occasional document which is deemed essential to complete a series, or which is frequently referred to in the texts of other documents, is held subject to reproduction, even though previously printed in good form. In the present instance, however, no more than ten papers out of all the documents which comprise the volume have been previously published. The territorial laws comprise another category of documents excluded from the present edition; copies of them were regularly transmitted to the Federal Government, and are in general already published. In any event it is believed that such a class of documents properly belongs to the States for publication. Decisions of the territorial Supreme Courts and the journals of the Legislative Councils and of the Houses of Representatives did not become a part of the archives of the United States and their publication is therefore a function of the individual States.

There are in the next place certain classes of papers which are admitted as subject to publication to a very limited degree. In the Federal archives is a vast accumulation of papers relating to Indian and military affairs, which concerned directly or indirectly the course of events in the various territories. It is obvious, however, that not even a beginning in their publication could be made with the means available. Since Indian relations in general transcended territorial boundaries and concerned the interests of the United States as a whole, it is the considered belief that the publication of the records concerning such affairs belongs to a different project. Nevertheless, since the governors, under separate commissions, were usually authorized to superintend the Indians within the boundaries of their civil jurisdictions, and in view of the fact that in certain respects these relations were tangent to the civil administration, it has not seemed desirable to exclude altogether papers which concerned the Indian phase of the history of the territories. In the case of Orleans Territory the Indian question is of minor importance. The same rule was applied to military papers: where documents pertaining to questions of jurisdiction and the relations of the civil and military aspects of administration are concerned, the policy has been to include them. But no attempt is made to publish papers relating to details of military campaigns.

Priority over all other classes of documents for present publication is given to those possessing a relevancy to the administration of the territories. This preference was elected because the territories presented an administrative problem to the Government of the United States, and the territorial organizations were confronted with like problems. In this connection it may be stated that a very wide selection of documents in the archives of the Department of State, in which was lodged the authority to administer the territories, has been made for the present volume. The land problem, which concerned the survey and sale of public lands, has also been viewed as possessing an administrative character, and consequently the present volume, as well as the various volumes of the series, has drawn heavily upon the records of the General Land Office in the Department of the Interior. A large portion of the relevant and hitherto unpublished papers found in the files of the Senate and House of Representatives, consisting chiefly of memorials and petitions, is also included. Finally, an attempt has been made to publish nearly every extant letter in the files of the Post Office Department relating to the extension of the postal service to the Territory; the few cases of omission of letters found in the Department in question represent duplication of information.

It will thus be seen that despite the broad classes of papers which for one reason or another have been excluded from publication in connection with the project in question, enough remains to supply body and substance to the work. But some further explanation is necessary in regard to the present volume on Orleans Territory. Fortunately the letter books of Governor William C. C. Claiborne have already been compiled and published by the late Dr. Dunbar Rowland (*Official Letter Books of W. C. C. Claiborne, 1801-1816*, Jackson, 1917) and include not only Governor Claiborne's letters to officials in Washington and to a great many persons in the Territory and elsewhere, but also proclamations, militia orders, and the like, and fragments of the roster of appointments, which corresponds to what is usually known in other territories as the Executive Journal. In this regard it may be stated that the originals of the letters from Governor Claiborne to his superiors, printed in the publication mentioned, are in the files of the Department of State, which are now located in the National Archives. Thus the previous publication of the papers referred to leaves greater space in the present volume for other classes of papers. The unique conditions out of which the Territory of Orleans evolved have, for example, encouraged the inclusion of a considerable number of papers in the introductory section (Part One) relating to conditions prior to the formal assumption of sovereignty by the United States.

Footnotes are confined mainly to references to the location of documents referred to, but not incorporated in the text, and to explanations of the origins of certain of the more important papers. For reasons of economy of space, biographical notes and cross reference to related subjects within the volumes are excluded. The placement of the papers is in general chronological; the few minor exceptions in no way lead to confusion. The text is divided, for reasons of convenience, into several parts corresponding to the successive administrations of Governor Claiborne.

The selection of papers for this volume, as well as the preparation of footnotes and index, the editor intrusted in large part to Dr. Edgar B. Nixon, whose good judgment and thorough workmanship had been proven by his assistance on earlier volumes. To other members of the editor's personal staff, Mrs. Lillie Robertson Carter and Miss Jane Hill, and to Miss Inez J. Gardner, of the Publishing Section, are also due public acknowledgments for their careful, painstaking work in the preparation of the manuscript for the printer and in seeing the volume through the press. The editor is under special obligation to Dr. E. Wilder Spaulding, Chief of the Division of Research and Publication, in whose division this project is administered, for many kindnesses which have greatly facilitated the work of the editorial office and also to Mr. Bryton Barron, Assistant Chief of the same division, who has generously contributed advice respecting the publishing phase of the work. One of the chief pleasures of the undertaking, in fact, has been the active spirit of cooperation on the part of every person in any way connected with its advancement.

C. E. C.

Washington, D. C.

October 1, 1940.

CONTENTS

VOLUME IX

	Page
Preface	III
Symbols	IX
<i>Part</i>	
ONE: Papers Relating to the Foundations of the Territory of Orleans, 1803	1
TWO: Papers Relating to the First Administration of Governor Claiborne, 1803-1804	141
THREE: Papers Relating to the Second Administration of Governor Claiborne, 1804-1805	301
FOUR: Papers Relating to the Third Administration of Governor Claiborne, 1805-1806	465
FIVE: Papers Relating to the Fourth Administration of Governor Claiborne, 1806-1809	569
SIX: Papers Relating to the Fifth Administration of Governor Claiborne, 1809-1811	821
SEVEN: Papers Relating to the Sixth Administration of Governor Claiborne, 1812	979
Index	1023

SYMBOLS

AD	autograph document
ADS	autograph document signed
AGO	Adjutant General's Office
AL	autograph letter
ALS	autograph letter signed
C	copy
D	draft
DS	document signed
Dup	duplicate
E	extract
GAO	General Accounting Office
GLO	General Land Office
HF	House of Representatives Files
ID	Interior Department
LC	Library of Congress
LPC	letter-press copy
LS	letter signed
NA	National Archives
NYHS	New York Historical Society
PO	Post Office Department
SD	State Department
SF	Senate Files
SG	Surveyor General
TD	Treasury Department
Tr	translation
WD	War Department

PART ONE

**Papers relating to the Foundations of the
Territory of Orleans**

1803

PART ONE

THE PRESIDENT TO GOVERNOR CLAIBORNE

[LC:Jefferson Papers:LPC]

WASHINGTON *July 17, 1803.*

DEAR SIR Before you receive this you will have heard thro' the channel of the public papers of the cession of Louisiana by France to the US. the terms & extent of that cession as stated in the National Intelligencer are accurate.¹ in order to obtain a ratification in time I have found it necessary to convene Congress on the 17th of October. before that time it will be necessary for me to procure for them all the information necessary to enable them to take understandingly the best measures for incorporating that country with the Union, & for it's happy government. for this purpose I have sent a set of queries, of which the inclosed is a copy,² to mr Daniel Clarke³ of New Orleans to obtain & forward answers before the meeting of Congress. my object, in inclosing them to you, is to engage you to select such of them as may lay within the compass of your enquiry, and to obtain for me any information on them which you may be able to obtain. no doubt, many of them may be within the knolege of some persons within your acquaintance, and statements on any parts of them will be acceptable. I consider the acquisition of this country as one of the most fortunate events which have taken place since the establishment of our independence, & the more fortunate as it has not been obtained by war & force, but by the lawful & voluntary cession of the proprietor, a title which nothing can hereafter bring into question. it secures to an incalculable distance of time the tranquility, security & prosperity of all the Western country. I set out on the 19th for

¹ The reference is to the July 18, 1803, issue.

² A draft and letter-press copy are found with the above. See Claiborne to the President, Aug. 24, and Clark to the Secretary of State, Sept. 8, 1803, *post*, pp. 16, 28.

³ July 17, 1803, printed, Washington, ed., *Writings Jefferson*, iv, 497-498. Clark replied Aug. 18, 1803 (Jefferson Papers, LC), that he would send the information requested as rapidly as he acquired it, and that he had forwarded to the Secretary of State a manuscript map of the country. A letter similar to the one sent to Clark, of the same date, was transmitted by the President to William Dunbar (Ford, ed., *Writings Jefferson*, viii, 254-256).

Monticello, to be here again on the 29th of October. accept my friendly salutations, and assurances of great esteem & respect.⁴

TH: JEFFERSON

GOVERN^r CLAIBORNE.

⁴ Acknowledged Aug. 12 and answered fully Aug. 24, 1803, *post*, pp. 11, 16.

The best edition of the text of the treaty of cession, Apr. 30, 1803, and of the two conventions of the same date, is by Hunter Miller, *Treaties and other International Acts*, II, 498-528. The following modern accounts of the treaty negotiations, embodying citations to original sources, contain the relevant facts: Adams, *Hist. U. S.*, II, 1-93; Villiers du Terrage, *Les dernières Années de la Louisiane française, passim*; Brown, *Const. Hist. La. Purchase*, pp. 1-35; Channing, *Hist. U. S.*, IV, 298-327; Whitaker, *Miss. Question*, pp. 200-236. For printed sources, see *A.S.P.*, *For. Rels.*, II, 506 *et seq.*; *State Papers and Corr. bearing upon the Purchase La.* (House Docs., 57 Cong., 2 sess., no. 431).

The official letter of Livingston and Monroe, May 13, 1803 (*A.S.P.*, *op. cit.*, pp. 558-560; *Annals*, 7 Cong., 2 sess., app., 1145-1150), announcing the cession and enclosing the treaty text, was received by Secretary Madison July 14, 1803 (Hunt, ed., *Writings Madison*, VII, 53, 60). But unofficial news of the favorable outcome of the negotiations with France had already been received from Rufus King, American minister to England, who sailed May 21 on the ship *John Morgan*, arriving in New York June 30, 1803 (King, ed., *Life and Corr. Rufus King*, IV, 265, 278; *Boston Gazette*, July 4, 1803). In a letter of July 5, 1803, the President wrote to Thomas M. Randolph: "On the evening of the 3^d inst. we received a letter from mr. King (arrived at N. York) covering one from Livingston & Monroe to him in which they informed him that on the 30th of April they signed a treaty with France, ceding to us the island of N. Orleans and all Louisiana as it had been held by Spain. the price is not mentioned. we are in hourly expectation of the treaty by a special messenger" (Jefferson Papers, LC). Writing on July 10, 1803, to Christopher Gore, in London, King observed: "Govt. has not yet received any dispatches from Paris relative to Louisiana—the last dates from thence are April 19. My imperfect Report is all they know of the Business in this Country" (King, ed., *op. cit.*, p. 285). See also the *National Intelligencer*, July 4, 1803, for the first public announcement in Washington.

The information was available in Boston as early as June 28, 1803 (*New-England Palladium*, June 28, 1803). The *Palladium* printed, in the issue cited, extracts of letters from Paris received by the brig *Union* from Havre, embodying the main facts relative to the treaty of cession. See also George Cabot to King, July 1, 1803, commenting upon the cession (King, ed., *op. cit.*, p. 279).

In the meantime, pending the receipt of the official text of the treaty, the administration took certain initial steps preparatory to the ultimate occupancy of Louisiana. On July 3 the President wrote to Peyroux, commandant of Upper Louisiana, asking for permission for Lewis to explore the country which had recently been ceded to the United States (Jefferson Papers, LC). On July 6 the Secretary of State informed Daniel Clark of the cession in a letter which has not been found, but which was acknowledged by Clark Aug. 12, 1803 (NA, SD, Consular Letters, New Orleans). By July 9, it was apparent that progress was being made in the drafting of official letters with respect to certain policies to be pursued in Louisiana (the Secretary of the Treasury to the President, July 9, 1803, Adams, ed., *Writings Gallatin*, I, 127-128).

THE PRESIDENT TO GOVERNOR CLAIBORNE

[LC:Jefferson Papers:LPC]

WASHINGTON *July* 18. 03.

DEAR SIR I wrote to you yesterday, and in the evening received your favor of June 23.⁵ as I am just now setting out to Monticello to pass two months there, I am not able to turn to your letters; but as far as my memory can be trusted I think I have not recieved the one in which you say you had applied for my approbation of your paying a visit to Tennessee. if I had, I should certainly have answered it without delay. the government and public property, archives &c of Louisiana are to be delivered up to us immediately after the exchange of ratifications, which will be between the 17th & 30th of October. as this is an operation with the French Commissary and Spanish Governor & Intendant which will require to be conducted with skill & delicacy, I had had it in contemplation to get you to repair thither at the time to transact it, and to hold the place some little time until Congress shall direct what is to be done more particularly. this order can be directed to you at Nashville where it will probably arrive about the 10th of November, and would require instantaneous departure, this allows not quite 4, months from this time for your journey to Nashville & any other place and to be back at Nashville. I state these facts relating to the public service that you may decide for yourself on your own movements, as I know of no others which ought to controul them. should it be inconvenient for you to undertake the occasional mission to New Orleans, be so good as to inform me immediately, that some other may be thought of. we have supposed that if we order three companies from Fort Adams, they will be sufficient to take care of the fortifications &c. Accept my salutations and assurances of esteem & respect.⁶

TH: JEFFERSON

GOVERNOR CLAIBORNE

 THE SECRETARY OF STATE TO DANIEL CLARK

[NA:SD, Despatches to Consuls, 1:C]

DEPARTMENT OF STATE, *July* 20th 1803.DANIEL CLARKE Esq^r Consul of the U: S: New Orleans.

SIR. I have the pleasure to inform you that the Treaty & Conventions, entered into on the 30th of April by our Ministers Extraordinary,

⁵ Asking for leave of absence as Governor of Mississippi Territory, and describing the uncertain state of affairs in New Orleans (Jefferson Papers, LC).

⁶ Acknowledged Aug. 12, 1803, *post*, p. 11, and answered fully Aug. 24, 1803, *post*, p. 16.

at Paris with the French Government, were received here on Thursday evening last. For an outline of the Agreement I refer you to the enclosed Newspaper; to which is added a copy of Articles II III IV V & VI:⁷ To these the President wishes you to give all the attention, which may be due to the interests & the eventual rights of the United States.⁸

The property and papers specified in the II Article will particularly call for your attention. It is presumed that the authorities in possession will withhold no proper concurrence, and your prudence will of course cultivate their good dispositions. With respect to the III Art: you may give the most ample assurances that all the rights of the Inhabitants, provided for, will be faithfully maintained; and in general that their situation will experience every proper mark not only of justice but of affection & patronage. The provision contained in this Article was particularly enjoined in the instructions to our Ministers, and there is every reason to believe that it formed a perfect coincidence in the wishes and purposes of the French Government.

Article VI will suggest to you the proper enquiries into the relations subsisting between Spain and the Indian Tribes, and any meliorations thereof, which the mutual consent of the United States and these Tribes may introduce. As far as there may be opportunities, it will be equally proper to prepare the Indians for the change which is to take place.⁹

I am &c

JAMES MADISON.

Ex^d S P

BENJAMIN MORGAN ¹⁰ TO CHANDLER PRICE

[SD:Appt. Office Files:E]

(Extract)

NEW ORLEANS 7 Aug. 1803—

MR CHAND^r PRICE

Yesterday morning we received from Natchez an extract from the national intelligencer announcing the cession of the whole province of Louisiana to the United States as ceded by France to Spain formerly; how has this been brought about? I never thought America would ask for more than the east side of the river; this is better—we shall now have no neighbours to annoy or rival us which the French would

⁷ Enclosures not present.

⁸ A summary of the treaty and a copy of the President's proclamation of July 16, 1803, convening Congress, were sent to Claiborne by the Secretary of State in his letter of July 20, 1803 (NA, SD, Dom. Letters, XIV).

⁹ Answered Aug. 18, 1803 (NA, SD, Consular Letters, New Orleans), stating that there was general satisfaction throughout the country over the cession except among a minority of the merchants, mechanics, and seamen.

¹⁰ Appointed naval officer for the port of New Orleans and confirmed Feb. 24, 1805, but declined the appointment (*Senate, Exec. Journal*, I, 464).

completely have had in their power; had they held the opposite side of the river; they might have drawn great part of the produce of the western country into their town by being able to offer foreign markets for such produce which we have not; America must now compel France to take off her prohibitory or extra duty on Tobacco; we now possess complete controul over the trade of that part of the world that produces this article and it will be our own faults if we do not support our rights to carry it to foreign markets at least upon equal terms with the ships of the nations who consume it—Our hemp we shall find a market for in the eastern States. Flour, less must be made it can never be shipped from hence to advantage, the season which it must always arrive here in is unfavorable, it injures coming down, and soon perishes laying here, or going to foreign markets. Beef & Pork are not so much subject to this inconvenience—the price of Salt above is some objection—Lumber as soon as the country is stocked with inhabitants will become a great article. Pig & Bar iron made on the navigable waters of the Ohio will in a few years hence be abundant. Pig lead from the Illinois will increase. Peltry & furs will decrease. Potash must shortly become an object of attention to the western poeple. I need go no further in enumerating, we have everything for the necessities and comfort of man and want only a number of good people to come & settle among us—send all you can that are industrious & sober particularly of the traders I described to you some time ago—we are all anxious to know what kind of government will be first given us—having the whole province that joined to the mississippi territory will intitle us no doubt to the rights of a State, but after the surrender of the country by the present holders and before State laws can be made who are to govern? the general government will most likely make timely provisions and they cannot be too carefull in making their appointment of officers—our population consists of people of allmost all nations accustomed to arbitrary prompt decisions—yet generally free from the distresses occasioned by such measures in other countries, and it will require the talents of virtuous good men to make the laws of freemen palatable to them—again upon what footing will the free quadroon mulatto & black poeple stand; will they be entitled to the rights of citizens or not. they are a numerous class in this city say $\frac{1}{3}$ or $\frac{1}{4}$ of the population many very respectable & under this government enjoy their rights in common with other subjects—It is worth the consideration of government they may be made good citizens or formidable abettors of the black poeple say slaves if they should ever be troublesome.—

Our Friend Clark swears he will hold no office now the object of his wishes is compleat. I know better, he expects to be made member of congress his talents fit him for the office but he is not popular

enough to get it. I suppose the collector at fort Adams will be removed here; if any change should take place to occasion a new appointment our friend Hulings ¹¹ would make a good officer

Signed BENJ^a MORGAN

[*Endorsed*] Morgan Benjamin N. Orleans. Aug. 7. 03.

BENJAMIN MORGAN TO CHANDLER PRICE

[SD:Appt. Office Files:E]

(Extracts)

NEW ORLEANS Aug^t 11. 1803—

MR CHANDLER PRICE

Your letter of the 8 ult^o ¹² received this day by post together with several others particularly one from the Secretary of State to Mr Clark ¹³ confirming the glorious news of the cession of the whole of Louisiana to the United States—this great event surpasses the expectations of the most sanguine American among us. It is astonishing while the nations of Europe are destroying thousands of men & wasting millions of treasure for trifling spots of ground our government has in a few days and for a comparatively small sum of money purchased a tract of country nearly as large as Europe—you ask me what office I would wish to fill, my answer is none all I want is as much business as you can send me & a directorship in the Bank when we shall get one—There will be a number of applications for all the offices in the gift of the executive particularly the collectorship but as I observed in a late letter to you the appointments should be made with a great deal of circumspection—We have a mixed population of almost all nations & it will require men of integrity & talents to overcome the prejudices of these people & reconcile them to the government of freemen. I shall send you a list in a few days of men worthy of confidence altho' I fear it will not be a very long one—I am of opinion that the collector at fort Adams, Mr Triste who is personally acquainted with the president will be removed here, he will not be wanted above & it is not likely that he will be dismissed If a change take place W. E. Hulings or Wm G. Garland will make good officers—

There is a great deal of Crown land about the town which will be laid out in Lots & sold. If the general government will do this I should like to be a commissioner, It would not take up much time & wish the thing done handsome—

¹¹ William Epsom Hulings, of Pennsylvania, nominated vice consul for the United States at New Orleans, Mar. 14; nomination confirmed, Mar. 19, 1798, *ibid.*, pp. 265, 266.

¹² Not found.

¹³ July 6, 1803; not found but acknowledged by Clark Aug. 12, 1803 (NA, SD, Consular Letters, New Orleans).

NEW ORLEANS 18 Aug. 1803.

It would suit our friend Hulings to fill the office of collector of this port & which office I pray you to ask for for him, but at the same time it is my opinion that that office will be continued to the present collector of fort Adams—If so it is his desire that you make application for his being appointed naval officer—

I want no office from government and shall occasionally mention to you who I think should be appointed to office & who should not & you may communicate it to the proper authorities If you think proper. In one of my last letters I told you that our friend D, Clarke declared to me that he wanted no office & I at the same time observed to you that I did not believe him but that I thought he had an eye to be member of congress. He still makes the same declarations but I still disbelieve him I have now good reason to believe he wishes to be appointed governor of this country and suppose interest will be made for him by his friends in Philad. I have no personal enmity to Mr D. C.: on the contrary we are good friends but as I regard the welfare of this young country which I shall now most probably continue to live in it is my wish he may not be appointed to this important office, you know a good deal of him and it is only necessary to put you in mind that he is deficient in dignity of character & sterling veracity to fill the office of governor he is liked by few of the Americans here but those dependant upon him—Claibourne above is also unsuitable as I am informed by republicans who know him. Indeed I know of no man in this or the natchez country that would be so well relished as a good man from the United States This country has cost the U. S. a great deal of anxiety & treasure and I hope great pains will be taken by the general government in the appointment of our officers to make us relish the change I say us I mean frenchmen & spaniards—americans will do well enough, let who will preside they know their rights & will have them. It will be those unacquainted with our language & customs that will feel the most and be the most disgusted should improper characters get into power.

Let me recommend M Wm. G. Garland as a worthy good man to fill the offices of high sheriff prothonatory or Marshall if such offices are to be.

August 31st 1803—

Inclosed you have a list of the principal characters which I promised you—

signed BENJAMIN MORGAN

[Enclosure]

List of persons born within the limits of the United States residing at New Orleans ¹⁴ Vz.—

*Benjamin Morgan	Whitton Evans
*Evan Jones.	E. Brown
*Wm E. Hulings	James C. Williamson
*Wm G. Garland	John Eastin
*Wm Kenner	Cap ⁿ Johnson
*Beverly Chew	Doc ^r Wm F Bache.
Richard Relf	Doc ^r W ^m Flood
*Samuel Winter	Doc ^r John Watkins
William Wikoff	Doc ^r Oliver spencer
Joseph M ^o Neill	Wm Wikoff Sen ^r
*Shepherd Brown	Theophilus Collins
Jn ^o M ^o Donnough J.	Doc ^r Theodore Elmer
Geo. W. Morlan ¹⁵	The three last in Appalusia.
*John Poultney	

List of persons born subjects of great Britain or of this colony now residing here—vz—

xJames Mather	Step ⁿ Henderson
xGeorge Mather	John Lynd
Wm Donaldson	James Profit
George Pollock	*Charles Patton
Tho ^s Randall	J B Farrell
*Tho ^s Urquhart	*Andrew Burke
David Urquhart	*James Carrick
Tho ^s Harman	*Charles Norwood
Jn ^o Saunderson	Tho ^s Durnford

¹⁴ In addition to the secondary sources on Louisiana, the following will be found useful in supplying biographical details concerning the persons listed here and those mentioned elsewhere in this volume: *Acts of the Legislative Council of the Territory of Orleans*, 1-2 sess., 1804-1805 (New Orleans, 1805); *Acts of the Legislature of the Territory of Orleans*, 1806-1811 (New Orleans, 1807-1811); "List of Spanish and natives of Louisiana officers who served under General Don Bernardo De Galvez in his campaign against the British in Louisiana, Alabama and Florida, 1779-1781", comp. by C. Robert Churchill, New Orleans, 1925 (typescript in D.A.R. library, Washington, D. C.); Chas. L. Thompson (ed.), *New Orleans in 1805, a Directory and a Census* (New Orleans, 1936); *A.S.P., Pub. Lands*, II.

¹⁵ George W. Morgan is probably referred to here.

*Persons of other nations (principally french) speaking the
english language—vz—*

*Peter Petit	Lewis Dorseine
John F Meriult	xPeter Lacivé
*Paul Lamire	*Michael Fortie J.
*John Lanthois	*John F. Girod
*Joseph Faurie	Dejan
*Francis Duplessis	*Dubourg S ^t Colombe
Stephen Zachary	James Guenon
Zenon Cavalier	Cenas J ^r
Anthony Cavalier	Peter Colsson
A D Fraud	Peter Roque
James Freret	Rogaud
James Pitot	John Cortes
Peter Derbigny	Casper Debuys
xPeter Fourchet	

Those marked thus x live a few miles out of town—Those marked *
are suitable for bank directors—

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NATCHEZ August 12th 1803.

DEAR SIR, I have only time by this days Mail, to acknowledge the Receipt of your agreeable favor's of the 17th and 18th of July,¹⁰ and to add, that I will with all possible dispatch, give you all the Information I can acquire, in relation to the Province of Louisiana.

I pray you Sir, to receive my sincere congratulations on the success of M^r Monroe's Mission;—The Island of Orleans and the extensive Province of Louisiana, are valuable acquisitions;—the tranquility and security of all the Western Country, are now secured to an incalculable distance of time, and the welfare of the United States greatly promoted.

I shall with great pleasure postpone my Journey to Tennessee, and will hold myself in readiness, to embark for Orleans, immediately on receiving Orders.

To be appointed on the part of my Government, to receive the Island of Orleans, the Province of Louisiana, & the public property, Archives &^o I should esteem as the highest honor which could be confer'ed upon me, and I know of no mission which would be so grateful to my feelings.—

I do suppose that three companies from Fort-Adams would be sufficient to take care of the Fortifications &^e—

¹⁰ *Ante*, pp. 3, 5.

With sentiments the most respectful: I have the honor to subscribe myself—Your faithful friend & Mo: ob^t serv^t

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE U. STATES.

[*Endorsed*] Claiborne Gov^r W^m C. C. Natchez Aug. 12. 03— rec^d Sept. 7.

PETER DERBIGNY TO THE SECRETARY OF THE
TREASURY

[NYHS:Gallatin Papers:ALS]

NEW ORLEANS *august* 12th 1803.

SIR Although it be very uncertain wether you will remember ever to have seen me, yet I will try to trace back to your memory the circumstance in which I had the pleasure to get acquainted with you. In the year 1792. or 1793. being on your way up the Monongahela, you called at the plantation of M^r Delugieres, my father in law, in the evening; and I recollect you was entertained with so frugal a supper, that I think it impossible you should have forgotten it. The next morning I had the pleasure to accompany you, part of the way, to M^cKee's ferry; and I do remember perfectly well that I parted from you with regret. I was then a complete youth, morally and physically speaking; hardships and misfortunes have since then brought me to a state of maturity; and at the age of three and thirty nothing wants me but grey hair. as it is altogether improbable that you may have heard any thing of me since our only meeting, placed as you are in a high station, far above the common path which fate has destinated me to follow, I will take the liberty to tell you in a very few words where I have been and what I have done. About one year after I had the pleasure to see you, we left our plantation on Monongahela, and went down the stream of the Ohio and then up the Mississipy to the Illinois, where my father in law had acquired a very fine country seat. I lived there one year, then at New Madrid two years, employed by the Spanish Government, as Interpreter of the English language; and finally I was called here to fulfill the office of Interpreter to his M^{ty} for the English and french languages, in and for the province of Louisiana. I am in possession of that employment since the year 1797. and in that space of time have acquired no other wealth than a good reputation; But my situation has become very precarious since a change of government has taken place: I am determind to remain here and live once more under the laws of the United States; but I have lost my only resource, and do not know what will now be my fate. In this critical conjuncture, let me make so free as to tell you what are my views, and sollicit your assistance to obtain success. Considering

that I have been six years employed in this country as public Interpreter, to the full Satisfaction of government and of individuals, that I am versed in the business, and laws of this province, acquainted with every transaction that has been made in it within a long time and almost with every sole that inhabits it, sufficiently instructed in the English, French and Spanish languages to dispatch any business, and finally, I may say, generally esteemed, I think I am, moreover on account of my routine the fittest person to fulfill the office of County Clerk in this city. It must be observed that the population of this country is mostly French, the records Spanish and the Government English, and consequently that this office must inevitably be placed in the hands of a person versed in those three languages. If then you are of opinion that I may, with all safety, be proposed for it, I have to beg of you to recommend me to the Governor who will be provisionally appointed by the President of the United States, until this country is erected into a state. by doing that, you will confer a great favour on the father of a large family, who enjoys, I am bold to say, the general esteem, and who is exposed, by the present events, to lose every resources to maintain himself.

Confiding in your friendly assistance and the generosity of your heart, I will abstain from saying any thing more on the subject, and subscribe myself most respectfully sir

Y^r most obedient humble servant

PETER DERBIGNY

J'ai écrit à la hâte: pardonnez le peu de soin avec lequel ma lettre est faite.

[Endorsed] Peter Derbigny

DANIEL CLARK TO THE SECRETARY OF STATE

[NA:SD, Consular Letters, New Orleans:ALS]

NEW ORLEANS 20 August 1803

SIR In the Census which I had the honor of transmitting under date of the 17th Ins^t,¹⁷ you will find the district of Atacapas rated at 1447 Persons including Slaves, and I took the Liberty of mentioning my idea of the incorrectness of the Statement in general which I

¹⁷ NA(SD, Consular Letters, New Orleans). The enclosure, found with this letter, a census of the towns and districts of Upper Louisiana and West Florida, is printed, *A.S.P.*, *Misc.* 1, 382. Three other enclosures, a statement of duties received at New Orleans in 1802, a census of New Orleans for 1803, and a statement of the vital statistics and products of the settlements of Upper Louisiana for 1799, are found in NA(SD, Orleans Terr. Papers, II). The latter two documents are printed, *A.S.P.*, *op. cit.*, pp. 383, 384.

believed under rated considerably. An enumeration has been lately taken and just received here Copy of which is enclosed^{17a} and by comparing it with the General Census you will perceive how little reliance is to be placed on it, how remiss the Officers of this Government have been, and how little they were acquainted with the State of the Country. I have reason to think that the neighboring District of Opelousas is underated in the general Statement in the same proportion & that the statements of the Population of the Illinois & the City are the only ones on which a dependance can be placed. Opelousas abounds in Cattle & Horses much more than Atacapas, and both these Posts having extensive & rich Plains have within the few years past attracted a great number of Emigrants from the other parts of the Country on account of the trouble & Expence of clearing Land being unnecessary while there was a sufficiency of Timber for all the purposes of the Planter. The Spanish Government since 1798 has made many ineffectual attempts to prevent the Americans from settling West of the Mississippi, but the torrent was not to be resisted and they have continued constantly gaining ground in spite of every endeavor to the contrary

I have the Honor to remain with respect Sir Your most obedient & most humble Serv^t

DANIEL CLARK

THE HON^{ble} JAMES MADISON

[Endorsed] Daniel Clark 20 Aug^t 1803 rec^d 2 Oct^t Population of Atcapas

THE PRESIDENT TO THE SECRETARY OF THE TREASURY

[LC:Jefferson Papers:LPC]

MONTICELLO Aug. 23. 03.

DEAR SIR Your favors of Aug. 13.¹⁸ and 18¹⁹ were recieved yesterday. the appointment of a successor to Samuel Bishop must await our reassembling at Washington. I inclose you the late letters of Livingston & Monroe for consideration, & to be returned to me when perused. you will find that the French government, dissatisfied perhaps with their late bargain with us, will be glad of a pretext to declare it void. it will be necessary therefore that we execute it with punctuality, & without delay. I have desired the Secretary of the Navy so to make his arrangements as that an armed vessel shall be

^{17a} Cf. "Statement of the Population, Stock, and Lands granted in the District of Atacapus", bound as an enclosure of Clark's letter to the Secretary of State, July 26, 1803 (NA, SD, Consular Letters, New Orleans).

¹⁸ Adams (ed.), *Writings Gallatin*, I, 137-138.

¹⁹ Jefferson Papers (LC).

ready to sail on the 31st of October with the ratification & if possible, with the stock, to France.²⁰ if the latter can be got through both houses in that time it will be desirable. would it not be well that you should have a bill ready drawn to be offered on the 1st or 2^d day of the session? it will be well to say as little as possible on the Constitutional difficulty & that Congress should act on it without talking. I subjoin what I think a better form of amendment* than the one I communicated to you before.²¹ I have been, with the aid of my books here, investigating the question of the boundaries of Louisiana, & am satisfied our claim to the Perdido is solid, and to the bay of S^t Bernard very argumentative. I observe that Monroe & Livingston are clear in our right to the Perdido. how would it do to [annex all] Louisiana East of the Misipi to the Misipi territory & all West of that [river,] below the mouth of Arcansa, establish into a separate territorial govⁿ? Accept my affectionate salutations and assurances of esteem & respect.

TH: JEFFERSON ²²

²⁰ The following statement of the financing of the Louisiana Purchase is derived from a letter of Acting Secretary of the Treasury Hamlin to O. H. Parker, Oct. 16, 1896 (TD, Secretary's Files, Ser. EK, Press Copy Books, vol. 40).

France received \$11,250,000 in 6 per cent bonds of the United States, transferable only on the books of the Treasury Department. The principal of these bonds was redeemable at the United States Treasury fifteen years after the ratification of the treaty. Payments, however, began in 1812, and were completed in 1823. The annual interest was paid in Amsterdam, London, or Paris, by the purchase of remittances on these places. For the payment of claims of American citizens against the French Government, the sum of \$3,750,000 was set aside, and bills were then drawn by the United States minister to France on the United States Treasury. Further details may be found in the letters of Baring & Co. to the United States Treasury (LC), and in the Madison and Jefferson Papers (LC). The various editions of the writings of Madison, Jefferson, and Gallatin should also be consulted.

*[Footnote on the MS.] Louisiana, as ceded by France to the US. is made a part of the US. it's white inhabitants shall be citizens and stand, as to their rights & obligations on the same footing with other citizens of the US. in analogous [situations].

Save only that as to the portion thereof lying North of the latitude of the mouth of Arcansa river no new state shall be established, nor any grants of land made therein, other than to Indians in exchange for equivalent portions of lands occupied by them [until an Amendment of the Constitution shall be made for these purposes.

Florida also, whensoever it may be rightfully obtained, shall become a part of the [US.] it's white inhabitants shall thereupon be citizens, and shall stand, as to their rights & obligations on the same footing with other [citizens of the] US. in analogous situations?

The Courts—: [MS. torn]

²¹ There is another sketch of a proposed amendment by Jefferson, no date, 1803, in the Jefferson Papers (LC).

²² Answered Aug. 31, 1803 (Adams, ed., *Writings Gallatin*, I, 145-152). See also the Secretary of the Treasury to the President, Sept. 16, 1803, *ibid.*, pp. 153-154.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[NA:SD, Orleans Terr. Papers, II:ALS]

(Duplicate)

Near NATCHEZ August 24th 1803.

DEAR SIR, My Letter of the 12th instant,²³ acknowledged the Receipt of your agreeable favors of the 17 & 18^h, of July;²⁴—since which, I have turned my attention, to the several Subjects embraced in your Queries relative to Louisiana, and I now lay before you, the result of my Inquiries and Reflections.—

1st—"What are the best Maps general or particular of the whole or parts of the Province? Copies of them, if to be had [in] print?"—

An^r—There are I believe, none extant that can be depended upon. I have been told there are two Maps of the Province, by men of the names of Romane²⁵ and Gould. That of the former, is supposed to be the best, and I have been promised a copy of it.—I am also informed, that a number of partial but accurate Geographical Sketches of that Country, have been taken by different Spanish officers; but that it has been the policy of their Government, to prevent the publication of them. A general work of the same nature, is said to have been undertaken by the French, when they were formerly Masters of the Country; but it was never finished. An ingenious Correspondent of mine, residing at Natchitoches on the Red River, informs me, that he has nearly completed an accurate Map of the Country, between the Mississippi and the River Grand, including the Province of S'a Fee. I will endeavour to procure a copy of that Map, and should I succeed, will forward it to you; and also, that of Romane, should it be procured for me, according to promise.—

2nd—What are the boundaries of Louisiana? and on what authority, does each portion of them rest?—

An^r—On this question, I have not been able to obtain any satisfactory Information. It is understood, that by the Treaty of 1763, the Island of N. Orleans was the only Tract of Country east of the Mississippi, included in the Province of Louisiana, as then ceded by France to Spain.—It is related to me, on the authority of the oldest Settlers in this Territory, that some time previous to that Treaty, a design was formed of running a Boundary Line, on the West of Louisiana, between the French possessions and those of Spain; and that the Mouth of the Sabine River which disembogues itself into the Bay of S' Bernard in the Gulph of Mexico, was fixed upon, as the point, from which the Line should set out. The persons appointed to run the Line accordingly proceeded thence up the Sabine River as

²³ *Ante*, p. 11.

²⁴ *Ante*, pp. 3, 5.

²⁵ Bernard Romans, *Chart of Coast of E. and W. Fla.* (1774), Lowery Coll. (LC); *The Seat of War in Southern Cols.* (1776), *loc. cit.*

part of the Western Boundary of the French Province, to a place where they erected a small Fort, and fixed in the ground some leaden Posts. The distance of that Fort from the Mouth of the River, I have not learned. From the Fort it appears they left the River, and run the Line (in what direction I am ignorant) 'till it intersected a Creek called Bayou pierre, about five Leagues N. W. of Natchitoches. Here the Line was discontinued, but for what reason I have no information. It may perhaps be necessary to add, that the Post of Natchitoches is situated on the red River, about 180—Miles from its Mouth, and between 150 & 160 Miles from Natchez over Land. Such is the imperfect knowledge, I have been able to acquire on this subject, notwithstanding the utmost diligence of inquiry, which I have exerted in this Vicinity. M^r Clarke from the local advantages which he may avail himself of in this particular, will no doubt furnish you, with an Account more accurate and Copious.

3rd—“What is the extent of Sea Coast from the Western Mouth of the Mississippi, called Prakemenes River”?

Ans^r—The Bay of S^t Barnard has been seldom navigated, and the Coast consequently is but little known.—But the distance required by your question, is conjectured to be about 200 miles.—

4th—“What is the distance from the same Mouth due west to the Western Boundary”?

Answer.—The distance has probably never been measured;—But an old Inhabitant here who calculates by day's journey's, supposes it to be about 160 Miles.—

5th—“Into what Divisions is the Province laid off.”—

Answer.—There are ten divisions, Viz: The Island of New-Orleans, Point Coupe, Atackapas, Apaulousas, Red-River, Ouachitas, Concord, Arkansaws, New-Madrid, and Illinois.—

6th—“What is the population of the Province, distinguishing between Whites and black (but excluding Indians on the East side of the Mississippi) of the settlement on the West side next the Mouth? of each distinct settlement in the other part of the Province? And what the Geographical position, and extent of each of those Settlements”.—

Answer.—The information I have as yet been able to collect concerning the population, position &^c of the several divisions, is not sufficiently authentic, to justify my hazarding an Answer in detail to this question.—The population of Louisiana generally is by some represented to amount to above thirty six thousand Whites, and nearly as many Slaves:—But how far this estimate may be depended upon, I confess myself wholly unable to say.—M^r Clarke will no doubt be able to inform himself upon the subject, with some degree of certainty.—

7th—"Have they a Militia, and what their numbers?—What may be the number of free Males from 18 to 45, in the different settlements?"

Answer—There is a Militia in Louisiana. During the Administration of General Don Galvez, who was an eminent military character, and an Ornament to the service of his Catholic Majesty, the Militia are said to have been well disciplined and serviceable Troops. An old and respectable Inhabitant of this Country, to whom I am indebted for many valuable local communications, states that at the seige of Pensacola, the Spanish Militia (including free Mulattoes) amounted to about 10,000.—Since the Treaty of 1783, the discipline of the Militia, has been considerably relaxed; but they are still enrolled and occasionally called out. A Gentleman who has I should suppose an opportunity of being well acquainted with this subject, computes their present number at between 8 and 9000.—Among those inrolled, I have reason to believe, there are many free Mulattoes and possibly some Indians.

8th—"As good an estimate as can be had of the Nations of Indians, to wit, their names, numbers and Geographical position"?

Answer.—I am unable to make an estimate with the accuracy required. Within a considerable distance of the Mississippi, on the western side, there are but few Indians;—In the interior of the Country, and particularly towards the Mexican possessions, the Tribes of Indians are said to be numerous.—On the west of the Arkansaw River, there is a nation of Indians, called the Ousars, a numerous and warlike people.—

9th—"What are the foundation of their Land Titles, and what their tenure"?

Answer.—Many Inhabitants claim Land under old French Patents. More recent Titles are derived from Spanish Grants, issued by the Governor General at New-Orleans.—The Latter are I believe seldom made; but in favour of actual Settlers, and they are usually conditioned for early improvement of the Soil, keeping up Levees, and such other public services as local circumstances suggest.—

10th—"Are there any feudal rights, such as ground Rents, fines on Alienation, droits de moulins, or any noblesse as in Canada"?

Answer.—To each part of this question, I answer from good authority in the Negative.—But a Correspondent to whom I directed my enquiries on those particulars, informs me, (perhaps facetiously) that there are in the Province several self created Nobless.—

11th—"What is the quantity of granted Lands as near as can be estimated"?

Answer.—It is impossible for me, to make any probable estimate, either of the Lands already granted, or of those which the United

States may find disposed of in that way, by the time we get actual possession of the Province. Between the ratification of the Treaty of 1795, and the arrival of the American officers at Natchez, it is confidently asserted that the Spanish Government was generous in the distribution of Lands, among the friends they were parting from. How far a similar spirit of liberality, may be apprehended in Louisiana, on the present occasion, I cannot presume to say.—

12th—“What is the quantity ungranted in the Island of New-Orleans, and in the settlement adjacent on the west side?”

Answer—None of much Value.—

13th—“What are the Lands appropriated to public use?”

Answer.—Very little, if any.

14th—“What public Buildings, fortifications Barracks or other fixed property belonging to the public?”

Answer—Many of some value; such as the Government house, Custom house, Priests House & Public Store Houses at N. Orleans. There are also some Barracks & Fortifications, both said to be much out of repair.—On the River, between N. Orleans & the Sea, there are two or three Forts; one called Fort Plackamine 'though small, commands the River being judiciously situated, and well built.—

15th—“What is the quantity and general limits of the Lands fit for the culture of Sugar? What proportion is granted and what ungranted?”

Answer—From the Balize to twenty Leagues above New-Orleans, Sugar may be cultivated to advantage. The quantity of vacant Land is uncertain.—

16th—“Whence is their Code of Laws derived? A copy of it, if in print?”

Answer—Louisiana, like most other Countries which have undergone a change of Masters, derives many of its Municipal Customs & regulations from different sources; By what kind of Laws, the French formerly governed the Province is unknown to me.—After its session by them to Spain, General O'Reily the Governor of the Province, published a Collection of Laws (as I am informed) of a general nature, but few in number. But whether that small Code was a selection from the previous Laws of the Country, to which he intended to give new force, or were certain Ordinances, then for the first time promulgated by the authority of the new Government, I have not ascertained. O'Reily's Code is said still to be in print, but I have not been enabled to procure a Copy. Under the Spanish Government at present, the Laws are enacted in the Council of State by order of the King. But in cases of small local Concern; I understand that the Governor General with the advice of certain other officers of State at New-Orleans, has occasionally published some Regulations providing for the redress of Grievances in a summary way.—

17th—"What are the Courts in existence, and their Jurisdiction? Are they Corrupt? Are they popular? Are they tedious in their proceedings"?

Answer—There are in Louisiana, both Civil and Ecclesiastical Courts, the respective Jurisdictions of which, are I presume, separated by the usual Lines of distinction. Many of the officers of Government civil and Military, are vested, according to Circumstances, with inferior judicial Authority. In the several divisions of the Province, the Commandants, and other Persons commissioned only as Alcades or Majistrates, hold petty Courts of limited Jurisdiction. From these petty Courts an Appeal lies to the Governor General, who is invariably assisted with the Advice of a Counsellor called the Auditore.—From the decision of the Governor General, an appeal formerly lay to the Governor of the Havanna; but now lies to the King & Council only. As to the integrity of these Courts, you will perceive from their Construction, that this depends upon the honesty of the several Individuals to whom the Charge of administering Justice is entrusted. Fame accuses these Courts with Corruption, and I fear, many notorious facts support the Suspicion.—It is however but Justice to add, that some of the Governor's General, have been Men of honor and principle; But notwithstanding that, I believe, the Inhabitants of Louisiana, have often had to lament, that from the nature of the Courts and the unnecessary forms of Office, Power was placed into the hands of Men, who by various Arts of Intrigue; contrived in many cases, to sell Justice, with but little risque of detection.—The popularity of those Courts, might safely be questioned, were it possible under a despotic Government to come at the real sentiments of the Subject;—Among the Rich, and those connected with Men in office, they may enjoy some favor, but I see nothing to endear them to the Poor, but a promptitude in their decisions, and that I suspect must be numbered only among their occasional Virtues. For 'though some trials are speedily disposed of; other's again are hung up for years;—Causes appealed, are very tedious, but as the influence of the Judge, generally travels with the appeal, they are Seldom demanded.—

18th—"What is the number of Lawyers, their Fees, and standing in Society"?

Answer.—Lawyers, so called according to the usage of the United States, and perhaps of Spain, and her more important Colonies, are yet unknown in Louisiana. But there are certain Lawyers eminent in their Profession, who are employed as Officers, with Salaries from Government to assist in the Administration of Justice;—One as I have already stated counsels the Governor General, and another is I believe allowed the Intendant; The duty of those professional assistants seems to be, to collect and arrange the several pleadings, (which are commonly in the forms of petitions) evidences and other Docu-

ments for the convenience of the Judges, to prepare themselves on all points of Law likely to occur, for the information of the Court, and perhaps occasionally to assist in the decision even on facts.—

19th—“Are the people litigious? What is the nature of most Law Suits? Are they for Rights to Land, personal Contracts, personal quarrels?”—

Answer—At present the people of Louisiana, are represented to me, as being in general a Mild and Submissive people, not by any Means prone to litigation; But such is generally the character of Men under Arbitrary Governments.—In the “calm of despotism”, the more violent passions of the Vassal, find few opportunities of Indulgence.—But when their present Shackles are removed, and a Rational System of Free Government shall acknowledge and protect their Rights, the change of disposition which may accompany so sudden a transition from the condition of Subjects to that of Free-men, will probably be considerable.—Under the Spanish Government, the Inhabitants of this District, differed little, in character, from their Louisianian Neighbors; at present the litigation of the Territory gives Bread to near thirty Lawyers, and I understand the old Settlers are considered very good Clients.—

20th—“What would be the effect of the introduction of the trial by Jury in Civil and Criminal Cases?”

Answer—Some of the oldest and most respectable Inhabitants of this Territory are of opinion, that in Civil Cases the Trial by Jury, will at first be unpopular, and I have heard this Reason assigned, “That Men who have long appealed for Justice to great Personages, whom they looked up to as wise and learned, cannot at first, without reluctance, submit to the decrees of Men, no better than themselves.” And the same Reason is likewise supposed, to operate with some of the old Settlers in this Territory, even at the present day to the disrepute of Jury Trials. In Criminal cases on the contrary, the Trial by Jury (it is thought) will be extremely acceptable. Indeed it is very observable, that as the people in this District, begin to understand this Mode of trial, their Attachment to it encreases. And as the people of Louisiana likewise become enlightened, they will no doubt, learn to appreciate fairly, and acknowledge with Gratitude, the superior Excellencies of the System.—

21st—“What is the nature of Criminal Jurisprudence? Number and Nature of Crimes and punishments?”

Answer.—The information which I have been enabled to acquire on this Subject, is by no means satisfactory. To this question therefore, I must at present, decline making an Answer.—

22nd—“What public Schools and Colleges have they? Can the Inhabitants generally read and write?”

Answer—I understand that there is one public School at New-Orleans, supported principally by the King; But it is, of little general use, being engrossed chiefly by the Children of the more wealthy Citizens of the Island; There is also a Nunnery at the same place; It was established early in the 18th Century, and still continues to furnish young females with Boarding and tuition. A majority of the Inhabitants are supposed to be able to read and write; the information of few of them, extends beyond those acquirements.

23rd—“On what footing is the Church and Clergy?—What Land or tythes have they, and what other Sources of Support?”

Answer—The Clergy are supported by Salaries from the King; they are provided with Houses in each Parish; they are allowed no Lands or tythes; and receive from the people a few inconsiderable perquisites.—

24th—“What Officers civil or Military are appointed to each division of the Province? And what to the General Government?”

Answer—The Governor General is the highest Civil Majistrate, and also Commander in Chief of the Army and Militia of the Province. The Intendant General, the second officer of the Government, has peculiarly in his care all matters concerning Commerce. Under both of these there are several subordinate officers with the duties and powers of whom, I am but little acquainted. To each division of the Province is assigned a Military Commandant and Alcades, of whom I have already spoken.—

25th—“By whom are they appointed? Are any Chosen by the Inhabitants?”—

Answer—Invariably by the King, or his Representative the Governor. Every species of popular election is yet unknown in Louisiana.—

26th—“What emoluments have they, and from what source derived?”

Answer—Nearly all the public officers receive Salaries from the King; But except in a few Cases, the value of Office, is greatly increased by perquisites.

27th—“What are the local taxes paid in each division for the local expences of such division, such as Roads, poor, Charity Schools, Salary of local officers, and by whom are they imposed?”

Answer—No direct Taxes of any kind are imposed in Louisiana.

28th—“What are the duties on imports and Exports respectively—the amount of each?—The manner of collecting them? The place where levied? And the time of paying them?”

Answer.—This question will doubtless be answered with accuracy by M^r Clarke; I do not possess, nor could I readily acquire the information required in detail. This however I can state on good authority, that duties are levied both on Imports & some Exports; that the

amount of the Revenue arising from them is considerable; and the whole are collected at New-Orleans.

29th—"How are the Officers paid who are employed in the collection? daily or Annual Salary, or by Commissions, or by Fees?"

Answer—They receive annual Salaries from the King; but their principal dependence is said to be on certain private Resources, which I shall explain better, when I come to speak of the dilapidations of the Revenue.—

30th—"What is the nett amount of these duties paid into the Treasury?"

Answer—Of this I have no knowledge.—

31th—"Are there any other general taxes laid in the Province? Whether &c, &c?"

Answer—I have only to repeat, there are no direct taxes levied in the province.

32nd—"What are the expences of the Province paid from the Treasury, under the following heads. 1. Salaries of Governor, Intendant, Judges, and all other civil officers. 2. Military including fortifications, barracks &c. 3. Erection and repairs of public Buildings. 4. Colleges and Schools. 5. Pensions, and gratuities. 6. Indians. 7. Clergy. 8. Roads; and all other expences?"

Answer—The Governors Salary is 4000\$ pr annum; his Secretary 600\$; his Counsellor called the Auditore 2000\$; The Intendant 2000\$; respecting the Salaries of the other officers I am not advised. But all the Salaries are I believe moderate; the fees and perquisites attached to most of the Offices are high; those of the Governor and some others are said to be considerable. The Civil and Military expences of the Province taken together, I am informed amount to near 700,000\$ annually; and in some years approached nearly to one million. The detail of the expenditure I have not procured.

33rd—"What are the usual dilapidations of the public Treasury? 1. before it is collected by smuggling & bribing. 2. In its expenditure by the unfaithfulness of the Agent and Contractors thro' which it passes?"

Answer.—It is no easy task to trace with precision, all the ingenious windings of official peculation under a Spanish Government. That smuggling to a considerable amount is carried on at New-Orleans, by the connivance of the Inferior officers of Collection, and sometimes by that of their Superiors, is understood in this Country to be a matter of common notoriety. Merchants calculate on it;—every boat-Master on the River, goes down impressed with the idea, and I never met with any, who have yet returned, with the impression removed. To attempt an accurate estimate of what the Revenue loses by those Frauds would be vain; but the losses are certainly great.

And in the appropriation &c afterwards, I have been confidently assured, that nearly one half sinks into the Coffers of unfaithful Agents. But this, as well as the former dilapidation can only be conjectured, and may possibly be exaggerated.—

34th—“If the annual expenditure exceeds the annual Revenue, in what manner is the deficiency made up”?

Answer.—By remittances from the Havanna and Vera Crux.

35th—“What is the nature, amount and depreciation of the paper Currency?”

Answer.—There is no paper Currency.

36th—“Exclusively of paper currency, are there any other debts incurred by the Spanish Government? their amount? do they bear Interest? Are any evidences of the same in circulation;—In what proportion are they due to the Inhabitants of the Province, or of the United States, and to Persons not inhabitants of either”?

Answer.—There are some Bills of Credit on the Treasury in circulation, for which Government is answerable; they bear no interest and are generally in the hands of the Traders on the Island of N. Orleans; their amount is supposed to be several hundred thousand dollars.—

The remaining questions concerning the Trade &c, constitute a subject on which I can make no Communications of Consequence;—I will only add, that of the Imports by the way of New Orleans, but little is reexported; some to Florida by Sea, a little by a Contraband trade into the interior of the Province of Takus, and a small portion to Vera Cruix, Havanna &c;—There are a few distilleries on the Sugar plantations; where also some sugar is refined. The Coasting trade is confined to the Floridas, and small Schooners employed in it. The Mississippi is navigated in Batteauxs, and other small Craft.—

Many of the Answers which I have returned to your questions, are without certainty; But all the information within my reach is communicated. We are in this Territory, very partially informed of the Affairs of our Spanish Neighbours, and even the Individuals under that Government, know but little of their own Affairs, beyond the circle of each man's peculiar Station and duties. Despotic Governments are generally reserved, and corrupt ones are always jealous of inquiry. To inspect the Archives of a Spanish Province is a privilege granted but to few, and probably to none, who would not feel an interest in concealing them. And without an inspection of these Archives it appears to me, that the force of Louisiana, its population &c, or any material part of its political œconomy, cannot at this time be ascertained with certainty.

I take this occasion to offer you, my best wishes for your health and happiness, and to renew the assurances of my sincere and respectful attachment:—

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the United States.

P.S. I had just completed this communication, when a Letter from a well informed Gentleman now residing in Louisiana, was handed to me;—Speaking of the limits of the Province My Correspondent says—“The subject of the Western Boundary of Louisiana, [is] much talked of here, and various opinions entertained; All I know is, that the Jurisdiction of the Government of Louisiana ends, and that of the Province of Takus (or as it is spelled Taxas) commences 10 or 12 Miles west of the Post of Nachitoches on the Red-River.

This information corroborates the statement, I have heretofore made on the subject of the Western Boundary William C. C. Claiborne

[*Endorsed*] Claiborne Gov. W. C. C. near Natchez Aug. 24. 03 rec^d Sep. 25. order of the king of France for the delivery of Louisiana to the Spaniards in 1764 taken out for the Secy—also letter of 27th Dec^r 1803.^{25a}

DANIEL CLARK TO THE SECRETARY OF STATE

[NA:SD, Consular Letters, New Orleans:ALS]

NEW ORLEANS 26 August 1803

SIR I have the Honor of inclosing to you for the information of the President, answers to such of the Queries forwarded me as I could for the present reply to.²⁶ I have not observed the order in which they were put, as some will require further time to obtain information on, and others tho' not difficult to ascertain in the gross, cannot now be inserted on account of the details with which it will be necessary to accompany them, but I hope in a short time to finish the remainder and will forward them without delay. In favor of what I now send you I have only to alledge the diligence with which I have prosecuted the enquiries and the fidelity with which I have endeavored to select the most correct information.

My friend M^r Dunbar of the M. T. having by Yesterdays Post informed me that the President had likewise forwarded to him a Copy of the same Queries,²⁷ I shall in a few days send him a Copy of my answers that he may add to them what is wanting and expunge what is faulty, and thus render the whole more useful, being persuaded that his Judgment & information are infinitely superior to mine, and that

^{25a} Cf. Claiborne's letter to the Secretary of State of this date, printed, Rowland (ed.), *Claiborne Let. Bk.*, I, 312-316.

²⁶ Not present. The complete report was enclosed in Clark to the Secretary of State, Sept. 8, 1803, *post*, p. 28.

²⁷ July 17, 1803 (Ford, ed., *Writings Jefferson*, VIII, 254-256).

our Country may be better served by submitting my ideas & Opinions to the correction of a person of his talents & Judgment.

I shall have the Honor of addressing you again in a few Days on this subject & remain very respectfully Sir Your most obedient & most humble Serv^t

DANIEL CLARK

THE HON^{ble} JAMES MADISON

[*Endorsed*] Daniel Clark 26 Aug^t 1803 rec^d 28 Sept^r

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA: SD, Orleans Terr. Papers, II: LS]

Near NATCHEZ, 7th, *September* /1803

SIR/I have reason to believe that much of the vacant Land in Louisiana, will be covered by fraudulent grants, previous to the delivery of the province to the United States.—

There is a Spanish post immediately opposite to Natchez, the Commandant of which, Don Joseph Vidal, (a captain of Militia, and formerly secretary to Governor Gayoso,) manifests great solicitude that some of his friends and acquaintances of this Territory, should possess themselves of Lands in his vicinity, and it is reported to me, that many of the inhabitants of Natchez, and of Adams County, have within a few weeks past surveyed and partially improved much Land west of the Mississippi, under an expectation that they will finally hold the same. I have also understood, that several of the Civil and Military officers of Louisiana, have lately set up claims to large bodies of Land, from six to twenty leagues square, and that these Lands are now at Market at very reduced prices; some have been purchased for ten cents p^r acre. Upon the whole I very much fear that the same frauds are now practising in Louisian'a, which are alleged to have been committed in this Territory, subsequent to the Treaty of 1795. I shall write to M^r Clarke upon this subject, and in the mean time, I will use all the means in my power, to learn the extent of these fraudulent transactions.²⁸—

I am Sir Very respectfully Your Most Ob^t Serv^t

WILLIAM C. C. CLAIBORNE

PS. In consequence of a general received opinion that M^r Munroe will negociate for the Spanish Territory East of the Mississippi, the

²⁸ A letter concerning the illegal surveys west of the Mississippi was also sent to the Secretary of the Treasury by Briggs, Sept. 8, 1803 (GLO, Div. E, Miss. SG, vol. 52). In the Jefferson Papers (LC), are found two drafts of a proclamation by the President declaring void all acts tending to affect the right of the United States to the lands held by Spain, occurring after the treaty of San Ildefonso. The proclamation is not dated but is filed with the 1803 MSS.

vacant Lands of the Florida's are in great demand, and I think it probable, that in a few months nearly the whole of the valuable land in that quarter, will be covered by Spanish grants.— W. C. C. Claiborne.—

JAMES MADISON Esq^r Secretary of State.

[Endorsed] Mississippi Territory Governor 7 Sept^r 1803 rec^d 2 Oct^r Fraudulent grants in Louisiana and Florida.

[Enclosure]

Governor Claiborne to Daniel Clark

Near NATCHEZ *September 7^h 1803.*

SIR, Your Letter of the 18th ultimo²⁹ has been duly received, and I am much indebted to you for the information it contained.

It is suspected here, and I fear the suspicion is well founded, that many Citizens of this Territory, have for some time past been engaged in locating and surveying large tracts of Land, on the West of the Mississippi, under some authority supposed to be derived thro' Captain Vidal, the commandant of the Post immediately opposite to Natchez. I am not informed of the detail of those proceedings, or by what kind of title, whether that of occupancy, improvement, or otherwise, those new claimants expect to hold the land in question: with a view therefore, of ascertaining with certainty, whether any fraudulent Measures are practising, and to prevent as far as May be in My power, any injury to the U. States to whom Louisiana has been ceded, I deem it a duty to apprise you of the above mentioned circumstances, and at the same time to request such information as you can collect, on the following heads.

1st If any office be now open at New Orleans, or elsewhere for the sale of Lands in Louisiana?

2. Whether the Spanish Government do not confine their grants of Land to persons residing within the Dominions of his Catholic Majesty?

3 If the Commandants of separate posts have any general power, or if Captain Vidal in particular, has any special commission, to Authorize the Location &c of Lands west of the Mississippi by Citizens resident in the Territory or others.

A communication concerning the above particulars, will add to the obligation which I am already under to you.³⁰—

I am Sir Very respectfully Your most ob^t Serv^t

(Signed) WILLIAM C. C. CLAIBORNE

DANIEL CLARK Esq^r New-Orleans

²⁹ Not found.

³⁰ Answered Sept. 20, 1803, *post*, p. 56.

[*Endorsed*] Copy of a Letter from the Governor of the Mississippi Territory, to Dan^l Clark Esq^r dated Sept^r 7^h 1803. rec^d in Gov^r Claiborne's

DANIEL CLARK TO THE SECRETARY OF STATE

[NA:SD, Consular Letters, New Orleans:ALS]

NEW ORLEANS 8 *September* 1803

SIR Herewith I forward answers to the remainder of the Queries (except the eighth)³¹ which the President was pleased to address to me. On this last I hope to obtain still further information and will communicate the result by next Week's Post. The difficulty of obtaining official details, of comparing, translating and afterwards arranging them has caused more delay than I expected, or than the information procured would seem to require, but these delays were unavoidable as after repeated promises of obtaining from the heads of Departments the details which I applied for, and a constant attendance day after day for them I was at last obliged to obtain them piece meal by another Mode, and to avoid committing any one had to translate the whole myself even to the Customhouse Statements, two of which not being yet classed alphabetically I am under the necessity of deferring to send you 'till next Opportunity. Being unwilling that any details sent you should get abroad before you thought it proper to make them known I was obliged to copy the whole myself, having lately perceived that a Person whom I had employed to make the duplicate Copy of the Royal Order for the surrender of the Province to France, had forwarded another Copy to Philadelphia, and had it published there contrary to my wishes or knowledge. I can only assure you with respect to the information & details now given that they are the most correct & the best I could procure, and that I have spared no Pains to acquit myself of the Commission entrusted to me. I shall as with the former Communication send a duplicate to M^r Dunbar that he may add his remarks thereon for your further information—I have not yet heard from him in answer to what I wrote him on the subject.

I have the Honor to remain very respectfully Sir Your most obedient & most humble Serv^t

DANIEL CLARK

THE HON^{ble} JAMES MADISON

³¹ Enclosed in Clark to the Secretary of State, Sept. 29, 1803, *post*, p. 61.

[Enclosure: NA,SD, Orleans Terr. Papers, II:AD]

Queries respecting Louisiana, with the Answers ³²

[No date, 1803]

Quirie N° 1. What are the best maps general or particular of the whole or parts of the Province; copies of them if to be had in print,

Ans^r I know of no good maps in print of the Western part of the province, at least, I have never seen any that were exact, M^r Ellicot must be able to give better information respecting the eastern part near the coast than any other Person having traversed it, & his journal ³³ will point out the courses of all the rivers crossed by the line

When he was in Orleans I procured him a sight of all the good manuscript or other maps & plans that were here, & he Surveyed part of the Coast & most of the Rivers, there is a good map of the neighbourhood of Mobile among some papers forwarded by me to the Secretary of State—The Map of the Missouri taken at the expence of the Company ³⁴ of the same name I sent to be presented to M^r Adams as President of the U. S. in 1799.—this survey is certainly the best that was ever made of that part of the world, & the map must be now in M^r Adams possession who I presume would not fail to communicate it if required,—Hutchins published a map of the Mississippi, ³⁵ Ellicot surveyed it & ought to have an exact map of it in his possession,—The Rivers flowing into it from the W. & N. W. are delineated from the ideas given of them by the French, when they formerly held the country & have not since been much frequented by Scientific people, a map of the coast of the Gulph of Mexico published by order of Dⁿ Juan de Langara ³⁶ in 1799. is one of the best I have seen but it is on too small a scale,—no map whatever gives a correct idea of the Coast between the Balize & the Rio de Sabinas, and especially of the flat & marshy Country between the Balize & the Atacapas,—

N° 2 What are the boundries of Louisiana and on what authority does each portion of them rest!

Answer When the Spaniards enjoyed the undisturbed possession of Louisiana, its limits in their opinion had scarce any bounds to the N. W. & were ill defined every where from the sea coast, as the same sovereign who was possessor of it was likewise so of all the neighboring countries, which were either totally without inhabitants or occupied by Savage enemies who rendered a demarcation of limits impossible, even

³² In Clark's hand.

³³ The *Journal of Andrew Ellicott* was published in 1803.

³⁴ Founded by Zenon Trudeau, May 12, 1794 (*Chittenden, Hist. Amer. Fur Trade* (1802), I, 137, n.).

³⁵ Thomas Hutchins, *A Topographical Description of Va., Pa., Md., and N. C.* (1778), ed. by Hicks (1904).

³⁶ One of the royal ministers.

had it been a desirable object in the opinion of the Sovereign; a dispute with the English respecting Nootka Sound & their discoveries in that quarter, it is said procured a recognition of a right in England to New Albion whose southern boundary being agreed on, became the northern one of California, and an imaginary line prolonged from the sea to the east to a certain distance was to be the extant of New Albion in that direction; where New Albion ceased Louisiana was to begin, Capt^a Vancouver is said to have been Commissioner on the part of England & Alava on that of Spain who agreed on these limits, I have not for want of opportunity read Vancouvers voyages ³⁷ but they must be easy to procure in the U. S. and if no information can be learned from them a demand of an explanation from the British Cabinet can easily obtain it, from the Southeast boundary of New Albion the limits of Louisiana are uncertain in proceeding to the Southeast, till we come to the point on the Bayou des Lauriers about 2 leagues to the S. W. by S. of Natchitoches on the River Rouge & 5 leagues from Adaiés where the Road crosses the creek & where used formerly to be two plates of lead fixed to a tree one on each side of the Road with inscriptions expressing that to be the boundary between France & Spain, without indicating which way the line continued to run either to the North or South from thence, similar plates are said to have been fixed at the Yatassé an old Village of the Nadaco Indians about 5 days journey or about 50 Computed leagues from the Natchitoches in a supposed N. W. direction,—from the point marked in the Bayou des Lauriers to the Sea Coast, the boundary line was never ascertained, one party claiming much more than the other was willing to allow, and so matters have remained to the present,—The Spaniards pretend that a line drawn due South from the Bayou des Lauriers to the Sea should be the Boundary, & this line if drawn would strike the sea near the mouth of the River Carcasou according to the best accounts, but for this they have no authority, and would I believe willingly compound to make the Rio de Sabinas the frontier,—The Government of Louisiana has demanded of that of Mexico the limits of their interior provinces in order to be guided thereby but whether this ought or not to be deemed sufficient authority to settle those of Louisiana by will depend on our Government to ascertain,—the treaty of Paris by which France ceded a part of Louisiana to Great Britain, & gave the remainder including the Island of Orleans to Spain is the authority on which she rests for that part east of the Mississippi, and looks upon the additions made to Louisiana by Conquests from England as part of West Florida, which she proposes retaining—France always claimed to the West as far as she discovered on the Rivers in that quarter & her traders & others penetrated to a great distance,—The Journal of

³⁷ George Vancouver, *A Voyage of Discovery to the North Pacific Ocean, and round the World* (3 vols., London, 1798).

Bourgmont³⁸ Commandant of the Fort of Orleans³⁹ on the Missouri to the Padouca Nation,⁴⁰—The memoirs of Dumont⁴¹ & history of Le Page Du Pratz⁴² will afford some information on this subject—Charlevoix & Father Hennepin who were the first missionaries that explored the upper part of the Country may furnish some authorities,⁴³ & I presume there must remain in the Archives of the French Government some documents respecting the Boundaries assigned to the province when they had possession of it,—The fort built by La Salle in 1685. when he landed at the bay of S^t Bernard in searching for the Mississippi, & much less that built by the Buccaneers in the Rio Bravo can be thought to serve as authorities for claiming so far West, as the [page missing]

Quiries N^o 3. What is the extent of the Sea Coast from the Western mouth of the Mississippi called Plaquemines river?

Answer It is about 3 degrees of Longitude from the Chapalaya unto which the Plaquemines empties to the entrance of the Bay unto which the River Sabina falls & this is supposed to be the Western boundry of Louisiana

N^o 4. What is the distance due west from the same mouth to the Western boundary

Ans^r The distance due west from Plaquemines Bayou to the Sabine River, the supposed Western Boundary of Louisiana is about 3 degrees of longitude; the coast with the exceptions of the indentures made by 2–3 Bays runs nearly east & West, it is about 100 miles from the mouth of Plaquemines River to the South West pass of the Mississippi—the Bayou or Creek of Plaquemines is not the most Western Branch of the Mississippi, The Chaffalaya which seperates from it about a league below the entrance of Red River is the most Western mouth, & the Plaquemines falls into it before it gets to the Sea⁴⁴

³⁸ Compiled in 1724, and published under the title of "Relation du Voyage du Sieur Bourgmont", in Margry, *Découvertes et Établissements des Français*, VI, 398–452.

³⁹ Established by Bourgmont in 1723, about fifteen miles from the mouth of the Missouri River; its exact site is a matter of dispute. See Houck, *Hist. Mo.*, I, 258; Stapes, "Fort Orleans", *Mo. Hist. Rev.*, VIII, 121 *et seq*; Alvord, *Ill. Country (Cent. Hist. Ill., I)*, 156–158.

⁴⁰ Or Comanche; see Hodge, *Handbook Amer. Indians* (Bul. 30, Bur. Am. Ethnology), pp. 327–328.

⁴¹ *Mémoires historiques sur la Louisiane* (2 vols., Paris, 1753); an English translation is in B. F. French, *La. Hist. Colls.*, ser. 1, vol. v.

⁴² *Histoire de la Louisiane* (3 vols., Paris, 1758); an English translation was published in London in 1763.

⁴³ Charlevoix, *Hist. and Description of New France*, translated by John G. Shea (6 vols., 1900); Hennepin, *Description of La.*, also translated by Shea (1880).

⁴⁴ For a lengthy and detailed description of the Atchafalaya from the Mississippi to its mouth, see Humphrey to Freeman, Dec. 15, 1805 (NA, WD, AGO, Old Recs. Div.).

N^o 5. Into what divisions is the Province laid off

Ans^r The Province as held by Spain including a part of West Florida is laid off into the following principal divisions viz Mobile, Pensacola, Balize to the City, New Orleans & Country on both Sides of Lake Ponchartain, first & Second German Coasts; Cabahanoce, Fourche, Venizuela, Iberville, Galveztown, Baton rouge, Pointe Coupée Attacapas, Opulouzas, Ouachita, Avoyelles, Rapide, Natchitoches, Arkanzas, & the Illinois,

In the Illinois there are Commandants, at New Madrid, S^t Genevieve, New Bourbon, S^t Charles, & S^t Andrews, subordinate to the Commandant General,

Baton Rouge being made a Government in order to give place to an Officer who was appointed Governor of Natchez after the Treaty of limits, the posts of Manchac & Thompsons Creek or Feliciana, the last of which comprehend all the Country from the Creek of the same name were added to it,

Chapitula has some times been regarded as a separate Command but is now included within the City jurisdiction. The lower part of the River has likewise had at times a separate commandant.—

N^o 6—What is the population of the province distinguishing between White & Blacks but [not] including Indians on the East side of the Mississippi, of the settlement on the West side next the mouth, of each distinct settlement in the other parts of the province, & what the geographical position and extent of each of those settlements

Ans^r The population of the Country considerably exceeds 50,000 Souls, but it is impossible to specify with any exactness that of each Settlement in particular, for want of late returns from them,—it is likewise out of my power to ascertain the number of Inhabitants on each Bank of the River,—respectively as the Census of the settlements lying on it do not distinguish between those on one side & those on the other, for the Geographical positions I refer to the Census inclosed in my letter of the 17 Aug^t ⁴⁶ to the Secretary of State in which I have endeavoured to give as exact an idea of it as possible,—the extent of those settlements is only regulated, when by an increase of population the Inhabitants of one approach to & interfere with the other, it is however generally understood that the Commands in distant places not lying on the Mississippi extend 20–30 leagues when they do not interfere with others, & on all occasions which call for the interposition of Justice, the nearest commandant takes cognizance of matters let the distance be ever so great from him, if it is out of the inhabited Country,

From the Iberville to the Sea, leaving out New Orleans, San Bernardo, & Galveztown which are on the left Bank, & Veninzuela on the

⁴⁶ NA (SD, Consular Letters, New Orleans). The enclosures are found in NA (SD, Orleans Terr. Papers, II).

right, & are all of them settlements whose population can be seperately ascertained, the numbers of whites is otherwise nearly equal on both sides, that of the Blacks is greater on the left Bank which (especially near the City) contains the richest plantations,—in the account of the population Indians are totally excluded,—

N^o 7 Have they a militia, and what their numbers, what may be the number of Males from 18–45 years of age in different Settlements.

Ans^r There is a Militia in Louisiana & the following is the return of it made to the Court by the Baron de Carondelet,

Balize to the City,—Volunteers of the Mississippi 4 Companies of 100 men each (complete)	400
City, Batallion of the City 5 Companies	500
Artillery Company (has supernumairies)	120
Carabineers (or privileged Companies of Horse) 2 Companies of 70, incomplete	100
Mulattoes 2 Companies, Negroes 1	300
Mixed Legion of the Mississippi, Comprehending Galveztown, Baton Rouge, Point Coupée, Atacapas, & Opelousas viz	
2 Companies of Grenadiers	
8 “ of fusiliers	
4 “ of Dragoons	
2 “ lately add from Bayou Sarah near the lines of demarcation	
16 of 100 men each	1600

N.B. from the districts last mentioned whose militia compose the mixed Legion, the Government has always counted on being able to bring 3000 Men to a point on the Mississippi in 15 days when necessary.

Avoyelles 1 Company of Infantry	100
Ouachita 1 D ^o of Cavalry	100
Natchitoches 2 D ^o , 1 of Infantry & 1 of Cavalry	200
Arkenzas 1 D ^o of Infantry & Cavalry	100
Illinois 4 Companies Cavalry {& are always above the Com- 4— D ^o Infantry | plement	800
Provincial Regiment of German & Accadians from the first German Coast to Iberville 10 Companies viz 2 Granadiers 8 fusiliers of 100 each	1000
Mobile, & the Country East of Lake Pontchartrain 2 Companies of Horse & foot incomplete	120
	5440

From want of returns on which dependance can be placed, it is impossible to tell with any exactness the number of free Males from 18 to 45 years in the different Settlements.⁴⁶

N° 9 What are the foundations of their land titles, & what their tenure

Ans^r The Land titles emanate from the Crown some by grants direct from it, the Major part by grants from the Governor, & in distant Posts from the Commandants who were authorized to make them,—They are all held in fee Simple

N° 10. Are there any feudal rights such as ground rents, fines or alienation, droits de moulins, or any Noblesse as in Canada

Ans^r There are no Feudal rights whatever & no Noblesse

N° 11. What is the quantity of granted Lands as near as can be estimated.—

Ans^r It is impossible to tell or ascertain the quantity of lands granted without calling on each owner to give in an account, The Registers being incomplete, & the Maps made by the different Surveyors Gen^l having been lost in the fires of 1788 & 1794.

N° 12. What is the quantity ungranted in the Island of New Orleans & in the Settlement adjacent to the West side.

Ans^r All the Lands on both sides of the Mississippi from the distance of 16 leagues below Orleans to Baton Rouge are granted for the depth of 40 Acres or near $\frac{1}{2}$ a league, which is the usual depth of all concessions or grants, some have double & triple grants, that is to say they have twice or thrice 40 acres in depth with a certain front on the River & some have grants to extend from the Mississippi to the Sea or Lakes behind them, in the other parts of the Country the people being generally settled on the Banks of Creeks or Rivers, have a front of 6–40 Acres, & the grant almost invariably expresses a depth of 40 acres in each mans grant, —all the lands ungranted on the Island of Orleans or opposite bank are supposed unfit for Cultivation but contain many valuable Cypress swamps, & with Care a great part might I think be drained.—

N° 13. What are the lands appropriated to Public use

Ans^r The lands devoted to Public use, are so trifling, if there is any at all, as not to demand attention

N° 14 What Public Buildings Fortifications, barracks or other fixed Property

Ans^r The buildings, fortifications & fixed property belonging to the Public are in Orleans viz

2 very extensive Brick Stores 160–180 feet in length by about 30 in breadth, & of 1 Story, with a large loft, & covered with shingles

⁴⁶ Question No. 8, relating to Indians, was enclosed in Clark to the Secretary of State, Sept. 29, 1803, *post*, p. 61.

A Government House, Stables & Garden occupying a front of about 220 feet on the River in the middle of the Town & extending 336 feet back to the next Street,

A Military Hospital

A Powder Magazine on the opposite side of the Mississippi

An ill built Custom House of Wood almost in Ruins in the upperpart of the City near the River,

An extensive Barrack in the lower part, & fronting on the River, calculated to lodge 12-1400 Men,

5 ill constructed field Redoubts with a covered way, pallisade & ditch, the whole going fast to ruins, & could never possibly be of any Service from the want of Judgement in their construction, it would be proper to throw the works into the ditches, & thereby get rid of the stagnant waters which occasion Sickness,

A Large lot adjoining the Kings stores which serves as a Park of Artillery with a few sheds on it

A Prison, Town House, Market House, Assembly room, Some ground rents, & the Common about the Town.

A Public School for the rudiments of the Spanish language.

A Cathedral Church with the presbitary (unfurnished) & some houses belonging to it,

A Chartity Hospital with some Houses belonging to it, & a revenue of \$1500 annually endowed by an Individual lately deceased.

N^o 15. What is the quantity & general limits of Lands fit for the Culture of Sugar! & what proportion is granted, & what ungranted,

Ans^r It is supposed that all the Land free from Inundation between the Balize & the River Iberville on both sides of the Mississippi, & as far back as the Swamp might be devoted to the Cultivation of Sugar, & after deducting a sufficiency for Pasture & Provisions there would remain at least 50,000 acres for that purpose,—above the Iberville the Cane would be affected by the cold, & its produce would be uncertain, all these lands are already granted.—

N^o 16. Whence is their code of laws derived, a copy of it if in print,

Ans^r The Code of laws is derived from the *Recopilacion de Indias*, & *Leyes de Castilla*⁴⁷ & *les uses & Coutumes de Paris*⁴⁷ for what respects usages & Customs,

The Marquis de Yrujo, & John Vaughan of Philadelphia had copies of the Spanish Laws,—the French uses & Coutumes may I presume be easily found among the Booksellers in the United States, they are not to be had here.—

N^o 17 What are the Courts in existence & their jurisdiction, are they corrupt, are they popular, are they tedious in their proceedings.

⁴⁷ Both codes are embodied, in English translation, in L. Moreau Lislet and Henry Carleton, *The Laws of Las Siete Partidas* (2 vols., New Orleans, 1820), the preface of which offers an account of the original publication of each code.

Ans^r The Courts existence are

The Governors which has a Civil & military Jurisdiction throughout the province,

The Lew^t Governor's whose Jurisdiction extends throughout the Province in Civil affairs only.

The Tribunal of each of the two Alcaldes whose Jurisdiction extends to the City and 5 leagues round in Civil and Criminal cases, when the Parties concerned have no fuero Militar or Military privilege, those who have, can transfer the Causes to the Governor.—

The tribunal of the Intendant in Admiralty & Revenue Causes, & in all in which a suit for the recovery of money is brought in the Kings name or against him,

The Tribunal of the Alcalde Provincial in criminal Causes where offences are committed in the Country or when the Criminal takes refuge there.

The Ecclesiastical Tribunal, which has jurisdiction in all matters respecting the Church

The Governor, L^t Governor, Alcaldes, Intendant, Provincial Alcalde, & Provisor in Ecclesiastical matters are respectively sole Judges, hear, what is alledged & pass Sentence,—all Sentences affecting the life of the Criminal except those of the Alcalde Provincial must be ratified by the Superior Tribunal or Captⁿ General according to the nature of the cause before they are carried into execution,—The Governors have not the Power of pardoning Criminals,—An Auditor & an Assessor two Doctors of laws are appointed to give Counsel to each of these Judges, but for sometime past there has been no Assessor, & if they act contrary to their opinions, or do not consult them they are responsible for their decisions, all pleadings are in writing & are carried by the Notary to the Assessor who puts his opinion to them, & they are then signed by the Governor or other Judges—these Auditors & Assessors have always been corrupt, & to them only can be imputed the maladministration of Justice, as the Governor & other Judges who are unaquainted with the Laws, seldom dare to dispence with their opinions, much less act contrary to them, hence if the Auditor or Assessor is bribed, proceed delays & infamous decisions—There is an appeal to Havanah, if applied for in Causes above a certain Sum, within in 5 days after the decree of the Court, & an appeal lies from the decision of the Tribunal of Appeals at Havana, to the Audience of S^t Domingo, now established in some other part of Cuba, & from it to the Council of Indias,—these Courts are all unpoplar & extremely tedious.—In pecuniary matters the laws are in favor of summary proceedings, an execution can be had on a bond in 4 days, or a note of hand in 4 days after the party acknowledges, or when his signature is proved—Moveable property is sold after giving 9 days Warning & being publickly cried 3 times in that

interval.—Landed property must be cried likewise 3 times with an interval of 9 days between each & must then be sold—all property taken in execution must first be appraised & it must bring at least half the Value of the appraisement,—In pecuniary matters the Governors can decide verbally without appeal when the sum does not exceed 100 dollars—The Alcaldes have the Same privilege in sums not exceeding 20, & they generally do summary Justice,—In addition to these Courts there were established for the Sake of bettering the City Police a few Years ago four Alcaldes de Barrio, or petty Magistrates, one for each of the four quarters of the City—they can hear & decide on all demands not exceeding 10 Dollars, can commit to prison, & in case of robbery, riot, or assassination by calling a Notary can take cognizance of the affair, but when this is done, they are bound to remit the proceedings to some one of the other Judges, & in all cases whatever to give them information when they have committed any Person to prison

N^o 18 What is the number of Lawyers; their fees, their standing in society

Ans^r The number of Lawyers here is trifling, not exceeding 3 or 4 Attornies, and their standing in society is full as good as their character or talents will justify, their fees are small, pleadings are made in writings called escritos, & the parties may write their own if they please—the notarys present them, put the decree of the Judge to them, & then notify the same to the parties, & their offices are the Repositories of all the processes,—The fees of the Judges are 25 Cents for every half signature (which is usually afixed on common occasions) 50 Cents for whole signatures, \$2⁷/₁₀₀ for an assesstencia on any matter, such as an attendance at a sale &^o, or an evidence taken before him,—

The fees of the Abogado Consultor or Person consulted by the Judges on law points are 12¹/₂ Cents for every leaf of which the process consists, & four dollars for every point of law cited & this sum is always stated by himself at the bottom of his decree,—The fees of the attorney are 62¹/₂ Cents for a simple petition or escrito, but if should be necessary to read a process in order to form his petition, & it should require much time & labor, he is allowed in proportion to it, besides 12¹/₂ Cents P leaf for going over the papers—For attendance on any business he is allowed 1¹/₂ Dollars for the assistance of 2¹/₂ hours,—The fees of the Notary are 50 Cents for each decree or order of the Judge, 25 Cents for a notification in his office, & 50 Cents for one out of it, but within the City,—1¹/₂ dollars for every attendance of 2¹/₂ hours on business, & 25 Cents besides for every leaf of paper written by him,—

A Counsellor or two (Abogados) have at times resided in this place, but they have been found troublesome to the Governors, Intendants & the Auditors & Assessors, & on that account have been

Sent out of the Country on some pretext or other,—The Counselor values his own work & in general exacts large sums,—The Procurador or Attorney generally receives from the Party who employs him more than is allowed by Law,

N° 19 Are the people litigious! what is the nature of most law suits, are they for rights to Land,—personal contracts—personal quarrels

Ans The people generally are far from being litigious, they are afraid of having as the express it des démêlés avec la justice, there are however characters of an opposite Cast,—the nature of most suits are personal contracts, Womens rights to dower,—there are very few suits respecting rights to land, or personal quarrels,

N° 20 What would be effect of the introduction of trial by Jury in Civil and Criminal cases,

Ans In a little time When the French could be made to comprehend the nature of a trial by Jury the effect would be of the most satisfactory kind, at present they know nothing about it, & the Americans ought for some time to be the only Jurors with now & then the admission of a Creole by way of explaining to him the nature of the subject

Query N° 21 What is the nature of their criminal Jurisprudence, number & nature of Crimes & Punishments

Answer For an answer to this Question I refer to the small work on the subject herewith ⁴⁸ which treats of it more clearly and concisely than all I had got written by the Lawyers respecting it. for further information I refer to the *Leyes de Castilla & Recopilacion de Indias* on which this little Work is founded.

N° 22 What public Colleges and Schools have they, can the Inhabitants generally read & write; what degree of information do they possess beyond that

Ans There are no Colleges, & but one Public School, the Masters of this are paid by the King to teach children, the Spanish language only,—There are a few private Childrens schools, not above half the inhabitants can read or Write the french, & not two hundred in the whole country with correctness—in general their Knowledge extends little further, altho' they seem to have been endowed with a good natural genius & with an uncommon facility of learning any thing the apply to

N° 24 What officers civil or Military are appointed to each division of the province & what to the General government, with a general description of their powers.

Ans The Officers appointed for each division of the province are generally either an officer of the Army or Militia who are civil & military Commandants of the Fort or district they command in,—

⁴⁸ This reference is to the digest of the laws prepared and published by Governor O'Reilly, Nov. 25, 1769; a contemporary printed copy, in French, is in NA(SD, Orleans Terr. Papers, 1), and an English translation is in *A.S.P., Misc.*, 1, 363–376.

when the Settlement is small some respectable character is appointed to the Civil command, & the Militia Officer commands in Military matters,—when there is a Garrison the commandant is subdelegate of the Intendant, & draws on him for all expences incurred of which he keeps an account as well as of all matters respecting the Revenue in his district,

The duty of the Commandant is to look after the Police, preserve the peace of his district, examine the passports of Travelers, to suffer no strangers to settle in his command without leave first obtained from the Government general, to prevent smuggling; he must certify that all lands petitioned for by the Inhabitants are vacant, before they are granted, & it is his duty when required to put the owner in possession,—The Commandants hear & determine all causes in pecuniary matters not exceeding 100 Dollars, when the suit is for a larger sum, they begin the process, collect the evidences & proofs & remit the whole to the Governor to be decided here by the Competent tribunal, they can inflict no corporal punishment except on Slaves, but have the power of arresting & imprisoning when they think necessary, advice of which & of their motives for so doing must be transmitted to the Governor,—there are but two districts in the Country viz Baton Rouge & the Ilenois, where the officer in command is of higher rank than Captⁿ—He has no salary as commandant unless he receives no other pay or pension in which case he is intitled to 100 \$ P annum,—his perquisites are those of the Judges for attendances &°,—he is besides in general the Notary of the Post, and all Sales of Slaves & landed property must be made & registir'd in his office without which they are not valid—He acts as Sheriff, & levies on property by execution attends at the Sale & certifies it, collects the amount & forwards it to the Capital, makes inventories when the Inhabitants die intestate, for all which he receives the fees usually allowed to the proper officer in New Orleans

The Officers appointed for the General Government, are,

A Governor, invested with Civil, & Military Authority,

An Intendant, charged with the Administration of the Revenue & Admiralty matters, he has likewise the land office under his direction,

An Auditor or Doctor of Laws, appointed to Serve as guide to the Governor

An Assessor who serves in the same Capacity to the Intendant these two last officers likewise serve as Assessors to the Alcaldes

A Secretary of the Government & one of the Intendancy charged with the Archives of the Offices &°,

A Treasurer General of the Province,

A Comptroller gen^l or Contador who is likewise Fiscal of the Revenue
 & serves as a check on the Intendant,
 A Surveyor General,
 A Store Keeper who takes charge of all public property,
 A Purveyor, who makes all purchases Wanted for Public account
 An Interpreter of the English & French languages
 Three Notaries whose offices serve as repositories for Law Suits &
 register offices
 A Harbour Master to regulate the Shipping & Mariners,
 A Minister of Marine to regulate contracts for the Navy,
 A Doctor of the Military Hospital,
 An Indian Interpreter,
 A Physician, Surgeon, & Apothecary, to the Hospital,
 A Collector, Comptroller, Treasurer, Guard Major, Notary searcher,
 two head Clerks, & about 20 inferior officers in the Custom House,
 Besides a numerous train of dependents & subalterns in the different
 offices The municipal officers, Engeneers, Clergy, & military of
 whom I shall send forward a seperate detail

The work which treats of the establishment of the Cabildo by O'Rielly will give an account of the municipal officers, his regulations respecting the grants of land will point out the principles on which they were made, & the regulations of the Baron de Carondelet will give an idea of the interior police of the Country.⁴⁹

N^o 25. By whom are they appointed, are they chosen by the Inhabitants

Ans^r All appointments in the province with more than 30\$ a month salary are made by the King, those under, by the Governor or Intendant in their respective departments, there are no officers chosen by the people,

N^o 26. What emoluments have they! & from what source derived

Ans^r The emoluments of the officers are their Salaries, there being few who have fees, but they all plunder when an opportunity offers, & are all Venal, a bargain can be made with the Governor, Intendant, Judge, Collector, down to the Constable, & if ever an officer is displeased at the moment of an offer of money, it is not at the offer or offerer, but because imperious circumstances compel him to refuse it, & the person offering thereby acquires a degree of favor which incourages him to make a second when occasion requires it,—all Salaries are paid from the Treasury—

N^o 27. What are the local taxes paid in each devision for the local

⁴⁹ *Reglement Concernant la Police générale*, published by Carondelet, June 1, 1795 (NA, SD, Orleans Terr. Papers, 1). Both the works of O'Reilly and Carondelet were submitted to Congress by the President, in English translation, Nov. 29, 1803 (*A.S.P., Misc.*, 1, 363-381).

expences of such devison, such as roads, poor, Clergy, schools, Salary of Local officers, & by whom are they Imposed

Ans^r There are no local taxes whatever, each land holder is obliged to keep up the Road on his own land,—The Clergy are paid by the King, & receive a fee for marriages, christenings, & burials, the local officers such as Syndics or Justices of the Peace serve gratis,—The Commandants of Posts who have no military employment or pension receive 100\$ annually from the Treasury & when as justices of the Peace they take evidences in Suits or attend at Sales, are allowed by the parties the perquisites established by Law which are trifling

N^o 28 What are the duties on imports and exports respectively, the gross amount of each, the place where levied and the manner of paying them,

Ans^r—The established duties are 6 P C^t on Imports, & as much on exports according to a tarif, a copy of which I forwarded to the Secretary of State, their amount for the 3 last years is expressed in the following table

	1800	1801	1802
Duties of imports	47,696.2	71,716.3	64,055—
“ of exports	22,380.3½	17,408.6	53,460.4½
Dollars	<u>70,076.5½</u>	<u>89,125.1</u>	<u>117,515.4½</u>

	first six months 1803
the Sum mentioned as received here in 1802, & that stated in the query N ^o 30. arises from the duties on transfer of shipping & licences	on imports 30,697.1½
	on Exports 30,243.3½
	<u>D^{rs} 60,940.5</u>

They are collected at New Orleans

All duties not exceeding 200\$ are paid at the time of making the entry, all exceeding it, in 3 months for which a bond is given with two securities

N^o 29. How are the officers paid who are employed in the Collection, whether by fees, daily or annual Salary, or Commission

Ans^r The Officers employed in the Collection are paid by annual Salaries, there is but one Officer in the Customs viz the Notary who has a fee,—there are no Salaries paid by Commission

N^o 30 What is the nett amount of those duties paid in the Treasury

Ans^r The Amount paid last year was about \$120,000 and may generally be calculated at near this Sum,

N^o 31. Are there any other general taxes in the province, whether 1 on land income or Capitation, 2nd on transfer of real property, wills &

inheritances, 3^d on Sales of Merchandize 4th on Stamps & records, 5th on manufactories by way of excise 6th in any other way, the gross & nett amount of each, the time place & manner of collecting them and whether, & whether the collecting officers are paid by fee, Commission, or Salary,

Ans^r The following are the taxes paid in the Colony, a duty of 6 P Cent on the transfer of Shipping, which is paid at the time of making it, & is levied on the Sum the Buyer & Seller agree to declare as the real price, it seldome however exceeds half, there being no oath required, and is paid at the Custom house,—a duty on Collateral Legacies or inheritances which exceed 2000\$, of 2 P Cent established the 20th Sept^r of 1802,—of 4 P Cent on all legacies & inheritances exceeding \$2000, to persons who are not relations of the testator, & these are paid into the Treasury,—

A tax on Civil employments, the Salaries of which exceed 300\$ annually called *Media annata*, amounting to half of the first years Salary, and is to be paid by certain officers in two yearly payments, by others in 4, the first person appointed to a new created office, pays nothing, but the duty is afterwards levied on all who succeed to it,

Seven Dollars deducted from the sum of 20\$ paid as Pilotage by every Vessel entering or leaving the Mississippi but the Treasury provides the boats, & pays the Salary of the Pilots & Sailors employed at the Balize,—The remainder of the 20\$ is destributed in the following manner viz \$4 to the head Pilot, 4 to the Pilot who is in the Vessel, & 5 D^{rs} to the Crew of the Row boat that goes out to put the Pilot on board or take him ashore

A tax of \$40 P annum for liciences to Sell Liquors

A tax on Certain places when Sold, viz office of Regidor Notary, Attorney &°

Query N^o 32 What are the Expences of the Province paid from the Treasury under the following Heads 1st Salaries of Governor Intendant Judges and all other civil officers. 2nd Military including Fortifications barracks &° 3 erection and repairs of public Buildings. 4. Colleges and Schools. 5 Pensions and gratuities. 6 Indians. 7 Clergy. 8. Roads and all other Expences.

Answer The General Expences of the Colony as estimated by the Count de Galvez in 1785 independent of Casualties and extraordinary Expences amounted to 537,869 dollars 4 rials as p^r detail annexed N^o 1.⁵⁰ Since that period several new offices & annual Expences have been created Statement of which is likewise annexed N^o 2.⁵¹ The general a/ct of Receipts and Sums paid from the Treasury in Cash last year (1802) is annexed N^o 3 ⁵¹—and N^o 4 is a Statement of Sums

⁵⁰ Enclosure not present. It is mentioned in the Secretary of the Treasury to the President, Nov. 8, 1803 (Adams, ed., *Writings Gallatin*, 1, 169–170).

⁵¹ Not present.

paid in Certificates and not included in the general account amounting to 116,302 dollars $2\frac{1}{4}$ r⁶³ It will be proper to remark here, that on account of the Scarcity of Cash & the certainty that they could not procure payment, many Persons who have claims on the Treasury have not brought forward their accounts, that little has been lately expended in Fortifications, buildings or repairs, that the Public Works are all in ruins, & that but few Presents have been made to the Indians since the news of the Cession to France, by which the Expences have been considerably diminished.

N^o 33. What are the usual dilapidations of the Public Treasury, 1st before it is collected by Smuggling & bribery, 2nd in its expenditure by unfaithfulness of the Agent & contractors through whom it passes.

Ans^r It is impossible to answer this question with precision, it is supposed that not near one half of the duties of Customs are collected, on account of Smuggling & bribery, & it is not safe for a merchant to attempt to do Business unless he falls into the general custom; there are no oaths administered at the Custom house except one to the Captⁿ of a Ship on clearing out, and this he is ignorant of, he is told to sign something in Spanish which he does not understand, & is never read to him, this is the registry of his Cargo & it contains an affidavit that it is the whole of what he has on board,—there are not perhaps half a dozen merchants in Orleans who know of this affidavit,—in the expenditure of the Revenue every one concerned contrives to avail himself of every opportunity of appropriating to himself what he can of it •

N^o 34 If the annual expenditure exceeds the annual revenue in what manner is the deficiency made up.

Ans^r The Expenditures are at least six times the amount of the Revenues the deficit is made up in Cash sent from Vera Cruz to pay all expences

N^o 35 What is the nature amount & depreciation of the paper Currency,

Ans^r There is no paper Currency in Circulation, when there was one it arose from the expences incurred in War time when the Usual remittances could not be made without danger of Capture & has depreciated to 2 for 1.

N^o 36 On what funds does it rest! whether on provincial revenue which will remain pledged for its redemption, or on the Credit of Government

Ans^r The paper money always rested on the Credit of the Government solely

N^o 37 Exclusively of paper currency are there any other debts incurred by the Spanish Government! their amount, do they bear

⁶³ Not present.

interest, are any evidences of the same in circulation, in what proportion are they due to Inhabitants of the Province or of the U. S. and to persons not inhabitants of either,

Ans^r Exclusive of Paper money, there is a debt incurred by the Government for supplies furnished the Troops & Kings Stores here & salaries of Officers & workmen for which certificates are regularly issued & may now amount to about 450,000\$ it bears no interest & is now at a discount of 30 P C^t—this does not proceed from a want of confidence or fear of total depreciation, but from the value of money & general want of it—the whole of this Sum is due to the Inhabitants of the Province & American Merchants residents here, & would have been long since paid off if the Intendant of Havana had not advanced to the Agents of the French Government in S^t Domingo the sums destined for this country—The Government of the U. S. might insist on this debt being paid before the Intendant is allowed to depart & in all probability if it sent a small Vessel with an order from the Intendant on the Treasury of Vera Cruz the whole would be put on board without delay,—individuals to whom the money is owing would run the risk of the voyage

Query N^o 38 What is the annual amount of Exports of the growth or Produce of the Province under the following heads 1 Cotton, 2 Sugar & melasses. 3 Indigo. 4 Boards planks & Wood generally. 5 Lead. 6 Corn. 7 Furs & Deer Skins. 8 Horses & Cattle. 9 all other articles.

Answer. There are no Documents by which a correct Estimate can be formed—the following is supposed to be a tolerably accurate Calculation of the Value of our Exports which are annually increasing.

	Dollars
20.000 Bales of Cotton of 3 C ^t each	1. 200. 000
4 to 5000 Casks of Sugar of 10 C ^t each.	260. 000
800 Casks of Melasses of 100 Gallons each	32. 000
Indigo decreasing rapidly but the remains of former	
Crops	100. 000
Peltries	200. 000
Lumber—lately diminished.	80. 000
Lead & Corn uncertain	
Horses & Cattle none by Sea	
all other articles (suppose).	100. 000
	Dollars 1. 972. 000

N^o 39. What Proportion of those articles were exported to the U. S. during the last year of the last War? and what to other Countries and what Proportion of what was exported to other Countries was in American Vessels?—

Answer. Three fourths of the Cotton, all the melasses, the greatest part of the Sugar, and perhaps half the Peltries and Indigo exported during the Period above mentioned were to the U. S., the remainder if we except Lumber, Pitch, tar and Provisions were shipped to Engl^d and France, and almost the whole of the Shipping employed that year was American, the only exception to this being a few Schooners employed between the Havana, Campeche & this Country.

Queries N° 40. What is the annual amount of imports under following heads

1. Articles of the growth of the U. S. coming down the Mississippi
2. Articles of the growth of other Countries distinguished as followeth. Wines, quantity & Quality, Spirits & Brandies d°. Coffee, Teas, Pepper & Spices, cocoa & Chocolate, refined Sugar, other West India articles, Salt Segars & Spanish Tobacco also Quantity & Quality. All other articles of European & East India manufacture being generally dry Goods & Hardware, their Value and as far as practicable the Quantities of each kind?

Answer For want of accounts on which a reliance can be placed I cannot answer the first part of this article, and have therefore written to the Collector of the Customs at Loftus's Heights to forward to the Secretary of State, an acc^t of the Exports cleared at his Office. It is impossible to give any thing like an exact account of imports into Louisiana, on account of the smuggling carried on and the facility & frequency with which whole Cargoes are landed without any notice being taken of them. In order to give even an imperfect idea I forward the Statement of the Imports & Exports for the years 1800, 1801 & 1802 taken from the Customhouse Books, remarking that little or none of the finer kind of Goods are entered such as Plate, Jewellery, Watches, fine Linens, muslins, Laces, Silks, Fans Calicoes, Cloths &ca and that Wines, Brandies and various other articles are not entered according to their real Quality, but as the worst of each kind; that two thirds of the Exports are shipped in a Contraband way and that an attempt to specify with accuracy the Value and Quantity of any article of importation separately would tend only to mislead & deceive.

N° 41. What portion of those several importations is for the consumption of the Province, what portion for reexportation? particularly the articles which are not of the growth of the U. S. where are these last reexported to? by Land or by Sea openly or with a design to a contraband trade?

Answer. Almost the whole of the importations by Sea whether from the U. S. or elsewhere are intended for the Consumption of the Country—the articles not intended for Consumption here are a part of the Provisions, and the Cotton & tobacco from the Settlements on the Ohio and Mississippi Territory and a few of the finer kinds of

European Manufactures such as Jewellery, Cambrics, Silks, Callicoes, Muslins, Linens, Laces, Fans &ca which are privately reshipped to Havana, Campeche, & Vera Cruz—The Quantity however is not an object of importance, on account of the difficulties experienced in procuring a permission to go to the two last Ports on any pretence whatever. This Trade will however vastly increase when we are in possession of this Country, as all the Spanish Vessels trading in the Gulph will be induced to run into the Mississippi on their Voyages from one Port to another, and will supply us with Colonial Produce & Cash and will take Merchandize for it. If encouraged this Trade will rival Kingston in Jamaica in this particular and will bring an immense Quantity of Silver to our Markets. There is likewise annually re-shipped from hence above 2000 Tons of Logwood brought here from Campeche—This Wood is cleared out for Havana, the Vessel puts in here in distress, is allowed to sell her Wood & with the produce to purchase Lumber, Pitch, tar & other Country Produce and continue her supposed Voyage for Havana, but is not allowed to return direct home.—if however the Owners of the Vessel are Men who have influence she returns there and the Captain makes a new Protest which being admitted by the Intendant discharges the Bond given here for fulfilling the Voyage. I never knew however of the Penalty, which is twice the Value of the Cargo, being exacted, or the Law rigorously put in Force on such occasions. There is a small Quantity of Goods vended in the interior Provinces of Mexico, they are sent up the Red River to Natchitoches and from thence in a contraband way by the route of Nacogdoches further into the Country. The Quantity sent this way is inconsiderable.

N^o 42. What is the annual Quantity of Indigo, Cotton, Sugar, and Melasses, particularly the two last made in the Province? what are the domestic Manufactures? Are there any distilleries and sugar refineries

Answer The annual Quantity of Indigo, Cotton, Sugar & Melasses made here, is supposed to be

Indigo—rapidly on the decline not more than . . .	30,000 lbs
Cotton in Bales of 3 C ^t	20,000
Sugar Casks of 10 C ^t from 4 to	5 000
Melasses hhds of 50 gallons each	5 000

there are but few domestic Manufactures—The Acadians manufacture a little Cotton into Quilts & Cottonades, and in the remote parts, the poorer Planters spin & weave some Negro Cloths of Wool & Cotton mixed. There is one Machine for spinning Cotton in the Parish of Ybberville, and another in the Opelousas, but they do little or nothing. In town, besides the Trades which are absolutely necessary there is a considerable Manufacture of Cordage, and some small ones of Shot

& Hair Powder—there are likewise in and within a few Leagues of the Town 12 Distilleries for making Taffia, which distil annually near 4000 Casks of 50 Gallons each, and one Sugar refinery which makes about 200,000 lbs of Loaf Sugar.

Query N° 43. What number of Vessels & tonnage is required for the exportation of New Orleans? what for the importation? Is there any coasting Trade? what species of Vessels and tonnage employed in d°?

N.B. The Quantity of Flour has this year fallen considerably short of that just mentioned, on account of the difficulty which subsisted for some Months with respect to the Deposit.

Neither has the article of Logwood been taken into the calculation, of which we annually reship from hence at least 2000 Tons, as its importation will depend on the safety protection & encouragement the Spanish Contraband Traders may in future find in the Mississippi—our Vessels will be excluded from the Spanish Ports in the Gulph, but with attention their small Vessels may all be attracted, and independent of Logwood will supply us with Hides, Gums, Indigo, Mahogany & Fustic, Drugs, Sugar, Coffee Cocoa, Cochineal, Silver and all the other Productions of the Spanish Continent & Islands.

[*Endorsed*] Commerce Note Tonnage & Domestic manufactures &ca. to be abstracted from answer to 43^d Query, & added to M^r Wagner's manuscript ⁴⁴—

JOHN BRECKINRIDGE TO THE PRESIDENT

[LC:Jefferson Papers:ALS ⁴⁴]

LEXINGTON (KENTUCKY) *Sep*^r 10. 1803

DEAR SIR Your favors of the 12.th & 18.th ult^o came safe to hand three days ago, for which be pleased to accept my best thanks.—Never came any information more welcome. The scanty information I had been able to collect respecting the cession, & of your ultimate views, added to a report in circulation here, that an exchange of Louis^a for the Floridas was projected, had created in me a distressing

⁴⁴ The reference is to the compilation known as "An Account of Louisiana", based upon the above and other reports, which was submitted by the President to Congress Nov. 14, 1803. The original draft prepared by Wagner, with corrections by Jefferson, is in NA (SD, Orleans Terr. Papers, II). It is printed, *A.S.P.*, *Misc.*, I, 344-356; *Annals*, 8 Cong., 2 sess., 1498-1525; and *An Account of Louisiana being an Abstract of Documents in the Offices of the Departments of State and of the Treasury*. The latter is undated; a copy is in the library of the Department of State. The information requested by the last query is found in *A.S.P.*, *op. cit.*, pp. 355-356.

⁴⁵ A draft of this letter is in the Breckinridge Papers (LC).

⁴⁶ Jefferson Papers (LC).

⁴⁷ Original in the Breckinridge Papers (LC); letter-press copy in the Jefferson Papers (LC).

anxiety. Altho' doubts & apprehensions had in the first moments suggested themselves to me, (the cession being so totally unexpected by me); yet it was not long before I became thoroughly convinced, that it was one of the most important events we have ever witnessed. My principal fear arose from an idea, that many of our Atlantic bretheren of both parties would be alarmed at so vast an accession of empire in one quarter of the Union, and under the impulse of an improper jealousy would immediately begin to calculate, how long it would be before they would be forced to seperate, or travel to the bank of the Ohio to legislate for the Union. Altho all such calculations are equally vain & visionary, yet they will be made & have their influence. We certainly discharge the duty imposed on us, and have nothing to answer for to our posterity, by seizing every occasion to advance the present prosperity of our Country, & by leaving remote & to us incalculable events to be governed by those whose immediate duty it becomes to watch & to direct them. Louisi^a will, beyond all question, be settled fully at a period not very remote. It is equally certain, that it will be settled by americans. The single question therefore is, shall we by surrendering it, permit a foreign & perhaps hostile nation to colonize it at our expence & thereby be furnished with the means of annoying us, or shall we hold it ourselves, populate it as events may make necessary, & shut up every avenue of foreign influence. Under these impressions, whatever the future consequences to the confederacy may be, & which I feel totally unable to calculate, I am unwilling to surrender one acre of the territory acquired by the cession.

The magnitude of the acquisition is not less important, than the manner in which it was acquired. To add to our empire more than two hundred Millions of acres of the finest portion of the earth, without a convulsion, without spilling one drop of blood, without impairing the rights or interest of a single individual, without deranging in the slightest degree the fiscal concerns of the country, & without in short, the expence of a single dollar (for the port of Orleans will of itself reimburse the 15 millions of dollars in the 15 years) is an atchievement, of which the annals of no country can furnish a parallel.—As to the Florida's, I really consider their acquisition as of no consequence for the present. We can obtain them long before we shall want them, & upon our own terms.

Many of the western people will I suspect turn their views immediately towards Louis^a. From the best consideration which my imperfect knowledge of the state of the country enables me to give the subject, I am inclined to think, the country ought to be locked up as closely as possible for the present. This can be pretty easily effected if there are not too many grants made by Spain & secured by the cession. Should this be the case, emigration to the extant of these

grants cannot be prevented, and should this Population be considerable a rapid increase will take place; for it will be impossible to prevent our people from stealing across the Mississⁱ as they can do so with equal ease in every part of it for an extent of upwards of 1000 miles. When they have once crossed it, it will be the Rubicon to them. They have taken their resolution & will hazzard all the consequences.—If the Grants are not extensive the thing will be easy.

Previous to the rec^t of your favors, I had written to Col^o Worthington of Ohio & Col^o Cocke of Tennessee requesting that they and their colleagues would meet me in Washington the 15. of Oct^r, that we might interchange Sentiments on the subject, as I feared we would have to encounter a serious opposition. Cockes colleague is not yet elected, & Worthingtons I have lately heard is at Orleans, from whence, it is much to be feared, he will not return in time. The Rep^s from this State I have no doubt will attend the first Hour. They have been earnestly requested so to do; & are apprized that the subject of the cession will come immediately before them. Indeed the public anxiety here is so great, that any neglect of duty at this time, would be deemed treasonable.

With the most affect^o regards I am dear sir, Your friend & Ser.

JOHN BRECKINRIDGE

M^r JEFFERSON

[Endorsed] Breckinridge John. Lexington. Sep. 10. 03. rec^d Sep. 27.

JOHN PINTARD TO THE SECRETARY OF THE TREASURY

[NA:SD, Orleans Terr. Papers, II:ALS]

NEW ROCHELLE. *Sept.* 14. 1803.

SIR The following recapitulation of our conversation yesterday, may, possibly, serve to elucidate the objects of your researches—The want of the notes, made during my visit to N. Orleans in 1801—prevents more ample & satisfactory details. A reasonable allowance must be made for those errors, to which all travellers are more or less subject—it is my wish to be perfectly accurate in a communication intended to afford a ray of useful intelligence to a respectable Minister of Government—The ideas respecting the organization of the future Government of this important acquisition to the American empire, you will be pleased to admit as the sentiments of an individual, solely actuated by an honest zeal for the integrity, prosperity, & happiness of our common country.

Accept, Sir, the assurances of the respect of Your ob. hum. S^t

JOHN PINTARD.

THE HONORABLE ALBERT GALLATIN Secretary of the Treasury of the U. S.

Revenues of the Province of Louisiana.

The sole revenues of the province of Louisiana, under the administration of Spain, arise from a duty of 6 p^r cent levied on imports, agreeably to a moderately estimated tariff of the value of every species of goods wares & merchandizes, prepared by the Spanish Gov^t & forwarded to its various colonies. There is likewise a duty on exports—Of the amount of which I am ignorant—Cotton, I think pays 2 cents p^r lb. Of the aggregate amount of duties I am also ignorant—Reference to the value of the Invoices of exports, from the U^d States to N. Orleans, may furnish a datum, by estimating at 5 p^r cent—Altho' a considerable portion of fine goods must have been smuggled, this defalcation of revenue is probably more than counterballanced by the surplus duty on Goods that were imported direct from Europe the annual amount of which was very considerable: so that 5—or even 6 p^r cent on the American Invoices, may be deemed a safe estimate.

No internal imposts, whatever, as I could learn, existed within the colony, excepting 50 cents p^r Barrel on all Flour consumed by the inhabitants, the proceeds of which were applied to municipal purposes, chiefly for lighting the streets of N. Orleans, which at best was wretchedly illuminated. The consumption of N. Orleans was estimated at 12. thousand Barrels p^r an. but in conformity with the custom of the manor, the Balier cheated the revenue, and the net sum collected did not amount to more than four or five thousand dollars. Although this tax fell on the poor, indiscriminately with the rich, as the French of all classes are alike devourers of bread, it excited no complaint—The price of bread, in consequence of the abundant supplies from the upper waters, has been so much reduced in N. Orleans, that this tax was not perceived.

Application of the Revenues.

The Revenue, as far as it went, was applied to the support of the civil & military departments, the expences of which, as accurately as I could ascertain, amounted in time of peace, to \$900.000. and in periods of war to a Million & a half. That is to say, Spain, from its Mexican mines, furnished these sums annually for the support of the colony of Louisiana. What proportions went to the civil list, & what to the military chest, I know not. The latter, undoubtedly absorbed the greatest share. The establishments of all the posts on the Mississippi to S^t Louis, with Mobile & Pensacola, if I recollect right, were included in this provision. The salaries of the civil Officers were moderate—the Governor's not exceeding \$5000. All grades, however, according to the miserable system of the Spanish Government, were open to bribery & corruption & to peculation.

Population—

On this head, I speak without book. If I do not misremember, the aggregate population of the whole province including Mobile & Pensacola, amounted to 156,000 souls—this estimate was formed from the Bishops returns of marriageable females, within his diocese—I suppose, therefore—Blacks, not to be included—N. Orleans contained in 1801—by actual return—12,000. souls—of whome 1/3^d might be blacks—An actual census, under the American Government, can alone establish the truth of this computation.⁵⁸

Establishment of the New Government.

The establishment of a civil Government, in this newly acquired territory, merits serious deliberation. The manners & habits of a people, totally foreign to those of the citizens of the U States, may require a system modified to their prejudices

of the Governor—

Much will depend on the choice of a Governor, of a disposition, that may conciliate the French, by respecting & conforming to their fashions—He ought to speak their language, as the medium of an interpreter will render his situation extremely awkward & irksome. His establishment should be liberal, at least equal to the most generous of the Atlantic States—the reciprocation of hospitalities, in a very hospitable country, will be expensive. Independent of his Salary the Government House ought to be furnished, & provided with a Steward for the care thereof—The etiquette of a table, adapted to the French style of living, in plate, linen, &c^a &c^a—is too expensive for an individual to sustain, without other resources than his salary.—

Secretary—

The Secretary should also have an adequate Salary—and ought to speak both languages. He must necessarily represent the Governor on all ordinary occasions and assist on all occasions of ceremony. Trifling circumstances are often productive of important consequences—Much may depend on the Urbanity of the Governor & his suite to accomodate his administration & conciliate the affections of an entire new people.—

The Commanding Officer—

This colony has been long accustomed to a military regimen & considerable military pomp. The appearance ought still to be kept up—The Commanding Officer should be allowed a public table—his living in a city must be necessarily more expensive than on a frontier post—A band of music attached to the regiment, that may perform at

⁵⁸ Cf. census, *A.S.P., Misc.*, 1, 381–384, which embodies different figures.

the Military Mass, Carnival balls &c^a will afford the creoles their accustomed amusements & gratify them at a very cheap price. The choice of this officer ought to be as much considered, almost, as that of a Governor—To unite ease without gross freedom, & accomodating manners with strit military discipline, falls not to the lot of every Muscadier—Much may depend on the firmness & decision of this Officer, to support, in case of necessity, the civil arm.

The Police of the City of N. Orleans—

The introduction of the American system of jurisprudence should have respect to the antient habits of these people. The City at present is governed by a Cabildo or town Council composed of Twelve respectable inhabitants—the Station is deemed highly honourable, and their councils held with much State & formality. By electing a due proportion of the old officers into the new offices the citizens will be much gratified. The Government of a city, exposed to the riots of untractable sailors, drunken Indians, and Kentuckey boatmen, more vicious & savage than either, must be considerably energetic. At present the police is supported by the military, which guards the city by night, and the same practice ought to be continued for some time to come.

The Clergy

are at present maintained by the Spanish Government—N. Orleans is a Bishoprick—Whether there is a resident Bishop at present I know not—The Bishop in 1801—was translated to Guatimala—of the value of his Salary I am ignorant—The Vicar General of the province, Father Welsh, an Irishman of respectable character & talents has a salary of \$400—the parochial priests have from \$100 to \$250 p^r an—with a glebe & marriage, christening & burial fees—No tythes, if I recollect right, are collected. The clergy are generally respected, & invited to all entertainments public & private. If Government could devise some expedient to continue the existing salaries, during the lives of the present incumbents, it would attach the priests to the new order of things, and their influence would be serviceable. The expence, in the extreme, would not, probably, exceed \$3000 p^r an. Bishop Carrol, whose diocese will extend over this new quarter of the Union, may be instrumental in rendering considerable services in controlling the spiritualities of a people, who, tho' not righteous over much, still retain a share of the leaven of superstition.

Custom House—

The mode of collecting the imposts of the U States will totally change the ancient System. An entire new set of officers, from the Collector to the Inspector, will be essentially necessary in this department. None of the present race can be trusted—they are all hacknied

in the practices of bribery & cheating the revenue. To prevent smuggling, Inspectors must be put on board at the Balise—The Custom House might be established at the English Turn—At which place Vessels arrive from sea in 36 hours & are often detained for want of favourable winds a fortnight or longer—It might be difficult, during this delay, to confide in the integrity of an Inspector—eternally assailed with the lure of temptation, to connive at landing of Goods or putting them on board of market canoes constantly ascending to N. Orleans. If the Delta of the Mississippi must be the place for the Seaport, this ought to be the scite—Baton Rouge may be too high for the convenience of navigation—it is more salubrious than N. Orleans from its higher situation—but salubrity, which ought to be the first, is too often a secondary consideration with merchants—N. Orleans is too high for easy access—The English Turn has become sufficiently high & firm for the support of buildings—it is now as to Terra firma, what N. Orleans was a century ago—& it merits mature deliberation, whether this ought not to be the future emporium of the mighty western waters. By establishing the custom house at this convenient point, it might gradually attract the traders, & Americans might, especially, be induced to settle a new spot, where they w^d not have to encounter the manners & prejudices of a different race of people. The new city, in compliment to the Cheif Magistrate, who has acheived the acquisition of this immense territory, might be called Jefferson—it will very soon rival & outstrip any of the Atlantic ports—and the Alexandria of the American Delta will as far transcend that of the Egyptian, as the Waters of the Mississippi surpass those of the Nile.

Plaquemines Fort—

is a commanding post on the eastern side of the river about 8 or 10 leagues from its mouth. The surrounding land is a quagmire—It is a garrisoned generally by a Captain's command. The Bastions are faced with Brick—& the works cost the Spanish Government a very large sum. It would be too low down for the perpetual residence of the Custom House Officers, as well as inconvenient for the Merchants—

The Balise

is a sorry watch tower on the West side of the river near its mouth—not exceeding 40 feet in height—undiscernible at any great distance from the coast, & not being lighted, of no use at night. A new Light house is absolutely essential—I asked the question, whether the two Governments of Spain & America ought not to have provided at mutual expence a new building with Oil &^{ca} &^{ca} this could only be resolved at Madrid—Under one power it is more easily to be decided—The building can only be of wood—as no adequate foundation for a weightier superstructure can be had—As the deposits of the Mississippi continually prolong this part of the continent, it might be well to advance

the new building as near the mouths of the river as possible & leave the old Balise standing to serve as a landmark to take the bearings of the coast, which ought to be minutely surveyed to ascertain the various mouths of the river, bars—water, accessibility &c—of all which we are profoundly ignorant

Pilots—

Twenty four pilots are maintained by Government at the Balise—they are chiefly Spaniards—of course lazy in the extreme—& never go off to a ship at any distance—using row boats only. By this negligence—strange vessels suffer materially—& having nearly made the mouth of the river for want of knowing how to come to anchor, are obliged to run off at night & lose many days—Every vessel, without distinction pays \$20. pilotage—Each pilot has moreover a dollar per day perquisite whilst actually engaged on board of ship, which is seldom more than one or two days—The Bar affords 12 feet water—& a ship may drive thro' 2 or 3 feet mud—The Bar shifts continually—A custom house officer is put on board at the Balise, who is much disappointed if he be not bribed to permit smuggling as the vessel ascends the river—

[*Addressed*] The Honourable Albert Gallatin. Secretary of the Treasury of the United States—at Commodore Nicholson's Greenwich near New York.

[*Endorsed*] Respecting Louisiana New Rochelle Sep^r 15

THE SECRETARY OF STATE TO DANIEL CLARK

[NA:SD, Despatches to Consuls, 1:C]

VIRGINIA Sept^r 16. 1803.

DANIEL CLARK Esq^r New Orleans.

SIR. My present absence from the Office of State puts it out of my power to refer to all the letters from you not yet acknowledged. The last received was of the 12th of August.⁶⁰ The preceeding one ⁶⁰ on the boundaries of Louisiana &° &° has not yet reached me. All the information you may be able to give on that subject, and on every other made interesting by the late cession from France, will be highly acceptable. You will have received an enumeration of various objects to which your attention will be particularly drawn. To these

⁶⁰ NA (SD, Consular Letters, New Orleans), stating that he was preparing a map of the western part of Louisiana with notes on the French settlements and discoveries there, that the news of the cession was pleasing to the planters and Spaniards, and that only a few of the merchants and lower classes of the townspeople were objecting to the transfer.

⁶⁰ Cf. letter of July 26, 1803, *loc. cit.*

your own judgment, assisted by your local knowledge, will probably be able to make valuable additions. A letter from Gov^r Claiborne,⁶¹ received by the same Mail with yours, conveys information concurring with the opinion that the Prefect meditates obstacles to the delivery of Louisiana into our Hands. It is presumable however that so much temerity, if not secretly favored by his Government, must speedily yield to reflection; and it is not a natural supposition that the French Government should wish to embarrass or frustrate, in the midst of a war with Great Britain, a transaction, which the prospect of such a war contributed doubtless to enforce on its policy: Still it will be proper, considering the peculiarities incident to personal character & the vicissitudes incident to political affairs, that every circumstance should be marked & communicated, which may deserve attention in the arrangements to be made in so important a case. But whatever may be the real purposes of the French Prefect, there is ground to believe that Spain, either alarmed by the cession of so much Territory to the United States, or hoping to make her consent the price of concessions on their part, may be so unwise as to oppose the execution of the measure. With a view to such a posture of things, the President wishes you to watch every symptom which may shew itself, and to sound in every direction where discoveries may be most practicable, proceeding at the same time with all the caution necessary to avoid suspicion. You will please to let us know also what force Spain has in the Country, where it is posted, what are its dispositions, how the Inhabitants would act in case a force should be marched thither from the United States, and what numbers of them could be armed & actually brought into opposition to it. You will be sensible that the value of information on those points may depend much on the dispatch with which it is forwarded, and will therefore need no exhortation to that effect.⁶²

I am &^o
Ex^d S P.

JAMES MADISON.

⁶¹ Not found.

⁶² Cf. the President to the Secretary of State, Sept. 14, and to Livingston, Nov. 4, 1803 (Ford, ed., *Writings Jefferson*, VIII, 263-264, 277-279). Concerning the preparations for the occupation of New Orleans, see the Secretary of the Treasury to the President, Sept. 5 and Oct. 28, to Claiborne, Oct. 31, and the President to the Secretary of the Treasury, Oct. 29, 1803 (Adams, ed., *Writings Gallatin*, I, 152-153, 162-169); Claiborne to the Secretary of the Treasury, Nov. 18, to Clark Nov. 18, Nov. 21, and Nov. 22, and to the Secretary of State, Nov. 18 (two), Nov. 26, and Nov. 29, 1803 (Rowland, ed., *Claiborne Let. Bk.* I, 291-299).

DANIEL CLARK TO GOVERNOR CLAIBORNE ⁶³

[NA:SD, Consular Letters, New Orleans:C]

NEW-ORLEANS 20 *September* 1803

SIR My last served merely to advise the receipt of your letter of the 7th Ins^t⁶⁴ and that owing to the immediate return of the Post I could not answer with sufficient precission the subjects mentioned in it. I have since applied to official sources, and am by them confirmed in the opinion, I before entertained, that no authority whatever has been lately given to any person to Locate or survey Lands on the West of the Mississippi, and consequently all such Locations or surveys are not only null and void, but the persons so Locating are exposed to prosecution and punishment for acting without permission:—occupancy or improvements without titles, confer no right under this Government. In Answer to your queries I have to inform you:—1st that an Office for the Sale of Land is now open in New Orleans but is confined merely to the sale of Land in what is looked upon as West-Florida, Viz, the strip of Country between the Island of Orleans, the Mississippi, the line of Demarkation, & the sea, and thence Eastward towards Mobbille, and several large tracts have been disposed of since the middle of July. 2nd For some years past the Spanish Government has not only Confined its' grants of Land to persons residing in the province, but has ordered that no grants shall be made to Americans who may be desirous of settling on it. 3rd The Commandants of Seperate posts, had formerly the right of Granting Lands in the Districts, over which they presided, subject to the approbation of the Government of the Province;—but they were deprived of this authority by Morales the present Intendant, a few years since, and Cap^t Vidal in particular, never had any commission to authorize the Location of any Lands without an express order from the Government of New Orleans, for each particular survey:—and I am directed to assure you, there are not more than 9 or 10 surveys in his District including that of his own plantation, for which there is a regular or legal title, the list of which I shall forward to you. I shall always take particular pleasure in procuring and Communicating (when you may point out any object) such information as may prevent any injury to the Interests of the U. S. and remain Sir very respectfully
Your M^o Ob^t Serv^t

(Signed) DANIEL CLARK

HIS EXCELLENCY GOVERNOR CLAIBORNE

⁶³ Enclosed in Clark to the Secretary of State, Sept. 22, 1803 (NA, SD, Consular Letters, New Orleans).

⁶⁴ *Ante*, p. 27.

THE POSTMASTER GENERAL TO GOVERNOR CLAIBORNE

[PO:P.M. Letter Book M]

Sep^t 27th [1803]

GOVERNOR CLAIBORNE

SIR The important arrangements which must soon be adopted by Congress in relation to New Orleans and Louisiana render essential to the public service a rapid and regular line of intelligence from this place to new Orleans. I have accordingly made arrangement for running an express mail to the Natchez for three months commencing on the 31st of Oc^r next upon the plan here in inclosed.⁶⁵ The President relies on you Sir, to make provision for a line of expresses for the same period to run between Natchez and New Orleans. I take the liberty to suggest that a saving of a proportion of the public money will be effected by new arranging the running of the mail from Loftus heights and employing the post rider under such arrangement as you may make and you have my full authority to give such directions to the Contractor as may be necessary to effect the designed object. It will readily occur to you that it will be important to make such arrangements as shall delay the public mail but a few hours at the Natchez either going or returning. I know not the time which may be necessary to send an Express to New Orleans and receive a returnd mail but have estimated it at four days which I presume will be sufficient be pleased sir to inform me of the measures you may please to adopt—

G—G—

THE POSTMASTER GENERAL TO GEORGE H. HYNDES

[PO:P.M. Letter Book M]

September 28 [1803]

GEORGE H HYNDES Cheeks X Roads

The important negotiations which are now on foot relative to New Orleans render it indispensable that the mail should be forwarded between that and this city with all possible expedition. It may without doubt be carried with regularity One hundred miles in 24 hours (it is carried in Europe in some places at the rate of 150 miles in that time)

Under the Arrangement which I have proposed, it will be necessary for you to

⁶⁵ Enclosed in the Postmaster General to the postmaster at Natchez, Sept. 27, 1803, *Terr. Papers* (Miss.), v, 239-240. Prior to the establishment of the express mail to Natchez, urgent dispatches were handled by the War Department. Cf. the Secretary of War to the commanding officer at Fort Adams, Sept. 6, 1803, and to MacRea, Oct. 5, 1803 (NA, WD, AGO, Old Recs. Div., Mil. Bks. 2 and 4).

Receive the mail at Wythe c. h every Thursday at 8 oclock afternoon and deliver it at Knoxville in 2 Days on Saturday by 6 oclock afternoon

Returning

Receive the mail at Knoxville every Tuesday at 8 Oclock afternoon deliver it at Wythe c. h. on Thursday by 6 Oclock afternoon—

I hope you will not fail to provide proper horses and riders to carry the mail as above to be commenced on the 1st of November and to continue until the 1st of February following. It will be essential that you have a horse stationed at every 30 miles distance as that will be as much as one horse can perform in a day. It will be also necessary to employ two riders as one person cannot ride more than 100 miles without stopping to rest.

For your extra expences in carrying the above into effect you shall receive an adequate compensation as soon as that extra expence is ascertained. As you may probably have occasion to procure more horses than you now have I shall send you two hundred Dollars by next post—

Do not fail to send me an answer by the next post after you receive this—

a similar Letter to EDWARD TEALE Knoxville Te
 “ JACOB HALLER New York Va⁶⁶

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

Near NATCHEZ *September the 29th 1803*

DEAR SIR, I persuade myself that my letters of the 12th and 24th of August,⁶⁷ have reached you in safety.—I have not yet been enabled to procure Romane's Map of Louisiana, and I fear the Geographical sketches which were promised me, by a Gentleman residing at Nachitoches on the Red River will not be forwarded.—This Gentleman is a Doctor Sibly, formerly of North Carolina, and a Man of good general information. A Captain of Militia, by the name of Vidal who is the commandant of a small spanish settlement, immediately opposite to Natchez, has discovered that Doctor Sibly had addressed to me several letters, and this circumstance (I am informed) has excited the jealousy of this very little Spanish Tyrant, in so great a degree, as to induce him to report Sibly to the Governor General of Louisiana as a dangerous subject;—and the probability is, that for the present, I shall be deprived of the benefit of the Doctors correspondence.

⁶⁶ A similar letter was sent to the postmaster at Nashville, Tenn., Sept. 27, 1803 (PO, P.M. Let. Bk. M), and according to an endorsement on the above, to the postmasters at Charlottesville and Wythe, Va.

⁶⁷ *Ante*, pp. 11, 16.

By a late publication in the National Intelligencer, I discover that west Florida is supposed to be included in the Cession from Spain to France, and if so is now ceded to the United States.—The Treaty between France and Spain, I have never seen; but it was reported here that by this Instrument, Spain had ceded Louisiana with the same extent she had acquired it from France;—And that in consequence thereof, the Marquis de Cassa Calvo and Governor Salcedo, the Spanish commissioners had said, that the Island of New Orleans was the only tract of Country, east of the Mississippi which was ceded to France: From this opinion the Prefect dissented, but upon what grounds, I was not informed;—but if the tenor of the Treaty, be as M^r Smith⁶⁸ represents, and Spain has ceded Louisiana to France as the same was previously possessed by France, there can be no doubt, but the greater part of what is now termed west Florida is included.—It is a fact I believe, universally admitted, that Louisiana when possessed by the French, was considered as extending to the River Perdido. This River is east of the Mobile, and falls into the Ocean about 12 miles west of the Bay of Pensacola.⁶⁹

I do suppose that three or four companies of regular Troops, will be sufficient to take care of the fortifications &c at New Orleans and between that City and the Mouth of the Mississippi. But permit me to suggest that it would also be advisable, to transport to New Orleans, four or five thousand stand of Arms, and a suitable proportion of ammunition. The negroes in the Island of Orleans are very numerous, and the number of free mulattoes is also considerable;—on the change of Government, it is not impossible, but these people may be disposed to be riotous, and the organising and Arming the white Inhabitants, (which the American Commissioner might immediately do), would not only discourage any disorderly spirit, but give entire safety to the Province.

⁶⁸ Probably Samuel Smith, a Senator of the United States from Maryland.

⁶⁹ See Robertson (ed.), *Louisiana under Sp., Fr., and U. S.*, II, 137-214, and Cox, *West Florida Controversy*, pp. 64-101. The following are also relevant: memorandum by the President on Louisiana boundaries, 1803, the Attorney General to the President, Jan. 10, 1803, Pinckney to Ceballos, June 1 and 22, 1804, and to the President, May 22 and June 4, 1805, the President to the Secretary of State, July 5 and 6, 1804, Monroe to the President, Sept. 25, 1804 (*Jefferson Papers*, LC); the President to Dickinson, Aug. 9, 1803, to the Secretary of State, Apr. 5, Sept. 16, 1805, to Congress, Dec. 6, 1805 (Ford, ed., *Writings Jefferson*, VIII, 261-263, 349-350, 379-380, 397-402); the President to Breckinridge, Aug. 12, 1803, to the Secretary of State, Aug. 25, 1803 (*Writings Jefferson*, mem. ed., X, 407-411, 412-415); the President to the Secretary of the Treasury, Aug. 23, 1803, the Secretary of the Treasury to the President, Sept. 12, 1805 (Adams, ed., *Writings Gallatin*, I, 144-145, 241-254); Claiborne to the Secretary of State, Jan. 24 and June 27, 1804 (Rowland, ed., *op. cit.*, I, 344-349; II, 227-229).

In my letter of the 24th ultimo,⁷⁰ I stated that a Majority of the Citizens of Louisiana could read and write: on further inquiry, I believe this information to be incorrect. Our new fellow Citizens are indeed involved in great ignorance; a Gentleman on whose veracity I can depend, assures me, that in the settlement of Point Coupee where the Society is esteemed wealthy and polished, that not a third of the free Inhabitants can write their names, and among the illiterate, are those, whose annual income exceeds \$6000: my informant adds, that Mental Ignorance pervades the other parts of the Province in an equal, and he believes in a greater degree.

The form of Government which may be prescribed for our new Territory, excites great anxiety in this quarter. The present Government of Louisiana is a Despotism, partly Civil, partly Military, and in some degree ecclesiastical. The regeneration of a system thus compounded of ingredients, the most abhorrent to those principles, which we would wish to cultivate in the same district, seems to be an arduous task. Sudden and total reformation is best calculated for enlightened minds;—the experiment may prove hazardous with Creole ignorance;—I believe however, that our newly acquired fellow Citizens may be trusted very far, even at first—but I am inclined to an opinion, that until a knowledge of the American Constitutions, Laws, Language and customs, is more generally diffused, a state Government in Louisiana, would not be managed with descretion.

The Surveyor General M^r Briggs has established his office in the Town of Washington, and added greatly to the happiness of our little society; I hold him in high estimation, and discover with pleasure, that he is acquiring very fast the esteem and confidence of the people. M^r Rodney and M^r Williams have not yet arrived; their appointments as commissioners are very popular, and they are themselves great acquisitions to the Territory.⁷¹

I have not seen M^r Trist the collector at Fort Adams for some time, but I understand he enjoys good health, and I know he is attentive to his duties; he is indeed a faithful officer, and Justly merits the confidence reposed in him by the Government.

I pray you to accept my best wishes for your individual, domestic, and public happiness

I am Dear Sir with great respect your faithful friend

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the U. States.—

[*Endorsed*] Claiborne Gov^r near Natchez. Sep. 29. 03. rec^d Oct. 23.

⁷⁰ *Ante*, p. 16.

⁷¹ See *Terr. Papers* (Miss.), v, index.

DANIEL CLARK TO THE SECRETARY OF STATE

[NA:SD, Consular Letters, New Orleans:ALS]

NEW ORLEANS 29 *September* 1803

SIR Herewith I forward you the answer to the Query respecting the Indian Nations in Louisiana, and by consulting the Map already forwarded you, their Position will be easily perceived. I am collecting further information respecting the Nations in the Provinces bordering on & to the West of Louisiana which you will shortly receive. I now take the Liberty of drawing on you in compliance with the Presidents directions for the Sum of \$290 expended for the public account as p^r Statement inclosed N^o 1, and can assure you that it cost me considerably upwards of double the Sum to obtain the various details which I have forwarded, but which as I could not make a specific charge for each article, I have often not charged at all. The Sum of \$150 as charged in the account was paid to obtain permission of various possessors of manuscript Surveys to copy them, and to the Clerks in the Offices for permission to consult the Maps in the Archives for the purpose of forming a more correct one than has hitherto appeared, which is now in great forwardness, and when executed will be sent to you. The Sum of \$100 was a gratuity to the Clerks of the Customhouse for collecting & classing the articles of importation & exportation for three successive Years, which it is not usual to do here in the form in which I obtained it, and was consequently a work of time & labor, which I should have translated and forwarded you as I did the first, had I not been prevented by Sickness, the 40\$ making the remainder of this account were paid to the Clerks of the Public Offices for their assistance in taking Copies of the accounts of Expenditures &c &c which I have already forwarded you, and I enter into these explanations as the nature of the case would not admit of asking for receipts to serve as Vouchers for my account which I flatter myself you will approve of, and direct my draft on you for the amount to be duly honored. I have further drawn a separate draft on you for \$111 62/100 p^r acc^t N^o 2 for supplies furnished to a detachment of the Troops of the U. S. at the request of the Officer who commanded them, and to a Courier for carrying a Packet to General Wilkinson on the Service mentioned in my Letter of the 1st of June,⁷³ and should it not be in the regular way to have drawn on you for these Sums I take the Liberty of requesting you will direct the proper Officer to discharge their amount. I now inclose you a sketch⁷³ of the Neighborhood of New Orleans including the major part of the Sugar Plantations & Saw mills, remarking for your Government, that the first Row of Trees parallell with the River includes all or nearly all the Land now under

⁷³ NA (SD, Consular Letters, New Orleans), concerning Spanish restrictions on the navigation of the Mississippi.

⁷³ Not found.

Cultivation, and from it you will judge of the Portion that remains waste in the Island of Orleans and opposite Bank of the Mississippi; what is called Prairie is a reedy marsh almost impassable by man or Beast in its present State, but which with Care and attention might be turned to account if our Population were greater, or Lands scarcer & dearer than they are now.

I find on enquiry that no Treaties have ever been entered into by Spain with the Indian Nations to the West of the Mississippi, and they look on those concluded with the Creeks, Chactaws &c as abrogated since the Treaty of San Lorenzo with the U. S., which will free us from any trouble with respect to the Stipulations contained in the Sixth article of the late Treaty between us & the French Government. It has not, nor will it be possible to prepare the Indians for the Change about to take place, otherwise than by sending Agents among them who understand their Languages, as they rarely come to Orleans, and the Jealousy of the Spanish Officers who flatter themselves with the hope of retaining the Western Bank, of the Mississippi would be an insuperable obstacle & prove too dangerous a measure for those who might be concerned in it, to attempt to put it in Practice at the present Moment. some Presents will be necessary to keep them in Peace and well disposed towards us; and though the Sums destined for this purpose will not indubitably equal those applied by Spain to that Service, yet being more economically expended & more faithfully applied to the use intended will produce a more favorable effect than has ever been experienced by the Government of this Country.

I have the Honor to remain with respect Sir Your most obedient & most humble Servant

DANIEL CLARK

THE HON^{ble} JAMES MADISON

[*Endorsed*] Daniel Clark 29 Sept^r 1803 rec^d 8 Nov^r

[Enclosure]

An Account of the Indian Tribes in Louisiana

Indians ⁷⁴

The Indian Nations within the Limits of Louisiana are [as well as I can learn]⁷⁵ as far as known as follows & Consist of the numbers hereafter Specified.—

On the Eastern Bank of the Mississippi about 25 leagues above Orleans the remains of the Nation of Houmas or red men which do not exceed 60 persons—there are no other Indians settled on this side of the River either in Louisiana, or West Florida tho' they are at times frequented by parties of wandering Chactaws—

⁷⁴ This word is in Madison's hand.

⁷⁵ All bracketed portions are crossed out in the original.

On the west side of the Mississippi are the remains of the Tunicas settled near & above pointe Coupée on the River consisting of 50 or 60 persons—

In the Atacapas

On the lower parts of the Bayou Teche at about 11 or 12 leagues from the sea are two Villages of Chitimachas consisting of about 100 souls

The Atacapas properly so called dispersed throughout the district and chiefly on the Bayou or Creek of Vermillion about 100 Souls—

Wanderers of the tribes of Bilexis & [Chactos] Choctaws on Bayou Crocodile which empties into the Teche, about 50 Souls—

In the Opelousas to the N. W. of Atacapas.

Two Villages of Alibamas in the Centre of the District near the Church Consisting of 100 Persons—

Conchatés dispersed through the Country as far West as the River Sabinas and its neighbourhood about 350 persons—

On the River Rouge

At Avoyelles 19 Leagues from the Mississippi is a village of the Biloxi nation & another on the Lake of the Avoyelles, the whole about 60 souls

At the Rapide 26 leagues from the Mississippi is a Village of Chactos of 100 Souls and another of Biloxes about 2 leagues from it of about 100 more;

About 8 or 9 leagues higher up the Red River is a Village of about 50 souls; all these are occasionally employed by the settlers in their neighbourhood as Boatmen;—

About 80 Leagues above the Natchtoches on the red River is the nation of the Cadoquias, called by abbreviation Cados, they can raise from 3 to 400 Warriors, are the friends of the whites and are esteemed the bravest & most Generous of all the Nations in this Vast Country, they are rapidly decreasing, owing to intemperance and the numbers annually destroyed by the Osages & Chactaws—

There are besides the foregoing at least 4 to 500 families of Chactaws who are dispersed on the West side of the Mississippi, on the Ouacheta & red Rivers, as far West as Natchitoches, and the whole nation would have emigrated Accross the Mississippi had it not been for the Opposition of the Spaniards and the Indians on that side who had suffered by their aggressions—

Between the Red River & the Arkansas there are but a few Indians the remains of Tribes almost extinct—On this last river is the nation of the same name Consisting of about 260 Warriors they are brave yet peaceable & well disposed and have always been Attached to the French & espoused their Cause in their Wars with the Chicasaws whom they have always resisted with success. They live in three Villages, the first is at 18 leagues from the Mississippi on the Arkansas

River, & the others are at 3 & 6 leagues from the first. A scarcity of Game on the Eastern side of the Mississippi has lately induced a number of Cherokees, Chactaws, Chicasaws &° to frequent the neighbourhood of arkanzas, where game is still in abundance; they have Contracted Marriages with the Arkansas & seem inclined to make a permanent settlement & incorporate themselves with that Nation—the number is unknown, but is Considerable and is every day encreasing—

On the River S^t Francis, in the neighbourhood of New Madrid, Cape Gerardeau Reviere a la Pomme, & the environs, are settled a number of Vagabonds, emigrants from the Delawares, Shawnese, Miamis, Chicasaws, Cherokees, Piorias and supposed to Consist in all of 500 families, they are at times troublesome to the Boats descending the River, and have even plundered some of them & Committed a few murders—[they were Attracted to this Country by the Spaniards some years ago when their views were hostile to our Country—the whole of these Indians are drunkards] They are attached to liquor, seldom remain long in any place, Many of them speak English, all understand it & there are some who even read & write it—

At S^t Genevieve in the Settlement among the Whites are about 30 Piorias Kaskaskies & Illinois, who seldom hunt for fear of the other Indians, they are the remains of a nation which 50 years ago Coud bring into the field 1200 Warriors—

On the Messouri and its waters are many & numerous Nations, the best known of which are.

The Osages situated on the River of same name on the right bank of the Messouri at about 80 leagues from its confluence with it, they Consist of 1000 Warriors who live in two settlements at no great distance from each other—they are of a gigantic Stature and well proportioned, are enemies of the whites & of all other Indian Nations & Commit deperadations from the Illinois to the Arkansas, the Trade of this Nation is [exclusively granted to Mon^r Auguste Chouteau of S^t Louis and he had 2000 P Annum allowed him for some years for keeping a small Garrison to protect the trade in their Country,] said to be under an exclusive grant they are a Cruel & ferocious race and are hated & feared by all the other Indians—the Confluence of the Osage river [with the Messouri is about 80 leagues from the Mississippi—
E 25⁷⁶

60 Leagues higher up the Missouri and on the same bank is the River Kansas and on it the nation of same name, but at about 70 or 80 leagues from its mouth—it Consists of about 250 Warriors who are as fierce & Cruel as the Osages & often molest & ill-treat those who go to trade among them—

⁷⁶ The significance of this symbol, superimposed upon the above paragraph, is unknown.

Sixty Leagues above the River Kansas, and at about 200 from the mouth of the Missouri, still on the right bank, is the Riviere platte or shallow River remarkable for its quick sands and bad navigation, and near its Confluence with the Missouri dwells the nation of Octotactos, Commonly called Otos, Consisting of about 200 Warriors among whom are 25 or 30 of the nation of the Messouris who took refuge among them about 25 years since—

Forty Leagues up the River Platte you Come to the nation of the Panis Composed of about 700 Warriors in 4 neighbouring Villages they hunt but little and are ill provided with Fire Arms, they often make War on the Spaniards in the Neighbourhood of Santa Fé from which they are not far distant—At 300 Leagues from the Mississippi & 100 from the River platte on the same bank are situated the Villages of the Mahas [who by Means of the English Traders from the upper part of the Mississippi and the easy Communication by Navigable Rivers to within a small distance of the Missouri, are plentifully supplied with fire arms, and are thus rendered independant of the traders from the Illinois whom they frequently plunder—they are greater Rogues & Villians than the other nations on this river & full as cruel—] they Consisted in 1799 of 500 Warriors, but are said to have been almost cut off last year by the small pox—

At 50 Leagues above the Mahas and on the left bank of the Missouri dwell the Poncas to the number of 250 Warriors possessing in Common with the Mahas the same language ferocity and Vices, their trade has never been of much Value and those engaged in it are exposed to pillage & ill treatment.—

At the Distance of 450 Leagues from the Mississippi, and on the right bank of the Missouri, dwell the Aricaras to the number of 700 Warriors and 60 Leagues above them the Mandane nation consisting of about 700 Warriors likewise, these two last Nations are well disposed to the Whites; but have been the Victims of the Sioux or Mandowessies who being themselves well provided with fire Arms have taken advantage of the defenceless Situation of the others & have on all Occasions murdered them without mercy—

No discoveries [have ever been made] have been accurately detailed on the Missouri beyond the Mandane nation, tho' the traders have been informed that many large navigable Rivers discharge their Waters into it far above it and that there are many numerous Nations settled on them—

The Sioux or Mandowessies who frequent the Country between the North Bank of the Missouri & Mississippi and [trade on this latter with the English from Michelimacanac] are a great empediment to trade & Navigation, they endeavour to prevent all Communication with the nations dwelling high up the Missouri, to deprive them of Ammunition & arms & thus keep them subservient to themselves; in

the Winter they are Chiefly on the Banks of the Messouri and Masacre all who fall into their hands—

There are a number of nations at a distance from the Banks of the Messouri to the North & South who are but little known in this Country. Returning to the Mississippi & ascending it from the Messouri, about 75 leagues above Mouth of the latter, the River Moingona or Riviere de Moine enters the Mississippi on the west side, and on it are situated the Ayoas a nation Originally from the Messouri speaking the language of the Otatactas and Consisted of 200 Warriors before the small pox lately raged among them.—

The Sacs & Renards dwell on the Mississippi about 300 leagues above S^t Louis and frequently trade with it—they live together and Consisted of 500 Warriors—their chief trade is with Michilimacnac & they have always been peaceable & friendly.—The other nations on the Mississippi higher up are but little known to us

The Nations of the Messouri, [are] tho' cruel, treacherous & insolent [only because they know the weakness of the Spaniards and will be easily] may doubtless be kept in order by the [Americans] U. S. if proper regulations are adopted with respect to them [& a respectable Military post kept for some time at S^t Louis & on the Missouri to shew them that we have it in our power to protect ourselves & injure them if their Conduct should call for Punishm^t]

[*Endorsed*] An account of the Indian Tribes inhabiting Louisiana. rec^d in D. Clark's 29 Sept^r 1803.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Consular Letters, New Orleans:LS]

Near NATCHEZ *September 30th 1803*

SIR, In my letter of the 7th Instant,⁷⁷ I advised you, that many of the Citizens of this Territory, were surveying Lands West of the Mississippi, with a view, as I apprehended, to obtain fraudulent Titles for the same from the Spanish Government.—I now enclose you a copy of a Letter, which I addressed to M^r Clark on this subject,⁷⁸ as also of his answer.⁷⁹ It seems that Captain Vidal has no authority to grant Lands or even to authorise a Location, but Nevertheless by and with his Consent, some Citizens of this Territory are daily engaged in making surveys in his (Vidals) District. I have a good opinion of Manuel De Salcedo the Governor General of Louisiana; many Letters have passed between us, and I think him a candid honest man.

⁷⁷ *Ante*, p. 26.

⁷⁸ Enclosed in Claiborne to the Secretary of State, Sept. 7, 1803, *ante*, p. 27.

⁷⁹ Sept. 20, 1803, *ante*, p. 56.

With the Character of Morales the Intendant, (who it seems has authority to grant Lands) I am not so well acquainted: but if frauds should be practiced; I will endeavour to Learn their extent.

All the vacant Lands in West Florida will very shortly be Located and Patented; this Tract of Country has become valuable from an opinion which is entertained that it is either already included in the Cession to the United States, or will be purchased by M^r Monroe ⁸⁰

With Esteem & Respect I am Sir Y^r Hble serv^t

WILLIAM C. C. CLAIBORNE.

THE SECRETARY OF STATE—

P.S. If Spain ceded to France Louisiana as the same was formerly possessed by France, there is no doubt, but the greater part of what is now termed West Florida is included. It is a fact, I believe generally admitted that Louisiana when possessed by France, extended to the River Perdido, which is East of the Mobile, and falls into the Ocean, about 12 miles West of the Bay of Pensacola. W. C. C. Claiborne

WILLIAM DUNBAR TO THE PRESIDENT

[NA:SD, Orleans Terr. Papers, II:ALS]

NATCHEZ 30th September 1803

DEAR SIR I had the pleasure of writing you the 19th of last month,⁸¹ inclosing such imperfect information on the subject of your queries, as I at that time possessed; since which I have been favored with the perusal of the result of M^r Clark's researches,⁸² which are, as I expected, ample, leaving nothing more to be desired respecting most of the points of enquiry; He informs me also that he procured a chart of the Western province to be sketched and sent to you: this notice supercedes the necessity of my furnishing you with any thing at the present moment on the same subject. I shall shortly receive a Copy of the same Chart, & should I find room for improvement, which it may be in my power to bring forward, I shall new model the whole and forward it to you: I perceive a difference of our Statements respecting militia, but this is to be reconciled by taking M^r Clark's as the roll of the militia contained in the Government Registers and mine as the number of men from 18 to 45 years able to bear arms, to which M^r Clark assents. It is probable that M^r Clark's information is better than mine respecting the extent of Louisiana along the Sea coast; but I have had reason to suppose that the Waters of the

⁸⁰ Concerning the Vidal grants, see Claiborne to F. L. Claiborne, Feb. 7, 1804, and to the Secretary of State (two), Feb. 18, 1804 (Rowland, ed., *op. cit.*, I, 365, 375-377).

⁸¹ NA (SD, Orleans Terr. Papers, II). No enclosure has been found.

⁸² Clark to the Secretary of State, Sept. 8 and 29, 1803, *ante*, pp. 28-61.

inundation extended upon the coast 3° of longitude & that from thence to the River Sabine was considerably less.

The Gentleman who was to have been entrusted with the scientific part of the Spanish Commission for running the boundary line between Louisiana and the Spanish territory, writes in answer to my enquiries as follows. 'You have devined the real cause of our commissioners remaining inactive, the news of the cession of the province (tho' not official) shackles them in their operations, and will not allow them to adopt any decisive measures, and for this reason they have not yet determined on any thing concerning the instruments that may be wanted, should it be necessary to run a line, which it is generally expected will not be the case; for it is presumed that the two Floridas will be given to the United States by Spain in exchange for the west side of the Mississippi. The Spanish Commissioners had not, nor have they as yet come to any determination, as to the method and principles, on which the line of demarkation ought to be run, neither has any point of the line been defined except one, which is two leagues from Nachitoches W.S.W. on the road to Nacokdoches, the most eastern post of the province of Texas; formerly the Spaniards had a fort at the Adaïs, five leagues west (nearly) from the bayu de Laurier, which is the place where the line crosses the road from Natchitoches to Nakogdoches. It is generally understood here, that the limits of Louisiana are not defined in the treaty of cession by Spain to France, and this conjecture is warranted by the instructions transmitted by our Court to the Commissioners, wherein among a variety of objects relative to the cession, they are ordered to determine and run the boundary line, and no data given them by which they can be guided in the Operation.'

I possess a sketch taken from a chart in the possession of the Spanish Government, where the boundary line is represented quitting the Sabine river in a direction nearly E.N.E. to a point distant about 2 leagues from the red river, hence making a right angle with the last course in the direction of nearly W.N.W. (including the post of Adaïs within the angle) was drawn an indefinite line, which appears to have been intended as a parallel to the general course of the red river at that place. Hence it is fair to conclude that this parallel to the red river ought to be continued to the northern Andes, from which chain of mountains the red river and messouri derive their sources; the western boundary consequently will be along this natural Division of the middle from the western waters to the Latitude (perhaps) of the Lake of the Woods.

I am with the highest respect Your Obedient & devoted Servant
WILLIAM DUNBAR

[Endorsed] Dunbar W^m Natchez Sep. 30. 03. rec^d Oct. 23. William Dunbar 30 Sept' 1803

THE SECRETARY OF STATE TO THE SPANISH MINISTER

[NA:SD, Dom. Letters, xiv:C]

DEPARTMENT OF STATE. *October 4th 1803.*

THE MARQUIS OF CASA YRUJO.

SIR. I have duly received your two letters of the 4th & 27th Ult.⁸³ and have laid them before the President.

The repugnance manifested in these communications on the part of his Catholic majesty to the cession of Louisiana lately made by the French Republic to the United States was as little expected, as the objections to the transaction can avail against its solidity. The United States have given unquestionable proofs to the Spanish Government and Nation of their justice, their friendship, and their desire to maintain the best neighbourhood; and the President confides too much in the reciprocity of these sentiments so repeatedly and so recently declared on the part of his Catholic Majesty to have supposed that he would see with dissatisfaction a convenient acquisition to the United States of territories which were no longer to remain with Spain.

With respect to the transaction itself by which the United States have acquired Louisiana, it would be superfluous to say more in justification of its perfect validity, than to refer to the Official communication made by M^r Cevallos to the Minister Plenipotentiary of the United States at Madrid, in a note dated the 4th of May last. His words are "Por la retrocession hecha a la Francia de la Louisiana recobro' esta potencia d' la provincia con los limites con que la tubo, y saloos los derechos adquiridos por otras potencias La de los Estados Unidos prodra diriger se al Gobierno Frances para negociar la adquisi-tion de territoreos que convengana su interis"—Here is an explicit and positive recognition of the right of the United States and France to enter into the transaction which has taken place.

To these observations which I have been charged by the President to make to you, I have only to add Sir, that his high respect for his Catholic Majesty, and his desire to cherish and strengthen to the friendly sentiments happily subsisting between the two Nations will induce him to cause such representations to be made through the Minister Plenipotentiary of the United States at Madrid as cannot fail to reconcile his Catholic Majesty to an event so essentially connected with the respect which the United States owe to their character and their interest.

Be pleased Sir, to accept assurances of the high respect & consideration with which I have the honor to be your most obed^t Serv^t 84—

JAMES MADISON.

⁸³ Printed, Robertson (ed.), *La. under Sp., Fr., and U.S.*, II, 77-79, 81-82.

⁸⁴ Answered Oct. 12, 1803, *ibid.*, pp. 86-89. See also correspondence of Irujo with Cevallos and Casa Calvo, *ibid.*, pp. 67-77, 79-80, 82-86, 89-135.

DANIEL CLARK TO THE SECRETARY OF STATE

[NA:SD, Consular Letters, New Orleans:LS]

NEW ORLEANS 4th October 1803

SIR The day after the date of my last ⁸⁵ a circumstance occurred here which has put an end to all communication betwixt the Government and the French Prefect and which if any thing further was wanted would point out the daring insolence of his Conduct and the necessity of putting a stop to it. A French national Cutter the *Terreur* from S^t Domingo by which he had received dispatches from Rochambeau was lying to appearance ready for Sea with sails bent, when without the Consent or knowledge of the Government he availed himself of the obscurity of the night and sent the Officers and a Party of men on shore, who from thence proceeded on board a number of ships in the Harbour and pressed all the French Seamen they could find whom they carried on board their vessel and proceeded on their voyage in the morning. This act of authority was felt, but pusilanimously submitted to by the Governor Salcedo who suffered the Men so pressed to be carried off and an official correspondence took place which has at last ended by a laconic Letter to the Prefect in which he was informed that no further communication would be held with him. I am sorry to perceive by the public papers that he is named to succeed Bernadotte as Ambassador to the U. S. you will find him violent, meddling, & troublesome, his discourse teeming with the terms Honor & Humanity while his actions are at direct variance with them and always tending to usurp an authority to which he can have no just pretention The kindness, the attentions and excess of complaisance which have been manifested towards him have had no other effect than that of encouraging him to insult the constituted authorities repeatedly in the grossest manner and he has now drawn a severe punishment on his own head by having his Conduct and measures exposed to public censure. It were to be wished that the mortification he now experiences may prove a Lesson and serve as a warning to prevent his committing similar Errors on a more conspicuous theatre—I have thought it necessary to give you this information that you may on his arrival know the real Character of a Man who has on all occasions shewn himself the implacable Enemy of the Americans and of the American Government.

I have the honor to remain very respectfully Sir Your most obed^t Servant

DANIEL CLARK

HON^{ble} JAMES MADISON

[*Addressed*] The Hon^{ble} James Madison Secretary of State of the U. S. Washington

[*Endorsed*] Daniel Clark 4 Oct^r 1803 rec^d 8 Nov^r

⁸⁵ Sept. 29, 1803, *ante*, p. 61.

THE SECRETARY OF WAR TO JAMES WILKINSON

[NA:WD, AGO, Old Recs. Div., Mil. Book 4]

WAR DEPARTMENT 5 Oct. 03

JA^s WILKINSON

SIR The Government of Spain having discovered some disposition to oppose our taking possession of Louisiana, conformably to our Treaty with France, Altho' it is not believed that any serious opposition will actually take place, it is thought advisable to be in some measure prepared for such an Event. It is therefore the wish of the Pres^t of the U. S. that you would, in concert with Gov^r Claiborne, take the necessary measures for having Boats, provisions, field Pieces &c &c in readiness; not only for regular Troops in the Terr^y but also for at least 500 of the best Militia (who if necessary should be engaged for 3 Months) and for such Boatmen & Sailors, as may be engaged at N. Orleans; But no measure should be taken at present which can lead to a suspicion of the real object—of course nothing can be done relating to the Militia, excepting the forming a system, which may with the possible delay (if necessary) be executed. But under the Idea of moving the regular Boats, with Mil^y Stores, provisions &c &c for the purpose of taking quiet and peaceable possession, the Boats may be prepared & measures taken for furnishing a sufficient quantity of Provisions, but you ought not to communicate the Ultimate object to any one individual—Orders will be sent to Massac & Chickesaw Bluffs for those two Companies to be in readiness to move down, at the shortest notice⁸⁶—You will inform the Ass^t Mil^y Ag^t that for expences necessarily incurred in providing for the removal of the Troops & Stores, his Bills on this Office will be paid at Sight—I have ordered some tents & Camp Kettles round to New Orleans, to the Care of M^r Clark, to be at your disposal; that is, to be ordered up the river or not as you may judge expedient⁸⁷

I am &c—

⁸⁶ See the Secretary of War to Bissell, Oct. 5, 1803, and to the commanding officer at Chickasaw Bluffs, same date (NA, WD, AGO, Old. Recs. Div., Mil. Bk. 4). The second letter is wrongly dated 1809. The Secretary of War had instructed the commanding officer at Fort Adams, July 18, 1803, to provide transportation for four companies, including the stores and munitions which were to be sent from Philadelphia. In a second letter to the same officer, Oct. 31, 1803, the contractor was instructed to be prepared to deliver six months' provisions for seven companies (*ibid.*, Mil. Bk. 2).

⁸⁷ A similar letter was sent to Claiborne, Oct. 5, 1803 (*ibid.*, Mil. Bk. 4).

JOHN SIBLEY TO GOVERNOR CLAIBORNE

[LC:Jefferson Papers:ALS]

NATCHITOCHEs 10th Octob^r 1803—

DEAR SIR, I Rec^d yesterday your letter of the 30th Ult: ⁸⁸ and the News Papers Accompanying it, No Cordial Balm Could have been so gratefull, in proportion to the anxiety, doubts and fears that kept my mind in torment, so was their Reciept Agreeable, not like an Anodyne producing a Stupid sleepiness, for my Spirits were so exhilarated that I thought I should not want to sleep any more, I have for sometime wished I had wings that I could fly to the City of Washington, by way of the Town of Washington. But you assure me that no part of Louisiana is to be disposed of, & that you expect to be in Orleans in December, and that you believe West Florida is Included in the Cession! I have known a Long time that Louissiana used to comprehend it, but seposed some article in the treaty excluding it from Gov^r Salcedo's Proclamation⁸⁹ if not it will Answer all the immediate purposes, by opening a Port to the Tombecbee Settlement, which is all that Suffers, for Back of East Florida we have no Settlements, & it will Secure the whol of both banks of the Mississippi, and I think the acquisition of Batton rouge of importance, it is the Best Situation for a large Town between the Balize & Chickesaw Bluff.—My fancy has Anticipated many Circumstances that must Occur.—This Post or near it is an important Point, the Great Road towards Mexico here takes off, it is an Out Post to the Westward, Stores &c can come here by Water, & I have already looked round for a Suitable place of deposit, a Situation high, Surrounded with Springs, timber and of easy asscent &c; And I find an excellent Road may be made between this And Natchez & Nearly always passable, and that Natchez is but Verry little out of a right line from this place to New Orleans, particularly by the Lake Ponchartrain & it will forever be the best Road that can be found, the Coarse of Red River & the course of Mississippi from Red River downwards is Nearly the Same, from the Mouth of Red River upwards Mississippi bears much to the East. to get a good Road from here to Natchez is a great Point, for there will then be a fine Road all the Way from Orleans to Mexico. I am Sorry I cant Send you a Map that will afford you some information, there is none in this Country, & I beleive in no other, there has been none taken Since the Country belonged to Spain if there are Any they must be Old French Ones; but I Never Saw One, I have Often Seen good Charts of the

⁸⁸ Not found.

⁸⁹ This proclamation, issued at New Orleans, May 18, 1803, and signed by Salcedo and Casa Calvo, declared the eastern boundary of Louisiana to be as fixed by the Treaty of Paris. It is printed in White (comp.), *Civil Laws of France and Spain*, II, 192-194, and in Robertson (ed.), *La. under Sp., Fr., and U. S.*, II, 169-170.

Coast of the Gulph of Mexico, taken by order of the English Governm^t but none of the Interior Country. I have from much enquiry Learned the names of the Rivers between Mississippi and River Grand, and without Any pretentions to Accuracy sketched them down on a piece of paper in the order they are, the first River West of Red River is the Quelqueshoe it heads fifteen or 20 miles from this Post, runs S^o Eastwardly and falls into a Lake or sound that Communicates with the Gulph of Mexico by an Inlet of twelve feet Water, it is about 150 miles long & I believe is not of much Account for its Navigation, it affords some beautifull Bodies of Pararie Lands; & Low down will do for Sugar, there are Some Settlements on it, it is under the Government of Louissiana and no one pretends otherwise—The Next in Order is the Sabine, it is Sixty Miles West of Red River & heads About an hundred & fifty Miles N. Westwardly of this post. it is Near three hundred Miles Long, empties into the Same lake or Sound the Quelqueshoe does, but a few Miles west of it It is a Shallow River fordable at Low Water, Low Banks & Low grounds five or Six Miles wide and Subject to Overflow, except in a few Places. Low down the Country is generally Flat and Wet, there are some handsome Bluffs on the River, it might be used for Boats in high Water, there is Much good land on it & on the Smaller Streams that empty into it, is a remarkable fine Stock Country, no Settlements on it Except a few families on & Near where the Great Road Crosses it, this River for 200 Miles is Said to have been the Antient Limits of Louissiana.

The Next River is the Angalena or Snow River it passes by Natchidoches^{99a} a small distance to the West, is less and Shorter than the Sabine, is about 70 or 80 Miles from it, and the Country between these two Rivers is the Beauty of all these Countries, it is Excessively Rich well Laying & well Watered—The Next is Trinity River, the next the Braces, then the Colerado or Red River, then the little River S^t Antoine on which the Town or Station of S^t Antoine is Situated, then a little River called Gaudelope, then the Nuces or Walnut River which is a Branch of River Grand, it is a fine Country all the Way from Natchidoches to S^t Antoine, the distance is about four hundred Miles, the Braces is Nearly half way, from Natchidoches to S^t Anthoine; River Grand is about 160 Miles beyond. in all this extensive Country there is no Settlements, except about 100 families in and About Natchidoches, 2 or 300 at S^t Anthoine and below S^t Anthoine 120 Miles & 60 Miles from the Sea on the Same River is a small Settlement of Christianised Indians The Place is Called Laverdee—but all these Countries have Numerous tribes of Indians.—beyond River Grand the Country is full of Towns People and Mines, all the way to Old Mexico—New Mexico is on River Grand high up, Santa Fee the Capital is on

^{99a} Nacogdoches.

the East Side of River Grand Amongst Mountains & Towns—The head of Red River which is understood to be in Louissiana, Rises it is believed in the Same Mountains that River Grand does, which is the dividing ridge that Separates the Waters of the Atlantic from those that fall into the Westtern Ocean and the Gulph of California. The length of Red River is not known, it is Six or seven hundred Miles to the Pawnie or Towiash Indians, and It is a Large Navigable River thus far, and they Say is so a thousand Miles beyond them, and all the Way a Beautifull Rich & well Watered Country, abounding with fine Pararies Stocked with Buffelo &c—as Red River and its Branches extend Very far to the Westward, and Mississippi bends Eastward the Province of Louissiana about the Mouth of Missouri in that fine Climate is not less than fifteen hundred Miles wide; its form is Triangular.

In one of the papers you was so good as to Send me there is a pretty long piece on Louissiana taken from the Charleston City Gazette of Freneau & Williams, which I attribute to Judge Bay, I am well Acquainted with him, & know his Stile, and his Connection with that press. he Once lived in Pensacola and Acted as Secretary to the Governor, is no doubt well informed about the Antient Limits of Louissiana To the eastward, I Should be disposed to respect his Opinion thus far; he has correctly Stated the History of the transfers of the East side of the Mississippi, from which it appears Clearly that West Florida must be Included in the Cession; but it is Laughable to hear him propose that all the Inhabitants Should be Withdrawn from the West Side, and make the River the Boundary, he would find it difficult Removing an hundred Thousand People and a Million or two of Cattle &c. but if the Judge could Persuade the Government into that Measure perhaps he might then be able to Sell some Land on Second & Wells Creeks, and his famous Walnut Hill Tract—he has likewise Committed a Gross Mistake in Calling the distance from Batton Rouge to the Mouth of Red River 200 Miles—And Another when he Says that from the Mouth of Red River to Natchitoches is Another hundred & that, that, is the first high land on Red River that will do to Settle—from the Mouth of Red River to Natchatoch is 247 Miles, and the beautifull Settlement of Izavial where is 300 families is 165 miles below Natchitoch as the River runs, and Izavial 72 miles above the mouth; but Black River 31 Miles up Red River may be Settled, and it is Dead Water to ascend instead of the Judges Strong Current; The Common Passage with a Large Loaded Barge, from New Orleans to Natchitoches is 25 or 26 days; but at times it is done in less And when you Arrive at Natchitoch Such is the beauty & conveniency of the Banks that, Boats are unloaded by Laying a Plank from the Boat to the Bank; at the Warehouse door, I look upon the Conveniency of the Loading & unloading as much greater than at

Natchez as to fully Compensate the difference in distance to ascend the River, at Any rate Natchitoch is more Convenient to Market & trade than the Walnut Hills.—There are on Red River four or five & Twenty Cotton Gins and Several More building—there went down the River last year upwards of three Thousand Bales of Cotton, a Large quantity of Tobacco & Peltry which is Calculated to be equal in Am^t to the Cotton—And Last year an Estimate was made of 7300 Horses that went out of, & passed through this Country: And from Apalusa & Tuckepa at Least double the quantity of Cotton, these exports from New Orleans will Cut some figure from the Country that the Judge would have abandoned to the Indians; besides a quantity of Beef and Pork that might be purchased & Exported from this Country almost incalculable In this devoted Country to the Indians there may be made at Least a Thousand Sugar Plantations, there are upwards of an hundred already on the West Side of the River, Including Tuckepa And both Banks of La Fosh for 70 miles; Good Part of Tuckepa & Quelqueshoe is Capable of being turned into Sugar Plantations—Red River Alone below Natchitoches is Capable of making more Tobacco than is made at present in all the United States, & of a Superior quality, and at one fourth Part of the Labour, for in this Country it is always made without raising any Hill, they only make a hole and Set the plant, & they find the overflowed ground is the Best for Tobacco, the water is always off time enough, & there is no Grass nor weeds, and the Land is so Strong they generally cut it three times, the Common Calculation is 2000 pounds to the Acre and a hand can easily manage five Acres, and make Corn besides; but their way of making it up into Carrots is very troublesome, and they Loose very much in weight by throwing away the Stems; I know a field in the Neighbourhood of this Villiage that from a Calculation, it appears, it has been planted Every year in either Corn or Tobacco for 97 years which is the date of the first establishment of this post, and it produced this year as fine Tobacco as I ever Saw; and the Owner suposes as well as it ever did, it Never had any manure for no Such thing is known here, not even the Gardens.

The King of the Caddos is now here, a very fine looking Man, he comes to see me half a dozen times a day and deposits with me all his goods and finery. he traveled all round the Neighbourhood yesterday to find an Interpreter, at last found a Frenchman who spoke Caddo, he came with him he wanted to know about the Americans coming, I did not think Proper to tell him much at present; but told him to go home and wait three Moons; he said the Chickesaws had told him how the Americans let them have a three Point Blanket for five Skins, & other goods as Cheap, and how they had got a Cotton Gin, Spinning Wheelles & Looms, and a Blacksmiths Shop but they did not believe the Chickesaws, I told him it was true I believed,—I likewise told

him the great Man the President had heard of the Caddos, that they were good people & Never killed ye white men, he said they Never did, and Loved the English—he then made a Long Speech discribing what a fine Country they had, and Marked out a place which the Interpreter told me he wanted Layed off for them, and all the rest was for the Americans—he said after three Moons I Should see him again, he would come down This Nation is but Small; the small Pox destroyed a Great Many of them lately; but they Boast of their Never having Shed white mans Blood; they I think might with Proper management be made good Citizens, at any rate usefull on the frontier as a protection against any other Indians, I should think myselfe as Safe in their Towns as in the City of Natchez.

There is lately considerable talk about the Spaniards resuming again their Old Post 21 Miles from here Called the Izard I. or Z. I. Called sometimes Adaize, Forty Miles this Side of Sabine, which there is no doubt of its being in Louissiana, it is Clearly my opinion that the United States Should immediately Establish a Post on the East Bank of the Sabine, the Country is all Open no Hostile Interpretation can be put upon it, it is true the Jurisdiction of the Governor General of the five interior Provinces who resides at Coaguila, has at present jurisdiction this Side the Sabine, and so he has at Bayou Pierre on Red River; but that is only an arangement between two Commedants Since the Country has all been Spanish the United States are in no Condition to give up to Spain at Present an Inch of Territory that belongs to them; but if they Get Possession of 40 Miles of Louissiana, it may be not so Easy to get them away. On the head of Quelqueshoe, between that and Sabine on a creek Called by the Spaniards Yan a Cookoo, which runs through a Parairie of the Same Name, which in English would be Called the Cookoo's Meadow, the word Yan in Spanish is Meadow in English, & Parairie in French—the Bird Cookoo is the Same in both Spanish and French, this place has been described to me by a Gentleman who has several times been through it, he says the Pararie he thinks Comprehends Irregularly As much as an hundred Square Miles, but it is all Over it Interspersed with the most beautifull trees Consisting of Lofty Oaks & Pacans that are so handsome they Look as though they had been trimed, all under these Clumps, fine beautifull Grass without a Single Bush and the woods round about the Parairie are of the same discription the Soil Very Rich and well watered with Mill Seats &c. he says once in the Parairie he found a Number of Old Peach trees; probably planted by some Frenchman before Louissiana was ceted to Spain. he thinks Two hundred families might be as well Setled there as any place he knows.

The Same Gentleman has describd to me another place Called the Three Parairies, they begin about 30 Miles from here North of the Great Western road and not far from it, they are Only seperated by a

Small open wood, he thinks they Contain Two hundred Sqare Miles, and are but very little inferior in beauty, Richness and water to Yan a Cookoo: but from these last mentioned parairies it is all a Rich beautifull Country for More than a Thousand Miles, Bayou Pierre where are 20 or 30 good families Settled part of it, it is a water of Red River Large Boats go from into the heart of the Settlement at all Seasons a beautifull Parairie Country Sixty Miles by Land from here, about half way to the first Caddo Towns on the West Side the River, and at present under the Jurisdiction of the Province of Taxus (or Tachus as it is Spoken) in the District of Natchidoches, though 140 Miles from it, and no Settlements between except a few families on Sabine—The Inclosed Map^{89b} I send you which I Sketched out in the night, for I am obliged to be Cautious, at Least I think it best to be so at present. I have no pretentions to its accuracy; but I believe those the best Acquainted with the Country Cannot say it is very inaccurate, if you Should wish to make any other use of it than in your own Closet, I wish you would have it coppied and Scaled which may be done by right lines from known Points of Latitude on the Mississippi, and have Natchitoch Layed down not quite so far North for it is not half a degree North of Natchez—it is impossible to Lay down for the Rivers any thing more than Crooked lines resembling a River near where we know the Rivers are and their General Course and heads, but the particular Bends of a River is an unimportant Circumstance in forming a General Geographical Idea of a Country—The upper Forks of Red River are to appearance much larger than the whol Lower Down United, for from this to its Mouth is very deep Several Large Vessels have been built here, and the Country above abounds in Cedar equal to those of Lebanos, Enough to build a Navy, the Real Red Cedar, Loggs of it every Fresh come down, and Thousand of them as Sound as when they were Growing are Now lodged in the Great Raft which begins about 30 Miles above this place and Extends for Near an hundred Miles up, Compleatly Choaking up the Old River, which in One place a Soil has formed over the Raft with trees growing on it, over which a person might ride a horseback without suspecting there was any River under him; but by holding the Ear to the Surface the Water may be heard running through amongst the Logs: but there is a passage by Water round the Raft, and a little Labour will make it much better than though the River was Opened, for it will Pass through Lake Bisteno, which is Near 50 Miles Long and Water deep enough for a ship at all times and from 3 to 6 Miles wide, the Passage from the upper end of this Lake Communicates with the River above the Raft and is open and fine, the Lower end of the Lake is within about 3 Miles of Bayou Channo which is open & deep allways into the River

^{89b} Not present.

below the Raft, at high water or Bastard they go through Now; but a little diging would make it good at all Seasons.

I am exceedingly Obliged to you for the care you took of me in writing to the Consul at Orleans I shall long remember it, I believe all is Safe Now, I am Informed Our Commedant here who is a good Man; but no Solomon and was never out of Louissiana, and has from his Infancy belonged to the King of Spain, wrote a Letter about it to the New Commedant of Natchidoches as there was a man Out there by the Name of Bird who Came here with me, who might be a spy to, the Commedant who is an European, and more liberal, took No Notice of it only Laughed at the Nonsense—M^r Tredo⁹⁰ our Commedant and Our priest and a Number of others are now at Natchidoches.—What kind of government wou'd at first be most Suitable and proper God Only knows, it would be farcical to See a Lawyer in a Court of Justice addressing a Jury of them at present, with a few exceptions they have no Other Idea of any kind of Government than a Commedant with both Civil & Military Jurisdiction, they have been accustomed to Such Ill Luck in any attempt to Obtain Justice they Seldom apply and Submit to any thing that hapens quietly.

There is in the office of M^r Tredo here Nearly a Cart Load of Old Records about Lands & Intestate Estates Wills &c that belong only to the Country which Should be Safely kept. all the Public Property I know of here is an Old Log Jail but belonging to the Church or Religious Society is a Large Church, a Pretty Good Parsonage House with Out Houses and a Large Garden &c All the Houses Occupied by the Commedant, with the Stores and Barracks are his private property I beleive.

Accept my best Wishes Your Ob^t Serv^t

JOHN SIBLEY

GOVERNOR CLAIBORNE

[*Endorsed*] Sibley John to Gov^r Claiborne⁹¹

THE SECRETARY OF STATE TO DANIEL CLARK

[NA:SD, Despatches to Consuls, 1:C]

DEPARTMENT OF STATE, Oct^r 12th 1803.

DANIEL CLARKE Esq^r U. S. Consul at New Orleans.

SIR. M^r Pichon, being desirous of forwarding to New-Orleans certain communications preparatory to the delivery of Louisiana to the United States, employs for that purpose the Bearer M^r Landais, who

⁹⁰ Laveau Trudeau.

⁹¹ A copy of this letter was sent by Sibley to Senator David Stone, of North Carolina, according to his letter to Stone of Oct. 8, 1803 (SD, Appt. Office Files), with the comment that its contents might be communicated to the President, the Secretary of State, or members of the Senate, but not until after the cession.

will put this into your hands. I request the favor of you, not only to receive him with the attentions expected from your politeness, but to give any counsel or other proper aid in the discharge of his mission which may be requested. The interest which the United States have in every step leading to the execution of the Treaty of cession with France, has induced the sending of M^r Lyon as a companion of M^r Landais, who in case of any casualty to the latter, will take charge of M^r Pichon's dispatches. As a further provision for their safe arrival, the Post Office will contribute whatever facilities to the journey may depend on that Department, and instructions have been issued by Gen^l Dearborn for a small escort thro' the wilderness most subject to danger or interruption. My last ⁹² intimated the dissatisfaction of Spain at the stipulated cession of Louisiana to the United States, and requested from you information on several points suggested by the possibility that some serious shape might be given to her opposition. The reality of her dislike is more & more disclosed; but there is no indication of a purpose to manifest it by force. Indications of that sort would perhaps first be seen on the Theatre where you are. Your last letter ⁹³ accompanied by the residuary answers to the questions sent you have been received. Your preceeding communications ⁹⁴ on the same subject had previously come safe to hand. The pains you have taken to collect this information, and the extent of the details composing it, entitle you to many thanks, and I am desired by the President to express his in particular to you.

I am &c

JAMES MADISON.

Ex^d S P.

DANIEL CLARK TO THE SECRETARY OF STATE

[NA:SD, Consular Letters, New Orleans:ALS]

NEW ORLEANS 13 *October* 1803

SIR I forward to you a Sketch of a Survey of the two districts of Opelousas and Atacapas, with the Country and Creeks which afford a Communication between them and the Mississippi,⁹⁵ and it may be depended on as the most exact, indeed the only good one hitherto made. This survey extends to within 3 or 4 leagues of the Sea and the Country comprehended in it is likely to become the most valuable in Louisiana except the Banks of the Mississippi in the neighborhood of New Orleans. I shall have this Survey included in the general

⁹² Sept. 16, 1803, *ante*, p. 54.

⁹³ Sept. 8, 1803, *ante*, p. 28.

⁹⁴ Aug. 17, 18, 1803 (NA, SD, Consular Letters, New Orleans), and Aug. 20, 26, 1803, *ante*, pp. 13, 25.

⁹⁵ Enclosure not present.

Map of Louisiana on a large Scale which is now in forwardness and when finished shall have the pleasure of forwarding it to you.

The Prefect on the receipt of dispatches inclosing his appointment as Commissioner for the rephrase & remise of Louisiana to the U. S., made an Official application to the Spanish Commissioners the Governor & Marquis de Casa Calvo, to order Inventories of the Public Buildings & Stores to be made as expeditiously as possible, that matters might be advanced on the arrival of our Commissioner, he has however since then changed his Mind and deferred the Business when he found a disposition on their part to comply instantaneously with his request. It is said by his Friends that his motives for this delay are the hopes he entertains of keeping Possession of the Colony, and the French Coleurs flying a few days to gratify his Vanity by commanding whilst these previous Steps are taking, which would be a measure fraught with danger and might produce Bloodshed and Confusion, as the revolutionary Gang from Europe attached to the Prefect would not fail during that time to do many things which would bring upon them the Vengeance of our People, many of whom are as hot headed & as violent as themselves.

The Spaniards to a Man detest the French and do not attempt to conceal the Joy which the Cession to the U. S. gives them.—the few enthusiasts among the Planters who were attached to the French Interest are disgusted beyond Measure at the Sale of the Province, so that Prudence and good Management on the part of the Governor or Commissioner will reconcile all Parties to the American Government and there will be no other Emigration from the Country than that of a few of the Officers and People in employment who have nothing but their Commissions to depend on

The Intendant Morales who is immensely rich in ready Money, wishes much to stay and will rather accept the Consulship of Louisiana which he has applied for than return to Spain. Altho' I am perhaps the only Man in the Country he would render a Service to disinterestedly, and on account of Service rendered me, have an attachment to him, yet I think his obtaining the Consulship which he solicits merely to have a pretext to Stay, would be of injury to the Trade of the Place, as he would never fail to give advice of all the Spanish Contraband Traders who would frequent the Port, which would considerably diminish an advantageous intercourse with them that might be extended almost beyond belief, and therefore presume to recommend that opposition may be made to his appointment, on the part of our Government, for which his Conduct with respect to the Deposit will afford sufficient motive. A refusal will disgust him and in that case he will probably prefer settling in some of our large Cities rather than go to Europe that his Fortune may be placed beyond the reach of accident.

I have the Honor to remain very respectfully Sir Your most obedient
& most humble Servant

DANIEL CLARK

THE HON^{ble} JAMES MADISON

[*Endorsed*] Dan: Clark 13 Octo. 1803.

THE SECRETARY OF STATE TO LOUIS ANDRÉ PICHON

[NA:SD, Dom. Letters, xiv:C]

[*October 21, 1803*]

M^r Pichon having communicated to the Secretary of State, a clause prepared to be inserted in the exchange of ratifications of the Treaty's between the United States and the French Republic signed at Paris on the 30th of April last, it is deemed a proper reciprocity that such a clause as the following be likewise inserted—"and the said Secretary of State declares in the name and by the order of the President, that the ratification on the part of the United States, is not to be binding but in the case that the engagement contracted by France relative to the delivery of Louisiana to the United States shall be fulfilled; so that if Louisiana be not delivered by France, according to the tenor of the treaty, the United States will be free to declare the said Treaty, and Conventions, void."—

The Secretary of State at the same time submits it to the consideration of M^r Pichon whether an omission of those clauses, which leaves the instruments in question to every legitimate interpretation and inference, would not be most conformable to the confidence subsisting between the parties, as well as the usual mode of proceeding in such cases.

JAMES MADISON.

WASHINGTON *October 21st 1803.*

[Enclosure] **

Certificate of the Secretary of State

[*October 21, 1803*]

The Undersigned, James Madison, Secretary of State of the United States, and the Citizen Louis André Pichon Chargé des Affaires of the French Republic to the United States, certify by these presents that on this twenty first day of October one thousand Eight hundred and three, twenty-Eighth of Vendimiare, twelfth year of the French Republic, they have exchanged and mutually deliver'd copies ratified by the President of the United States, by and with the advice and

** The French and English versions appear in parallel columns.

consent of the Senate, of the one part, and the First Consul of the French Republic of the other part, of a Treaty and two Conventions, signed at Paris on the thirtieth day of April one thousand eight hundred & three, tenth Floreal, eleventh year of the French Republic, between the United States & the French Republic. In faith whereof they have signed these presents, and sealed them with their seals, the day and year above mentioned.

(signed) JAMES MADISON L. S

[French text]

[October 21, 1803]

Les Soussignés James Madison, Secrétaire d'Etat des Etats Unis, et le Citoyen Louis André Pichon, Chargé des Affaires de la République Française pres les dits Etats, certifient par le present, que ce jour vingt huit de vendémiaire de l'an douze de la République Française et le vingt un octobre mil huit cent trois, ils sont échangé et se sont mutuellement delivrés des Copies ratifiées par le Premier Consul de la République Française d'une part, et par le President des Etats Unis, par et avec l'avis et le consentement de leur Senat, de l'autre part, d'un traité et de deux Conventions, signées a Paris le dix Floreal de l'an onzieme de la République Française, et le 30 Avril mil huit cent trois, entre la République Française et les Etats Unis: En foi de quoi les Soussignés ont signé le present et l'ont scellé de leur sceau le jour et an mentionnés ci-dessus.

(L.S)

(signé) L. A. PICHON

DANIEL CLARK TO THE SECRETARY OF STATE

[NA:SD, Consular Letters, New Orleans:ALS]

NEW ORLEANS 21 October 1803

SIR I take the Liberty of forwarding to you the inclosed remarks which have been just given to me by M^r Jones of this City in answer to some Questions put to him on the subjects therein mentioned. He had no idea of their being sent forward or he would have been more particular, and I have not even time before the Post sets off to make a fair Copy, of them I have been induced to send them to shew you I am not singular in my idea of a military Force and an efficient Government being indispensably necessary to maintain Order here. As M^r Jones was my predecessor in Office you have I presume a knowledge of his talents and I have myself a great reliance on his Judgment & Experience

I have the Honor to remain very respectfully Sir Your most obedient Serv^t

DANIEL CLARK

THE HON^{ble} JAMES MADISON

[Endorsed] Daniel Clark 21 Oct^r—1803 rec^d 22 Nov^r

[Enclosure: NA,SD, Orleans Terr. Papers, II:AD]

Hints of Evan Jones: Administration of Justice

The establishment of proper Magistrates, after the change of government, will be a matter of some difficulty in every part of the Colony, but of very great indeed, in the settlements far removed from New Orleans; such as the Oupelousas, the Atacapas, Natchitoches &c—Those Settlements having been originally form'd from the overflowings of the Capital, and by emigrants from other Countries, contain, as may well be believed, but few men, if any, capable of exercising advantageously, the small portion of authority which the constitution and laws of the U. S. put into the hands of the ordinary magistrates.

But, they contain a great number of men, whose hands would be but feebly bound by those laws, if only enforced by the ordinary Magistrates, however capable or well disposed they might be

From whatever cause it may arise, disorder, tumults, and crimes, have of late become so common, in those districts, that the authority of the Commandants, tho' much greater, and more efficient than that vested in American Justices of the peace, has been found by no means adequate! What scenes of confusion may not then be reasonably expected, should that authority, already found too weak, be all at once annihilated, and the preservation of order committed to two or three Justices of the peace, or Judges of inferior Courts, supported only by a few Constables, and of the vicinage too, who in all probability would have as little disposition as power to execute the orders of their Superiors?

What then is to be done? Are purely military governments to be established in those distant districts, and are the inhabitants to be put upon the footing of Soldiers?

By no means—But, some assistant of military force, will, its presumed, be absolutely necessary to support the Civil magistrates, especially in the beginning.

But, where will those Magistrates be found, and with what powers ought they to be vested? In the settlements I am speaking of, there are many men possess of much wealth, and many too no doubt, of much probity; but, their total ignorance of the language, as well as laws of the U. S. will render them but little fit for magistrates—From whence then shall they be taken? Must they be sought for in New Orleans, at the Natchez, or sent from the U. S.? In either of those cases, pretty considerable salaries must be annex to the offices, to induce fit persons to accept of them—

When found, with what powers ought they to be vested? Its much to be feared, that those usually delegated to Justices of the peace, and to the Judges of the Inferior Courts, will be found too

small, and too dilatory, to satisfy a people, accustomed from their first existence to a prompt and generally verbal distribution of Justice.

What then is to be done? Something most assuredly; or all the settlements in question will be plunged into the most dreadful anarchy!

Would it not be possible, and consistent with the Constitution & laws of the U. S. to appoint a person to each district, by whatever name he might be called, with authority to hear and determine civil causes to a certain amount, suppose \$50, in a Summary way; and to a greater amount, suppose \$100, with the assistance of two persons to be respectively chosen by the parties, and a third to be named as an umpire by the Magistrate? by such means, a number of ruinous law suits might be avoided; and the peace and cordiality of the inhabitants preserved—In criminal cases, the Magistrate will necessarily be vested with a power of commitment, or of taking bail, where the case is bailable—The power of punishing by imprisonment, or moderate fines, where the case is not Capital, may be very usefully placed perhaps, in the hands of a man of sense & probity; most especially considering the established customs and opinions of the people to be governed.

The giving more power to any man, than the letter of the law allows, is in general dangerous—But, the present is a new case; and may fairly be predicated, not only of the distant settlements, but even of those less remote from the Capital; as the Fourche, the Bayou Sara, Pointe Coupée &° and even of New Orleans itself.

The most important consequences may finally flow, from the first impression given to the inhabitants of a newly acquired Country—Of this, the natives especially, of Louisiana, afford an ample proof—It will therefore be well worthy the wisdom of the U. S. to adopt such a form of Government, and to make such a choice of Magistrates, as may induce the inhabitants at large, to regard the people of America, rather as their fathers & brothers, than as their Masters or tyrants!

If some extraordinary powers should be at first found necessary for the magistrates, its presumed the necessity will not be of long duration—It must naturally cease, as soon as the Inhabitants acquire a competent idea of the laws, and of the advantages that will result from a due submission to them—.

[*Endorsed*] Hints of Evan Jones respecting the mode of administering justice in Louisiana.

WILLIAM DUNBAR TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NATCHEZ 21st October 1803

DEAR SIR I have been honored with your letter of the 21st Ult^o ⁹⁷ and now make haste to reply to its contents. The information you have received relative to the re-annexation (by the Spanish Gov^t) of that part of W. Florida lying between the Mississippi and river Perdido is perhaps incorrect: The stile and title of the Spanish Gov^r (up to the present time) has been Governor General of the two Provinces of Louisiana and W. Florida; the Gov^r of Pensacola has always been subordinate to, and under the immediate orders of the Gov^r gen^l of the two provinces. I have every reason to believe that the distinction of East and West Florida has continued to subsist under the Spanish Gov^t as it was received from the British, and that the jurisdiction of the Gov^r of S^t Augustin did never extend beyond the limits of british East Florida; it certainly never comprehended Pensacola which was a part of ancient Spanish Florida: One or two Circumstances nevertheless occur to my mind which might induce an idea that a portion of W. Florida had been consolidated with Louisiana. The command of the opposite banks of the mississippi within or rather on the Western boundary of british W. Florida has ever been united (since the cession by the british) in the person of the Same Commandant as if belonging to the same province; this is however by no means conclusive: a stronger Circumstance is the following—Before the conquest of W. Florida by the Spanish arms, a Surveyor General of Louisiana was in Commission; and when warrants were afterwards issued by Government for the Survey of lands on the east side of the Mississippi, they were directed to the Surveyor general of Louisiana; no mention has ever been made of W. Florida in those warrants of Survey, the lands being Stated to be Situated in the Districts of Baton rouge or Natchez. No surveyor was ever appointed expressly for W. Florida. The Subordinate Surveyors were all deputies of the Surveyor General of Louisiana, and as it was often impossible to procure such as were qualified, concessions of land have very often remained without survey or been badly done by Commandants or their servants. You have probably been furnished with a Copy of the orders of the Spanish Court, to the Gov^r and Intendant of Louisiana, to deliver up the province to the french Commissioner. Being uncertain, I enclose you a Copy ⁹⁸ thereof taken from a faithful copy drawn from the original by the Writer; from which it will be seen, that which was properly Louisiana under the Spanish Gov^t was to have been delivered

⁹⁷ A one-page letter relating to the boundaries of Louisiana (Jefferson Papers, LC).

⁹⁸ Enclosure not present.

up to the french republic: the explanation given by the Spanish Officers at New Orleans has been, that Spain was to deliver no more to France than what She had received from her, & that consequently the whole of british W. Florida was to be retained; upon this point the french Prefect differed widely from them, claiming ancient Louisiana as it formerly existed under the french dominion, so far as it now continues in the possession of Spain; and writ to his government on the subject; declaring with french confidence that an application from the chief Consul to the Court of Spain would speedily rectify the errors of its officers.

In my account of indian nations within the province of Louisiana, I have stated that they are few in number and harmless; this is to be understood only of such divisions of the province as are partially inhabited by the Whites; but if my conjectures are well founded, that its barriers extend to the Northern Andes, we remain completely in the dark as to the Aboriginal Tribes which are scattered over that immense region; a few only are imperfectly known to us; they inhabit the banks of the Missouri and some of its (almost) innumerable branches. Those I observe are detailed by M^r Clark in his letter by last mail to M^r Madison.⁹⁹

I remark with satisfaction that by the same occasion M^r Clark has communicated many useful hints to the Secretary of State respecting the people of Louisiana, their characters, their ignorance and their prejudices,¹ which will furnish them with very false ideas of the nature of the government & courts of Justice which they are to expect from us. I have reflected upon this subject, but have always been disinclined to obtrude any opinions not pointedly called for, much less to amuse you with Speculative ideas, which perhaps are false in theory and might lead (in practise) to evils of greater magnitude than those which they were erroneously calculated to obviate: I have furnished our Delegate M^r Lattimore with some reflections on Courts and on Men of the law; ² which reflections I know to be very crude, but will convey the idea of an evil which is rapidly growing up in this Country to an enormous magnitude; fortunate will be the lot of the new province if by any means She may escape so great a Scourge: to me it is evident that the period is fast approaching when the Men of the Law will be the Lords & Nobility of this Country and the Planters will be their Vassals; they will then govern us with despotic sway. The Governor of our territory deeply impressed with the importance of this Subject, proposes, I believe, to second those ideas in his future communications with Government. I have written to M^r Clark on the same topic,² proposing that the Louisian-

⁹⁹ Sept. 29, 1803, *ante*, p. 61.

¹ Sept. 8, 1803, *ante*, p. 28.

² Not found.

ians should send an intelligent Agent to Congress in order to State the Situation and Circumstances of the New Province and its Inhabitants before the Sage Legislators of our Nation; but he informs me, the Spanish Gov^t will not permit any such measure to be publicly taken while the reins of Gov^t remain in their hands.

I am with the highest respect Your Obedient & devoted Servant

WILLIAM DUNBAR

[*Endorsed*] Dunbar W^m Natchez Oct. 21. 03. rec^d Nov. 13.

GOVERNOR CLAIBORNE TO PIERRE CLÉMENT LAUSSAT ⁴

[NA:SD, Orleans Terr. Papers, II:C]

(Copy)

NATCHEZ *October 29th 1803*

To M^r LAUSAT Colonial Prefect, New Orleans.—

SIR The enclosed despatches ⁵ for you which have been committed to my care by the Secretary of War for the United States I hasten to forward by a Confidential bearer.

I embrace this opportunity to acknowledge the receipt of your Letter of the 7th of this month ⁶ and to express a sincere desire that the relations of amity and commerce which happily exists between the United States and the French Republic and which it is their mutual Interest to preserve may continue uninterrupted.

Accept I pray you Sir a renewal of the assurances of my very respectful consideration.

(signed) WILLIAM C C CLAIBORNE.

[*Endorsed*] copy of Gov^r Claibornes letter to M. Laussat dated 29th Oct^r 1803.

MATTHEW LYON TO THE SECRETARY OF THE TREASURY

[NYHS : Gallatin Papers : ALS]

WASHINGTON [*October ?*] 30th 1803

SIR—My mind is constantly on this Expedition to Orleans & I have no doubt but any Suggestions of mine however futile in themselves will be well received by you—

General Jackson of Tennessee is the Man of all others who would give life & Spirit to the Enterprise & if the President or the Sect^y at war did not think proper to name him by calling for a Major General

⁴ The communication in which this letter was enclosed has not been identified.

⁵ Enclosures not present. They consisted of preliminary instructions to Laussat for the execution of the treaty, and were forwarded to Claiborne in Wagner's letter of Sept. 6, 1803 (NA,SD, Dom. Letters, XIV).

⁶ Not found.

from Tennessee he could not be missed, he is well acquainted with new Orleans & every thing Concerns it, having lived a year or thereabouts under the Spanish Government in that Quarter, his Character is revered in K^y as well as Tennessee I think the Call ought to be for 2000 men on horse back at least, that if half of them are Called for from Tennessee it will not be amiss, Men can go from the Neighborhood of Knoxville sooner than from Lexington & Frankfort the orders will be there almost a week, a Week soonest they ought not to wait for each other but push through to Natchez as soon as possible—much delay there may be injurious—Had Arnold pushed directly for Quebec when he got through the Wilderness in 1775 he would have possess'd himself of it without the loss of a man—had Eathan Allen waited for his three hundred men to come up he might have lost half of them & not Succeeded in takeing Ticonderoga—I have much fear that the thing will be fumbled in K^y—Sevier is a Warrior & an Alert old man full of life on such an occasion, so I think much may be expected there I percieved last year a Confusion & a want System & Energy at Frankfort, at the time of the Alarm there were many talkers, I looked about then to see what would be likely to be done on an emergency, K^y give them time enough have Spirit & determination & should there be need of an after force (which god forbid) you cannot look for too much from them, in a Water Expedition they would do any thing you could expect—

Yours

M LYON

Sevier & Jackson are at War but they will be agreed in this, & it may give them an opportunity to Coalase I believe there is but one Major Gen' in Tennessee—

four Counties in my district will get the News sooner by my letters via Nashville than it will reach Frankfort I have wrote it will be well for them to be ready & in one to a very populous County (Logan) “it might be well to go on with Tennessee People the Government [MS. illegible] pay well”—

[Addressed] M^r Galatin—

[Endorsed] Washington 1803 M. Lyon

AN ACT ENABLING THE PRESIDENT TO TAKE POSSESSION OF LOUISIANA

[NA:SD, Original Statutes⁷]

[October 31, 1803]

*An Act to enable the President of the United States to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris, on the thirtieth of April last; and for the temporary government thereof.*⁸

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby authorised to take possession of, and occupy the territory ceded by France to the United States, by the treaty concluded at Paris, on the thirtieth day of April last, between the two nations; and that he may for that purpose, and in order to maintain in the said territories the authority of the United States, employ any part of the army and navy of the United States, and of the force authorised by an act passed the third day of March last, entitled "An act directing a detachment from the militia of the United States, and for erecting certain arsenals,"⁹ which he may deem necessary: and so much of the sum appropriated by the said act as may be necessary, is hereby appropriated for the purpose of carrying this act into effect; to be applied under the direction of the President of the United States.

⁷ Printed also in 2 STAT. 245. Cf. draft enclosed in the Secretary of the Treasury to Breckinridge, not dated, Breckinridge Papers (LC).

⁸ The treaty of cession was laid before the Senate on Oct. 17, 1803, Congress having met in special session on that date, pursuant to a call of the President July 16, 1803 (Richardson, comp., *Messages and Papers*, I, 357). With the President's message to the Senate, *ibid.*, p. 362, were transmitted certain papers relating to the negotiations; these are listed in *A.S.P., For. Rels.*, II, 506, and are there printed in chronological order among other relevant papers. The treaty was ratified by the Senate Oct. 20, 1803 (*Senate, Exec. Journal*, I, 449-450). See Brown (ed.), *Plumer's Memo. Procs. U. S. Senate*, pp. 1-14, 17-18, for Senator Plumer's criticism of the President's message.

On Oct. 21, 1803, the President, in a message to both Houses of Congress (Richardson, comp., *op. cit.*, pp. 362-363), requested that temporary provisions be made for the "preservation . . . of order and tranquillity in the country, as the case may require", and promising to submit at a later date further information and recommendations with respect to the territory's organization. From this point the legislative history of the act may be followed in *House Journal*, IV, 405-408, 412, 415, 417, 420, 422, 424; *Senate Journal*, III, 301, 302-303, 304; *Annals*, 8 Cong., 1 sess. (House, with report of extended debate), 382, 383-420, 432-489, 497-515, 545-546, 548-549, 551-552. See also Brown, *Const. Hist. La. Purchase*, pp. 49-61, 84-89; and act approved Nov. 10, 1803 (2 STAT. 245-247), authorizing the creation of stock for carrying into effect the convention of Apr. 30, 1803, and act approved Mar. 26, 1804, *post*, p. 202, providing for the civil government of the Territory of Orleans and the District of Louisiana.

⁹ 2 STAT. 241.

SEC. 2. *And be it further enacted*, That until the expiration of the present session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil, and judicial powers, exercised by the officers of the existing government of the same, shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property and religion.¹⁰

NATH¹ MACON Speaker of the House of Representatives.

JOHN BROWN President of the Senate, pro tempore.

Approved

TH: JEFFERSON

Octob. 31. 1803.

I certify that this Act did originate in the Senate. Sam A Otis Secretary.

¹⁰ The administration understood the above provision to mean that the local laws of the province as they then existed should remain in force until changed by Congress, which was in accordance with historical precedent. In the case of *Campbell v. Hall*, rendered by Lord Mansfield in 1774, concerning the status of Grenada, a conquered province, the general principle was laid down that the "laws of a conquered country continue in force until they are altered by the conqueror" (Shortt and Doughty, eds., *Docs. relating Const. Hist. Canada, 1759-1791*, pp. 366-372). See also Walton, *Scope and Interpretation of Civil Code of Lower Canada*, pp. 6-7, 26-27. The continuance by the United States of the Spanish revenue laws in Louisiana is an interesting application of Mansfield's principle. (See the Secretary of the Treasury to Trist, Nov. 14, 1803, *post*, p. 106.) The question of the constitutional status of Louisiana prior to the inauguration of a regular territorial government, Oct. 1, 1804, was repeatedly raised by incidents subsequent to the formal American occupation on Dec. 20, 1803. Among the problems arising during this period were: the right of appeal to the governor (Baudin to the President, Feb. 14, 1804, *post*, p. 186); the right of Congress to prohibit the importation of slaves (Claiborne to the President, Apr. 15, 1804, *post*, p. 221); the extent of the governor's authority (the President to the Secretary of State, Apr. 17, 1804, *post*, p. 224); the extent of the federal authority over the territory (the Attorney General to the President, Apr. 19, 1804, *post*, p. 227); the civil and property rights of the inhabitants, *loc. cit.*; the status of offenses committed prior to the cession (the Secretary of State to Claiborne, July 10, 1804, *post*, p. 259); the status of Spanish monopolies (Livingston to the Secretary of State, Sept. 15, 1804, *post*, p. 294); and the status of Spanish land titles (act approved Mar. 2, 1805, *post*, p. 408).

Attention is also invited to the issues raised in the course of the debates in Congress over the treaty, and to certain decisions of the U. S. Supreme Court concerning not only questions relating to Louisiana, but analogous problems arising in connection with subsequent territorial acquisitions. Among the questions raised in the debates mentioned were those which concerned the right of the United States to acquire territory, the method of acquisition, and the status of the territory and its inhabitants as defined by the treaty. The Supreme Court has held that the power to acquire territory is derivable from the authority

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

(NA:SD, Dom. Letters, xiv:C)

DEPARTMENT OF STATE, *October 31, 1803.*W^m C. C. CLAIBORNE Esq^r Governor of the Mississippi Territory—

SIR. You will find herewith a copy of the late Treaty with France ceding Louisiana to the United States which has been duly ratified and the ratifications exchanged,¹¹ and two Commissions, one authorizing yourself and General Wilkinson jointly or separately to receive possession,¹² the other vesting in you alone the power necessary for the immediate Government of the ceded territory. Copies of the act of Congress on the authority of which these Commissions are issued are also herewith inclosed.¹³

The intention of the President is that the moment these documents arrive, you take the most expeditious measures for learning, if not previously known to you, whether Commissary Lausat or any other person in his stead has received possession from the Spanish authority at New Orleans, or if not, whether it be sufficiently certain that on your arrival he will be enabled by a delivery of possession to

of the government to declare and carry on war, and to enter into treaties (Amer. Ins. Co. v. Canter, 1 Peters, 511-546; Stewart v. Kahn, 11 Wallace, 493-507; U. S. v. Huckabee, 16 Wallace, 414-436).

The House questioned the right of the treaty-making power to make or agree to stipulations regarding the rights of the inhabitants of the territory. The treaty provision which guaranteed the inhabitants the free enjoyment of their property has been specifically upheld in *Soulard v. U. S.* (4 Peters, 511-513). It has also been held that cession of territory operates only upon sovereignty and jurisdiction, and not upon the private property rights of individuals (*U. S. v. Arredondo*, 6 Peters, 691-760; *U. S. v. Percheman*, 7 Peters, 51-98; *Delassus v. U. S.*, 9 Peters, 117-136; *Strother v. Lucas*, 12 Peters, 410-470).

The authority of Congress has been affirmed in a number of decisions: *Sere v. Pitot*, 6 Cranch, 332-338; *Snow v. U. S.*, 18 Wallace, 317-322; *National Bank v. County of Yankton*, 101 U. S., 129-135; *Murphy v. Ramsey*, 114 U. S., 15-47; *Mormon Church v. U. S.*, 136 U. S., 1-68. The source of this authority is found in the power given Congress to regulate the territory and property of the United States (*Sere v. Pitot*, 6 Cranch, 332-338; *U. S. v. Gratiot*, 14 Peters, 526-539; *Cross v. Harrison*, 16 Howard, 164-202). In *Sere v. Pitot* and in *Mormon Church v. U. S.*, as cited, the Court included as a source of the federal authority, the power derived from the right to acquire territory. It has also held that the governing power is inherent in the exclusive sovereignty of the national government over the territories (*U. S. v. Kagama*, 118 U. S., 375-385; *De Lima v. Bidwell*, 182 U. S., 1-220). The extent of this authority appears to be virtually absolute (*U. S. v. Nelson*, 29 Fed. Rep., 202-210; *U. S. v. Gratiot*, 14 Peters, 526-539; *Talbott v. Silver Bow County*, 139 U. S., 438-448) and includes the territorial courts, which are merely the agents of Congress (*Amer. Ins. Co. v. Canter*, 1 Peters, 511-546; *Benner v. Porter*, 9 Howard, 235-248).

¹¹ None of the enclosures mentioned are present.

¹² *Infra*.

¹³ Claiborne's commissions of Oct. 31 and Nov. 14, 1803, are printed, *post*, pp. 143, 144.

him to transfer it peaceably to the United States. In either of these cases, you and General Wilkinson are to hasten to New Orleans. According to instructions to him from Gen^l Dearborn he will take with him all the regulars at hand to which are to be added, as many of the Militia of your territory as may be deemed a requisite precaution.

You and Gen^l Wilkinson will arrange with the French Commissary the manner of receiving possession from him, which is to include everything as stipulated in the Treaty, exchanging certificates of the time and the transaction. Orders for the delivery of all the posts may be expected from the French Commissary; such of which as are within reach may be immediately occupied under the orders of Gen^l Wilkinson.

As soon as possession shall be transferred, it will be proper for you in pursuance of your authority over the ceded territory to issue a proclamation of which a form is enclosed; making however any unessential variations or additions which may be necessary to adapt it to the actual state of things, or to circumstances not so well understood at this distance. Your powers you will find are left very extensive by the law; and are no otherwise restricted by your Commission than was thought due to the feelings of the inhabitants, and the magnitude of certain powers, for the exercise of which there can be no necessity. The exception of these neither implies any distrust of a personal kind, nor will be understood to suggest an exercise of other important powers for which there may be no pressing occasion. For the manner of exercising those ample powers no particular instructions are now given by the President. You will be led by your own judgment and your correct principles and dispositions to a prudent moderation and a conciliating deportment. Policy and justice towards the inhabitants equally require both. As the Governor is understood to have given proofs of just dispositions and an amicable character, your attention to him will correspond with these titles to it. He is to be allowed to remain in his House, and to retain any other personal accommodations of a like kind. The money paid into the Spanish Treasury before the delivery of possession, and whatever may be due thereto at that date, is to be considered as the property of Spain. Payments and debts subsequent to that date, belong of course to the United States.

No particular provision is yet made as compensation for the new service in which you are to be employed. The President authorizes you for the present to draw on the Department of War, at a rate not exceeding four hundred dollars a month, to be computed from the commencement of your journey to New Orleans.

Should any attempt be made to clog the delivery of possession, with exceptions, conditions, or explanations, not found in the Treaty, they are to be avoided if possible. Should they be persisted in, it

will be proper rather than endanger the transfer, to proceed in accepting it, with such a protestando as will save the rights of the United States.

Thus far it is presumed that Louisiana is to pass into our possession, thro' the mere forms of delivery. Recent circumstances and particularly the express protest by the Spanish Minister here, in the name of his sovereign against the Cession made by France to the United States, has made it necessary to provide for a refusal by the Spanish authority at New Orleans, to give up the Country, according to her engagements with France. In such an event it is determined to give effect to our title which is clear and just, by employing force for the purpose. The act of Congress authorizes it, and the President will exert the authority.

The first question to be decided by you and Gen^l Wilkinson, will be whether the force which can in the first instance be marched to New Orleans, with the aid to be expected from the well disposed inhabitants will be able, with a sufficient degree of certainty, to disposses the Spanish authorities and forces. Communications on this subject will be proper not only with M^r Daniel Clark, but also with M^r Lausat, whose sanction to the use of force, and co-operation therein, is particularly to be wished. Both are enjoined on him by M^r Pichon in a dispatch herewith forwarded; which apprizes M^r Laussat of the views of the American Government, and prepares him for a correspondence with you.

Should it be decided that a Coup de Main is immediately proper, it is to be conducted by Gen^l Wilkinson according to the instructions from the Department of War. The force will consist of the regular troops near at hand, as many of the Militia as may be requisite and can be drawn from the Mississippi Territory, and as many volunteers from any quarter as can be picked up. To them will be added 500 mounted Militia from Tennessee who it is expected will proceed to Natchez with the least delay possible after the requisition which goes by the present mail to the Governor of that state,^{13a} shall have got to hand. But as the success of such enterprizes depends principally on the celerity of their execution, it will be a point for your discretion, whether this Corps ought to be waited for, especially if no Spanish reinforcements should have arrived at New Orleans. The same consideration may make it advisable perhaps, to proceed to New Orleans immediately without waiting the result of a communication with Laussat. From the presumed disposition of a great part of the inhabitants, and the means which M^r Clarke and M^r Laussat will be able to use for drawing them into a co-operating movement, it may be expected that a critical advantage to the enterprize may be derived

^{13a} The Secretary of War to Sevier, Oct. 31, 1803 (NA, WD, AGO, Old Recs. Div., Mil. Bk. 2).

from that internal resource. A suitable proclamation or address from the American Commissary, may perhaps increase the advantage.

In order to add the effect of terror to the force of arms, it may be given out that measures are in train, which is a truth, for sending on from Kentucky and elsewhere a very great force, such as may be sufficient to overwhelm all possible resistance. Should possession be taken by force, you will proceed to issue your proclamation and exercise the powers vested in you, obtaining the previous sanction of M^r Laussat if he be not disinclin'd to give it. His sanction however is not to be regarded as an essential preliminary either in this case or in the case of his refusing it to resort to force in taking possession. I have only to add that the earliest information will be expected by the President of every important stage of the business committed to you, and that with my anxious wishes for its successful progress and issue,¹⁴

I remain &c

JAMES MADISON.

COMMISSION OF WILLIAM C. C. CLAIBORNE AND JAMES
WILKINSON AS AGENTS

[SD:Misc. Permanent Comms., C:C]

[October 31, 1803]

THOMAS JEFFERSON, President of the United States of America

To all to whom these presents shall come, Greeting

Know Ye, That reposing especial trust and confidence in the patriotism and abilities of WILLIAM C. C. CLAIBORNE and JAMES WILKINSON I have appointed them commissaries or agents of the United States with full power and authority to them jointly and severally to take possession of and occupy the territory ceded by France to the United States, by the treaty concluded at Paris on the thirtieth day of April last past; and for that purpose to repair to the said Territory and there to execute and perform all such acts and things touching the premises as may be necessary for fulfilling their appointment conformable to the said Treaty and the laws of the United States

In Testimony whereof, I have caused these letters to be
(L. s.) made Patent and the seal of the United States to be here-
unto affixed.

Given under my Hand at the City of Washington the thirty first
day of October in the year of our Lord one thousand eight hundred

¹⁴ Answered Nov. 18, 1803 (Rowland, ed., *Claiborne Let. Bk.*, 1, 284-287), enclosing copies of letters to Clark and Laussat, both dated Nov. 18, 1803, *ibid.*, pp. 287-291.

and three and of the Independence of the United States of America the Twenty eighth.

TH: JEFFERSON

By the President

JAMES MADISON Sec^y of State.

THE SECRETARY OF STATE TO DANIEL CLARK

[NA:SD, Despatches to Consuls, 1:C]

DEPARTMENT OF STATE, *October 31st 1803.*

DANIEL CLARKE Esq^r

SIR. The present Mail conveys to Gov^r Claiborne & Gen^l Wilkinson authority to receive or take possession of Louisiana, and to Gov^r Claiborne authority to administer for the present the Government of the ceded Country. The possibility suggested by recent circumstances, particularly a protest from the Spanish Government against the cession from France to the United States, that delivery may be refused at New Orleans, on the part of Spain, required that provision should be made as well for taking as receiving possession. Should force be necessary Gov^r Claiborne & Gen^l Wilkinson will have to decide on the practicability of a Coup de Main, without waiting for the reinforcements which will require time on our part, and admit preparations on the other part.

In forming the decision, they will need the best and greatest information from the spot. Gov^r Claiborne will write to you on this subject, and there can be no doubt of the zeal with which you will render them every aid of this sort. Should a Coup de Main be resolved on, there may be a call on you for assistance of another sort. A cooperating movement of the well disposed part of the Inhabitants will be of essential advantage, and it is desirable, that it should in concert with the military councils, be prepared & directed in a manner to give it its best effect. Your knowledge of local circumstances, your acquaintance with the dispositions of the people, and with the principal characters and their views, will enable you to render most acceptable services on such an occasion.

It is presumed that M^r Laussat may also render his influence over certain descriptions of the inhabitants, useful to the object. M^r Pichon has in the strongest terms pressed him to do so. Should he be well disposed a frank & friendly communication and co-operation between yourself & him is particularly to be wished, and I doubt not will be promoted on your part. It will be agreeable to hear from you on the receipt of this letter, and in every stage of the interesting business which is the subject of it. The Mail will henceforward go from this to Natches in 15 days & return in the same time. To double

the chance of quick & certain conveyances duplicates by water may also be expedient.

I am &°

JAMES MADISON

Ex^a S P

THE SECRETARY OF WAR TO JAMES WILKINSON

[NA:WD, AGO, Old Recs. Div., Mil. Book 2]

WAR DEPARTMENT 31st *October* 1803.

JAMES WILKINSON

SIR, The Treaty between the United States and the French Republic ceding Louisiana to the former has been duly ratified by both the Contracting parties, and the ratification exchanged—and Congress have by law authorised the President of the United States to take possession of the Country thus ceded and to establish such Government over the same as he may judge expedient—until Congress shall constitute some other system of Government over said Territory. Governor Claiborne and yourself will be authorised to receive possession of Louisiana from the Agent authorised by the French Government to deliver it—and as it will be expedient to take immediate possession of the several Military Posts in said Territory, but more especially at New Orleans and its vicinity you are hereby authorised and directed to proceed to New Orleans (in concert with Gov^r Claiborne) without loss of time, with Six Companies of regular troops, and one hundred of such of the militia of the vicinity as may voluntarily engage to join you—and as soon as the usual form of delivering and receiving possession shall have terminated, you will place suitable Garrisons in the Town of New Orleans and in the post below,—and give the necessary directions for their discipline and police—Actual possession being taken, the Government of the Territory will involve on Governor Claiborne, in conformity with the instructions received by him from the President of the United States investing him with said power—I need not mention to you the propriety of treating all the Officers and Inhabitants of the Territory with the most polite and soothing attentions—when the necessary arrangements of the Garrisons shall be completed you will judge of the expediency of discharging the whole or a part of the Militia which shall be employed—Captain Stoddard at Kaskaskais will receive orders from this Office to take possession of upper Louisiana, as soon as he shall receive information from you that the Post at S^t Louis will be delivered to him by the present Commanding Officer of that place—Captain Daniel Bissell will place a detachment from his company at New Madrid, and the Commanding Officer at Chickasaw Bluffs will be directed to place a detachment from that Garrison in the Post on the opposite side of the river—You will decide whether it will be

expedient or not to continue a Military Post opposite Natchez where Captain Videl has commanded—The foregoing arrangements are predicated on the presumption that no opposition will be made to our taking possession of the Country which has been acquired by the fairest and most honorable means, and to which we have both a legal and equitable right and may with propriety therefore presume on obtaining peaceable and quiet possession. But if contrary to every reasonable expectation the Officers of the Spanish Government should decline or refuse to deliver possession, (which fact should be satisfactorily ascertained before you make any movement with the troops) you will in concert with Governor Claiborne decide whether you shall be able to take possession of New Orleans and its immediate dependencies with the regular troops at Fort Adams, and the whole of the militia which can be engaged in the vicinity of Natchez, and with such aid as may be calculated upon at New Orleans—And if you and the Gov^r shall be of opinion that with the above mentioned force, there will be a strong probability of succeeding in obtaining possession, you will then without loss of time take measures accordingly—You will also avail yourself of any aid, which confidential Agents may procure at New Orleans, by inducing the inhabitants to acquiesce in or aid the enterprize—It is presumed if necessary from Six to eight or nine hundred of the militia may be engaged in the vicinity of Natchez—the regular force will not probably exceed three or four hundred, but I should presume considerable aid may be calculated on at New Orleans—it would be desirable if possible to obtain possession before any considerable precautions may be taken by the Spanish Officers for defence—The Governor or Intendant may have received directions not to deliver the possession until further orders therefor—but may not contemplate our taking possession by force of Arms—You will therefore ascertain through Mr. Laussat and other channels with certainty, if practicable, whether there will be any serious objection to our taking possession and whether force will be resorted to by them or not and take your measures accordingly—every practicable use should be made of the authority of the Agent for the French Government—he has received the most positive instructions on the subject and will undoubtedly afford every aid in his power—Orders have been sent to the Governor of Tennessee to mount 500 Men and send them with all possible dispatch to Natchez, to be employed if necessary—but if you can take possession without waiting for them, which I presume will be the case, you will leave such directions for them as you may deem expedient, you will likewise give directions to the Contrators Agent to furnish the necessary provisions. If he should be in want of money for that purpose, he may draw Bills on this Office for the Amount—Orders have likewise been forwarded to the Governors of the States

of Kentucky, Tennessee and Ohio to have 6,000 Men organised and held in readiness to move at the shortest notice if necessary.¹⁵ But should such formidable opposition be made on the part of the Spanish Government, as to render an Army of considerable force necessary to take possession of the Country to which we are so justly entitled— You will under such circumstances send the earliest notice with a minute detail of the business, to the Seat of Government, where the subject will be considered and the ultimate measures determined on—If it should become necessary to obtain possession by force of Arms you will take possession of Batton Rouge on your way down or not, as the conduct of the Commandant may be hostile or otherwise. And in the event of taking forcible possession of New Orleans, you will cause the Officers and Garrison to enter into such convention as may be practicable, permitting them to depart for the Havannah, taking care however to secure all the Arms and Military Stores Gallies &c^a—but all private property should be held sacred—Should possession by force of Arms be the only alternative, and you should succeed with the force first proposed, including the militia of Natchez and its vicinity it will add much to your Military fame—the less delay the greater probability of success. You will please to inform me by every mail of your movements—the Arms and acoutrements which you may find it necessary to deliver the militia or others, should be receipted for and returned by each man before he receives any pay—and you will have all men who expect pay for their services, properly mustered when they engage and also when they are discharged. All who are entitled to pay will receive the same compensation and emoluments as the regular Troops—and the Paymaster should pay the whole who may be entitled thereto, on their being discharged. For any necessary expences which may be incurred in moving the troops—Bills with your sanction may be drawn on me which will be accounted for by the Assistant Military Agent—If the paymaster should be in want of money to pay the militia for their services, he may with your approbation draw Bills on the Paymaster of the Army.¹⁶

I am &c^a.

¹⁵ The Secretary of War to Sevier, Gerard, and Tiffin, all of Oct. 31, 1803 (NA, WD, AGO, Old Recs. Div., Mil. Bk. 2).

¹⁶ Cf. the President's memorandum on the orders to be given Claiborne and Wilkinson, not dated, but filed with the 1803 MSS. in the Jefferson Papers (LC).

PIERRE CLÉMENT LAUSSAT TO GOVERNOR CLAIBORNE¹⁷

[NA:SD, Orleans Terr. Papers, II:C 18]

NEW ORLEANS *the 16th Brumaire*—Year 12.8th November 1803

The Colonial Prefect, Commissioner of the french Government for the reception and delivery of Louisiana.

TO HIS EXCELLENCY WILLIAM C. C. CLAIBORNE Governor of Natchez

SIR I have again, today, new thanks to tender you, for the care and safety with which you have had the goodness to forward me the dispatches of my Government, which the Secretary of War of the United States has been pleased to address, thro' you, to me.

I regret this trouble on your own account, & on account of the officers employed by you; but we must view it at this moment as serving importantly our two respective Nations. I enclose you a Packet for M^r Pichon¹⁹ our Chargé d'affaires at Washington City—I pray you to forward it by the Mail to such Minister of the United States, from whom you receive my correspondence.

I wish sincerely with you Sir, and as you do, the eternal duration of the bonds of friendship and common interest between my Country and yours.

I renew you, Governor, the assurances of my most distinguished consideration

LAUSSAT

[*Endorsed*] Copy Citizen Laussat's letter to Gov^r Claiborne Nov^r 8th 1803.

 THE PRESIDENT TO THE SECRETARY OF STATE

[LC:Jefferson Papers:LPC]

[November 9, 1803]

Th: J. to mr Madison.

I inclose you Clarke's memoranda.²⁰ the following articles seem proper for Executive attention.

¹⁷ The communication in which this letter was enclosed has not been determined.

¹⁸ A contemporary translation; the original has not been found.

¹⁹ Louis André Pichon.

²⁰ Two papers from the documents sent by Clark to the Secretary of State, Sept. 8, 1803, *ante*, p. 28, concerning government expenditures in Louisiana. These were sent to the President by the Secretary of the Treasury, with his comments, Nov. 8, 1803 (Adams, ed., *Writings Gallatin*, I, 169-170).

an instrument vesting in the Collector of Natchez the powers of the administrator, Treasurer & Contador.²¹

Instructions to Claiborne to suppress useless offices
to remove any existing officers.
to appoint others.

it would be well these could go by next post.

would it not be well to send in what documents we have, and furnish what is not yet prepared, as well as what may come hereafter in a supplementary way from time to time as received.

Nov. 9. 1803.

THE PRESIDENT TO THE SECRETARY OF THE TREASURY

[NYHS:Gallatin Papers:ALS]

[November 9, 1803]

Th: J to mr Gallatin

The memoranda you inclosed me from m^r Clarke deserve great attention. such articles of them as depend on the executive shall be arranged for the next post. the following articles belong to the legislature.

the administration of justice to be prompt. perhaps the judges should be obliged to hold their courts weekly, at least for some time to come.

the ships of resident owners to be naturalized, & in general the laws of the US. respecting navigation, importation, exportation &° to be extended to the ports of the ceded territory.

the hospital to be provided for.

slaves not to be imported except from such of the US. as prohibit importation.

Without looking at the old Territorial ordinance I had imagined it best to found a government for the territory or territories of lower Louisiana on that basis. but on examining it, I find it will not do at all; that it would turn all their laws topsy-turvy. still I believe it best to appoint a governor & three judges, with legislative powers; only providing that the judges shall form the laws, & the Governor have a negative only, subject further to the negative of the National legislature. the existing laws of the country being now in force, the new legislature will of course introduce the trial by jury in criminal cases, first; the habeas corpus, the freedom of the press, freedom of

²¹ The collector for the Mississippi district was Hore Browse Trist, of Mississippi Territory, appointed Nov. 11, and appointment confirmed, Nov. 15, 1803, reappointed and reconfirmed for the same office, Feb. 24, 1804 (*Senate, Exec. Journal*, I, 454, 455, 464). The second appointment was made necessary by the fact that the act approved Feb. 24, 1804 (2 STAT. 251-254), annexed the ceded territory to the Mississippi district, with New Orleans as the sole port of entry.

religion &° as soon as can be, and in general draw their laws & organisation to the mould of ours by degrees as they find practicable without exciting too much discontent. in proportion as we find the people there ripen for receiving these first principles of freedom, Congress may from session to session confirm their enjoyment of them.

As you have so many more opportunities than I have of free conference with individual members, perhaps you may be able to give them these hints, to make what use of them they please. Affectionate salutations.

TH: JEFFERSON

Nov. 9. 1803.

P.S. my idea is that upper Louisiana should be continued under it's present form of government, only making it subordinate to the National government, and independent of Lower Louisiana. no other government can protect it from intruders.

[Addressed] The Secretary of the Treasury

[Endorsed] Novemb. 9 1803 T^r Jefferson

DANIEL CLARK TO GOVERNOR CLAIBORNE

[NA:SD, Consular Letters, New Orleans:ALS]

NEW ORLEANS 9 November 1803

SIR Since writing to you on the 7th ²² I have had an Opportunity of conversing with the Marquis of Casa Calvo and with the Secretary of the Government respecting the intention of the former of proceeding on his Shooting party to Baratavia which was to take place on the 16th or 17th Ins^t and in consequence of the representations made I think it probable he may lay aside his design and determine on remaining here to wait the arrival of the American Commissioners or at least advices from them. As far as I can judge from Circumstances which have come to my knowledge and from the Opinion I have formed of the Character of the Man, I do not believe that the Marquis has yet formed a decided Opinion respecting the Conduct he means to pursue and let what will be the result I am fully persuaded that he will be guided by the impression of the Moment, as he is not capable of forming any deep laid Plan, and his advisers have neither talents nor influence to render their Counsels dangerous to us, if there is only an appearance of decision on our part. Having understood by advices from M^r Turner ²³ of Natchez that M^r Carr ²⁴ possessed

²² NA (SD, Consular Letters, New Orleans), stating that he believed Casa Calvo intended to delay the transfer, and that Claiborne should not permit any postponement.

²³ Edward Turner; see *Terr. Papers* (Miss.), v, index.

²⁴ John C. Carr.

your confidence I have not hesitated to communicate to him the Contents of my last Letter, that he might enquire, and give the additional weight of his testimony to what I had therein communicated to you. The imbecility of the Governor, the general hatred & disgust occasioned by the delay & perversion of Justice, the unpopularity of the Marquis & the certain junction of the Prefect & his Party with the American Commissioners leave me no room to doubt but all difficulties will be easily got over, in case any are attempted and I only wish to impress you with the idea that such things may occur for which you ought to be prepared, rather than that any serious opposition is intended. I remain very respectfully Sir Your most obedient serv^t²⁵

DANIEL CLARK

HIS EXCELLENCY GOVERNOR CLAIBORNE

P.S. I have kept concealed from M^r Carr that part of my last Letter which regards Minor & only informed him generally that information was given from Natchez— D. Clark.

[*Addressed*] His Excellency W^m C. C. Claiborne Governor of the Mississippi Territory Washington near Natchez

[*Endorsed*] Daniel Clark 9th Nov^r 1803.

DANIEL CLARK TO GOVERNOR CLAIBORNE

[NA:SD, Consular Letters, New Orleans : ALS]

NEW ORLEANS 11th November 1803

SIR I have had since writing to you Yesterday²⁶ further reasons for believing that attempts will be made to delay the delivery of this Province to the Commissioners of the U. S. Those who most familiarly approach the Marquis, who have no Opinions of their own, are the Persons who speak of these delays and every day furnishes them with a new motive which they pretend to think would justify them. The idea of the Moment is, that Spain has given no Official advice of the Cession to the U. S, that the Government of the U. S. will in all probability make no direct application to the constituted authorities of the Spanish Government, and in that case as the orders of the American Commissioners will be to treat with the Prefect, they

²⁵ The information contained in this letter was communicated to the Secretary of State by Clark in his letter of Nov. 10, 1803 (NA, SD, Consular Letters, New Orleans).

²⁶ *Loc. cit.*, stating that if the American commissioners were to come to New Orleans by way of Natchez with a military escort, a written application would be required by the Spanish authorities for permission to traverse their territory. Clark also suggested that Claiborne provide himself with a house before arriving at New Orleans, in view of the ceremonies connected with the transfer.

may refuse to acknowledge them & retain possession for some time longer. Should these Ideas vanish as others of a like nature have already done, new ones will supply their place, and pretexts can never be wanting to those who would wish to avoid doing what is disagreeable to them.

The true reason for any delay if attempted is the success with which it was practised with respect to the delivery of the Mississippi Territory, and perhaps the hope that if attempted a second time it may be attended with similar success, and the delivery delayed an equal time, when numberless unforeseen and favorable Circumstances may occur of which they would take advantage. It being generally believed in Town that two Companies of Militia Horse will accompany the Commissioner from Natchez, I shall to avoid all just cause of offence verbally ask Permission of the Government that they may traverse the Spanish Territory between the Line & Manchac, and shall presume to say that I have been authorised by you to make the request, in case it is found convenient that they should accompany or follow the Commissioner whomsoever he may be. By taking this step I wish only to save time, as I presume when directions once reach the territory from the Executive, your Stay there if appointed Commissioner will not be long enough to permit you to wait for an Answer to any Communications you might afterwards address to this Place, and the result of this Application I shall endeavor to communicate to you by tomorrows Post. The small number of Troops viz four Companies which are supposed to be the whole force meant to come this way is not sufficiently imposing and I think I should be wanting in duty to my Country on this occasion, were I not to advise, that they should be augmented by as many more as could possibly be spared from the Mississippi territory with drafts from the Militia whose stay here need not be long, and the appearance of a respectable Force might prevent that opposition which may afterwards call for increased numbers to overcome.²⁷ I have been sounded to know whether an application would be made for a Passport or Permission for the Troops to proceed to this place & replied that as they would come by Water there would be no necessity for such an application and that none would be made, that in all probability the Commissioners would give previous Notice of the rout of the detachment & their own intentions in proceeding towards this Place but that this would be a matter of Courtesy on our Part. Judging from what I have mentioned, from what otherwise may get to your knowledge, and by the directions you may receive from the Executive, you will be able to form a Plan for your Conduct which I trust will be attended

²⁷ In his letter of Nov. 14, 1803, *loc. cit.*, Clark again urged Claiborne to bring as large an armed force as possible.

with success. It might not however be amiss that you should bring with you a Printing Press to have it in your Power to make use of it in addressing the Inhabitants on any occasion that may occur. I shall take the Liberty of suggesting to the Prefect the necessity of making Inventories & proceeding to an appraisalment of the Stores, Arms, Ammunition & public Buildings that the want of this formality may not (when other pretences fail) furnish an apparent reason for not complying with the more essential Parts of the Treaty.

I have the Honor to remain very respectfully, Sir Your most obedient Servant

DANIEL CLARK

HIS EXCELLENCY W^m C. C. CLAIBORNE

[*Endorsed*] Dan^l Clark 11th Nov^r 1803.²⁸

THE SECRETARY OF THE TREASURY TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

[*November 12, 1803*]

DEAR SIR I enclose the sketch of a letter to M^r Triest which requires consideration.²⁹ If the 5th Article is proper, and I think the principle correct, M^r Claiborne must receive instructions to the same effect from the Dep^t of State. The Intendant had the general superintendence of the revenue & the power of directing payments. the first of those powers will be exclusively vested in the collector by that 5th Art.; and as to the power of paying, I have by the 9th art. directed the collector to advance, on their bills, such money as he may have to officers of the U. S. authorized to draw by either the Dep^t of State, or of war. I would wish something more precise & to be informed of the authority given to either Gov^r Claiborne or Gen. Wilkison to draw on the departments.

Respectfully Your ob. Ser^t

—ALBERT GALLATIN

Saturday

[*Endorsed*] Departm^t Treas^r Nov. 12. 03. rec^d Nov. 12. collection of customs at N. O.

²⁸ Answered Nov. 18, 1803 (Rowland, ed., *Claiborne Let. Bk.*, I, 294).

²⁹ The enclosure mentioned is not present; cf. the Secretary of the Treasury to Trist, Nov. 14, 1803, *post*, p. 106.

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xiv : C]

DEPARTMENT OF STATE, *Nov*^r 14th 1803.W^m C. C. CLAIBORNE Esq^r Governor, &^c &^c

SIR, You will herewith receive a supplemental Commission extending your authority to certain cases which may not be embraced by that heretofore transmitted. You will find also herewith enclosed a copy of a letter from the Secretary of the Treasury to the Collector M^r Trist, shewing the scope of his functions at New Orleans. In the infant & temporary arrangements required for Louisiana much is necessarily left to the discretion and friendly co-operation of those who are to carry them into effect; and who will I flatter myself amply justify the confidence which the President places in them. The two last letters of M^r Clark are of the 6th³⁰ & 13th of October.³¹ The contents of them with the communications of the last date from M^r Laussat to M^r Pichon, strengthen our hopes that the opposition of Spain to the Treaty between France and the United States is limited to a diplomatic interposition, and that our possession will be effectuated without the disagreeable necessity of force. M^r Laussat in a letter to M^r Pichon takes a warm interest in behalf of a Russian, M^r Molier who is now at New Orleans, and wishes some occupation that will support him there. He was heretofore appointed Consul of the United States at Coruna, but it seems declines that service. He is known to be a man of worth, and had very respectable recommendations to his Consular appointment. These considerations with the propriety of manifesting to M^r Laussat a conciliatory respect for his wishes, will render some provision for M^r Molier, if it can be conveniently made, agreeable to the President. M^r Laussat suggests a place either in the Customs, the Post Office, or as a Notary. The last seems to be the most, perhaps the only practicable mode of providing for him, and the advantage will not escape you, of doing what is to be done with as little delay, and in as gratifying a manner as circumstances will permit. To provide for such expences as your Administration in Louisiana may require, the President authorizes you to draw on the Dep^t of State for a sum not exceeding 10,000 Dollars. according to an arrangement with the Treasury Department and the instructions of M^r

³⁰ There are two letters of this date (NA, SD, Consular Letters, New Orleans). Clark enclosed extracts from the customs records for the years 1800 to 1802, reported the arrival of an engineer from Havana to assist the commissioners in establishing the boundary, and, in a second letter, asked that the United States Government support the application of Gilbert Leonard, treasurer of Louisiana under the Spanish, to be consul. The enclosures are not found with the covering letter but are in NA (SD, Orleans Terr. Papers, 11).

³¹ *Ante*, p. 79.

Gallatin to M^r Trist, your bills will be paid out of monies collected at New Orleans.³²

I am &^o

J. MADISON.

THE SECRETARY OF THE TREASURY TO HORE BROWSE
TRIST

[TD:Secretary's Files, Collectors' Letters, N.O., 1804-1883:C]

TREASURY DEPARTMENT *Nov.* 14. 1803.

SIR The President of the United States having decided that until otherwise provided for, you shall immediately after the occupation of New Orleans by the United States, exercise the powers heretofore vested in the administrator or Collector, Treasurer & Contador of the Revenues at New Orleans, an authority for that purpose is transmitted to you by this mail.—You will therefore be pleased immediately to proceed to New Orleans, appointing a deputy to act during your absence in the Mississippi district, or remaining at Fort Adams yourself you will appoint a deputy to proceed to New Orleans.

In the exercise of this temporary authority, it is impossible to prescribe from this department any precise rules of conduct and much must necessarily depend on your zeal & judgement, in both which perfect confidence is placed.—

You will only be pleased to observe 1st That the taxes & duties to be collected under your direction are precisely the same which by the existing laws or regulations of Louisiana were demandable under the Spanish government at the time of obtaining possession.—

2^d That in those taxes & duties are included specially those on imports, exports, transfer of shipping &c.—which were collected under those officers whose powers are vested in you & generally all other taxes and duties which made part of the general revenue of the Province.—

3^d That taxes raised for local purposes, such as those collected in the City of New Orleans, on meat, flour, markets &c. for the purpose of lighting & watching and other City objects, are not included amongst those which you are to collect or superintend, unless they should by the laws of the place, be placed under your authority; in which case their amount must be stated and applied for the purposes of their appropriation.—

4th That you are only to secure or collect duties accruing after possession obtained by the United States and not to collect or receive any debts due on account of duties accrued whilst the Spanish Government was in possession of New Orleans.—

5th That in the exercise of your office, you are perfectly independent from the person in whom the powers of Intendant have been vested

³² Answered Nov. 30, 1803 (Rowland, ed., *Claiborne Let. Bk.*, I, 300).

by the President, any thing in the Spanish regulations to the contrary notwithstanding; it being the contention of the President that you should be alone responsible for whatever relates to the collection of the Revenue, in the same manner as if you were under a law of the United States, regularly appointed Collector of the Port of New Orleans.—

6th That you shall be accountable to the Treasury for all monies received by you in the same manner as for those you receive as Collector of the Miss^l district; and must therefore, make in every respect as far as practicable, similar returns to the several offices of this department.

7th That you have the same powers to remove from & appoint to all the subordinate offices of Searcher, Weigher, Measurer, guards, Inspectors &c. which by law you might exercise as collector; as also that of consolidating any of such offices as you shall think proper; and you may also abstain from filling any vacancy which may happen in any of them.—

8th That the said subordinate officers shall be entitled to receive allowances not larger than those heretofore authorised; and that you will yourself receive no salary, but the same commission on all monies received by you, which by the laws of the United States is allowed to Collectors of ports not specially enumerated viz: three per Cent; and also such fees corresponding with those allowed to Collectors by the laws of the United States as may be demandable under the existing revenue regulations of Louisiana; out of which allowances you shall, as other Collectors of the United States, defray the expenses of Clerk hire, stationary, rent and other contingencies.—

9th That you may defray those several expenses from the revenue collected by you at New Orleans and also may with the monies arising from the said revenue purchase the Bills, which the Department of State has authorised the officer exercising the powers of Governor & Intendant to draw to an amount not exceeding Ten thousand dollars; taking for that purpose triplicate Bills which you will make payable to the Treasurer of the United States and remit to him.—

10th That until otherwise provided for, the same duties are to be collected on the importation of goods in the Mississippi district from New Orleans and vice versa, as heretofore.³²—

I am very resp^d Sir yr ob^t Sert

ALBERT GALLATIN

H. B. TRIST Esq Coll^r Fort Adams

³² Answered Dec. 5, 1803, *post*, p. 134.

GOVERNOR CLAIBORNE TO DANIEL CLARK ³⁴

[NA:SD, Orleans Terr. Papers, II:C]

TOWN OF WASHINGTON *November 14th 1803*

SIR, On my return this morning from Natchez, I was handed your interesting letter of the 7th Instant ³⁵ the contents of which merit and shall receive my serious attention

I flatter myself that no serious opposition to the delivery of the Province of Louisiana to the United States will be attempted on the part of the Spanish Government, but if such rashness should be manifested, you may be assured that measures the most prompt and efficient will be taken to support and enforce the Rights of the United States.

We once experienced at Natchez the expedients resorted to by Spanish officers to produce delay in surrendering ceded Territories but I am persuaded that on another occasion such conduct will not be submitted to.

The last mail furnished you with the Presidents communication to Congress; the perusal of which no doubt afforded you great pleasure. At the date of my last letters the Treaty was before the Senate, and the general opinion was that it would be ratified without delay.

An express was to set out from the City of Washington on the 31st ultimo and to arrive at Natchez on the 15th of the present month at 6 P. M.—By this conveyance I expect the Treaty together with information as to the time when, and the manner of receiving possession of Louisiana, as also of the names of the American Commissioner or Commissioners; — whatever duty the Government may require of me, I shall endeavour to execute with promptitude and fidelity. —

The person whom you mentioned, ^{35a} I have long viewed with a suspicious eye, and have designedly kept him uninformed as to my real intentions and preparations; — any communications therefore which he may make to the Spanish Government will only serve to mislead.— Should the expected express arrive on tomorrow I shall immediately write you fully and particularly.—In the mean time I pray you to acquire all the information in your power as to the sentiments and intention of the high officers now at Orleans and freely to advise me thereof, in full confidence that your communications will be used with a due degree of caution

I am Sir &c

Signed/ WILLIAM C. C. CLAIBORNE.

DANIEL CLARK Esqr, Consul &—New-Orleans.

³⁴ Covering letter, Claiborne to the Secretary of State, Nov. 18, 1803, printed, Rowland (ed.), *Claiborne Let. Bk.*, II, 294.

³⁵ NA (SD, Consular Letters, New Orleans), expressing his belief that Casa Calvo planned to delay the transfer.

^{35a} Stephen Minor.

[*Endorsed*] A Gov^r Claiborne to D. Clark Esq^r nov^r 14th 1803.
rec^d in Gov^r Claiborne's

GOVERNOR CLAIBORNE TO DANIEL CLARK ³⁶

[NA:SD, Orleans Terr. Papers, II:C]

NATCHEZ—17 Nov^r 1803

SIR, Your letter of the 10th Instant³⁷ by M^r Kerr, has been delivered, & your favor of the same date³⁷ by post, has this moment come to hand.—The applications which you suggest will be expected by Governor Salcedo, & the Marquis de Casa Calvo, I shall consider of, & the making it or not, will depend upon your reply to an important dispatch, which I shall forward you on tomorrow, by a private & confidential Messenger.—

The Treaty is ratified, & this day's Mail from the Northward, brought a Commission for General Wilkinson and myself, as Commissioners on the part of the United States, to receive the province of Louisiana.³⁸ The General has not yet returned from the Mobile District, but his arrival at Fort Adams is daily expected;—it is possible he may have taken Orleans on his route to Fort Adams;—if so, & the General should now be in that City, will you say to him, that Business of great National Concern requires his immediate presence in this Territory.

The Dispatches which will probably reach you in 24 hours after the receipt of this Letter, are of such a nature as to render the receipt of an early answer essential to the Public service.—

I will be much obliged to you, if (thro' some friend of your's,) you would engage for the United States Commissioners, comfortable accommodations in the City of Orleans, or near thereto:—I am aware, that if the disposition of the Spanish Officers is friendly, the American Commission will be received with respect & hospitable attention, & I should be sorry to find myself so situated as not to be enabled to return all their Civilities.—The Accommodations for the Commissioners I should wish to consist of a decent house, well furnished, & with convenient Offices.

I am sir with great respect Your Mo: Ob: Serv^t—

(Signed) WILLIAM C. C. CLAIBORNE.

DANIEL CLARK esquire

[*Endorsed*] B—Gov^r to D. Clark Esq^r 17th Nov^r 1803.

³⁶ Covering letter, Claiborne to the Secretary of State, Nov. 18, 1803, printed, Rowland (ed.), *op. cit.*, I, 284–287.

³⁷ NA(SD, Consular Letters, New Orleans).

³⁸ Oct. 31, 1803, *ante*, p. 94.

THE POSTMASTER GENERAL TO GOVERNOR CLAIBORNE

[PO:P.M. Letter Book M]

Nov. 21. 1803.

HIS EXCELLENCY W^m C. C. CLAIBORNE Natchez M T.

I have the honor to acknowledge the receipt of yours of the 24 Ult^o.³⁹ I trust before this the arrangement of the line between Natchez and New Orleans has taken place. I have just conferr'd with the President as to the fund, from which you should draw the money to pay the Contractor and he authorised me to inform you that you might well apply a part of the ten thousand Dollars you are authorised to draw for the purpose of taking possession of New Orleans to this object.

G.G.

PIERRE CLÉMENT LAUSSAT TO GOVERNOR CLAIBORNE ⁴⁰

[NA:SD, Orleans Terr. Papers, II:LS]

Marine Colonies Louisiane NOUVELLE-ORLÉANS,

le 1^{er} Frimaire An 12 (23.9^{bre} 1803)⁴¹

Le Préfet Colonial comm^{re} du Gouvern^t Français p la reprise & la remise de la Louisiane

A M^r W^{am} C. C. CLAIBORNE, Gouverneur du Mississipi-Territory et Comm^{re} des Etats-Unis pour la prise de possession de la Louisiane aux Natchez

MONSIEUR LE GOUVERNEUR & COMMISSAIRE DES E:U: J'ai reçu hier vôtre lettre du 18. Novembre cour^t par M^r Trask ⁴²—

des la veille, M^r Clark m'avait instruit du choix que votre Gouvernement avait fait de vous & de M^r Wilkinson pour Commissaires chargés de la prise de possession de la Louisiane: vous me la confirmez, je m'en réjouis. Soyez sûr que vous trouverez en moi le concours le plus cordial et le plus amical. tout m'y invite: le caractère particulier des Comm^{rs} des Etats-Unis avec qui j'ai à traiter, mon intérêt sincère pour les habitans de ce Pays, les intentions du Gouvernement Français, ses liaisons avec celui de vôtre Nation et mes sentimens personnels relativement à l'heureux résultat de ce changement de Domination pour le bien général.

Il arrive un incident désagréable, sans lequel je serais peut-être déjà en possession de ce pays, ou dumoins je saurais plus positivement à quoi m'en tenir sur le genre d'obstacles ou de lenteurs aux quels nous pourrions nous trouver exposés.

³⁹ Not found.⁴⁰ Covering letter, Claiborne to the Secretary of State, Nov. 29, 1803, printed, Rowland (ed.), *Claiborne Let. Bk.*, I, 299.⁴¹ Nov. 23, 1803.⁴² Rowland (ed.), *op. cit.*, pp. 290-291.

du reste, j'ai en ce moment moins que jamais des raisons d'en Craindre: hier encore m'est parvenue une réponse du Cap^{no} G^{ai} de la Havane, où ce chef me marque avoir réitéré l'ordre aux Comm^{tes} de S.M.C. de me remettre la Colonie, aussitôt que je leur aurai transmis mes pleins pouvoirs en due forme; rien autour de moi ne me donne lieu de suspecter la franchise de cette déclaration—

Cependant (et Ceci est confidentiel entre nous) le 20. Vendem^{re} (13 Octobre) dern^{er} le cit^{en} Landais, officier français, est parti de Washington-city, m'apportant les pièces originales que nôtre chargé d'affaires était chargé de me faire parvenir par voie sure et positive: le cit^{en} Landais n'a point encore paru si ne parait pas, quoiqu'il y ait 41. ou 42. jours qu'il est en route.

ce retard m'inquiète. on m'a bien envoyé des Collationnés; mais j'ai de puissans motifs de n'en faire usage qu'a la dernière extrémité—

dans ces circonstances, hâtez vôtre arrivée si je n'entends point parler de cet expres, nous verrons alors—je ne prévois point d'autre cause sérieuse de délai—

Recevez, Monsieur, les assurances de ma Considération très distinguée.

LAUSSAT

[Endorsed] Rec^d in W. C. C. Claiborne's 29 Nov^r 1803.

[Translation]

Marine Colonies Louisiana NEW ORLEANS,
Frimaire 1, Year 12 (November 23, 1803)

The Colonial Prefect, Commissioner of the French Government for the recovery & the transfer of Louisiana.

TO MR. WM. C. C. CLAIBORNE, Governor of the Mississippi Territory and United States Commissioner for taking possession of Louisiana, at Natchez.

MR. GOVERNOR AND U. S. COMMISSIONER: Yesterday I received from Mr. Trask your letter of the 18th of this November.

On the preceding day Mr. Clark informed me of the choice which your Government had made of you & Mr. Wilkinson as Commissioners entrusted with taking possession of Louisiana: you confirm this to me, I am delighted with it. You may be certain that you will have the most cordial and friendly cooperation from me. Everything attracts me: the private character of the United States Commissioners with whom I have to deal, my sincere interest in the inhabitants of this country, the intentions of the French Government, its connections with that of your Nation, and my personal feelings relative to the happy outcome of this change of sovereignty, for the general good.

One disagreeable incident has occurred, without which I should perhaps already be in possession of this country, or at least I should

know more certainly what to expect as to the kind of obstacles or delays to which we may be exposed.

However, I have at this time, less than ever, reasons for fearing them: just yesterday a reply reached me from the Captain-General of Havana, in which that officer tells me that he has repeated the order to the Commissioners of H.C.M. to turn over the colony to me, as soon as I have sent them my full powers in due form; nothing around me gives reason for suspecting the sincerity of that declaration.

Nevertheless (and this is confidential between us), on Vendémiaire 20th (October 13th) last, citizen Landais, a French officer, left Washington City, bringing me the original documents that our chargé d'affaires was instructed to send to me by a dependable and certain channel: Citizen Landais has not appeared yet and does not appear although he has been on the way for 41 or 42 days.

This delay worries me. Authentic copies have been sent to me, but I have strong reasons for making use of them only in the last extremity.

Under these circumstances, hasten your arrival; if I do not hear anything said about that express, we shall see then—I do not anticipate any other serious cause of delay.

Receive, sir, the assurances of my very distinguished consideration.

LAUSSAT.

DANIEL CLARK TO THE SECRETARY OF STATE

[NA:SD, Consular Letters, New Orleans:ALS]

NEW ORLEANS 28 November 1803

SIR Herewith I forward Copies of my Letters of the 17th 21. 22. 23. 24. & 25th Ins^t to Governor Claiborne with Copies of his of the 14th 43 17. 44 18th 45 & 22nd 46 to me forming the whole of the Correspondence that has taken place between us since my last to you,⁴⁷ and you will perceive by them the pleasing prospect that now presents itself; but it will be well to bear in Mind that the Spanish Authorities here have no knowledge of the Protest of the Spanish Minister and that I have adopted the expedient mentioned in my Letter of the 23rd to Governor Claiborne to prevent their obtaining any information of it.

Your Letter of the 31st ult^o 48 got to hand on the 22nd In^t as well

⁴³ *Ante*, p. 108.

⁴⁴ Printed, Rowland (ed.), *Claiborne Let. Bk.*, 1, 287–290, under date of Nov. 18, 1803.

⁴⁵ *Ibid.*, p. 294.

⁴⁶ A second letter of this date, other than the one here enclosed, is printed *ibid.*, pp. 296–297.

⁴⁷ Nov. 22, 1803 (NA, SD, Orleans Terr. Papers, II), stating that Claiborne had informed him that the treaty had been ratified.

⁴⁸ *Ante*, p. 91.

as that of the 12 ult^o 49 by Mons^r Landais who arrived late on the 25th at night, and his arrival has freed me from a load of anxiety as I was fearful that the Prefect might precipitate Measures, and not being provided with the original Orders might therefore be exposed to a refusal which would occasion a great deal of trouble. He communicated to me his intentions of taking possession with the Militia and placing Guards immediately over the Secretary's Office and other public Places, as well as his resolution of calling some individuals in authority to account for the administration of public funds committed to their Charge, and knowing how much he has smarted, what humiliation he has been exposed to, and the violent Measures he was capable of, if once irritated, I spared no pains to combat his resolutions and succeeded so far as to induce him to delay putting his intentions into Execution until either Mons^r Landais arrived with his Powers or the American Commissioners were ready to support him. The arrival of Gen^l Wilkinson here, and the Plan concerted between them gives me every reason to hope for a successful issue to this Business.

The General remained here but 24 hours and took his rout across Lake Pontchartrain, that he might arrive with more expedition at Fort Adams where he expects to meet Governor Claiborne and I presume they will immediately embark with the Forces that may be ready.

The different aspect of affairs from what they bore but a very few days prior to his arrival induced the General to write to Governor Claiborne that the Service of the Militia of the Mississippi Territory would not be necessary, and I am well pleased (independent of every other consideration). that the Expence attending their March will be saved to the public.

A Meeting is to take place in the course of the forenoon at Government House between the Spanish and French Commissioners to afford Mons^r Laussat the opportunity of exhibiting his Powers and being recognized, the result of which I shall advise you of.

The nearer the Crisis approaches the more I shall be on the watch and attentive to every symptom that may manifest itself, of which I shall give the Commissioners & yourself the earliest intelligence

I am highly flattered by the approbation which the President has been pleased to bestow on the details forwarded in answer to his Queries, and entreat you will make my respectful acknowledgements therefor, I regret my inability to render such further Services as I wished, but such as are within the Compass of my exertions you can always command. I feel grateful for the expression of your thanks for my Conduct & will more than ever make it my endeavor to merit them.

⁴⁹ *Anle*, p. 78.

I have the honor to remain very respectfully Sir Your most obed^t
Serv^t

DANIEL CLARK

THE HON^{ble} JAMES MADISON

[*Endorsed*] Daniel Clark 28 Nov^r 1803 rec^d 19 Dec^r

[Enclosure:ALS⁵⁰]

Daniel Clark to Governor Claiborne

NEW ORLEANS 17 *November* 1803

SIR I have had a long Conversation this morning with the Marquis de Casa Calvo on the affairs of the Province; he has deferred his hunting Excursion until he is advised of the news expected by the Mail on saturday Evening, and will be regulated with respect to going or staying here by what I shall inform him. I flatter myself that personal dislike to the Prefect and every thing that is French, rather than any thing else may have induced him to hold the Language which gives rise to the various rumours respecting the Conduct he means to pursue, and that when the critical Moment arrives he will surrender the Province—It will however be absolutely necessary in order to guard against all danger and delay that the Force sent here be respectable and that the Commissioner or Commissioners act with decision & energy—They should bear in mind that the People of this Country are an assemblage of all Nations most of whom have no idea of a good Government, are only kept in order by the Hand of Power, are excessively ignorant and may be easily imposed upon, therefore there will be the greatest necessity of being prepared for any Event whatever: I do not wish to impress you with an idea of determin'd hostility or danger but think that timely precaution and a display of a small Force may be of more Service than most people are aware of—

I remain very respectfully Sir Your most obed^t Serv^t

DANIEL CLARK.

HIS EXCELLENCY GOVERNOR CLAIBORNE

[Enclosure]

Daniel Clark to Governor Claiborne

Copy

NEW ORLEANS 21 *Nov* 1803

SIR Your letter of the 17th⁵¹ got to hand this evening I sincerely rejoice to learn that the Treaty is ratified and that possession will shortly be taken A Packet w^{ch} sailed on or about the 1 Sept^r from Spain arrived this evening, but I am positively assured brings no news & no orders whatever—this silence on the part of the Court confirms

⁵⁰ Unless otherwise indicated, each enclosure is a copy.

⁵¹ *Ante*, p. 109.

the private advices I have from Europe that Spain disapproves of the Cession made to the U. S. but her total dependance on France prevents any effort on her part to oppose it It will therefore be necessary to lose no time that a change of Circumstances may not produce a change of Counsels. I have had within these few days frequent conversations with the Gov^r the Marquis & the Secretary and it would appear that seeing they are left totally to themselves they had made up their minds to surrender the Colony peaceably & without delay. Notwithstanding these favorable appearances I think your preparations should not on that account be diminished, you may be persuaded that as great an armed force as you can collect will be necessary in order to shew that you have wherewith to make your authority respected and when this Force is no longer necessary it can with ease be sent back to where it is taken from. General Wilkinson I am informed is hourly expected here from Mobile & on his arrival I will make the Communication to him which you have directed Should he delay longer than tomorrow and I learn with certainty where he is I shall send an express to hasten his arrival It will be a very difficult matter to provide a house for the reception of the Commissioners of the U S. there not being at present in the whole City one decent house unoccupied but I shall leave nothing undone to procure as good accommodation as possible until they can take possession of the Government house after the delivery of the Country When the Dispatches you announce arrive you may be assured I shall lose no time in forwarding an answer to them I shall more than ever be on the watch and attend to every Symptom of opposition or good will that may be manifested w^{ch} shall be immediately communicated to you I have made known the ratification of the Treaty and the appointment of the Commissioners and am persuaded that those who have hitherto been wavering in their sentiments will now decidedly declare themselves our Friends & Partizans

It would be too tedious to attempt to mention the hundreth part of the foolish reasons alledged to justify the retention of the Province and tho' I flatter myself the thing will not be attempted yet I wish you may be prepared for such an Event. I have forwarded by the Express such Letters as have been brought to me by the Public should it be improper to continue to do so I shall desist on receiving the least intimation from you I am uneasy at not having any advice respecting the arrival of the two negroes and the delivery of the Letters confided to them I have the honor to be &c

(Signed) DANIEL CLARK

P.S. 22 Novemb. It is said that the Capt General of the Havana on being consulted by the Spanish Commissioners respecting some matters relative to the delivery of the Province has empowered them

to act according to the best of their judgement without any reference to him as their superior; this will spare time & trouble or bring matters immediately to a Crisis

[*Endorsed*] Daniel Clark Nov^r 21. 1803 1803.

[Enclosure]

Governor Claiborne to Daniel Clark

(Copy)

NATCHEZ November 22^d 1803

SIR Since my letter of yesterday,⁶² I have had a Conversation with M. x r—, the particulars of which, are not sufficiently interesting to relate, In the Course of the Conversation, it was mentioned that I should descend the River from fort Adams in 4 or 5 Weeks, & shortly after my arrival at Orleans. I doubted not, but the province of Louisiana would be delivered up, since our Government seemed to be Convinced that every thing would be Conducted with friendship & Candour.

(signed) WILLIAM C. C. CLAIBORNE

DANIEL CLARK Esq

[*Endorsed*] Copies of Letters from Governor Claiborne to Daniel Clark ⁶³

rec^d in D. Clark's 28 Nov^r 1803.⁶⁴

[Enclosure]

Daniel Clark to Governor Claiborne

NEW ORLEANS 22 Novemb 1803

SIR I could only advise the rec^t of your letter of the 17th⁶⁵ by Major Trask before the departure of the Express Mail of this day that of the 17th came to hand immediately after and in compliance with your wish I lose no time in answering them as particularly and with as much exactness as possible.

I have hitherto constantly advised you that the plans or rather ideas of the Spanish Officers were not matured nor firmly resolved on, that they were constantly wavering and let them at last attempt what they might, it would be merely the effect of the moment and not a well concerted or systematic Plan of opposition which they were alike incapable of forming or executing. To judge from present appearances I have certainly been right in my conjectures and I flatter my self that having received no news by yesterdays Packet from Spain knowing the Ratification of the Treaty and certain that

⁶² Rowland (ed.), *op. cit.*, 1, 295-296.

⁶³ In Clark's hand.

⁶⁴ In Madison's hand.

⁶⁵ *Ante*, p. 109.

they have not a force adequate to resist our attacks all idea of opposition will be given up and that no other delay or difficulty will be put in the way of the delivery than what may arise from Etiquette or from personal pique between the French & Spanish Commissioners which must yield to the interests of the U-S. that neither ought or can be permitted to suffer by them. The Circumstances of the Protest made by Spain as mentioned in the Letter of the Secretary of State is totally unknown to all the persons in power here and if known would have a great effect on their actions I have constantly inculcated on them that her silence is the greatest possible proof she can give of her acquiescence to the Cession made by [to] the U. S. and they begin to place belief in the assertion—measures I am persuaded will be taken to put it out of their power to do us any injury before they have another opportunity of acquiring better information Every thing conspires to favor our attempt should any unexpected opposition be intended, a weak garrison [,] works in ruins, a discontented People, a Governor alike incapable of acting or giving counsel & hated & despised by all ranks without exception. A L^t Governor timid in mind & weak in body, a secretary of the Government irresolute & temporizing, an Intendant unwilling to risk his immense wealth and determined on staying among us, a Militia w^h on being addressed by the French & American Commissioners would either refuse to take up Arms or would turn them against the Government, a number of resolute Americans and others weary of delay and desirous of proving their attachment who at the first call would fly to Arms and join your forces, while to oppose us there would be but the Marquis de Casa Calvo a small body of Troops and a few officers attached to him, who would be distracted by the appearance of real danger and assailed in every quarter would be incapable of resistance. this is what must inevitably happen were even a systematic plan of opposition & resistance intended, but this is not the case the worst that would be attempted would be procrastination & delay—during this time your Troops and attendants would either be admitted into the City and be virtually Masters of it or would be encamped in the Neighborhood, your intentions would be made known to the public, you would have an opportunity of seeing those attached to the interests of the U. S. and by their means bringing over the whole body of the people and when your measures were well taken and your operations combined with the Prefect, the Spanish Commissioners might be either summoned to deliver up the Colony or possession might be taken as best suited you, while they would see those very people on whom they most depended quickly range themselves under your standards & profess the warmest attachment to you, but in order that this should take place your force must be respectable that they need not fear a check in the outset nor expose themselves or families to outrage &

destruction which would be the consequences of an unsuccessful movement. The regular force now here is about 300 Men and a few days since there were 75 in the Hospital and nearly as many in arrest or in Prison the Guns on the works are almost buried in their ruins and the forts are very slightly & negligently guarded There is no other military Force nearer than Baton Rouge on the one side & the Fort of Plaquemines on the other—this last is 22 Leagues below the City and its garrison with that of the Block house at the Balize does not exceed 80 Men. Should any hostile movement be necessary on your part you may boldly venture to the very gates of Orleans which cannot be shut against you being incapable of turning on their hinges and if an attempt were made to do it I can count on 300 Men in the City whom you will find ready to fall on your opposers at the first signal of attack—I believe I might count on the assistance of the major part of the City if once convinced of the cooperation of the Prefect and until this can be done there will be no necessity for an explanation to them—I shall be as guarded as you wish with respect to preparations which I shall only have resort to when you judge it necessary but I am firmly persuaded this necessity cannot occur till you have an opportunity of examining every thing yourself, knowing our means & resources combining & arranging your Plans of operations and giving us orders which will be obeyed with Zeal & Alacrity. I however again repeat that the very appearance of a Force to serve as a rallying Point and shew of energy & decision will be in my opinion sufficient to effect the Business quietly I know that much ought to be expected from, that much can be done by the Prefect, and am too sensible of the importance of being well with him at the present moment not to lay aside all personal piques & animosities whatever. I was only the enemy of the Prefect while he abused and vilified our nation & its Government, while he endeavored with all the Power he was possessed of to conjure up opposition and hatred to us collectively & individually, while he seemed desirous of waging a war of extermination against our Commerce and interests, while he openly boasted of his intentions of attempting to dismember our Country by detaching the western States from the Union and while he could not conceal the pain & torture which the slightest report that made in favor of us inflicted on him—it was then the duty of every American to expose his views to thwart him and his measures to make him contemptible and in our turn to raise up Enemies to him and his Government—there was danger in the attempt and I undertook it—I shall leave to others to inform you how far I succeeded, how I traversed and exposed his Schemes and the longing Eye that I caused to be turned on our Government in hopes of finding safety and protection under it Circumstances have since changed and our interests being now the same require a different conduct.—No personal

altercation or insult had ever taken place between us and consequently the door was open for renewing our suspended intercourse I have not suffered the opportunity to pass neglected I have acted frankly with him and am assured by him of his hearty cooperation in our Cause on which subject he will write to you. —we shall outwardly in future preserve an appearance of coolness that I may on that account be better received on the opposite side and admitted to a knowledge of their secrets and intentions from which I otherwise would be debarred and you may firmly rely that I shall endeavor to turn every thing to our advantage and leave nothing undone w^{ch} I can either suppose or you can suggest to be useful or necessary on this occasion.

There are no reinforcements whatever expected from the Havana, on the contrary part of the Troops have orders to go there & I would not be surprised that a part of a Batallion of the Regiment of Mexico now here was embarked before your arrival The Marquis informed me yesterday that he meant to give immediate orders to have half the Barracks cleaned out and prepared to receive our Troops, I shall press this matter on him and will look on it as a certain sign of his intention of giving us quiet & peaceable possession—The Mail from Spain which arrived yesterday came by way of Havana and was forwarded from thence in a Sloop of war with 123,000 Dollars towards defraying the Expences of Government, and we are in hopes measures will be shortly taken to send further sums to pay off the Debt incurred here which is supposed to amount to 450 or 500,000 Dollars.

I most solemnly assure you that nothing would give me greater pain than to see a necessity of departing from the pacific principles you mention that I abhor the idea of drawing the sword unless on the greatest emergency and that duty and inclination combine in inducing me to make use of every means of preserving Peace & Amity between all Parties and that my Language & Actions will be invariably directed to it.

To sum up the whole I am firmly of opinion unless some unexpected orders arrive that you will meet with little opposition or delay when your force is known to be respectable and that you will act with energy and decision but no time should be lost, nor opportunities offered to those in office to learn the dispositions of their Cabinet and form a plan of operations in consequence of it.

I have &c.

[Enclosure]

Daniel Clark to Governor Claiborne

NEW ORLEANS 23 Nov. 1803

SIR Major Trask being prevented from returning to day in order to give the Prefect time to make up his dispatches I am enabled thereby

to communicate to you the result of an interview which took place between us this morning—It appears that the Papers of wth Major Trask was the bearer are but the Duplicates or Copies of the original orders and documents sent from France to authorise the Prefect to demand the Delivery of the Province and altho' these papers have the seal of the Secretary of State of the U. S. to give validity to them yet in the present circumstances I fear as we are a party to a new bargain wth displeases Spain her officers might cavil and refuse to pay due attention to them The original dispatches were forwarded from Washington on the 13th October by a Mons Landy a French Naval Officer and have not got to hand This to me is not surprising as such a Character must be but little accustomed to such modes of travelling as are common to us and we may therefore suppose that the delay which has taken place should not be imputed to any accident that might have happened to him, and look for the arrival of the Officer from one moment to the other. The interview this morning was solicited by the Prefect and with the intention of communicating to me his resolution of demanding immediate possession of the Country—A thousand reasons will occur to you why such a measure should be deferred till you were ready to cooperate with him and I combated his reasons so forcibly that he has given up the scheme for the moment.—Among other things I told him that when it suited it both parties that he should take possession & demand it, a refusal or delay must not be put up with and that until I had directions from you I could not undertake either to cooperate with him myself or call on my Countrymen & those attached to us to lend their assistance and make use of force—that such authority was only vested in the Commissioners and that in case of accident we should injure our cause and deservedly incur blame for our rashness in precipitating hostile measures before assured of the assistance of so respectable Force as you would bring with you, which joined to what we could ourselves raise here would prevent opposition and save us from the horrid necessity of shedding the Blood of those whom the U. S. already looked on as her Citizens It was not so much the resistance I expected from the Spanish Government as the knowledge of the violence of the Prefects character which induced me to make use of every argument that occurred to prevent his making the demand and I confess I tremble at the idea of an attempt on his part to take possession—he has neglect and insult to revenge and would not fail to gratify it amply and if the People & the lower class of Frenchmen especially who are lately arrived from France were once set in motion by him and blood once shed there is no possibility of calculating where the Misfortune would end.—His naturally irritable temper was last night roused afresh and his hatred to the Spanish Authorities augmented ten fold by a refusal of a dozen officers and their families to assist at a fete given

by his Lady and this being attributed to orders or hints from the Marquis de Casa Calvo, so transported Madame Laussat that she expressed herself before the whole company in terms of the greatest rage and indignation at the conduct of all the Spanish Officers whom she called Souls of filth and mean slaves and this scene was carried to the highest Pitch to the astonishment of all present—I was fearful that it might have had its full effect on the Prefect to the prejudice of his better judgement and that he wished for Power to make his Enemies feel the effect of his Anger.

Be pleased therefore to advise me how to act in case of further applications and for Gods sake lose no time in marching this way to put an End to the horrid situation we are in—We are placed over a Mine that may explode from one moment to another and the effect may be dreadful beyond conception. The People are generally impressed with the idea that delays and opposition are intended and if the News of the Protest by Spain reaches us I should not be surprised at anything that might occur. To guard against the probability of this, as I know already by the Papers received by Mons Laussatt by the Express what may be expected in the other Gazettes I shall suppress on the arrival of tomorrows Post all the News papers and shall only suffer those to go into circulation which make no mention of that circumstance and if even dispatches arrive from the Spanish Minister or directed to the Government I shall endeavor to learn their contents before they are delivered and either suppress or deliver them as the circumstance may require for which I hope our critical situation will be in your Eyes a sufficient excuse I take the liberty of recommending that a considerable number of spare arms be brought down with you to provide our friends & Partizans here in case of necessity they will be afterwards wanted for the Militia which you may find it necessary perhaps to embody in Town for the sake of imposing on the people of Color at such a Crisis I shall make use of every means to cultivate the good will of the Prefect and you need not for an instant fear that any thing on my part shall tend to interrupt it—Be persuaded that the Councils and actions of the Spanish Authorities here will have no fixed Principle to guide them and that they may in the course of 24 hours change from one extreme to another for which I wish you to be prepared. I would have forwarded this morning my Letter of yesterday had it been possible to find a person on whom I could confide who had the means of getting to Natchez before Major Trask but persuaded that no opportunity will be so good or so quick as that by him I have waited for his return

I conclude with the sincere & unreserved offer of any service in my Power to render and remain with the greatest respect Sir. Your & &c.

[Enclosure]

*Daniel Clark to Governor Claiborne*NEW ORLEANS 24th Nov^r 1803

SIR Your favor of the 15th Ins^t ⁵⁶ was delivered this evening by Thomas Bernard

In consequence of what you mentioned in your letter of the 17th ⁵⁷ that you would consider of the application which I suggested would be expected by the Spanish Commissioners & that the making it or not would depend on my reply to your next despatch, I could not look upon myself authorised to take any further step in asking permission for the Troop or two of Horse to pass by land to this Place till I heard again from you. but immediately after receiving the letter above mentioned I waited on the Marquis de Casa Calvo and informed him of my intention of making this application by Letter tomorrow—he requested I should first see the Prefect whose consent will follow of course he mentioned at the same time his surprise that the Prefect had not hitherto communicated his Powers to receive the Colony and means to request him to produce them I wish he would delay this measure till the arrival of the originals in order to avoid all Room for cavilling, and if this Point is passed I shall have little fear of what may afterwards occur. He informed me that having consulted the Town Mayor on the possibility of accommodating our Troops in the Barracks, he found it could be easily and conveniently done, that they as the Masters coming to take possession should have the front with the whole of the Barrack Yard and the Spanish Troops the rear of the Building with seperate entrances for each and a seperation in the interior to avoid a too promiscuous intercourse which might give rise to Quarrels & accidents This friendly disposition gives me pleasure and is a good omen if the affair of the duplicates or Copies of the Prefects powers should not prove a stumbling Block in the way of the delivery

I shall write you tomorrow what further success I shall meet with in my application & remain &c

[Enclosure]

*Daniel Clark to Governor Claiborne*NEW ORLEANS 25th Novemb—1803 10 OClock at night.

SIR Having waited on the Prefect on the Business mentioned in my last, it was agreed between us that he should give his Consent to the March of the troop of Horse and at the same time he informed the Spanish Commissioners through me that until your arrival he was not

⁵⁶ Not found.

⁵⁷ *Ante*, p. 109.

inclined to enter into Business that the whole might be done at the same period and his trouble thereby lessened This was done to give time to the officer who is the bearer of the original Powers to arrive and having communicated his answer to the Marquis he agreed to the proposition I had made him. The Commissioner of the U. S. General Wilkinson having arrived at 3 in the afternoon we visited the Spanish & french Commissioners and with the latter concerted the Plan of operations in every case whatever at 8 OClock in the Evening the bearer of the Prefects dispatches arrived & I believe I may now confidently assure you that we shall meet with no delay or difficulty whatever in the accomplishment of our wishes, as the Marquis solemnly assured me that at the very moment the Prefect communicated his Powers and made a demand of the Province he would instantly deliver it up to him, and in corroboration of this I have this instant learned that he has given orders for the embarkation of the Batallion of the Regiment of Mexico in the Sloop of War mentioned in a former letter to you.

I sincerely congratulate you on the agreeable turn this affair has taken and remain very respectfully Sir Your most obed^t Serv^t

DANIEL CLARK ⁵⁸

HIS EXCELLENCY GOV^r CLAIBORNE

[*Endorsed*] Copies of Letters from Daniel Clark to Governor Claiborne

rec^d in D. Clark's 28 Nov^r 1803

DANIEL CLARK TO THE SECRETARY OF STATE

[NA:SD, Consular Letters, New Orleans:ALS]

NEW ORLEANS 29 *November* 1803

SIR I had the honor of advising under date of the 28th ⁵⁹ that a conference was to be held at the Government House in the course of the Morning between the French & Spanish Commissioners—it took place, and the authority of the Prefect to take possession of the Province being deemed sufficient he intends tomorrow taking the reins of Government into his hands. I waited on him yesterday at noon at his request and he communicated his Plans with the names of the Persons he designed to fill the different Offices civil & military. As his intentions had been manifested to the Governor before I saw him, it was too late to attempt dissuading him from his purpose, but he made no difficulty in making such Changes among the administrative Officers as I thought necessary. He means by a solemn act

⁵⁸ Signature and first endorsement in Clark's hand; second endorsement in Madison's hand.

⁵⁹ *Ante*, p. 112.

to take possession and with the Militia to garrison the Forts and take charge of the public Offices—To command them he has appointed a particular Friend of mine, who when first applied to refused the appointment and gave me advice of it, suspecting that some treachery was intended—when I found the Prefect resolved on his scheme I advised my friend to accept the command being better pleased to see it in his hands than in those of a Person in whom I could not confide—A Municipality consisting of a Mayor, two Assistants or adjoints a Greffier or Secretary and 8 Members among whom are to be 3 Americans are likewise to be appointed. The Customhouse he wished to place under the charge of the Vice Consul, who thinking the exercise of any Office under him incompatible with his duty to the U. S. will not accept it, and I presume he will cast his Eyes on some other American to fill that place.

With the Revenue of the Customhouse he proposes to pay the Militia and the charges attending taking possession of the Country. A City Treasurer into whose hands all the City funds of whatever kind are to be paid, and who is to call the former receivers to account is likewise among the number of Officers to be named with many other of inferior note which I do not recollect. A L^t Co^l of Engineers who accompanied him from France is to be Commander of the City—Seals are to be placed on all the Notaries & Registers Offices. The Processes & Suits in the Hands of the Judge now unfinished are to be lodged under the care of the Municipality who are to decide in a summary way on all Matters of Police, and affairs of Moment which would require time to finish, he means shall not be put in suit till the American Government takes possession.

The Prisoners in jail some of whom the Government meant to carry off he will detain, and will place Guards on all the public Magazines &c I do not see these preparations with pleasure altho' I firmly believe he means to act honestly towards the U. S., I am fearful of Events which it may be impossible to guard against or controul and dread the consequences that may ensue. A Fete is to be given at his House on the night of the day on which he takes possession, and as it will at the same time gratify his ruling Passion and humble the Spaniards whom he would run all risks to mortify, it will increase the fermentation of the public Mind which is already but too apparent and the reflecting part of the Community reprobate the Measure as precipitate and think the delay of a few days till the Government should pass from the hands of the Spaniards to the possession of the U. S. could be attended with no danger whatever. The Prefect read to me the first sketch of a Proclamation which he means to issue, and it tends entirely to tranquilise the People and attach them to our Government. I wish however that this Experiment of his were not to be attempted as it will give the lower Classes a hankering for a

French Government and will arouse that spirit which I have long attempted to subdue. I shall give advice of this measure to the Commissioners by this days Express, and when the Prefect is in possession will dispatch another to hasten their arrival; in the mean time I shall be careful to do that only which I think most prudent in the present posture of affairs.

I remain very respectfully Sir Your most obed^t Serv^t

DANIEL CLARK

THE HON^{bl^e} JAMES MADISON

[*Endorsed*] Daniel Clark 29 Nov^r 1803. rec^d 19 Dec^r

DANIEL CLARK TO GOVERNOR CLAIBORNE AND JAMES WILKINSON

[NA:SD, Consular Letters, New Orleans:C 59*]

(A Copy)

NEW ORLEANS 29th Nov^r 1803. *Tuesday 1. O'Clock P.M.*

GENTLEMEN The Prefect has demanded the surrender of the reins of government into his hands, and, by agreement with the Spanish Authorities, is to be put in possession tomorrow at noon. He requests me to urge you to hasten your departure and on your arrival every thing will be found conformable to your wishes. I shall send an express with a request from himself to this effect as soon as he is master of the City. But he wishes you should not wait to receive it, as delays may be dangerous. I have invariably endeavoured to impress you so strongly with the necessity of dispatch that anything further will be unnecessary. The people of the Province and the government of the U. States are equally interested in your using every exertion to arrive here as soon as possible. The public mind is extremely agitated, the Prefects measures are looked on as premature by the better part of the people, and your presence alone can calm the effervescence which the slightest accident may Cause to shew itself in the worst of forms. I shall do all my endeavours to keep all parties quiet, as I enjoy the Confidence of all 'till you arrive, and shall be prepared to give you all possible assistance.

I remain very respectfully Gentlemen Your very Obed^t servant

(Signed) DANIEL CLARK.

GOVERNOR CLAIBORNE & BRIGADIER GEN^l WILKINSON. Commissioners for taking possession of Louisiana.

[*Endorsed*] D Clark esq^{to} to the Commissioners. 29th Nov^r 1803.
(Copy)

* Printed, Robertson (ed.), *La. under Sp., Fr., and U. S.*, II, 217-218.

PROCLAMATION OF PIERRE CLÉMENT LAUSSAT ⁶⁰

[NA:SD, Orleans Terr. Papers, II]

[November 30, 1803]

PROCLAMATION

Au Nom De La République Française.

Pierre Clément Laussat, Préfet Colonial, Commissaire du Gouvernement Français, Aux Louisianais.

LOUISIANAIS, La mission qui m'avait transporté à travers 2500 lieues de mer au milieu de vous, cette mission dans laquelle j'ai long-tems placé tant d'honorables espérances & tant de vœux pour votre bonheur, elle est aujourd'hui changée: celle dont je suis en ce moment le ministre & l'exécuteur, moins douce quoiqu'également flatteuse pour moi, m'offre une consolation, c'est qu'en général elle vous est encore beaucoup plus avantageuse.

En vertu des pouvoirs & des ordres respectifs, les Commissaires de S.M.C. viennent de me remettre le pays, & vous voyez les étendards flottans de la République Française & vous entendez le bruit répété de ses canons vous annoncer en ce jour de toutes pa[rtes] le retour de sa domination sur ces Plages: elle n'y sera, LOUISIANAIS, que d'un instant, & je suis à la veille de les transmettre aux Commissaires des Etats-Unis, chargés d'en prendre possession, au nom de leur Gouvernement Fédéral: ils sont près d'arriver; je les attends.

Les approches d'une guerre commencée sous de sanglans & terribles auspices & menaçante pour les quatre parties du monde, ont conduit le Gouvernement Français à reporter son attention & ses réflexions sur ces contrées: des vues de prudence & d'humanité, s'alliant à des vues d'une politique plus vaste, plus solide, dignes en un mot du génie qui balance à cette heure même de si grandes destinées parmi les Nations, ont alors donné une direction nouvelle aux intentions bienfaisantes de la France sur la Louisiane: elle l'a cédée aux Etats-Unis d'Amérique.

Vous devenez ainsi, LOUISIANAIS, le gage chéri d'une amitié qui ne peut manquer d'aller se fortifiant de jour en jour entre les deux Républiques & qui doit contribuer si puissamment à leur commun repos & à leur commune prospérité.

L'article III du Traité ne vous échappera point: "Les Habitans, y est-il dit, des territoires cédés seront incorporés dans l'union des Etats-Unis, & admis, aussitôt qu'il sera possible, d'après les principes de la Constitution Fédérale, à la jouissance de tous les droits, avantages & immunités des Citoyens des Etats-Unis; &, en attendant, ils seront

⁶⁰ A contemporary printed document, enclosed in Claiborne and Wilkinson to the Secretary of State, Dec. 8, 1803 (NA, SD, Orleans Terr. Papers, II). This letter, with the following additional enclosures, is printed, Robertson (ed.), *La. under Sp., Fr., and U. S.*, II, 217-221: Clark to Claiborne and Wilkinson, Nov. 29 and 30, Laussat to *id.*, Nov. 30, and Claiborne and Wilkinson to Laussat, Dec. 7, 1803.

maintenus & protégés dans la jouissance [de] leurs libertés, propriétés & dans l'exercice des religions qu'ils professent".

Vous voilà donc, LOUISIANAIS, investis tout d'un coup d'un droit acquis aux prérogatives d'une constitution & d'un gouvernement libres, élevés par la force, cimentés par les traités, & éprouvés par l'expérience & les années.

Vous allez faire partie d'un Peuple déjà nombreux & puissant, renommé d'ailleurs par son activité, son industrie, son patriotisme, ses lumières, & qui, dans sa marche rapide, promet de remplir un des rangs les plus brillans que jamais Peuple ait occupé sur la face du Globe.

Sa position est à la fois tellement heureuse, que ses succès ni sa splendeur ne peuvent néanmoins de long-tems nuire à sa félicité.

Quelque bienveillantes & pures que fussent les volontés d'une mère-patrie, ne le savez-vous pas? un immense éloignement est un rempart inexpugnable en faveur de l'oppression, des exactions & des abus: souvent même la facilité & la certitude de les y couvrir corrompt l'homme qui les envisageait d'abord avec le plus de haine & de crainte.

Dès à présente vous cessez d'être exposés à cet inconvénient funeste & désespérant.

Par la nature du gouvernement des Etats-Unis & des garanties dans la jouissance desquelles vous entrez sur le champ, vous aurez, sous un régime même p[ro]visoire, des chefs populaires, impunément sujets à vos réclamations & à votre censure, & qui auront un besoin permanent de votre estime, de vos suffrages & de votre affection.

Les affaires & les intérêts publics, loin de vous être interdits, seront vos affaires & vos intérêts propres, sur lesquels les opinions sages & impartiales seront sûres à la longue d'obtenir une influence prépondérante, & auxquels même vous ne pourriez demeurer indifférens sans encourir d'amers repentirs.

L'époque arrivera promptement où vous vous donnerez une forme de gouvernement particulier qui, en même-tems qu'elle respectera les maximes sacrées consignées dans le pacte social de l'union fédérale, sera adaptée à vos mœurs, à vos usages, à votre climat, à votre sol, à vos localités.

Mais vous ne tarderez pas surtout à ressentir les précieux avantages d'une justice intègre, impartiale, incorruptible, où les formes invariables de la procédure & sa publicité, où les bornes soigneusement posées à l'arbitraire de l'application des lois concourront, avec le caractère moral & national des juges & des jurys, à répondre efficacement aux Citoyens de leur sûreté & de leurs propriétés; car c'est ici un des attributs singulièrement propres à la domination sous laquelle vous passez.

Ses principes, sa législation, sa conduite, ses soins, sa vigilance, ses encouragemens, pour les intérêts de l'agriculture & du commerce, & les progrès qu'ils y ont faits sont bien connus de vous, LOUISIANAIS, & le

sont par la part même que vous en avez retirée avec tant de fruit dans ces dernières années.

Il n'y a point & ne peut y avoir de métropole sans monopole colonial plus ou moins exclusif: au contraire, de la part des Etats-Unis, vous n'avez à attendre qu'une liberté sans limites à l'exportation, & que des droits à l'importation combinés seulement au gré de vos besoins publics ou de votre industrie intérieure: par l'extrême concurrence, vous achetez bon marché, vous vendrez cher & vous recueillerez en outre les bénéfices d'un immense entrepôt: le Nil de l'Amérique, ce Mississipi, qui baigne, non des déserts d'un sable brûlant, mais les plaines les plus étendues, les plus fécondes, les plus heureusement situées du nouveau Monde, se verra incessamment, sous les quais de cette autre Alexandrie, couvert des mille vaisseaux de toutes les Nations.

Parmi eux, vos regards, je l'espère, LOUISIANAIS, distingueront toujours avec complaisance le Pavillon Français, & sa vue ne cessera de récréer vos cœurs: tel est notre ferme espoir; je la professe formellement ici au nom de mon pays & de son Gouvernement.

BONAPARTE, en stipulant, par l'article VII du traité, que les Français seraient admis pendant douze ans, à commercer sur vos rivages aux mêmes conditions & sans payer d'autres droits que les citoyens mêmes des Etats-Unis, a eu pour l'un de ses principaux buts, celui de donner, aux anciennes liaisons entre les Français de la Louisiane & les Français de l'Europe, l'occasion & le tems de se reformer, de se resserrer, de se perpétuer. Une nouvelle correspondance de rapports va s'établir entre nous d'un continent à l'autre, d'autant plus satisfaisante & durable qu'elle sera purement fondée sur une constante réciprocité de sentimens, de services & de convenances. Vos enfans, LOUISIANAIS, seront nos enfans, & nos enfans deviendront les vôtres: vous les enverrez perfectionner leurs connaissances & leurs talens au milieu de nous, & nous les enverrons parmi vous accroître vos forces, votre travail, votre industrie, & arracher avec vous à une nature encore indomptée ses tributs.

Je me suis plû, LOUISIANAIS, à opposer avec quelque étendue ce tableau aux reproches touchans d'abandon & aux tendres regrets, que l'attachement ineffaçable d'une infinité d'entre vous à la patrie de leurs ancêtres leur ont fait exhiler en cette circonstance: la France & son Gouvernement en entendront le récit avec amour & reconnaissance; mais vous leur rendrez avant long-tems par votre propre expérience cette justice qu'ils se sont signalés envers vous par le plus éminent & le plus mémorable des bienfaits.

La République Française retrace, dans cet événement, la première aux siècles modernes l'exemple d'une Colonie qu'elle émancipe volontairement elle-même, l'exemple d'une de ces Colonies dont nous retrouvons avec charme l'image dans les beaux âges de l'antiquité: puissent ainsi de nos jours & à l'avenir un Louisianais & un Français ne se

rencontrer jamais sur aucun point de la terre sans se sentir attendris & portés à se donner mutuellement le doux nom de frères; puisse ce titre être seul capable de représenter désormais l'idée de leurs éternels engagemens & leur libre dépendance!

A la Nouvelle-Orléans, le 8 Frimaire an XII de la République Française & 30 Novembre 1803.

Signé LAUSSAT.

Par le Préfet Colonial, Commissaire du Gouvernement Français, le Secrétaire de la Commission, Signé DAUGEROT.

[*Endorsed*] Citizen Laussats' Address &c to the Lousianian's

[Translation]

[November 30, 1803]

PROCLAMATION.

In the Name of the French Republic.

Pierre Clément Laussat, Colonial Prefect, Commissioner of the French Republic, To the Louisianians.

LOUISIANIANS: The mission which brought me across 2500 leagues of sea to your midst, that mission in which I have for a long time placed so many honorable hopes & so many wishes for your happiness, is changed today: that of which I am at this time the minister & the executer, less pleasing, though equally flattering to me, offers me one consolation, that is, that in general it is much more advantageous to you.

In virtue of the powers & the respective orders, the Commissioners of H.C.M. have just turned the country over to me, & you see the standards of the French Republic floating & you hear the repeated sound of its cannons announce to you on all sides on this day the return of its sovereignty over these shores: it will be, Louisianians, only for a short time, & I am on the eve of transferring them to the United States Commissioners charged with taking possession of them, in the name of their Federal Government: they are about to arrive; I am awaiting them.

The approach of a war begun under bloody & terrible auspices & threatening the four quarters of the globe has led the French Government to turn its attention and its thoughts to these regions: views of prudence & humanity, allied with views of a broader and firmer policy, worthy, in brief, of the genius who at this very hour is swaying such great destinies among the Nations, have then given a new turn to France's beneficent intentions toward Louisiana: she has ceded it to the United States of America.

Thus you become, Louisianians, the cherished pledge of a friendship between these two Republics that can not fail to keep on getting

stronger from day to day & that must contribute so strongly towards their common tranquillity and their common prosperity.

Article III of the Treaty will not escape you: "The inhabitants, it is said in that article, of the ceded territories shall be incorporated into the union of the United States, & admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages & immunities of Citizens of the United States; &, while waiting, they shall be maintained & protected in the enjoyment [of] their liberties and possessions & in the practice of the religions that they profess."

Thus, Louisianians, you are at one stroke invested with an acquired right to the prerogatives of a constitution & of a free government, erected by might, cemented by treaties, & tested by experience & years.

You are going to form part of a People already numerous & powerful, renowned also for its activity, its industry, its patriotism and its enlightenment, & which, in its rapid advance, promises to fill one of the most splendid places that a people has ever occupied on the face of the globe.

Its position is, at the same time, so fortunate, that neither its successes nor its splendor can for long detract from its felicity.

However benevolent and pure the wishes of a mother country may have been (you understand, do you not?), an immense distance is an impregnable rampart favoring oppression, exactions & abuses: frequently the very facility & certainty of covering them up will corrupt a man who first viewed them with the greatest hate & fear.

From this time on you cease to be exposed to that fatal and disheartening drawback.

By the nature of the government of the United States & the guaranties into the enjoyment of which you enter immediately, you will have, even under a provisional system, popular leaders, subject with impunity to your protests and your censure, & who will have permanent need of your esteem, your votes & your affections.

Public affairs & interests, far from being prohibited to you, will be your own affairs & interests, over which wise & impartial opinions will be sure to obtain preponderant influence in the long run, & to which even you could not remain indifferent without experiencing bitter repentance.

The time will soon come when you will give yourselves a special form of government which, while respecting the sacred maxims recorded in the constitution of the federal union, will be adapted to your manners, your usages, your climate, your soil and your location.

But in particular you will not be long in experiencing the precious benefits of full, impartial and incorruptible justice, where uniform procedure, publicity, and the restrictions carefully placed on injustice

in the application of the laws will contribute, with the high & national character of the judges & juries, toward effectively being responsible to the citizens for their safety and their property; for that is one of the attributes peculiarly characteristic of the government under which you are passing.

Its principles, its legislation, its conduct, its care, its vigilance, its encouragement, to the interests of agriculture & commerce, & the progress which they have made are well known to you, Louisianians, by the very share you have derived from them with so much profit during these last few years.

There is not & can not be a mother country without a more or less exclusive colonial monopoly: on the contrary, you have to expect from the United States only unbounded freedom of exportation, & import duties devised solely to suit your public needs or your domestic industry: through unlimited competition, you can buy cheaply, you will sell at high prices and will also receive the benefits of an immense market: the Nile of America, this Mississippi, which bathes, not deserts of burning sand, but the most extensive, the most fertile, the most fortunately situated plains in the New World, will shortly be seen to be covered, along the wharves of this other Alexandria, with thousands of vessels of all nations.

Among them your glances, Louisianians, will, I hope, always pick out with gratification the French flag, & the sight of it will not fail to rejoice your hearts: such is our firm hope; I profess it formally here in the name of my country & my Government.

Bonaparte, in stipulating by Article VII of the treaty that Frenchmen should be permitted for twelve years to trade on your shores under the same conditions as & without paying other charges than the citizens of the United States themselves, had as one of his principal aims that of giving opportunity and time for the old ties between the French people of Louisiana and the French people of Europe to be renewed, reenforced, perpetuated. A new correspondence of relations is going to be established between us, from one continent to the other, all the more satisfactory and lasting as it will be based purely on constant reciprocity of feelings, services & advantage. Your children, Louisianians, will be our children, & our children will become yours: you will see them perfecting their knowledge & their talents amongst us, & we shall see them amongst you increasing your powers, your labor, your industry, & wresting with you their tribute from a still unconquered Nature.

I am pleased, Louisianians, to contrast rather fully this picture with the touching reproaches of abandonment & the tender regrets which the ineffaceable attachment of a multitude among you to the country of their ancestors has made them breathe forth under these circumstances: France and her Government will listen to the recital

of them with love & gratitude; but you will do them before long, from your own experience, this justice that they have distinguished themselves with respect to you by the most eminent & the most memorable of benefits.

The French Republic in this event, the first in modern times, traces the example of a colony which she herself voluntarily emancipates, the example of one of those colonies the image of which we discover with charm in the fine ages of antiquity: so in our days & in the future may a Louisianian and a Frenchman never meet, anywhere in the world, without feeling affected and giving each other the sweet name of brother; may that title alone be capable of representing from this time on the idea of their eternal attachments & their free dependence!

New Orleans, Frimaire 8, Year XII of the French Republic & November 30, 1803.

Signed LAUSSAT.

By the Colonial Prefect, Commissioner of the French Government,
Signed DAUGEROT. Secretary of the Commission

THE POSTMASTER GENERAL TO DAVID THOMAS

[PO:P.M. Letter Book M]

Nov. 30, [1803]

HON¹ DAVID THOMAS Chairman of the Committee upon post roads.

Yours of last evening ⁶¹ did not reach me until past the period in which the committee had their meeting. It was not therefore in my power to wait upon them, and I must through you communicate my ideas on the subject of establishing a direct post road from this place to New Orleans. As New Orleans will unquestionably be the place of deposit for the products of the Western World, its connection with the Atlantic Capitals must be incalculably great and important. The road to and from thence will become the great thoroughfare of the United States. It is certainly an object of prime importance to procure the nearest and most convenient route to that City. This can only be done by avoiding the present road through Tennessee which passes the Alleghany mountains and establishing a route through Virginia, the back parts of North and South Carolina into Georgia at or about the place called Jackson court house, and from thence by a road to be in part purchased of the Indians, in a line as nearly direct as the nature of the ground will admit, to New Orleans. In order to accommodate the Natchez as well as the people living on the Tom Bigbee and in the Interior it will be necessary to establish a cross road some where near the latitude of the Natchez from the proposed road to that place. By making provision for these roads, when they are

⁶¹ Not found.

once prepared for the use designed, the distance between this place & New Orleans will be lessened near five hundred miles, the delay and embarrassments that attend passing the mountains avoided, and the states of South Carolina and Georgia, whose means of correspondence to and from New Orleans are so embarrassed by the present establishment, as to render them of little or no benefit; will be furnished with a regular line of intelligence. While the Western States will be interested in the present line from Nashville, which ought to be maintained for their benefit, the interest of South Carolina and Georgia ought not to be overlooked, and independent of the great national utility of the road proposed, it is essentially necessary for the accommodation of these States. Indeed to furnish a convenient and expeditious intercourse between South Carolina & Georgia and the Western States it appears to be essentially necessary that a post road should, as soon as may be, be established from Greenville court house in South Carolina to Newport or Knoxville in Tennessee, which when established may readily be embraced by the principal part of the Inhabitants of Tennessee as the means of transmitting their intelligence on the new proposed route to New Orleans. Should Congress come to a decision to make provision for the establishment of the new proposed road, it is to be presumed that an authority will be invested in the proper officer to appoint commissioners to lay out the necessary road and to take such other measures as may be necessary to effectuate the object. In which case Sir, permit me to suggest that the powers of the commissioners should extend from Morgantown in N. Carolina to New Orleans, in as much as Morgantown is nearly in a direct line from Washington to that City. It certainly appears preferable to establish the road as near as may be upon the true line between the extremes with a reference to future improvements rather than to establish one tending to an improper point, to avoid temporary embarrassments: Altho' this may render a cross road of a few miles necessary to connect the main road with Jackson c. h. If it should be deemed proper, it would be highly useful to solicit the Governments of the several States through which the roads run to make such improvements of the roads leading to Jackson c. h as will tend to shorten the distance between this and that place & place the roads in a suitable state of repair.⁶²

G.G.

⁶² See the Postmaster General to the Chairman of the Committee on Post Roads, Jan. 25, 1803, *Terr. Papers* (Miss.), v, 185, and Nov. 22, 1803, *A.S.P.*, *P.O.*, I, 29; and cf. reports of House Committee, Dec. 13, 1803 and Jan. 12, 1804, *A.S.P.*, *op. cit.*, pp. 28, 30, and acts approved Mar. 26, 1804, and Mar. 3, 1805 (2 STAT. 275-277, 337-338).

HORE BROWSE TRIST TO THE SECRETARY OF THE
TREASURY

[TD:Secretary's Files, Collectors' Letters, N.O., 1804-1833:C]

Collectors Office FORT ADAMS 5th Decem^r 1803

SIR I have been duly honored with an authority from the President to exercise until otherwise provided for the functions heretofore vested in the Spanish officers of the Revenue department in the province of Louisiana, as also your letter of instructions relative thereto, under date 14th Nov. 1803 ⁶³—Leaving a deputy at this office I shall in conformity to your orders proceed immediately for New Orleans & for that purpose will embark with the Commissioners tomorrow.—With a strict attention to your instructions my best judgement & warmest zeal shall be exerted to execute the duties of this temporary appointment in the manner I conceive most Coincident with the ideas of the Executive.—

In consequence of my absence I am apprehensive that the returns to the Treasury from this district will not be transmitted as early as I could wish, unwilling that any should be forwarded previous to my personally examining them.—I beg leave further to add than one or two applications were made some time since by vessels descending the river for Mediterranean passports—I believe this office has never been furnished with any and the demand for them in all probability will be great when the office becomes properly organised at New Orleans.—The paymaster to the Troops in this district this day received from me 3000 dollars, his first exchange on the Paymaster General for that amount I herewith enclose.—

I am &c

S^d H. B. T.

HON^l A GALLATIN Secy of the Treasy

THE POSTMASTER GENERAL TO GOVERNOR CLAIBORNE

[PO:P.M. Letter Book M]

Dec^r 6. 1803.

HIS EXC^y W^m C. C. CLAIBORN.

Yours of the Ultimo. was received on the 4th ins^t ⁶⁴—the pressure of my other concerns rendered it impossible to render an answer by the returning Mail. Major Claiborn's propositions were not inclosed with the others, nor does your letter mention the price at which his Contract is made. ⁶⁵ The proposals you have transmitted are the most extravagant I have ever received.

⁶³ *Ante*, p. 106.

⁶⁴ Not found.

⁶⁵ See the Postmaster General to Ferdinand Claiborne, Apr. 4, 1804, *Terr. Papers* (Miss.), v, 315.

By recurring to my letter of the 27th Sep^r ⁶⁶ you will perceive I only expressed that the President relied upon you to make the necessary arrangements which I was requested to communicate. By my last of the 21st Ultimo.⁶⁷ in answer to yours of the 24th of October ⁶⁸ by order of the President I informed you that the support of the express line to New Orleans would be defrayed out of the Ten thousand dollars for which you was authorised to draw for the purpose of taking possession of New Orleans. I can only add, Sir, that I have no authority by law under which any advances can be made for the maintenance of that line.⁶⁹

G. G.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

FORT-ADAMS *December 8th 1803.*

DEAR SIR, Before my departure from this Post, I cannot deny myself the pleasure of addressing to you a private and unofficial Letter.—Information of the Mission to New-Orleans, with which you honored me,⁷⁰ I received on the evening of the 17th Ultimo; and the measures which I have taken since that period, have been faithfully detailed to you by my Communications to the Department of State;⁷¹—The incessant rains which fell during the latter part of the last Month, the necessary attention of the Planters to their Cotton Crops, and the general opinion which prevail'd thro' this Country, that no serious resistance would be made to the surrender of Louisiana to the U. S, prevented me from raising as many Volunteers as I at first expected: But this circumstance ceases to be a matter of regret, since force is not now necessary to support our Claims, as Louisiana has been peaceably delivered to the French Prefect, and that officer has already officially communicated to the American Commissioners his solicitude for their arrival, in order that he “might resign to them the care of the Province.—Thus, Sir, the most anxious wish of my heart, the speedy consummation of the Negotiation for Louisiana, is likely to be accomplished without the effusion of Blood, or the further expenditure of public Treasure.—

I reached Fort-Adams on the evening of the 4th Instant, and met General Wilkinson, who had arrived here on the morning of the same

⁶⁶ *Ante*, p. 57.

⁶⁷ *Ante*, p. 110.

⁶⁸ Not found.

⁶⁹ See the Secretary of War to Hawkins, Feb. 11, 1804, *Terr. Papers* (Miss.), v, 306-307.

⁷⁰ The Secretary of State to Claiborne, Oct. 31, 1803, *ante*, p. 91.

⁷¹ Claiborne to the Secretary of State, Nov. 26, Nov. 29, Nov. 30, Dec. 1, Dec. 2, Dec. 4, Dec. 5, Dec. 6, Dec. 7, and Dec. 8, 1803 (Rowland, ed., *Claiborne Let. Bk.*, 1, 297-307).

Day: every possible exertion for a speedy embarkation seems to have been made by that officer.—But we have been thus long necessarily delayed; the means of transport not being completed. It is expected however that we shall be enabled to make a movement by Tomorrow evening, or the morning following at furthest, and I presume that in less than ten Days thereafter, we shall be in Orleans. The Militia Volunteers of the Territory who rende'vouised at this Post, were mustered this Afternoon, and are about 200 strong;—These, in addition to the Regular Troops at this Garrison, will make a force of between 450 and 500 Men.—The Volunteers from Tennessee have not arrived; But I understand (altho' not officially) that they will certainly be in Natchez in six or seven Days; the ordering into service this patriotic Corps, I shall always consider a wise measure, and I am confidently of opinion, that the energetic preparations directed by the Government for the taking possession of Louisiana, tended to hasten the surrender of the Province to the French Commissioner.

General Wilkinson has been so entirely engaged in Military Arrangements, that we have had little conversation on the subject of our Mission; But I do sincerely hope, that the utmost harmony in opinion and action will exist between us; I consider it as so essential to the Interest of our Country that a fervent spirit of accommodation will uniformly be manifested on my part.

From the superior Military pretensions of the General, I was apprehensive that the Rank attach'ing to the station, in which I am now placed, might excite some Jealousy—I have therefore studied to avoid every appearance of command, even of the Militia, since I arrived at Fort-Adams; nor do I contemplate interference of any kind in the Military Arrangements: If therefore I do not succeed in conciliating the confidence of the General in this particular, I shall only have to regret, that my best efforts towards that object, have been fruitless.—In the Diplomatic proceedings, I shall not hesitate to act in my place with energy; But shall at the same time, pay all due respect to the opinions and advice of my Colleague.

The Mississippi Territory is now perfectly tranquil, and I have the satisfaction to add, that I leave the people much more harmonised in political sentiment than I found them, and better reconciled to the principles of our Government—When therefore my Duties in Louisiana may be closed, I shall return to my Post, with a pleasing expectation, that the Attachment of my fellow Citizens to correct principles will continue to encrease.—

I pray you Sir, to accept Assurances of my great Respect and sincere Esteem!

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE U. STATES.

[Endorsed] Claiborne Gov^r W^m C. C. F^t Adams Dec. 8. 03. rec^d
Dec. 27.

DANIEL CLARK TO CLAIBORNE AND WILKINSON

[NA:SD, Consular Letters, New Orleans:C]

Copy

NEW ORLEANS 12 December 1803

GENTLEMEN I have been favored with your letter of the 7th⁷² and was happy to learn your preparations were so far advanced, I sincerely hope you have set off from Fort Adams 'ere this as everything is at a stand and the people are impatient for your arrival. All is hitherto quiet and I flatter myself that the great exertions made to preserve harmony will be attended with success—A Captain Stephenson just arrived from Kingston has voluntarily appeared before me and declared that about 17 days ago 1200 french Troops taken by the British in endeavoring to get into the Cape from other parts of S^t Domingo & sent to Jamaica were embarked in 3 Danish Vessels by the Government of that Island and were to sail in a very few days after him for the Mississippi—He says he refused one of the freights. The British have taken this step to get rid of the Expence & trouble of Keeping them and send them here as to a french Port. On receiving this news, I waited on the Prefect and informed him of it, he immediately gave orders that they should not be admitted into the River and is preparing Provisions to supply them till they can arrive at some other port in the U. States. The force however which he can employ to prevent their landing (should they be inclined to do it Contrary to his wish) is very trifling and the greatest disorder might ensue from the attempt which your Speedy arrival would entirely prevent. Besides the orders for their nonadmittance will Come better from you than from the Prefect who may be exposed to blame from his own Government for his Conduct which he adopts solely to avoid the Evils & expence that would result from their admission. It only now remains for me to say that every delay is a day of fear and suspence for the whole Country and that you Cannot possibly make use of too much expedition to arrive & put an end to it, The Battallion of the Regiment of Mexico which was in Garrison here has been embarked partly in a brig that sailed yesterday, the remainder in a sloop of War which sails to morrow—

I remain very Respectfully, Gentlemen Your mo ob^t Servant

DANIEL CLARK

Gov^r W^m C. C. CLAIBORNE & } Commissioners of the U. S for tak-
BRIGADIER G^t WILKINSON } ing possession of Louisiana—

⁷² Not found.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, II:ALS]

(Private.) Camp near NEW-ORLEANS *December 17th 1803.*

SIR, I arrived here this evening about 24 hours after the Troops had disembarked; They had favorable weather, and a short passage from Fort-Adams. My detention was occasioned by an accident on the River; The Schooner in which I sailed ran aground at Point Coupee; and I had to proceed hither, with the other Gentlemen on board, in a small Boat much crowded and exposed to the weather. I have however the satisfaction to learn that my separation from the Army has occasioned no delay, or any inconvenience in the business of the Commission.—

General Wilkinson & myself propose waiting upon the Préfect Tomorrow, in order to present to him a Copy of our Letters of Credence, and to adjust ceremonials as to the manner of taking possession.—Everything is quiet;—the Prefect has preserved the most perfect order in the City & its vicinity, & I persuade myself that in three Days the American Flag will be raised, amidst the shouts of a grateful People.⁷³—

Accept assurances of my Esteem & Respect

WILLIAM C. C. CLAIBORNE

JAMES MADISON Esqr Sec^y of State.

[*Addressed*] The Hon^{ble} James Madison Sec^y of State Washington.—
[*Postmarked*] Natches Dec^r 27th free

[*Endorsed*] Gov^r Claiborne Dec^r 17th 1803.

JAMES WILKINSON TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div.:ALS]

NEW ORLEANS *Dec^r 20th 1803*

SIR I write this at the Town House, to announce to you our possession of this place Today at Noon—The operation was hurried in my Judgement with improper vivacity & impatience on the part of the Prefect; but we have got hold of the trifling works which surround, & have a central Guard at this Point, where I shall be Stationary during the Night & without repose, as M^r Clark has just communicated to me, some information he has received since Dark, of an intention to fire the Town—I have 170 Men (out of about 450 for Duty) on Guard, shall keep three distinct patroles on foot, & will be on Horse frequently myself—I apprehend no Danger, but the horrors of a sinister attempt, makes it my duty to prevent one.—I made a short Dinner at the Prefects with a numerous assembly, where I left Governor Claiborne,

⁷³ Answered Feb. 6, 1804 (Rowland, ed., *Claiborne Let. Bk.*, II, 122).

to partake of a splendid Ball, & as I shall not see Him before I have made the Rounds of the City, it may not be in our power to make a conjunct communication before the departure of the Mail (I understand) at Day Break Tomorrow, and therefore I venture to offer this hasty Scral for the Information of the Executive—and am respectfully
sir Y^r O^b S^v

THE HONBLE SEC^Y OF WAR

Dec^r 21st 1 oClock of the Morning Town House

I have been at the Prefects & seen the Governor (Claiborne) who promises to prepare a short Letter for the Post ⁷⁴—Every thing in the City is still tranquil, & I feel no alarm.—but I conjure you sir, as you value the continuation of this tranquillity, dispose of a Garrison of 500 Regulars for the place as soon as possible, for indeed I apprehend difficulties from various causes—The formidable aspect of the armed Blacks & Malattoes, officered & organized, is painful & perplexing, and the People have no Idea but of Iron domination at this moment.

J. W. ⁷⁵

[*Endorsed*] New Orleans Decr 20. 1803 Gen^l Wilkinson—Relative to the possession of N. Orleans. Rec^d Jan^y 15th 1804 R

⁷⁴ Claiborne to the Secretary of State, Dec. 20, 1803, enclosing a copy of his proclamation announcing the transfer of the province, Dec. 20, 1803, and a copy of his address to the people of Louisiana, Dec. 20, 1803 (Rowland, ed., *op. cit.*, I, 306–310). A draft of the proclamation, no date, but filed with the 1803 MSS., is in the Jefferson Papers (LC). The American Commissioners to the Secretary of State, Dec. 20, 1803, announcing the surrender of Louisiana, the *procès-verbal* of the cession signed by Claiborne, Wilkinson, and Laussat, same date, and the proclamation, same date, are printed, *A.S.P., For. Rels.*, II, 581–582. Two originals of the *procès-verbal* were enclosed in Claiborne and Wilkinson to the Secretary of State, Dec. 27, 1803 (NA, SD, Orleans Terr. Papers, II); the covering letter is printed, Robertson (ed.), *La. under Sp., Fr., and U. S.*, II, 289–291. The originals are in French and English; a French version is printed in Villiers du Terrage, *Dernières Années*, pp. 435–436.

The *procès-verbal* of the reinstatement of the municipal government of New Orleans, Dec. 20, 1803, is printed, Kendall, *Hist. New Orleans*, I, 67, n. 10. The original is in the city archives of New Orleans.

⁷⁵ Answered Jan. 16, 1804 (NA, WD, AGO, Old Recs. Div., Mil. Bk. 2).

PART TWO
Papers relating to the First Administration
of Governor Claiborne
1803-1804

PART TWO

COMMISSION OF WILLIAM C. C. CLAIBORNE AS TEMPORARY GOVERNOR

[SD:Misc. Permanent Comms., C:C]

[October 31, 1803 ¹]

THOMAS JEFFERSON, President of the United States of America.

To all to whom these presents shall come Greeting;

Whereas the Congress of the United States by an act passed on this thirty first day of October did provide that until the expiration of the present session of Congress unless provision be sooner made for the temporary government of the territory ceded by France to the United States by the treaty concluded at Paris on the thirtieth of April last between the two nations, all the Military, civil and judicial powers, exercised by the officers of the existing government of the same, shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct, for maintaining & protecting the inhabitants of Louisiana in the full enjoyment of their liberty, property and religion. Now Know Ye, That reposing especial trust and confidence in the integrity, patriotism and abilities of WILLIAM C. C. CLAIBORNE, Governor of the Mississippi Territory, I do in virtue of the above recited act appoint him to exercise within the said ceded territories all the powers and authorities heretofore exercised by the Governor and Intendant thereof, and do authorise and empower him the said William C. C. Claiborne, to execute and fulfil the duties of this present appointment according to law and to Have and to Hold the same with all its powers and privileges until the end of the present session of Congress unless provision be sooner made for the temporary government of the territory so ceded by France to the United States; Provided however and it is the true intent and meaning of these presents that the said William C. C. Claiborne or any person acting under him or in the said territory shall have no power or authority to lay or collect any new or addi-

¹ This document and its companion which follows are placed out of their chronological sequence for practical reasons. Neither paper was rendered effective until after the transfer of Louisiana to the United States, which did not occur until Dec. 20, 1803. They also furnish a convenient introduction to Part Two.

tional taxes or to grant or confirm to any person or persons whomsoever any title or claims to lands within the same.

In Testimony whereof I have caused these Letters to be (L.S.) made Patent and the seal of the United States to be hereunto affixed Given under my Hand at the City of Washington the thirty first Day of October in the year of our Lord one thousand eight hundred & three, and of the Independence of the United States of America the Twenty eighth.

TH JEFFERSON

By the President
JAMES MADISON Sec^y of State.

SUPPLEMENTARY COMMISSION OF GOVERNOR
CLAIBORNE

[SD:Misc. Permanent Comms., C.:C]

[November 14, 1803]

THOMAS JEFFERSON, President of the United States of America,
To William C. C. Claiborne, Greeting:

Whereas by an Act of Congress passed on the 31st day of October last entitled "An Act to enable the President of the United States to take possession of the Territories ceded by France to the United States, by the Treaty concluded at Paris on the 30th of April last, and for the temporary government thereof" it is provided that until the expiration of the present session of Congress, unless provision be sooner made for the temporary Government of the Territory ceded by France to the United States by the Treaty concluded at Paris on the 30 April last between the two Nations, all the Military, civil and judicial powers exercised by the officers of the existing Government of the same shall be vested in such person or persons, and shall be exercised in such manner as the President of the United States shall direct, for maintaining and protecting the Inhabitants of Louisiana in the free enjoyment of their liberty, property and Religion: and Whereas on the same thirty first day of October last, I did by letters patent under the Seal of the United States in pursuance of the powers vested in me as aforesaid appoint you the said WILLIAM C. C. CLAI-BORNE to exercise within the said Ceded territory all the powers and authorities heretofore exercised by the Governor and Intendant thereof, with the clauses and conditions in the said Letters patent expressed: and Whereas it appears to me expedient that you should be vested with the other powers hereinafter specified: Therefore be it known that in virtue of the above recited act of Congress I do by these presents appoint and authorize you the said William C. C. Claiborne to remove such officers and to appoint to such offices which are or may become vacant, and to suppress such other offices, within

the same, as the public good may seem to you to require: these Letters patent are to continue in force until the end of the present session of Congress, unless provision be sooner made for the temporary government of the territory so as aforesaid Ceded by France to the United States, and unless it should be sooner revoked by the President of the United States.

In Testimony whereof I have caused these Letters to be
(LS) made Patent, and the Seal of the United States to be
hereunto affixed.

Given under my Hand at the City of Washington the fourteenth day of November in the year of our Lord one thousand Eight hundred and three; and of the Independence of the United States of America the Twenty Eighth.

TH: JEFFERSON

By the President,
JAMES MADISON Secretary of State

RECOMMENDATION OF JAMES BROWN² AS COLLECTOR

[SD:Appt. Office Files:DS]

[December 28, 1803]

To The President of the United States.

Finding on a perusal of the intligencer of this day that Louisiana is officially delivered to the French Republic, and judging that no obstacle will prevent the peaceable possession to the United States, and contemplating the necessity that there be for an appointment of a Collector and Naval officer for the Port of New Orleans.—We the undersigned beg leave to recommend a person fitly qualified to fill either of those offices. M^r James Brown of Lexington Kentucky, This Gentleman's talents at the Bar of the Superior Courts of our State is ranked among the first practioners, as a Man of Integrity, sobriety and independent Republican principles, He is in our estimation inferior to none. We are not unaware of the inconvenience that our infant State will experience by the migration of such Characters from it. but as M^r Brown has signified his intention of moving to the lower Country and his inclination to fill one of those offices (that of the Collector he would prefer) we cannot with hold from him this Portion of Justice which his merit entitles him to.

CITY OF WASHINGTON 28th december 1803

THOMAS SANDFORD

JOHN BOYLE

JOHN FOWLER

MATTHEW WALTON

M LYON

GEO M BEDINGER

² Brown was nominated judge of the Orleans Superior Court Nov. 30. His appointment was confirmed Dec. 11, 1804 (*Senate, Exec. Journal*, I, 476, 477), but he refused the appointment. He was nominated United States attorney for Orleans Dec. 20, and his appointment was confirmed Dec. 23, 1805, *ibid.*, II, 8, 10.

[*Endorsed*] Brown James. to be Collect' or Nav. Off. N.O. Kentucky delegates.³

ISAAC BRIGGS TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW ORLEANS, 2nd of the 1st Month 1804.

MY DEAR FRIEND, Some time ago—very long after its date—the mail brought me thy favor of the 11th of August.⁴ I had, as soon as it was possible for me, after my arrival in the Mississippi Territory, to give information which might be of any service to Gideon Fitz, taken the necessary care, by addressing a letter to him at Monticello. I have lately received a letter from him, dated at Louisville in Kentucky, which I immediately answered.⁵

Having so arranged my business in the Mississippi Territory, that I could leave it, in progress, for a short time without injury—having, from the beginning, been a warm admirer of thy measures respecting Louisiana—and sincerely rejoicing in their glorious result—I have yielded to my inclination to see the newly acquired Country, and to see my friend William C. C. Claiborne, in his new sphere of action.

His difficulties appear to be great, and the peculiar duties of his present station extremely irksome. For many years, the Government of this country has been so administered that those channels through which the weak should have received protection in their persons and property, have been very corrupt. The administration has been made a lucrative trade through all its ramifications of office.—Fraud towards their Prince and oppression on his subjects have been equally and systematically practised. Despotism and Licentiousness have been equally conspicuous:—An extensive aristocratic Class, wallowing in wealth and luxury, were licentious and oppressive in the extreme; for their wealth gave them influence, and the means of corruption; from interest, the latter was cherished, and the former, even the iron hand of Despotism dared not attempt to crush.

³ See Brown to the President, Sept. 18, 1803, John Mason to *id.*, Oct. 5, 1803 (enclosing Brown to Mason, Sept. 20, 1803), and Feb. 18, 1804, concerning Brown's candidacy (SD, Appt. Office Files). For other letters of application for the collectorship, and letters of endorsement, see the following: William Bache to the President, Sept. 1, 1803, John Monroe to *id.*, Sept. 11, 1803, Oliver Pollock to *id.*, Oct. 18, 1803, John Godbold to *id.*, Dec. 14, 1803; Robert New to the Secretary of the Treasury, Oct. 10, 1803, Oliver Pollock to *id.*, Oct. 18, 1803, Isaac Anderson to *id.*, Jan. 13, 1804; J. L. Henderson to the Secretary of State, Oct. 18, 1803, George Madison to *id.*, Nov. 15, 1803, Joseph Crockett to *id.*, Nov. 15, 1803, Robert Simons to *id.*, Dec. 5, 1803; and R. Johnson to Duvall, Dec. 7, 1803, *loc. cit.*

⁴ Jefferson Papers (LC), respecting the probable authority from Congress to explore and ascertain the boundaries of Louisiana.

⁵ None of the letters here referred to have been found.

In this situation, Claiborne, as Governor ad interim, finds affairs. The people, as is usual in all cases of great and sudden change, are unreasonable in their expectations. The reputation of the American Government is so high, that they expect, from it, impossibilities—they expect unbounded licence in many of their vicious, luxurious, and oppressive habits, and at the same time, the full fruition of all those blessings of Republican liberty, which never did, nor never can, long exist, except bottomed on Economy and Virtuous Manners.

So far as Claiborne's instructions enjoin him to continue the Spanish System of Government, although perhaps unavoidable, his duties must be unpleasant—Many parts of that system, an honest, republican mind, as I think his is, considering their immediate operation or their more remote consequences, must abhor. The situation of the Governor of this Country, although gradually meliorating, cannot, for years to come, if he feel for Man—for rational Liberty—for Posterity, be a happy one. Considerable time is necessary to change, radically, long established habits—The qualifications requisite in a governor, to produce such a change here, are, I believe, extremely uncommon—Inflexible integrity, mild yet firm, a virtue superior to temptation—Intelligence to discern what is right, and resolution to do it, however unpopular for the moment—Perseverance not to be fatigued by difficulties into inaction—and Patience unconquerable by perverseness in others.

My friend Claiborne's measures, thus far, appear to be popular here—But the people do not yet feel the full effects of their change of Government—all is expectancy, which will be unreasonable of course;—disappointed characters are as yet few, nor have they had time to form a party, nor to put, in motion, the engines of calumny and misrepresentation.

Claiborne has frequently expressed to me his undeviating wishes to retire to private life: having received so gratifying a proof of the President's esteem as his last appointment, he says his political ambition is now satisfied. His only remaining political wish is, that, when the President appoints his successor, as Permanent Governor of Louisiana, he may do it in such a way that the Public may unequivocally know that it is not meant as a censure upon his conduct.

My friend Trist's situation is also in many respects disagreeable—he must bear many vexations—the merchants contend for the immediate enjoyment of all the privileges of the commercial system of the United States—it seems in vain that they are told they must wait the pleasure of Congress.

Yet it were a pity that men of such integrity as Claiborne and Trist should withdraw, or be withdrawn, from a scene where such qualifications are so necessary—so indispensable in the production of a gradual reform.

The Divine Author of Nature has indeed made this Country a Paradise—but man has converted it into a Pandemonium. From the mild and equitable spirit of the American Government, my hopes are sanguine. From the very commencement of our career in the new order of things here, when vice and injustice hold out, for our acceptance, their many varying snares, concealed beneath the fascinating baits of interest and pleasure, may we not, for one moment, forget the wise, monitory injunction—

“Principiis obsta, sero medicina paratur.”

The number of slaves in this country is already great, and the infatuated inhabitants are in the habit of increasing it by large importations—one vessel, the Collector informs me, with slaves from Africa, is now in the river, and several more expected soon to arrive. Oh! my friend,—may I not call thee the friend of Man!—is there no way of putting a stop to this crying, dangerous, national Sin? As I have ridden through some parts of this western world, and observed the numerous defiles and almost impenetrable recesses, I have reflected that these oppressed people are acquainted, far better than their oppressors, with almost every private path and every retreat—that they are already discontented and disposed to throw off their yoke, on the least prospect of success; they are capable of secrecy, and many of them of considerable system. Their masters are alarmed and think to find their safety in a rigorous discipline—in my opinion, this will but hasten the crisis, and made the catastrophe more dreadful. My mind has pursued the subject, when retired for repose; and anticipation has transferred to this country the sanguinary scenes of S^t Domingo—I have, from the very bottom of my heart, adopted thy own emphatic and beautiful expressions—“I tremble for my Country, when I reflect that God is just—that his Justice cannot sleep forever—and that there is no attribute of the Deity which can take part with us in such a contest.”

When we make, to the world, high professions of Republicanism—hold ourselves up as the boasted Guardians of the Rights of Man—and are reproached for inconsistency—what can we answer, but

“Pudet hæc opprobria nobis;

Et dici potuisse, et non potuisse refelli.”

Of all countries which I have seen, I think this would be my choice as a residence, were it not for the sanction given to slavery—“Where liberty is, there is my Country.”

Nothing, I think, but a strong sense of duty has made me endure so long, nor can make me endure much longer, a separation so painful as mine, from my beloved family. My ambition, I am convinced, is not a political one—my first object is, the approbation of my own conscience—my second is the approbation of worthy men. I pray

thee, to accept of my grateful acknowledgements to thyself as a Father and a Friend, of whose good opinion I am highly solicitous; and to be assured that I am not disposed to retire from my post, while the President thinks me worthy of it, nor until he finds, or I can recommend, a successor who may equally answer the President's scientific views in this country. I may, however, next summer, solicit permission to visit my family, on condition of making such arrangements in my public business that it may suffer neither injury nor delay in my absence—bearing in every respect the full responsibility of my office.

Assuring thee of the warmth and sincerity of my gratitude and esteem, I am, respectfully, thy friend,

ISAAC BRIGGS.

THOMAS JEFFERSON, Pr: U. S.

[*Endorsed*] Briggs Isaac. N. Orleans Jan. 2. 04. rec^d Jan. 24.⁶

GOVERNOR CLAIBORNE AND JAMES WILKINSON TO THE
SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, III:LS]

NEW ORLEANS, *January 3 1804.*

SIR Since our letter of the 27. ult^o ⁷ but little Progress has been made in the Business of the Commission. Orders have been issued by M^r Laussat for the Delivery of the Posts of Concord, Atakapas and opelousas to such American Officers as have been selected for those Stations, and we are waiting like Orders for the Surrender of the Posts of Natchitoches on Red-River and those in upper Louisiana. Instructions have also been transmitted to us by the Prefect, directed to the several Commandants of Districts or Parishes in lower Louisiana for them to hold their respective Commands subject to our Orders. A Part of the Barracks has been obtained for the temporary Accommodation of the Troops of the United States; but the more eligible Portion of those Buildings is still occupied by the Spanish Forces, as are also the public Storehouses & Magazines by the Arms, Ammunition &c. of Spain & of France: We have urged our Claim for the immediate Possession of these necessary Appendages to the military Posts, but it seems they cannot yet be delivered. The Arms Ammunition & Provisions & other military Stores of the United States, remained for some Time on Board of the Schooner & Boats in which they were transported from Fort Adams, much exposed to

⁶ In Jefferson's hand.

⁷ NA (SD, Orleans Terr. Papers, II); printed, Robertson (ed.), *La. under Sp., Fr. and U.S.*, II, 289-291.

the Weather and to consequent Injury. To avoid the entire Destruction of a Part of the Arms & Waste of Provision, the General found himself compelled to engage private Storehouses.

The Archives public Documents &c. are not delivered, but we understand, the Spanish Authorities are making Arrangements for their speedy Transfer to the French Commissioner.

Mr Salcedo the late Spanish Governor, having engaged private Lodgings previous to our Arrival in the City found it convenient to evacuate the Government House, yesterday, & we presume, that Building will be put in the Possession of the American Commissioners in two or three Days.

Accept Assurances of our high Consideration.

WILLIAM C. C. CLAIBORNE.
JA WILKINSON

THE SECRETARY OF STATE.

[*Endorsed*] W^m C. C. Claiborne & J. Wilkinson. Jan^y 3^d 1804.⁸

JAMES WILKINSON TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div.:ALS]

Private

NEW ORLEANS Jan^y 3^d 1803 [1804]

DEAR SIR I am obliged by your Letter of the 12th Ult^{mo},⁹ and sincerely regret the disappointment & mortification, to which my tardy return to Fort Adams exposed you—yet I will flatter myself, that the result has proved to you, that that delay did not involve a single moments loss of time, in getting possession of this place, for neither the Regular nor the Militia force were ready for movement on my arrival at that Post,—indeed I think the delay & my call at this place fortunate circumstances, for if I had been at Fort Adams, the prejudices, false apprehensions & violent purposes which I found here, and removed in my course, might have precipitated our measures from above, & involved consequences highly Calamitous.—

I shall embark for the Seat of Government as soon as the Business of the Commission is closed, which proceeds tardily, and the publick Interests especially confided to me are properly secured, to accelerate our movement & indeed for want of transport, we did not bring one piece of battering ordnance—from Fort Adams, & it appears indispensable that the works at the Plaquimenes & this City should make some shew of defence, for at best in the situation of those works & with our force, it can be shew only.—To whom can the high Interests of this Command be confided when I leave the Country? Wadsworth

⁸ Answered Feb. 6, 1804, *post*, p. 176.

⁹ Not found.

is interdicted the exercise of authority, Turner is the only officer who can be trusted, with the distant & delicate command at Natchetoches—Greg Cooper & Mughlenburgh remain—the second is at Placqui-
menes tho unfit for a separate Command—the first is utterly des-
titute of education, manners, & Intelligence, and poor Mughlenburgh
is devoted to drink, with good dispositions but feeble Intellect—Bowyer
with his Company a fine one, is daily expected from the Mobile, but
this officer tho greatly superior to Gregg labours under the same dis-
qualifications—it pains me, exquisitely to make such communications
to you, but I deem it a duty which I owe to my own Character as
well as the publick Service—The night before Cooper sailed for
Placqui-
menes, he came to the Table of the Commissioners intoxicated,
& there in the presence of the Governor, Mr. Trist, the Spanish
Contador & other gentlemen behaved in a low illiberal vulgar man-
ner—I would have remanded Him, but had no one to take the Com-
mand on which he was destined, who would do better—

I have mentioned to several Persons, your observation respecting
our pretensions to West Florida as far as the perdido, but they are
treated very lightly, as I find the confidential communication made
to us by Mr. Laussat, respecting our Eastern Limits, has been made
in the same manner by Him to several other Persons, & that the
circumstance is not a secret—I have been very much urged to make
my fortune by becoming an adventurer for 100. or 150^m Acres, but
have excused myself on the score of my publick Character—Doct.
Watkins last evening assured me—That the Prefect had informed
Him “That anterior to his departure from France He had expressly
requested Instructions, to justify his taking possession of West Florida,
but that instead of being indulged, He was prohibited meddling with
that province, & was informed that Spain had positively refused it
to the repeated applications of the French Consul”—

Almost the whole of the Americans, English & Irish here, with many
Frenchmen & Spaniards are engaged on this speculation and every
valuable spot—between the Mississippi & Mobile will doubtless be
granted away—our ex Consul stands at the Head of the list & if M^r
L. is not concerned I am deceived, for when he spoke to us on the sub-
ject, he was most particular indeed, refering even to the debates in
Congress on the question of Limits—and I understand he is to embark
for france so soon as he has surrendered the province to us, (but that
He leaves his Family here) to return or not as circumstances may render
profitable or expedient—He is an impatient, violent, vindictive,
overbearing, indiscreet man, but possess^s Talent with erudition—I
will give you some curious anecdotes of Him when we meet—You will
understand in the mean time we are all, from the Teeth, on the best
possible understanding—but to make the Prefect decorous, I was
obliged to make Him feel very sensibly indeed, for an indecency offered

to me in the presence of Gov. Claiborne, the Marquis de Casa Calvo, Morales & other grandees—hereafter I believe He will think rather better of the American Character—excuse this Scral

Yours truly

J WILKINSON

GEN DEARBORN

JAMES WILKINSON TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div.:ALS]

Head Quarters NEW ORLEANS *Jan^y 3rd 1804*

SIR Since writing you by the last mail, my time has been incessantly occupied by Military details & perplexities.—

The Troops have found Shelter, on the ground floor of the Barracks, while the Spaniards occupy the upper Story, but this Building is without Chimneys & of consequence we are much exposed, particularly our Sick, as the Military Hospital is still withheld from us; We lost one man the night before last, & our sick are increasing, the report this morning gives 59 Regulars Non. Com^d Officers & Privates—my sensibility is deeply affected by the sufferings of those, whom it is my duty to foster, & who look to me for protection; The publick property too is still exposed for want of Store Room, & for the same reason the Schooner pressed by Governor Claiborne remains unloaded, of course the expence is continued.—We have not yet got possession of a single public Building, unless the partial occupancy of the Barracks may be so stiled, and from a conversation with the French Commissary Yesterday, it seems doubtful when the Store Houses & Magazines may be delivered to us; I shall therefore if practicable hire some suitable apartments, for the reception of our arms & ammunition, where they may be safely examined, as the former have been exposed to the weather for more than a week, &, to the number of 1000 stand, will be lost if not soon attended to—The Commissioners have signified to the French Commissary their opinion, that the French Republick should be held answerable for all loss & damage, which may accrue to the United States from the incomplete delivery of the place, & I shall have particular accounts kept—The post of Placquimenes & St Jean are in our occupancy, and Tomorrow a Detachment will move for the Attakapas & Opalouza—and the moment arrangements can be made, & we get the order for delivery, Capt. Turner will proceed to Natchetoches—But I am fearful of delay, as we have not yet been able to procure the order for the delivery of the Illinois, altho we have pressed for it, well knowing the expediency of our early possession of that Country—& the french Commissary yesterday in reply to me on the subject, observed that, that paper would be among the last.—To save expence I have this day ventured to discharge the Militia—without

quarters or accommodation, the Conduct of this body of Citizens, has in general been meritorious; But one Officer has been Cashiered, & one Serg^t & one private ordered to be flogged, by a tribunal taken from their own Body, & on charges made by one of their Officers—I deemed it proper to remit the sentence for Corporal punishment, & am sorry it is not in my power to decide in the other case, which must go to the President of the United States.—Capt. Mughlenburgh is in arrest for leaving his post, contrary to express orders & on a night of serious alarm, He will be tried Tomorrow—He is not arrested by me.—

You will find under cover a correspondence respecting the Tennessee Volunteers, in which I hope my conduct may be approved—I have endeavoured in this case, to adopt the most prompt economical & conciliatory course—

I find T. Cox in a Memorial to Congress has made use of my Name, in a manner highly disreputable to me; The consciousness of the faithful discharge of my duty in that affair will not satisfy me, and I hope no impressions may be made unfavourable to my Character as a Citizen or a Soldier, until I am heard, for surely Mr. Cox must have utterly forgotten the transactions of that Day, when he challenges the world to convict Him of an Act of dishonor—I can prove that He violated the Laws of his Country—that He violated His solemn parole of Honor, & that He most shamefully swindled a man who reposed entire confidence in Him—yet my purpose is to vindicate my own Character & Conduct only, and not that of others.—It is my intention should I receive no counter orders, to embark from this place for the Seat of Government, so soon as the Business of our Commission is closed, and the great Mass of Ordnance & Military Stores at Fort Adams, is properly distributed & secured; on that subject I wrote you about the 8th Ult^{mo},¹⁰ and now anxiously expect to hear from you.—I need only remark to you that this property, cannot in point of value fall short of 200,000 Dollars, and consequently our attentions should be active & unremitting until it is secured, beyond damage or ordinary casualties.—Most respectfully I am Sir

Your Obed Sv^t

JA:WILKINSON

THE HON^{ble} HENRY DEARBORN Sec^y of War—

[*Endorsed*] New Orleans. Jan^y 3^d 1804 James Wilkinson Relating to the possession of the public buildings and enclosing Copies of letters from Cato West and John Witherspoon to him, and from him to Col. Dougherty, Cato West and J. L. Claiborne.¹¹ Rec^d Jan^y 24. 1804

¹⁰ Not found.

¹¹ F. L. Claiborne. Except for Wilkinson to Dougherty and to West, these enclosures are present with the covering letter.

THE SECRETARY OF WAR TO JAMES WILKINSON

[NA:WD, AGO, Old Recs. Div., Mil. Bk. 2]

WAR DEPARTMENT 6th January 1804.

J. WILKINSON

SIR, Your favors of the 6th, 8th and 9th ultimo have been duly received ¹³—It was conceived the troops would have moved earlier than the 10th ultimo, but I hope no material inconvenience will be experienced on account of the delay—Mr. Clark under date of the 13th ultimo ¹³ announced the embarkation of the troops of the Spanish Garrison, and the tranquil State of things at New Orleans, but had rec^d no news of you or of the progress of the troops—By a letter from Natchez dated the 16th ultimo ¹³ it appears you had head winds and low water—I have calculated on your arrival on the 16th and that the American Flag was unfurled on the 17th or 18th and likewise that peace and harmony prevails in that quarter ¹⁴—On the subject relative to the ultimate Dépôt for the Arms and other Military Stores I am of opinion that you will be better able to decide than any other person—the heavy Ordnance should undoubtedly be placed at New Orleans and its dependencies, properly mounted—The Muskets and other Stores should be removed as early as convenient, if suitable stores can be found for their reception—whether it will be most expedient to transport the Ordnance Stores &^{oa} in Boats or larger Vessels, I must submit to your judgement, I presume however that the immediate removal of the whole will not be necessary—It will undoubtedly be requisite for a time to keep a Guard at Fort Adams, but whether a Military Post shall be continued at that place hereafter, may be a subject of further consideration—For the expences of transportation &^{oa} as well as other necessary expences, Bills may be drawn on the Department of War, which will be paid on short notice. Previous to any considerable expenditures being made on the works, at or about New Orleans, it will be necessary to consider the subject maturely—And the site and construction of the Works decided on, all which will be postponed until I see you—In the mean time it will be necessary to make such temporary repairs only as the nature of the case may require for the present—I agree with you as to the abandoning several of the small Posts up the River and also as to the propriety of suitable Garrisons at Arkansas & Natchitoches—but I doubt the propriety of calling Captain Cobb from South West Point, especially considering his ill state of health—that a considerable

¹³ Not found.¹⁴ The Secretary of War, in a letter to Wilkinson of Jan. 9, 1804 (WD, AGO, Old Recs. Div., Mil. Bk. 2), asked for an explanation of his silence and of the delay in executing orders, and ordered him to leave New Orleans as soon as the military posts had been established.

expense would necessarily attend the removal of the Troops &^{ca} and taking possession of Louisiana, and particularly New Orleans, was contemplated; but I flatter myself no unnecessary expenditures will take place—

The mode of taking the vessel at Natchez for transporting the Troops was, perhaps not the most judicious, but I presume the urgency of the occasion may be plead as an apology for the Measure ¹⁶—

Further information is thought necessary prior to any definitive measures being taken, respecting the number of Troops which shall be proper for the several parts of the newly acquired Territory— In your letters before alluded to you take no notice of the Troops which were ordered from Tennessee, which were to meet your orders at Natchez—By some unaccountable management, they instead of moving from Nashville by the 13th of November at farthest as expected, had not marched on the 30th—had there been time to countermand the order previous to their moving it would have been done—they will march through the woods & back again without being of any use—It is to be wished that the Militia from Natchez may be discharged as soon as circumstances will permit—They should return their Arms & accoutrements before they are discharged and proper vouchers taken for all other kind of Articles delivered them ¹⁶—

I am &c^a ¹⁷

GOVERNOR CLAIBORNE AND JAMES WILKINSON TO
THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, III:LS]

NEW ORLEANS *Jan*^y 9. 1804.

SIR, The orders from the French Commissioner for the Delivery of the Posts of Natchitoches and those in upper Louisiana, of which we have been in Expectation for some Days, are not yet received. The Delay has arisen from the Tardiness of the Spanish Commissioners. We are informed however by M^r Laussat, that he has, at Length, received from the Marquis de Casa Calvo, the necessary

¹⁶ See Claiborne to the Secretary of War, Jan. 31, 1804 (Rowland, ed., *Claiborne Let. Bk.*, 1, 356–357).

¹⁶ The Secretary of War, writing to the governors of Kentucky, Tennessee and Ohio, Jan. 16, 1804, ordered militia mobilization in those states suspended (NA, WD, AGO, Old Recs. Div., Mil. Bk. 2). In another letter of the same date, the Secretary informed Thomas Wilson that no Ohio troops would be sent to New Orleans, and therefore no provisions would be needed for their use (*ibid.*, Misc. Let. Bk. 2).

¹⁷ Answered Jan. 31, 1804 (NA, WD, AGO, Old Recs. Div.), concerning the expenses incurred on account of the militia, the mounting of the artillery, the establishment of a garrison at Ouachita, and the arrival of a number of French soldiers from Santo Domingo.

Instructions to the Spanish Commandants at these Posts; and that we may expect tomorrow, the orders we have solicited. None of the Archives &c of the Province have yet been surrendered, nor do we know when to calculate upon receiving them. It is understood that the late Intendant, Moralis is arranging the Papers which relate to the Land Titles, and which we consider as the most important Documents.

No apparent Preparations are making by the Spaniards, for with drawing their Troops, military stores &c. They still occupy the Buildings which were mentioned in our last Letter; and the Inconveniences arising therefrom to the Service of the United States, remain nearly the same. M^r Laussat is apparently solicitous to make on the Part of the French Republick a prompt & complete Evacuation. He manifests however some Fears, lest the necessary Means may not be at his Command. There is at present, in this Port, a national French Brig, on Board of which he proposes to convey a Part of the military stores & some of the French Officers. To enable this Brig to proceed he has determined to complete her Crew, which has been much diminished by her long Stay here, from the French Sailors in this Port & dispersed about the Country, over whom, they being enrolled in the French Marine, his Government, as he states, possesses certain Rights, wherever they may be. In his Communication to the American Commissioners relating thereto he adds,

“J’agis comme Cessionnaire de la Louisiane & par suite de l’Execution de ce traité qui nous est respectivement confiée & en vertu du quel je ne vous ai remis l’Autorité sur ce Pays, que sous la Reserve tacite d’en conserver, moi-même, tout ce qui m’étoit nécessaire pour operer, son evacuation par la France” ^{17a}

To this Communication we have not yet replied and since receiving it, circumstances have occurred, which raise a delicate Question, and we expect to be under the Necessity of deciding how far the American Government shall assist by Force of arms, the French Commissioner, in taking out of the Country, within the Period allowed by the Treaty for the Evacuation, certain officers belonging to the Land & Sea Forces of France. We could wish were it possible, to receive your Opinion on this Subject; but as the Occasion requires a speedy Decision, we shall exercise our best Judgment, and our final Determination will be maintained with Firmness. An inveterate animosity exists between the Prefect and some French officers here, which is likely to involve the American Commissioners and the Government of the Province in some Embarrassments. A few Days since, a marine officer grossly insulted the French Commissioner, as is stated, in his own House; and used Menaces towards his Person. The officer was arrested on the Spot by the Guard of American Troops which has been given to the Prefect, and is now in Confinement, charged with an

^{17a} The letter here quoted has not been identified.

offence, which the commissioners view as an outrage against the Laws of Nations.

Herewith we transmit Duplicates of our Letters of the 27. Dec^r ult^o ¹⁸ & 3 Jan^r current,¹⁹ and likewise an additional Copy of the Proces-Verbal, relating to the Transfer of the Province.²⁰ By the next Mail we expect to forward Copies of all the material Parts of our correspondence, hitherto, with the Commissioner of France.²¹

Accept the assurance of our sincere Respect & high consideration.

WILLIAM C. C. CLAIBORNE
JA: WILKINSON

THE HON^{ble} THE SECRETARY OF STATE.

[*Endorsed*] Gov^r Claiborne & Gen^l Wilkinson 9 Jan^r 1804 rec^d
30 Jan^r ²²

MEMORIAL TO CONGRESS FROM MERCHANTS OF NEW
NEW ORLEANS ²³

[HF:8 Cong., 1 sess.:DS]

[January 9, 1804]

*To the Honourable the Senate, and House of Representatives of the
United States of America, in Congress assembled,*

The Memorial of the Undersigned, Merchants of the City of New
Orleans in the province of Louisiana,

Respectfully Sheweth,

That your Memorialists eagerly embrace this occasion to offer their allegiance to the Government of the United States, and to declare their Resolution to support its Constitution, which holds out to them the enjoyment of the equal Rights and Privileges of Citizens.

But your Memorialists would be wanting to themselves, and would ill deserve the name of Citizens of the United States, if they refrained from representing to you, the Great National Council, that these Rights and Privileges have not yet been extended to them; and that the Commercial and Agricultural Interests of this Province are greatly impeded thereby.

For want of proper Documents to navigate with, the Ships and Vessels of your Memorialists are now laid up, in a perishing State, unauthorised to hoist any Flag whatever: Their Capitals are unemployed; and their Merchandize has no Vent. Duties are levied ac-

¹⁸ Not present. The original is in NA (SD, Orleans Terr. Papers, II; printed, Robertson, ed., *La. under Sp., Fr., and U.S.*, II, 289-291).

¹⁹ Not present. The original is printed, *ante*, p. 149.

²⁰ Not present.

²¹ Cf. Feb. 7, 1804, *post*, p. 177.

²² Answered Feb. 6, 1804, *post*, p. 176.

²³ Covering letter, Claiborne to the Secretary of State, Jan. 9, 1804, printed, Rowland (ed.), *Claiborne Let. Bk.*, I, 889-841. The Secretary forwarded the petition to Lattimore, Feb. 17, 1804 (NA, SD, Dom. Letters, XIV).

ording to the Spanish Tarif, on all the exports of this Province, and on its Imports even from the United States, which duties were not exacted from us in our intercourse with Spain and her Colonies, while we were under her Government; but composing now a part of the United States we feel it hard to be subject to these partial Regulations, while their other Ports carry on a free, and untaxed Intercourse, and their Exports are subject to no Duty whatever.

Yet in making this Representation, your Memorialists pray to be understood, as not wishing to embarrass Government by urging too prematurely the execution of Measures which perhaps are already under Deliberation. They Confide in the Wisdom and Justice of your Honourable Body that, in as short time as circumstances will permit, the Inconveniences, herein noticed, and which perhaps have been unavoidable under a Change of Government, will be set to rights; and that such arrangements will be made as will place us on the equal footing of Citizens of the United States from the Moment their Flag was hoisted in this City.

NEW ORLEANS 9 *January* 1804—

John F. Merieult
 Geo. F. Favre
 Holmes & Zackarie
 Chew & Relf
 M, Martinez
 W^m E Hulings
 John P. Sanderson
 W^m G. Garland
 Kenner & Henderson
 M^o Neal & Montgomery
 R Roquet ²⁵
 Pr^o & A^o Carraby
 Jⁿ F^s Girod
 S Merme
 Jⁿ Gil Dusser ²⁵
 Evan Jones
 Labatut
 John M^oDonogh Jun^r & C^o
 James Freret
 Henry Molier &c
 Stephen Zacharie
 F^s Philippon—
 F. L. E. Amelung
 Philippon Jeune & C^{1o}
 Jaure et gaillard
 Dejan et Bongaud
 M^l Fortier
 P. F. DuBourg J^r

James Johnston
 John Poultney J^r
 bernard genois
 Gha Chiapella
 Meeker, Williamson & Patton
 Jⁿ Soulié
 Alex^r Milne
 Tureaud Bringier & C^o
 N. Girod et frere
 Jⁿ Tricou
 Cavelier & fils
 Lanthois & Pitot co
 Pr^o Commagere
 Pr^o Petit
 Josef Reyno
 T. J. D. Urquhart
 reynaud et peytavin
 Batt^o Bosque
 Jⁿ Faurie
 Paul Lanusse
 G. Debuys
 Eug^o Dorsiere
 F. Duplessis
 Jⁿ B^{1o} Passement
 Daniel Clark
 George Pollock
 H O'Hara & J. B. Farrell ²⁶

²⁵ Reading uncertain.

²⁶ In deciphering the names in this and succeeding petitions, use has been made of Charles L. Thompson (ed.), *New Orleans in 1805, a Directory and a Census* (New Orleans, 1936).

[*Endorsed*] Memorial of sundry Merchants of the city of New Orleans in the province of Louisiana 20th Feb^r 1804. Referred to the committee of the whole House, to whom was committed on the 18th instant, the bill sent from the Senate intituled An Act relating to the recording, registering, and enrolling of ships or vessels in the district of Orleans.

to who. on Bill from Senate Registering Ships &^o in district of Orleans.²⁷

JAMES WILKINSON TO THE SECRETARY OF WAR

[NA:WD,AGO, Old Recs. Div.:ALS]

NEW ORLEANS Jan^r 11th 1803 [1804]

SIR When I determined to discharge the Militia, it was not because I deemed our regular Military, adequate to the preservation of the tranquillity & safety of the Province, but because of their importunity, their impatience, the irregularities into which they were runing & the expence they occasioned—We have lost three men since my last, & yet thank Heaven, tho many of us are not more than one night in Bed, our sick list decreases—I Hourly expect the Company from Mobile which will give us some relief

It is my most anxious desire to be with you, but I must not leave this place so long as the objects of the Commission, on which I am engaged, remain unaccomplished—While the Spaniards have more Troops in the City than I command, and which the violent conflicts of Mr. Laussat & his officers,²⁸ and the imperious conduct of a turbulent band from Bourdeaux, menace our National dignity & the publick tranquillity.—

Every Hour evinces more & more the necessity of a strong Garrison here, with a Military executive Magistrate for the Government of this province—our puny force has become a subject of ridicule, and the old women begin to exclaim “*quel triste Gouvernement*” Pardon the freedom of this communication—produced by my sollicitudes for the preservation & profitable application of our immense Acquisitions in this quarter, and the serious apprehension that we are exposed to lose much or all, by some sudden explosion of the inflammable spirits,

²⁷ Approved Feb. 25, 1804 (2 STAT. 259–260). The bill originated in the Senate, Jan. 18, 1804, with a motion that a committee be appointed to consider necessary amendments to the registry laws. A copy of this bill, as presented Feb. 15, 1804, is in NA (Senate Files). The course of the legislation may be followed in *Senate Journal*, III, 342, 357, 358, 359, 364; *House Journal*, IV, 587, 593–595, 597–598; *Annals*, 8 Cong., 1 sess., 236, 253, 254, 255, 256, 261, 1037, 1038, 1044–1046, 1047, 1048–1049. Cf. act approved Feb. 24, 1804 (2 STAT. 251–254).

²⁸ See Claiborne to the Secretary of State, Jan. 10 and Jan. 17, 1804 (Rowland, ed., *Claiborne Let. Bk.*, I, 329–333, 339–341), for the details of this dispute.

which at once animate & enslave the people of this Country—a few nights since some Person observed that the Governor or the General had given leave for the demolition of the stockade which surrounded the City, & by 8 oClock the next Morning, before the operation was noticed by our guards, which occupy the center of the City, and the Forts S^t Charles & S^t Louis near the River, not one stick was left on a Line of one & an half Miles, and a House in one of the rear Redoubts was rased to its foundation, & the materials carried off—I offer this incident as evidence of the facility with which this community may be put in motion, & of their impetuosity when once moved.—The Jealousies of the People of Colour & the Whites seem to be increasing, & if I may judge from what I see & hear, the former are most to be relied by us for they have universally mounted the Eagle in their Hats & avow their attachment to the United States—while the latter still demonstrate their love for the Mother Country and do not conceal the fond Hope, that some incident of the depending War, may return them to Her Bosom—I speak generally—The People of Colour are all armed, and it is my Opinion a single envious artful bold incendiary, by rousing their fears & exciting their Hopes, might produce those Horrible Scenes of Bloodshed & rapine, which have been so frequently noticed in S^t Domingo—I shall continue to write you by every Mail, & shall expect to hear from you in Answer to my Letter from Fort Adams,²⁹ but I shall not suffer this expectation to detain me here a moment unnecessarily—As I have several things to communicate, which I consider of deep Interest to our claims in this quarter, & which I am bound not to letter—I may be deceived, but it is my present opinion, founded on the combination of a variety of circumstances, that M^r Laussat looks to the reoccupancy of this Province, and that the Treaty of the 30th April has been artfully arranged, to commit us to the alternative, of a dereliction of our Territorial pretensions, or a War in which France is to become a party against us.—

Their are those here who are not unacquainted with Vattels 24th Chap: and if they possessed the Power, they would not hesitate to employ it, for the assertion of their Independence, so little do they or will they understand the blessings to be derived from our patronage & connexion—

I am sorry to inform you that Cap^t Gregg is now before a General Court Martial, for suffering an escape from his Guard, of a French Officer confined on the demand of the Commissary Laussat, for violating his domicile & outraging his Person—very fortunately & by a decisive step I recovered the prisoner, who is now in strict confinement.—Capt Mughlenburgh has been tried, but the proceedings are not handed in.—

²⁹ Not found.

The Ass^t Military Agent has drawn two Setts of Bills on you, of which He will give you advice, and by the next Mail I shall order Him to transmit his vouchers to cover past expenditures.³⁰—

With great respect I am Sir Y^r Ob^t Ser^t

JA WILKINSON

THE HONBLE HENRY DEARBORN Secy of War

[*Endorsed*] New Orleans Jan^y 11. 1804 Gen James Wilkinson In relation to the Military at New-Orleans, stating he is unpleasantly situated—Shall visit the seat of Government as early as possible—Rec^d Jan^y 30th 1804

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

NEW-ORLEANS *January* 16. 1804

DEAR SIR, A few days previous to my departure from Fort Adams, I had the honor to address to you a private letter,³¹ which I hope has reached you in safety.

Since my arrival in this City, my official communications to the Department of State have informed you of all events of importance, and thro that channel I shall endeavour to keep you fully advised of such political occurrences as are worthy of notice.

I now embrace a leisure moment to write you inofficially from this City; and to observe, that the high expectations I had formed of the value of our new acquisition to the United States, are fully confirmed by my personal observations. The country on the Mississippi is fertile, happily adapted to cultivation, its productions various and abundant, the people wealthy, and in the enjoyment of all the necessaries, and many of the luxuries of life. New-Orleans is a great, and growing City. The commerce of the Western Country concentrates at this place, and there appears to me a moral certainty, that in ten years, it will rival Philadelphia or New-York. I believe the citizens of Louisiana are, generally speaking, honest; and that a decided majority of them are attached to the American Government. But they are uninformed, indolent, luxurious—in a word, illy fitted to be useful citizens of a Republic. Under the Spanish Government education was discouraged, and little respectability attached to science. Wealth alone gave respect and influence, and hence it has happened that ignorance and wealth so generally pervade this part of Louisiana.

³⁰ Answered Feb. 2, 1804 (NA, WD, AGO, Old Recs. Div., Mil. Bk. 2), stating that three companies had been ordered to New Orleans, and that Freeman was to succeed Wilkinson as the officer in charge there. See the Secretary of War to Freeman, Jan. 31, 1804, and to Cushing, same date, *loc. cit.*

³¹ Dec. 8, 1808, *ante*, p. 135.

I have seen Sir, in this City, many youths to whom nature has been apparently liberal, but from the injustice and inattention of their parents, have no other accomplishments to recommend them but dancing with elegance and ease. The same observation will apply to the young females, with this additional remark, that they are among the most handsome women in America.

The promotion of education and general information in this Province, ought to be one of the first objects of the Government. I fear that if education be left entirely to the patronage of the inhabitants, it will continue to be neglected; for they are not sufficiently informed to appreciate it's value.²² There are some respectable characters in and near New-Orleans, who were educated in France, that have pretensions to science, but they are unacquainted with our language and Government, and I fear they will not become useful citizens for some time.

I feel solicitous to learn what form of government will be prescribed for Louisiana. I believe myself, that a government somewhat similar to a territorial government in its first grade, is best suited to this Province. Some politicians who are here suppose that a Military government can alone, for the present, ensure good order and harmony in this community; but I cannot assent to this opinion. The people will indeed have gained nothing by their annexation to the United States if a military system be still maintained. I believe firmly, that Louisiana may be governed without force. The inhabitants have nothing vicious in their dispositions, and have been educated in submission to the laws, and in obedience to the constituted authorities. The great body of society being unacquainted with the American language, and strangers to our laws and customs, it is probable that partial discontents may arise; but I cannot suppose that they will be of such a nature as to render force necessary to suppress them. From the great intercourse between this Province and the United States, and the press of emigration, I entertain strong hopes that a radical change will, in a reasonable time be effected; I look forward to this change with great anxiety, for I am so great a friend to self-government that did the political safety of the Country admit of it, I could wish Louisiana to become a State tomorrow; but for the reasons already

²² Claiborne indicated his interest in education in his first address to the people of the territory, Dec. 20, 1803 (Rowland, ed., *Claiborne Let. Bk. I*, 309-310). For other references to this subject, see Claiborne to the Secretary of State, Jan. 2, Jan. 24, Apr. 10, to the district commandants, no date, to Poydras, Apr. 6, to the Ursuline nuns, Apr. 8, to the Abbé Roland, Apr. 15, to the President, May 29; and Watkins to Claiborne, Feb. 2, 1804, *ibid.*, I, 322-329, II, 3-13, 71-75, 82-83, 86-87, 90, 102-103, 174-176.

suggested, the experiment at this time would, in my opinion, be impolitic.³³

I believe the climate of lower Louisiana is unhealthy, but it is by no means so unfriendly to human life as has been represented. I find here a great many old people and a number of children, and in general, the people appear to possess as strong athletic constitutions as are seen in similar climates. The American troops have already experienced much sickness, and it is probable that the ensuing spring and summer will be deemed unhealthy; for the old inhabitants agree that the climate proves unfavourable to strangers.

M^{rs} Claiborne ventured on a journey through the wilderness in November last, and is now with her friends in Tennessee. If the public service will admit of it, I should wish to visit that State myself in the course of the ensuing summer. When therefore, the permanent Governor of Louisiana shall have relieved me from this Post, I must entreat of you leave of absence for a few months.

Friend Briggs finding that his business in the Mississippi Territory, would admit of his absence for a few weeks, is now on a visit to this City. He is greatly delighted with the soil and situation of Louisiana, but I believe the dissipation and extravagance of the inhabitants, together with the existence of slavery, has filled his mind with much serious concern: His sentiments and conduct impress me with an opinion that he sincerely loves his country.

Col. Kirby and M^r Nicholas³⁴ left Orleans for Mobile on this morning, and will, I presume, in a few weeks transact the business of their mission; for the claims to land in Washington district are few in number. I fear Col. Rodney and M^r Williams will have an arduous duty to perform; The claims submitted to their decision will be numerous and complicated: But being men accustomed to business and possessing much legal information, it is probable they will decide on all the claims which may be brought before them in about twelve months.³⁵

The establishment of the temporary court in the City of New-Orleans, of which I advised you in my last dispatch to the Secretary of

³³ Cf. the President to Breckinridge, Aug. 12, 1803, to Dupont, Nov. 1, 1803, and to Dunbar, Mar. 13, 1804 (*Writings Jefferson*, mem. ed., x, 407-411, 422-424, xi, 17-23), to Breckinridge, Nov. 24, 1803, to De Witt Clinton, Dec. 2, 1803, to McKean, Jan. 17, 1804, to the Secretary of State, Aug. 15, 1804 (Ford, ed., *Writings Jefferson*, viii, 279-281, 282-283, 292-293, 313-315), and to Dupont, Jan. 19, 1804 (Chinard, ed., *Letters Jefferson and Du Pont de Nemours*, p. 81).

³⁴ Commissioners to receive claims and determine land titles east of Pearl River.

³⁵ See *Terr. Papers* (Miss.), v, index.

State,³⁶ has relieved me from much business, but a sufficiency still devolves upon me to occupy most of my time. It is my intention to use no more authority than the actual state of things shall require. I know that in the exercise of my present discretionary powers, the danger I have to guard against, is the doing too much.

I have lately obtained a sketch of the river Mississippi, from the mouth of the Yazoo river and also of the seacoast from the mouth of the Mississippi to Pensacola, and part of the coast to the West. Supposing that this Chart might be acceptable to you, I have taken the liberty to forward it under a separate cover by this mail.³⁷

For a continuation of your private and political happiness, I pray you to accept the best wishes of, Your faithful friend

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE UNITED STATES.

[Endorsed] Claiborne. Gov^r N.O. Jan. 16. 04. rec^d Feb. 15.

JAMES WILKINSON TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div.:ALS]

Head Quarters NEW ORLEANS Jan^y 16th 1803/4

SIR In my Letter of the 3rd Int.³⁸ I communicated to you the measures I had adopted, for the accommodation of the mounted Volunteers of the State of Tennessee, since which I have received from the Contractors Agent at Natchez, a Letter, agreeably to the Copy under cover,³⁹ wherein he declines making the provision required of Him, for the use of those Troops; and of consequence that necessary office, will devolve on the Secretary of the Mississippi Territory, M^r Cato West, who had proffered his services on the occasion, and will I presume draw on you for the amount of his disbursements: This arrangement, the only one I could devise to meet the exigency, may I hope be approved; as it is that which I have deemed most prompt & most oeconomical

³⁶ Jan. 10, 1804 (Rowland, ed., *op. cit.*, I, 329-333), enclosing the ordinance establishing the court. For other letters and ordinances relative to the establishment of courts, the appointment of judges, the administration of justice, and the issuance of regulations, see Claiborne's ordinances and proclamations of Dec. 30, 1803, Jan. 16, Jan. 19, Feb. 5, Feb. 8, Feb. 21 (two), Feb. 25 (two), Feb. 27 and Mar. 1 (two), Mar. 3, 1804; Claiborne to the Secretary of State, Jan. 2, Feb. 13, Feb. 18, and Mar. 2; to Poydras, Jan. 14 and Feb. 25; to Hopkins, Jan. 20; to Stoddard, Jan. 24; to Turner, Feb. 25; to Boré, Mar. 1; and Watkins to Claiborne, Feb. 2, 1804 (*ibid.*, pp. 317-319, 322-329, 333-334, 336-339, 341-343, 350, 361-362, 367, 371-373, 375-376, 379-386, 389-390, 393-394, II, 1-2, 3-13, 15-19).

³⁷ Not found.

³⁸ *Ante*, p. 152.

³⁹ Not present.

On my return from the Creek boundary I found Lt— Burk at Fort Adams, doing the duty of Paymaster, I understand by your orders; He is now here in that Capacity, & appears well qualified to discharge the Duties of the Office, I shall therefore order Him to draw for the payment of the Militia, agreeably to your orders, but have deemed it expedient previously to require from Him, Bond & security for the faithful discharge of the trust, which you will find under cover, to be deposited in the proper Office—The same plan may be most conveniently adopted, for the payment of the Troops, some of whom are now more than a Year in arrears, but I shall pause for a resolution on this subject & will decide for the best.—

We did not until this Day, receive the Orders of the French & Spanish Commissioners for the delivery of the posts in upper Louisiana—that for St Louis & its dependencies will be dispatched by Mail Tomorrow to Capt Stoddard, via Nashville & Fort Massac, as the shortest most expeditious & economical Route—It was proposed to Hire an Express, but that Idea was declined on the ground of the expence which would have exceeded three hundred Dollars.—

Lt. Taylor the Ass^t M. Agent will transmit you by this Mail, for the proper Officers, a statement of his accounts, accompanied by a sett of vouchers, and He has drawn on you, since my last, for \$1000—making in all \$3700 under my sanction

The Schooner pressed by Governor Claiborne has been discharged, but the claim of Her owner has not yet been settled; it is left to Arbitration & will be paid by the Ass^t M. Agent, so soon as the award is rendered.—

We this Moment have heard of a most unpleasant circumstance—the Arrival at the Balize of a French transport, with a body of Troops & fugitives from St Domingo, in great extremity for provisions, & suffering under a malignant Disease: I instantly, with the concurrence of Governor Claiborne, dispatched an order to the Officer Commanding at Plaquimenes, to forbid this vessels ascent of the River, & also the landing of Her company, but with Instructions to the same officer, to furnish every comfort & relief to the sufferers in his Power—We have also written to the prefect on the subject, to know what disposition he proposes for these People, and I stand ready with a handful of men to reinforce Plaquimenes in Person, should it be deemed necessary—The case is painfully embarrassing, but one thing is clear to me—should this Corps be suffered to enter the province, in the present manifest ill temper & disposition of many, a commotion will be the consequence, the end of which cannot be foreseen; I shall therefore oppose their admission, by every means in my Power, on the ground of self preservation.⁴⁰—

⁴⁰ On this subject, see Claiborne to the commander of the French transport, Jan. 20, 1804, and to the Secretary of State, Jan. 24, Jan. 31, Feb. 26, 1804 (Rowland, ed., *op. cit.*, I, 343, 344–349, 352–356, 387–388).

I inclose a rude sketch ⁴¹ of a part of the Creek Country, to exhibit two Routes of the Indians from the Cowetas^a on the Chattahoochee River to the Mobile, that by Col. Hawkins'^a old residence (He has recently removed to Flint River for the accommodation of his stock) is the most circuitous & the most difficult during the season of the floods—both these paths traverse in general a smooth surface & open pine woods, perfectly convenient to the passage of loaded Pack Horses; the lower Route passes no settlement Christian or Savage (excepting one plantation of a White man) the upper one flanks the main Body of the Indian settlements on the Tallapoosa & its Waters—from the crossing of the Chattahoochee to Col Hawkins old place is sixty short miles, from thence to pierces on the Mobile (or rather the Alabama) is about 150 miles, from the last place to Fort Stoddert, we have no communication but by water, & the distance is computed fifteen miles—from the Crossing of the Chattahoochee to Flint River is 50 miles, from Flint to the Ockmulgee forty Miles & from the Ockmulgee to Fort-Wilkinson thirty Six Miles.⁴²— I am extremely desirous to hear from you in answer to my Letter from Fort Adams,⁴³ and am most respectfully sir

Your Ob Ser^t

JA WILKINSON

THE HONBLE H. DEARBORN Sect^y of War

N. Lt. Burk has just informed me he cannot have his Bond ready before the next Mail— J:W:

[*Endorsed*] New Orleans. Jan. 16. 1803/4 James Wilkinson Relative to the subsistence & Pay of the Tennessee Militia; possession of upper Louisiana—post roads thro' the Choctaw Country &—refugees from S^t. Domingo—Enclosing a letter from Ferdinand L. Claiborn, relative to the sub. aforesaid, & a sketch of the Choctaw Country
R Rec Feb: 15—1804

GOVERNOR CLAIBORNE AND JAMES WILKINSON TO THE
SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, III:LS]

NEW-ORLEANS *January 17th 1804*

SIR, No alteration has taken place since our last, of which you have a duplicate under cover,⁴⁴ excepting the receipt of the necessary orders,

⁴¹ Not present.

⁴² The Secretary of War had asked Wilkinson, Nov. 28, 1803 (NA, WD, AGO, Old Recs. Div., Mil. Bk. 2), for a report on the practicability of a road from Hawkins's residence to the Alabama and Tombigbee rivers, and thence to New Orleans. See also the Secretary to Hawkins, Nov. 22, 1803, and Feb. 11, 1804, on the same subject (NA, Indian Office, Sec. War Let. Bk. A).

⁴³ Not found.

⁴⁴ Jan. 9, 1804, *ante*, p. 156.

for the delivery of all the Spanish Posts in upper Louisiana, and at Natchitoches and its' dependencies.

But we have to apprise you of an unexpected occurrence of a most unpleasant nature. Early yesterday morning we were formally advised by M^r Daniel Clarke, of the arrival of a vessel at the Balize, with a body of troops from St. Domingo; in consequence of which the enclosed order was dispatched to the Commanding Officer at Plaquemines,⁴⁴ and we addressed the letter of which you have a copy under cover N^o 1. to the French Prefect,⁴⁵ who a short time after called on us in person, and informed us he had been previously apprized of the circumstances reported by us, but having received no official report on the occasion, he did not feel himself authorized to reply to our application. He spoke much at this interview, without expressing to us a single determined sentiment respecting the future disposition of these people, but laboured obviously to establish the general principle of a right of asylum.

On being asked specifically whether he would supply this vessel's company with fresh provisions, he declined it on the ground of impracticability, arising as we understood out of the nature of the climate. But he expressed the wish that we should suspend all proceedings, until we received official information of the arrival, and the circumstances attending it, and, in the mean time requested we would take no steps without consulting him, to which we assented.

This morning we have received the enclosed deposition from a man of character of this place, who arrived the night before the last from the Island of Cuba; in consequence of which we addressed the letter N^o 2. to the Prefect, and now wait his answer with great solicitude, as we entertain no doubt that these fugitives are suffering exquisitely from famine and disease, and should the Prefect fail either in means or disposition, to relieve those sufferers, we shall consider it our solemn duty to the character of our Country and the claims of humanity, to interpose our authority and rescue these unfortunate persons from destruction, providing at the same time against the introduction of disease into the Province, and for the conveyance of the armed force to some other place.—

Accept assurances of our great respect, and high consideration.

WILLIAM C. C. CLAIBORNE

JA: WILKINSON

THE HON^{ble} JAMES MADISON Secretary of State

⁴⁴ Wilkinson to Cooper, Jan. 16, 1804, ordering him to prevent the disembarkation of the troops.

⁴⁵ Jan. 16, 1804, notifying Laussat that the troops would not be permitted to land. Also enclosed were Claiborne and Wilkinson to Laussat, Jan. 17, 1804, offering assistance in caring for the sick soldiers, and a deposition by Francis Porent, Jr., Jan. 17, 1804, concerning the troopship. They are not printed here as they add nothing material to the statement of the covering letter.

P.S. On re-perusing the above letter, we find that we omitted to mention, that at our interview with the Prefect, we informed him of the orders which had been given to the Commanding Officer of Plaquemines, and he expressed his approbation of, and thanks for so much thereof, as related to the supply of provisions &c. to his unfortunate countrymen.—

[*Endorsed*] Gov^r Claiborne & Gen^l Wilkinson 17 Jan^y 1804.⁴⁶

THE POSTMASTER GENERAL TO GOVERNOR CLAIBORNE

[PO:P.M. Letter Book M]

Jan^y 24. 1804

HIS EXCELLENCY W. C. C. CLAIBORNE New Orleans

Yours of the 3^d is received.⁴⁷ I never for a moment supposed that without taking much greater time than was allowed for the late arrangement, that a saving of the public monies could be effected on the route between Natchez & New Orleans.⁴⁸ Your bill has not been presented; as soon as I rec^d yours of the 19. Ult^o.⁴⁷ I gave directions to have it paid on sight and you may rest assured it will be.—

There appears to be almost as many opinions as to the mode of governing Louisiana as there are members of the National Legislature. Congress have made but little progress for many weeks and I should not be astonished if it took them months to organize your Government.

G. G.

JAMES WILKINSON TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div.:ALS]

NEW ORLEANS Jan^y 24th 1803 [1804]

SIR I have received the proceedings of the General Court Martial on Col. Butler, which shall have publicity in a Day or two, & with which I am content: I sought only to Establish a sound principle of subordination & it is done—

⁴⁶ Answered Feb. 20, 1804 (NA, SD, Dom. Letters, xiv), stating that the President had approved of the measures taken and that Pichon had been informed of the situation of the refugees.

⁴⁷ Not found.

⁴⁸ In a letter to the President, Jan. 24, 1804, the Postmaster General suggested that Claiborne be directed to continue the emergency mail service between New Orleans and Fort Adams until provision could be made for a regular mail (SD, Appt. Office Files). On this subject, see Claiborne to the postmaster at Nashville, Jan. 24, to Chew, Feb. 4 and Mar. 24, to the Secretary of State, Feb. 13, Feb. 26, and Mar. 24, to the Secretary of War, Mar. 22; and the Postmaster General to Claiborne, Feb. 20, 1804 (Rowland, ed., *Claiborne Let. Bk.* 1, 344, 360, 371-373, 387-388, 11, 57, 58-62).

The Business of the Commissioners proceeds tardily, This day we have the first meeting respecting the Archives, & the ground which the french Commissioner has taken, to confound the Records of West Florida with those of Louisiana, & thereby to exhibit a Line between the two Provinces, which we do not admit, forebodes some difficulty & will probably draw forth our protestando—The Troops of Spain still divide the Barracks with us, The Officers of the French Government are still here, & I see no preparation for their removal—and the Stores, Arms & Ordnance of France & Spain, still occupy the Magazines & publick buildings—A sudden & unexpected press of Business, prevented the Governor from preparing his Orders for upper Louisiana, in season for the last Mail, but they will go by that of this Day, & I inclose you a copy of my separate Orders to Cap^t Stoddard; but will not your nominating this Officer to the highly Honourable & important Office, for taking possession of the ceded Country, deeply afflict the feelings of Bissel who is his senior Officer? believing that it has proceeded from inattention, I have taken the Liberty to say so to Bissel, & have exhorted Him to make the sacrifice of his feelings to his Patriotism, & to cooperate chearfully with Stoddard—

Since my last the Asst: Military Agent has drawn on you for 1500\$; every expence is made with caution, but several have occurred which were unexpected—every thing which could be neglected by the Spaniards after the cession of this Province has been neglected, & we find every place out of repair—The Barracks without chimnies & the Season inclement, quarters for the officers & Store Houses for our provisions to be hired, fuel & straw to be purchased, with other incidental expences, inseperable from the position of the Troops, within the Walls of a City.—

You have under cover a Bond of Lt. Buck Asst. P. Master with the best security of this City, and the Copy of a Letter ⁴⁹ from Him to Cap^t Sterret, proposing the most convenient plan for making payment to the Troops during the Capt^a arrest, and if you will order M^r Swan to authorize M^r Buck accordingly, you will effect a great accommodation to the Troops, some of whom are now fifteen months in arrears.—M^r Buck will draw on the Pay Master under my sanction, & agreeably to your orders, for the Amount of the money which he has paid to the Volunteer Militia, and I must beg you to direct M^r Swan to Honor the draft.—

Contrary winds have prevented the arrival of the Troops from Mobile & of course I have not been able, to detach the Garrison destined for Natchitoches, but I expect those troops hourly, & the movement will commence immediately after their arrival—

⁴⁹ These enclosures are not present.

Since my last we received information, that the French transport from St Domingo, had passed the fort at Placquimenes & was approaching this City, in consequence the Commissioners dispatched an Officer with a Party, to reconduct Her below the Fort, & there to give Her safe moorings, with every accommodation in the power of the Garrison—The French Commissioner has not yet apprized us, of his intentions respecting this Cargo of fugitives, & in the mean time they are I fear suffering exquisitely—but were I to utter an opinion, it would be that He wishes them to be here, incorporated with the community, that He might be relieved from expence & responsibility.—

I am sensibly pained by my detention, but consider it an Essential duty, to abide the compleat execution of the Treaty of the 30th April, and to see the French & Spanish Troops removed before my departure; indeed some recent tumults occasioned by a few french Itenerants have placed the Governor in a delicate situation, and my presence might possibly be useful to Him, should any broil take place between those foreigners & our Country men, who appear extremely exasperated against them, and but for my Personal interposition two nights since, would indubitably have spilt Blood; yet I shall not halt one Day longer, than may be necessary to discharge the duties, of the Commission on which I am Engaged, and this I flatter myself will be the case by the 20th of the next Month, in which case I shall take passage on Board the Comet of Baltimore.—

We have two men extremely ill, but I have the pleasure to inform you, that our Sick report has decreased in general, and that by runing up Chiemnies in the barracks, they are now comfortably lodged.—

We have had a few Days very intemperate Weather. the snow now lies on the suface, at 3 oC: P. M:—the Mercury in farenheits Thermometer at 5 oC: last Evenig stood at 32° at 12 oC: at Night at 30° & at 8 oC: this Morning it was at 32° it is now at 38°—

With perfect respect I am sir Your Ob St

JA WILKINSON

THE HONBLE H. DEARBORN Secy: of War—

[*Endorsed*] New Orleans Jan. 24, 1804 James Wilkinson—Has receiv^d the proceedings of the Court Martial on Col. Butler—Relative to the progress of the commissioners—possession of Upper Louisiana. S^t Domingo Refugees and his return—Enclosing a copy of the order to Cap. Stoddard, the Bond of Buck to the Paymaster & a copy of Buck's letter to Cap. Sterret. R Rec. Feb. 22 1804

[Enclosure:LS]

James Wilkinson to Amos Stoddard

Head Quarters NEW ORLEANS Jan^y 23^d 1804

SIR, The Commissioners of the United States having transmitted you under cover herewith the necessary authorizations & instructions

relative to the transfer of the Territories Posts and Dependencies in upper Louisiana to the United States by virtue of the Treaties which have been concluded between Spain, France, and the United States respectively; it remains for me to give you some directions in your military capacity.

If required you are on taking possession to receipt for (by way of Deposit and to be answerable for the safe keeping until regularly called for) any movable public property for instance Cannon, Amunition Stores &° which it may be convenient or necessary for the Spaniards to leave for a time in our possession; and you are to take charge of all immovable public property in behalf of the United States

It will be essential you should make such Detachments to the Subordinate Posts as the public service the tranquillity of the country and the state of things may in general require, to whom you will give the necessary Orders for their Government—

I deem it unsafe at the vast distance which separates us to intrench further on your discretion than to prescribe an inflexible observance of the sound principles of Subordination & Discipline the preservation of an exact police, and that an inviolable regard be paid not only to the persons & properties of our newly acquired citizens or subjects, but to their feelings and rational interests in all respects. It will be prudent to draw a veil over the past and to give to Oblivion those prejudices and resentments, which have been generated by intrigue and fostered by corruption, and to this end you should as well by example as by precept, cherish and promote a spirit of concord and good-will among the inhabitants.

You will be pleased to continue to report to the Inspector of the Army, in the usual forms, and it will be expedient you should communicate directly to the Secretary of War any important concern or occurrence either of a civil or military nature.

Wishing you Sir, pleasure, profit and honour in the discharge of the complicated Duties which are about to devolve on you ⁵¹

I remain with much consideration and respect Your Obedient Servant.

JA WILKINSON

CAPTⁿ AMOS STODDARD—

[*Endorsed*] Copy of order to Cap^t Stoddard

⁵¹ See also Claiborne to Stoddard, Jan. 24, 1804 (Rowland, ed., *Claiborne Let. Bk.*, I, 350). For other references to the occupation of Upper Louisiana, see a forthcoming volume of the *Territorial Papers* series on Louisiana Territory.

GILBERT LEONARD TO GOVERNOR CLAIBORNE ⁵²

[NA:SD, Orleans Terr. Papers, III:ALS]

[January 25, 1804]

SIR In reply to your Excellencys request for information relative to the arrangements of the Spanish Government of this Province, concerning the importation of Slaves, I beg leave to represent.

That by an order of his Majesty, dated at Aranjuez the 24th of January 1793, the prohibition which restrained the importation of Slaves, was expressly removed, free of duties, to favor the commercial interests of His Majestys Subjects, and the said order was promulgated in due form by the Intendant of this Province Don Ramon de Lopez y Angulo, on the 29 Nov^{br} 1800.

Subsequent to the retrocession of the Province to France, but pending the existance & the exercise of the Spanish Authorities, three Vessels have arrived & been admitted into this Port, with Slaves for sale consigned to John Francis Merieult—viz, the French Brig Affrican Peter Farnuel Master, charged with 143 Africans—The french Brig La confiance John Louis Sacray, Master, charged with 170 Africans, & the french Brig Sally Augustus Guibert Master, charged with one hundred & fifty Africans.

It is proper for me to observe to your Excellency, that the Royal Edict required Spanish bottoms, & Spanish Masters, for this Commerce, but the Spanish authorities which existed but after the retrocession had been formally announced, considered it their Duty, to pursue the obvious Spirit of this Edict, which had for object the particular interests & accomodation of His Majestys Marine & his Subjects, and therefore they deemed it both reasonable & just, that these priviliges & advantages, which had been graciously intended for Spanish Louisiana, should not be with held from French Louisiana, during the existence of their temporary authority.

To this candid exposition of Facts, I will beg leave with great deference, to add the opinion, that should a change of Policy be found expedient by the Government of the United States, it should be promulgated, a reasonable time anterior to the interdiction of such commercial expeditions as may have been projected under & admited by the Government of France or Spain, previous to the

⁵² Covering letter, Claiborne to the Secretary of State, Jan. 31, 1804, printed, Rowland (ed.), *op. cit.*, I, 352-356; Robertson (ed.), *La. under Sp., Fr., and U.S.*, II, 240-245.

Sale & transfer of the Province by the french Government to the United States.⁵³

I have the honor to be with the highest consideration & respect Sir your most obedient humble Servant.

GILBERT LEONARD

NEW ORLEANS 25th *January* 1804.

HIS EXCELLENCY WILLIAM C. C. CLAYBURN—

[*Endorsed*] rec^d in Gov^r Claiborne's 31 Jan^r 1804.

THE SECRETARY OF STATE TO LOUIS ANDRÉ PICHON

[NA:SD, Dom. Letters, XIV:C]

DEPARTMENT OF STATE, *January 27th* 1804.

M^r PICHON, Charge D'Affaires, of the French Republic.

SIR. I had the honor to receive with your letter of this day ⁵⁴ the proces-verbal of the delivery of the possession of Louisiana, made to Citizen Laussat in his character of Commissary of the French Government by the Commissioners of His Catholic Majesty. Whilst in this document is recognized an important evidence of the friendly proceedings of the parties who concurred in the events which have procured that Country for the United States, the disposition which led you to admit of its being deposited among the records of this Department is duly respected and appreciated.

I am &c.

JAMES MADISON.

⁵³ This letter, with Claiborne's covering letter, was submitted to Congress by the President Mar. 8, 1804 (*Annals*, 8 Cong., 1 sess., 263, 1123). For other references to slavery and the slave trade, see Claiborne to the following: the Secretary of State, Jan. 31, Mar. 1, Mar. 10, Mar. 16, Mar. 31, May 8, June 22, July 5, July 12, July 26, F. L. Claiborne, Feb. 26, the commanding officer at Bayou St. Jean, Feb. 29, Boré, Mar. 19, district commandants, no date, Cooper, May 19, the President, May 29 and June 3, Freeman, July 17, Johnson, July 18, Nicoll, July 25, Pitot, July 25; Watkins to Claiborne, Feb. 2; and proclamation by Claiborne, Feb. 21, 1804 (Rowland, ed., *op. cit.*, I, 352-356, 379-381, 388-389, II, 3-14, 25-26, 42-48, 50-51, 71-75, 76-77, 113-114, 134, 151, 174-176, 187-190, 216-217, 236-238, 244-246, 254-255, 256-258, 262-264, 269-272).

⁵⁴ The Pichon note, Jan. 25, 1804, is filed with the American original Treaty Series No. 86, cession of Louisiana (NA). The *procès-verbal* mentioned, dated Nov. 30, 1803, is found with it.

ADDRESS FROM THE FREE PEOPLE OF COLOR ⁵⁵

[NA:SD, Orleans Terr. Papers, III:DS]

[January, 1804]

To His Excellency William C. C. Claiborne: Governor General and
Intendant of Louisiana

We the Subscribers, free Citizens of Louisiana beg leave to approach your Excellency with Sentiments of respect & Esteem and sincere attachment to the Government of the United States.

We are Natives of this Province and our dearest Interests are connected with its welfare. We therefore feel a lively Joy that the Sovereignty of the Country is at length united with that of the American Republic. We are duly sensible that our personal and political freedom is thereby assured to us for ever, and we are also impressed with the fullest confidence in the Justice and Liberality of the Government towards every Class of Citizens which they have here taken under their Protection.

We were employed in the military service of the late Government, and we hope we may be permitted to say, that our Conduct in that Service has ever been distinguished by a ready attention to the duties required of us. Should we be in like manner honored by the American Government, to which every principle of Interest as well as affection attaches us, permit us to assure your Excellency that we shall serve with fidelity and Zeal. We therefore respectfully offer our Services to the Government as a Corps of Volunteers agreeable to any arrangement which may be thought expedient.

We request your Excellency to accept our congratulations on the happy event which has placed you at the Head of this Government, and promises so much real prosperity to the Country.⁵⁶

NEW ORLEANS *January* 1804

Louis Simon
Leonard Pomet
Noel Banrepan
Valfroy trudeaux
J^a B^{te} Déprès
V le Dut
Baptiste Rousaire
Barthelêmi Ducret

J^a Saseier
V— alin
Baltazard Demazelliere
Henry Bricou
Entoine populuse
Charle caxeux
Voltairre fonvergne
fransoi Caves pere

⁵⁵ Covering letter, Claiborne to the Secretary of State, Jan. 17, 1804, printed, Rowland (ed.), *Claiborne Let. Bk.*, I, 339-341.

⁵⁶ On the subject of the negro militia, see the Secretary of War to Claiborne, Feb. 20; Claiborne to the Secretary of War, Mar. 22, June 9, June 22, and to Fortier, June 22, 1804 (*ibid.*, II, 54-56, 58-60, 199-200, 215-216, 217-219). For references to the militia in general, see Claiborne's general orders, Feb. 2; Bellechasse to Claiborne, Mar. 13; Claiborne to Bellechasse, Mar. 17 and Mar. 22, to Dorsier, Mar. 30, to Wilkinson, Apr. 18, to Boré, Apr. 19, and to the district commandants, not dated, 1804 (*ibid.*, I, 358, II, 48, 49-50, 53, 58-60, 71-75, 104-105, 106).

Louis Brion fils	Celestin populus
Philippe Auguste	Louis Daunoy fils
Jacque Auguste	Nobert fortier
Henry Hugont	Eugene Demasiliere
E ^o Sarriey	J ⁿ Louis Dolliotte
Baptiste pierre	Pierre Bailly
jathainte Charle	Pierre Bailly fils
Charles Porée	Louis Aurit
honoree frechinot	Charles D'ecoup
Voltaire Porée	Jem ⁿ Sarrieux
Pierre Bouye	Etienne Saulet
Aantoine foucher	Louis ferdinand
Maurice populos	Louis liotant
Charles Simon	Louis hardy
Baptiste Maidesingue	Baptiste hardy
Celestin Matata	joachim hardy
Baptiste d aigles	Jean Pierre Cenois
Voltaire Auguste	Josephe j. B ^{te} Voisin
Miniere Rosemone	Charles Boidoré
Noel Hés	

[*Endorsed*] Rec^d in Gov^r Claiborne's 17 Jan^y 1804.

DANIEL SMITH TO THE PRESIDENT

[SD:Appt. Office Files:ALS]

SUMNER COUNTY [TENNESSEE] Feb. 5th 1804.

SIR, Tho' late in my congratulations with you on the acquisition of Louisiana they are not the less ardent on that account. How greatly is our chance encreased to remain at peace with foreign nations! to what a degree are they excluded from tampering with our indians! how bright the prospect of encreasing population and commerce.

A bill, I understand, is on its passage in Congress for the government of the Territory of Orleans, and the appointment of a suitable person as governor will claim your attention. Permit me on this occasion to call up to your recollection your friend M^r Andrew Jackson with whom you are acquainted—He is a well wisher in a high degree to the welfare of the United States, possesses very acute parts, and firm decision, and I trust would answer your expectation.—Not knowing what other characters may be recommended to you for that purpose, I have taken the liberty to mention his name as an act due to merit. you will have at any rate more characters to choose from.⁵⁷

I am Sir with great respect and esteem Your obed^t Serv^t

DAN^l SMITH

THO^s JEFFERSON Esq. President of the U. S.

[*Endorsed*] Smith Dan^l Sumner c^{ty} Feb. 5. 04. rec^d Febr 22 Jackson Andrew to be Gov^r Louisiana.

⁵⁷ See the President to Claiborne, Aug. 30, 1804, *post*, p. 281.

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE
AND JAMES WILKINSON

[NA:SD, Dom. Letters, xiv:C]

DEPARTMENT OF STATE *February 6th 1804.*

GOV^r CLAIBORNE & GEN^l WILKINSON.

GENTLEMEN. Your several letters of December 8th ⁵⁸ 20th ⁵⁹ 27th ⁶⁰ & Jan^y 3 & 9th ⁶¹ have been duly received and laid before the President; and I have the pleasure to communicate to you his approbation of your proceedings under the important Commission in which you are associated. The manner in which Louisiana has been put into the possession of the United States, is the more a subject for general congratulation as some room had been given for apprehending that obstacles might have been thrown in its way. It is regretted however that any delay should have arisen in the delivery of the archives which are of a nature at once so important and so perishable, and still more that the orders relating to upper Louisiana should have been delayed. The President relies on your vigilance in compleating these and every other particular included in your trust, and that favorable reports thereon will be received in your ensuing communications. He relies also on your judgment and prudent firmness in deciding the several questions, whether of right or of delicacy which have already occurred or which may occur in the sequel of your transactions. It being presumed that the circumstances and considerations attending the former, can be better weighed on the spot than at this distance, he has not charged me with any instructions with respect to them, and the rather as instructions could not be expected to reach you before the occasions will have been over.⁶²

I am &c.

JAMES MADISON.

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xiv:C]

DEPARTMENT OF STATE, *February 6th 1804.*

GOV^r CLAIBORNE.

SIR. Your several letters of the 17.⁶³ 20. & 27 Dec^r & 2^d Jan.⁶⁴ have been successively received. They were not acknowledged from time to time as they came to hand, because instructions from the

⁵⁸ Robertson (ed.), *La. under Sp., Fr., and U.S.*, II, 221.

⁵⁹ *A.S.P., For. Rels.*, II, 581.

⁶⁰ Robertson (ed.), *op. cit.*, pp. 289-291.

⁶¹ *Ante*, pp. 149, 157.

⁶² Apparently this letter was not received (Claiborne to the Secretary of State, May 3, 1804, Rowland, ed., *Claiborne Let. Bk.*, II, 124-126).

⁶³ *Ante*, p. 138.

⁶⁴ Printed, Rowland (ed.), *op. cit.*, I, 306-307, 312-316, 322-329.

President having been fully given on the subject of obtaining possession of Louisiana, it only remains to learn the result of your proceedings and to communicate his sentiments thereon. These are contained in the enclosed letter of this date to yourself & Gen. Wilkinson. Your last letter of January has been put into the hands of the Secretary of the Treasury, that he may take whatever measures he may think proper on the subjects within his department. Inclosed is a copy of a bill for the Government of Louisiana, now depending before the Senate.⁶⁵ Several alterations have been already made in it; and it is possible that others may be made, if not in the Senate, in the House of Representatives thro' which the Bill has yet to pass. No conjecture can be formed of the time at which it will be finally decided. The novelty & the nature of the subject which has given rise to the past delay in one House, may be expected to have considerable, tho' probably less effect in the other, where the members have had the subject under consideration. As soon as the bill shall have become a law no time will be lost in transmitting it to you.⁶⁶

I am &c

JAMES MADISON.

GOVERNOR CLAIBORNE AND JAMES WILKINSON TO
THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, III:LS]

NEW ORLEANS *February* 7. 1804

SIR, In our Letter of the 16th ultimo,⁶⁷ we informed you, that we have just then received Information, of the Arrival in the River, of a Vessel with French Troops, from S^t Domingo. it Appeared by the first Accounts, that a great Mortality had prevailed on Board, and we were Apprehensive of her being infected by some Contagious distemper; It now Appears, that her Company consists of Officers, Surgeons, Attendants of the Sick &c. Together with many wounded Soldiers, from the Hospitals of S^t Nicholas Mole, which has lately been Evacuated—

On first hearing of this Arrival, we determined, that they Ought not to be permitted to Come up to the City, & in which Opinion, we have persisted, for Two reasons, 1st That those People having made their Escape from a place Blockaded by the British, with whom they are at War, if our Assistance should be extended, further than to relieve their Immediate Distresses and furnish them with Necessaries to Carry them to their Own Country, or Territories, it might perhaps Justly be considered, as a Violation of Our Neutrality: on this Topic we have prinipally insisted, in Our correspondence with the Com-

⁶⁵ Enclosure not present. See act approved Mar. 26, 1804, *post*, p. 202.

⁶⁶ Answered May 3, 1804 (Rowland, ed., *op. cit.*, II, 124-126).

⁶⁷ Jan. 17, 1804, *ante*, p. 166.

missioner, of France;: But 2^dly A more weighty Reason, in Our Minds, existed, in the Consequences to be apprehended, from admitting, such a Number of French Officers, in Addition to those now here, whose Conduct, countenanced as it is, by the Colonial Prefect, is exceedingly hostile to that Spirit & to those feelings, which the Interests of the United States, Require to be cherished; In short, the State of Things here, at the present Moment, is such, that the Arrival of these French Officers and Troops in the City, would probably have been Immediately attended, with, Consequences more or less serious to its Tranquility, & more Remotely might have endangered, our Quiet Possession of the Province; The Commissioner of France, as you will perceive, has Laboured the Point with us, but finding our Decision to be unshaken, has finally taken the Resolution, to make the necessary Arrangements, for shiping them to France, in the National, Brig, Argo, now lying here subject to his Orders: For your information, we inclose you Copies of our Correspondence, with him on this Subject, (marked (A N^o 1 to N^o 24)⁶⁸ up to the Close of the last Month, since which, some other Letters have passed, but none of Importance—

A Difference, of rather a serious Nature, has sprung up, Apparently from a very trivial Source, between the American and French Citizens (in which, hitherto, the Creoles or Natives of the Province, have taken no Open Part, though we suppose them to favour decidedly the French Interest) of which this is the Origin. That Species of Country Dance, which is best known & practised in the United States, passes here by the name of Contra Danse, Anglaise, against which (as great Importance is often Attached to mere Words) the Officers and Citizens of France, Strangers & not permanent Residents here, have manifested a decided Disapprobation, and pretended, that the Taste of the Americans, for this Danse, indicated a partiality, to the English, their Enemies: of Consequene, they undertook, not in a very open way at first, to prevent the Americans from practising this Danse, at the Public Ball Room, which Occasioned a trifling Disturbance there, not long after our taking Possession of the Town; To prevent the like in future, the Municipality decreed, that Managers should be Appointed on these Occasions, with ample Powers to preserve order &c. Notwithstanding which, at a public Ball, which took place on the 22^d ultimo, at which we were both present, a great Riot and Disturbance happened, on the Grounds above Stated. Some French Officers & troublesome young Men from Bordeaux, were the Aggressors: much Confusion ensued, Swords were drawn; and it Required, the greatest Exertions, to prevent the Spilling of Blood, finally, two Frenchmen, one a Shopkeeper in this Town, and the Other, as it afterwards ap-

⁶⁸ The series of enclosures marked A are present with the above letter. They are not printed because they add nothing substantial.

peared, a Surgeon in the French service, were Arrested, the latter on giving his parole d'honneur to appear and Answer in the Morning, was released, and the former Committed to the Guard; they were tried the next Morning before a Tribunal of the City, chiefly french, and acquitted; notwithstanding it was fully proved, that they had been principally, Concerned in Commencing & Promoting the disturbance, and interrupting the Amusement, of the Company. In the Course of the Day, (23^d) we Received a Letter from the French Commissioner, a Copy of which, (Marked B N^o 2)⁶⁹ is under Cover, complaining that the Citⁿ Lebalch a French officer, had been summoned before an American Tribunal, without any previous Application to him, the Commissioner of France. We instantly replied (as per Copy B N^o 3.) As we judged the Interruption of the Quiet of the City, to be principally occasioned by the French officers & Citizens, before alluded to, we had determined to insist, with the French Commissioner, on the Evacuation of the Province by the Troops of France in the Course of the succeeding Day (the 24) (calculating erroneously at the Moment, that the Exchange of Ratifications had taken Place on the 24 October, instead of the 21 as was the Fact; and that the three Months, allowed for the Evacuation would expire on the said 24) This Letter a Copy of which you have under cover (marked B N^o 1) had been written previously to the Receipt of the Letter (B N^o 2) from the French Commissioner. This drew from him an intemperate Letter, dated the 25 (Copy B N^o 4) to which we have not yet thought proper to return an Answer, though it shall not Escape due animadversion.

It may be proper, by way of repelling the Idea that any Thing Unfriendly was intended in our applying for an Evacuation of the Province within the Time limited by the Treaty, to observe that a French national Brig the Argo was then and is now lying here, nearly ready for Sea, on board of which these officers might, without Inconvenience have been embarked, had the French Commissioner felt well-disposed towards the Interests of the United States, in Relation to the Government of this Province; or inclined to repress the disorderly conduct of his Countrymen.

In Vindication of our own Character, and that of our Countrymen, in the Eyes of our Government, we have thought proper to obtain the inclosed Depositions, (marked B N^o 5 to 10) inclusively) given by Men of respectable characters, who were Spectators of the Scene referred to, from which you can judge, how far our Conduct has merited the indecent Imputations, alledged against us, by the Commissioner of France

His conduct in this affair & since, has fortified a Suspicion, which had previously been entertained, that he is labouring to impress upon the People of this Province, the Idea, that France has not yet aban-

⁶⁹ This and other enclosures mentioned below are present with the above letter.

doned all ulterior Views towards this Country. Whether this Conduct, be a Consequence of Instructions from his Government, or the Result of personal Disappointment, Time alone can determine.

In support of our opinion, we beg Leave to allude to the general Tenor of his Proclamation on taking Possession from Spain, a Copy of which was forwarded to you from, Fort Adams: also to the concluding Paragraph of his Letter of the 25 Jan^y (Copy B N^o 4) and we refer you particularly to the 2^d Paragraph of his Letter of the 21. Jan^y (Copy C N^o 1.) where it will be observed, he advances a Pretension on the Part of France, to interfere, between the Government of the United States and the Citizens of this Province, to see Justice done to the latter, in Relation to the Grants of Land; for such is the consequence that we attach to his Expressions.

We have been put in Possession of certain Registers of Grants of Land, formerly kept in the office of the Spanish Intendant, consisting of two folio Volumes, and other single Papers to the Amount of another Volume. Some previous Conditions were attempted on the Part of the Commissioner of France to be annexed to the Surrender of these Documents, which have been repelled by us. Copies of our Correspondence on this Subject, (marked C N^o 1. to N^o 6) are under Cover.

We beg Leave to renew to you the assurance of our sincere Respect & high Consideration.⁷⁰

WILLIAM C. C. CLAIBORNE
JA WILKINSON

THE HONBLE JAMES MADISON Secretary of State.

[*Endorsed*] Mess^{rs} Claiborne & Wilkinson 7 Feb^y 1804 Express. Archives Riot at Assembly.⁷¹

[Enclosure:ADS]

Deposition of George W. Morgan ⁷²

[January 28, 1804]

Report Made at the request of the American Commissioners relative to a riot commenced at the public Ball on the night of the 22nd Ins^t—to Wit—

Towards the conclusion of an English Country dance, headed by his Excellency Governor Claiborne, some persons called (in the French

⁷⁰ A duplicate of this letter was enclosed in Claiborne and Wilkinson to the Secretary of War, Feb. 14, 1804, concerning the French transport, with the following on the same subject: Laussat to Claiborne and Wilkinson, Feb. 1 and Feb. 9, 1804; Cooper to *id.*, Feb. 4, 1804; and Watkins to *id.*, Feb. 6, 1804 (NA, SD, Orleans Terr. Papers, III).

⁷¹ Answered Apr. 2, 1804 (Rowland, ed., *Claiborne Let. Bk.*, II, 123-124).

⁷² This example of the enclosures referred to in the above letter as series B is offered as illustrative. Nothing new is found in the others.

Language) for the Waltz in so loud a manner as to stop the Musick of the English dance, this act being contrary to the regulations of the Assembly, the Masters of Ceremony ordered the Musick to discontinue until further notice, the Commissioners & master of Ceremony ascended one of the benches & called for Silence many times, during which, the cry for the Waltz increased, finally it was confined to a few individuals, having at that moment approached the Commissioners, I observed Mons^r Ganthier standing within a few feet of them with his hat on crying Waltz & when he was the only disturber, he declared, aloud, that when the Waltz was played they would have silence. The Commissioners having exhorted the company to order, a french Cotillion was played & danced, during which his Excellency General Wilkinson conducted M^r Ganthier from the Centre of the room towards the Guard, which caused disorder among the turbulent & alarmed the Ladies whom retired precipitately.—About this time I heard some french gentlemen advise Mons^r [blank] (a french Doctor in uniform) to escape or he would be arrested.—

Our Countrymen perceiving a disposition for opposition & being desirous to protect their chiefs rallied round them and sang Hail Columbia (a Patriotic Air) which was attempted to be interrupted by some frenchmen singing the Marseilles Hymn, Mess^{rs} Theil & Desforge were of the number who sang this air.—

M^r S^t Avid previous to the song was engaged in a warm conversation with General Wilkinson relative to the grade of the french Doctor, saying his rank was equal to a Colonels &c his conversation was accompanied with certain gestures, such as lifting his hand in such a manner as to induce the surrounding gentlemen to think that he intended to commit violence on his Excellency, which caused much confusion and some violence was attempted on him, but the General & others perceiving that his rude conduct was not hostile prevented any molestation. After this occurrence the General went round the room assuring the French that there was no animosity on the part of the Americans against them and that they were all brothers.—His Excellency Governor Claiborne seemed much distressed by this unfortunate difference, finding that his best efforts to maintain good order by the mildest means had been of no avail. Several Frenchmen, in order to justify their conduct, observed that the Americans wished to force the dancing of English dances, and that the people of the Country would never Consent to it (a M^r Minguenaut was one of those). which is so far from truth, that when they are proposed the whole Company seem willing to join, even the dance which was interrupted, was so much crowded that it could scarcely be effected, which was composed of less Americans than Creoles & french.

Others attributed the riot to intoxication on the part of the Americans as those were Strangers & took Care to make this remark as

they were leaving the room I could not recognize them exactly, but I am possitive they are frenchmen lately come into the Country.— I further remarked that M^r Theil early in the evening threatned to clap hands to stop the first Waltz that was danced.—Not one Creole seemed to Contenance those unruly men.—The preceding is a true Statement of facts, which came to my immediate Observation.

At NEW ORLEANS 28th *January* 1804—

GEORGE: W: MORGAN

New Orleans—

On this 31st *January* 1804. personally Appeared before me one of the Justices of the Court of Pleas. Mr. George W. Morgan. who being duly Sworn, declares & says that the facts set forth in the preceeding declaration signed by him, are to the best of his knowledge & belief just and true.

Given under my hand the day & year above

BEV CHEW one of Justices of C^t Pleas:

[*Endorsed*] B N^o 5

ÉTIENNE BORÉ TO THE PRESIDENT

[NA:SD, Orleans Terr. Papers, III:ALS]

Dup^{ts}

[*February* 10, 1804]

MONSIEUR LE PRÉSIDENT DES ETATS UNIS

nommé à la place de maire de cette ville par le préfet colonial et commissaire de La République français quand il prit possession du Pays, J'aurais désiré être en état de Justifier aux yeux de mes concitoyens cet acte de confiance par autant de talents que de Zèle; mais après avoir été jusqu'à l'age de 30 ans militaire, Jay depuis été constamment occupé de faire valoir mes terres Sur mon habitation et J'étais arrivé a l'age de 63 ans Sans m'être exercé activement dans la carriere publique. nous en étions a peu près tous a ce même point Sous la domination espagnol. cependant M^r Le Gouver^{ur} Claiborne a Jugé à propos de me continuer dans la place de Maire

à ce titre, Je me trouve pour le moment tenu de devoirs envers mon pays comme envers le Gouvernement Americains: Si vous ne recevez de moy quelques observations utiles au bien de la louisiane, quel autre Louisianais vous le fera? Je Suis à la tête du Corps municipal de la capitale de cette province, c'est a dire du Seul corps qui y existe, du Seul qui y Soit composé de propriétaire et de citoyens: Jay qualité pour vous parler de leurs interets.

Je n'hésite donc pas, Monsieur Le President, à acquitter ma conscience, en me permettant d'entrer aujourd'huy dans quelques détails avec vous et en vous mettant à portée de voir notre Situation et nos dispositions par d'autres yeux que des yeux étrangers ou nouveaux parmi nous.

la France nous à tirés des mains d'agens Cupides et de celles d'un Gouvernement apathique nos vies et nos fortunes étaient à leurs merci, ou à l'abandon et notre prospérité commerciale et agricole était entravée: celle-ci se relevera d'elle même par la simple influence de la liberté; mais celle-la exigeraient de suite une police ordinaire vigoureuse et des tribunaux de Justice versés dans nos lois civiles et qui restassent en permanence continuelle pour vider une infinité d'affaires arriérées et en souffrance.

nous sommes dans une impatience extrême des Bills qui doivent fixer notre organisation intérieure. le besoin s'en fait ressentir de plus en plus chaque jour. nous avons une extrême confiance dans la Sagesse du Congrès, dans la votre, Monsieur le Président, qui après avoir fait négocier notre union à la fédération, aurés à coeur qu'elle tourne à notre bonheur. vous serez jaloux de cimenter des Sentimens de fraternité entre la Louisiane, et les autres états que vous gouvernez entre leurs habitans et les Louisianais

Jay vu avec infiniment de peine qu'il s'en est manifesté de différens ces jours derniers—il est très facheux de commencer ainsi. ce n'est pas au sein des plaisirs, dans des bals, au milieu d'un foule nombreux de femme qui en faisaient le charme et l'agrément, qu'on devait s'attendre avoir éclore cet esprit de trouble et de division. les torts, il faut que vous sachiez la vérité, ont été favorisés ou même accusés par ceux à qui il appartenait de les réprimer. des têtes chaudes, des gens avides d'influence, n'importe à quel prix, y ont beaucoup contribué: ils contribuent tous les jours à induire en erreur les dépositaires du pouvoir et à leurs faire faire de fausses démarches.

Joseraï vous le représenter Monsieur Le Président il est indispensable que les chefs de la Louisiane possèdent la langue française, comme la langue anglaise: S'ils eussent eu cet avantage, nous n'aurions pas éprouvé les événemens qui ont produit une si mauvaise sensation et le cours des affaires ne languirait pas et ne serait point exposé à des embarras sans nombre.

nous avons vu l'instant où le corps municipal était forcé de vous porter à cet égard ses vives réclamations: M^r Claiborne débuta des le principe par nous insinuer que nous devrions rédiger nos actes public en anglais. un retour sur lui même, d'après le mécontentement que cette proposition excita nous fit renoncer à vous adresser, Monsieur Le Président le mémoire de plaintes que nous avions déjà dressé à ce sujet et préserva nos libertés de cette atteinte. un Gouvernement despotique par sa nature les a très longtem respectées que ne devons-nous pas attendre d'un Gouvernement Républicain, ou les principes des droits naturels ont tant de sauvegardes et auquel nous nous associons aujourd'hui sous les garanties d'un traité qui contient des stipulations sacrées en notre faveur: nous nous flattons généralement que serons érigés en état séparé, aussitôt qu'il sera constaté que nous

avons une population Suffisante; nous ne doutons pas qu'en attendant on ne nous donne ce que vous appelés votre Second degré de Gouvernement: c'est l'objet continuel de nos esperances et de nos entretiens parmi tout ce qui existe de louisianais. nos peres ont découvert, peuplé, defriché ce paÿs: il est arrosé de notre Sang et de nos sueurs; nous l'avons fait fleurir malgré les obstacles: dignes jusqu'a present d'un meilleur sort, nous l'attendons des états unis ils apprecieront l'acquisition qu'ils ont faite, et ils S'efforceront de nous la rendre chère: ils en ont le bon moyen, en nous donnant une constitution conforme à nos besoins à nos voeux à nos droits

c'est un des plus ancien habitans, un propriétaire, un Pere de famille, un homme independant, un vrai patriote qui vous tient ce langage au nom de Ses concitoyens et de Son paÿs.

Jay l'honneur d'estre avec un profond respect Monsieur Le president
Votre tres humble et tres obeissant Serviteur

BORÉ

N¹¹⁰ ORLEANS ce 10 f^{10r} 1804

[Endorsed] M^r Boré 10 Feb^r 1804 Boré. dupl. N. O. Feb. 10.04. rec^d Apr. 20. to be filed in Sec^r of State's office

[Translation]

Duplicate

[February 10, 1804]

TO THE PRESIDENT OF THE UNITED STATES

Having been appointed to the place of mayor of this city by the colonial prefect and commissioner of The French Republic when he took possession of the Country, I should have liked to be in a position to justify in the eyes of my fellow citizens this act of confidence by as much talent as Zeal; but after having been up to the age of 30 years a military man I have since been constantly occupied in cultivating my lands On my estate and I had come to the age of 63 years Without having taken active part in the public career. we were almost all in that same situation Under the spanish domination. nevertheless Governor Claiborne has Seen Fit to continue me in the position of Mayor.

For this reason, I find myself at the moment bound by duties towards my region as well as towards the American Government: If you do not receive from me some observations useful for the good of Louisiana, what other Louisianian will furnish it? I Am at the head of the municipal Body of the capital of this province, that is to say of the Only body which exists there, of the Only one which Is composed of landowners and of citizens: I am qualified to speak to you of their interests.

I do not hesitate therefore, Mr. President, to acquit my conscience, by venturing to enter today into some details with you and

by putting you in a position to see our Situation and our feelings through other eyes than foreign eyes or eyes which are new among us.

France took us out of the hands of Avaricious agents and the hands of an apathetic Government, our lives and our fortunes were at their mercy, or abandoned and our commercial and agricultural prosperity was hindered: the latter will recover of itself by the Simple influence of liberty; but the former would require At Once vigorous ordinary policing and courts of Justice familiar with our civil laws and which would sit permanently and continuously in order to settle an infinity of matters which are behindhand or Pending.

We Are in extreme impatience for the Bills which must fix our internal Organization. the need thereof makes Itself felt more and more every day. we have extreme confidence in the Wisdom of Congress, in yours, Mr. President, who after having caused to be negotiated our union with the federation, will have it at heart that it should turn out to our good fortune. you will be anxious to cement Sentiments of fraternity between louisiana, and the other states which you govern, between their inhabitants and the louisianians

I have seen with infinite regret that in these recent days differences have manifested Themselves—it is very unfortunate to Begin this way. it is not in the midst of pleasures, at balls, in the midst of a great throng of women who constituted their charm and agreeableness, that one would expect to see this spirit of disturbance and discord arise. the wrongs, it is necessary that you should know the truth, have been favored or even aggravated by those who had the duty to suppress them. hot heads, persons eager for influence, at any price, have contributed much to them: they daily contribute towards misleading the depositories of power and cause them to take false steps.

I shall venture to represent it to you, Mr. President: it is indispensable that the heads of louisiana should know the french language, as well as the english language: if they had had this advantage, we should not have experienced the occurrences which have produced so bad a Feeling and the course of business would not languish and Would not be exposed to numberless embarrassments.

We have seen the moment when the municipal body was forced to take to you in this regard strong complaints: Mr. Claiborne began from the start by suggesting to us that we should draw up our public acts in english. a change of policy, after the discontent which this proposal excited, caused us to renounce addressing to you, Mr. President, the memoir of complaints which we had already drawn up on this Subject and preserved our liberties from this attack. a government which was despotic by its nature respected them for a long time what ought we not to expect from a Republican Government, in which

the principles of natural rights have so many Safeguards and with which we are now associated Under the guarantees of a treaty which contains Sacred Stipulations in our favor: we flatter ourselves generally that we Shall be erected into a Separate state, as soon as it Shall be proved that we have a Sufficient population; we have no doubt that in the meantime we shall be given what you call your Second degree of Government: it is the continual object of our hopes and of our conversations among all louisianians. our fathers discovered, settled, cleared this region: it is watered with our Blood and our Sweat; we have caused it to flourish in spite of obstacles: worthy up to now of a better fate, we are expecting from the united states that they will appreciate the acquisition which they have made, and they will Endeavor to make it dear to us: they have a good means, for doing so by giving us a constitution in agreement with our needs our wishes our rights.

It is one of the oldest inhabitants, a landowner, a Father of a family, an independent man, a true patriot who expresses himself to you in this language in the name of His fellow citizens and of His region.

I have the honor to be with profound respect Mr. President Your very humble and obedient Servant

BORE

N. ORLEANS *this 10 February 1804*

ALEXANDRE BAUDIN TO THE PRESIDENT

[NA:SD, Misc. Letters:ALS]

[February 14, 1804]

A L'HONNORABLE THOMAS JÉFFERSON Président du Congrès des Etas Unis de l'amérique.

Alexandre Baudin habitant planteur à eu lhonneur de faire Une Petition en datte du 31 Janvier et 7. du Courant^{72a} Réclament de la Justice et de l'Equité de votre honorable Personne de faire Jouir aux habitans Sucrier et Cultivateur de Cannes à Sucre des Privilèges que les loix des Indes leurs accorde et sous la Sauvégarde de la qu'elle ils ont Etablis leurs Manufactures et Plantacions, vue que le tribunal de Justice nommé Provisairement à la ville de la Nouvelle Orléans par Son Excélance le Gouverneur Claiborne Inore les dites loix et Privileges, et la dittes cours N'étant Compausé que de Nego-cient qui ne Conaissent nulement les loix ni les cour de la Juris-prudence, ne prenant en autre aucune Coniderations de la Pausitions affligente ou ce trouve lhabitant Cultivateur, qui dans le moment actuel ne peut trouver à vendre Sa denrée qu a terme, lachent journallement des Exécutions contre leurs Propriétés, il va S en Suivre une

^{72a} Not found.

Ruine Generale et un abandon de diverse Plantacions de Sucre qui ne peuvent Exister qu'en etant protigé par le Gouvernem^t actuelle, de la même maniere qu'elles letaient par les loix Exsistantes sous le Gouvernement Expeigniols, le peticionaire tant dans son nom privée qu'en celui de plusieurs habitans ses Concitoyens me chargent de Suplier de nouveaux de votre honorable Personne de délivrer le plutot possible des ordres Provisaires au Gouverneurs de cette Province de ne point Enlever aux habitans les Privileges qui empaichent, et Prohibe, et Rendent nulles toutes les saisis, et Ventes Judiciares, de leurs terres, Negres, et Ustencilles Necessaires aux traveaux de leurs Sucrierie; offrant à lavance et Conformement aux sages Précautions, des loix en leurs faveurs de Remettre anuellement le Produit de leurs Récoltes à quoi le Peticionaire à voulu ce Conformer Ainsy que plusieurs habitans qui ce Sont endaité auprès des diverse Capitalistes qui prestent leurs Argent à Un pour cent par mois, pour former leurs Etablissements Concequent à quoi M^r le Gouverneur Claiborne ne veut faire attencion, malgré les Répresentacions que lui a fait le Supliant Ainsy que plusieurs habitans, Alleguant qu'il ne peut Prendre sur lui Pareilles chauses; et permet que la Cour qu'il à Elu fasse Saisir les habitans debiteurs, qui sont journellement Condamné Sur des loix Americquaines à ce que disent les Membres compausent la ditte cour de Justices, et sans les avoir fait promulguer avant de les mettre en vigeur, ce qui forme un désordre Général, et entrainèra Une Ruine totale de grands nombres d'habitans qui ne fondent leurs Sauvègarde que Sur les Sages Précautions et les Promptes ordrés que votre honorable Personne, voudera faire passer aux Gouverneur de cette Province à quoi le peticionaire Ainsy que ses Concitoyens à lieu d'esperer pour le bien Générale des Cultivateurs.

Et suis avec Respect. Monsieur le President. Votre très humble & très hobeissant Serviteur.

A BAUDIN

NOUVELLE O'RLEANS *Le 14 fevrier*—1804—

D'uplicata—

[*Endorsed*] Baudin Alex^r rec^d Apr. 24. Original sent to Gov^r Claiborne to report upon. this duplicate to be filed in office of state. Th:J.

[Translation]

[*February 14, 1804*]

TO THE HONORABLE THOMAS JEFFERSON, President of the Congress of the United States of America.

Alexandre Baudin, a resident planter, had the honor to make a Petition dated January 31 and 7 of the current month asking in justice and equity that your honorable person will cause the residents

who are sugar producers and sugar-cane planters to enjoy privileges which the laws of the Indies accord to them, under the protection of which they have established their manufactures and plantations, in view of the fact that the Court of Justice provisionally appointed at the city of New Orleans by His Excellency Governor Claiborne is not aware of the said laws and privileges and the said courts, consisting only of merchants who do not know the laws at all nor the subject of jurisprudence, give no consideration to the difficult position in which the planter residents find themselves, who at the present moment can only sell their produce on credit, issue executions daily against their properties, a general ruin is going to result therefrom, as well as the abandonment of various sugar plantations which cannot exist except by the protection of the present government, in the same way as they were protected by the laws in force under the Spanish Government, the petitioner, therefore, both in his own name and that of several residents, his fellow-citizens, charge me to beg again of your honorable person to issue as soon as possible provisional orders to the Governors of this Province not to take away from the residents the privileges which prevent, and Prohibit, and render null and void all seizures and judicial sales of their lands, Negroes, and implements necessary for the working of their sugar mills; offer in advance and in conformity with wise precautions, laws in their favor of remitting annually the product of their harvests to which the petitioner desires to conform, as well as several other residents who have fallen into debt to various capitalists who lend their money at one percent per month, for the purpose of building up their establishments, in consequence of which Governor Claiborne does not wish to pay attention, in spite of the representations which the petitioner, as well as several other residents, have made to him, alleging that he cannot interfere in such things; and he permits that the court which he has chosen should cause the resident debtors to be seized, they are daily condemned under the American laws to whatever the members of the said Court of Justice may say, and without previous notice of such action, the result of all of which is general disorder, and in time total ruin of a large number of residents who base their safety only on the wise precautions and prompt orders which your honorable person may wish to issue to the Governor of this Province, which the petitioner as well as his fellow citizens have reason to hope for the general benefit of the planters.

And I am, with respect, Mr. President, your very humble and very obedient servant.

A BAUDIN

NEW ORLEANS, *February 14, 1804.*

Duplicate—

THE SECRETARY OF THE TREASURY TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

[February 25, 1804]

DEAR SIR I could not obtain a copy of the revenue law for New Orleans⁷³ and am informed that it was sent to you. I was obliged to draw the instructions without it & may have omitted some important particulars. I will thank you to send it when you return the sketch of instructions. If both could be sent to my house some time tomorrow, it would accelerate the business.⁷⁴

Respectfully Your obed^t Serv^t

—ALBERT GALLATIN

Saturday afternoon

⁷³ Referring to the passage of a law entitled "An Act for laying and collecting duties on imports and tonnage within the territories ceded to the United States, by the treaty of the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic, and for other purposes", which was approved Feb. 24, 1804 (2 STAT. 251-254). The bill originated in the House of Representatives, Nov. 30, 1803, and was not finally passed by both Houses until Feb. 16, 1804. For the legislative history of the act, see *House Journal*, iv, 464, 466, 489, 490, 491, 537, 548, 552, 553-555, 559, 566, 567, 571, 579, 582; *Senate Journal*, III, 328, 330, 331, 332, 334, 336, 337, 338, 346, 347, 349, 351, 352, 353, 355, 356; *Annals*, 8 Cong., 1 sess. (House), 638, 779, 780, 781, 886-887, 942, 945, 950-951, 960, 975-976, 977-979 (report of debate), 982; (Senate), 219, 220, 221, 222, 223, 224, 226, 227, 229, 230, 232, 241, 243, 244, 247, 248, 249. The title of the original bill was "An act giving effect to the laws of the United States, within, the territories ceded to the United States by the treaty of the 30th April, 1803, between the United States and the French Republic, and for other purposes", and it is thus given in most of the *Journal* entries. The title finally given to the law was substituted by a Senate amendment, Jan. 14, 1804 (*Senate Journal*, III, 338). The law is closely related to the act approved Mar. 26, 1804, *post*, p. 202, relative to the organization of Orleans Territory, with respect especially to the extension of certain laws of the United States to the recently ceded country.

Under the terms of the treaty of cession, and incorporated in the act discussed above, French and Spanish ships were permitted entry into the ports of Louisiana on equal terms with those of the United States for a period of twelve years. This provision was attacked in the House as unconstitutional in that it discriminated against the ports of the States, and defended on the ground that the constitutional prohibition extended only to States and not to territories. The theory that a territory could be domestic for one purpose and foreign for another, and that Congress was not bound by the Constitution in legislating for the territories, appeared again in connection with later acquisitions. With this, however, the present discussion is not concerned.

⁷⁴ In a postscript of a letter to the President, Feb. 14, 1804 (Jefferson Papers, LC), the Secretary of the Treasury made the following observations:

[Addressed] The President of the United States

[Endorsed] Departm^t Treas^y rec^d Feb. 25. 04. revenue law N. O.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

(Duplicate)

NEW-ORLEANS Feb^y 25th 1804.

DEAR SIR, M^r Isaac Briggs and M^r Robert Williams are now in this City, and propose taking their passage (by Water) for the Seat of Government in two or three Days. I cannot omit so favorable an opportunity to write you an unofficial and private Letter.—The causes which induce these Gentlemen to leave Natchez, they will themselves explain. I do sincerely regret the excuse for their departure, but under existing circumstances, their presence in the Mississippi Territory could be of no public service.—I believe the Register (M^r Turner) has not used all that diligence in registering Claims, which his Duty enjoined, and that on this account, the Commissioners found themselves unable to proceed to Business;—But on this point, M^r Williams can inform you more particularly.⁷⁶—

Since my private Letter of the 5th of Feb^y⁷⁶ every thing here, has remained in tranquility; Except it be, the Intrigues of a small but aspiring Party, who wish to raise to the office of Governor of lower Louisiana a Gentleman who (in their opinion) would be disposed to confer on each and every of them, some official favours.—This Party

“The New Orleans revenue bill passed yesterday and will probably be presented to morrow for your approbation. The following subjects will require immediate attention.

1. The appointment of officers viz^t Collector, Nav. officer & Surveyor.
2. The propriety of erecting the Mobile country into a separate district, fixing, for the present, the custom house at Fort Stoddart or near the 31° of latitude—
3. The manner in which the collector of N. Orleans shall be instructed to consider that part of W. Florida claimed as part of Louisiana and especially Baton rouge & other settlements on the Mississippi & lake Pontchartrain.

From a conversation with W. Nicholas, I believe that he will be pleased in seeing Rob^t Nicholas receiving an office on Mobile in preference to one at N. Orleans; provided that the imoluments be about equal. In the present situation of the country, the two offices of collector of customs at Fort Stoddart and Receiver of public monies for the land office there would be about equal to the place of Surveyor at N. Orleans—”

⁷⁶ Cf. *Terr. Papers* (Miss.), v, index.

⁷⁶ Not found.

supposing that I might (possibly) be in the way of their favorite Candidate, have endeavoured to render me personally unpopular, but failing in this object, they have recently reported (as a certainty) that the confidence of the President in me, was either lost, or considerably diminished, for I would shortly be superseded as Governor of lower Louisiana.—Some of my Creole friends (Natives of the Province) who have heard this Rumor, express great regret for my misfortunes;—I find, that when a Spanish Governor of Louisiana was superseded, a more lucrative or higher Office was given him, unless indeed he had lost the Confidence of his Government, and it being now reported and believed, that I am order'ed to Natchez, the Impression is said to be general, that I am in disgrace.—

It is true, that the incessant Toil and anxiety of Mind, which I have experienced since my residence in this City, united with the heavy Expenses attending House keeping, & an opinion (I entertained), that Congress would observe great Leniency in the Salaries allowed to Territorial Officers had obscured to my view, many of the charms, which others see in the office of permanent Governor, of lower Louisiana, and that another Appointment had appeared to me, more eligible.—But I must confess Sir, that the Confidence of the present Administration, is to me an inestimable Treasure, and therefore it is, that the Reports, (or rather the Impressions) of the Day, have occasioned me some Inquietude.—I fear however, I was wrong in introducing this subject, and I must offer you an apology.—My feelings led me imperceptibly on—And the Topic' being introduced, I could not sooner restrain my Pen.—

M^r Briggs and M^r Williams will be enabled to give you much Information concerning Louisiana, & the Interests & Wishes of the Inhabitants.—I find, that a complete Representative Government would be most pleasing to the French Inhabitants—they have been encouraged by M^r Laussat to expect similar political privileges to the Citizens of the United States, and I believe very little short of an independent State, would equal the expectations which are formed; and yet I find, that the greatest advocates for a Complete Representative Government in lower Louisiana, entertain serious doubts as to the Capacity of the people to govern themselves.

The inhabitants of West-Florida, I understand, are becoming restless under the Spanish Government; Some late Taxes which are imposed, have excited great clamour, and the wish is general, that the U. States may speedily take possession of that District.

Accept I pray you, my best wishes for a continuance of your private and public happiness.—I am Dear Sir, With great Respect Your faithful friend

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the U. States.

[*Endorsed*] Claiborne Gov^r N. O. Feb. 25. 04. rec^d Apr: 9.

THE SECRETARY OF THE TREASURY TO HORE BROWSE
TRIST

[TD:Secretary's Files, Collectors' Letters, N.O., 1804-1833:C 77]

TREASURY DEPARTMENT *Feb^y* 27. 1804.

SIR You will herewith receive the transcripts of two laws entitled "An Act for laying & collecting duties on imports & tonnage within the territories Ceded to the United States by the treaty of the 30th of April 1803. between the United States & the French Republic and for other purposes"⁷⁸ And "An Act relating to the recording, registering & enrolling of ships or vessels in the district of Orleans."⁷⁹

You will perceive that by the sixth section of the first mentioned Act, it is provided that vessels belonging to citizens of the United States, coming from France or Spain & their colonies and laden with the produce of those countries, are not permitted to unlade at any other port within the ceded Territories than that of New Orleans.—and that they are therefore precluded from unloading at Bayou S^t John the other port of delivery in the district.—This provision was inserted in order to place vessels of that description, in conformity with the treaty of cession, on the same footing with French or Spanish vessels coming from the same countries with similar cargoes.—But as Natchez which is made a distinct district does not lie within the Ceded Territories, vessels of the United States coming from any country on this side of the cape of Good Hope, & bound to that port, must be permitted to proceed there; whilst no foreign vessel whatever can be allowed that privilege; Natchez not being one of those districts in which foreign vessels are admitted.—

As to the period of time preceding the 25th day of March 1804 on which the above mentioned act commences to operate, I have only to observe that in conformity with the Spanish laws heretofore in force, articles exported before that day from New Orleans to the United States and to any other country, Spain excepted, were liable to pay the export duty; that articles imported before that day into New Orleans from any country whatever and even from the United

⁷⁷ There is a draft of this letter in the Gallatin Papers (NYHS).

⁷⁸ Act approved Feb. 24, 1804 (2 STAT. 251-254).

⁷⁹ Act approved Feb. 25, 1804 (2 STAT. 259-260).

States unless deposited under the privilege of deposit, were liable to pay the import duty, and that articles exported before that day from New Orleans to Spain, ought not to have paid the export duty.—In case where that duty may have been levied on such exportations to Spain, it must therefore be refunded.

Should M^r Morgan who is appointed naval officer refuse to accept, you will be pleased to give immediate notice of such refusal to this department.

Should M^r Garland who is appointed Surveyor of New Orleans, decline his appointment, you will give a similar notice & by virtue of the general powers vested by law in Collectors, fill the place by a temporary appointment.—No person having yet been appointed Surveyor of the port of Bayou S^t John, you will place an Inspector at the landing place near the mouth of said Bayou to perform such duties as that situation may require.—It is presumed that the laws will be sufficient guides in the execution of your duties except on one point of great importance & delicacy which requires particular instructions.—

The United States claim as part of Louisiana under the treaty of cession, all that tract of country which formerly made part of the British province of West Florida and which lies south of the 31st degree of latitude, between the Mississippi on the West & the river Perdido on the East

It is however understood that owing to instructions received from Spain, the Officers of that government have not delivered possession of that Territory.—This subject being considered as proper matter of negotiation between the two countries, it is not the intention of the President of the United States to occupy the same by force; and you are therefore to exercise no act of Territorial Jurisdiction within the Said limits, though part of your district, nor to commit any act which may endanger the peace of the U. States.

But in the meanwhile the inhabitants on both sides should enjoy the advantages of a friendly intercourse; and some regulations are necessary for the protection of the revenue and to prevent the sufferance of possession in Spain from being abused for purposes injurious to the United States.

With that view the following rules must be observed.—

1st All articles of the growth, produce or manufacture of the said disputed Territory may be freely imported into the ports of New Orleans & of Bayou S^t John as American produce and without paying any duty.—

2^d Boats and vessels of less than [blank] tons burthen which are employed solely in the River or Lake trade, and owned by persons residing within the said Territory, may when coming direct from the place where owned and laden solely with articles not liable to pay

duty, be admitted without paying Tonnage duty in the ports of New Orleans & Bayou S^t John.—And Boats & vessels not decked or if decked not masted, thus employed, owned & laden may in the River Mississippi & Lake Ponchartrain respectively be considered as American Boats and vessels of the same description.—

3^d That part of the said Territory which lies east of the entrance into Lake Ponchartrain from the Sea, is in every other respect, so far as relates to the revenue laws, to be considered at present, as a Spanish Colony.—But the intercourse between it & that part of the same territory which lies on the Lakes Ponchartrain & Maurepas, in boats or vessels of less than Fifty tons, employed, owned, & laden as above-mentioned, must not be interrupted.

4th That part of the said Territory which lies on the Mississippi between the Iberville and the 31st degree of latitude, is in every respect, except that you shall commit no act of Territorial jurisdiction therein, to be considered, so far as relates to the revenue laws, as part of the United States and within your district.—No foreign vessel either armed or unarmed must therefore be permitted to proceed there, nor higher than New Orleans which is the sole port of entry:—and duties must be collected at New Orleans on any goods Wares and merchandise liable to pay duty which are destined therefor, in same manner as if they were destined for any other part of your district.—It would be highly expedient to apply the last mentioned rule to the part of the said territory which lies within the lakes between the Iberville and the eastern entrance into Lake Ponchartrain from the sea.—For the admission of armed Spanish vessels in the Lake may endanger the safety of New Orleans and if Spanish unarmed vessels or even the coasting vessels from Mobile, the admission of which is permitted by the 3^d Rule, shall be allowed to introduce into that part of the said territory goods liable to pay duty, a system of smuggling across the Lake and by the way of Baton Rouge may take place which would be destructive of the revenue of the United States.—On the other hand not being in actual possession of both banks as at New Orleans, such vessels may not be prevented by a mere act of the Civil authority: nor have we the necessary information respecting the present force of Spain and our own on the Lake.—

You are therefore vested with a discretionary power on that subject, which you will exercise according to circumstances and on which you will consult the Governor.—The two objects which you must keep in view, are, on the one hand, to prevent any gross attempt to smuggle, and on the other, to abstain from any act, which might be considered as hostility, or might endanger the peace of the United States.—And you will be pleased to lose no time in communicating every information to enable the President to form a proper decision

on that subject; together with your own opinion on the best plan that can be adopted.—

As connected with that subject, I will also thank you to communicate your ideas on the propriety of having any other port of delivery established in the district; on the proper station for a Revenue Cutter and the species of vessel best calculated for that service,⁸⁰ and on the measures generally, which from the peculiar situation of your district, seem necessary for the security of the Revenue.—You are authorised in the meanwhile, to appoint & Station a sufficient number of Inspectors and other subordinate Custom house officers, and to employ one or two Boats or Barges on the Mississippi and Lake Ponchartrain.—and you are also in conformity with the seventh section of the act to repeal the internal taxes, designated to prepare & furnish the Certificate, accompanying foreign distilled spirits, wines and teas.—

It being considered important to conciliate the minds of the inhabitants of Louisiana, by every reasonable measure, you will be pleased to give the most liberal construction to the Act allowing registers &c. to vessels owned by them.—For the same reason whilst you execute the Revenue laws with substantial strictness, so as effectually to prevent frauds of any kind; deviations from mere forms arising from ignorance and not essentially injurious to the revenue, must be overlooked, and every opportunity embraced to inform, satisfy and reconcile persons who have business at the Custom house.—It is necessary also to impress the people with a high sense of the justice, honor and strict integrity of the officers of government; and for that purpose great care must be taken in selecting Inspectors & other subordinate officers and their conduct should be watched with strict attention.—Indeed on this subject the President of the United States has directed me to say that he expects particular vigilance & energy shall be used by the Collector, Naval Officer & Surveyor, for the purpose of eradicating the shameful and systematic corruption which has heretofore prevailed at New Orleans: that every subordinate officer who shall connive at any fraud, be guilty of extortion, or accept bribes or extra fees, ought to be immediately discharged and punished: & that every legal means should be adopted to bring to condign punishment every individual who shall offer a bribe or attempt to commit any fraud on the revenue. I perceive two mistakes in the two abovementioned acts. The title of the act relative to registers uses the words, “District of Orleans” instead of “district of Mississippi”—as the operative words of the act in that respect are, the territories ceded to the United States” &c. you need not attend to the mistake in the title.—And as those

⁸⁰ See the Secretary of the Treasury to Brown, Dec. 16, 1804 (TD, Secretary's Files, Collectors' Letters, N.O., 1804–1833), informing Brown of the assignment of the revenue cutter *Louisiana*, Joseph Newcomb commanding, to the New Orleans station, and instructing him as to the management of the cutter.

words embrace that part of the British Province of west Florida claimed under the treaty of cession by the United States, you are to give them that construction, and permit vessels owned by persons residing there at the time mentioned by the act, to be registered, recorded enrolled, or licensed, provided that the owners shall request it, and shall take the oath of allegiance and in other respects comply with the provisions of the act—It is also proper to observe that although the words “French or Spanish registers” are used in one part of the act, yet as in a subsequent part of the act the words “Register and other papers &c” are used, it will not be necessary in order to entitle a vessel to the benefits of the act, that she should have had a register; but that any vessel which was navigated under Spanish or French papers and coming in other respects within the purview of the act, shall be entitled to those benefits.—

The other mistake is in the act “for laying and collecting duties &c” the proviso at the end of the first section, which proviso relates to the registering of vessels owned in Louisiana, was as I am informed, struck out in Congress; and a distinct law, which is the other act now transmitted has actually passed for that purpose.—It is presumed that the proviso was nevertheless inserted in the enrolled Bill by the transcribing clerk.—But as the act passed for that special purpose goes farther than the proviso, and being passed one day later than the act which contains the proviso, virtually repeals any contradictory provision which might be contained in it, you will be directed in the execution of the laws, by the said special act of the 25th inst: & not by the proviso, on the same subject, of the act of the 24th instant.—

For the sake of perspicuity you will be pleased to keep a distinct account of the revenue accrued between the 20th Dec^r 1803 & the 25th March 1804, & of the monies received & paid on account of that revenue—You will receive from the Comptrollers office the usual forms in relation to subsequent transactions ⁸¹—

Permit me to request the favour of your opinion, which shall be considered as perfectly confidential & may be communicated in a private letter, respecting the most proper characters to fill the places of naval officer & Surveyor, if any of the gentlemen who have been appointed should decline, will it be good policy to give one of the offices to one of the French inhabitants? and is there any such who unites the proper qualifications of integrity and intelligence to a competent knowledge of

⁸¹ For other correspondence for the year 1804 having to do with the administration of the revenue and the New Orleans marine hospital, see the following: the Secretary of the Treasury to Trist, Mar. 19, Apr. 9, and June 4, to Brown, Oct. 16 and Dec. 14; Trist to the Secretary of the Treasury, Apr. 14, Apr. 21, May 18, June 9, June 29, July 21; Brown to *id.*, Sept. 1, Nov. 12, Dec. 10, Dec. 24 (TD, Secretary's Files, Collectors' Letters, N.O., 1804-1833).

the English language?—M^r D'Herbigny has been recommended. If he is qualified what is his standing amongst the French inhabitants?—

I have the honor to be Very respectfully Sir Y^r Ob^t Sert

ALBERT GALLATIN

H. B. TRIST Esq Collect^r New Orleans

ISAAC BRIGGS TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW ORLEANS 27th of the 2nd Mo. 1804.

MY DEAR FRIEND, I am here, with Robert Williams, on my way to the seat of Government. We expect to sail for Baltimore, within three or four days, in the Schooner Experiment, being the first vessel that offers. She is said to be a swift sailer; our hopes are therefore sanguine that we shall arrive in Washington before the end of next month.

On the 10th instant,⁸² by the mail, I wrote to the Secretary of the Treasury, informing him that Robert Williams and myself had determined to go immediately on to the seat of Government, and stating our reasons for that measure. Permit me briefly to repeat those reasons: The business of recording claims, by the Register of the land-office west of Pearl River, has but just commenced and there is no reasonable ground to believe, without a radical change of the Register's measures, that they will be recorded in twelve months. In consequence, neither the Board of Commissioners, nor myself, can act;—the public survey is at a stand, for want of sufficient compensation. Thus situated, and possessing some knowledge also respecting the Mississippi Territory and Louisiana, which is of too delicate a nature to be confided to the mail, we think it best to make an oral communication, previous to the rising of Congress.

We have cause to believe that the mail has, in some measure, become an uncertain channel of communication between these Southwestern Territories and the general Government—I wish there may have been no Criminal interception of letters.—Governor Claiborne informs me that he has not, since he left Fort Adams in the beginning of December last, received an atom of official information from the Government under which he acts; not even notice of the arrival of his letters to the department of State, although he has forwarded by every mail a full and detailed account of his proceedings, since taking possession of New Orleans.—Most of us holding offices under the United States are in a similar uncertainty. We shall bring on Governor Claiborne's duplicates.

On the 2nd of last month, I wrote to thee from this City:⁸³ I then mentioned my friend Claiborne's wish to return to private life. The

⁸² *Terr. Papers* (Miss.), v, 304–306.

⁸³ *Ante*, p. 146.

opinion I then had, remains unchanged,—an opinion which he opposed, but in which he now concurs,—that were he not to be appointed the permanent Governor of lower Louisiana, his removal could not be so managed as not to afford his enemies a triumph over him, and enable them to make it extensively believed (whether it be fact or not) that he had lost the President's confidence—which I firmly believe he values above every other thing on earth, except the consciousness of deserving it. My earnest wish for him is, that no appointment for that office, to his exclusion, may be determined on until Robert Williams and myself shall have been heard respecting his conduct.

Accept assurances of my Respect, Esteem, and affection;

ISAAC BRIGGS.

THOMAS JEFFERSON, President U. S.

[*Endorsed*] Briggs Isaac. N.O. Feb. 27. 04. Rec^d Apr. 9.

PROCLAMATION BY THE PRESIDENT ⁸⁴

[NA:WD, AGO, Old Recs. Div., Mil. Bk. 2]

[*March 5, 1804*]

By the President of the United States of America—

A PROCLAMATION.

Whereas it is represented that sundry persons formerly engaged in the Military Service of the United States and having deserted from the Same, have become inhabitants of the Territory of Louisiana lately ceded to the United States, have establishments of property and families therein, and are in such habits of industry and good conduct as to give reason to believe they will be orderly and useful members of Society if a pardon for their Offence of desertion should be extended to them.

I do therefore hereby in virtue of the authority vested in me by the Constitution of the United States extend & Grant to every person so having deserted from the Military service of the United States who was on the 20th day of December 1803 an Inhabitant of the said Territory of Louisiana, a free and full pardon for his desertion aforesaid and relinquishment of the term which he was bound to serve at the time of such desertion: Provided nevertheless that no right shall be hereby revived or accrew to such person to demand or receive from the United States any arrearages of Pay or other emolument which

⁸⁴ Covering letter, the Secretary of War to Claiborne, Mar. 9, 1804, printed, Rowland (ed.), *Claiborne Let. Bk.*, II, 94–95.

were or might have become due had such person faithfully served through the term of their said Military engagement.

In Testimony whereof I have hereunto set my hand, and L.S. caused the Seal of the United States to be affixed to these presents—

Done at the City of Washington the fifth day of March in the year of Our Lord 1804 & in the twenty eighth year of the Independence of the said States.

(Signed) THO^s JEFFERSON.

By the President

(Signed) JAMES MADISON
Secretary of State

GOVERNOR CLAIBORNE AND JAMES WILKINSON TO THE
SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, III:LS]

NEW ORLEANS 11. *March* 1804.

SIR Since our last of the 27. ulto⁸⁵ a Duplicate of which goes under Cover, the Spaniards have sent off a small Part of their Troops; and we have received repeated verbal Assurances from several of their Officers that a final Evacuation by them is fixed for the 20 of the present Month; and appearances seem to indicate the Reality of their Intention.

We have received two Letters from the Commissioner of France of the 2^d ins^t ⁸⁶ in one of which he informs us, that he shall leave in this City a Commissioner charged with the commercial Relations of the Republic and with the unfinished Business of the Commission, and in the other he observes, that France had expected us to take her Cannon & military Stores; that being disappointed in that Expectation, and the War which is now raging, preventing their being transported to the Territories of France, he shall reserve a Portion of the public Store Houses & Magazines for the Preservation of the property of France.

To the former of these Letters we replied that by our Constitution & Laws the Prerogative of accrediting public Agents of every Kind was vested in the President of the United States, and that the proposed Delegate could not be recognized in a public Character here by any other Authority. To the latter we answered by proposing to receive the Cannon & military Stores of France in this City by Way

⁸⁵ NA(SD, Orleans Terr. Papers, III), concerning the refugees on the *Express*, and enclosing Cooper to Wilkinson, Feb. 23, and officers of the *Express* to Claiborne, Feb. 30 (?), 1804, on the same subject. See also Claiborne to the Secretary of State, Apr. 13, 1804 (Rowland, ed., *op. cit.*, II, 95–96).

⁸⁶ Not found.

of Deposits and to keep them in Safety, ready to be restored, when it might be more convenient to remove them from the Province.⁸⁷

We have this Morning received Replies to our Letters on these Subjects, The Commissioner of France still insists upon the Right of naming a commercial Agent to remain in this City, after his Departure to execute the Business of the Commission which may remain unfinished; he however concludes by mentioning, that he had written to M^r Pichon, Chargé d'Affaires at Washington City & expected that he would obtain an Exequatur from the President of the United States, for the Cit. Blanque whom he has designated to remain in Character of commercial Agent here.

He still persists in his Determination to reserve a Portion of the Store Houses and Magazines for the Use of France.

We have not yet made our Protestation grounded on the Non-delivery of that Part of West Florida as far as the River Perdido which was formerly a Part of French Louisiana. We think it best to postpone that Measure to near the Close of the Business, lest it might create some Embarrassment.⁸⁸

We renew to you the Assurances of our sincere Respect & high Consideration.

WILLIAM C. C. CLAIBORNE.

JA WILKINSON

THE HON^r JAMES MADISON Secretary of State.

[*Endorsed*] Mess^{rs} Claiborne & Wilkinson 11 March 1804 rec^d 11 April evacuation by the Spaniards Agent of Commerce to be left by M^r Laussat Retains part of the public buildings.

THE PRESIDENT TO THE ATTORNEY GENERAL

[LC:Jefferson Papers:LPC]

[*March 14, 1804*]

Th: Jefferson to the Atty Gen^l

The inclosed is a case of the first impression and therefore needs consideration.⁸⁹ the Louisianians have been heretofore allowed an

⁸⁷ The French military stores were later purchased by the United States. See the Secretary of State to Pichon, Nov. 26, 1803 (NA, SD, Dom. Letters, xrv); the Secretary of War to the Secretary of State, Nov. 24, 1803, to Turreau, Feb. 20, Apr. 7, Dec. 15, 1807, to Deforgues, Dec. 22, 1807, to Abrahams, Dec. 22, 1807 (NA, WD, AGO, Old Recs. Div., Misc. Let. Bks. 2, 3); *id.* to Wilkinson Nov. 24, 1803, and Dec. 8, 1806, to Freeman, Dec. 8, Dec. 13, 1806, and Apr. 13, 1807 (*ibid.*, Mil. Bks. 2, 3); Wilkinson to the Secretary of War, Feb. 5, 1804; Freeman to *id.*, Jan. 16, and Feb. 6, 1807; Abrahams to *id.*, Jan. 16, 1807; Turreau to *id.*, Feb. 20 and Apr. 11, 1807 (*ibid.*, Old Recs. Div.), and the Secretary of War to the Secretary of State, Feb. 19, 1808 (NA, SD, Misc. Letters).

⁸⁸ See Claiborne to the Secretary of State, two letters, Mar. 10, 1804 (Rowland, ed., *op. cit.*, II, 23-26).

⁸⁹ Baudin to the President, Feb. 14, 1804, *ante*, p. 186.

appeal from their Gov^r to the Gov^r Gen^l at Cuba. this seems intended as such an appeal. but tho' Congress have authorised me to give to any person all the powers of the officers of the then existing government, yet I do not know that this includes the Gov^r Gen^l of Cuba or King of Spain. when you shall have considered the case a little, it may be a subject of conversation between us—Affectionate salutations.

Mar. 14. 04.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[LC:Madison Papers:LS]

(Private)

NEW-ORLEANS 24 March 1804

DEAR SIR, The contents of your private letter gave me great pleasure;⁹⁰ the permanent residence of Moralis in Louisiana, I should greatly regret;—his “temper, treasures, connexions and views” will render him a mischievous member of our Society, and I shall take such means as may bring about his removal, “without violating any principle which ought to be respected on such an occasion.”

The Marquis De Casa Calvo is the enemy of Moralis, and a hint from me to the Marquis, that Moralis's removal from Louisiana, would be agreeable, will (I believe) effect the object.

Moralis is a sensible, intriguing, designing, base man;—he authorized the Speculations in Florida, and is no doubt personally interested in them;—his immense wealth and his great indulgence to men who care not by what means they make money, have given him an influence, which may be used to promote fraudulent proceedings in this province, and when the occasion serves, to the injury of the United States.

Moralis has expressed a desire to remain in New-Orleans, and I learn has solicited the appointment of Spanish consul for this port:—in this application he will receive the patronage of M. Laussat, who is of late very intimate and apparently friendly with him: that this intimacy does not result from disinterested friendship I am well convinced;—but I am at some loss to determine, whether it is the effect of a political manœuvre, or a private view;—whether it is with a design to use Moralis as an Agent of France, or to favour a Marriage between a Cousin of Laussat, (of the name of Blanche) and a daughter of Moralis, which is said to be in contemplation:—this M^r Blanche

⁹⁰ Feb. 20, 1804 (*Writings Madison*, 1865 ed., II, 199–200).

is the person, that Laussat proposed leaving as the French Commercial Agent at New-Orleans.⁹¹

It will be some time, before Louisiana, will be free'd from the mischiefs which her late Government occasioned; among these, I consider the depravity of morals, as the greatest:—The love of wealth and of luxurious dissipation had nearly acquired the ascendancy of every other passion, and almost every means of making money, that did not subject a man to immediate detection and punishment was thought justifiable.

I fear it will be many years, before this avaricious and fraudulent disposition can be expelled, and integrity, industry and economy become generally prevalent.

Accept assurances Dear Sir, of my great respect, and Sincere esteem.

WILLIAM C. C. CLAIBORNE

THE HON^{ble} JAMES MADISON Secretary of State

[Endorsed] 24. March 1804

AN ACT FOR THE ORGANIZATION OF ORLEANS TERRITORY AND THE LOUISIANA DISTRICT

[NA:SD, Original Statutes ⁹²]

[March 26, 1804]

*An Act erecting Louisiana into two territories, and providing for the temporary government thereof.*⁹³

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all that portion of

⁹¹ See Claiborne to the Secretary of State, July 14 and 25, 1804 (NA, SD, Orleans Terr. Papers, IV; printed, Rowland, ed., *op. cit.*, II, 248–249, 266–267). The enclosures mentioned in the first letter have not been found. Claiborne to Casa Calvo, July 25, 1804, enclosed in the second letter, is printed, *ibid.*, pp. 265–266. Also enclosed with the latter communication is a translation of a statement published by Casa Calvo in the *Moniteur de la Louisiane*, July 12, 1804, in which he intimated that most Louisianans were still loyal to Spain, and that the territory might some day be returned to that nation. Casa Calvo, however, in his letter to Claiborne, July 26, 1804, enclosed in Claiborne to the Secretary of State, July 27, 1804, denied that his statement had any sinister implication (NA, SD, Orleans Terr. Papers, IV; the cover is printed, Rowland, ed., *op. cit.*, II, 274). Writing to the Secretary of State, Aug. 23, 1804, the President asked: "Should we not give peremptory orders for the winding up of the affairs of Spain at N. Orleans, & the departure of Casa-Calvo & Morales, or at least the latter? they should be gone before the 1st of October" (Madison Papers, LC).

⁹² Printed also in 2 STAT. 283–289. Textual alterations in that printing amount to more than fifty, including some twenty-one punctuation changes.

⁹³ The bill originated in the Senate, with the motion for an appointment of a committee for its preparation, Nov. 28, 1803. The legislative history of the bill from this point may be followed in the *Senate Journal*, III, 316, 320–321, 331, 332, 334, 335, 338, 340, 341, 342, 343, 343–344, 345, 345–346, 346–347, 348, 349,

country ceded by France to the United States, under the name of Louisiana, which lies 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,⁹⁴ shall constitute a territory of the United States, under the name of the territory of Orleans, the government whereof shall be organised and administered as follows: ⁹⁵—

SECT. 2. The executive power shall be vested in a governor, who shall reside in the said territory, and hold his office during the term of three years, unless sooner removed by the President of the United States. He shall be commander in chief of the militia of the said territory, shall have power to grant pardons for offences against the said territory, and reprieves for those against the United States, until the decision of the President of the United States thereon, shall be made known, and to appoint and commission all officers civil and of the militia, whose appointments are not herein otherwise provided for, and which shall be established by law. He shall take care that the laws be faithfully executed.⁹⁶

SECT. 3. A secretary of the territory shall also be appointed, who shall hold his office during the term of four years, unless sooner removed by the President of the United States, whose duty it shall be,

349–350, 351, 352, 353, 355, 357, 358, 358–359, 360, 381–382, 383, 387, 390, 391, 393, 396; *House Journal*, iv, 587, 605, 606, 609, 631, 649, 651–654, 657–659, 661–662, 666, 669–671, 673, 678–679, 681, 684, 689; *Annals*, 8 Cong., 1 sess. (Senate), 106, 211, 223, 228, 231, 233–234, 235, 236, 238–239, 240–241, 241–242, 243–244, 245, 246, 248, 249, 251–252, 254, 255, 256, 280, 288–290, 293, 296–297, (House), 1038, 1054–1068, 1070–1079, 1081–1082, 1128–1129, 1185–1189, 1191–1194, 1196–1197, 1198–1199, 1201–1202, 1206–1208, 1208–1209, 1229–1230. The foregoing references are supplied in detail due to the inadequacy of the indexes to the volumes in question. For a detailed treatment of the course of the legislation, see Brown, *Const. Hist. La. Purchase*, pp. 101–146. A report of the debates in the Senate is found in Brown (ed.), *Plumer's Memo. Procs. U. S. Senate, 1803–1807*, pp. 107–109, 110–122, 124–126, 127–130, 131–141, 142–146. The relevant portions are also printed *ibid.*, pp. 210–234, and in *Amer. Hist. Rev.*, xxii, 340–364. See also Adams (ed.), *Memoirs J. Q. Adams*, i, 287–288, 290, 292–294, 294–295. A copy of the Senate bill as read Dec. 30, 1803, is in the Senate Files (NA), and two memoranda on the bill by the President, not dated, 1803, are in the Jefferson Papers (LC).

⁹⁴ Economy of space forbids the inclusion in this volume of documents pertaining to the western limits of the Louisiana cession. This subject has been treated in Marshall, *Hist. Western Bound. La. Purchase*, *passim*, where will also be found appropriate citations, and a bibliography of collections of relevant documents. The final establishment of the line did not occur until 1841.

⁹⁵ The present act deviates, with respect to additions and subtractions, from previous measures organizing the Territories. Cf. Ordinance of 1787, *Terr. Papers* (N.W.), II, 41 *et seq.*, and acts organizing the Southwest and Mississippi territories, *ibid.* (S.W.), iv, 18–19, (Miss.), v, 18–22.

⁹⁶ Cf. Ordinance of 1787, *ibid.* (N.W.), II, 41. Note the omission of freehold requirement in the present instance.

under the direction of the governor, to record and preserve all the papers and proceedings of the executive, and all the acts of the governor and legislative council, and transmit authentic copies of the proceedings of the governor in his executive department, every six months, to the President of the United States. In case of the vacancy of the office of governor, the government of the said territory shall devolve on the secretary.⁹⁷

SECT. 4. The legislative powers shall be vested in the governor, and in thirteen of the most fit and discreet persons of the territory, to be called the legislative council, who shall be appointed annually by the President of the United States⁹⁸ from among those holding real estate therein, and who shall have resided one year at least, in the said territory, and hold no office of profit under the territory or the United States. The governor, by and with advice and consent of the said legislative council, or of a majority of them, shall have power to alter, modify, or repeal the laws which may be in force at the commencement of this act. Their legislative powers shall also extend to all the rightful subjects of legislation; but no law shall be valid which is inconsistent with the constitution and laws of the United States, or which shall lay any person under restraint, burthen, or disability, on account of his religious opinions, professions, or worship; in all which he shall be free to maintain his own, and not burthened for those of another. The governor shall publish throughout the said territory, all the laws which shall be made, and shall from time to time report the same to the President of the United States to be laid before Congress; which if disapproved of by Congress, shall thenceforth be of no force. The governor or legislative council shall have no power over the primary disposal of the soil, nor to tax the lands of the United States, nor to interfere with the claims to land within the said territory. The governor shall convene and prorogue the legislative council, whenever he may deem it expedient. It shall be his duty to obtain all the information in his power, in relation to the customs, habits, and dispositions of the inhabitants of the said territory, and communicate the same from time to time, to the President of the United States.⁹⁹

⁹⁷ Cf. *loc. cit.*

⁹⁸ The original Senate bill provided for the appointment of the Council by the Governor, and it so stood until shortly before final passage in that body. When the change to appointment by the President was made does not appear, though the latter stipulation was in the bill when transmitted to the House of Representatives.

⁹⁹ An extended debate in the House respecting the above section is printed in *Annals*, 8 Cong., 1 sess., 1054-1079. The prevailing sentiment is reflected in the passage of amendments, afterwards rejected by the Senate, to strike out the section in its entirety and to substitute one which stipulated that after one year the members of the Council should be elected by the people (*ibid.*, 1191-1194;

SEC. 5. The judicial power shall be vested in a superior court, and in such inferior courts, and justices of the peace, as the legislature of the territory may from time to time establish. The judges of the superior court and the justices of the peace, shall hold their offices for the term of four years. The superior court shall consist of three judges, any one of whom shall constitute a court; they shall have jurisdiction in all criminal cases, and exclusive jurisdiction in all three which are capital; and original and appellate jurisdiction in all civil cases of the value of one hundred dollars. Its sessions shall commence on the first Monday of every month, and continue till all the business depending before them shall be disposed of. They shall appoint their own clerk. In all criminal prosecutions [which are capital],¹ the trial shall be by a jury of twelve good and lawful men of the vicinage; and in all cases [criminal and civil]² in the superior court, the trial shall be by a jury, if either of the parties require it.³ The inhabitants of the said territory shall be entitled to the benefits of the writ of habeas corpus; they shall be bailable, unless for capital offences where the proof shall be evident, or the presumption great; and no cruel and unusual punishments shall be inflicted.⁴

SECT. 6. . .⁵ The governor, secretary, judges, district attorney, marshal, and all general officers of the militia, shall be appointed by the President of the United States, in the recess of the Senate; but

House Journal, IV, 651-654; *Senate Journal*, III, 384-385). In the Senate an attempt was made, through a motion proposed by Senator Anderson, of Tennessee, to amend the bill to provide for the creation of a representative assembly as soon as the Territory had attained the requisite population. This proposal, to carry an assurance of an early transition to the second stage of government, failed of passage (*Senate Journal*, III, 354). A further amendment to this section was offered by Senator Worthington, of Ohio, authorizing the Council to elect a delegate to Congress, with a right to debate but not to vote. After a debate thereon, reported by Plumer, the motion so to amend was lost by a vote of 12 to 18 (Brown, ed., *Plumer's Memo. Procs., U. S. Senate*, pp. 107-109; *Senate Journal*, III, 340; *Annals, op. cit.*, 233). See Ordinance of 1787, *Terr. Papers* (N.W.), II, 45, for statutory provisions governing the election of a delegate to Congress.

¹ The House amended the Senate bill to strike out the bracketed portion (the brackets are editorial) upon which the latter disagreed (*Annals, op. cit.*, 1197; *Senate Journal*, III, 385).

² The bracketed portion is a Senate provision, which the House attempted to delete (*Annals, loc. cit.*; *Senate Journal, loc. cit.*).

³ See views of John Quincy Adams against the extension of trial by jury, as expressed in the Senate debate and reported by Plumer, in Brown (ed.), *op. cit.*, p. 145.

⁴ The above provisions relating to the judiciary represent a new departure in territorial government. See the Ordinance of 1787, *Terr. Papers* (N.W.), II, 41-42, with respect to tenure of office, and the legislative function of the judges. Cf. sec. 12, *post*, p. 210, relative to the powers of Governor and Judges in the Louisiana District.

⁵ This series of periods and others in later paragraphs appear on the statute and do not indicate an omission.

shall be nominated at their next meeting for their advice and consent. The governor, secretary, judges, members of the legislative council, justices of the peace, and all other officers civil, and of the militia, before they enter upon the duties of their respective offices, shall take an oath or affirmation to support the constitution of the United States, and for the faithful discharge of the duties of their office; the governor, before the President of the United States, or before a judge of the supreme or district court of the United States, or before such other person as the President of the United States shall authorize to administer the same; the secretary, judges, and members of the legislative council, before the governor, and all other officers before such persons as the governor shall direct. The governor shall receive an annual salary of five thousand dollars; The secretary of two thousand dollars; and the judges of two thousand dollars each; to be paid quarterly out of the revenues of impost and tonnage accruing within the said territory. The members of the legislative council shall receive four dollars each per day, during their attendance in council.⁶—

SECT. 7. *And be it further enacted*, That the following acts, that is to say:

An act for the punishment of certain crimes against the United States.⁷

An act, in addition to an act, for the punishment of certain crimes against the United States.⁸

An act to prevent citizens of the United States from privateering against nations in amity with, or against citizens of the United States.⁹

An act for the punishment of certain crimes therein specified.¹⁰

An act respecting fugitives from justice, and persons escaping from service of their masters.¹¹

An act to prohibit the carrying on the slave trade from the United States to any foreign place or country.¹²

An act to prevent the importation of certain persons into certain states, when by the laws thereof, their admission is prohibited.¹³

An act to establish the post office of the United States.¹⁴

An act further to alter and establish certain post roads, and for the more secure carriage of the mail of the United States.¹⁵

⁶ See Brown (ed.), *op. cit.*, p. 142, for votes on various motions respecting salaries; and *Annals*, 8 Cong., 1 sess., 1185–1186.

⁷ Approved Apr. 30, 1790 (1 STAT. 112–119).

⁸ Approved June 5, 1794 (1 STAT. 381–384).

⁹ Approved June 14, 1797 (1 STAT. 520).

¹⁰ Approved Jan. 30, 1799 (1 STAT. 613).

¹¹ Approved Feb. 12, 1793 (1 STAT. 302–305).

¹² Approved Mar. 22, 1794 (1 STAT. 347–349). The additional act approved May 10, 1800 (2 STAT. 70–71), was not included.

¹³ Approved Feb. 28, 1803 (2 STAT. 205–206).

¹⁴ Approved Mar. 2, 1799 (1 STAT. 733–741).

¹⁵ Approved Mar. 3, 1801 (2 STAT. 125–127).

An act further to alter and establish certain post roads, and for the more secure carriage of the mail of the United States.¹⁶

An act for the more general promulgation of the laws of the United States.¹⁷

An act, in addition to an act, entitled An act for the more general promulgation of the laws of the United States.¹⁸

An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose.¹⁹

An act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees.²⁰

An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned.²¹

An act supplementary to an act, entitled An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned; and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.²²

An act providing for salvage in cases of recapture.²³

An act respecting alien enemies.²⁴

An act to prescribe the mode in which the public acts, records, and judicial proceedings in each state shall be authenticated, so as to take effect in every other state.²⁵

An act for establishing trading houses with the Indian tribes.²⁶

An act for continuing in force a law, entitled An act for establishing trading houses with the Indian tribes.²⁷—And

An act making provision relative to rations for Indians, and to their visits to the seat of government,²⁸ shall extend to, and have full force and effect in the above mentioned territories.²⁹

¹⁶ Approved May 3, 1802 (2 STAT. 189-192).

¹⁷ Approved Mar. 3, 1795 (1 STAT. 443).

¹⁸ Approved Dec. 21, 1796 (1 STAT. 496).

¹⁹ Approved Feb. 21, 1793 (1 STAT. 318-323).

²⁰ Approved Apr. 17, 1800 (2 STAT. 37-38).

²¹ Approved May 31, 1790 (1 STAT. 124-126).

²² Approved Apr. 29, 1802 (2 STAT. 171-172).

²³ Approved Mar. 3, 1800 (2 STAT. 16-18).

²⁴ Approved July 6, 1798 (1 STAT. 577-578).

²⁵ Approved May 26, 1790 (1 STAT. 122).

²⁶ Approved Apr. 18, 1796 (1 STAT. 452-453).

²⁷ Approved Feb. 28, 1803 (2 STAT. 207).

²⁸ Approved May 13, 1800 (2 STAT. 85).

²⁹ It may be noted that statutes not here enumerated were withheld, with the exception of the laws regulating duties on imports and tonnage, which were extended to Louisiana in an act approved Feb. 24, 1804 (2 STAT. 251-254).

SECT. 8. . . There shall be established in the said territory a district court, to consist of one judge, who shall reside therein, and be called the district judge, and who shall hold, in the city of Orleans, four sessions annually; the first to commence on the third Monday in October next, and the three other sessions, progressively, on the third Monday of every third calendar month thereafter. He shall in all things, have and exercise the same jurisdiction and powers, which are by law given to, or may be exercised by the judge of Kentucky district;³⁰ and shall be allowed an annual compensation of two thousand dollars, to be paid quarter-yearly out of the revenues of impost and tonnage accruing within the said territory. He shall appoint a clerk for the said district, who shall reside, and keep the records of the court, in the city of Orleans, and shall receive for the services performed by him, the same fees to which the clerk of Kentucky district is entitled for similar services³¹. . . . There shall be appointed in the said district, a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid six hundred dollars, annually, as a full compensation for all extra services. There shall also be appointed a marshal for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees to which marshals in other districts are entitled for similar services; and shall moreover be paid two hundred dollars, annually, as a compensation for all extra services:

³⁰ Secs. 10 and 12 of act approved Sept. 24, 1789 (1 STAT. 77-78, 79-80).

³¹ This is the first instance of a district court being established in any territory. See opinion of the U. S. Supreme Court in *Morgan v. Callender* (4 Cranch, 369), a case appealed from the U. S. District Court of Orleans in 1808, in which it was held that "an appeal lies from that court to this". In the case in question, however, it was further held that the lower court had no jurisdiction because the parties to the suit were neither citizens of different states, nor aliens. Similar, with respect to jurisdiction, is *Sere and Lalarde v. Pitot et al* (6 Cranch, 332-338). In the latter case, which involved also a question of the status of citizens of the Territory of Orleans, the Supreme Court declined to give an opinion as to whether the citizens in territories were to be considered as citizens of a State, within the meaning of the Constitution, but determined that Congress possessed undisputed power to legislate for the Territory of Orleans. And that in giving the district court the same jurisdiction which was possessed by the District Court of Kentucky, in which a citizen of that State may sue or be sued, it was the intention of Congress to "secure aliens and citizens of other states from local prejudices" and not to confine jurisdiction merely to suits between an alien and a citizen of another State who happened to be in Orleans.

See act approved Mar. 2, 1805, *post*, p. 405, further providing for the government of the Territory of Orleans, wherein this feature of the present act is allowed to remain (sec. 8). At the same time, Mar. 3, 1805, an act was approved extending to the superior or supreme courts of other territories the jurisdiction exercised by the Kentucky District Court (2 STAT. 338-339).

SECT. 9. . .³² [All free male white persons, who are house-keepers, and who shall have resided one year, at least, in the said territory, shall be qualified to serve as grand or petit jurors, in the courts of the said territory; and and they] ³³ shall, until the legislature thereof shall otherwise direct, be selected in such manner as the judges of the said courts, respectively shall prescribe, so as to be most conducive to an impartial trial, and to be least burthensome to the inhabitants of the said territory.

SECT. 10. . . It shall not be lawful for any person or persons to import or bring into the said territory, from any port or place without the limits of the United States, or cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves. And every person so offending, and being thereof convicted before any court within said territory, having competent jurisdiction, shall forfeit and pay for each and every slave so imported or brought, the sum of three hundred dollars; one moiety for the use of the United States, and the other moiety for the use of the person or persons who shall sue for the same; and every slave so imported or brought, shall thereupon become entitled to, and receive his or her freedom. . . . It shall not be lawful for any person or persons to import or bring into the said territory, from any port or place within the limits of the United States, or to cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves, which shall have been imported since the first day of May, one thousand seven hundred and ninety eight, into any port or place within the limits of the United States, or which may hereafter be so imported, from any port or place without the limits of the United States; and every person so offending, and being thereof convicted before any court within said territory, having competent jurisdiction, shall forfeit and pay for each and every slave so imported or brought the sum of three hundred dollars, one moiety for the use of the United States, and the other moiety for the use of the person or persons who shall sue for the same; and no slave or slaves shall directly or indirectly be introduced into said territory, except by a citizen of the United States, removing into said territory for actual settlement, and being at the time of such removal bona fide owner of such slave or slaves; and every slave imported or brought into the said territory,

³² Cf. p. 205, n. 5.

³³ A motion in the Senate to strike out the bracketed portion (the brackets are editorial) and to substitute the words "persons to serve as grand and petit jurors in the courts of the said territory" was defeated by a vote of 10 to 18 (*Senate Journal*, III, 351-352).

contrary to the provisions of this act, shall thereupon be entitled to, and receive his or her freedom.³⁴

SECT. 11. The laws in force in the said territory, at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force, until altered, modified, or repealed by the legislature.

SECT. 12. . . The residue of the province of Louisiana, ceded to the United States, shall be called the District of Louisiana, the government whereof shall be organised and administered as follows:

The executive power now vested in the governor of the Indiana territory, shall extend to, and be exercised in the said District of Louisiana. The governor and judges of the Indiana territory shall have power to establish, in the said District of Louisiana, inferior courts, and prescribe their jurisdiction and duties, and to make all laws which they may deem conducive to the good government of the inhabitants thereof: *Provided however*, That no law shall be valid which is inconsistent with the constitution and laws of the United States, or which shall lay any person under restraint or disability on account of his religious opinions, profession, or worship; in all which he shall be free to maintain his own, and not burthened for those of another;— *And provided also*, That in all criminal prosecutions, the trial shall be by a jury of twelve good and lawful men of the vicinage, and in all civil cases of the value of one hundred dollars, the trial shall be by jury, if either of the parties require it. The judges of the Indiana territory, or any two of them, shall hold annually two courts within the said district, at such place as will be most convenient to the inhabitants thereof in general, shall possess the same jurisdiction they now possess in the Indiana territory, and shall continue in session

³⁴ The above section is a composite of two amendments, in the Senate, to the original bill (*Senate Journal*, III, 345, 347, 348, 349, 358–359; *Annals*, 8 Cong., 1 sess., 240–241, 242, 243, 244). The Senate debate respecting the section in question is reported by Senator Plumer (Brown, ed., *op. cit.*, pp. 124–126, 127–130, 131–134, 142–143). The House debate, if any, is not noted. In 1810 the U. S. Supreme Court, in the case of *The Brigantine Amiable Lucy v. U. S.* (6 Cranch, 330–332), reversed the sentence of the District Court of Orleans condemning the brigantine *Lucy* for importing a slave from the West Indies, contrary to the act of Feb. 28, 1803 (2 STAT. 205–206). It was held that the act in question did not apply since the Territorial Legislature of Orleans had passed no legislation to prohibit such importation. Cf. sec. 7 of act approved Apr. 7, 1798, *Terr. Papers* (Miss.), v, 21–22. In considering the question of the importation of slaves, Congress had before it the memorial of the American convention for promoting the abolition of slavery, signed by Matthew Franklin, president, and Othniel Alsop, secretary, Jan. 13, 1804 (*Annals*, 8 Cong., 2 sess., 1596–1597; *A.S.P.*, *Misc.*, I, 386). The petition, requesting that the importation of slaves into Louisiana be prohibited, was presented to Congress Jan. 23, 1804. In the House, it was referred to the committee on the government of Louisiana, but no action was taken by the Senate (*House Journal*, IV, 546; *Senate Journal*, III, 343; *Annals*, 8 Cong., 1 sess., 238, 940). For Plumer's report of the Senate debates, see Brown (ed.), *op. cit.*, pp. 250–251.

until all the business depending before them shall be disposed of. It shall be the duty of the secretary of the Indiana territory to record and preserve all the papers and proceedings of the governor, of an executive nature, relative to the district of Louisiana, and transmit authentic copies thereof every six months to the President of the United States. The governor shall publish throughout the said district, all the laws which may be made as aforesaid and shall, from time to time report the same to the President of the United States, to be laid before Congress, which, if disapproved of by Congress, shall thenceforth cease, and be of no effect.

The said district of Louisiana shall be divided into districts by the governor, under the direction of the President, as the convenience of the settlements shall require, subject to such alterations hereafter as experience may prove more convenient. The inhabitants of each district, between the ages of eighteen and forty five shall be formed into a militia, with proper officers, according to their numbers, to be appointed by the governor, except the commanding officer, who shall be appointed by the President, and who whether a captain, a major or a colonel, shall be the commanding officer of the district, and as such shall, under the governor, have command of the regular officers and troops in his district, as well as of the militia, for which he shall have a brevet commission, giving him such command, and the pay and emoluments of an officer of the same grade in the regular army; he shall be specially charged with the employment of the military and militia of his district, in cases of sudden invasion or insurrection, and until the orders of the governor can be received, and at all times with the duty of ordering a military patrol, aided by militia if necessary, to arrest unauthorised settlers in any part of his district, and to commit such offenders to jail to be dealt with according law.³⁵

SECT. 13. The laws in force in the said district of Louisiana, at the commencement of this act, and not inconsistent with any of the provisions thereof, shall continue in force until altered, modified or repealed by the governor and judges of the Indiana territory, as aforesaid.³⁶

SECT. 14. *And be it further enacted*, [That all grants for lands within the territories ceded by the French republic to the United States, by the treaty of the thirtieth of April, in the year one thousand eight

³⁵ See *Senate Journal*, III, 349-350. See also Brown (ed.), *op. cit.*, pp. 134-141, for Plumer's report of Senate debate on secs. 12 and 13. A series of papers relating to debate on these sections is present in the Senate Files (NA). An amendment to annex the area in question to Indiana Territory was withdrawn (Brown, ed., *op. cit.*, p. 140). The manuscript of this proposed amendment is also in the Senate Files (NA).

³⁶ The above sections constitute the foundation document for the Territory of Louisiana, the official papers of which will be published in a subsequent volume. See also *Terr. Papers* (Ind.), VII, index, under Louisiana District.

hundred and three the title whereof was, at the date of the treaty of S^t Ildefonso, in the crown, government or nation of Spain, and every act and proceeding subsequent thereto, of whatsoever nature, towards the obtaining any grant, title, or claim to such lands, and under whatsoever authority transacted, or pretended, be, and the same are hereby declared to be, and to have been from the beginning, null, void, and of no effect in law or equity;]³⁷ *Provided nevertheless*, that any thing in this section contained shall not be construed to make null and void any bona fide grant, made agreeably to the laws usages and customs of the Spanish government to an actual settler on the lands so granted, for himself, and for his wife and family; or to made null and void any bona fide act or proceeding done by an actual settler agreeably to the laws, usages and customs of the Spanish government to obtain a grant for lands actually settled on by the person or persons claiming title thereto, if such settlement in either case was actually made prior to the twentieth day of December, one thousand eight hundred and three; *and provided further* that such grant shall not secure to the grantee or his assigns more than one mile square of land together with such other and further quantity as heretofore hath been allowed for the wife and family of such actual settler, agreeably to the laws usages and customs of the Spanish government.—And that if any citizen of the United States, or other person, shall make a settlement on any lands belonging to the United States, within the limits of Louisiana, or shall survey, or attempt to survey, such lands, or to designate boundaries by marking trees, or otherwise, such offender shall, on conviction thereof, in any court of record of the United States, or the territories of the United States, forfeit a sum not exceeding one thousand dollars, and suffer imprisonment not exceeding twelve months; and it shall, moreover, be lawful for the President of the United States to employ such military force as he may judge necessary to remove from lands belonging to the United States any such citizen or other person, who shall attempt a settlement thereon.³⁸

SECT. 15. The President of the United States is hereby authorised to stipulate with any Indian tribes owning lands on the east side of the Mississippi, and residing thereon, for an exchange of lands, the property of the United States, on the west side of the Mississippi, in case the said tribes shall remove and settle thereon; but in such stipulation, the said tribes shall acknowledge themselves to be under the protection of the United States, and shall agree that they will not hold any treaty with any foreign power, individual state, or with the indi-

³⁷ The bracketed portion (the brackets are editorial) is a House amendment (*Annals, op. cit.* 1128, 1186, 1196).

³⁸ For judicial interpretations of the above section, see *U. S. v. Reynes* (9 Howard, 140–141), *Pollard's Lessee v. Files* (2 Howard, 604). See also art. 5, treaty of Apr. 30, 1803, Miller (ed.), *Treaties*, II, 501; act approved Mar. 2, 1805, *post*, p. 405

viduals of any state or power; and that they will not sell or dispose of the said lands, or any part thereof, to any sovereign power, except the United States, nor to the subjects or citizens of any other sovereign power, nor to the citizens of the United States. And in order to maintain peace and tranquility with the Indian tribes who reside within the limits of Louisiana, as ceded by France to the United States, the act of Congress, passed on the thirtieth day of March, one thousand eight hundred and two, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers,"³⁹ is hereby extended to the territories erected and established by this act; and the sum of fifteen thousand dollars of any money in the treasury not otherwise appropriated by law is hereby appropriated to enable the President of the United States to effect the object expressed in this section⁴⁰

SECT. 16. The act passed on the thirty-first day of October, one thousand eight hundred and three, entitled "An act to enable the President of the United States to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris, on the thirtieth day of April last, and for the temporary government thereof,"⁴¹ shall continue in force until the first day of October next, any thing therein to the contrary notwithstanding; on which said first day of October, this act shall commence, and have full force, and shall continue in force for and during the term of one year, and to the end of the next session of Congress which may happen thereafter.⁴²

NATH^l MACON Speaker of the House of Representatives.

JESSE FRANKLIN President of the Senate, pro tempore.

March 26. 1804.

Approved

TH: JEFFERSON

I certify that this act did originate in the Senate. Sam A Otis Secretary.

³⁹ 2 STAT. 139-146.

⁴⁰ For a discussion of Jefferson's ideas respecting the removal of the Indians to the west side of the Mississippi, with appropriate citations to original sources, see Abel, "Indian Consolidation west of the Miss.," *A.H.A. Rept. for 1906*, p. 241 *et seq.* See also the Secretary of War to Harrison, June 21, 1804, *Terr. Papers (Ind.)*, VII, 203.

⁴¹ 2 STAT. 245.

⁴² The time limitation for the duration of the act embodies the idea of the House, which passed an amendment to that effect Mar. 17, 1804 (*Annals*, 8 Cong., 1 sess., 1199; *House Journal*, IV, 661-662). The amendment represents one of the compromises between the two branches, which probably hastened the acceptance by the House of sec. 4.

See act approved Mar. 2, 1805, *post*, p. 405.

THE SECRETARY OF STATE TO THE SECRETARY OF THE
TREASURY

[NA:SD, Dom. Letters, XIV:C]

DEPARTMENT OF STATE, *March 30th 1804.*

THE SECRETARY OF THE TREASURY.

SIR Be pleased to issue a warrant for two thousand one hundred dollars in favor of T. T. Tucker the assignee of two several bills of exchange drawn by W—C. C. Claiborne Governor of Louisiana in favor of H. B. Trist, upon me, the one dated the 24th January last, & the other the 14th February last; the former for one thousand and the latter for one thousand one hundred dollars. They are both enclosed. The warrant may be made payable out of the appropriation of the “Act providing for the expences of the civil Government of Louisiana”, and is to be charged to Gov^r Claiborne.

I am &c

JAMES MADISON.

GOVERNOR CLAIBORNE AND JAMES WILKINSON TO
THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, III:LS]

NEW ORLEANS 30 *March 1804.*

SIR, Since our last of the 11 instant,⁴³ a Duplicate of which is under Cover, we have received the Remainder of the public Records of the Province. The Delivery of the Store-Houses and Magazines & the Evacuation of the City by the Spanish Troops are the only important unfinished Objects relating to our Commission.⁴⁴ By a Letter from the French Commissioner dated the 27. instant a Copy of which goes under Cover, ⁴⁵it will be perceived that he persists in his Determination to reserve such a Portion of the public Store Houses & Magazines as he may think proper to secure the Cannon military Stores and public Property of France By a letter of the 16 instant a Copy of which is under Cover, relating to that Object, we have proposed that France should occupy such of the public Store houses as might be necessary, until the Opinion of the President of the United States could be known; provided that previously the Possession should be delivered in Form. To this Proposal he will not accede, and it remains for our Government to take such Measures as it may judge most proper in this Affair

We beg Leave to express our wish that Citizen Blanque may not

⁴³ *Ante*, p. 199.

⁴⁴ Cf. Claiborne to the Secretary of State, Apr. 9 and May 20, 1804 (Rowland, ed., *Claiborne Let. Bk.*, II, 88–89, 151–152).

⁴⁵ Present with the other enclosures. In this letter Laussat insists on the recognition of Blanque and on the French right to retain the storehouses.

be recognized as the Commercial Agent of France in this Place; if it has not been already done. He is a Relation and Tool of the Prefect, seconds all his Measures and is particularly linked in and connected with that Class of People here, the Bosom Friends of the Prefect, who we have Reason to believe are the least friendly to the American Government & disposed whenever they can see a favourable opportunity to foment Discontents. It would we apprehend better serve the Interests of our Government to receive in that Character here, a new Man free from local and temporary Prejudices.

We inclose also a Copy of our Letter of the 26 of the present Month addressed to the French Commissioner by Way of protestando to save the Rights & Claims of the United States to that Portion of West Florida, which formerly constituted a Part of Louisiana as France possessed it.

We shall close our Commission the Moment the Spaniards have departed

Accept the Assurances of our sincere Respect & high Consideration.—

WILLIAM C. C. CLAIBORNE

JA: WILKINSON

THE HON^{ble} JAMES MADISON Secretary of State.

[*Endorsed*] Gov^r Claiborne & Gen^l Wilkinson 30 March 1804
Reservation by protest of the right to W. Florida.

[Enclosures]

Governor Claiborne and James Wilkinson to Pierre Clément Laussat

(Copy.)

NEW ORLEANS March 16. 1804.

SIR, The undersigned Commissioners of the United States, have received your two Letters of 10 March current (19 Ventose).⁴⁵

The Advantages which might result to the Merchants of their Country by the Acknowledgment of a commercial Agent on the Part of France in this City can afford no Justification for the undersigned to exceed the Limits of their Authority, and to usurp a Prerogative which belongs exclusively to the President of the United States.

How far the Commissioner of France may be authorized to delegate generally to another Person Authority to execute on the Part of France the Treaty of the 30 April, the undersigned do not undertake to determine. but they take this Opportunity to solicit from the Commissioner of France his full Powers; they wish them for their own Justification, and they make the present Application with the more Confidence, since they themselves have set the Example and placed in the Possession of the Commissioner of France their Letters of Credence.

⁴⁵ Not found.

In Relation to the Magazines the undersigned cannot see how the national Dignity of France can be sullied by placing temporarily in the Hands of a friendly Power, for safekeeping and to be held subject to the Orders of the French Republic certain military Stores, which she is not in a Condition to transport out of the ceded Territory; on the contrary to refuse to surrender the Possession of Buildings the Property of which has by solemn Treaty been transferred by France to the United States, would be a violation of her Faith.

With the View, however, of meeting the wishes of the Commissioner of France & consulting her Interests as far as may consist with the legitimate & complete Execution of the Treaty of 30 April the undersigned propose that Possession of all the public Buildings, Storehouses & Magazines the Property of which has by Treaty passed to the United States, shall be formally given to the undersigned Commissioners; who conseve that such Parts of the same as may be necessary to secure the Cannon & military Stores of France, shall be occupied by her until the Pleasure of the President of the United States can be known; and the undersigned entertain no Doubt, that such an arrangement may without Difficulty be entered into as will be mutually satisfactory.

The Commissioner of France will perceive that the foregoing Proposal is calculated to attain a final Execution of the Treaty as well as to answer essentially the Interests of France; but that the arrangement proposed on his Part would necessarily suspend the Transfer of the Possession of the Storehouses & Magazines in Question at the Pleasure & to suit the convenience of France alone.

Accept the Assurance of our high Respect & Consideration.

(Signed) WILLIAM C. C. CLAIBORNE
JA: WILKINSON.

THE COMMISSIONER on the Part of the FRENCH REPUBLIC

[*Endorsed*] rec^d in the Commer's 30 March 1804

Governor Claiborne and James Wilkinson to Pierre Clément Laussat

Copy

NEW ORLEANS 26. March 1804.

SIR, The undersigned Commissioners of the United States, appointed to receive Possession of the Province of Louisiana, have observed in your Letters of the 21. & 25 of January (30 Nivose & 4 Pluviose)⁴⁶ last, that you speak of Spain's retaining Possession of West-Florida.

It is not the Intention of the undersigned to investigate the Right of Spain to that Tract, or to state their Opinions with respect to the Limits of the ceded Territory; but solemnly to protest that Nothing

⁴⁶ Forwarded in Claiborne and Wilkinson to the Secretary of State, Feb. 7, 1804, *ante*, p. 177.

done on their Part shall be construed as a Relinquishment of the Claims of the United States to the Colony or Province of Louisiana, with the same Extent which it had actually in the Hands of Spain (on the 1st day of October 1800 the Date of the Treaty of S^t Ildefonso) and which it had when France possessed it, and such as it ought to be after the Treaties, subsequently entered into between Spain & other States.

Accept Assurances of our high & respectful Consideration.

Signed WILLIAM C. C. CLAIBORNE
JA: WILKINSON.

THE COMMISSIONER of the FRENCH REPUBLIC

[*Endorsed*] rec^d in the Commrs 30 March 1804

THE SECRETARY OF WAR TO JAMES WILKINSON:

[NA:WD, AGO, Old Recs. Div., Mil. Book 2]

WAR DEPARTMENT *March 31st 1804*

COMMAND^r OFFICER New Orleans

SIR The President of the United States has requested William Dunbar Esq^r of the Mississippi Territory to have the Red & Arkansas Rivers explored to their sources, with the Country Adajcent—for which purpose two Gentlemen will be employed, who should be furnished with an escort of one Sober discreet active Serjeant & ten faithful sober Soldiers, It would be desirable the escort should be formed of those making a Voluntary tender of their services, if suitable Characters should offer—The escort should be furnished with a suitable Boat & with six months Rations of Ham & Flour—Orders should be given to the Commanding Officers at Natchitoches & Arkansas to afford the Gentlemen employed every aid in their power in transporting Provisions & otherwise—The escort should be furnished with six good felling Axes & such other Tools as may be useful for constructing a Boat &c—You will please to have the Escort selected & furnished as above directed, when application shall be made to you therefor from M^r Dunbar or the Gentlemen employed by him for the aforesaid purpose, and afford them every aid in your power—If it should be deemed expedient to send a Non Commissioned officer & Six or eight privates to aid the party untill they shall arrive at some given point, & then to return with the Boat you will give orders accordingly—If the party should first ascend (as I presume they will) the Red River, when they shall have reached the head of the Navigable waters of that River, it will be necessary for them then to quit their Boat, from whence it should return with the last mentioned party of Six or eight

Men. But the particular arrangements of the expedition will rest with M^r Dunbar & the Gentlemen employed.⁴⁷

I am &c.

=====

HORE BROWSE TRIST TO THE SECRETARY OF THE
TREASURY

[LC:Jefferson Papers:ALS]

Private—

NEW ORLEANS—April 1. 1804—

SIR/ M^r Morgan and M^r Garland having declined accepting their respective appointments, induces me at this time to notice, the last clause in yours of 27 Feb^r last ⁴⁸—Their refusal is particularly to be regretted, as I doubt much whether any characters can be found here of capacity & respectability sufficient, who would be willing to relinquish their business to supply these vacancies—Among the Americans M^r Hulings is the only exception, & he is to take his departure in two or three weeks for Philadelphia—Among the French Inhabitants I do not beleive there exists one, & I have made many enquiries from various sources, who to a competent knowledge of the English Language combines sufficient Intelligence or Integrity to be entrusted in the revenue department. Those who might perhaps be found competent in Knowledge, have been so taught from their infancy that it was meritorious to cheat the King, in any public employment they might be entrusted with, and they have also generally so little respect for their oaths, that they are wholly unfit to be trusted under a free and virtuous government.—M^r Derbigny who has been recommended to you, is a good linguist, & considered to be a man of respectability, but he certainly in my opinion is better fitted for the line he is in at present, than that of the revenue.

M^r Porter ⁴⁹ who temporally supplies the place of M^r Garland, has heretofore been employed by me as a kind of head to the Guards

⁴⁷ For the Dunbar expedition, see Cox, *Early Exploration of Louisiana*; "The Exploration of the Louisiana Frontier, 1803-1808," in *A.H.A. Report for 1906*, pp. 151-174. For other letters relative to exploring expeditions, see the Secretary of War to Hunter, Mar. 30, Apr. 3, Apr. 12, Apr. 13, May 7, May 21, 1804, to Dunbar, Mar. 31, Apr. 4, Apr. 23, 1804, Mar. 25, May 24, July 10, Aug. 14, Nov. 8, 1805, June 11, July 29, 1806, Feb. 16, Mar. 30, 1807, to Freeman, Jan. 14, 1806, to Custis, Jan. 14, 1806 (NA, WD, AGO, Old Recs. Div., Misc. Let. Bks. 2, 3); Hunter to the Secretary of War, Apr. 20, June 21, 1805; and Dunbar to *id.*, Feb. 25, 1806, June 1 and June 22, 1807 (NA, WD, AGO, Old Recs. Div.). See also Dunbar to the President, May 13, June 1, Aug. 18, Oct. 15, Nov. 9, 1804, Feb. 2, Feb. 15, Oct. 8, Nov. 10, Dec. 17, 1805, Mar. 18, and May 6, 1806 (Jefferson Papers, LC).

⁴⁸ *Ante*, p. 192.

⁴⁹ Andrew Porter, New Orleans, nominated surveyor of the port and inspector of revenue for New Orleans, Feb. 26, 1805; appointment confirmed, Mar. 1, 1805 (*Senate, Exec. Journal*, 1, 484).

of the Customs,—he is a deserving man, & was the only person in whom I could confide, who would accept the office, but being wholly ignorant of the duty attached to it, the greater part of the labour will at least for a time, devolve upon myself or my deputy—This general ignorance in the subordinate offices of the Customs, has rendered and will continue for some time my situation doubly arduous—

The constant hurry and interruption I have been exposed to since the arrival of the last mail, must plead my apology for the conciseness of this letter—The next shall convey one more full, & to myself at least more satisfactory—

I have the honor to be with perfect respect & sincere esteem, Your
Mo: Ob: Serv^t

HORE BROWSE TRIST—

HON^{ble} ALBERT GALLATIN Secretary of the Treasury.⁵⁰

THE POSTMASTER GENERAL TO GOVERNOR CLAIBORNE

[PO:P.M. Letter Book N]

April 4 1804

HIS EXCELLENCY W. C. C. CLAIBORNE New Orleans

I have the honor to acknowledge the receipt of yours of the 18th of Feb.⁵¹ which arrived last evening. before its arrival propositions had been sent to Natchez, to one of the present mail carriers, to carry forward the mail from F^t Adams to New Orleans until the 1st of Oct. next—I shall shortly proceed to establish the various post-offices on that route. As I possess but little or no information in relation to the same I fear that my arrangement will be very defective. I therefore pray you at some leisure moment to look over the arrangement with which you will soon become practically acquainted, and inform me of the defects; the expence which since the 1st of Feb. last, has been incurred or which may be incurred before the arrangements of this office go into operation you will recollect must be defrayed from the fund subject to your order, there being no authority under which this office can reimburse it.

G. G.

⁵⁰ The above letter is probably the one referred to in the Secretary of the Treasury to the President, May 11, 1804 (Jefferson Papers, LC), quoted here in full:

“I enclose a Letter from M^r Trist which does not give a very flattering account of our official prospects in New Orleans. I think we must take our officers from the many candidates who migrate there. M^r Nicholas may be one of them. The Rhode Island delegation very strenuously recommended a person, not Russel, whose name I have forgotten, but whom you may find in your file.”

⁵¹ Not found.

THE PRESIDENT TO THE SECRETARY OF STATE

[LC:Jefferson Papers:LPC]

MONTICELLO *Apr.* 9. 04.

DEAR SIR Will you be so good as to consult with the other members of the administration on the allowance to be made to Gov^r Claiborne? there are several element of consideration to be attended to, to wit as to his character 1. as Governor of Missisipi. 2. Commissioner for the receipt of Louisiana. 3. as Governor of Louisiana: as to the funds from which his compensation is to be taken, to wit 1. the appropriation for the expences of the Misipi territory. 2. that for taking possession of Louisiana. 3. the 20,000. d. for the expences of the civil government of Louisiana: the epochs too at which these funds will respectively become chargeable or discharged of his compensation. this will of course settle the time at which Gen^l Wilkinson's authority as Commissioner ceased (since both his & Claiborne's must have ceased at the same instant) and will ascertain the point of time at which the 2^d fund above mentioned became discharged of his expences. when the result of your consultation shall be settled, it will of course be necessary that Claiborne & Wilkinson should be apprized of it. Accept my affectionate salutations.

TH: JEFFERSON

THE SECRETARY OF STATE

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[LC:Madison Papers:LS]

(Private)

NEW-ORLEANS 14 *April* 1804

DEAR SIR, The Federal paper containing an account of my letter of the 2nd of January ⁵² and which I referred to in my last ⁵³ was forwarded to this City in great numbers;—it occasioned for a day or two much talk, and many of the citizens expressed some discontent, at my representing the whole society (as was erroneously stated by the listen'er in the gallery) as involved in profound ignorance; but I can assure you Sir, that the letter is not now either talked of, or I believe thought of, and I am informed by many of my acquaintances that it has not in the least affected my popularity in Louisiana.—

I should regret the publication of my letter of the 2nd of Jan^y because it might tend to break off that friendly understanding which exists between myself and the Marquis De Casa Calvo, and Governor Folch of Pensacola, and which I conceive it good policy to preserve; if therefore there should exist no good reason for making the letter public', I hope it may be withholden. The information I gave was

⁵² Printed, Rowland (ed.), *Claiborne Let. Bk.*, 1, 322-329.

⁵³ Not identified.

literally correct and such, as I thought it my duty to communicate, but I must confess, I did not calculate upon the publication of the letter at the time I wrote it.—The old adage, that “the truth should not be told at all times” applies on the present occasion.

General Wilkinson will I believe leave this City in five or six days; he takes his passage on board the Ship Louisiana bound for New-York.

General Wilkinson and myself have preserved a good understanding—nothing was wanting on my part to cultivate harmony with my colleague, and I was happy to find, that he also was sensible of the ill effects which might attend a difference between the Commissioners. How far the General may be my friend on his arrival at the Seat of Government I know not; but I am inclined to think, that from certain causes, it has been my misfortune, to excite in the breast of the General a jealousy, which may induce him to be unfriendly to my political welfare.⁵⁴

I have heard that several additional Companies of troops are ordered for Louisiana.—Until the Government is organized, the presence of about four companies in New-Orleans may be advisable, but when this is done, I hope the army may be withdrawn to the frontier posts.⁵⁵

Being uncertain how long I might remain in New-Orleans, but thinking it probable, that in any event I should be detained here until October or November next, I have sent for my family, and I promise myself the pleasure of seeing them in about three weeks.

Accept assurances of my great respect and sincere esteem!

WILLIAM C. C. CLAIBORNE

THE HON^{ble} JAMES MADISON Secretary of State

[*Endorsed*] 14 Ap 1804 (Private) Gov^r Claiborne 14 April 1804 ⁵⁶

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS 15^b April 1804.

DEAR SIR A few Days ago, near 300 Spanish Troops were embarked for Pensacola; about 70 Spanish Soldiers are yet in this City & between 12 & 16 Officers; the former it is said will be removed in a

⁵⁴ See Claiborne to the Secretary of State, May 25, 1804 (Rowland, ed., *op. cit.*, II, 172-174).

⁵⁵ The Secretary of War informed Thomas Wilson, the contractor's agent in New Orleans, Mar. 14, 1804, that in addition to the three companies of artillerymen destined for New Orleans, two companies of marines had been ordered there (NA, WD, AGO, Old Recs. Div., Misc. Let. Bk. 2). The same information was sent to the commanding officer at New Orleans, Mar. 15, 1804 (*ibid.*, Mil. Bk. 2).

⁵⁶ Acknowledged June 19, 1804 (Rowland, ed., *op. cit.*, II, 278-279).

short time and many of the latter contemplate resigning and settling in Louisiana.⁵⁷

The Liberality of Congress in extending Registers to Vessels owned by Citizens of Louisiana, has given great satisfaction, & put down one source of discontent.⁵⁸

I am sorry to inform you, that the prohibiting the Importation of Slaves into Louisiana, will be viewed by the Citizens as a great Grievance; on this subject much irritation is manifested, and the general opinion seems to be, that the Territory cannot prosper without a great encrease of Negro's.—

I have offer'ed such Reasons against the African Trade, as I thought best calculated to reconcile the Inhabitants to its abolition, and frequently instanced the Horrors of S^t Domingo, & reminded them of the just cause for apprehension, of similar Horrors in this Province at some future Day:—But the opinion of the Inhabitants remains the same, and nothing will satisfy them on this point, but an uninterrupted Trade to Africa, for three or four years.

If however Congress in its wisdom, should deny to Louisiana a participation in this unjust & inhuman trafic, the people will I trust in a short time be convinced of the Justice & policy of the measure. With respect to the African Trade, I have greatly to regret the Conduct of some Americans who are here; they readily fall into the sentiments of the Louisianians, and are clamorous in favour of the trafic', & inveigh against a prohibition.—

There are many adventurers here from the U. States in search of wealth & popular favour, among which, there are some, who instead of seeking a permanent good standing by a prudent line of Conduct, aim only at acquiring a temporary eclat, and accommodate their sentiments and actions to the prejudices and whims of those of the people, who are most noisy; there are however many others whose Conduct I highly appreciate, and who must eventually hold high Rank in the estimation of good Men.—Of this Class is Doctor John Watkins formerly of Kentucky; He unites to great integrity of character, a well informed mind, a correct Judg'ment, and a benevolent, friendly disposition.—Doctor Watkins is now employed in my Office, and I find him of great assistance to me; He is well acquainted with the French and Spanish Languages, and has by his merit (and a marriage into one of the most respectable & numerous families in Louisiana) acquired great influence among the People.—If a Secretary for Louisiana should not have been appointed, permit me the liberty to name Doctor Watkins as meriting your confidence and qualified for that Office.—

⁵⁷ On this subject see also Wilkinson to the Secretary of War, Feb. 20, Feb. 27, Mar. 30 and Apr. 15, 1804 (NA, WD, AGO, Old Recs. Div.).

⁵⁸ Act approved Feb. 25, 1804 (2 STAT. 259–260).

Some secret attempts have recently been made to urge the Louisianians to Acts of Imprudence and Virtue;⁵⁹—A wicked Incendiary has twice envited this present happy people to Insurrection, and represented the U. States as a wicked devour'ing Nation.—The invitation was given in a hand-Bill, which under cover of the Night was posted up at the Market house; the stile of the writing is such as was used in France during the Revolutionary War, and evinces that these wicked Attempts do not originate with any of the Natives of Louisiana;—one of the hand Bills I enclosed to the Sec^y of State,⁶⁰ but another which was taken down from the Market house, early in this morning, I have not seen.—I attach to these Incidents no importance; they tend only to create some talk here, and may possibly attract more attention in the U. States; But I do not believe that any mischief will arise therefrom; the great mass of the Louisianians are an amiable people, and I believe well disposed to the U. States; But it is certainly true that Spain has left behind her some friends in Louisiana, & France or rather Bonapart many warm Admirers.—

It being uncertain how long I might remain here, and in any event, supposing that I should continue until the fall, I have sent for my family, & expect their arrival in three Weeks.—

Accept my best Wishes for your health & happiness. With great respect & Esteem I have the honor to subscribe myself your faithful friend

W^m C. C. CLAIBORNE

THOMAS JEFFERSON President of the U. States.

[Endorsed] Claiborne Gov^r N. Orleans Apr. 15. 04. rec^d May 15.

JOSEPH BOWMAR TO GOVERNOR CLAIBORNE ⁶¹

[NA: SD, Orleans Terr. Papers, IV:ALS]

POST OF OUACHITA April 15th 1804

SIR—I have the honor to inform you that I have this day received the post & district of Ouachita, together with the Archives & public papers relative thereto, from the late Spanish Commandant, for the French Republic; and at the same time placed it under the American Government agreeably to my instructions from the Commissioners of France and the United States.

I have also the pleasure to inform you that the Citizens of the district are universally pleased with the change, & shew a warm attachment to the Government of the United States.

⁵⁹ As on the MS.

⁶⁰ Not found. The covering letter, Apr. 8, 1804, is printed, Rowland (ed.), *op. cit.*, II, 84–85.

⁶¹ Covering letter, Claiborne to the Secretary of State, May 14, 1804, printed, *ibid.*, p. 148.

I find there is no fortified place or public building of any kind in the Country, and I am preparing to erect Cabbins at this place for the accommodation of myself & the Troops. It is the oldest & best improved part of the Country, has for a long time been the residence of the Commandant and is nearly in a central situation.—The settlement extends along the river from eighteen leagues below to ten leagues above this place, and six or seven miles off in the Prairies on the North-East side of the river—The population from the best accounts I have been able to get does not exceed One hundred & fifty heads of Families, and the district is divided into four divisions with a Syndic to each.

There is at present a Village of from eighty to One hundred Choc-taw Hunters lying south westwardly eight or nine leagues from this place on the route to Nachitoches—I am informed that nearly four hundred of that Nation hunt & trade here every year, but a number of those have returned home since the hunting season has been over.—Those that are here now appear very peaceable & orderly—

I have not the opportunity yet of preparing a copy of the Inventory of the Archives of the district delivered me by the late Spanish Commandant, in the English language, or I should have enclosed one for your satisfaction.—

I have the honor to be with the highest respect Sir, your Mo. Obed^t ser^t

JO. BOWMAR 1st Lieu^t
US. Infantry
Comm^{dt} of the Ouachitas

HIS EXCELLENCY WILLIAM C. C. CLAIBORNE Governor General & Intendant of Louisiana ⁶²

[*Addressed*] His Excellency William C. C. Claiborne Governor General & Intendant of Louisiana New Orleans.

[*Endorsed*] rec^d in Gov^r Claiborne's 14 May 1804.

THE PRESIDENT TO THE SECRETARY OF STATE

[LC:Jefferson Papers:LPC]

MONTICELLO Apr. 17. 04.

DEAR SIR I recieved yesterday your letter of the 12th ⁶³ and now return the letters it covered. I recieved also thro' mr Gallatin, ⁶⁴ Gov^r Claiborne's information to you that he had chartered a state

⁶² Answered May 14, 1804, *ibid.*, pp. 147-148.

⁶³ Jefferson Papers (LC).

⁶⁴ Apr. 12, 1804, printed, Adams (ed.), *Writings Gallatin*, I, 184-185.

bank at N. Orleans.⁶⁵ as the act of Congress for a bank there,⁶⁶ & the Charter of the Bank of the US. renders Claiborne's charter a nullity, he should revoke it on that ground, as given before information was recieved of the act of Congress. I imagine this notification to him must go officially from you. the extreme situation of my daughter renders me incapable of adding more than my affectionate salutns.⁶⁷

TH: JEFFERSON

THE SECRETARY OF STATE.

THE PRESIDENT TO GOVERNOR CLAIBORNE

[LC:Jefferson Papers:LPC]

MONTICELLO Apr. 17. 1804.

DEAR SIR As before you recieve this, you will have seen the act for the government of Louisiana, I need give no account of it. altho' it is not to come into force till Oct. 1. yet it will be necessary for us to have every thing prepared to go into action on that day, and as the legislative council is to be appointed by me, it is necessary I should be informed beforehand who will be the proper persons to be appointed, & our distance from the place makes that a work of time. it should be composed I think of men of integrity, of understanding, of clear property and influence among the people, well acquainted with the laws, customs & habits of the country, and drawn from the different parts of the Orleans district in proportion to their population. will you be so good as to take immediate measures for informing yourself in the best manner possible of proper characters, & communicate their names to me, with short sketches of the material outlines of their character. I think a mere majority should be Americans, & the rest French or Spaniards

Being here for a very short time, I recieved yesterday your letter to mr Madison informing him you had established a bank at N. Orleans under a charter. you could not then have known that Congress passed

⁶⁵ Mar. 9, 1804 (Rowland, ed., *op. cit.*, II, 21-23). See Claiborne to the Secretary of State, Mar. 16, 1804, enclosing a copy of the ordinance chartering the bank, Mar. 12, 1804, *ibid.*, pp. 29-34, 41-42.

⁶⁶ Act approved Mar. 23, 1804 (2 STAT. 274).

⁶⁷ Answered Apr. 24, 1804 (Jefferson Papers, LC), asking if Claiborne's authority as governor permitted the granting of the charter, and whether it could be set aside. On this subject see Claiborne to the President, June 3, to the Secretary of the Treasury, June 14, and to the Postmaster General, June 17, 1804 (Rowland, ed., *op. cit.*, II, 187-190, 204-205, 212-214). The question of establishing a branch of the United States Bank in New Orleans had been previously discussed by Jefferson and Gallatin, the former opposing, the latter supporting such establishment (the President to the Secretary of the Treasury, Dec. 13, 1803, Ford, ed., *Writings Jefferson*, VIII, 284-285; the Secretary of the Treasury to the President, Dec. 13, 1803, Adams, ed., *op. cit.*, pp. 171-172).

a law authorising the Bank of the US. to establish a branch there, & by their charter no other bank can be established there under the authority of the general government. your act therefore & charter being against this must be a nullity the Secretary of the treasury has already written to you on this subject;⁶⁸ and the Secretary of state will do so officially. this notice by myself is merely private, to induce you immediately to suspend all proceedings, as you will have to revoke it in form on the ground of it's opposition to the law of Congress. I percieve in the list of directors several names who will probably be on the list of the branch bank.

A young man, of the name of Charles Lewis, a nephew of mine, has gone it is said, to New Orleans, against the consent of his parents. I believe he is of age. I pray you to consider as entirely private & confidential, my guarding you against being led to do any thing for him, as a connection of mine. his [condu]ct is too incorrect to give him titles on that ground. lest yourself or mr [Tr]ist, from considerations respecting me, should be led into error, I have thought it my duty to put you on your guard, & to pray you do to the same as to mr Trist, both however considering this intimation not to be mentioned as from me.

I inclose you another letter from M. Baudin⁶⁹ with the same views as the first,⁷⁰ & tender you my friendly salutations & assurances of respect.⁷¹

TH: JEFFERSON

GOV^r CLAIBORNE

⁶⁸ Not found, but referred to as of Apr. 16, 1804, in Claiborne to the Secretary of the Treasury, May 23, 1804 (Rowland, ed., *Claiborne Let. Bk.*, II, 160-164). Cf. Trist to *id.*, June 9, 1804 (TD, Secretary's Files, Collectors' Letters, N.O., 1804-1833), acknowledging receipt of Gallatin's letter of Apr. 24, 1804, and stating that he had resigned as director of the bank. Writing to William Duane, Feb. 7, 1808 (Jefferson Papers, LC), the President said:

"the Governor committed a great error in the bank institution, and at first a suspicious one. but we have found that he took a very small interest in it, and got out of it as soon as he found he was wrong. in every thing else his conduct has been correct & salutary. that there was much roguery in the institution of the bank, I believe, of which he was the dupe."

⁶⁹ Not found.

⁷⁰ Feb. 14, 1804, *ante*, p. 186.

⁷¹ This letter was apparently not received by Claiborne. Cf. the President to Claiborne, July 7, 1804 (*Writings Jefferson*, mem. ed., XI, 36-38), and Aug. 30, 1804, *post*, p. 281.

THE ATTORNEY GENERAL TO THE PRESIDENT

[SD:Appt. Office Files:ALS]

WASHINGTON *April* 19th 1804.^{71a}THE PRESID^t OF THE US,

SIR I have considered the subject of the letter, referred to by your note of the 8th,⁷² with which I have been honored. The 3^d Art. of the treaty of cession secures to the Inhabitants of Louisiana, from the Gov^t of the U.S. the protection of the 'free enjoyment of their liberty property & religion'. The act of the 31st of Oct^o last,⁷³ providing for, the taking possession, and the temporary Gov^t of that country, is not to be in force untill the first day of Oct^o next.⁷⁴ Untill then, the act of the 26th of march for erecting Louisiana into two territories & providing for their Gov^t is to have no operation. The authority exercisable by the Presid^t in that country must therefore be looked for in the first mentioned act. The power from thence derived, being a general delegation for particular objects, expressed in general terms in respect to the extent of its application; the principles of its limitation, and the mode of its being exerted, must exist in the subject matter, and the special circumstances of the particular case. The restraining expressions in the last act, were it in force, prohibiting the exerise of a power, inconsistent with the constitution could have little, or no practical meaning, in reference to a country for which this constitution was never made, Executive, or Legislative acts, in reference to Louisiana, however different, or the reverse, of what, the laws & the constitution tolerate, enjoin, or forbid, in the United, or the respective states, imply no militancy or inconsistency. The Question is not, what is the extent of the power of the U.S. in the New Territory, as against its inhabitants, or France. That Power, appears to me, by the terms of the cession, to be unlimited, with a giving of the rights of individuals to their property & religion, Liberty they had none—Nor can they, at present, claim any under the Constitution of the U.S.—The real question is, what is the power delegated by law, to the Presid^t of the U S, & how is it to be executed, as distinguished from that which as not been delegated.

By the act of the 31st of Oct^o 1803 the Presid^t is authorized "to take possession of, and occupy the territories ceded by France to the U. S. and for the purpose & in order to maintain the authority of the United States therein to employ any part of the army & navy of the U.S. &c—The 2^d Sec. of the said act provides, untill a further provision

^{71a} Although blotted, the date is clearly Apr. 19, notwithstanding Apr. 17 in endorsement.

⁷² Neither the note nor the letter has been found.

⁷³ *Ante*, p. 89.

⁷⁴ The Attorney General confused the acts of Oct. 31, 1803, and Mar. 26, 1804; the latter was not to become effective until Oct. 1, 1804; see latter act, *ante*, p. 202.

for the temporary Gov^t of the territory shall be made, all the military, civil, and judicial powers exercised by the officers of the existing Gov^t of the same, shall be vested in such person & persons and shall be exercised in such manner as the Presid^t of the US. shall direct for maintaining & protecting the inhabitants of Louisiana, and the free enjoyment of their liberty, property, and religion. The powers given by this last paragraph, are more limited & particular in their objects, than those contained in the first. They have a primary reference to the protection of the inhabitants, & the regulation of their 'meum's & tuums among themselves; are different from the powers given in the preceeding sec; yet are concurrent with them, & do in no degree limit them.

Independent of the Presid^{ts} right to exercise the military Powers of the former existing Gov^t exercised by France which is given to him under the 2^d Sec. of the 31st of Oct^o, he is authorized to take possession of and to occupy the territory, and to maintain the authority of the U.S therein. This possession & occupancy, in behalf of the US. & maintaining their authority therein, necessarily implies, such a protection of the rights of the public, & extention of its right of possession, as to exclude individuals or companies from the occupancy of lands, to which they have no right, & yet claimed by them under the authority of Spain or France. The general and obvious intent of the law being an immediate & summary redress & prevention of wrongs, & the recovery & establishment of the Gov^{ts} rights in the territory, I can have no doubt of the Presid^{ts} authority to cause any part of the lands belonging to the public to be taken possession of, & of course to expel intruders therefrom—

If the power is given, another question is, in what manner shall it be executed? The principal means furnished by the law are military. The instrument thus put into the hands of power, points out the mode of using it. The US. are now in possession not only as sovereigns, but as proprietors, of all the soil not the property of individuals by lawful grants. And being thus in possession, their servants may be directed to keep off, or expel wrong doers. Surely the President has the authority to cause any particular part of the territory exclusively belonging to the U.S to be taken the actual possession of, & to be occupied at pleasure by their troops The very condition of this military occupancy will be the expulsion of squatters—

Difficulties may result from an indiscrete use of the military power by the immediate commanders. Its difficult previously to decide on all the cases in which it may act, or the manner of action. It would be desirable that the opposers of the measures of the Gov^t should be taken & delivered over to civil justice—But they may be obstinate, desperate, combine, and produce bloodshed. The treaty of cession, excepts from its grant of soil, the then existing rights of individuals.

There must be some mode of knowing what the public 'rights, lots, squares, vacant lands & edifices were in the sense of the treaty, as distinguished from the excepted private property. The arrangement for determining where, and what those were in reference to the mode, is left to the discretion of the US. In doubtful cases, the burden of proof should be with the private claimant, and Gov^t be considered as competent to suspend his possession, untill he shall have established his right—This must be correct, as applied to such, who may claim a right to possess, without actual instuments of conveyance, or who may have obtained such instruments since the cession by Spain to France, and which appear to be such on the face of them. If the deed bears a date prior to the treaty of Ildefonso, will it be safe under the existing laws to presume fraud, or to trust the decision, of such a question to a military commander? Would it not be best in all suspicious cases of this kind, and in all instances where the public records or documents which have been handed over to the American Gov^t shall not authenticate the titles which individuals in actual possession may produce, to leave them to enjoy their existing settlements but to prevent their extention, untill their title can be properly investigated, and even to warn them of the consequences of remaining & making further improvements, unless their rights should be eventually established. Such a system with a report of the cases to the Executive with their special circumstances, would probably check the present evils, & may prevent new ones. I can see no objection to the preventing, or removing recent squatters, with out titles, in the manner proposed—and also all future entries & possessions under titles of a post-treaty date or otherwise apparently defective on the face of them ⁷⁵—

Accept Sir assurances of the esteem with which I have the honor to be most respectfully your most ob^t Serv^t

LEVI LINCOLN

[*Endorsed*] Lincoln Levi. Wash. Apr. 17. 04. rec. Apr. 23. Louisiana Squatters.

THE SECRETARY OF WAR TO CONSTANT FREEMAN

[NA:WD, AGO, Old Recs. Div., Mil. Bk. 2]

WAR DEPARTMENT 23 *April* 1804

CONS^t FREEMAN

SIR The command confided to you is such as will require all your discretion as well as a strict attention to the ordinary duties of your Station. The important change in the political situation of the people of Louisiana, & the peculiar composition of the society generally

⁷⁵ Cf. the President to the Secretary of the Treasury, Apr. 27, 1804 (Adams, ed., *Writings Gallatin*, I, 189–190).

& especially at New Orleans will demand the greatest circumspection & prudence in the conduct of the Officers generally & particularly so in the Commander—Altho' the strictest military discipline should be observed, there will probably be very frequent occasion for the exercise of your judgment & discretion in the course of your command; every possible means in your power should be exerted for quieting any discontents among the inhabitants and for establishing the most perfect harmony between the civil & military. Your knowledge of the language most in use in that country will enable you to inculcate correct ideas among the better informed & most respectable part of the old inhabitants, as well as to quiet any uneasiness among the lower class who do not understand our language—You will at all times recollect that those people are gradually to be taught the real principles of our government and that we are not to govern them by mere force. I advise you in confidence to be on your guard against the insinuations of warm indiscreet men who have no other ideas of government but such as are suitable to despotism; and who attach more consequence to what they call dignity & energy, than to justice & propriety. Be careful how you imbibe prejudices against the Governor, it may be relied on that when any bickering or jealousies appear between the civil & military, that it will be considered necessary to take effectual measures for preventing a continuation of such a state of things

You will as early as possible look out for the most healthy retreat for such part of the Troops as can be spared from New Orleans in the sickly season it ought to be as near New Orleans as possible & where the transportation to & from, will be as much as possible by water, and where it will not be difficult or very expensive for the Contractor to furnish provisions—I trust it will not be found necessary for you to retire from New Orleans, and I hope it will not be found necessary for any part of the Garrison to retire for more than two or three months at farthest. I shall endeavor to have malt liquor substituted for ardent spirits in the hot months—I wish some person would find it their interest to establish at Brewery at that place. If malt liquor cannot be obtained I trust that measures will be taken for procuring some light wines as a substitute: In the mean time intoxication ought to be prevented as much as possible and ought to be considered as a crime which should never escape punishment—

I need not mention to you the impropriety of admitting of any innovations in our system of discipline or manœuvres as established by law, it being highly improper to deviate from an established system except by the express authority of the government—The Troops under your command having been drawn from various parts of the United States and belonging to different Corps it will be more necessary

to observe & correct any deviations from established principles which may have been introduced ⁷⁶

I am &c

P.S. You will be pleased to furnish the party destined on the expedition for exploring the district of Louisiana in addition to those already directed, one Wall & three common Tents, with such rifles or Guns as may be requisite

THE URSULINE NUNS TO THE PRESIDENT ⁷⁷

[NA:SD, Misc. Letters:ALS]

[April 23, 1804]

TO THOMAS JEFFERSON. President of the United States of America!

SIR Emboldened by the favourable mention you have been pleased to make of their order, the Nuns of S^t Ursula at New Orleans, take the liberty of addressing you on a subject highly interesting to their institution! they believe that without any direct application, the treaty of cession, and the sense of Justice which marks the character of the United States, would have secured to them the property they now possess, but considering a Sacred deposit, they would fail in a duty they deem essential were they to omit requesting, that it may be formally confirmed to them, and their successors, and that you may be pleased to communicate this request to the Legislative body in such a manner as you may deem proper,—It is dictated by no wish of personal gratification or private aggrandizement, secluded from the World, its luxuries and vanities, wealth and the enjoyments it brings, would to them have no attraction.—devoted to religious duties, temporal advantages are not the objects of their pursuits but bound by a solemn obligation to employ their revenue in charitable uses, & their time in the education of Youth, they cannot but be anxious to know that the property which is to enable them to fulfil these duties will be secure to them,—it is not therefore their own cause but of the Publick which they plead—It is the cause of the Orphan, of the helpless child of Want, of the many who may be snatched from the paths of Vice & infamy under their guidance, & be trained up in the habits of Virtue & religion to be happy and useful—of Society which will be spared the burthen of the indigent & the depredations of Vice—of their Country itself, which cannot but acquire honour in fostering & protecting such beneficent purposes.

⁷⁶ Other letters for 1804, concerning military affairs in general, are as follows: Wilkinson to the Secretary of War, June 20, Sept. 3, Oct. 19 (enclosing Freeman to Wilkinson, Oct. 6), Oct. 25, Nov. 3 (enclosing Turner to Wilkinson, July 30, and Ugarti to Turner, no date), Nov. 17, Dec. 29; and Turner to Wilkinson, Aug. 1 (NA, WD, AGO, Old Recs. Div.); the Secretary of War to Freeman, Oct. 9, to Wilkinson, Oct. 27 and Dec. 13 (*ibid.*, Mil. Bk. 2).

⁷⁷ Covering letter, Claiborne to the President, June 15, 1804, printed, Rowland (ed.), *Claiborne Let. Bk.*, II, 206–207.

These considerations, they Know Sir, will have weight with you—they anticipate your support, because they are concious they deserve it—and they conclude with their ardent p[r]ayers for your personal happiness, & the prosperity of the Country whose affairs you direct & have the honor to be, with the highest respect, Sir, y^r most obed^t humble Sev^{ts}

NEW ORLEANS 23^d April 1804

S^r THERESE DE S^t XAVIER FARJON Superieure
 S^r DE S^{te} MARIE OLIVIER Assistant
 S^r DE STE FELICITÉ ALZAS ZELATRICE
 S^r CHRISTINE DE S^t ANDRÉ MADIER
 S^r CHARLOTE DE S^{te} THERESE DE MOUÏ
 S^r EMÉLIE DE S^t FRANÇOIS JOURDAN
 S^r ROSALIE DE S^{te} SCOLASTIQUE BROÛTIN
 S^r MARIE DE S^{te} MADELAINE RILLIEU
 S^r MARGERITE DE S^t CHARLE CARRIER
 S^r MARTHE DE S^t ANTOINE DELATTRE
 S^r MARIE JOSEPH BRAUXE
 S^r FÉLICITÉ DE S^t JEAN NICOLA—Novice
 MARIE BLANC agregée pour servir la communaute

[*Endorsed*] from the Nuns at New Orleans to the President. 23 April 1804. S^t Ursula, Nuns of. N.O. Apr. 23. 04. rec^d June 8 ⁷⁸

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[LC:Madison Papers:LS]

(Private)

NEW-ORLEANS 25 April 1804

DEAR SIR, I received by the last mail a letter from the Secretary of the Treasury ⁷⁹ in which my Ordinance for the establishment of the Louisiana Bank is greatly censured.—My reply ⁸⁰ to M^r Gallatin's letter fully explains the motives and reasons which influenced my conduct on that occasion,—and I beg you Sir, to ask M^r Gallatin for a perusal of it.

The Louisiana Bank will probably die of itself:—Only one hundred & forty thousand dollars have been subscribed, and for many weeks past not a single share has been taken; but great as the indifference with respect to this institution has of late been, I am persuaded that a repeal of the Ordinance would excite much discontent, and

⁷⁸ A letter from the President to the nuns of St. Ursula, July 13, 1804, assuring them that their property would be protected by the government, is in the Jefferson Papers (LC).

⁷⁹ Not found; referred to as of Apr. 16, 1804, in Claiborne's reply, May 23, 1804 (Rowland, ed., *op. cit.*, II, 160-164).

⁸⁰ *Loc. cit.*

that it might lead to an attempt on the part of certain wealthy and dissatisfied men to carry it (nevertheless) into effect.

It is impossible for gentlemen at a distance, to form an accurate idea of the embarrassments I have been subjected to in this Territory, and the difficulties I have passed through. To conciliate the public sentiment I have occasionally resorted to expedients, which at the Seat of Government may appear improper.—Perhaps I was wrong in granting a Charter for a Bank:—But my motives were honest and patriotic; the effect intended was in part produced; and however I may regret that any act of mine, Should meet the displeasure of the Executive, my Conscience will acquit me of intentional error.

Friend Isaac Briggs and Robert Williams of North Carolina, should they have reached the Seat of Government, will I am Sure do me justice in the representations which they may make of my public conduct.⁸¹—How far General Wilkinson will be disposed to serve me, I am yet to learn;—while in this City he was neither my private nor political friend;—we nevertheless maintained a friendly intercourse, and parted apparently on good terms.—I however must be permitted to observe to you (in confidence) that I never will again undertake a duty in conjunction with another person possessing like powers with myself.—Three may accord, but two never can; and in this latter case, nothing will be done, or the business will be conducted in a way not pleasing to either, and perhaps not satisfactory to the Government.

Accept my best wishes; your friend—

WILLIAM C. C. CLAIBORNE

THE HON^{ble} JAMES MADISON Secretary of State.

[Endorsed] 25 Ap^l 1804 ⁸²

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, IV:LS]

NEW-ORLEANS 25 April 1804

SIR The French privateer mentioned in my letter of the 14th instant,⁸³ has just arrived at this port;—I enclose you a Copy of the

⁸¹ In a postscript to a letter to the President, Apr. 14, 1804, the Secretary of War wrote:

“I am happy to find from M^r Brigs & M^r Williams who have arrived here from New Orleans, that Gov^r Claiborn is very popular at New Orleans except with M^r Clark & a very few warm high toned men, and that his Gen^l conduct has been discreet and firm, as well as accommodating & pleasing.” (Jefferson Papers, LC).

⁸² Acknowledged June 19, 1804 (Rowland, ed., *op. cit.*, II, 278-279).

⁸³ NA(SD, Orleans Terr. Papers, IV), enclosing Claiborne to Laussat, Apr. 14, 1804(two), to Cooper, Apr. 14, 1804(two), and Laussat to Claiborne, Apr. 14, 1804(two), printed, except the last two letters, in Rowland (ed.), *op. cit.*, II, 97-100.

report of D^r Watkins relative to this vessel, and also, of my instructions to the Harbour Master.⁸⁴

General Wilkinson sailed for New-York on this morning, on board the Ship Louisiana.

It is understood that M. Laussat took his departure on Saturday last, and was destined for Guadaloup.⁸⁵

I am Sir Very respectfully Your Most obd^t Serv^t

WILLIAM C. C. CLAIBORNE

THE HON^{ble} JAMES MADISON Secretary of State

[*Endorsed*] Gov^r Claiborne 25 April 1804 rec^d 11 June Quer. ought not the privateer to have been seized for importing persons of colour.

[Enclosure]

John Watkins to Governor Claiborne

(Copy)

NEW-ORLEANS 24 April 1804

TO HIS EXCELLENCY GOVERNOR CLAIBORNE.

SIR, In making the visit of health on board the privateer La Sœur Chérie I learnt the following particulars. She is commanded by Captain Lafitte and was armed in Aux Caix on the 8th of Vendemaire by the orders of General Brunet. On leaving Aux Caix the Crew, officers included amounted to sixty some odd men, but is now reduced to fourteen. The cause of this great deduction the Captain states to be desertion, which happened principally before he came into the Mississippi, but he confesses that since that time 18 or 19 of his crew have left him, several of which were negroes from S^t Domingo. La Sœur Cherie had on board at her fitting out ten guns (four pounders) but in consequence of a violent storm while at Sea the Captain says, that he was reduced to the necessity of throwing seven of them overboard and consequently has at present but three. He observed, that in the tempest above alluded to, his vessel had sustained very considerable injury, and that it was with the intentions of repairing that injury and to be enabled to return again on a cruise that he had come to New-Orleans.—

I found the whole of the crew on board in perfect good health.—

I have the honor to be, With sentiments of high consideration and esteem, Your obd^t & very hble Serv^t

(Signed) JOHN WATKINS.

[*Endorsed*] rec^d in Gov^r Claiborne's 25 April 1804

⁸⁴ To Davis, Apr. 25, 1804 (Rowland, ed., *op. cit.*, II, 114).

⁸⁵ Acknowledged June 19, 1804, *ibid.*, pp. 278-279.

THE SECRETARY OF STATE TO THE SECRETARY OF THE
TREASURY

[NA:SD, Dom. Letters, xiv:C]

DEPARTMENT OF STATE, *April 28th 1804.*

THE SECRETARY OF THE TREASURY.

SIR. I request you to be pleased to cause a warrant to issue in favor of T. T. Tucker, Treasurer of the United States, assignee of the enclosed bill of exchange drawn upon me by Governor Claiborne, and dated the 17th ult. for one thousand three hundred dollars on the appropriation for paying the expences of administering the Government of Louisiana.⁸⁶

I am &c

JAMES MADISON.

THE SECRETARY OF THE TREASURY TO THE SECRETARY
OF STATE

[LC:Gallatin Papers:LS]

TREASURY DEPARTMENT *April 30th 1804*

SIR, I have the honor to transmit for your information a letter received from Governor Claiborne, together with his accounts therein enclosed.⁸⁷ If he has mistaken the intention of the four hundred dollars monthly allowance, his error may induce him to incur a higher rate of personal expences than he will find convenient to discharge from his compensation. The purchase of furniture for the Government House might however be allowed and paid from the 20,000 dollars fund; the furniture, in that case, to become public Property. I will thank you to return the letter and accounts, when you shall have no longer use for them.

I have the honor to be, with the highest respect, Sir, Your obed^t Servant

—ALBERT GALLATIN

THE SECRETARY OF STATE.

[*Endorsed*] Secretary of the Treasury 30 April 1804 Gov^r Claiborne's accounts

⁸⁶ Similar letters are dated Apr. 28, June 14, July 11, July 24, Sept. 5, Oct. 11, and Nov. 22, 1804 (NA, SD, Dom. Letters, XIV).

⁸⁷ Mar. 25, 1804 (Rowland, ed., *op. cit.*, II, 63-65).

PETITION OF PETER PEDESCLAUX ⁸⁸

[NA:SD, Orleans Terr. Papers, iv:ADS]

[April, 1804]

To Thomas Jefferson President of the United States—

The Petition of Peter Pedesclaux public notary, and recorder of Mortgages for the Province of Louisiana, residing in the City of New Orleans. — Humbly Sheweth,

That how great soever have been, and are still like to be, the advantages reaped by the inhabitants of the province of Louisiana at large, from their being admitted to the rank of Citizens, of the United States, Yet the interests of your petitioner have considerable suffer'd by the political transaction from which that admission has originated, an effect as to individuals almost inseperable from the Shocks and Collisions attending such transactions.

That in the year 1787, the province being then in the possession of Spain, your petitioner, bought from the then incumbent, the offices of Clerk and notary of the Government; that of Recorder of Registerer of Mortgages; and also that of Clerk to the Cabildo, the two first extending their exercise to every port within the limits of the said province; for which purchase he paid the sum of twenty five Thousand Dollars including the Duties to the King in such cases, a Sum which he laid out on the Sole consideration that these offices were becoming thereby his personal property, transmissible to his Children by right of inheritance; or vendible by private or public Sale to any one according to what is generally practised under the Spanish Dominion, where the purchase and Sale of offices is almost universally established.

That in consequence of the said purchase your petitioner took charge and was put in possession of these three offices on the 14th of March 1788; and had all the archives of the Colony from the time of its being first Settled by the French nation down to the present epocha deliver'd into his custody.—

That when the two great conflagrations that destroyed almost the totality of the City of New Orleans, the first on the 21st of March 1788, the next on the 8th December 1794, took place, these Same Archives, as well as all other documents, of every description belonging to the different provinces of these offices, were saved from a general destruction by his active and effectual exertions, at the expense of his personal, and Family Interests; which he sacrificed

⁸⁸ Enclosed in Claiborne to the President, Apr. 27, 1804, with statements in support of Pedesclaux's claim by Vidal, Nov. 29, 1803, Salcedo and Casa Calvo, Dec. 30, 1803, and Morales, Apr. 20, 1804 (NA, SD, Orleans Terr. Papers, iv; the covering letter is printed, Rowland, ed., *Claiborne Let. Bk.*, II, 116-117). See also Gurley to Claiborne, Dec. 27, 1807, and Claiborne to the Secretary of State, Mar. 14, 1808, *ibid.*, iv, 141-142, 161-162.

with real Alacrity to what his honor made him consider as his most immediate duty to preserve; every thing he then possessed becoming the prey of the Flames.—

That being then left without House, without property of any description, the emoluments of his different offices greatly reduced by the public Calamity, and his Wife, his Children, and himself almost destitute of every article of wearing apparel, Your petitioner, to provide for their, as well as for his own Subsistence, Solicited, and obtained from the Spanish administration, a permission or license, for Setting up at Public Auction for the Sale of Real as well as personal property; an establishment then unknown in the Country; yet greatly wanted by its Inhabitants; and which was granted to him as a means of compensation for the Loss he had Sustained by Visibly Sacrificing his own Concerns to the public welfare, at the time of the above mentioned conflagrations; and as a reward for that mark of his Zeal.—

That your petitioner remained in that situation till the latter end of November last, when the cession of the province, by France to the United States utterly put and end to all his hopes of retrieving his affairs by the assistance of time and his own industry, and also annihilated that of reimbursing himself of the Sum of 25000 Dollars laid out for the abovementioned purchase; a Capital which employed in any other way would have amply provided for a Father grown aged in the public Service; a Wife grown infirm, and eight young Children, who, now, can hope for no other rescourse for entering the World, but from the Justice you will render their unfortunate Father: to that Father nothing is now left but the precarious office of recorder of mortgages, greatly circumscribed by the late measures of the Government of the Union for the administration of Louisiana; and his office of Notary whose emoluments are also reduced by an encrease of offices of that appellation.—

Therefore your Petitioner trusting in the Justice of his Claim and in the Strict equity for which the Congress of the United States is so Conspicuous—prays that you will take his case under your consideration, and grant him, in what manner or mode, your or the Congress's high Wisdom will please to order;—1st That your petitioner may be restored to the exercise of his said offices, in Case the same should be deemed consonant with the principles of the American Government, or if anything exists in the Constitution of the United States which forbids such an Arrangment—that at least he may be reimbursed the Sum paid for the Same, Consistent with the Spirit and letter of the treaty of Cession, which secures to the Inhabitants of this Country the full enjoyment of their property—the said offices being as much your petitioners private property as any article in his possession,

a property recognized by Law for which he paid an high price, and of which he could not be deprived unless by forfeiture for misfeasance, which has never been laid to your petitioners charge. 2^{ndly} That you will please to order that the right of holding a public Auction for the Sale of real and personal property, be returned to your petitioner, as the consideration for which that favor was orriginally granted to him by the late Government; far from having received any dimunition in their Strength, have on the contrary acquired an additional Weight—from the manner in which the Circumstances and the transactions of the time have operated upon your petitioner.—

And your petitioner will for ever pray &ca

PETER PEDESCLAUX

NEW ORLEANS *April* 1804

[*Endorsed*] Pedesclaux Peter. New Orleans Apr. 04. rec^d June 7.

EDWARD D. TURNER TO GOVERNOR CLAIBORNE ⁸⁹

[NA:SD, Orleans Terr. Papers, IV:ALS]

NACHITOCHEs *May* 1st 1804

SIR I have the honor to inform you that I took possession of this Post on the 26th Ins^t—The French Flag superseded the Spanish at eleven, and the American the French at 12 o Clock—to the seeming satisfaction of every one—though I have understood some are not altogether pleased.—The Commandant of Nagadochez was present, and was heard to say, “It is now finished and the door is shut forever” alluding to the intercourse between Louisiana and the Province of Mexico, or rather between this District and Nagadochez,—he has since called upon me accompanied by the Priest of his District, he proposed to me to enter into an agreement with him to let no person pass the Frontier without a written permission, and he would do the same; I answered him that the Americans were always free to go where they pleased, provided it was not with mischeivous intentions, and that free ingress and regress was allowed to all Foreigners who thought proper to visit our Country.—This conversation was introduced by saying that a report had lately put his Government to great expence, they have had for some time 150 Soldiers on the Frontiers looking for a party of Americans whom they were informed had entered their Country with evil designs, he observed as they were not successful in finding them, he presumed the information had been false,—he seemed not inclined to part with the Idea of passports, and told me that he came here on purpose to see me, and to ascertain our

⁸⁹ Covering letter, Claiborne to the Secretary of State, May 13, 1804, printed, Rowland (ed.), *Claiborne Let. Bk.*, II, 146–147.

relative situation, in fact I believe his visit was to discover our intention as they would interest the neighbouring Province, and find out the best measures to stop future intercourse—he informed me that the Governor General had interdicted any more Horse trading.—Since this conversation he has sent for one or two people who live just on the other side of the imaginary line, and told them the Governor General had instructed him to order all the people living near the line to go to the interior and he invited them so to do, but he did not order them,—perhaps to quiet the mind of the Governor General you may think proper to comply with his wishes that passports may be made necessary. if so I shall communicate the information, and act accordingly⁹⁰—

With much respect I am Sir your Humble Serv^t

EDW^d D, TURNER

HIS EXCELLENCY W. C. C. CLAIBORNE Governor General of Louisiana—

[Addressed] His Excellency W. C. C. Claiborne Governor General of Louisiana New Orleans Fav^r M^r Raymylaubre

[Endorsed] rec^d in Gov^r Claiborne's 13 May 1804.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS *May* 3rd 1804.

DEAR SIR, I was last evening honored with the receipt of your Letter of the 30th ⁹¹ of March.—It would personally be a source of great satisfaction to me, to see the Marquis de la Fayette a Citizen of Louisiana, and I believe his permanent residence therein, would be a great public' Benefit.—I shall hasten to make the enquiries you solicit, and to communicate to you, the Result: My present Impression is, that there would be no difficulty in locating the Land granted to General Fayette in situations the most elligable in lower Louisiana; perhaps the greater part of it, on the Island of New-Orleans:—But I will inform you more particularly by the next Mail.⁹²

⁹⁰ Answered May 13, 1804, *ibid.*, pp. 145–146.

⁹¹ Not found.

⁹² Sec. 4 of the act approved Mar. 3, 1803 (2 STAT. 236–237), authorized the Secretary of War to issue land warrants to Lafayette for 11,520 acres. These grants are discussed in Chinard (ed.), *Letters of Lafayette and Jefferson*, pp. 189–194. The correspondence concerning them is too voluminous to permit of citation here. Much of it is printed in the various editions of the writings of Jefferson, Madison, and Gallatin, and the remainder is calendared in the Jefferson and Madison Calendars.

The 30th April, being the Day on which our late Treaty with France was signed, I presented an elegant Standard to the Battalion of Orleans Volunteers; It was received with much enthusiasm, and will I am persuaded have a happy effect.—I have another standard for the Regiment of City Militia, and a third for the Battalion of free people of Colour, which I shall shortly present—The two former, I obtained from General Wilkinson; they were formerly attached to the 4th Regiment, & had been little used;—I solicited them from the General in order to avoid the expense of purchasing new ones;—The Ensign for the people of Colour I had made here. ⁹³—

The most perfect harmony continues to prevail in this City.—

With sentiments the most respectful—I have the honor to subscribe myself—Your faithful friend

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the U. States.

[*Endorsed*] Claiborne Gov^r N.O. May 3. 04. rec^d June 12.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS *May* 20^h 1804.

DEAR SIR, Since my last Letter,⁹⁴ I have endeavoured to inform myself of such vacant Land which from quality and situation was the most valuable. I have sought information upon this subject, from several old Inhabitants, but more particularly from Don Carlos Trudeau late Surveyor General of Louisiana, a Man of some Science, great integrity of Character, and possessing much local knowledge.—

M^r Trudeau states, that in lower Louisiana, vacant Lands may be found in the following positions.

1st—On the Island of New Orleans in the vicinity of Galvez Town, near the River Ibberville, and in various other places not distant from New-Orleans upon the small Bayou's or Forks which form a Communication between the Gulph of Mexico & the Mississippi.—

2—Upon the Chafaleya—But the Land there is subject to inundation, and in his (M^r Trudeau's) opinion, not very valuable.—

3—Upon the Red River in various places, but particularly in the vicinity of the Post called the Rapids, where the Land is fertile, free from inundation and the Climate remarkably healthy.

⁹³ Concerning the organization of the militia, see Claiborne to the following: the Secretary of War, May 5, Bowmar, May 15, the Secretary of State, June 28, Bellechasse, July 7, Turner, Nov. 8, 1804, and Claiborne's militia orders, July 12 and Sept. 20, 1804 (Rowland, ed., *op. cit.*, II, 129, 149, 230–231, 241, 242–243, 337; III, 6–7).

⁹⁴ *Supra.*

4. On the Bayou or River Bœuf which makes out of the Red River some considerable distance below the Rapids, and falls by the way of the Appalouzas into the Chafaleyo. The Land on Bœuf River is described as being very fertile and well adapted to cultivation.—

In some of the situations above mentioned, there are vast Tracts of vacant Land, but in any one, M^r Trudeau is of opinion, there may be located to advantage 11 or 12 thousand acres, in different parcels.— In order however, to give an accurate Account of the quality, quantity, advantages &° of these Lands, I would deem it advisable to authorize an intelligent Person acquainted with the Country, to go upon the premises, and make the necessary examinations.⁹⁶

I have the pleasure to inform you, that good Order continues in this City, and as far as I can learn thro'out Louisiana.—It has already become very warm here, but I am happy to learn, that the health of the City is unusually good for the Season of the year. Tho' much confined, and somewhat harrassed with a multiplicity of public' Business, I have hitherto had the good fortune to enjoy my health, without any material interruption:—I am not however without apprehensions for my family; M^{rs} Claiborne is now on her passage from Nashville in Tennessee, to this City, and I very much fear that the warmth of the Weather and long Confinement to a Boat, may occasion Indisposition—But I indulge a hope, that in six or seven Days, I shall meet my family in perfect health.

With sentiments the most respectful—I have the honor to subscribe myself Your faithful friend

WILLIAM C. C. CLAIBORNE

TH: JEFFERSON President of the U. States

[*Endorsed*] Claiborne Gov^r N. O. May 20. 04. rec^d June 27—

JAMES PITOT AND EDWARD LIVINGSTON TO GOVERNOR
CLAIBORNE ⁹⁶

[NA:SD, Orleans Terr. Papers, IV:LS]

NEW ORLEANS. 1st June 1804

SIR A number of respectable Planters Merchants and Other inhabitants of Louisiana having assembled yesterday to take into Consideration the provisions of the law of the 26. March ⁹⁷ for the Government of this Country—they determined that it was expedient to prepare a remonstrance against several provisions in the said Act and

⁹⁶ Cf. Claiborne to the President, May 29, 1804 (Rowland, ed., *op. cit.*, II, 174-176).

⁹⁶ Covering letter, Claiborne to the Secretary of State, June 3, 1804, printed, *ibid.*, pp. 190-191.

⁹⁷ *Ante*, p. 202.

a petition for its repeal—We have been directed Sir by that meeting to communicate to you the object of its assembling as well to avoid misrepresentation, as to disavow in their name any other design but that of a respectful address to Congress stating our rights and praying that they may Speedily be restored to us according to the terms of the treaty and the principles of the federal Constitution—

We have the honor to be very respectfully Your Exce^{ll}'s Mo Obd Ser

J. PITOT.
EDW LIVINGSTON

HIS EXCELL^y GOVE^r CLAIBORNE

[*Endorsed*] Rec^d in Gov^r Claiborne's 3 June 1804.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[LC:Madison Papers:LS ⁶⁸]

[(Private)]

NEW-ORLEANS 3rd June 1804

DEAR SIR, When my old acquaintance Edward Livingston arrived in this City, he seemed determined perseveringly to pursue his profession, with a view of restoring his fortune, and on the subject of politics, he expressed an ardent wish to see the present administration prosper, but declared it to be his interest not to be concerned in public business. His talents, address, connexions, and the high stations he had filled, gave him consequence here: his prospects as a Lawyer became flattering, and he has made two or three thousand dollars;—but M^r Livingston cannot be a stationary character; he has of late become the warm advocate of the Rights of Louisiana and is among the most distinguished, and the most active of those who disapprove the measures of Government, in relation to this territory: what his real objects are you can as readily conjecture as myself, but his late conduct here, I consider very imprudent.—M^r Daniel Clark also manifests much discontent at the proceedings of the Government. This gentleman, I am inclined to think is of opinion that, his services at New-Orleans, have not been sufficiently rewarded, and I view him as very inimical to the present Administration. From the first period of my arrival to the present day, M^r Clark (in conjunction with one or perhaps two other persons) have made great exertions to injure me here, and I believe at the Seat of Government:—] I have good reason to think that, intrigues the most ungenerous have been practised, and representations the most uncandid have been made against me.—My talents have been questioned, because I would not be influenced by the Councils of men in whose

⁶⁸ Printed also, except the bracketed portion, in Rowland (ed.), *op. cit.*, II, 191–192.

judgment or integrity I placed no confidence; and my firmness doubted, because I would not act the tyrant.—It is very probable that, I have committed many errors, for I was always distrustful of my abilities to execute with propriety the high offices conferred upon me; my duties have been various and arduous, and although I may not have discharged them in a manner altogether pleasing to the Executive, yet I am persuaded my conduct would have been infinitely more exceptionable, had I pursued the policy which two or three characters here, so strongly recommended.

It was often predicted by these men that my want of energy (as they termed it) would throw Louisiana into a State of insurrection, and in the course of the first two or three months after my arrival, I was repeatedly told that, nothing but force would ensure the public tranquility:—close imprisonment and even banishment was seriously advised as a just punishment for those who manifested discontent at the change of Government: but I never saw, myself, a necessity for arbitrary measures, and it will remain a permanent consolation to me that, during six months of my administration in Louisiana, and amidst many difficulties not a single individual has experienced the severity of the Law. This clemency or rather conciliatory justice, men who are tyrants in principle have called a want of energy:—but experience has proved, that, it was a wise policy, for the effects have been, a continuance of good order, and an increase of union in the public sentiment.⁹⁹

I have the pleasure to inform you that, M^{rs} Claiborne arrived in this city on Monday last in the enjoyment of good health.

Accept my best wishes! I am dear Sir With great respect & esteem Your obd^t Serv^t

WILLIAM C. C. CLAIBORNE

THE HON^{ble} JAMES MADISON Secretary of State.

[*Endorsed*] 3, June 1804 ¹

⁹⁹ Cf. Claiborne to the Secretary of State, May 12, 1804 (Madison Papers, LC).

¹ Acknowledged July 10, 1804, *post*, p. 259.

AUTHORIZATION TO BARTHÉLEMI LAFON TO ACT AS
SURVEYOR

[NA:SD, Orleans Terr. Papers, IV:C 1]

[June 23, 1804]

PAR GUILLAUME C. C. CLAIBORNE, Gouverneur du Territoire du
Mississippi, exerçant les pouvoirs de Gouverneur Général et Inten-
dant de la Province de la Louisiane.

A tous ceux qui ces présentes liront.

J'autorise BARTHELEMI LAFON à réarpenter & dresser les plans de toutes terres concédées ci-devant légalement a des particuliers par le Gouvernement de France ou d'Espagne dans l'intérieur de la Province de la Louisiane, & situées à l'Ouest du fleuve Mississippi, ou dans l'Ile de la Nouvelle-Orléans; lesdits réarpentages étant faits à la demande des particuliers ayant droit auxdites terres; & les honoraires pour le réarpentage seront sur le pied où ils étaient sous le Gouvernement Espagnol pour les même services. Bien entendu, toutefois, que ledit Lafon, ou toute personne agissant sous ses ordres n'auront aucun droit d'arpenter des terres qui appartiennent aux États-Unis. Donné sous ma Signature & le Sceau de l'Administration, à la Nouvelle-Orléans, le 23 Juin 1804, 28ème. année de l'Indépendance des États-Unis.

Signé: Guillaume C. C. CLAIBORNE

Nota. M. Lafon a l'honneur de prévenir les personnes qui désireront avoir recours à lui, qu'il entend les trois langues.

[*Endorsed*] rec^d in Gov^r Claiborne's 27 July 1804.

[Translation]

[June 23, 1804]

BY WILLIAM C. C. CLAIBORNE, Governor of the Territory of the
Mississippi, exercising the powers of Governor General and Inten-
dant of the Province of Louisiana.

To all who shall see these presents.

I authorize BARTHELEMI LAFON to resurvey & to draw up the plans of all lands hitherto legally granted to private persons by the Government of France or of Spain in the interior of the Province of Louisiana, & situated to the West of the Mississippi river or on the island of New Orleans; the said resurveys being made at the request of the private persons having a right to the said lands; & the honoraria for the

¹ From a copy of the *Moniteur de la Louisiane*, July 26, 1804. The covering letter, Claiborne to the Secretary of State, July 27, 1804, is printed, Rowland (ed.), *Claiborne Let. Bk.*, II, 274. Cf. certificates issued by Claiborne to Peter Derbigny as official interpreter, Apr. 21, 1804, and to Narcissus Broutin as notary, Apr. 20, 1804, enclosed in Claiborne to the Secretary of State, Apr. 27, 1804 (NA, SD, Orleans Terr. Papers, IV).

resurvey will be on the same footing as under the Spanish Government for the same services. It is well understood, nevertheless, that the said Lafon, or any person acting under his orders will have no right to survey lands which belong to the United States.

Given under my Signature & the Seal of the Administration, at New Orleans, June 23, 1804, 28th year of the Independence of the United States.

Signed: WILLIAM C. C. CLAIBORNE

Note. Mr. Lafon has the honor to inform persons who desire to have recourse to him, that he understands the three languages.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[LC:Madison Papers:ALS]

(Private & confidential)

NEW-ORLEANS June 29th 1804.

DEAR SIR, In my official Letter of the third of June,³ I informed you of a small assemblage of Citizens in New-Orleans, whose object was to forward an address to Congress, relative to their local Government.—Since that period,¹ M^r Edward Livingston has been engaged in framing the Memorial, and preparing the Citizens of this place & its vicinity for the reception of the principles which it contains. I understand this production is quite voluminous, and may be considered a severe Philippic against the proceedings of Congress;—It is now undergoing a translation in the French Language, and I learn it is to be presented to a Town Meeting on Sunday evening next for their sanction. M^r Livingston supposes that under the Treaty; Louisiana is entitled to immediate admission into the Union as a State, and declares that the obtaining of that Right, is his great Object.

I once thought that M^r Livingston would be an acquisition to Louisiana, where men of Science & political Information are so much wanting; But I now fear he will become a troublesome member of our political society, and I do sincerely regret, that he ever left New-York.—

It seems to me impossible, that a man of reflection, can suppose the people of Louisiana at this time, prepared for a complete Representative System;—But there is no accounting for change of opinion, with respect to the Government of this Territory;—I remember for the first two or three months, after our taking possession, my colleague General Wilkinson was impressed with an opinion, that a strong military Government would alone suit Louisiana, and that no one but a Military Character should be the Governor; But a few Weeks previous to the General's departure, his sentiments were quite changed, and his avowed opinion (an opinion which was delivered to several,

³ *Ante*, p. 242. Cf. Claiborne to the Secretary of State, July 1, 1804 (Rowland, ed., *op. cit.*, II, 233-234).

perhaps many) then was, that a complete Representative Government could alone embrace the Interest of the People, & fulfil the promises held out in the Treaty.

The Memorial drafted by M. Livingston will I learn meet the active support of M^r Daniel Clark, and M^r Evan Jones;—

I believe I can assure you, that the most perfect good order prevails thro'out this Territory.

With great respect & Esteem Y^r hble sev^t

WILLIAM C. C. CLAIBORNE

JAMES MADISON Esq^r

[*Endorsed*] 29 June 1804 (Private) Claiborne W^m C-C June 29 1804

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS *July 1st 1804.*

DEAR SIR, My official Letters to the Secretary of State, have advised you, of M^r Livingston's exertions to promote a Memorial to Congress, the object of which is, to obtain the immediate recognition of Louisiana as a member State of the Union.

M^r Livingston is supported by Mess^{rs} Evan Jones and Daniel Clark, and there is no doubt but they will be joined by many french Inhabitants.—I have not seen the Memorial, but it is said to have been drafted by M^r Livingston, and is represented as an ingenious piece of composition, & well calculated to please the people, whose signatures are requested.

The Right of Admission into the Union, the Memorial contends, grows out of the Treaty, and the faith of the U. States has been violated by the Acts of Congress in relation to Louisiana:—Many Grievances are stated & among others, “the introduction of the English Language in the Courts of Justice, the division of Louisiana: and the prohibition of the Slave Trade are particularly mentioned:—The Memorialists declare themselves to have been grossly misrepresented by Members of Congress and others; that they are not an uninformed People, and feel themselves perfectly competent to Self-Government.—Such is the imperfect sketch of a lengthy Memorial, which no doubt will be signed by many Persons, and forwarded to Congress at the next Session by two or more Agents, selected by the Memorialists for the occasion. .

What are the secret springs to this warmth of patriotism or Enthusiasm in Mess^{rs} Livingston, Clark and Jones you may probably hazard a conjecture; But whatever may have been the Motives, they have caused a flame in the District, which will not (I fear) shortly subside.

My opinion is now and ever has been that the Louisianians are not yet prepared for an entire Representative System, and that they would not make a proper use of such weight as they might prematurely acquire in the National Scale;—I would also hazard a conjecture, that if the Letters of M^r Clark (while Consul) to the Government were known, that he likewise had delivered like sentiments;—I am certain that General Wilkinson once accorded with me in sentiment, & I was impressed with an Opinion that M^r Livingston did not dissent;—But it seems, that these Gentlemen are now the advocates for an entire Representative Government in Louisiana;—General Wilkinson had joined the popular party previous to his departure from hence, but what part he may take at the Seat of Government I know not;—

Altho' I do not believe, Louisiana ought to be made a State, yet I do think it would be wise & just policy to introduce the Representative system with all safe Dispatch, & in pursuance of this plan, I should like to see the second Legislative Council elected by the People. I can appeal with confidence to my Heart, and assert, that no man is more attached to Republican, Representative Government than myself; But I cannot in my conscience believe that a people just free'd from Despotism, and among whom the progress of Science, (whatever may be said to the contrary) is extremely limited, would manage with discretion, and direct with Judgment the important duties which devolve upon a free and independent State.

Should however the construction of the Treaty contended for, be deemed correct, the question of the Admission of Louisiana into the Union, is no longer a question of policy, & I shall then console myself with the pleasing hope,—that a few Years experience under our happy Constitution, will make the Louisianians zealous members of our Republic, and firm advocates of Civil and religious freedom.—

For a Week past, I have laboured under a slight Indisposition; But unwilling to yield to disease, I continued in the discharge of my official Duties, and I now feel myself nearly restored to health.—

The early arrival of the Judges of the Orleans Territory is much wished for by the People; there are many important Law Cases that are postponed, and for the future, I am determined to take Cognizance of no suits that I can possibly avoid—But I fear the Compensation allowed to the Judges will not permit their remaining in Office, but a short time.—It seems to me impossible for a Judge to support himself & family in this City, for 2000 Doll^s p^r annum. I give you my honor Sir, that for the last two months, my Table Expenses alone amounted to 13 hundred Dollars, and that this amount was expended notwithstanding the exercise of a prudent œconomy.—

So confident am I, that every months residence here, is making great Inroads on my little competency, that for this (as well as other

reasons) I anxiously await the arrival of the first of October, and unless the permanent Governor should be a Man of large private Resources, I fear (with a Salary of five thousand Dollars) he will find himself much embarrassed in two or three years.—

With sentiments of Gratitude & Respect! I have the honor to subscribe myself Your faithful friend

WILLIAM C. C. CLAIBORNE

To THOMAS JEFFERSON President of the U. States.

[*Endorsed*] Claiborne Gov^r N. O. July 1. 04. rec^d Aug. 18.

JAMES WILKINSON TO THE PRESIDENT

[LC:Jefferson Papers:AL]

[*July 1, 1804*]

General Wilkinson has the Honor to submit, to the private Inspection of the President, Portraits of several prominent Characters in Louisiana, (the Territory of Orleans) from the Pens of two Gentlemen, strangers to each other, of different Nations & opposite prejudices—The one a French Man, the other an Atlantic American—But both of them, decidedly opposed to the French Government, & as favourably inclined to that of the United States.—It may be proper to remark, that Gen^l W.s opinion is adverse, in several instances, to those which have been communicated to Him—The Gen^l believes that M^r Bore's resignation may be made a salutary Event, and He takes the Liberty to inclose, to the president—a Letter from M^r Villar⁴ formerly resident of Louis. the 16th at New Orleans, respecting the verbena aubletia of Louisiana.

July 1st 1804.—

[*Endorsed*] Verbena Aubletia, or Verveine rose l'herbe à glacer l'eau. Wilkinson Gen^l July 1. 04. rec^d July 1.

CHARACTERIZATION OF NEW ORLEANS RESIDENTS

[SD:Appt. Office Files:AD]

[*July 1, 1804*]

[1.]⁵ N^o 1st M^r Boree, A man of mean extraction, without abilities either natural or acquir'd, of some fortune, well connected, consequently of some weight in society, in which he lives, though of none in the province at large—He is principally distinguishd by his vanity & a blind attachment to the French Nation ⁶—

⁴ Not found.

⁵ The bracketed numbers are in Jefferson's hand.

⁶ Cf. Wilkinson to the President, July 5, 1804 (Jefferson Papers, LC).

[2.] N° 2^d *M^r Merieux*; Resembles *M^r Boree* as to his birth and education, he is industrious enterprising & indefatigable in business, of which he has done a great deal, though he is not a Merchant, he is supposed to be Rich & wishes to be thought so, his character is far from being thought amiable, he is vain ostentatious & overbearing; & in his dealings said to entertain vague Ideas of Meum & Tuum—For the weight he possesses in Society he is entirely indebted to a very large Capital of which he has the disposal As to country he will always give the preference to that in which he can make most money & Appear the greatest man—with this difference, that being born a Frenchman, like every other of that nation he would prefer the Interests of France on equal terms to those of any other people—

[3.] N° 3^d *Meyange*.—This character may be drawn in a few words, He has much understanding and competent knowledge of the Laws & Customs by which this Country has been governd for these thirty years past; apparently attach^d to the Spanish government, but in reality a Frenchman—he is plausible, cunning, designing & equal to Judas himself in point of perfidy; Such a man can never be esteem^d, but his talents especially for doing Mischief give him a certain degree of consequence in the country,—

[4.5.] N° 4 & 5th *Lanusse & Petit*—Are men of tolerable understanding, plain moderate, & of good Reputation, having been long in business & being pretty well connected, they have acquir^d a certain degree of Respectability in Society—

[6.] N° 6th *M^r Faurie*—Having done a great deal of commission business is naturally ranked amongst the first Merchants in N.O. Tho a young man, he is not deficient in point of understanding; he good natur^d Soiable and fond of amusements—the most remarkable trait in his character is furious devotion to France & her Interests—

[7.] N° 7th *M^r Detrehan*, is a sensible man Rich and of extensive connections; his Reputation is extremely fair, & his weight in the country considerable, in short he is one of the most Respectable men in the Province—

[8.] N° 8. *M^r Dorsiere* is a man of very little standing in the society—his talents appear by no means shining, & he has neither Fortune or connections to give him weight, he has always passed for a very decent honest man which character he probably deserves,—

[9.] N° 9. *M^r Paysarey* or *Payfare*; is a man of some consequence in in the country which he seems to have acquird as Antiques do their value; he is honest & well disposed, but Ardent volatile & vain, he is possess^d of some knowledge but his extreme vivacity renders it of no value, If Ten thousand words & phrases cut out of as many Books should be all jumbled together without any Order or connection they would give so idea of *M^r P* s mind—

⁷ Numbers 9 to 17 inclusive are inverted and on the right-hand margin.

[10.] N° 10 *M^r Fortier*—This man is pretty Rich which added to a pretty extensive family connection gives him a consideration which neither his talents nor mode of life would have done. His understanding is much below mediocrity, but he may be honest, & is certainly hospitable—Eating & Drinking are his Fort—

[11.] N° 11 *M^r Clouet*, This gentleman is of a respectable family of which he may be look'd upon as the head, tho he is a younger Brother, he is supposed by some to be Rich & is at least in possession of a good deal of property, his Education was bad but his natural understanding strong, Fond of amusements, but little delicate in his choice of them better fitted to a military than Civil walk in life.—an extreme violence of disposition is the most prominent trait in his character, Attatch^d to the Spanish government—

[12.] N° 12 *M^r Pitot*; is said to be a man of some information, but his vanity, his pedantry & arrogance render him disagreeable to most people, He thinks the French the first of nations & himself the first Frenchmen—his consequence in Society is but small—

[13.] N° 13 *M^r Lanthis* is simply a cutter of Capers—

[14.] N° 14 *M^r Labattus*—a plain quiet of good Reputation, but slender abilities—

[15.] N° 15 *M^r Duplessis* A man of good natural understanding though of little education, Sober, industrious & thriving in business—

[16.] N° 16 *M^r Cuitergue*—does not want a tolerable degree of information, his circumstances are easy, his reputation good, & leads a quiet & private life, apparently free from the ambition of making a figure in public—

[17.] N° 17. *M^r Chiappella*—A beast in grain; without the smallest education talents or Respectability tho one of the Richest men in the Country—

[18.] N° 18 *M^r Porée*; a man of property but no way distinguish^d—

[19] N° 19 *M^r Allard*—a of quiet well meaning man of slender abilities but fair Reputation & well esteem'd—

[20] N° 20th *M^r Livandois* jun^r a young man of some education & talents—but extremely vain and Dogmatick, strongly attatch^d to the G[r]eat Republic,

[21] *His Father* a mere Cypher— 21 a quiet inoffensive old man, wealthy, respected & well connected but weak;

[22] 22^d A man of considerable fortune & very good connections with a very tolerable understanding; principally distinguish^d by his attachment to France & mammon—

[23.] 23 *M^r Breton Orgenois*; A Rich planter well connected, of long standing & of some weight he passes for an Oracle where Apollo has few Temples, he is however a Respectable man—

[24] 24 *Cavelier*; a young man of good Reputation but of whose abilities I am quite ignorant;—

[25] 25 *Gullote*—A Stranger quite unknown to me & the Province in general—

[26] 26th *Debuys*— a merchant who has done some commission business of some what doubtful circumstances & very moderate Talents, his weight in the Society not great—

[27] 27 *Argoti*— a man of good deal of information particularly in matters respecting the Spanish Laws & government of doubtful morals. & much addicted to gaming—

[28] 28 *Derbigny*— a man (young) of talents but without fortune or connections Genteel. Sober & industrious, but not very generally esteem^d— his principles not free from suspicion, & much attach'd to his native Country—

[29.] 29 *De La Hogue*—Lately arrived in the country, of no sort of consequence, & not apparently enjoying the confidence of those who know him I do not—

[30.] 30 *Soutier*—A decent quiet man of good Reputation, & common understanding but of no weight in the Society—

[31.] 31 *Girandean*— a person of very suspicious character & no Respectability—

[32.] 32^d *Mather*—A very well disposed hospitable planter, of Good understanding but unfortunate in his circumstances, his probity was never questiond but of late, his former partner accuses him of applying the joint capital to his own use, but such charges are frequently ill founded—

[33. 34.] 33 & 34 [blank] Young men not particularly distinguish'd—

[35] 35 *Emery*—Not in New Orleans—

[36] 36 *Ducouneaux*—An insignificant babbling Creature—

[37. 38. 39] 37. [blank] 38 & 39, C. & H. the two worthies next to her execrable Rascals—

[40] 40 *Morgan* A merchant of Reputation not deficient in point of understanding—

[41.] *M^r Boreé*, (planter) he is rich & enterprising fond of agricultural improvements, however he is ignorant & destitute of any knowledge or talents relative to political or Civil government; of an high & assuming temper pluming himself upon a certain influence which he claims from his wealth; but upon the whole he is rather unpopular & is gerally hated by his Countrymen Creole Morals—

[42.] *Jean Merieure*, Merchant— man of a much neglected Education good luck & success in Trade have render'd him self sufficient, and rather haughty imperious & unpopular, Morals doubtful—

[43.] *M^r Marange* Sen^r Planter a man Tolerably well acquainted with French & Spanish Laws, he has been successively Clerk of the Court, Attorney & Counsellor under the French & Spanish Gov't^s.

Phlegmatick, patient & conciliating, but possessed of a small share of influence over his Country men, Good Morals—

[44.] *Paul Lanusse* Merchant, well acquainted with commercial business, but unfit for Political or Civil appointments; of a mild temper without Energy, rather inclined to dissimulation; Indifferent morals

[45.] *M^r Petit*, Merchant; Englishman born well informed, the friend of order & public good, perfectly acquainted with all the Resources & Interests of the Province, friendly to the American Government active & energetick, in short a man of very influential character; Good Morals—

[46.] *M^r Faurie* (Merchant) a man of Refin'd education, of mild & insinuating manners, having travell^d through all the European countries he has acquired a great knowledge of mankind, & from the general esteem he enjoys may hereafter acquire a certain share of Influence; but he is not to be trusted immediately with important Offices by the American Government—pretty good morals

[47.] *M^r Detréhan* (Planter) a well informed man, of mild & amiable Temper, possessed of the greatest share of influence among his country men, more energetick & pleasing than of *M^r Boree*; Rich without ostentation, Upright & virtuous—

[48.] *M^r Dorsiere* (Merchant) a well informed mild & energetick, possess'd with sound & deliberate mind full of integrity, he is more friendly to the american Government being born in the mountains Switserland, where in his cradle he imbibed principles of Liberty, he is the friend of Order & much attachd to the welfare of this province, Upright & virtuous Morals—

[49.] *M^r Paysarey* (a retired merchant)—pretty well informed, but rather conceited and obstinate, talkative & fond of controversy, boasting of his small share of political abilities—dubious morals—

[50.] *Michael Fortier*, merchant—Rich, ignorant, Creole, rather hasty presumptuous, obstinate & intemperate, warm Friend of the Prefect Laussat, but without influence— no morals,—

[51.] *M^r Brugny de Clouet*, Rich ignorant Creole, more fit for military appointment than a Civil post— a declar'd foe to Laussat, a friend to the A. Government,—N B. a man of great influence Generally beloved & esteemd by his Country men—Creole morals—

[52.] *M^r Pitot*, Merchant tolerably well informed, but of unflattering disposition, a bosom friend of Boree possessed of no—influence—pretty good morals—

[53.] *M^r Lanthois* partner of *M^r Pitot*, an ordinary man, cunning & active but without any influence, tolerably disposed towards the American Government— indifferent morals—

[54.] *M^r Labattus* Merchant, a man of very narrow abilities, uniting

a great degree of Levity to a mild temper, & more fit to be govern'd than to govern others, indifferent morals.

[55.] *M^r Francis Duplessis*, (Mx) not destitute of information but an intriguing man who will not hesitate about the means, when ever they can accomplish his designs, sober & good morals—

[56.] *M^r Cuisergue* Retired Merchant—well informed attatch^d to good order & Justice, rather Cosmopolite, than attatch^d to any particular sort of government—Good morals inclined to satire—

[57.] *Jerome Chiapella* Merchant—Born in Genoa rich but deeply ignorant much devoted to the Spanish Gov^t, from which he Receivd many favours; however incapble of holding any Office—dubious morals

[58.] *Thomas Poree* (Planter) an ordinary man, mild & peaceable, true friend of Order & the public welfare— good morals—

[59.] *M^r Allard* Sen^r, Planter— & formerly an officer in the French service, an ordinary character, a friend to order & well wisher of the province Tho. very little acquainted with political or civil affairs, Good morals

[60.] *M^r Livandois* senr planter— very ordinary man but with out any influence & a great friend of the prefect Laussat indifferent morals—

[61. 62.] *Livandois* Junr. like his Father—*M^r Prevost* planter, formerly employd by the Spanish government but a man destitute of any sort of Talents— tolerable morals—

[63.] *M^r Dheberont*—School Master, formerly an officer in French Service, well informed, of mild & pleasing disposition, a great Friend of the american Government, well acquainted with the English language he is fit to fill any Civil or Military post he seems best fitted for the first—upright & good morals—

[64.] *M De Breton orgenois* planter— a well informed man mild & peaceable, rich & with good reputation—virtuous morals

[65.] *M^r Cavelier* junr, a man of common abilities, but mild & Phlegmatick, he enjoys the general esteem of his country men & may in time fill up some civil office—

N Bene, It would be needless to dilineate here such merchant as have come from the US, the A go^t doubtless is well acquainted with them all—

[66.] such as *Mess^r Clark Jones &c &c*— from further investigation it seems *M^r Clarke* is rather an Englishman at heart, that he is upopular & too assuming here. therefore it might be unwise to countenance at present his cunning & overbearing pretensions—

[67.] *Pierre a Guillot*; formerly a Gentleman in the French Service a brave young officer, great diciplinarian, naturalized & american Citizen.—he is active of an amiable & mild temper, well informed in military tactics but more particularly fit to command any corps of

Cavalry, Such as the intended Marcehaussée [Maréchaussée] for the security of the City & plantations along the River, upright & virtuous morals—

[68.] *Gaspard Debuis*—Merchant—A well informed man of correct Judgement— active Magistrate; The friend of good order & the American gov^t—upright & virtuous morals—

[69.] *Antonio Argoti*, now president of the Municipality, tolerably well acquainted with the spanish Laws, he was formerly a clerk & Attorney, & tho he is employ'd by the present Municipality he remains as prejudiced as ever in favor of the Spaniards; he cannot speak a word of English, he is rather stubborn & selfconceited, & finally unfit to hold any office under the american government—great gambler & of very loose Morals—

[70.] *P^{re} Derbigny*, formerly Tutor now a clerk of the Court a man of some information, but a crouching cunning & artful Camelopard, ungrateful to the Spanish Govt by which he was employ'd, because a devoted Friend of Laussat & Boreé; in short dangerous & not to be trusted with any office, decent morals—

[71.] *J. M. B. De la Hogue*—late adventurer from St Domingo a crouching cunning Hypocrite, & a dangerous intriguer; the Friend & protegéé of Boree, the crony of the abovementioned Derbigny—they go hand in hand & may be called a complete pair, sober & temperate—

List of all the most virtuous & eminent characters & the best qualified to compose a Supreme Court of Justice, or to hold any civil office in New Orleans under the American Gov^t

[72.] M^r Petits—drawn amongst the frst portraits,

[73.] M^r Eugene Dorsierere, one of the Judges of common pleas

[74.] M^r Gaspard Debuis also one of the Judges of Ditto—

[75.] M^r Faurie—also drawn in first portraits

[76.] M^r L Soulier, an honest Merchant & will informed man

[77.] M^r Girandea, a well informed planter &c &c

List of the most Recommedable persons for military offices—

[78] pr^e a Guillot already drawn—(33) years old—

[79.] Dominique Bouligny, young officer of merit & the son of a respectable planter—

[80 81.] M^r Desilets, M^r Emory—

[82 83.84] M^r Marigny the oldest—M^r Ducourneaux a Planter

[84.] *Borés*—Character is not fully drawn,—for it might be said, that he is Industrious, Honorable in all his transactions, the ablest agriculturist in the Province and the author of the culture of Sugar, but He does not speak a word of English.

[85.] *Detrihan*—is well described, but does not understand English.

[86.] *Poydras*—of Pointe Coupeé, the Patron Friend & Representative of that very opulent Settlement—In conduct and sentiment a

Republican,—of immense fortune—of education and travel—He speaks the three languages of the Province and is fond of politics.

[87.] *Duplantier*—of Batton Rouge—Aid de Camp to the Marquis de la Fayette towards the close of our Revolution, holds with the principles of those times,—His fortune and influence very extensive—of good understanding, and speaks the three languages of the Province.

[88.] *Cantarelle*—Commandant of the German or Acadien Coast time immemorial, a man universally revered but understands the French and Spanish languages only—

[89.] *Lavandois* Sen^r—is one of the oldest Creoles of the Province and altho illiterate and ignorant,—His fair character, gentlemanly deportment, immense fortune (near the City) and host of connexions, render Him acceptable and respectable.

[90.] *M^r Prevost*.—may in almost every respect be compared to M^r Lavandois, Evan Jones married His sister and will govern his politics.

[91.] *Evan Jones*—a man of education, an American by birth and by attachment, He is talented, proud high spirited, rich, ardent and decisive, at sixty five years of age. [one of the 6. nom^d for deputn to Congr.]^s

[92.] *M^r D. Clark*—possesses capicities to do more good or harm than any other individual in the province—He pants for power, and is mortified by disappointment

[93.] *Doctor Montague*—a gentleman advanced in years who has grown with the City of New Orleans, and is held in much respect in point of Character, Conduct Family and Fortune.

[94.] *Dorsieres* character is greatly overated, he was formerly a dancing master in Philadelphia, but He is doubtless a man of good disposition and fair character; tho destitute of influence

[95.] *Colonel Bellechasse*—Commandant of the City Militia, formerly a Spanish Officer of considerable repute, a Creole of the Country, unlettered but of sound understanding, feared by some and loved by many from the Canaille to the first notable—He is on sober reflection, a decided American, having seen a great deal of our conduct and manners, at several points of Command between S^t Louis and Natchez

[96.] *Doctor Dow*—a Scotch Man, of about thirty years residence in the Province, at the head of his profession and universally beloved, because of his amiable disposition, his humanity, and his urbanity—speaks the three languages of the Province.

[97.] *Thomas Urquhart*—a Creole of the Country and a respectable merchant, educated in England thirty years of age, of which I have known Him Sixteen, a man highly popular with those of his age,

^sThe bracketed portion is in Jefferson's hand.

and much respected by all for his good sense discretion and integrity—He is independant, decisive, full of action; and a mortal foe to every disorderly and irregular proposition. speaks & writes the three Languages

[98.] *M^r Petit*—possesses neither energy nor influence, but is a good man. [one of the 6. nom^d for deputn to Congress. 47. votes]^o

[99.] *Faurie*,—a warm headed warm hearted man, of polished education and manners, who understands too well the value of reputation, to dishonor himself by taking an office, which he does not mean to execute with zeal and fidelity—He is master of our language, and is every where acceptable in society

[100.] *Pitot*—is equal to Fourie in manners, with much more dignity of deportment and a more solid understanding, but either a consciousness of his superiority, or a contempt for the society in which He finds Himself has given an offensive cast of supercilious reserve to his character.

[101.] *B. Morgan*—is well known.

[102.] *George Pollock*—an Irishman, but long in New York—a merchant respectably connected, has been active in the support of Governor Claiborne and commands an Independent Company—M^r Pollock is beyond doubt one of the best educated, best informed and most polished Citizens of New Orleans, where his family and fortune are rooted.

[103.] *Beverly Chew*—of Virginia connected with M. D. Clark, is a man of very respectable standing and most deservedly so—He loves his Country and is a Zealot in its support—He has served Gover^r Claiborne essentially

[104.] *Pierre a Guillote*—is an adventurer of the day and a perfect stranger.

[105.] *Le Breton D'orgenois*—is well described.

[106.] *Ceysergues* or *Caisergues*—character is well drawn

[107.] *M^r Roman* of the Attackapas is a man of considerable fortune and influence in that settlement, and is reputed a man of sound character without ambition.

[108.] *Wikoff* of the Appalouza an American, is reputed the man of first fortune and influence there (for in Louisiana they are inseparable) and it is certain he was among the most early settlers, but He is ignorant

[109.] *B. Declouits* character has been well drawn

[110, 111, 112, 113, 114.] I beg to suggest the idea, that *M^r Urquhart* would make the more efficient and safest Marchall to be found in the Territory, at the same time *Bellechasse* would be more popular and *Faurie* in point of capacity would be equal to either of them.—should a Secretary be made in the Province, I think *Poydras* or *Duplantier* would fill the place with accommodation and effect.

^o The bracketed portion is in Jefferson's hand.

[115.]¹⁰ *Derbigny*. a native of France, of good information & strict integrity. pleased with the principles of our govmt but much attached to his native country—speaks English C. 111 votes

[116.] 116, *Detrehan* a native Frenchman in politics & affections, was one of the tools of M. Laussat & greatly mortified at the cession of Louisiana to the US wealthy. does not speak English. C. 103 votes.

[117.] *Sauvé* a French native. an amiable good man a wealthy planter universally esteemed by his neighbors & will be a good citizen under our government, but probably will take little part in the agency. Speaks English. C. 67. votes.

[118.] *Evan Jones*. his manners stiff, but his integrity irreproachable, has decent talents & a better knolege of the province than any other American. C. 55. votes.

[119.] *Labigarre* who wrote one of the lists of characters for W. is & always was totally unprincipled, & no confidence ought to be placed in what he says. G¹A.

[*Endorsed*] Orleans. characters.

Borée. 1.41.84.	+Gullote. 25. Guillot. 67.78.104.
Merieux. 2.42 Eng.	+Debuys. 26.68.74. Eng.
Merange. 3.43.	Argoti. 27.69.
Lanusse. 4.44.	Derbigny. 28.70 Eng. 115
*Petit. 5.45.72. Eng. 98	De la Hogue 29.71
Faurie. 6.46.75. Eng. 99.112.	Soutier. 30 Soulier. 76.
*Detrehan. 7.47.85.116	Girardeau. 31.77.
+Dorsiere. 8.48.73. Eng. 94.	Mather. 32.
Paysarey 9.49.	Emery. 35.82.
Fortier. 10.50. Eng.	Ducouneaux. 36.84.
+Clouet. 11.51.109	Morgan. 40.
Pitot. 12.52. Eng. 100	Prevost. 62.
Lanthois. 13.53.	D'hebevent, or Dhebecourt. 63.
Lavattus. 14.54.	Clarke Dan' 66.
Duplessis. 15.55. Eng.	Bouligny 79.
+Cuisergue. 16.56.106.	Desilets. 81.
Chiapella. 17.57.	Marigny 83.
Porée. 18.58	Poydras: 86.113.
+Allard. 19.59.	Duplantier. 87.114.
Livandois. jun ^r . 20.61.	Cantarelle. 88.
Livandois. sen ^r . 21.60.	Lavandois. sen ^r . 89.
+Breton Orgenois. 23.64.105.	Prevost. 90.
Cavalier. 24.65. Eng. Zenon &	Evan Jones 91.118.
Anthony.	Dan' Clarke 92.

¹⁰ From this point the document is in Jefferson's hand.

D ^r Montague 93.	B. Morgan. 101.
Bellechasse. 95.111.	George Pollock. 102.
D ^r Dow. 96.	Beverley Chew. 103.
Tho ^s Urquhart. 97.110.	Roman. 107.
Sauvé. 117.	Wickoff. 108.
De la bigarre. 119.	

These characters were drawn by Evan Jones* who has resided 35. years at N. Orleans, and (the 2^d set perhaps) by Labigarre, who only visited the country for 6. or 9 months, but being of an inquisitive intriguing turn could learn much in that time; a Frenchman by birth but an American in all his partialities. he is a man of understanding, but of so so reputation, he married a Livingston, sells Antiseptic gas *see 66. which being of the 2^d set, & speak^s of Jones, makes it probable he did not write it.¹¹

Orleans Characters. confidential. 1803 Orleans Characters.¹²

THE PRESIDENT TO THE SECRETARY OF STATE

[LC:Madison Papers:AL]

July 5. 04.

Th: J. to J. M.

The case of S^t Julien ought certainly to be put on trial. the local judge must decide 1. whether crimes committed against the nation of Louisiana under it's former organisation, can be punished under it's present one? and 2. whether S^t Julien is guilty? the 1st question will be forced on them by other cases, & may therefore as well be met at once. but we should leave the party at liberty but under security, as we found him.¹³

¹¹ To this point the endorsement is in Jefferson's hand.

¹² Probably this list of characterizations was drawn up by Evan Jones for Wilkinson and supplemented by a second list drawn up by Labigarre; Wilkinson then sent them on to Jefferson who annotated and indexed them as one document.

¹³ This case was brought to the President's attention by three petitions addressed to Claiborne by Alexander Declouet and others, Jan. 5, Jan. 11, and Jan. 16, 1804, enclosed in Claiborne to the Secretary of State, Jan. 24, 1804 (NA, SD, Orleans Terr. Papers, IV; the covering letter is printed, Rowland, ed., *Claiborne Let. Bk.*, I, 344-349). The petitioners accused Louis St. Julien of the murder of his wife, and asked that the prosecution instituted against him by the Spanish Government be continued by the United States. The petitioners' interest arose from the fact that they were themselves accused of the crime. St. Julien had been released on bond by Laussat during the French interregnum, according to a printed copy of an *arresté* dated Dec. 3, 1803, signed by the latter, and enclosed in Claiborne to the Secretary of State, May 24, 1804 (NA, SD, Orleans Terr. Papers, IV; the covering letter is printed, Rowland, ed., *op. cit.*, II, 165). Also enclosed were Casa Calvo to Claiborne, May 16, and the latter's reply, May 22, 1804, on the same subject, *ibid.*, pp. 155-159. Livingston to Declouet, Apr. 24, 1804, assuring the latter that the President would render him and his fellow petitioners justice in the matter, is found with Claiborne to the Secretary of State, June 3, 1804

I think it was an error in our officer to shut the doors of the church, & in the Governor to refer it to the Roman catholic head. the priests must settle their differences in their own way, provided they commit no breach of the peace. if they break the peace they should be arrested. on our principles all church-discipline is voluntary; and never to be enforced by the public authority; but on the contrary to be punished when it extends to acts of force. the Gov^r should restore the keys of the church to the priest who was in possession.¹⁴

When a belligerent privateer brings one of our own vessels within our jurisdiction, it is *primâ facie* a trespass, and the territorial judge should arrest the trespasser and take possession of the vessel until he has enquired into the regularity of the transaction. the original act of taking could not be punished by him, unless it was piratical; but the continuance of the detention within our territory is cognisable and punishable by the laws of the country.¹⁵

Claiborne's letter to Folch is perfectly proper.¹⁶

I think he should be liberally treated as to his expences as a Commissioner which no previous definition could fix.—on this head, considering how deficient the diplomatic salaries are become, should we not extend all reasonable indulgences to them as to expences not merely personal? would it not be as well, on the occasion of mr King's accounts, to revise the regulation of 1790. and extend allowance to other cases? affectionate salutations.

[Addressed] The Secretary of State

[Endorsed] 5 July 1804

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, XIV:C]

DEPARTMENT OF STATE, July 10th 1804.

GOVERNOR CLAIBORNE.

SIR. Since my last of the 6th June,¹⁷ I have rec^d yours of the following dates viz. (two 29 & 30th May 2¹⁸ & 3^d June.¹⁹ On the subject

(NA, SD, Orleans Terr. Papers, IV). The other letters and documents concerning the case are printed: Claiborne to Hopkins, Jan. 20, 1804, to the Secretary of State, Jan. 24 and July 30, 1804, proclamation by Claiborne, Jan. 24, 1804, and the Secretary of State to Claiborne, June 19, 1804 (Rowland, ed., *op. cit.*, I, 336-338, 344-349, II, 278-279, 280-282).

¹⁴ See Claiborne to the Secretary of State, Mar. 24, 1805, printed, Robertson (ed.), *La. under Sp., Fr., and U.S.*, II, 283-284, n.

¹⁵ Act approved June 5, 1794 (1 STAT., 381-384). The above statement of the law was in answer to Claiborne's letters to the Secretary of State of May 24 (two) and May 29, 1804 (Rowland, ed., *op. cit.*, II, 165-166, 170-171).

¹⁶ Probably that of June 2, 1804, *ibid.*, pp. 185-186.

¹⁷ Not found.

¹⁸ Rowland (ed.), *op. cit.*, II, 170-171, 178-182, 186. The second letter of May 29 has not been found.

Ante, p. 242.

of the accusation of S^t Julien, the observations contained in my letter of the 19th Ult.²⁰ apply viz. that the Judiciary power of the Country must decide whether he is subject to a trial and in what form. That the annexation of the Country to the United States should operate as an amnesty to offences especially mala in se, is a doctrine too dangerous to the safety of society to be hastily admitted: but the Judge competent to try such crimes must be left to form his own opinion on this preliminary question. The agitation of the public mind, justice to the community, and to the accusers, seem to require that the charge should receive a judicial decision: but as S^t Julien has been admitted to bail it would justly be considered as an act of severity to recommit him to prison if the bail be good. This however must be left to the unbiassed determination of the proper Court.

No doubt is entertained that the Admiralty jurisdiction, if, as is believed such a jurisdiction exists among your powers, is competent to restore property taken at Sea from Citizens of the United States by any belligerent cruizer: how far the same relief can be extended to other Neutrals, is a distinct question, which it may not be necessary to decide. These remarks are made in allusion to the Privateer which you mention to have brought two Prizes into the Mississippi.

General Wilkinson has presented at the War Department the accounts of your joint expences as Commissioners for receiving possession of Louisiana. These with your observations upon the allowances prescribed in my letter of the 1st May²¹ will be examined in due time, and decided upon under a proper consideration of all circumstances.

The dispute between the two Priests at Atacapus may be considered 1st as a litigation of private rights. 2nd in relation to a breach of the peace. In the first view it falls under the judicial cognizance, like other controversies between individuals. In the 2^d it requires penal or preventive measures, as in other cases for a breach of the peace. These are the ideas of the President, but they are not meant as dictates to the judicial discretion. The answer returned to Governor Folk is approved.²²

I am &c.

JAMES MADISON.²³

P.S. Forty five additional passports are enclosed

²⁰ Rowland (ed.), *op. cit.*, II, 278-279.

²¹ *Ibid.*, pp. 177-178. For other references to Claiborne's accounts, see his letters to the Secretary of State, May 3, May 8, May 30, and June 16, 1804, to the Secretary of the Treasury, May 5 and Aug. 31, 1804, to the Secretary of War, July 12, Aug. 1, and Sept. 24, 1804, and to Wilkinson, Aug. 10, 1804, *ibid.*, pp. 124-126, 130-131, 134, 178-182, 246, 284, 304-306, 314, 341.

²² June 2, 1804, in reply to Folch to Claiborne, May 1, 1804, *ibid.*, pp. 182-185.

²³ Answered Aug. 9, 1804, *ibid.*, pp. 299-301.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[LC:Madison Papers:LS]

(Private)

NEW-ORLEANS 13 July 1804

DEAR SIR, The Memorial to Congress, of which I have lately spoken in several of my official letters, is in circulation, and has obtained many signatures. I have seen one sheet of the original manuscript; it is in the hand writing of Edward Livingston, and the whole was no doubt written by that gentleman, by and with the advice of Daniel Clark and Evan Jones.

The Memorial is highly inflammatory and calculated to take with the Louisianians: I fear it will create a general Spirit of discontent, and perhaps render the temporary administration more arduous than it has hitherto been.

The Memorialists have elected three agents to bear the Memorial to Congress, M^r Derbigny, M^r Detrion and M^r Sauv  : ²⁴—they are all natives of France; the first is a man of good information, and I believe of strict integrity; pleased with the principles of our Government but much attached to his native country. The second is a Frenchman in politics and affections, was one of the tools of M Laussat and greatly mortified at the cession of Louisiana to the United States. The third is an amiable good man, a wealthy planter universally esteemed by his neighbors and will be a good Citizen under our Government; but I fear he will take little part in the agency. They are all warm advocates for the Slave trade;—the first and third Speak English the Second has no knowledge of our language, and is too much of a Frenchman ever to acquire any; he however, will endeavour to be the most prominent man in the mission;—his great wealth gives him confidence, and M. Laussat's attentions led him to believe that he was entitled to pre-eminent rank among the Statesmen of Louisiana.

I will send you a correct copy of the Memorial by the next mail.²⁵

With respect and esteem!

WILLIAM C. C. CLAIBORNE

THE Hon^{ble} JAMES MADISON Secretary of State[Endorsed] 13 July 1804 Claiborne W^m C. C July 13, 04

²⁴ Pierre Derbigny, Jean No  l Destr  han, Pierre Sauv  .

²⁵ July 26, 1804, enclosing the *Louisiana Gazette* of July 24, 1804, in which was printed the memorial referred to (NA, SD, Orleans Terr. Papers, iv). The covering letter is printed, Rowland (ed.), *op. cit.*, II, 269-272; the memorial is printed, *A.S.P., Misc.*, I, 396-399, and *Annals*, 8 Cong., 2 sess., 1597-1608. The petition was presented to the House Dec. 3, 1804, and referred to a committee appointed to consider improvements in the Orleans government. A report was made Jan. 25, 1805, denying some of the assertions made by the petitioners, but recommending self-government for the territory. The petition was presented to the Senate Dec. 31, 1804, and referred to a committee Jan. 4, 1805. The bill reported by this committee was passed as the act approved Mar. 2, 1805, *post*,

JOHN W. GURLEY TO THE POSTMASTER GENERAL^{25a}

[LC:Jefferson Papers:ALS]

NEW ORLEANS July 14th 1804

MY D^r SIR—After ye several letters²⁶ which I have had the honour to address you from this place I should not now trouble you did I not consider it as a matter of duty to say something of our affairs here daily becoming more & more interesting to us who are the inhabitants of this territory as to all who regard ye preservation of it in a State of tranquility as important to ye United States. In my statements to you Sir I shall speak with that freedom and confidence which results no less from the consideration of ye personal friendship with which you have honoured me than from a knowledge of your zealous devotion to whatever concerns the prosperity and welfare of our common Country.—When I first arrived in this territory I beleive I informed you all was perfectly tranquil & that the people appeared to be perfectly contented in their new Situation. If any thing was to be collected from a general observation it certainly was that ye people were very universally satisfied. If a few foresaw difficulties from ye nature and opperation of ye present temporary gover^t there were but a small proportion even of that few who were disposed to murmur at evils which they saw and felt to be ye result of necessity. But even then it was discernible that there were men, a small number it is true, sorry I am to be under ye necessity of saying some Americans whose disposition to excite discontent and create confusion could not be misunderstood. These men some of them desperate in their fortunes, generally without tallents, yet who segregating them Selves from their own countrymen paid suit to ye French Inhabitants the only class some of whom were predisposed to the reception of their oppinions & the remainder of whom from their natural character were easy converts to any bold & novel project which flattered their Vanity and pride by promising them a government in which they should have ye preponderating power. One person you cannot be ignorant of my D^r Li ye only man of any tallent, to whom I allude the man whose account is probably yet unsettled at ye Treasury office of ye United States.²⁷ Unfortunately at that time another man high in office & who must have recently arrived at Washington was induced to act a part which I beleive can never be accounted for upon principles which to say the least can do him honour as a man, or give him Credit for integrity as a public officer. It was at that time that sentiments were inculcated

p. 405. See *Annals*, 8 Cong., 2 sess., 28, 30, 727–728, 1014–1019; *Senate Journal*, III, 427, 429; *House Journal*, v, 29, 106, 110. The House report of Jan. 25, 1805, is printed also in *A.S.P.*, *Misc.* I, 417–418.

^{25a} Enclosed in Granger to the President, Sept. 6, 1804 (Jefferson Papers, LC).

²⁶ Not found.

²⁷ Edward Livingston.

among ye French that their rights were violated & that the stipulations of ye Treaty of Cession would not be faithfully fulfilled by the government of ye United States. Every effort was however made to convince all classes of men of ye fallacy of these ideas—Every occasion has been seized on to exhibit the sincere intentions of the Governm^t of ye U Sts and to show the unreasonableness of a supposition which went to impute to that gover^t a violation of good faith in relation to this country. But the few of whom I have spoken to you have recently exposed their designs to the surprise of those who had been ignorant and to the very great alarm of all men who as Citizens of this Country have been the friends of it's peace. Be not astonished when I tell you that there are men who speak seriously of appealing to France & requesting the first Consul to give them aid.—I could mention to you the names of some men of fortune & influence among the French inhabitants who have not hesitated to justify if not advise to such a measure. These are men however who from the beginning deprecated the American possession who saw with sorrow the dominion of France pass away from this country, France consecrated in their affections and prejudices, their vanity & pride. These are the men who with four or five Americans have recently adopted a memorial framed by Ed. Livingston and who have determined to send three representatives to present and to support it at ye next Congress. This measure has originated with not more than four or five men and at a private meeting of about two hundred French Citizens were chosen these representatives who will probably consider themselves as the Representatives of All the people of Louisana. The memorial in the mean time is to be sent throughout ye Colony and what number of names may be obtained to it is impossible to conjecture. It has as yet not been made public. No man now will be permitted to see it unless he predetermines to become a Subscriber. It's contents nevertheless are generally understood. In it every measure of ye Govt of U Sts is represented as a grievance the stipulations contained in ye Treaty of ye Cession are represented to have been Violated, and rights are Claimed on a refusal of which ye right if not ye duty of resistance is enforced in language far from being equivocal. The principal rights demanded I believe to be these—To be incorporated immediately into the union as an independant State with ye privilege of forming their own constitution of Gov^t—That the French language should be ye exclusive legal language of the Country—That the Colony should be preserved entire with it's antient name unchanged—and lastly the repeal of the law prohibiting the importation of Slaves—

These are demands which have originated with a few French Citizens assisted by two or three Americans and which are made with as much authority as if Congress could grant them and maintain a

dominion in this Country. Leaving entirely to your consideration the great constitutional question involved in a decision upon these demands, ye effects of an immediate concession of them to ye people of this Country may be worthy of some reflection. A large majority of ye population of this Territory considering it entire is composed of French inhabitants ignorant of ye first principles of republicanism and very generally attached from habit and prejudice to ye forms of their antient government. They may love liberty and those who think may be pleased with ye idea of a free Constitution. But they know not yet in what these consist, and if they were now left to form a Government for themselves I beleive no man could even conjecture what would be either its principles or it's form. Accustomed to rule as well as to obey the French Inhabitants of this Country are at ye same time servile & proud and jealous of power whenever it does not appear in the common form in which they have been accustomed to respect it. Even a lace coat and a feather seem as necessary to a man's respect here, as a good name & reputation are to a man's influence in the United States. Such is the effect of a corrupt despotic (and to include all a Spanish Government in fashioning ye oppinions of it's ignorant subjects.—It may be a misfortune but it is certainly true that in this Country at present there can be no mean between a Government French & American. The demand rellative to language shows the notions which they entertain of equal rights. Sir in the City of New orleans at the present moment the Americans are nearly equal in point of numbers to the French and if the encrease of American population should continue for three years to come to equal what it has been for the last nine months they must inevitably constitute a large majority. If at present we are nearly equal in number I am bold in stating that in physical force we are superiour, exclusive of ye regular troops established here. Some of ye Americans are Creoles of ye Country and others have been here under ye Spanish Gov^t & thank God with a few exceptions they are men attached from principle to the United States and to ye present administration of its government—Yet it is under these circumstances that a demand is made that no other than the French language should be used in the Courts of justice in this territory. By this ye American inhabitants are considered as mere cyphers & two hundred Frenchmen the sole representatives of all the people of Louisana. But upon this point many of those who reflect, will think that it must be decided upon very different principles than those which relate to the convenience or inconveniance of any particular class of individuals—I mean those great principles which will alone lead to a preservation of this Country to the United States and ye consideration of which are far beyond my design which is merely to inform you of facts which may in some degree be interesting in

relation to this territory and such as I fear may be liable to much misrepresentation in ye United States—

At present I can only add upon this subject that it is probable that ye Americans will unite in a counter memorial disapproving of ye other & expressing their confidence in the future as also their approbation of ye past measures of ye Federal Government relative to this Country. This they are very universally prepared to do & the delay in doing it will be merely from the considerations of expediency.—

I have to inform you that M^{rs} G and child arrived here about one month Since and after a very tedious Voyage have as yet experianced no severe effect from the climate.—We understand that M Monroe will probably be our permanent governour—

I wrote you some time since requesting an oppinion relative to the Florida lands, But I know full well the laborious official duties in the discharge of which you are engaged & must request your pardon for having so often troubled you with my letters from this Country which I pray you at least consider as the testimony of the Sincere friendship with which I shall ever remain your

faithfull obt Sert

GURLEY

HATCH DENT TO JAMES H. McCULLOCH

[SD:Appt. Office Files:ALS]

NEW ORLEANS *July 14th 1804*

M^r JAMES H. M^cCULLOCH

DEAR SIR. In a Letter ²⁸ to you some time since I mentioned that a meeting had taken place of a number of the most respectable inhabitants of this city for the purpose of considering the Law passed by Congress for the Government of this Country; & for other purposes. That the result of this meeting had been the nomination of a committee to prepare a memorial & remonstrance to be submitted to the consideration of a larger meeting to be convened at a future day. On Sunday the 1st Ins^t this larger meeting was called. About 250 of the most influential, characters from the country & city attended, when the memorial was read & unanimously approved of. A committee of twelve were appointed to distribute it thro' the different parishes for signatures, & three agents chosen to present it to Congress. They complain "that they have not been incorporated into the Union nor admitted to the full enjoyment of the rights of Citizens as the Treaty stipulated. They complain of the prohibition of the Slave Trade as rendering the plantations of little or no value, as Sugar, Cotton, Rice or Indigo cannot be cultivated to any extent, nor

²⁸ Not found.

raised in large quantities without employing a number of hands, nor the Levee (a mound of earth on each side of the Mississippi from Point Coupee to the English Turn which serves to prevent the river from inundating & destroying the plantations) Kept in repair; And that the heat of the climate & the marshiness of the country which for the most part is a mere swamp is unfriendly to the labouring class of whitemen. That the elective Franchise has been denied them & in lieu thereof the Legislative & Executive Branches of Government committed to a Governor & council, all of whom are to be chosen by the President, when from the immense distance & the impossibility of his being correctly informed He cannot be supposed to make as proper a choice, as the people themselves wou'd. That the act establishing a provisional Government, & the debates of Congress on that act while the subject was under discussion appear to be the result of Opinions founded on the credit attached to illiberal & unfair representations, relative to the learning, information & habits of the people of this country. That a Governor has been placed over them who does not speak the language of the country, which may subject them to great evils from the venality or carelessness of an interpreter; & of the introduction of a foreign language into the pleadings courts & records''.

Edward Livingston who was lately Mayor of the city of New York was one of the committee who drew up the remonstrance, & the only american with a few exceptions that had any hand in this business. He arrived here some time in February & has already acquired a considerable influence, & a handsome practice as a Lawyer—Our Governor whose egregious vanity solicits adulation becomes less respected every day. Some improper ordinances of his wou'd have done incalculable mischief, had not the President been notified thereof, by individuals who complained & petitioned him to direct a repeal, which was granted to them. On the 4th Ins^t the military which are stationed here & the volunteer companies of militia paraded. A large concourse of citizens collected at the principal, & appropriate orations were delivered in English by D^r Watkins & in french by M^r Derbigny. The last it is conceived will be particularly serviceable, & will tend to quiet the discontent which has begun lately to manifest itself. When the Spanish Troops evacuated this city, part of them were sent to the Havannah, & part to Baton Rouge, a spanish fort on the East side of the river & about 140 miles above this city where they still remain. At this place there is a Spanish Garrison. It is the residence of the Commandant & Governor of the District of country which lays above the Ibberville, & between that & Lat. 31, & East of Lake Ponchartrain, & between that & West Florida. This District of country is still in the possession of the Spaniards & is claimed by them as not comprehended in the Treaty. The Governor of the Island of Cuba

lately wrote to M^r Claiborne, that shou'd He attempt to erect a Custom House at the mouth of the Mobile; as provided for by act of Congress He should oppose it by an armed force—Letters just received from M^r Kirby, one of the commissioners for adjusting landed claims, & who is at present on the upper waters of the Mobile, state that 1500 Troops were hourly expected at the mouth of that river from the Havannah that the Spaniards exact a duty of 12½ pr ct on every article which passes by that river, to, or from the american settlement, not excepting cotton & the productions of the country, & that the americans are extremely exasperated & only want the sanction of Government to induce them to take up arms—The president of the U. States has not appointed that we know of any other persons besides the Governor & Collector. M^r Ben. Morgan & M^r William Garland, both merchants of this city were appointed, the first, naval officer, & the last Inspector of the port, but neither of them wou'd accept. The office of Inspector is filled up at present, pro tem. by a M^r Porter, a young man whom M^r Trist appointed. M^r Senas of Philadelphia has been appointed Post Master, but He is not yet arrived & the duties of the office are performed by a certain Hilary Baker.

In a Letter²⁹ to you by M^r Hall I stated some of the advantages that wou'd reciprocally result, both to the merchants of Baltimore & his correspondent & customer the Western merchant, by changing the channell of remittances, & fixing agents or partners in this city for the purpose of receiving them here, instead of their being confined to Baltim°. But as the same confidence must be reposed in an agent, as in a Partner, & as the risks incurred & attending the transaction of commission & other business wou'd be but small, if committed to the care of a person who was discreet & prudent, & possessed a competent knowledge of business; if an importing House of extensive credit & stability, such as Luke Tiernan & C° Alex^r & James Fulton, Lyon & Webster, M°Donald & Ridgely or many others were to form a connection with some one here, & appropriate to that use funds to a small amount, which might be enlarged occasionally, & as circumstances required & justified it, by drafts to a certain amount, such an arrangement would be infinitely preferable to the other, & much more beneficial to both parties. It wou'd be desireable to a person here, as it wou'd encrease his credit, & enlarge the sphere of his commercial transactions, & the reputation & known character of the house in Baltimore wou'd be the means of obtaining innumerable agencies in consignments & purchases of the productions of the country, & other other articles of commerce in this city. The Dry Good men who now remit in cotton purchased in Balt° wou'd certainly find it much to

²⁹ June 24, 1804 (SD, Appt. Office Files), concerning business conditions and opportunities in New Orleans and Louisiana, and mentioning a report that Monroe was to be governor of Orleans.

their advantage to order purchases of that article, & shipments to be made on their account direct from this to England, as by that means they wou'd at least save the expence & charges incurred in the coasting voyages. Besides the benefit that wou'd result to the establishment by availing itself of the changes in the market here, this arrangement wou'd enable them more effectually to take advantage of the difference in the two markets from the constant correspondence & the close attention which it wou'd produce to that subject. Business has got worse since I wrote to you last. Tho' there cannot be a poorer field for those who are without, or have but small funds, yet there is no place where persons of that description & in desperate circumstances more abound. Except for those who have resided here for a year or two there is nothing to be done on a credit, & in the Commission Business nothing can be done without connections, or an established correspondence, for what little can be picked up is too trifling & inconsiderable, to defray the expences which must be incurred, & for the business of a vessel or boat that arrives without being consigned there are a number of competitors even among those, who have been established here some time, & have the advantage of known character, credit & funds to advance when necessary. For the man of capital, or who has the command of funds say to the amount of 10,000 D^s I do not know of a better field for lucrative Speculation. And to those who are disposed to vest money in Lands I conceive that this country is inviting. At the distance of six or seven miles from this City plantations of 1200 acres in choice situations may be bought for 13,000 D^s which have 400 acres cleared & in culture, & sugar works, dwellings & convenient buildings erected on them: Please present my best respects to Mrs M^cCulloch & y^r sons & accept of my best wishes for y^r Happiness Y^r Much obliged friend & Hb serv^t

HATCH DENT

Cotton 16 cts pr lb
 Flour 9D^s p^r Bbl & looking up
 Sugar 8½ D^s p^r cwt. very scarce
 Powder Amer: best 60 cts pr lb
 Soap bro^s 14 cts pr lb
 German Goods generally are quick & sell well.
 Gay calicoes also w^d answer for this market—

[Addressed] M^r James H. M^cCulloch Baltimore p^r Schooner Sally
 Capt. Spooner. [Postmarked] Ship

THE PRESIDENT TO JAMES BROWN

[LC:Jefferson Papers:D]

WASHINGTON *July* 20. 04.

SIR In the arrangements proposed for the new government of the territory of Orleans to commence on the 1st of Oct. next, I am desirous of availing the public of your services as Secretary of the territory. on turning to the law for that establishment you will see what are it's duties and emoluments.³⁰ you will oblige me by giving me as early intelligence as you can whether I may count on your acceptance, as it is important to compleat the arrangements in time. Accept my salutations and assurances of esteem and respect.

TH: JEFFERSON

JAMES BROWN esq

[*Endorsed*] Brown James July 20. 04.³¹J. B. PREVOST³² TO THE PRESIDENT

[SD:Appt. Office Files:ALS]

[*July* 26, 1804]

SIR I received last evening the note³³ you did me the honor to write communicating your intentions to confer upon me the appointment of Judge of the Superior court of the Orleans territory—It has for some time past been my wish to remove thither provided I could take with me that approbation of the Executive of the U states which this mark of its confidence indicates—You will therefore be pleased Sir to accept the assurance of my sincere acknowledgments and of every exertion to render myself useful to my country in the discharge of its important duties³⁴—I have the honor to be with great respect Your Most obed^t & Hum svt

J. B. PREVOST

N YORK *July* 26^h 1804

THE PRESIDENT OF THE U STATES

³⁰ Sec. 3 of the act approved Mar. 26, 1804, *ante*, p. 203.

³¹ Answered Aug. 25, 1804 (SD, Appt. Office Files), accepting the appointment. Brown's tenure of office as secretary was from Oct. 1 to Dec. 11, 1804 (GAO, Misc. Treas., acct. no. 19297, 1807). He was succeeded by John Graham, Dec. 12, 1804.

³² John B. Prevost, of New York, was nominated judge of the superior court for the Orleans district, Nov. 30, and his appointment confirmed, Dec. 11, 1804 (*Senate, Exec. Journal*, 1, 476, 477).

³³ Not found.

³⁴ A letter from Prevost to the Secretary of State, Aug. 8, 1803, asking for an appointment in Orleans, is in SD (Appt. Office Files).

[*Endorsed*] Prevost J. B. N. Y. July 26. 04. rec^d Aug. 2. Prevost. see Monroe's l^{re} Mar. 23. 1801. & his preceding l^{re} 35

GOVERNOR CLAIBORNE TO THE MARSHAL AND
SHERIFFS OF NEW ORLEANS 36

[NA:SD, Orleans Terr. Papers, IV:C]

(Copy) [July 30, 1804]
By William C. C. Claiborne Governor of the Mississippi Territory
exercising the powers of Governor General and Intendant of the province
of Louisiana.

To Lewis Kerr Alguazil Mayor and Sheriffs of the City of New-Orleans performing the duties of Marshal of the District of Orleans.
Greeting.—

Whereas it hath been represented to me on the oath of several credible witnesses as well as by the confession of the defending party that, a certain brig by the name of the Hector lately entered at the custom-house of said district as French property and now in this port is in fact a British vessel lately captured on the high Seas by a French armed vessel and that the several papers and documents by which said entry in this port was procured were forged and false; You are hereby commanded to attach, seize and safely in your possession to keep the said brig or vessel her tackle, apparel, furniture, cargo and the appurtenances, until you shall receive further orders from me, or said brig and cargo shall otherwise be released from your Custody in due course of law; As witness my hand and the Seal of the Administration hereunto affixed, this 30th L.S. day of July A.D. 1804, and twenty ninth year of American Independence.³⁷

(Signed) WILLIAM C. C. CLAIBORNE

[*Endorsed*] N^o 1 rec^d in Gov^r Claiborne's 4 Aug^t 1804.

³⁵ Cf. Monroe to the President, Mar. 18 and Mar. 23, 1801 (Jefferson Papers, LC), on the subject of appointments to office.

³⁶ Covering letter, Claiborne to the Secretary of State, Aug. 4, 1804, printed, Rowland (ed.), *Claiborne Let. Bk.*, II, 290-292. Also enclosed were the following letters and documents concerning the case of the *Active*, also called the *Hector*: statement by Thomas Johnson, Henry L'Oiseau, and Evan Jones, July 27, 1804; deposition by Thomas Johnson, Aug. 2, 1804; Claiborne to Davis, Aug. 3, and to Kerr, Aug. 4, 1804; Davis to Claiborne, Aug. 4, enclosing a report by Charles Patton, P. Madan, and P. F. Dubourg, Jr., Aug. 3, 1804 (NA, SD, Orleans Terr. Papers, IV). Claiborne's letters to Davis and to Kerr are printed, Rowland (ed.), *op. cit.*, II, 289.

³⁷ See also Claiborne to the Secretary of State, Aug. 1, 1804, enclosing sixteen depositions and other documents concerning the *Active*; *id.* to *id.*, Mar. 3, 1805, enclosing Martel to Claiborne, Mar. 1, Claiborne to Martel, Mar. 3, 1805, and Edward Jones to Wagner, May 1, 1805, with the decision of the Orleans Superior

EDWARD D. TURNER TO GOVERNOR CLAIBORNE ³⁸

[NA:SD, Orleans Terr. Papers, IV:C]

NATCHITOCHES July 30th 1804

SIR, Since I last had the Honour to write you, ³⁹ various reports have been in circulation respecting our Spanish Neighbours, and among the number, one which says that the Decree mentioned in my Letter of the 13th Instant ⁴⁰ has been three times publicly read in Nacogdoches, the intelligence has reached the ears of the people of this District, who appear to be extremely and justly alarmed at it. A few of the Principal Planters, and all the Cyndic's, in haste assembled on the occasion, and after having consulted some time, waited on me with the Petition accompanying this. They observed to me, that if I thought proper, the Petition could remain open, till every person of Property should have time to sign it.

At the same time they urg'd the delay it would make, and the imprudence of trusting so important a circumstance indiscriminately, and therefore were of opinion that no time should be lost in making you acquainted with it.

Court in *Jones v. Callender and Amory* (NA, SD, Orleans Terr. Papers, IV, VI). Claiborne's letter of Aug. 1, 1804, is printed, Rowland (ed.), *op. cit.*, II, 284-286. The letters cited as printed in this and the preceding note contain all the relevant facts in this case. For other correspondence concerning maritime and neutral rights, see the following: Claiborne to the Secretary of State, Apr. 14, 1804, enclosing Bouchet to Salcedo, Sept. 27, 1803, Salcedo to Laussat, Nov. 4 and Nov. 6, and Laussat to Salcedo, Nov. 5, 1803, proclamation by De Muro, Mar. 3, 1804, and Casa Calvo to Claiborne, Apr. 4, 1804 (NA, SD, Orleans Terr. Papers, IV, V). The covering letter is printed, Rowland (ed.), *op. cit.*, II, 97.

³⁸ Covering letter, Claiborne to the Secretary of State, Aug. 30, 1804, printed Rowland (ed.), *op. cit.*, II, 313. Also enclosed in the above was an extract of a letter written by Ugarti, the commandant at Nacogdoches, to Turner, Aug. 15, 1804, informing the latter that Americans would not be admitted into Nacogdoches unless they had debts to discharge there, and suggesting that Turner refuse passports to all others.

³⁹ July 27, 1804, reporting that the Spanish were preparing to establish a post at Adais, enclosed in Claiborne to the Secretary of State, Aug. 4, 1804. Also enclosed was Turner to Claiborne, July 16, 1804, recommending the establishment of a trading post at Natchitoches, and mentioning the Spanish designs on Adais (NA, SD, Orleans Terr. Papers, IV; the covering letter is printed, Rowland, ed., *op. cit.*, II, 292-293).

⁴⁰ NA (SD, Orleans Terr. Papers, IV), reporting a Spanish decree forbidding payment of debts owed the inhabitants of Louisiana by Spanish citizens, and enclosing a deposition by John Palliet, July 12, 1804, to the effect that a decree had been issued by the Spanish authorities declaring all slaves arriving in Mexico to be free. The letter and deposition were enclosed in Claiborne to the Secretary of State, July 25, 1804 (Rowland, ed., *op. cit.*, II, 267-269). On this subject, see Davenport to Sibley, Aug. 3, 1804, enclosed in Claiborne to the Secretary of State, Sept. 1, 1804 (NA, SD, Orleans Terr. Papers, IV); the latter is printed, Rowland (ed.), *op. cit.*, II, 315.

They have procured an express and given him orders to spare neither trouble nor expence in making dispatch. In the interim I have ordered Patrols of the Militia to be constantly moving after night on the Banks of the river, to keep the Negroes within their respective Boundaries.

This affair has given some opportunity of ascertaining the disposition of the people towards our Government, and I fear in case of Serious difficulty, there would be no great dependence on the Majority of them, unless their property as in the present instance was at stake. They are ignorant almost to Stupidity, and never having known any other Government than that by which the Spaniards Governed them, they look upon a different one, as a sort of Hocus-Pocus, tending to worst their condition: though I am well convinced when they come to understand the New Government, which God help them will be an age first I fear, they will be better pleased than they have formerly been.

The Spaniards and the bad affected, have been very busy in circulating reports, that the Americans are mere Hogs, that they do not live like Christians," and that they will keep the Planters constantly poor by the immense Taxes they will Levy &c &c there is not the least doubt that the officers in the Spanish Provinces from the Governor General down, are extremely inimical to the Americans, and that they make use of the meanest and most despicable means to sour the dispositions towards, and alienate the affections of the people of Louisiana, from the United States.

The most trifling circumstance which occurs with us, which they do not fully comprehend, or comprehending can by distorting, turn to our disadvantage, is with avidity seized. In all their conduct towards us, they proceed precisely as if they were already at War, or just upon the Verge of it—They have absolutely forbid an American to stay among them, unless he is a Roman Catholic, and he then must abide on the other side of Nacogdoches, some who have been inhabitants of their Country for twenty five years are now ordered to move out, even deserters whom they heretofore protected, are now ordered to quit the Country—They have established Guards in places where none before existed, and augmented those that did exist, with respect to their intentions of advancing Troops this way, I have nothing more positive than report, and the last one says, that from 200 to 500 Men are under marching orders from the Interior to establish themselves at adais, and that they are recruiting in the Vicinity of S^t Antonio.

Two or three days since a Lieutenan[t] of Militia made his appearance here, for t[he] purpose as was stated of procuring Provisions &c He however did no business, and without reporting himself was off in an hour.

I have written to you several times to know if I might proceed to sell property attached upon Judgment confessed, and whether it is the custom of Spain to give an equal share of property left by an absconded Debtor to each creditor—I have lately, granted a writ of attachment, upon a piece of land sold by one Sutherland to John Holland who has left the country, and without paying for it, tho the time has some time since elapsed—

Sutherland is a poor Man, and old, he wishes the Land may be sold to pay his Debt, the amount is two hundred dollars—Shall I order the Sale!—

Aug^t 1st 1804

Since writing the above, several people have come forty Miles to Sign the Petition, the whole Settlement appears to be extremely alarmed ⁴¹

I have the Honour to be Sir Your H^{bl} ^{ts}

GOVERNOR CLAIBORNE

(Signed) EDW^d D TURNER

[*Endorsed*] N^o 1 rec^d in Gov^r Claiborne's 30 Aug^t 1804

[Enclosure]

Petition to Edward Turner by Inhabitants of the District of Natchitoches

Translation ⁴²

[July 29, 1804]

TO M^r EDWARD TURNER, civil & Military Commandant of the District of Nachitoches

SIR The inhabitants of this district, alarmed by just causes, hasten to approach you to express to you their uneasiness & the afflicting situation to which they are reduced, on account of a law of his M^{ty} the King of Spain, granting refuge & protection to all foreign slaves, who would chose to take retreat in his dominions. In the actual circumstance of a happy change which has given us an other government, we are exposed to the most fatal consequences from such a provision. Our properties, considered as foreign, and our personal security will be threatened with the most eminent dangers, if that decree be not suppressed in favour of the inhabitants of Louisiana. That information, Sir, has reached you & is now spread throughout all classes of men, so far as to produce the most dangerous sensation among our slaves. Its dreadful effects may be propagated through the whole province, & thus annihilate the prosperity of Louisiana, & soon make it a land of desolation, after having been protected within a short time past by the Court of Spain itself.

⁴¹ Answered Aug. 10, 1804 (Rowland, ed., *op. cit.*, II, 303-304).

⁴² The original of this petition, containing the signatures, has not been found.

In this afflicting perplexity, the inhabitants have no other assistance to expect but from the wisdom of their government, in which they place an unbounded confidence. They therefore pray you in the first place to enforce upon the slaves a strict & severe police, & next to forward & support our petition to his Excellency W^m Claiborne, governor general of this province, that he may be pleased, in order to restore our tranquillity & secure our properties, to employ such measures as his goodness & benevolence may suggest him, agreeably to the favourable dispositions which he has manifested towards all the inhabitants of his jurisdiction.

Please to accept, Sir, the assurance of our wishes for the prosperity of the government, & yours in particular.

NATCHITOCHEs, *july 29th 1804.*

(here follow sixty one signatures.)

I certify the above to be a true translation of the original written in the French language. P. DERBIGNY Interp^t to the govern^t

[*Endorsed*] N^o 2 rec^d in Gov^t Claiborne's 30 Aug^t 1804.

THE PRESIDENT TO THE SECRETARY OF STATE ⁴³

[LC:Madison Papers:ALS]

MONTICELLO *Aug. 7. 04.*

DEAR SIR Your's of the 4th ⁴⁴ came to hand last night & I now return you the letters of Livingston, Bourne, Lee, Lynch, Villandry & mr King. Stewart's is retained for communication with the P. M. Gen^l. I send also for your perusal the letter of a mr Farquhar of Malta. mr Livingston's letters (two short ones excepted) being all press-copies & very bad ones, I can make nothing distinct of them. when manuscript copies are recieved I shall be glad to read them. the conduct of the commissioners at Paris merits examination. but what mr Livingston means by delays on our part in the execution of the Convention is perfectly incomprehensible. I do not know that a single day was unnecessarily lost on our part. in order however to lessen the causes of appeal to the Convention, I sincerely wish that Congress at the next session may give to the Orleans territory a legislature to be chosen by the people, as this will be advancing them quite as fast as the rules of our government will admit; and the evils which may arise from the irregularities which such a legislature may run into, will not be so serious as leaving them the pretext of calling in a foreign Umpire between them & us. the answer to mr Villandry should certainly be what you mention, that the objects

⁴³ Printed also in Ford (ed.) *Writings Jefferson*, VIII, 313-314.

⁴⁴ Jefferson Papers (LC). None of the letters cited below have been found.

of his application are only within the competence of Congress, to whom they must apply by petition, if they chuse it. perhaps it would be but kind & candid to add that as there has been no example of such measures taken by Congress as they ask, they should consider whether it would not be wise in them to act for themselves as they would do were no such measures expected. I expect daily to recieve answers from the principal officers for the Orleans government. these recieved, I will proceed to make out the whole arrangement, and inclose it to you, asking your counsel on it without delay. it will not be practicable to submit it to the other members, but I have so often conversed with them on the subject as to possess their sentiments. as we count on the favor of a family visit could you accomodate that in point of time so as that we might be together at making out the final list? Affectionate salutations & assurances of friendship

TH: JEFFERSON

THE SECRETARY OF STATE.

[*Endorsed*] Aug^t 3, 1804

DOMINIC A. HALL TO THE PRESIDENT

[SD:Appt. Office Files:ALS]

COLUMBIA S^o CAROLINA Aug. 9. '04

SIR I have had the honor to receive your letter expressing a desire to appoint me District Judge of the territory of Orleans.⁴⁶ Should you be pleased to make the appointment I will accept it and immediately prepare to proceed to the territory. Permit me Sir, to avail myself of the occasion to offer you my warmest thanks for the confidence with which you have honored me, and to assure you that I

⁴⁶ Not found. Hall to Pierce Butler, Nov. 28, 1803, asking the latter to support his candidacy for an Orleans judgeship, is in SD (Appt. Office Files). Hall informed the Secretary of State, Sept. 18, 1804, *loc. cit.*, that he had not yet received his commission, but would start for New Orleans as soon as he received it. He was nominated Nov. 30 and his appointment confirmed Dec. 11, 1804 (*Senate, Exec. Journal*, 1, 476, 477). His temporary commission has not been found; his permanent commission, Dec. 11, 1804, is printed, *post*, p. 349. Letters of applicants and their endorsers for positions as judge, attorney, or marshal of the Orleans District Court, found in SD (Appt. Office Files), are as follows: P. R. Gilmer to the President, Feb. 17, 1804, to be attorney; John Kuns to *id.*, Mar. 3, 1804, to be marshal; John Heath to the Secretary of State, Mar. 10, 1804, to be judge; William Cocke and Joseph Winston to the President, Mar. 26, 1804, recommending John Williams to be judge; John D'antignac to the Secretary of War, Apr. 13, and to the President, Apr. 21, 1804, to be marshal; Samuel Hammond to the Secretary of War, Apr. 20, 1804, recommending D'antignac; and Joseph Barnes to the Secretary of the Treasury, Sept. 26, 1804, to be attorney.

am with Sentiments of the greatest Respect and Consideration Your very Ob^t hmb^le Serv^t

DOM: A: HALL.

[*Endorsed*] Hall Dominic A. Columbia S. C. Aug. 9. 04. rec^d Aug 21. accepts as Distr. judge Orleans.

JOSEPH BRIGGS TO THE PRESIDENT

[SD:Appt. Office Files:ALS]

NEW-ORLEANS 17 August 1804

SIR, I have the honor to enclose to you, by order of His Excellency Governor Claiborne, a list of persons recommended for the Legislative Council of the Orleans Territory. He finds it difficult to state with certainty more of these Gentlemen than the country which gave them birth, and education, and their situation in society:—Their political bias is believed to be in favor of republicanism and their affections attached to the United States.

The Governor's illness was for a short time alarming; its Severity has much abated and left him extremely debilitated; but I am happy to inform you Sir that he is pronounced to be in a State of Convalescence.⁴⁶

I am Sorry to add that M^{rs} Claiborne has also been so much reduced by sickness that her life was at times despaired of, but the critical moment is passed and she is declared by her Physicians to be out of danger 'tho' she yet appears but a few steps from the brink of the grave.

The Governor is impressed with an opinion that unless you permit him to retire for a Short period from the fatigues of business and to enjoy a change of air that the time will be long indeed before his health will be perfectly reestablished.

I am Sir with the highest respect Your most obd^t serv^t

JOS: BRIGGS

THOMAS JEFFERSON President of the United States.

[*Endorsed*] Claiborne Gov^r (J. Briggs.) N.O. Aug. 17. 04. rec^d Sep. 18. Members of Legislative Council of Orleans Territory Recomd. 1804

⁴⁶ Cf. Briggs to the President, Aug. 16, 1804 (Jefferson Papers, LC).

[Enclosure:AD]

Persons recommended by Governor Claiborne for members of the Legislative Council of the Orleans Territory.

In the city of New-Orleans

Benjamin Morgan, Colonel Bellechasse and Doctor John Watkins.—For particulars respecting these gentlemen I refer you to my letter of the 29th May last.⁴⁷

Doctor Robert Dow, a native of Scotland; many years established in this country a practicing physician highly respected—Speaks French well

William Kenner, an American merchant possessing Considerable property in the City, a man of good understanding.—Speaks French.

William Donaldson by birth an Englishman Several years a merchant, of respectability and property—Speaks French fluently

James Pitot; a wealthy French merchant long established in the City said to possess general information, and popular among his countrymen. He has received from me the appointment of Mayor on the recommendation of the Municipality—Speaks English pretty well

Le Breton D'orgenoi, a French Creole of respectability; planter,—Speaks English.

Peter Petit a long established and respectable Merchant—Speaks the three languages.

On the Coast Between Manshac and the City

James Mather a native of England who has resided in this country a number of years on a valuable plantation; a sensible well informed man highly respectable—Speaks French.

Nachitoches

Doctor John Sibley a native American in the practice of medicine, of handsome talents and information, much esteemed; a man of firmness and in good circumstances.

Opelousas

William Wykoff, and Theophilus Collins, both Americans of wealth, sense and respectability, long resident in the country, and it is presumed conversant with its language.

Point Coupé

Julian Poydrass;—for the character of this gentleman, I again refer you to my letter of the 29th May.

⁴⁷ Claiborne to the President, printed, Rowland (ed.), *Claiborne Let. Bk.*, II, 174-176.

Samuel Young, an American, a rich planter Speaks French; but not a favorite, at least in New-Orleans.

Opposite Baton Rouge

William Wykoff Junior, an American, a long time a merchant in the City, and now retired to a valuable plantation is much esteemed and Commandant of the district.—Speaks French well.

Atakapas

Messr^s Loviell, Dubuche and Foutenet french planters of long and good Standing in the country, said to be opulent but do not understand English Also M^r Durall who Speaks English, a man of high respectability.

Omitted among the New-Orleans delegates

Francis Duplessis, a French merchant of long and high standing Speaks english

HORE BROWSE TRIST TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, IV:ALS]

NEW ORLEANS 18 August 1804—

SIR/ In conformity to the request of Governor Claiborne, I have again the honor of advising you that altho still confined to his bed & very much debilitated, yet he is in a state of Convalescence with the fairest prospects of being able shortly to enter once more upon the execution of his Public Duties.—Presuming that the fatigue of incessant business during the warm weather in this Climate, was not only the cause of his present illness, but also of much injury to his Constitution, he is of opinion that a relaxation from this arduous and constant employment for some months will be indispensable to effect a restoration of his accustomed energy—

I am with perfect respect sir Your Obed^t Serv^t

H. B. TRIST—

HON^{ble} JAMES MADISON Secretary of State—

[Endorsed] H. B. Trist 18 Aug^t 1804 rec^d 18 Sept^r

THE PRESIDENT TO THE SECRETARY OF STATE

[LC:Madison Papers:ALS]

MONTICELLO Aug 19. 04.

DEAR SIR In a conversation with mr Granger not long before we left Washington he mentioned that he was about to establish a post line from Natchez to New Orleans, and must place an office at Baton

rouge. I told him that that should have good previous consideration in the present jealous state of the Spanish officers; that perhaps they might even stop our mail carrier. I heard no more of it till last night I recieved the inclosed letter from mr Granger,⁴⁸ informing me he should not proceed in it till further directions. I should suppose it best that he should forward the blank commissions to Gov^r Claiborne, but that Claiborne should be immediately instructed to enter into explanations with the Marquis Casa Calvo for making this establishment for mutual convenience, with an express declaration, if desired, that it is by mutual consent, and is not to be construed as either strengthening or weakening the right of either nation to the country. if, on consideration, you approve of this and will either so write yourself to mr Granger, or inform me that I may write, your letter to Claiborne⁴⁹ will get sufficiently the start to have the matter arranged by the time Granger's commissions reach New Orleans, and the delay of executing the law will thus be shortened.

I inclose a letter from a mr Damen whom I knew at Amsterdam.⁵⁰ he was quite a republican, and I was under the impression of his being a very good man. some personal feelings may perhaps enter into this letter. as he desires it to be secret, be so good as to return it, only retaining the papers it inclosed as they are not secret and are proper to be filed away in the office. Affectionate salutations with hopes of seeing you shortly.

TH: JEFFERSON

THE SECRETARY OF STATE

[*Endorsed*] Aug^t 19. 1804⁵¹

GOVERNOR CLAIBORNE TO THE PRESIDENT

[SD:Appt. Office Files:LS]

NEW-ORLEANS 29 August 1804

MY DEAR SIR, It is with real concern I announce to you, the death

⁴⁸ Aug. 9, 1804 (Jefferson Papers, LC), relative to Claiborne's letter to the Postmaster General of June 17, 1804 (Rowland, ed., *op. cit.*, II, 212-214), and stating that he had informed Claiborne that no postmasters would be appointed for the route between Fort Adams and New Orleans without the special order of the President.

⁴⁹ See the Secretary of State to Claiborne, Aug. 28, 1804 (*Letters Madison*, 1865 ed., II, 203-204), and the Postmaster General to Seaman, Oct. 23, 1804 (*Terr. Papers, Miss.*, v, 341-342).

⁵⁰ Not found.

⁵¹ Answered Aug. 25, 1804 (Jefferson Papers, LC), stating that he would write to Claiborne and the Postmaster General concerning the proposed post route, and suggesting the establishment of mail service without a post office, should Casa Calvo object to the latter.

of my esteemed friend H. B. Trist. He died this morning of a malignant yellow fever, after an illness of five days.

The loss of this citizen is a public misfortune, and will occasion much private distress:—He was faithful to the trust with which you honored him, and had he lived a few years longer, would have made ample provision for the amiable family dependent upon him. But the two M^r Browns will be enabled I hope to provide for all their wants;—they are benevolent, good young men and of promising talents. M^r Henry Brown has been appointed by me a Notary Public, and his encouragement has been considerable; M^r William Brown acted as Deputy Collector, and performed with judgment, industry and discretion the principal duties of the Office.—Permit me my dear Sir, to recommend him as M^r Trist's Successor; of his capacity I have no doubt, and for his industry and integrity I will pledge myself.⁵²

It has been the will of Almighty God to carry me through a severe fever; but I am not yet completely relieved of its effects: it has left me in a weak state of body and mind, and the illness of M^{rs} Claiborne has considerably retarded my recovery;—She has been at the point of death for ten days; the disease however took a favorable turn on yesterday and her Physicians now entertain hopes of her recovery.

A fever which the Doctors pronounce to be the yellow fever is beginning to prevail in this City, and has proved particularly fatal to the Americans.

Pray Sir excuse this letter, I write with a feeble hand and in great distress of mind.

Your friend!

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the United States.

[*Endorsed*] Claiborne Gov. N. O. Aug. 29. 04 rec^d Oct. 9. Brown W^m v. Trist. collector

⁵² Brown was also recommended by John M. Gelston of New Orleans (Gelston to the President, Sept. 1, 1804, *post*, p. 289). He was nominated to the office Nov. 19 and his appointment confirmed Nov. 20, 1804 (*Senate, Exec. Journal*, 1, 473). The following letters were in support of John Clay, of Kentucky: Christopher Greenup to the President, Oct. 18, 1804, John Rowan to *id.*, Oct. 19, 1804, John Bradford and others to *id.*, Oct. 20, 1804, John Breckinridge to *id.*, Oct. 22, 1804, Matthew Walton to *id.*, Oct. 29, 1804, John Fowler to the Secretary of State, Nov. 29, 1804, and Thomas Sandford, Matthew Walton, and John Boyle to the Secretary of the Treasury, no date (SD, Appt. Office Files). Fulwar Skipwith and Robert Simons were also candidates for the office (William Herries to the Secretary of State, Sept. 27, 1804, recommending Skipwith, and Robert Simons to the President, Oct. 30, 1804, *loc. cit.*).

[Enclosure: DS]

A list of the Gentlemen recommended to compose the Legislative Council

Benjamin Morgan	William Donaldson
D ^r John Watkins	James Pitot
D ^r Robert Dow	Francis Duplessis &
William Kenner	Peter Petit of New-Orleans.

James Mather, Colonel Bellechasse & Le Breton D'orgenoy—residing on the coast between the city and Manshac.

D^r John Sibley of Nachitoches.

William Wykoff & Theophilus Collins of Opelousas.

Messrs Loviell, Dubuche, Foutenet & Durall of Atakapas.

Julien Poydras of Point Coupé. and William Wykoff Junior Opposite Baton Rouge.⁵³

WILLIAM C. C. CLAIBORNE

NEW-ORLEANS August 30th 1804.

THE PRESIDENT TO GOVERNOR CLAIBORNE

[LC:Jefferson Papers:ALS]

August 30. 1804.

DEAR SIR Various circumstances of delay have prevented my forwarding till now the general arrangements for the government of the territory of Orleans. inclosed herewith you will recieve the commissions. among these is one for yourself as Governor. with respect to this I will enter into frank explanations. this office was originally destined for a *person whose great services and established fame would have rendered him peculiarly acceptable to the nation at large.⁵⁴ circumstances however exist which do not now permit

⁵³ Relative to appointments, see Claiborne to the Secretary of State, Oct. 8, Oct. 16 and Nov. 5, 1804 (Rowland, ed., *Claiborne Let. Bk.*, II, 349, 352-360, 390-392).

* la Fayette [Marginal note]

⁵⁴ The offer of the governorship to Lafayette, and the latter's reasons for refusing it, are discussed in the following: the President to Lafayette, Nov. 4, 1803, Feb. 14, 1806, May 26, and July 14, 1807; Lafayette to the President, Feb. 26 and Oct. 8, 1804 (Chinard, ed., *Letters of Lafayette and Jefferson*, pp. 225-226, 227-229, 230-234, 241-242, 257-259, 260-262). Monroe was also offered the appointment. See the President to Monroe, Jan. 8, 1804 (Ford, ed., *Writings Jefferson*, VIII, 286-292); *id.* to *id.*, May 4, 1806, and Mar. 21, 1807 (Washington, ed., *op. cit.*, v, 9-13, 52-54); Monroe to the President, Mar. 15, 1804 (Hamilton, ed., *Writings Monroe*, IV, 153-163); *id.* to *id.*, July 8, 1806 (Jefferson Papers, LC). Andrew Jackson had been informed that the appointment might be offered to him (Jackson to his wife, Apr. 6, to Coffee, Apr. 13 and Apr. 28, and to Campbell, Apr. 28, 1804, Bassett, ed., *Corresp. Jackson*, I, 87, 89-92). See also Hunt, "Office-Seeking during Jefferson's Administration", *Amer. Hist. Rev.*, III, 270-291. Further mention of the appointment of a governor is found in Gates to the President, July 7, 1803,

his nomination, & perhaps may not at any time hereafter. that therefore being suspended, and entirely contingent, your services have been so much approved as to leave no desire to look elsewhere to fill the office. should the doubts which you have sometimes expressed, whether it would be eligible for you to continue, still exist in your mind, the acceptance of the commission gives you time to satisfy yourself by further experience, and to make the time and manner of withdrawing, should you ultimately determine on that, agreeable to yourself. be assured that whether you continue or retire, it will be with every disposition on my part to be just & friendly to you.⁵⁵

James Brown of Kentucky is appointed Secretary for the territory. his distinguished understanding, his legal knowledge, & his possession of the languages, will, I trust, render him an useful aid. Dominic A. Hall, late a district judge of S. Carolina, accepts the office of judge of the district of Orleans: as does Mahlone Dickerson of Pensylva, that of Attorney of the district. Commissions for Col^o Kirby of Connecticut & mr Prevost of New York as judges of the Superior court are also sent. the other commission for that bench cannot go at this time, because it's acceptance is not known. the office of Marshal being one which could probably be discharged by a native Creole, I should like to avail ourselves of it to shew my desire that they should have a fair participation of office in all cases where their education & line of life qualifies them. the character given me of a mr Clouet & a mr Guillot, had suggested one of them to my mind for the office: a mr Urquhart is represented as still more fit. whether his long standing in the place would be equivalent to his being a native in the view of the inhabitants may be doubted. I leave to you therefore to select which of the three you think best.

In the legislative council I think it necessary to place a majority of Americans, say 7. Americans and 6. French, or persons of such long standing as to be considered as French; that there should be some mixture of the mercantile with the planting interest; and a representation of the different settlements in the country, justly proportioned, as far as they can furnish proper materials, to that of the city. on this account I was particularly anxious to get your information & recommendátion, & wrote to you for it at a very early period.⁵⁶

and the Secretary of the Treasury to *id.*, Aug. 11, 1803 (Jefferson Papers, LC); the President to the Secretary of State, July 31, 1803 (Ford, ed., *op. cit.*, VIII, 260); and in Brown (ed.), *Const. Hist. La. Purchase*, p. 152, n. In a letter to Dickinson of Jan. 13, 1807, the President said there were characters superior to Claiborne whom he would have appointed, but they had refused, and he knew of no better person who would accept the office (Ford, ed., *op. cit.*, IX, 8-10).

⁵⁵ This first paragraph is printed also in Randolph (ed.), *Jefferson's Correspondence*, IV, 25-26, and in Washington (ed.), *Writings Jefferson*, IV, 558 (under date of Aug. 13, 1804).

⁵⁶ Apr. 17, 1804, *ante*, p. 225.

as soon as I had reason to fear that that letter had miscarried, I wrote a second,⁵⁷ in time, I hoped, still to obtain your information. but it is not arrived, & I am obliged to proceed without it. mr Boré's protest against an act of the legislature, is such a proceeding as our law would deem more than disrespectful. yet knowing that it is not so viewed by a Frenchman, considering his integrity, his agricultural merits, the interests he has at stake, & his zeal for liberty, I consider it proper to name him absolutely as a member, as I also do mr Poydras of Point Coupée, & mr Bellechasse, whom you recommended. I wish you also to select three others out of the 5. following names, to wit, Derbigné, Detrehan, Dubuys, Cantarelle of the Acadian coast, & Sauvé. proceeding then to the Americans, I name Mess^{rs} Benjamin Morgan Daniel Clarke, D^r Watkins, Evan Jones, Roman (said to be of the Attacapas) and Wikoff (said to be of the Appelousas) absolutely, and propose George Pollock & D^r Dow, out of whom you will select one to make the 7th and with the 6. preceding, to make up 13. in chusing these characters it has been an object of considerable attention to chuse French who speak the American language, & Americans who speak the French. yet I have not made the want of the two languages an absolute exclusion. but it should be earnestly recommended to all persons concerned in the business of the government, to acquire the other language, & generally to inculcate the advantage of every person's possessing both, and of regarding both equally as the language of the territory. another object still more important is that every officer of the government make it his peculiar object to root out that abominable venality, which is said to have been practised so generally there heretofore. every connivance at it should be branded with indelible infamy, and would be regarded by the General government with distinguished severity. I have not filled up the blanks for the names in the commissions, because the Christian names are for the most part unknown to me, and the orthography of the French names not ascertained. I pray you to fill them as herein before indicated, & to deliver them to the parties. the Dedimus for administering the oath to yourself is also left blank to be filled up by yourself. it might be gratifying to have it done by a French native speaking English, unless one of the judges be on the spot.—on the subject of the Marshal, I will add that if you know any person whom it would be more advantageous to appoint than either of the three whom I have named, you are free to make the substitution. be pleased immediately after filling up the blanks to return to the Secretary of state's office a correct list of all the names, as the commissions are recorded in his office, where the blanks must be

⁵⁷ July 7, 1804, printed, Washington (ed.), *Writings Jefferson*, iv, 551-552.

filled; and in order that I may be able correctly to renew the nominations to the Senate.⁵⁸ I salute you with friendship & respect.⁵⁹

TH: JEFFERSON

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS August 30th 1804

DEAR SIR, During my late Illness, I had the pleasure to receive your esteem'd favours of the 7th,⁶⁰ 12th and 17th⁶¹ of July; But being then unable to write, I requested my private Secretary M^r Briggs to inform you of their receipt, and to forward to you, the names of several Gentlemen assuitable characters for the Legislative Council.^{61a}—I regret exceedingly the miscarriage of your Letter to me of the 17th of April;⁶² Had I received that communication, I should have had more time to investigate Characters, & might have made a more general & perhaps better recommendation.—On the List however forwarded by M^r Briggs (by my direction) will be found the names of our most respectable Citizens.—

M^r Julien Poidrass of Point Coupee, is among the most influential Men in the Province; he possesses a large Estate & is a Man of good Information.—There was another Gentlemen (M^r Samuel Young) mentioned as residing at Point Coupee; he also is a man of fortune; But I do not think his Appointment would be pleasing; M^r Young is much disliked in this City, & I have lately learned, that he considers himself a Citizen of the Mississippi Territory, where he has a large Estate, & on which he now does, or will shortly reside.

Mess^{rs} Morgan, Watkins, Kenner & Donelson of New-Orleans are Men of sense and property;—The first & second are decidedly attached to Republican principles;—of the sentiments of the latter, I am not so well advised;—But they are moderate, prudent Men:—The three last are said to be in a small degree interested in the Florida purchases, and

⁵⁸ Other letters and memoranda concerning appointments to the Orleans government, not previously cited, are as follows: the President to the Secretary of the Navy, Aug. 3, to the Secretary of State, Aug. 3, to the Secretary of the Treasury, Aug. 8, 1804; the Secretary of the Treasury to the President, Aug. 16, 1804; memorandum of prospective officers for Orleans, Louisiana, and other places, in Jefferson's hand, no date, 1804 (Jefferson Papers, LC); the Secretary of the Treasury to the President, Feb. 15, Feb. 21, Aug. 20, Sept. 18, and October, no date, 1804 (Adams, ed., *Writings Gallatin*, I, 177–179, 202–206, 208–209, 211–216); the President to the Secretary of the Treasury, Aug. 23 and Sept. 1, 1804 (Ford, ed., *Writings Jefferson*, VIII, 317, 318–319); Samuel Smith to the President, Sept. 8, 1804, and John M. Pintard to *id.*, Dec. 8, 1804 (SD, Appt. Office Files).

⁵⁹ Answered Oct. 5, 1804, *post*, p. 306.

⁶⁰ Printed, Washington (ed.), *Writings Jefferson*, IV, 551–552.

⁶¹ Neither found.

^{61a} Aug. 17, 1804, *ante*, p. 276.

⁶² *Ante*, p. 225.

indeed unless it be M^r Benjamin Morgan, there are few Americans of fortune who resided in N. Orleans previous to the Treaty, but were more or less engaged in that speculation.

Mess^{rs} Pitot, Petit, and Duplessis are all wealthy Merchants & held in high estimation; Doctor Dow is also highly esteemed, and I believe deservedly so.—

Mess^{rs} Bellchasse, Le Briton D'Orgenoi & Mather are all Farmers, residing on the Coast between the City and Manshac'; The two first are Creoles of the Province, and amiable Men; the third is a Native of Scot'land, & a man of great Information & Integrity of Character: His Affairs are said to be embarrassed; But he has in possession a handsome estate. M^r Mather next to the British, is most partial to the American Government, and I believe he would execute with fidelity any Trust committed to him.

William Wikoff Junior opposite Batton Rouge, William Wykoff Senior and Theophilus Collins of Opelousas are Native Americans, Men of clear property, sense and Integrity;—of their political sentiments I have no knowledge.

M. Loviell, Dubuche, Fontenet, and Durall of Attackapus, I have no personal acquaintance with; But fame represents them all, as Men of Sense, fortune and probity.—

Doctor Sibley of Nachitoches, is a Man of Science and a true Republican; I have understood that previous to his leaving the United States his Affairs were much embarrassed;—But during his residence at Nachitoches, he is said to have acquired some valuable landed property.—

I have heard M^r Benjamin Morgan express his disapprobation of the Slave Trade, But the sentiment here is so general in favor of that Inhuman Traffic, that I am enclined to think most of the other Gentlemen above named are advocates for it; at least for a few years.—

The confidence with which you honor me by the Blank Commissions you transmit for a Revenue Officer at the Bayou S^t John, I feel as a flattering compliment; and shall endeavour as soon as possible to name such Person for those Offices as your Letter contemplates, and the situation of Revenue affairs in that quarter requires.

It gives me sincere satisfaction to find you so sensible of the circumstances which extorted from me, the establishment of the Louisiana Bank, and so willing to attribute my conduct to the true motives.—The Bank continues to sleep; the doubts suggested as to the legality of its existence having interposed just at the time when the public' Interest in the speculation began of itself to flag, the blow has I believe proved fatal to it; at least for the present.—

With respect to the young Gentleman M^r Gurley who has enjoyed a portion of my patronage, I have only to say, that he was a stranger to me, but came well recommended from the Seat of Government and

other places. His Letters were for the most part from Republican Characters of high Standing;—one in particular from M^r Granger the Post Master General.—Of his private Character, or of his previous political conduct or opinions I had no personal knowledge whatever; But his Letters prevented every suspicion that either was exceptionable; And the conversations which I have had with him, as well as the uniform correctness of his Conduct confirmed me in the Belief that his present political Bias was decidedly in favour of the present Administration.—It has been my misfortune, ever since I have had the honor to represent the General Government in the Western Country, to have found the weight of at least professional Talents on the federal side.—When I arrived in the Mississippi Territory, it was impossible to fill the Offices under the Government, with Justice to the Country, without borrowing assistance from a Sect whom I had no satisfaction in employing, and who conscious of the necessity that gave them consequence, affected to despise the favours they enjoyed; My situation in that respect, was afterwards somewhat bettered.—But now again at the commencement of this Government, I look around in vain for Men capable of holding offices with Credit to themselves and the State, and in the purity of whose political sentiments I can place entire reliance. Among the Lawyers (amounting to near thirty) there are but three whom I knew to be Republicans.—One was M^r Lewis Kerr (from the State of Ohio, & lately of Natchez) and I appointed him Sheriff of the City; conceiving that in the incipiency of the operation of American Law, that important office should be filled by one who personally enjoyed my confidence, & was himself possessed of legal Information;—the second was M^r Ed^d Nichols (late of Maryland) whom I appointed Clerk of my Court, and with this appointment, I am not as satisfied as I could wish;—and the third was M^r Henry Brown (late of the City of Washington) and him I have made a Notary Public, which in this City is a lucrative office.—

As federal Influence declines in the States, the remote Territories will naturally become Assylums for that Party; and particularly for those young Men whose politicks expose them to embarrassment at Home; they will either calculate on strengthening their Party in a more promising quarter, or indulge a prudent hope of political oblivion.—

There can be no doubt, but this City is much exposed to the Yellow Fever;—this Disease is now raging, and altho' the Physicians pronounce it not contagious, yet seven or eight die of a Day, and new cases are hour'ly occuring.—My late Indisposition, was a violent attack of the yellow Fever, and I am represented as the only American who has yet recovered.—I should most certainly remove my family in the Country, if M^{rs} Claiborne's situation would permit; but she continues dangerously ill; her Fever has been constant for three

Weeks, & her consequent Debility is very great, but the Physians still entertain hopes of her recovery, which I pray God may be realised.—I recall to mind, the conversation to which you refer on the subject of a new plan for Towns.⁶³

It is impossible to dwell for one moment on the plan you propose, without receiving an Impression of the preference to which it is entitled as well on the score of elegance and comfort, as of health.—I should esteem it a great happiness should I be enabled to introduce such a plan into the parts of this City, that yet remain to be built. As this City promises to have a rapid encrease (& the havoc' of Disease is at present so evident) I must confess, I entertain sanguine hopes of introducing this favorite Scheme, and with that view shall spare no pains to impress its excellencies on the minds of those Citizens, whose influence will be serviceable.—

From every thing I can learn, the Indians on the West side of the River are well disposed to the U. States;—A Chief and some Warriors of the Caddoe' nation, lately visited our Commandant at Nachitoches; and were at first displeased to find that they received no presents, as was usual under the Spanish Government;—But upon the Commandants informing them that the U. States would probably establish a Trading House for the purpose of supplying their wants on moderate Terms, and protecting them against the impositions of private Traders, it is reported to me, they expressed much satisfaction; and after having received their Rations retired from the Post well pleased.⁶⁴—

I am happy to learn from the Department of State, that my answer to Governor Folch's Letter has met the approbation of the Government—For my own part, I entertain no doubt of our right as far as the Perdido; But I conceived it improper to discuss with M^r Folch the merits of a question which was not for us to decide.—

The Number of those who are connected with the Land speculation in Florida, I fear is considerable; M^r Daniel Clark was the first adventurer, & many others followed his example; But whatever may be their numbers or their standing, the probable fate of their rapacious Schemes is very just, and will be a matter of Triumph to many worthy Citizens.

Under the former Government, of this Province, Smuggling was carried on to a great extent, and the facility with which the Revenue Officers could be bribed was no less disgraceful than notorious. That

⁶³ Cf. the President to Harrison, Feb. 27, 1803 (*Terr. Papers*, Ind., VII, 88-92), to Claiborne, July 7, 1804, and to Volney, Feb. 8, 1805 (*Writings Jefferson*, mem ed., XI, 36-38, 62-69).

⁶⁴ This information was derived from Turner's letter to Claiborne, July 16, 1804, enclosed in Claiborne to the Secretary of State, Aug. 4, 1804 (NA, SD, Orleans Terr. Papers, IV; the covering letter is printed, Rowland, ed., *Claiborne Let. Bk.*, II, 292-293).

like fraudulent attempts will often be made under our Government, I consider as highly probable;—But I persuade myself that the vigilance and inflexible Integrity of our Officers will in a year or two put down this species of Corruption.—There is however, one great evil existing in this Province, a remedy for which I fear cannot easily be devised. It is the little regard which is paid to Oaths, particularly among the lower class of Citizens;—The moral Obligation seems to have but little Influence, which may perhaps in some degree be attributed to their Religion, for I believe it is understood among the ignorant, that a confession to the Priest wipes away all Sin.—

The explanation which your Goodness induced you to give me, relative to the Letter communicated to Congress, is an honor I did not expect, nor was it at all necessary for my tranquility. I was always convinced that the submitting to the perusal of Congress my Communication of the 2^d of January ⁶⁵ was proper, nor did I for a moment doubt but that all due precautions had been observed to prevent its contents from being made public'.—The spurious and illeberal representation of the substance of my Letter, which was prepared by some one or more of my Enemies placed me for a Day or two in an unpleasant situation, and subjected me temporally to the resentment of a portion of the Society here;—The effect however was soon effaced.—But latterly M^r Ed^d Livingston (urged by M^r Daniel Clarke who has acquired a great Influence over him) in his Memorial to Congress, has made some Remarks which evidently have an allusion to the Forgery which appeared in the Papers;—I am enclined to think however, that M^r Livingston now regrets the part he acted in this Business, but his pride will not permit him to acknowledge it:—He finds himself neglected by the French Mal-Contents, and not even thanked for his services.

I have recently read my Letter of the 2^d of January, and my residence here, has tended to confirm me in the sentiments there delivered.—The fact is, that the people of Louisiana, are not prepared for a Representative Government, and the experiment would be hazardous; But perhaps policy might justify the Introduction of the second Grade of Territorial Government.—In New-Orleans and its vicinity, the Society may be considered as tolerably well informed; But in the other parts of the Province, the great Bulk of the Inhabitants are in a State of wretched Ignorance, and very much under the Influence of their Priests.—

As soon as my state of health will permit, I will examine the Land adjoining the Canal of Carondulet, and will give you an accurate account of its situation, relative value &c.—I should feel happy in promoting the Interest of General La Fayette, and I do really think his residence in Louisiana would be a great public' Benefit.

⁶⁵ Printed, Rowland(ed.), *op. cit.*, 1, 322–329.

The family of my departed friend M^r Trist, have not yet recovered of their distress, and the Indisposition of M^r Henry Brown, who is now confined to his Bed, encreases their uneasiness; His Physicians however, I learn, do not consider him dangerous.—

I pray you to excuse this incorrect Scrawl;—My late Disease has left me in a state of great feebleness both of mind & Body—so much so, that I fear my Health will not be entirely restored for some time.

Will you accept my best wishes for a Continuance of your health & happiness, and believe me to be—With the greatest respect! Your faithful friend.

WILLIAM C. C. CLAIBORNE.

THOMAS JEFFERSON President of the U. States.

[*Endorsed*] Claiborne Gov^r N. O. Aug. 30. 04. rec^d Oct. 9.

JOHN M. GELSTON TO THE PRESIDENT

[SD:Appt. Office Files:ALS]

NEW ORLEANS 1st September 1804

SIR, The enclosed letter^{66a} will inform you of the death of my affectionate friend H. B. Trist, and the petition accompanying this I have taken the liberty to send to you, in the hope that the motive which prompts me to this step, will be considered by you as a sufficient apology for the impropriety of my addressing you.

As I had myself an opportunity of judging of the real sentiments of the signers of the representation, I am enabled to say that it expresses no more than their ardent wishes; and it would not become me to say more to you.

I have the honor to be, with the most perfect respect your very obedient servant

JN^o M. GELSTON

TH^o JEFFERSON President of the United States.

[*Endorsed*] Gelston John M. N.O. Sep. 1. 04. recd Oct. 9. Brown W^m to be Collector v. Trist. 1804⁶⁶

[Enclosure:DS]

Recommendation of William Brown as Collector

To Thomas Jefferson, President of the United States,

The subscribers, merchants, traders, and others, of the City of New Orleans, respectfully represent,

That the United States, having lately by the death of Hore Browse Trist esquire, late collector of this district, lost an active, upright, and

^{66a} Not present.

⁶⁶ Answered Oct. 15, 1804 (Jefferson Papers, LC).

capable officer, they beg leave to recommend William Brown as his successor in the said office.

M^r Brown having since the establishment of a Custom House for the United States at this place, officiated as Deputy Collector, the subscribers have had an opportunity of witnessing his capability and diligence in performing the duties of the office; and in offering this testimonial in favor of a near connection of the deceased, persuade themselves that they may unite the gratification of their private feelings, with considerations of public good.

J ^a Faurie	H. Molier & C ^o
F. Duplessis	Théod: Bonnett
Kenner & Henderson	Edw Livingston
Whitton Evins	Gelston & mumford
H. O'Hara & J. B. Farrell	L ^a Kerr
Chew & Relf	S, B, Davis
James Stille	Jn ^o W Gurley
L. Ponnas	Benj Morgan
B Cenas	Paul Lanusse
Philip Zerban	Benj ^a F West
Philippon j ^r	J ^a Tricou
Tn Messa Rouzan ^{es}	N. Girod
P Madan & C ^o	B. Gireaudeau
Shepherd Brown & C ^o	P. F. DuBourg J ^r
John Poultney Jr & Co	C B: Dufan
M. Fortier & son	M ^o Neal & Montgomery
John F. Merieult	O. H. Spencer
A Reaud	George W Morgan
reynaud et peytavin	George Pollock
Roques	Cavelier & fils
Meeker, Williamson & Patton	John. P. Sanderson
Geromo La Chiapella	J ^a Pitot Mayor of the City.
P Cenas	Labatut
B S Spitzer & C ^o	Eug ^o D'orsiere
Tho ^a Durnford	James Carrick
Sam ^l Lackwood	T. D. Urquhart
John Clay	J ^a F ^a Girod
Judas & Touro	Winter & Harman
Pollock & Morgan	Jos Scott
Hilary Baker	Earle, Jones, & C ^o
John Lanthoir	Benj ^a Tupper
Kennedy & Child	Jn ^o Palfrey j ^r
Thomas Randall	Stephen Greffin
William Flood	John MDonogh, J ^r & C ^o
Jno: Watkins	Shepherd Brown & C ^o
Holmes & Zacharie	

[*Endorsed*] Brown William to be Collector N.O.

^{es} Reading uncertain.

THE PRESIDENT TO THE SECRETARY OF WAR

[LC:Jefferson Papers:D]

MONTICELLO *Sep.* 6. 04.

DEAR SIR The Spanish government has adopted all the angry passions of Yrujo respecting the act of Congress for the collection district at Mobile, and has written a letter to Pinckney in a stile which renders more serious measures possible.⁶⁹ in this situation it behoves us to have every man at N. Orleans who can be spared from other places. not recollecting the force we have there actually, can you by memory remind me of it? for you cannot of course have the particulars with you.

After waiting almost to the 12th hour to get all the information I could respecting characters at N. Orleans, I have, on consultation with mr Madison, sent on commissions.⁷⁰ the arrangement is very much what had been approved by the heads of departments separately & provisionally, with a few alterations shewn to be proper by subsequent information, to wit;

Governor. Claiborne.

Secretary. James Brown—

Judges of the Superior court. Kirby & Prevost. Pinckney or Williams to be the other.

District judge. Hall.

Attorney Mahlone Dickerson.

Marshal—Urquhart, or Clouet, or Guillot, or some other native Frenchman—

Legislative council. Morgan, Clarke, Watkins, Jones, Roman, & Wikoff certain

Dow or George Pollock at the discretion of Claiborne

Boré, Poydrasse & Bellechasse certain:

& 3. of these 5. at Claiborne's discretion, to wit, Derbigny, Detrahan, Dubuys, Cantarelle, Sauvé.

In this composition, the several interests American & French, city & country, mercantile & agricultural, have been consulted as much as possible. Claiborne as you know was not the person originally intended. but that person cannot now be appointed: and Claiborne's conduct has on the whole been so prudent & conciliatory that no secondary character could have a better right. I was able too by a frank private explanation to let him consider his appointment perhaps as ad interim only. ^ I propose to be at Washington by the last day of the month. I expect mr Gallatin left N. York for that place on the 3^d inst. Affectionate & respectful salutations.

TH: JEFFERSON

THE SECRETARY AT WAR

⁶⁹ The letter referred to was probably that of Ceballos to Pinckney, May 31, 1804 (NA, SD, Spanish Despatches, VI, A). Pinckney's reply, June 1, 1804, is in *A.S.P.*, *For. Rels.*, II, 618.

⁷⁰ Forwarded to Claiborne by the Secretary of State, Aug. 30, 1804 (*Letters Madison*, 1865 ed., II, 204).

EDWARD D. TURNER TO GOVERNOR CLAIBORNE ⁷²

[NA:SD, Orleans Terr. Papers, v:ALS]

(Duplicate)

NACHITOCHEs Septem^r 10th—1804

SIR This Morning an Indian accompanied by a White Man, arrived here from the Villiage of Cosada Nation of Indians, on the Sabine, and within the District of Opeloussas, and made the deposition of which the inclosed is a Copy—I have arranged with the Indian to go to the Council and report to me the result—I will thank you to say whether I may be authorized to employ an Express upon occasions of this sort, and how I shall pay them—I think the authority highly necessary, particularly as Communications between this and Natchez, or Orleans, is very unsteady & uncertain—

I have the honor to be Your very humble Serv^tEDW^d D. TURNER

NB—The reason the Indian did not come immediately after the threat of the Aish Chief, was, that the dance did not end for twelve days—then a Council was called, and he left immediately after it broke up—E D T ⁷³

[Endorsed] rec^d in Gov^r Claiborne's 25 Sept^r 1804

[Enclosure]

Deposition of William Graham

(Duplicate)

NATCHITOCHEs Septem^r 9th 1804

This day personally appeared before me Edward D. Turner Civil and Military Commandant of the District of Natchitoches William Graham commonly called Billy Graham, who says on Oath, that he is a native of the Casada Nation of Indians, and that he is a special messenger from the Chief of that Nation to inform me, that the Nation of Indians called Aish, sent a message to the said Chief about the 14th of July, the purport of which was, to persuade them to move into the Spanish Country, that the Chief of the Casada's sent word back that he was very well satisfied with his present place of abode, and should not move—That about the 12th of August at the yearly Corn dance, the Chief of the Aish came himself, and attempted to persuade the Casada's to move, and failing in the attempt, threatened to cut them off like Dogs as they would the Americans, who they were about to go to War with, and if they did not join them they would

⁷² Covering letter, Claiborne to the Secretary of State, Sept. 25, 1804, printed, Rowland (ed.), *op. cit.*, II, 341.

⁷³ Answered Sept. 28, 1804, *ibid.*, pp. 342–343. See also Turner to Claiborne, Oct. 13, 1804, *ibid.*, p. 385. Information concerning the anti-American activities of the Spanish among the Red River Indians was communicated to the President by Sibley in a letter of Sept. 2, 1804 (Jefferson Papers, LC).

kill them wherever they found them—And in consequence of this threat, they the Casada's who were then about going out upon a hunt were stopped and part which had already gone, were called back—that in about twenty days there is to be a grand Council upon the far fork of the Sabine river, at which all the Neighbouring Indians are invited—that at the Council there are to be a number of Spaniards—that the Chief of the Aish was accompanied to within twenty five miles of the Villiage by a Spanish Officer, thirty Soldiers and thirty Indians—and that the Spaniards are the instigators of the Council about to take place, and the disaffection of the Indians to the Americans—that the Aish Chief informed them, that the Spaniards are to have 700 head of horses and mules at the Council for the purpose of giving to the Indians to induce them to go to war with the Americans—

(Signed) WILLIAM ^{his} X GRAHAM
mark

Witness

John Duforest—(Signed)

Edw^d D. Turner—(Signed)

Civil & Military Commandant

I Certify that I was present when the Chief of the Aish visited the Villiage of the Casada's, and that the talk of the Aish Chief appeared to make the Casada's very uneasy, and they through an Interpreter informed me what had passed, and requested, I would accompany the messenger to the Commandant of Natchitoches to tell what I had seen—and further, the relation above given by William Graham, is similar to what was told me at the time of the Aish Chiefs visit—

(Signed) William Davis

[*Endorsed*] Deposition of Billy Graham rec^d in Gov^r Claiborne's 25 Sept^r 1804.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[SD:Appt. Office Files:ALS]

NEW-ORLEANS *September 13^a 1804.*

DEAR SIR, I have filled up the blank Commissions, which you committed to my care, with the name of John Thibaut of New-Orleans, & I now enclose the Bond he has given, and the Oaths he has taken & subscribed in manner as the Law directs.—

M^r John Thibaut is a Native Frenchman, and was highly recommended to me as a Man of Integrity and Information; He resided four years in the U. States, & for the last three years in this City; he is a married man; his Connections here are respectable,—and his knowledge of the American Language, Laws & Customs served also to recommend him.

The Fever in this City seems to encrease, but is certainly less malignant, than it was two Weeks ago; I find however, that it still proves fatal to many, and from the best information I can obtain the deaths average from 5 to 8 of a Day. The Troops removed into the Country are becoming healthy; But of those left in the City, (amounting to about Ninety including the sick in the Hospital) eleven have died in the course of the last 3 days.

Heretofore the mortality has principally been confined to Strangers; But on yesterday, I was informed by a Physician that the old Inhabitants were becoming sickly, & that among them, he had met with several cases of the prevailing Fever.⁷⁴

Since the warmth of Summer commenced, I have employed in my office three Clerks, and on this morning, I find myself without an Assistant; all my young men are sick and confined to their Beds.

M^{rs} Claiborne continues ill; her disease is now a violent Affection of the Liver, and in her enfebled State no medicine can prudently be administered, which would reach this Disorder;—Hopes however of her ultimate recovery, are yet entertained.—

My own health is far from being restored; But I persuade myself from great care of my person, and a regular mode of Living, I shall avoid a Relapse.—

Accept my best Wishes, & believe me to be—With great respect,
Your faithful friend!

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the U. States.—

[*Endorsed*] Claiborne Gov^r N.O. Sep. 13. 04. rec^d Oct. 24—Thibaut
John. Collector 1804

EDWARD LIVINGSTON TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, v:ALS]

NEW ORLEANS Sep^r 15. 1804

SIR At the request of Baron Bastrop I take the liberty of requesting an answer to a letter addressed to you in his behalf on the 16. June last.⁷⁵

I then stated that he had obtained from the Spanish government the Exclusive trade with the Indians on the Ouachita River, that he considered this as private property for the unexpired term of his privilege—and that he prayed the enjoyment of it untill he could take the Decision of Congress on his Case.—

⁷⁴ For other references to the epidemic, see Claiborne to the Secretary of State, Sept. 21, Oct. 3, Oct. 16, 1804 (Rowland, ed., *op. cit.*, II, 338–339, 345–346, 352–360).

⁷⁵ Not found.

The Barons anxiety on this Subject induces me once more to remind you of it.⁷⁶

I am Sir with great Respect Your Mo Obd^t St

EDW LIVINGSTON

JAMES MADISON Esq Sec^y of State

[*Endorsed*] Edw^d Livingston 15 Sept^r 1804.

PETITION OF THE INHABITANTS AND COLONISTS OF
LOUISIANA TO GOVERNOR CLAIBORNE ⁷⁷

[NA:SD, Orleans Terr. Papers, v:DS]

[September 17, 1804]

À Son Excellence Guillaume C. C Claiborne Gouverneur Général du territoire du Mississipi Exerçant par Interim Les fonctions de Gouverneur Général & Intendant de La Louisianne

Petition des Habitans & colons de La Louisianne

Humblement Vous représentent Vos petitionnaires Signataires du présent, tant en leurs propres & privés noms que comme Se faisant fort & Garantissants pour la Majorité & la Saine partie des Habitans du pays, que l'événement Arrivé Le matin de ce Jour Seize Septembre mil Huit cent quatre chez Michel fortier membre de la Municipalité et

⁷⁶ Concerning Philippe Enrique Neri, Baron de Bastrop, see Hatcher, "The Louisiana Background of the Colonization of Texas", in *S. W. Hist. Quart.*, xxiv, 169-194. Bastrop's petition to Claiborne, no date, claiming the rights referred to above, was forwarded by the latter to the Secretary of State, June 7, 1804 (NA, SD, Orleans Terr. Papers, IV; the covering letter is printed, Rowland, ed., *op. cit.*, II, 196-197). Bastrop's claims were denied by two rival traders, Girod and Chote, in a letter to the President of June 10, 1804, submitted by the latter to the Secretary of State July 14, 1804 (NA, SD, Misc. Letters; the covering letter is printed, Ford, ed., *Writings Jefferson*, VIII, 313). On Oct. 31, 1804 (NA, SD, Dom. Letters, XIV), the Secretary replied to Livingston:

"I have duly received your letter of the 11th Ult: respecting the claim of Baron Bastrop to a monopoly of the Indian Trade within a portion of Louisiana: but as Congress are soon to meet and as he looks ultimately to them for a decision, it seems unnecessary for the President at this late day to take any measures; and the more especially as the delay to act upon the original application arose principally from a concurrence in the opinion that the affair was best fitted for the consideration of the Legislature."

However, the Secretary of State informed Livingston Mar. 25, 1805, *loc. cit.*, that Bastrop's claim was regarded as a private one, and therefore could not be transmitted officially to Congress, but the documents connected with it would be turned over to any member of Congress whom Livingston should designate. See also Claiborne to the President, June 26, 1804, and May 18, 1805, and to Bowmar, June 27, 1804 (Rowland, ed., *op. cit.*, II, 220-221, 223-227, III, 57-58).

⁷⁷ Covering letter, Claiborne to the Secretary of State, Sept. 21, 1804, printed, Rowland (ed.), *op. cit.*, II, 337-338, under date of Sept. 20.

Negotiant de cette Ville, leur donne tout lieu d'appréhender l'existence d'un complot qui paraît être formé parmi les Esclaves de cette ville, peut-être ceux de la province, complot attentatoire à la Sureté individuelle de tous Les Habitans, et leur fait Craindre de Voir Leur pays En proie aux mêmes Événemens qui ont desolées les colonies françaises, & Specialement la Superbe et riche Colonie de Saint Domingue.

Que faire Dans ces Circonstances? poursuivre avec activité, et punir Sans compassion aucune Le crime, Employer tous les moyens possibles pour decouvrir Le complot, est, nous le pensons, le Seul parti que puisse et doive prendre votre Excellence; Et vos petitionnaires Esperent avec Confiance de Votre active Surveillance au maintien de L'ordre et de la tranquillité, et de votre Justice, que votre Excellence, prennant en consideration Leurs Justes Craintes Votre excellence nommera Immediatement une Commission Extraordinaire de trois Juges de paix et douze Notables Habitans propriétaires de biens fonds En ce pays, ou tout autre nombre qu'il plaira à Votre Excellence de fixer, La quelle Commission Extraordinaire Sera Chargée de L'instruction Immediete et Sans delai Du procès ou des procès des Criminels Arrêtés Leurs fauteurs, adHerens, & complices, et Ordonnera que tous Jugemens tant interlocutoires que deffinitifs qui seront rendûs par la ditte Commission Extraordinaire Suivant & conformement aux loix qui regissent & doivent regir ce pays jusques au Moment ou la prochaine Legislature de cet État les aura Modifiées, changées, ou reformées, Soient mis à Execution Sur le champ, Sans que les Coupables convaincus, puissent Espérer ni attendre aucune Grace.

Une Justice prompte et Severe peut Seulle En effet Servir d'Exemple aux mal intentionnés, et arrêter le mal dans Son principe; & vos petitionnaires ne cesseront de prier pour la Conservation des Jours de Votre Excellence.

N¹¹^e ORLEANS 17. *Septembre* 1804

Ch ^{as} Porée	L. fortin
M ⁱ Fortier	Sauve & Gaillard
B ^{is} Duret	J. Dervigneux
J ⁿ Frs Merieult	N. Girod
C B: Dufan	P ^{rr} ^e & A ^{ms} Carraby
J ⁿ B ^{is} Bocyfarrée ⁷⁸	Bidetrenoulleau ⁷⁸
Labatut	fs jh le Breton dorgenoy
Garidel	Boré
Tn Messre Rouzon ⁷⁸	Sorapurie
F: Adam	peytavin
W ^m G. Garland	Rougaud
J ^s Pitot	[MS. illegible]
B. Tremoulet	Ant ^{ns} Cavalier
L. Charbonnet	J ⁿ Caillet
J ⁿ faurie	

[*Endorsed*] Rec^d in Gov^r Claiborne's

⁷⁸ Reading uncertain.

[Translation]

[September 17, 1804]

To His Excellency William C. C. Claiborne, Governor General of Mississippi territory exercising provisionally the duties of Governor General & Intendant of Louisiana.

Petition of the Inhabitants & colonists of Louisiana.

Your petitioners Signers of the present, both in their own private names as well as strengthening themselves & standing guaranty for the Majority and the Reasonable part of the Inhabitants of the country, represent to you that the occurrence of this morning September 16 1804 at the home of Michel fortier member of the Municipal Government and a Merchant of this City, gives them every reason to apprehend the existence of a plot which seems to be formed by the Slaves of this city, perhaps those of the province, a plot threatening the individual Safety of all The Inhabitants, and causes them to Fear that they will See Their country a prey to the same Events which have laid waste the French colonies, & Particularly the Proud and rich Colony of San Domingo.

What is to be done Under these Circumstances? To prosecute crime actively and punish it Without any compassion, Use all possible means to uncover The plot, is, we think, the Only decision your Excellency can and should make; And your petitioners Confidently Hope from Your active Surveillance in the maintenance of Order and tranquillity, and from your Justice, that your Excellency, taking into consideration Their Just Fears Your excellency will Immediately appoint an Extraordinary Commission of three Justices of the peace and twelve Notable Inhabitants property owners In this country, or any other number that it may please Your Excellency to fix, Which Extraordinary Commission Shall Be Charged with initiating Immediately and Without delay the trial or trials of the Criminals Arrested, Their abettors, adherents & accomplices and Shall Order that all Judgments either interlocutory or final which shall be rendered by the said Extraordinary Commission According to & in conformity with the laws which govern & must govern this country until such Time as the next Legislature of this State shall have Amended, changed, or rewritten them, Be put into Execution Immediately, Without the convicted Guilty persons being able to Hope or expect any Mercy.

Only prompt and Severe Justice may Indeed Serve as an Example to those having evil intentions, and arrest the evil in Its inception; & your petitioners will not cease to pray for the Preservation of Your Excellency's Life.

NEW ORLEANS September 17 1804

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS *Sept*^r 18^h 1804

DEAR SIR, This City continues the Seat of Disease:—On the 16th Instant died of the prevailing fever, my private Secretary Joseph Briggs; on yesterday M^r John Gelston late of New-York, and on this Morning M^r Benjamin West late of Philadelphia.—

My own family is heavily afflicted; M^{rs} Claiborne continues ill, and her Brother (M^r Lewis) is expected to die in the course of the Day.—The distress of the City is considerably heightened by an alarm of Insurrection among the Negro's;—I do not know how far there may be just cause for this alarm; But from some menacing expressions which recently fell from two Slaves; a general Spirit of Insubordination which of late has been manifested, & the circumstance of several negro's having been found travel'ing by Night with Arms in their hands, the impression is general among the Inhabitants of the City, that they are in eminent Danger.

In this state of things, I have taken all the Measures of precaution in my power; the patrols at Night are strengthened, and orders given to the Volunteers & City Militia to hold themselves in readiness for Action at a Moments Warning.

I shall draw from the public' Magazine Powder & Ball for the Volunteers, & if the Danger should encrease, I shall put a public Musket in the hands of every White man in the City.—

Colo: Freeman has issued orders to the Troops to hold themselves in readiness to march, & if the occasion shall demand, their return to the City will be directed.—

I do not think myself that there are good grounds for the Alarm— But it is incumbent on me to take measures to avert mischief, and in any event I pledge myself for the security of the Lives & property of the Inhabitants! ⁷⁹

Your faithful friend

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE UNITED STATES.—

[*Endorsed*] Claiborne Gov^r N.O. Sep. 18. 04. rec^d Oct. 24.

⁷⁹ On this subject see Claiborne to the following: Pitot, July 1 and July 25, the Secretary of State, July 7 and July 12, Freeman, July 17, Johnson, July 18, Nicoll, July 25, Poydras, Aug. 6, and Turner, Aug. 10, 1804 (Rowland, ed., *Claiborne Let. Bk.*, II, 232-233, 239-240, 244-246, 254-255, 256-258, 262-264, 293-294, 303-304).

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[LC:Madison Papers:ALS]

(Private)

NEW-ORLEANS *Sept*^r 27^h 1804

DEAR SIR, In my Letter of the 25th ⁸⁰ I mentioned the Illness of M^{rs} Claiborne, and my Little Daughter:—They have since been called to the Abodes of Rest and happiness. My misfortunes have been uncommonly great; to loose on the same Day my whole family was indeed a heavy affliction—But my God willed it, and I must submit with fortitude and Resignation.

I have received your Letter of the 30th Ultimo,⁸¹ together with the various Commissions inclosed, and will acknowledge it (officially) by the next Post.

I am Dear Sir, With great respect Your sincere friend!

WILLIAM C. C. CLAIBORNE

THE HON^{ble} JAMES MADISON Sec^y of State.

[*Addressed*] The Hon^{ble} James Madison Sec^y of State City of Washington [*Postmarked*] N Orl Sep 29 Free

[*Endorsed*] Claiborne W^m C. C. Sep^r 27th 1804 Sep 27. 1804

⁸⁰ Printed, *ibid.*, p. 341.

⁸¹ Printed, *Letters Madison* (1865 ed.), II, 204.

PART THREE
Papers relating to the Second Administration
of Governor Claiborne
1804–1805

PART THREE

THE INAUGURATION OF GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, v¹]

[October 2, 1804]

Induction of the Governor of the Territory of Orleans.

On Tuesday last the 2d inst. the citizens of the Province witnessed a momentous epoch in the formal inauguration of their Governor. Among the recent and successive changes, none have given more general satisfaction. The people have but justly wished a more determinate system of government; and the Governor, hereafter, acting less from *discretion*, feels himself relieved from an anxious load of responsibility. At 12 o'clock his excellency William C. C. Claiborne presented himself at the Principal to take his Oath of Office, before James Pitot, Esq. Mayor of the City. The ceremony being attended by the Clergy, the Officers Civil and Military, and a large concourse of respectable citizens, the business of the day was disclosed to them by reading the Commissions of the Governor and the Mayor; after which, His Excellency rose and delivered with interesting ease, the address which we now lay before our readers. Those who had witnessed the fortitude with which he has borne his late domestic afflictions, could not forbear to express their admiration, of the peculiar cadence of his pathetic allusion to the loss of his amiable Consort, and promising Daughter.

After His Excellency had closed his address, it was read in the French language, for the satisfaction of the Citizens, by Peter Derbigny, Esq.

The assembly having retired the day was distinguished by a discharge of cannon; the display of colours among the shipping; and other demonstrations of satisfaction.

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,

¹ From the *Louisiana Gazette* of Oct. 5, 1804. As will be noted, there are a few typographical errors. The covering letter, Claiborne to the Secretary of State, Oct. 8, 1804, is printed, Rowland (ed.), *Claiborne Let. Bk.*, II, 349.

fellow citizens, to take in your presence the Oaths of Office required by Law.²

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 powerful 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 efforts 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 co-operation 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 and subscribe 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, Laws and thus to soften those evils which a wise Providence has annexed in this world to the condition of man.

WILLIAM C. C. CLAIBORNE.

New Orleans, October 2d, 1804.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[LC:Madison Papers:ALS]

(Private)

N^o ORLEANS Octob^r 3^d 1804.

DEAR SIR, On Tomorrow Mess^{rs} Derbigny, Sauve and Detrahan (the Agents of a part of the Louisianians) to Congress, take their

² Claiborne's commission was forwarded to him by the Secretary of State in a letter of Aug. 30, 1804 (*Letters Madison*, 1865 ed., II, 204), but no copy has been found in the files of the State Department. See commission of Dec. 12, 1804, *post*, p. 351.

* His Excellency, here, alludes to the recent death of his Lady and only child [Footnote on the original].

passage for Washington, via New York, on board the Ship Louisiana.³

These Gentlemen go' with high expectations of being gratified in all their Wishes—they are encouraged to expect entire success, by the opinions of M^r Ed^d Livingston, who continues in the Confidence of the discontented Party.—

There is probably some genuine Patriotism in the Memorial to Congress; But I fear it is also tinged with foreign Influence. The most sincere Admirers of Bonaparte are among the Memorialists, and many Persons after signing the Memorial immediately affixed their signatures to that fulsome Address to the Marquis, of which I sent you a Copy some time ago'.

The Louisianians are a Mild pacific' people, but are uncommonly credulous, and may easily be misled by designing Men, of which the Territory at present, has an abundant supply.—

The primary object of the Agents will be, the opening of the Af'rican Trade, and upon this point, the people in general take a lively Interest; But as to a State Government, there are very few (without the District of New-Orleans) who care any thing about it.—

Accept my best wishes! I am D^r Sir, Your sincere friend

W. C. C. CLAIBORNE

[Addressed] . (Private) The Hon^{ble} James Madison Sec^y of State.

[Endorsed] Oct 3, 1804 Claiborne W. C. C. Oct. 3^d 1804.

³ The following excerpt is from William Dunbar to the President, Oct. 15, 1804 (Jefferson Papers, LC):

"The three deputies from New Orleans with their remonstrance to Congress are setting out about this time: it is believed that this opposition has been promoted chiefly by Americans who are in search of popularity: Possessing an acquaintance with the french planters below almost general, I think it not improper to inform you that two of the Deputies are personally known to me; M. Sauvé a frenchman by birth was formerly a merchant in New Orleans, highly esteemed for his probity in business; and remarkable for his indulgence to his customers and debtors; he became a planter, and is in easy or rather affluent circumstances; for a frenchman his manners are plain, with much candor and frankness of behavior, he speaks english tollerably well. M. Detraihant a Creole of Louisiana is a planter of the first rank, he is greatly respected and even looked up to by his Neighbors, he is a gentleman of polite maners and honorable principles, he does not speak english,—plays chess a little. The third is not known to me, having of late years come into Louisiana, he is a frenchman by birth & has acted as government interpreter and speaks english. The real french inhabitants of Louisiana with whom I have conversed, seem well affected to the Gov^t of the U. S. & wish to have it, understood, that they mean nothing more by their memorial than to Solicit respectfully what will be conducive to their own happiness and cement their attachment to their new Government."

Cf. extract from a letter, Dunbar to John Vaughn, Oct. 15, 1804 (Jefferson Papers, LC), to the same purport. Two letters from Fontaine Maury, of New York City, to the Secretary of State, both of Nov. 6, 1804, introducing Destréhan and Sauvé, are in the Madison Papers (LC).

JAMES PITOT TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, v:ALS]

NEW ORLEANS 4th Oct^{ber} 1804HIS EXCELLENCY JAMES MADISON, Esq^r Secretary of State

SIR In obedience to the Commission given to me by the President of the United States, I administered on the 2^d instant, the Oaths of office to his Exe^r William C. C. Claiborne, and have the honour to inclose them to you herewith

I am with much respect Your most ob^t & hble Serv^tJ^s PITOT

[Enclosure]

*Oaths of Office of Governor Claiborne*⁴

[October 2, 1804]

I, William C, C, Claiborn do Solemnly Swear, that I will Support the Constitution of the United States.

WILLIAM C. C. CLAIBORNE

I, William C, C, Claiborn do Solemnly Swear, that I will Faithfully, diligently, and honestly according to the Best of my Skill and Judgment perform the duties of Governor of the Territory of Orleans.

WILLIAM C. C. CLAIBORNE

I, James Pitot, Mayor of the City of Orleans, do certify that by virtue of the Commission To me given by the President of the United States, dated at Washington the thirtieth day of August last, I have this day administered To William C. C. Claiborn the Foregoing Oaths of Office. In Testimony whereof I have hereunto Subscribed my name, and affixed my Seal, at Orleans the second day of October one Thousand eight hundred and four, and of the independence of the United States the Twenty ninth.

J^s PITOT [L.S.]

[*Endorsed*] Governor Claiborne's oaths of office Rec^d 8 Nov^r 1804. Rec^d in Gov^r Claiborne's 3 Oct^r 1804.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

N^w ORLEANS October 5th 1804

DEAR SIR, By the last Mail, I could only acknowledge the receipt of your esteemed favour of the 30th August; ⁵—But I shall now do myself the pleasure to reply to it more particularly.

⁴ The document was written and signed by Pitot, with the exception of Claiborne's signatures, which are in Claiborne's hand.

⁵ *Ante*, p. 281.

On receiving the Appointment of Governor of this Territory, I feel sensibly the Honor confer'ed, and shall be the more solicitous to deserve a Continuance of your Confidence;—I am however firmly persuaded that the office would have been better filled by some Citizen of more established fame and experience in public' Life. A great Statesman and Patriot (M' Monroe) was lately generally spoken of as the Governor, & had he been selected the choice would have been peculiarly acceptable to the Nation at large, and particularly pleasing to the Louisianians. I had really Sir, felicitated myself on the honor of surrendering the Government of this part of Louisiana, to that distinguished Patriot, and I declare with sincerity, that no one would have more approbated his appointment than myself:—But since Sir, you have been pleased to confide to me the important Trust, I shall accept with Gratitude, and will deserve it, if I can.—A few Weeks ago, a sacred duty to my family, urged the propriety of my speedily retiring from public' employment—But my late misfortunes have left for me no charms in private Life, and having now no one to provide for, I care very little for those Inroads on my small Estate, which I have heretofore been compelled to make:—I fear however, that my health will not long permit me, to discharge my duties with fidelity;—Of late years, I find my Constitution much impaired, and I have for some time thought that a Journey to the Northward, and a few months relaxation from Business would tend to prolong my Life.—If therefore after the new Government for the Territory is organised; the Council have completed their first Session, and no circumstance should render my presence in the District necessary, I should indeed be happy to obtain leave of absence for four or five months;—I wish it, as well on account of my health, as to settle my public Accounts, and to arrange my private affairs, in Tennessee;—I am aware that by the present Act for the Government of this Territory, no provision is made for the Governor's Absence; But I indulge a hope, that in this particular the Act may be amended, during the ensuing session of Congress

The worthy Characters selected for our Judges, cannot fail to give general satisfaction, and I am myself particularly gratified by the Appointment of M' Brown as Secretary. His distinguished Talents; Knowledge of the Law & of the Languages will render him a valuable acquisition to this new Government.

You no doubt have before this, received my answer ⁶ to your second Letter ⁷ relative to the Legislative Council; Your first communication ⁸ upon that subject never reached me, or I beg you to be assured

⁶ Aug. 30, 1804, *ante*, p. 284.

⁷ Cf. the President to Claiborne, July 7, 1804 (Washington, ed., *Writings Jefferson*, iv, 551–552).

⁸ Apr. 17, 1804, *ante*, p. 225.

it would have been immediately attended to;—The selection however, which you have made of Coun'cillors, will I believe be generally pleasing to the people, and I have no doubt, but they will faithfully discharge the Trust committed to them. I find your Intention was, to appoint seven Americans and six French Inhabitants; Among the Americans, you named a M^r Romane of Attackapas; this Gentleman is a native of Louisiana, and cannot speak a word of English;—To comply therefore with what seemed to be your primary object to give to the Americans a preponderance in the Council, I have taken upon myself to fill up one of the Commissions with the name of William Kenner, a Native of the U. States, an honest Man and a respectable Merchant of this City. Nither the Names of M. Derbigny M. Sauve, or M. Detrahan have been inserted on the List of counsellors; they were omitted on account of the intended visit of those Gentlemen to Washington, as Bearers of a Memorial to Congress, & the certainty that neither could give attendance in Council during the enssuing Winter.—With the exception of M^r Kenner all the other Counsellors are taken from the List you have forwarded, & I feel that in his case, I have taken a great liberty; But I really supposed, I have acted in conformity to your desire to place seven Americans in the Council, & therefore hope, that if I have done wrong you will pardon me.—

With respect, to the Marshall, my impression is, that neither of the Gentlemen you have mentioned, would fill that office with propriety. M. De Clouet is a Captain in the Spanish service, devoted to the Marquis of Casa Calvo, & cannot speak a word of English; of M^r Guillot I cannot acquire any certain Information; I am enclined to think there is a mistake in the name, and with respect to M^r Urqueheart, there are two Brothers of that name in this City; they are very honest young men, but want Talents, and have not yet acquired that standing in Society, which the Marshall of the District should maintain.—In pursuance therefore of that Discretion, which you have authorised me to exercize on this occasion, I have been reflecting on the Name of some honest, capable and popular Creole, to insert in the Commission for Marshall, & have not yet been enabled to make a selection;—I however will do so, in two or three Days, and will give you particular information as to the Character &° of the person se'ected.

You may be assured of my exertions to encourage harmony & good order; to advance the Welfare of the Territory, & the Interests of the United States, & to check & punish those peculations which were heretofore Customary in Louisiana;—I fear that in a late transaction, the particulars of which, I have communicated to the Secretary of State,⁹ the Conduct of M^r Evan Jones (one of the Counsellors) will

⁹ The communication referred to has not been found.

not appear in a favorable Light, but the papers & Documents are all with the Secretary of State, and from them a correct opinion may be formed.

Nether of the Judges having arrived, I filled up the Commission for administer'ing the Oaths of Office to the Governor, with the name of James Pitot Mayor of New-Orleans, and on the 2nd Ins^t I took & subscribed the oaths required; a Copy of a short address, which I made on the occasion to the Citizens, I have enclosed to the Secretary of State.¹⁰

I have recently turned my attention to the Study of the french, & hope to acquire a tolerable knowledge of that Language, in a few months.—The Fever in this City has much abated, but is not yet extinguished. The number of Deaths have been very great;—I verily believe, more than a third of the Americans who emigrated thither in the course of the last 12 months have perished, and nearly every Person from Europe who arrived in the City during the Summer Months. Lower Louisiana is a beautiful Country, and rewards abundantly the Labour of man;—But the Climate is a wretched one, and destructive to human life.

I pray God to preserve you in health and happiness. I am Dear Sir, With great respect Your faithful friend!

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the United States.—

[Endorsed] Claiborne Gov^r N.O. Oct. 5. 04. rec^d Nov. 6.¹¹

WILLIAM COOKE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, v:ALS]

Confidential

N. YORK 6th Oct^r 1804

HONORABLE JAMES MADISON

Unbounded gratitude, and esteem for you,—and affection for the Government, calls on me, to state to you, a Fact, that has come to my knowledge, in a way, that I dare not Commit to writing, but of the Correctness of which you need entertain no doubt.—

This Fact is that there is brewing a most Formidable and Treasonable Conspiracy against Louisiana.—Similar to the one, planed, by the French, against East-Florida last War.—but better Systamized.—Many Million of Dollars, is said to be already raised.—Where the Project Originates, is unknown to me. but I suspect in France.—If this is the first hint, you have received of this business.—It is important, to the last degree, that you Spare no pains—or means—to obtain

¹⁰ Oct. 2, 1804, *ante*, p. 303.

¹¹ Acknowledged Dec. 2, 1804, *post*, p. 342.

Correct, information respecting it.—and immediately to guard against it.—This is intended for your private—and Confidential Information—I am with great respect.

Your mo. obliged Mo. hble Serv^t

W^m COOKE

[*Endorsed*] William Cooke 6 Oct^r 1804.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[LC:Madison Papers:ALS]

(Private)

Near N^w ORLEANS October 13^h 1804

DEAR SIR, Feeling myself very unwell, I have left the City, with a view of passing a few Days in the Country.

I have not learned whether or not the different Councillors will accept; so soon as I receive information on this point, I will forward you the Christian names of the Gentlemen nominated.—M^r Evan Jones has published his Letter of resignation in the papers, and is using great exertion to induce the several councillors to follow his example: But his personal Influence is very limited; There are some persons who believe him dishonest, and there are but few, whose Esteem and Confidence he possesses.

In the U. States, it is not difficult to Counter'act Intrigue, but among a people as credulous as the Louisianians, it is almost impossible; M^r Livingston's Talents were useful in framing the Memorial; But M^r Daniel Clark's Activity was more serviceable in obtaining signatures; he travelled with the Memorial as far as Nachitoches, and spread in his way much discontent.¹²—Could I believe these Gentlemen actuated by pure motives on this occasion, I should be pleased with their Love of political freedom, & be disposed to forgive them for all the Trouble & Anxiety which they have given to me, and (perhaps) to the Government of the U. States;—But I am persuaded some interested Motive (which time will evince) is the secret spring to all their Actions;—

M^r Daniel Clark is now in the Mississippi Territory; I presume he also will decline acting as a Councillor;—But his Answer is not yet received. The Fever continues to rage in the City & proves fatal to those who take it.—

Accept my best Wishes! I am Dear Sir, With great respect & Esteem! Your hble serv^t—

W^m C. C. CLAIBORNE

JAMES MADISON Esqr Secy of State—

[*Addressed*] The Hon^{ble} James Madison Sec^y of State

[*Endorsed*] Oct, 13, 1804 Claiborne W^m C. C. Oct. 13th 1804

¹² Clark described his activities in support of the memorial in a letter to Wilkinson, Oct. 10, 1804 (NA, WD, AGO, Old Recs. Div.).

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS *October 22^d 1804.*

DEAR SIR, Since my last Letter,¹³ I have filled the Blank in the Marshalls commission, with the name of Francis Joseph Le'Breton Dorgonoy, and administered to him the Oaths of office.—This Gentleman is a native of Louisiana; an independent Farmer, and possessing (as is stated to me) inflexible Integrity. M^r Dorgonoy is also an American in sentiment and feeling; he has of late given umbrage to some Inhabitants here, by giving his opinions very freely, relative to the Spanish Government.—But I understand, he is generally respected as a man of sense and Integrity—M^r D'orgonoy speaks the English Language.—

Neither of the Judges have arrived, now do I know when I may expect them. Colo: Kirbey was a few weeks ago at Fort Stoddart, and said to be very unwell;—I have written to him; but no answer is yet returned.

The presence of the Judges, would be of great public' Utility; But their absence at this time is to themselves of great Importance; their approach to the city, might be attended with sudden Death. The Fever has greatly abated; But I learn from the Physicians, that Strangers who venture into the City, very generally take the Fever, & rarely escape:—It is expected however, that in a very few Days we shall have cold Nights accompanied with frost, and then the health of the City, & the purity of its Air, will be restored;—

Captain Gregg a valuable officer died a few Days ago' at the encampment near this City; Some imprudent Person in announ'ing his Death in the Papers, closed the Account by stating "and some of the barbarous Inhabitants rejoice in their fate"; meaning the death of an American Soldier. This Calumny against the Louisianians excited a great share of their Resentment.—The Printer however, has made a full apology for his Imprudence; and the unfortunate Death of Lieuten^t Powell of the Army, who died on this morning in the City has furnished some of the Louisianians an opportunity to prove, how ungenerous was the publication alluded to: I have ordered the Militia officers to attend Lieutenant Powell's funeral, and some of the Militia Lieutenants will be the pall' Bearers.

I pray Al'mighty God to preserve you in health and happiness.—
I am Dear Sir, With great respect Your faithful friend!

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the United States.—

[*Endorsed*] Claiborne Gov^r N.O. Oct. 22. 04. rec^d—Nov. 21.¹⁴¹³ Oct. 5, 1804, *ante*, p. 306.¹⁴ Acknowledged Dec. 2, 1804, *post*, p. 342.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[LC:Madison Papers:ALS]

(Private)

N^o ORLEANS *Octob^r 22^d 1804*

DEAR SIR, Two Days ago', the Marquis of Casa Calvo, procured from the Printer 20 Copies of the Pamphlet (a Copy of which I have forwarded you by this Mail)¹⁵ and I understand approves highly of its Contents.

I do not know that the Writers Intentions are Revolutionary; But his great praise of the Spanish Monarch, and in part of the late Provincial Administration is well calculated to awaken the Attachment of the People to their late Masters; And I fear his unqualified Censure of every Act of the present Government relative to Louisiana, will encrease the existing discontents.—

The Pamphlet is said to have been written by M^r Derbigny, & was put to press immediately after his departure for Washington:—I always knew that that Gentleman was in his Affections a frenchman; But I entertained a high opinion of his Talents, Integrity and discretion, and no person in Louisiana, has experienced a greater share of my patronage, or been more benefited there'by—But if he is the author of this Pamphlet (and I believe there is no doubt upon the point) I shall for the future place little confidence in his prudence, Candour or patriotism.—

Mess^{rs} Derbigny, Sauve and Detrahan are all esteemed here honest Men; But for myself, I would confide most in M. Sauve; he is not a man of talents, but his views are honest, and his representations he believes to be strictly true.—M^r Detrahan is not considered here as friendly to the U. States; he was not so 12 Months ago'; But perhaps his sentiments may have changed;—When these Agents say, that the people generally wish for the African Trade, they will speak correctly, and there is no doubt but some Alteration in the Government would be pleasing to the Louisianians, but I do not know, what species of Amendment would be most agre'able;—perhaps an Elective Council and a Delegate to Congress would be satisfactory.—

Since the 1st of October, there have been more disturbances and more Crimes committed in this Territory, than for seven months prece'ding; This may have been the effect of Accident—But it really seems as if the infeebling the arm of the Executive had induced the Citizens to indulge in Angry Passions.—

I should indeed be happy to know, what will be the probable issue of the pending negociation with Spain;

I pray God that an honorable Peace may be maintained; But if a War must ensue', I confidently think, that it would soon be in the power of the U. States to command a Treaty on the most favorable

¹⁵ Not found.

Terms: The Marching of a few thousand Troops to the Western Frontier of Louisiana, would make Spain tremble for her Mexican possessions, and promptly yield to our just Claims.—

The paper called the 'Union' printed in this City, was under the direction of M^r Lyon a useful paper; But since his departure, the management has devolved upon a M^r Kidder, a man of neither Judg'ment or discretion.—This paper therefore has been of late, of no service to the Government here; on the contrary, it has been of great Injury; Several imprudent pieces have appeared in the Union, which has greatly irritated the Louisianians ¹⁶—

If the Pamphlet which I have forwarded you, should be published at the Seat of Government, I should like to see my Letter to you of the 16th Instant ¹⁷ also made public, provided it can be done with propriety.—

I pray God to preserve you in health & happiness! I am D^r Sir Very respectfully y^r sincere friend

WILLIAM C. C. CLAIBORNE

JA^s MADISON Esq^r

[Endorsed] Oct 22, 1804 Claiborne W. C. C. Oct. 22^d 1804

SECRETARY BROWN TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, v:ALS]

NATCHEZ Oct^r 26th 1804

SIR I received by the last Mail a letter from Governor Claiborne apprizing me of my appointment to the Office of Secretary of the Territory of Orleans.¹⁸ Having already, in a letter addressed to the President of the United States, dated in August last,¹⁹ expressed my readiness to enter upon the duties of the Office, it can scarcely now be necessary to inform you that I have accepted the appointment.

The prevalence of the yellow fever in the city of New Orleans, has banished a great portion of the Inhabitants, and rendered a residence there extremely dangerous. A sense of duty would in all probability have overcome the apprehensions of danger, and I should immediately have proceeded to my post, had not Governor Claiborne assured me, that the public would not need my services until the beginning of next

¹⁶ For a description of the various newspapers published in New Orleans, and a discussion of their editors, see Claiborne to the Secretary of State, Nov. 18, 1809 (Rowland, ed., *Claiborne Let. Bk.*, v, 13-17). Enclosed in the original (NA, SD, Orleans Terr. Papers, x), is a printed broadside, in French and English, announcing the forthcoming publication of the *Friend of the Laws*, to be edited and published by Hilaire Leclerc, the Elder.

¹⁷ Rowland (ed.), *op. cit.*, II, 352-360, in which Claiborne refuted some of the statements in the pamphlet referred to.

¹⁸ Not found.

¹⁹ Aug. 25, 1804 (SD, Appt. Office Files).

Month. I shall avail myself a few days of this indulgent hint, but will reach New Orleans before the 5th of November.

I am Sir with sincere respect and esteem Your Most Ob^t Serv^t

JAMES BROWN

THE SECRETARY OF STATE

[*Endorsed*] James Brown 26 Oct^r 1804. Secretary of the territory of Orleans

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS *October 27th 1804*

DEAR SIR, There is not in this Territory, all that political Union, which I could wish; But I verily believe that the Discontents are not extensive, nor do I think them of a serious nature.—The Memorial no doubt, was signed by many Citizens; But I nevertheless do not view that Instrument as a fair expression of the public' will.—Twenty persons composed the first meeting; three or four Sketches of a petition to Congress were presented; (of which only one hinted at a State Government)—A select Committee however, (of which M^r Livingston was a Member) was appointed to draft a final Memorial, and to that Committee, the rough Sketches were refer'ed.—How far M^r Livingston was aided by these sketches I know not; But the memorial reported by the committee was read to about 150 persons, who were assembled in the City, and without discussion immediately adopted and signed;

It was afterwa'rd's carried thro' the Territory, in every direction; Many signed without reading; numbers without understanding its Contents, and Report says, that the names of others were affixed without having seen it.—

The Louisianians never before were called upon to sign a political Paper;—Some no doubt, thought they had real grievances, and many were made to think so;—But the Impression among the latter, I am certain was not durable; and I am persuaded the great Body of the Signers care but little as to the success of their Congressional Agents; unless indeed, in relation to the African Trade; and on this subject, the people in general (greatly to my mortification) feel a lively Interest:—I am persuaded also, that a majority of the better informed Citizens would be pleased with the election of the Legislative Council—But if Louisiana was made a State of' immediately, I firmly believe that the Inhabitants would become a very, very dissatisfied People.—

In New-Orleans, there are many native frenchmen who encourage discontents, and who derive assistance from the Spanish Agents.—The Louisianians are an amiable People;—But I fear they are credu-

lous, and too apt to give credit to the tales of designing Men;—But whatever may be the issue of the Memorial to Congress, I am persuaded, that the public' tranquil'ity here will be preserved—The Louisianians generally, are attached to good order, manifest a respect for Government, and an obedience to the Law.—Among the Louisianians I know but few violent Men; M. Bore is perhaps the most so;—He is a frenchman in his affections, and principles; but his Talents are below mediocrity;—as a man however he is respected, for he is honest & industrious; a good Farmer, a friendly neighbour, and an Affectionate Husband & Parent:—Madam Bore is a great Politician, and is said to shape the political cre'de of her Husband; It is M'r Bore's opinion, that if the Memorial is not entirely granted, an appeal should immediately be made to Bonaparte; But I have not heard a similar sentiment attributed to a Louisianian.—

I am sorry to find, that our negociations with Spain are not likely to be brought to a speedy conclusion; I sincerely hope, that an honorable accommodation may be affected;—But if a Rupture should unfortunately ensue, I believe our Government will find her Citizens united, and she may confidently rely upon the prompt and persevering efforts of the Western People to support the claims and maintain the Glory of our Country.—I speak of the Western people more particularly, because in the event of a War with Spain, they would probably be first called upon to act.—

I find Kemper's Riot, for it cannot fairly be called an Insurrection, is viewed to the northward, as an important Affair, and that it has been used by the Spanish Minister among others, as a pretext for calumniating our administration:—Had the Marquis of Cassa Calvo, advised the Minister of my Letters upon that affair, he would have given less credit to his New-Orleans Correspondent: The Marquis was assured by me, that Kemper was not encouraged by any officer of the United States, and that my Government would hear with regret of the disturbances at Batton-Rouge.²⁰—

I again repeat, that I earnestly desire to see the United States at Peace with all the World;—But if a War, should arise, I shall esteem myself particularly fortunate to be placed in a situation to render some service to my Country.—

²⁰ References to the Kemper affair are found in the following: Claiborne to Poydras, Aug. 6 and Aug. 30, to Casa Calvo, Aug. 27 and Sept. 13, to West, Aug. 29, to the Secretary of State, Aug. 30, Sept. 8, Sept. 23, Oct. 22; and Casa Calvo to Claiborne, Aug. 11 and Sept. 13, 1804 (Rowland, ed., *Claiborne Let. Bk.*, II, 293–295, 308–310, 311–313, 327, 330–331, 340, 372). Claiborne's letter to West is erroneously dated 1805 in the above. For an account of the insurrection, see Cox, *W. Fla. Controversy*, pp. 152–168.

I pray God to preserve you in health and happiness.—I am Dear Sir, With great respect! Your faithful friend!

WILLIAM C. C. CLAIBORNE

THO:^s JEFFERSON President of the U. States.

[*Endorsed*] Claiborne Gov^r N.O. Oct. 27. 04. rec^d Dec 4.²¹

THE PRESIDENT TO GOVERNOR CLAIBORNE

[LC:Jefferson Papers:ALS]

WASHINGTON Oct. 28. 04.

DEAR SIR By the same post which brought your letter announcing the death of mr Trist,²² I recieved one from mr Gelston covering a petition from merchants & other respectable characters of New Orleans praying the appointment of W^m Brown his deputy to the office.^{22a} I was singularly pleased to find the inclination I should have felt for making this appointment justified by an application entitled to so much respect—but this inclination was produced very much by my anxiety, for the care of the mother, wife, & children of the deceased, whose connection with mr Brown was such as I hoped would secure to them a liberal participation in the profits, leaving still for him as handsome an income as he could with justice have ever expected. under these views I wrote an answer to mr Gelston, of which the inclosed is a copy.²³ but you say he is dead. I can only then inclose it to you, and trust to your friendship for the late mr Trist to do what it was expected mr Gelston would have done for his mother, wife & children, and preserving the same secrecy as to myself which I relied on in him. but that letter has I suppose been opened by some friend of his authorised to do so. I trust then I may rely on the honor of that friend for the same secrecy which mr Gelston would have observed, in a case which has come to his cognisance by accident, and that he will have the goodness to deliver you the letter to be burnt with the copy I now inclose. you will observe it is not my wish that the ladies themselves should know of my interference. as the meeting of Senate will now be within a week I shall defer mr Brown's commission till I get their ratification, & I will inclose it for him under cover to you—what are you doing for Lafayette? I am extremely anxious to be enabled to say to him that we can pay his debts by the sale of town lots, & leave the rest of his donation clear

²¹ Acknowledged, Jan. 7, 1805, *post*, p. 363.

²² Aug. 29, 1804, *ante*, p. 279.

^{22a} Sept. 1, 1804, *ante*, p. 289.

²³ Oct. 15, 1804 (Jefferson Papers, LC).

for himself & family. pray keep me informed on this subject, and recieve my friendly salutations and assurances of respect.²⁴

TH: JEFFERSON

GOV^r CLAIBORNE

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[SD:Appt. Office Files:ALS]

N^w-ORLEANS October 29^b 1804.

SIR, On last Evening M^r Prevot (one of the Judges) arrived in this City, and will proceed I believe immediately to organize the Supreme Court.—In the course of my efforts to introduce the American System of Jurisprudence into the ce'ded Territory, I experienced many difficulties, and excited some dissatisfaction among the People.—I sincerely wish, that the Judges may find their duties agreeable; and that the happiest result may attend their exertions for the Public Good—But I fear the trial by Jury, the introduction of oral testimony, the Admission of Attorneys &c will illy comport with the former habits of the People, and that the Court, (as I have been) will be accused by the designing few, of making injurious innovations on the Spanish Law.—

I do not know that I shall be enabled to form a Council on the 12^b of November.—Mess^{rs} Watkins, Morgan and Kenner will serve; Mess^{rs} Jones, Bore and Dow have declined—and I fear the situation of Colo: Belchass's private affairs, will not permit his acceptance. Of the determination of the other Gentlemen named, I am not yet advised—I hope however, that the President will early forward the Names of such Gentlemen as he would wish to supply the existing Vacancies.

I am very desirous to form a Council;—The Good of the Territory requires many Legislative Acts, but I am fearful, that a Party Spirit which seems to have acquired a great ascendancy over certain Individuals will occasion me much temporary Embarrassment.—It was unfortunate that Mess^{rs} Jones Bore and Clark were appointed Councillors; they are the great Supporters of the Memorial, and will not only decline serving in the Council, but will induce others to do so likewise.—

I am Sir Very respectfully Your Mo: Ob^t serv^t

WILLIAM C. C. CLAIBORNE

THE HON^{ble} JAMES MADISON Sec^y of State.—

P. S. The Christian name of M^r Mather whom I recommended in my last Letter²⁵ as worthy the President's confidence, is "James" and

²⁴ Acknowledged Dec. 10, 1804 (Jefferson Papers, LC), and answered Dec. 16, 1804, *post*, p. 355.

²⁵ Oct. 22, 1804 (Rowland, ed., *Claiborne Let. Bk.*, II, 372).

not "George" as I formerly stated:—I beg leave also to name M^r John F. Merriult of this City, as a man of respectability, & one who might be serviceable in the Council.—W.C.C.C.

[*Endorsed*] Mather James Merriult John F. for Legislat. Council Orleans Gov^r Claiborne to mr Madison 1804

THE SECRETARY OF THE TREASURY TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

[Received *November 1, 1804*]

DEAR SIR In order to complete the estimates for 1805, it is necessary to know the number and rank of commanding officers in the District of Louisiana. I will thank you to enclose me such list; the calculation of the emoluments I can make out myself. The appropriation necessary for Louisiana will be stated as followeth

Territory of Orleans		
Governor		5,000
Secretary		2,000
Three judges		6,000
Legislative council 13 members 120 days a 4 d ^{rs}		6,240
Contingent expenses of Secretary's office	1000	2,000
D ^o of legislative council	1000	
		<hr/> 21,240

Territory of Indiana—

In the District of Louisiana

Pay & emoluments of commanding officers of Districts

Colonel

Majors

Captains

The 2800 dollars for district judge, attorney and marshal will be placed with the other expences of district courts—

With great respect Your obed^t Serv^t

—ALBERT GALLATIN

THE PRESIDENT OF THE UNITED STATES

[*Endorsed*] Departm^t Treas^y rec^d Nov. 1. Louis^a establmt

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS *November 4th 1804*

DEAR SIR, Governor Folch is now in this City, and was received by me with respectful Attention. On this morning accompanied

by my Militia Officers, I waited upon the Marquis of Casa Calvo; visited with him the Cathedral Church, and assisted at high Mass.—This day is the feast of S^t Carlos, and with a view of testifying my respect for his Catholic Majesty so long as my Country shall be in Peace with him, I have on this occasion treated his Officers here, with singular marks of respect.—I dine with the Marquis to Day, and on Tuesday next, I shall in return, give to the Marquis and to Governor Folch as splendid a Dinner as my resources will permit. My Letters to the Secretary of State will acquaint you of my prospects for the formation of a Council, and also of the unpleasant State of things at Nachitoches.²⁶

I think it would be advisable to hold a Conference with the Caddo' Indians, and such other Tribes west of the Mississippi as could conveniently be assembled at Nachitoches; It is probable that the happiest results might attend such a Conference. If you should direct this measure, (and should honor me with the mission,) I would repair with pleasure to Nachitoches, & use every effort in my power, to acquire & perpetuate the friendship of those Indians for the U. States.²⁷

I believe the Fever has entirely Abated in this City, and Industry & Commerce seem to have revived.²⁸—

I still sincerely hope for an honorable & advantageous adjustment of our Differences with Spain; But whatever may be the result, I doubt not but our Government will find her Citizens united, & to them may safely be confided the support of our Country's Claims.

I pray God to preserve you in health & happiness!

I have the honor to be Sir, Very respectfully Yo: Mo: Ob^t Servt & faithful friend!

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the U. States.

[*Endorsed*] Claiborne Gov^r N.O. Nov. 4. 04. rec^d Dec. 10.²⁹

²⁶ Oct. 8, 16, 22, 1804 (Rowland, ed., *op. cit.*, II, 349, 352–360, 372). See also letter of Oct. 29, 1804, *ante*, p. 317.

²⁷ The Secretary of War wrote to Claiborne Dec. 13, 1804 (NA, WD, AGO, Old Recs. Div., Misc. Let. Bk. 2), stating that the President had decided it would be inadvisable for him to absent himself from New Orleans for the time necessary to hold the proposed conference, but that Sibley would be authorized to meet with the Indians.

²⁸ Cf. Wilkinson to the Secretary of War, Nov. 8, 1804, enclosing Freeman's report of the number of persons sick in New Orleans, Sept. 29, 1804 (NA, WD, AGO, Old Recs. Div.).

²⁹ Acknowledged Jan. 7, 1805, *post*, p. 363.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[LC:Madison Papers:ALS]

(Private)

N^w ORLEANS Nov^r 5^h 1804

DEAR SIR, Great exertions have been made to induce the Councilors named to decline—M^r Daniel Clarke has been particularly active on the Occasion;—I know one Gentleman who would have accepted, but being largely indebted to M^r Clark, he was fearful, that the displeasure of his Creditor would ensue, & be productive of great injury to him.

I deem it my duty possitively to assure you, that M^r Clark is an Enemy to the Government of the United States—He is particularly intimate with Moralis; largely concerned in the Florida purchases, & in my opinion Decidedly in the Spanish Interest. Governor Folch is now in this City, on his return to Pensacola;—The expedition against Kemper's Banditti, will no doubt be represented at Madrid as an important & dangerous Military Movement—and I suppose the Governor will certainly be made a Brig'adier General.

It is unquestionably the intention of the Spaniards, to erect at Pensacola some strong fortifications;—and to assist in the Works they have now at that place about 6 hundred Men.—

Whatever may be the fate of the Memorial to Congress, you need not apprehend any disturbance's in this quarter. I believe myself a rejection of the Memorial would only be regretted by a few Citizens of N^w Orleans & its vicinity—unless as it respects the Af'rican Trade, & on that subject, the people generally, seem greatly interested.—

Accept Sir the best Wishes of your very sincere friend!

WILLIAM C. C. CLAIBORNE

THE HON^{ble} JAMES MADISON Sec^y of State.—

[Addressed] (Private) The Hon^{ble} James Madison Sec^y of State
City of Washington

[Endorsed] Nov. 5, 1804 Claiborne W^m C. C. Nov^r 5th 1804

THE POSTMASTER GENERAL TO BENJAMIN MORGAN

[PO:P.M. Letter Book N]

Nov^r 5th 1804M^r BENJAMIN MORGAN New Orleans

Yours of the 8th Ult. is received.³⁰ In making our arrangement for the accomodation of New Orleans we allowed as much delay at that place as we coul'd consistantly with the mails depending and connected with that of New Orleans—were we to direct a greater delay to take place, we must either direct an increased expedition which the nature

³⁰ Not found.

of the Country will not justify—or procrastinate the communications between the State of Tennessee and New Orleans a measure that would be extremely prejudicial to the commercial interest—by the present arrangement the mail is to arrive at New Orleans at 5 P. M. and to depart at 6 A. M.—And the postmaster has no authority to close the mail more than thirty minutes before the regular departure of the mail. The new system we have adopted between the Atlantic States and New-Orleans I hope will correct the extreme irregularity of the mails.

G. G.

THE POSTMASTER GENERAL TO EDWARD LIVINGSTON

[PO:P.M. Letter Book N]

Nov. 5 1804

EDWARD LIVINGSTON Esq New Orleans

I have to acknowledge the receipt of your letter of September 1st ³¹ advising me of the irregularity of the mails between this City and New Orleans—It is extremely difficult to Satisfactorily account for the unprecedented delays that have arisen—but a principal cause is the vast number of News papers that are transmitted from the Atlantic States to your territory and the Mississippi Territory they have frequently accumulated in such quantities that the mail carrier could not carry them at one time with the horses that he had usually employed and some part of the mail was unavoidably suspended untill the succeeding mail—but I have now adopted a system that will obviate that difficulty and tend greatly to ensure a speedy and uninterrupted conveyance of the mail between the Atlantic States and New Orleans an object extremely necessary and desirable—

G. G.

THE MARQUIS OF CASA CALVO TO GOVERNOR
CLAIBORNE ³²

[NA:SD, Orleans Terr. Papers, v:LS]

[November 6, 1804]

SŔR. GOBERNOR DEL TERRITORIO DE ORLEANS

He leido con particular sentimiento el aviso que V. E. se sirvió comunicarme con fha de 30. del pasado ³³ acerca de la desercion de nueve esclavos del Puesto de Natchitoches que han profugado al de

³¹ Not found.

³² Covering letter, Claiborne to the Secretary of State, Nov. 10, 1804, printed, Rowland (ed.), *Claiborne Let. Bk.*, III, 7–8.

³³ *Ibid.*, II, 382–383. Cf. Turner to Wilkinson, Oct. 15, 1804 (NA, WD, AGO, Old Recs. Div.), stating that the Spanish were causing unrest among the slaves and Indians and were responsible for the incident here referred to.

Nacogdoches y la arrestacion de varios otros que habian formado el designio, esperando, segun dicen encontrar toda proteccion en los Dominios de S. M.

En la suposicion de que V. E. hará à mi Nacion toda la Justicia que se merece, no dudo me permitirá asegurarle que ademas de las medidas eficaces que he tomado representando à la Corte para mantener ilesa la propiedad de los habitantes de Natchitoches, luego que recibí el primer aviso de V. E. escribí igualmente al Comandante Grál de las Provincias internas, y particular del Presidio de Ntrá. Srá. del Pilar de Nacogdoches para atajar las malas consecuencias de un equivocado concepto en la inteligencia de alguna R^l orden sobre el asunto.

La Respuesta del Capitan D^a Joaquin Ugarte Comandante de Nacogdoches que con fha de 11 de Setiembre recibí à mediados del pasado me pone en claro el origen de este accidente y manifiesta con evidencia que los mismos habitantes de Natchitoches han dado margen por una falta de reflexion, ó infundado temor, como se deduce del contexto de su oficio, cuya substancia se reduce á que preguntado por los mismos habitantes de Natchitoches en conversacion de amistad, y movidos de los perjuicios que podian sobrevenir procuró instruirse y hecho cargo de la Real orden les dixo le parecia que no regiria para con ellos siempre que por mi conducto solicitasen de S. M. la abolicion de ella haciendo presente que su subsistencia, y caudales que consisten en Esclavos fueron adquiridos en el suabe y benéfico gobierno de S. M: esta és la narracion sencilla, y consejo que les dió; de aquí deducirá V. E. que la falta de precaucion, y tal vez la ligereza de los habitantes en propalar cosas que debieran tener muy reservadas, puede haber dado causa al movimiento que se há observado en sus esclavos; pero que no hay la menor intencion de parte del Gobierno de las Provincias internas, y sí los mas vivos deseos de asegurar à todo trance la propiedad de los habitantes de Natchitoches.

Pero como es de la mayor importancia obiar qualquier pretexto de mala inteligencia; mientras S. M. a quien tengo dado parte de la ocurrencia se digna resolver lo que fuere de su R^l Agrado; escribo al expresado Comandante de Nacogdoches, y al Grál de las Provincias que nada se inove hasta la resolucion de S. M. y que antes bien si por acaso existe algun Negro fugitivo en el territorio Español se entregue al Propietario que lo reclamare baxo la caucion de no ofenderlo en su Persona, ni maltratarlo en lo subcesivo por este hecho que dispensa su estado de esclavitud, y demás actuales circunstancias.

Vivo persuadido que aquellos Xefes accederán desde luego a la execucion de una medida q^o no puede menos de conciliar las benéficas intenciones del Rey, y los particulares intereses de aquellos Ciudadanos.

Dios gue à V. E. m^a a^a NUEVA ORLEANS 6 de Noviembre de 1804
EL MARQ. DE CASA-CALVO

[*Endorsed*] rec^d in Gov^r Claiborne's 10 Nov^r 1804.

[Translation]

[November 6, 1804]

MR. GOVERNOR OF THE TERRITORY OF ORLEANS:

I have read with special regret the information that you were good enough to communicate to me under date of the 30th last, regarding the escape of nine slaves from the Post of Natchitoches, who have fled to that of Nacogdoches, and the arrest of several others who had formed the intention, hoping, as they say, to find full protection in the dominions of H. M.

Supposing that Your Excellency will do my Nation all the justice that it deserves, I do not doubt that you will permit me to assure you that in addition to the effective measures I have taken, making representations to the Court to keep the property of the inhabitants of Natchitoches intact, when I received the first report from Your Excellency I wrote both to the Commandant General of the interior provinces, and the particular [Commandant] of the Presidio of Nuestra Señora del Pilar of Nacogdoches, to avoid the evil consequences of a misconception in the understanding of some royal order on the matter.

The reply of Captain Don Joaquin Ugarte, Commandant of Nacogdoches, dated September 11th, which I received the middle of last month, makes clear to me the origin of this occurrence and shows, plainly, that the inhabitants of Natchitoches themselves have given an opportunity through lack of reflection, or a baseless fear, as is deduced from the context of his letter, the substance of which amounts to that when questioned by the same inhabitants of Natchitoches in a friendly conversation and moved by the injuries that might come about, he succeeded in being informed of and entrusted with the enforcement of the Royal order, he told them that he thought it would not govern with regard to them provided that through me the abolition of it were requested of H. M., representing to him that their livelihood and the wealth that consists of slaves were acquired under the gentle and kindly government of His Majesty: this is the plain tale, and advice that he gave them; from this Your Excellency will deduce that the lack of precaution, and perhaps the frivolity of the inhabitants in disseminating things that ought to be kept very confidential may have given rise to the movement that has been observed among their slaves; but that there is not the slightest intent on the part of the Government of the interior provinces, and it does have the most intense desire to insure the property of the inhabitants of Natchitoches at all hazards.

But as it is of the greatest importance to avoid any ground for misunderstanding, until H. M., to whom I have reported the occurrence, deigns to order whatever his Royal pleasure might be; I am writing to the said Commandant of Nacogdoches, and to the [Commandant] General of the provinces that nothing be started until the decision of His Majesty, and that on the contrary if there should happen to be any fugitive Negro in Spanish territory he be delivered to the owner who may claim him under pledge not to injure his person, or maltreat or abuse him in the future because of this act which is excused by his state of slavery, and other present circumstances.

I am convinced that those officials will agree immediately to the execution of a measure which can do no less than reconcile the beneficent intentions of the King and the special interests of those citizens.

God keep Your Excellency for many years. NEW ORLEANS, November 6, 1804.

THE MARQUIS OF CASA CALVO

THE MARQUIS OF CASA CALVO TO GOVERNOR
CLAIBORNE³⁴

[SD:Orleans Terr. Papers, v:LS]

[November 7, 1804]

SÓR. GOBERNOR DEL TERRITORIO DE ORLEANS.

En oficio de 31 del pasado³⁵ se sirve V. E. participarme que segun varios avisos de los Comandantes de la Frontera se ha intentado por algunos habitantes de la Provincia de Texas enagenar el afecto de ciertas Tribus Indias excitandolas aun a perjudicar la quietud, y sosiego de la Luisiana, sobre que pide escriba à los Oficiales de S. M. C. que mandan los Puestos de aquellos parages.

Me persuado desde luego que semejantes avisos solo tienen origen en el zelo de los Tratantes que comercian con los Indios; pero sin embargo, manifestaré por la prim^{ra} oportunidad al Comand^{te} Grál. de las Provincias internas del Reyno de Nueva España quanto interesa al bien estar y reciproca quietud de ambos territorios el que sin pérdida de tiempo comunique órdenes à los Comandantes de sus fronteras para que contengan aquellos habitantes, y les hagan respectar, y conservar la buena armonia, e inteligencia, sin cuyo preciso requisito no pueden tener lugar la prosperidad de dos Provincias limitrophes.

Dios gñe. à V. E. m^a a^s NUEVA ORLEANS 7 de Noviembre de 1804³⁶

EL MARQ. DE CASA-CALVO

[Endorsed] Rec^d in Gov^r Claiborne's 10 Nov^r 1804.

³⁴ Covering letter, Claiborne to the Secretary of State, Nov. 10, 1804, printed, Rowland (ed.), *Claiborne Let. Bk.*, III, 7-8.

³⁵ *Ibid.*, II, 383-384.

³⁶ Answered Nov. 9, 1804, *ibid.*, III, 8-9.

[Translation]

[November 7, 1804]

THE GOVERNOR OF THE TERRITORY OF ORLEANS.

In an official communication of the 31st ultimo, Your Excellency is good enough to inform me that, according to various advices from the Commandants of the frontier, an attempt has been made by certain inhabitants of the Province of Texas to alienate the loyalty of certain Indian tribes, by inciting them even to disturb the quiet and tranquillity of Louisiana, concerning which you request that I write to the officials of His Catholic Majesty who are in charge of the posts in those regions.

I am, of course, convinced that such advices have their origin only in the zeal of the traders who deal with the Indians; but, nevertheless, I shall, at the first opportunity, inform the Commandant General of the interior provinces of the kingdom of New Spain of whatever concerns the welfare and mutual tranquillity of both territories, that he may without loss of time give orders to the Commandants of his frontiers to restrain such inhabitants, and compel them to respect and preserve good harmony and understanding, without which necessary requisite there can be no prosperity for two bordering provinces.

May God keep Your Excellency for many years. NEW ORLEANS, November 7, 1804.

THE MARQUIS OF CASA CALVO.

GOVERNOR CLAIBORNE TO THE DISTRICT
COMMANDANTS ³⁷

[NA: SD, Orleans Terr. Papers, v:C]

The following Letter has been addressed to the several District Commandants.³⁸

Copy Circular.

NEW ORLEANS, November 8th 1804.

SIR. Information, has reached certain Districts, "that Slaves escaping from the service of their masters, and seeking an asylum in the Spanish Dominions, will receive protection, and be secured in their freedom"; and in consequence a spirit of great insubordination among the negroes has been manifested. I fear similar reports may reach your vicinity, and therefore advise, and direct, that on your part you will manifest much vigilance and give orders for strong patrols at night.

³⁷ Covering letter, Claiborne to the Secretary of State, Nov. 8, 1804, printed, *ibid.*, II, 394.

³⁸ In Claiborne's hand. The circular itself is printed, both French and English texts being on one sheet.

This communication is made to you with a view only of adopting measures of caution I trust and hope we are not in danger of insurrection, and therefore it is not necessary to create any alarm among the citizens. But it is advisable to be on our guard; the best way to prevent mischief, is to be prepared to meet it.

I am Sir, very respectfully, your humble servant.

W. C. C. CLAIBORNE—

[*Endorsed*] N^o 4.

PETITION TO GOVERNOR CLAIBORNE BY INHABITANTS
OF POINTE COUPEE ³⁹

[NA:SD, Orleans Terr. Papers, v:DS]

Post of POINTE COUPÉE November 9th 1804.

*His Excellency Wm. C. C. Claibourn Governor of the Territory of Orleans.
& &c*

We The inhabitants of Pointe Coupée have Deputed Dr. E. Cooley Planter of this Place to lay before your Excellency The Precarious Situation of The lives and Property of The inhabitants of This Post—The news of The revolution of St Domingo and other Places has become common amongs ours Blacks—and some here who relate The Tragical history of the Revolution of That Island With The General Disposition of The most of our Slaves has become very Serious—A Sprit of Revolt and Mutyny has Crept in amongst Them—A few Days since we happily Discovered a Plan for our Destruction—

Our Nombre and fource being so Extréaly in favour of The Blacks and almost destitute of any kind of Arms for Our defence; we must humbly beg your Excellency Goodness To assist us in this Cloud of Danger—in Sending immediatley for our temporary Relief, a Detachment of a Company of a Military force and the loan of a hundred Stand of Arms To Defend the lives and Propertey of your new friends and fellow Citizens we Subscribe with the highest Esteem for your Excellency and a Sympathetic Regret for Your irre-trievable Domestic Calamity.

Your Most Ob^t Fellow Citizens and very Hu^bl^e Servants—

Croizet	Gremillon fils
Miner Butler	Jh. Décuir
John Towles	Jn Bte Décuir
Mayeux	V ⁿ Ledoux
W ^m B Welboan	V ^o Bougeat
A ⁿ ^d ^e r Planché	M Bourgeat
V ^o Lacours	Francois Belanger

³⁹ Covering letter, Claiborne to the Secretary of State, Nov. 8, 1804, printed, Rowland (ed.), *op. cit.*, II, 394. There is no explanation for the discrepancy between the date of the covering letter and that of the petition.

Valleri Decoux
 Salvador Pamias
 Jⁿ Décour
 V^{oo} Beauvais
 B^{te} Beauvais
 Etienne Broyard
 F^{rs} Allain
 Zenon Allain
 Au Allain
 De Villeneuve
 f^{cois} Baru
 antoine Patin
 Pierre Décuir
 Valⁿ Ledoux
 LeDoux
 Joseph ledoux
 Charles Dufourd Pere
 Zenon Bourgett
 fr Chessé
 Viriart
 S^t Elloy
 B^{te} Baron
 Bapth^m^{ie} Olainde
 Pr^e Laurant
 Décour
 H Décour
 A^t Beauvais
 J. B^{te} Tounoirs
 W Priestly
 Jounon
 A^{re} LeBlanc
 Veuve Patin
 francois porches
 J^{oo} Jarreau
 Samson
 Lotis Langlois
 michelle porche
 Charles Lejeune
 Juan Labé
 Philippe Robiare
 Pierre Major.
 Baptiste Langlois
 Guillomme Gotier
 Césère Goseran
 Célestin Jarreau
 George Poursio
 Louis David.

Nicolas Villain
 Jacque fabre neveu
 Jean Marie Durant
 Gougit
 George Poque ⁴⁰
 Narsise Karmouch
 J. Baptiste porche
 Michelle Lejeune
 Pelice Olainde
 Major
 Rayant
 Pierre Pérot
 Joseph Andrés
 Bosemon Jarreau
 Josephe Poche
 Ben. Rand
 Joseph arellery
 Joseph fabre
 De L age la vigueur, Jai fai la
 rigneur y ache châte ⁴¹
 Z. fabre
 joseph Patin
 George Nique
 Baptiste Saisan père
 Pierre Robillard
 Louis Bergeron.
 Simon. Porche.
 Francois Démouché
 philippe Bidou
 Guilliom Géren
 Pierre Babo
 Simon David
 Potard
 Guêbo F^e Vige
 S. hernüs
 F^{cois} LeBeau
 Jaque Fabre père
 Géorge Bergeron.
 Batiste Démouche
 Géorge Bergeron.
 Gorge Sezan
 Selistin Seizen
 Jh Décuir
 Louis David fils
 Décuir
 Charlot Grémillon

⁴⁰ Or Boque.

⁴¹ Apparently in Joseph Fabre's hand.

THE MARQUIS OF CASA CALVO TO GOVERNOR CLAIBORNE

[SD:Orleans Terr. Papers, v:LS 4]

[November 9, 1804]

SÕR GOBERNOR DEL TERRITORIO DE NUEVA ORLEANS.

Me he instruido de lo que V. E. se sirve participarme en su oficio de ayer acerca de habera estendido á los negros esclavos de Punta cortada el espiritu de insubordinacion que reina en Natchitoches, por el errado concepto en que se hallan de que se les franqueará su libertad, y proteccion en los Dominios de S. M. C. y en su respuesta vuelvo á asegurar á V. E. que además de haber representado yá lo conveniente á mi Corte, y escrito al Comandante de Nacogdoches lo que corresponde: reitero con estas nuevas ocurrencias mis oficios para que aseguren los esclavos, si algunos se hubiesen presentado; devolviendolos con seguridad al Puesto de Natchitoches; permítame V. E. sin embargo le observe que tal vez los habitantes de Punta cortada, recordando las antiguas repetidas turbaciones de aquel Puesto, por que sufrieron pèrdidas considerables en la ultima insurreccion de que aun muchos se resienten, se alárman prontamente à qualquier ruido de esta naturaleza; pero siempre diré lo que tengo insinuado antes à V. E. y ès que ellos deben imputarse la culpa á si mismos por haber tal vez propalado sin precaucion la conversacion amistosa, y sincera del Comandante de Nacogdoches.

Firmemente persuadido no obstante de que las intenciones de mi Soberano son de no perjudicar los que fueron sus fieles Vasallos, ni que tampoco se dé el menor motivo de turvar la buena inteligencia que reina entre ambas Potencias, haré uso de todas mis facultades para aquietar los justos temores de los habitantes, infuyendo à que se tomen las disposiciones mas eficaces para cortar de raiz la desercion de los Esclavos.

Dios gue á V. E. m^a a^a

NUEVA ORLEANS 9 de Noviembre de 1804

EL MARQ. DE CASA-CALVO

[Endorsed] rec^d in Gov^r Claiborne's 17 Nov^r 1804.

[Translation]

[November 9, 1804]

THE GOVERNOR OF THE TERRITORY OF NEW ORLEANS.

I have noted what Your Excellency was good enough to advise me in your official communication of yesterday regarding the fact that the spirit of insubordination which reigns at Natchitoches has spread to the negro slaves of Punta Cortada, due to the misconception under which they labor that they will be given their liberty and pro-

^a Covering letter, Claiborne to the Secretary of State, Nov. 17, 1804, printed, Rowland (ed.), *Claiborne Let. Bk.*, III, 9-10.

tection in the dominions of His Catholic Majesty, and in reply thereto I again assure Your Excellency that besides having already made suitable representations to my Court, and written to the Commandant at Nacogdoches what was appropriate; I renew on the occasion of these new happenings my good offices in order that they may secure the slaves, if any should have presented themselves; returning them safely to the post of Natchitoches; nevertheless permit me to observe, Your Excellency, that perhaps the inhabitants of Punta Cortada, recalling the former repeated disturbances of that post, because they suffered considerable losses in the last insurrection, of which many still feel the effects, are quickly alarmed at any report of this nature; but I shall always say what I suggested to Your Excellency before, and that is that they ought to blame themselves for having perhaps divulged without precaution the friendly and sincere conversation of the Commandant of Nacogdoches.

Being firmly persuaded nevertheless that my Sovereign's intentions are not to prejudice those who were his faithful vassals, and that there should not be the least cause given for disturbing the good understanding which prevails between the two nations, I shall make use of all my powers to quiet the just fears of the inhabitants, by using my influence to have the most effective measures taken to nip in the bud desertion of the slaves.

God keep Your Excellency many years.

NEW ORLEANS, *November 9, 1804.*

THE MARQUIS OF CASA-CALVO

THE MARQUIS OF CASO CALVO TO GOVERNOR CLAIBORNE

[SD:Orleans Terr. Papers, v:LS ⁴⁵]

[*November 10, 1804*]

SŔR. GOBERNADOR DEL TERRITORIO DE NUEVA ORLEANS.

La sincera exposicion de mi respuesta al aviso de V. E. de 30 de octubre pasado ⁴⁶ me hacia esperar que considerando los motivos de la Conducta prudente que seguia, hubiera merecido todo el aplauso que de justicia exige, y que V. E. se persuadiría desde luego que no tenian sus expresiones la menor tendencia a devilitar la buena inteligencia que dichosamente subsiste entre ambas naciones.

Debo repetir a V. E. en vista de lo que se sirve reproducirme en su oficio de ayer, que la culpa solo es imputable à los habitantes de Natchitoches: la prueba es clarisima, obvia, y perceptible: por el frecuente Comercio, y trato que mantienen con el Presidio de Nacogdoches se acordaron, ó tubieron presentes los Bandos, ò proclamaciones

⁴⁵ Covering letter, Claiborne to the Secretary of State, Nov. 17, 1804, printed, *loc. cit.*

⁴⁶ *Ibid.*, II, 382-383.

públicas en aquel Puesto, y temiendo como es regular que sus bienes pudiesen padecer perjuicio si se conserbaban en vigor; preguntaron al Comandante, quien amistosamente les contestó lo que pudo saber, manifestando al mismo tiempo el camino que debian tomar para suspender los efectos de una Soberana Resolucion promulgada en aquellos Dominios. Es induvitable que los habitantes debieron ocultar esta noticia, y no haberla propalado delante de sus Negros que presumo no la han sabido de otro modo; y aquí tiene V. E. mi razon para adelantar el proposito de que los habitantes mismos deben imputarse á sí la culpa de una conducta irreflexa o de haber hablado sin precaucion.

No tiene duda que á V. E. toca velar à la seguridad de los bienes de los Ciudadanos de su Gobierno: no lo disputo, ni tampoco hice mas que contribuir a ello en vista del oficio que V. E. se sirvió pasarme, y en consideracion á los habitantes de Natchitoches Vasallos antes de S. M. C. V. E. debe representar al Presid^{te} de los Estados Unidos en fuerza de su deber; así como yo doy cuenta á mi Corte de lo que ocurre en el particular.

No teniendo en mi poder mas que la substancia, ó extracto de la Real orden á que alude el Comandante de Nacogdoches no me es posible satisfacer los deseos de V. E.

Desaprueba V. E. mi proposicion de que se devuelvan los Negros que se refugien en las Provincias internas baxo la caucion de no ofenderlos; pero no ignora V. E. que esta és la atencion ordinaria que pudiera exigir qualquier Ciudadano de otro à quien le enviara un esclavo cimarron que implorara la Gracia: aun los tratados que se hacen entre Naciones limítrophes para devolverse mutuamente los Desertores se hacen baxo esta condicion: esta urbanidad es la que se propone toda autoridad al entregar un delincuente que la estraña reclama: esta me propuse creyendo que mi Caracter me daba derecho á pedir una cosa regular que por deferencia debe hacerse sin la menor insinuacion, á no querer exasperar estas gentes, que ciertas de su castigo volviendo à poder de sus Amos se abandonarán á un partido violento antes de rendirse. En ello pensaba lisongear la humana inclinacion de V. E. y la decidida propension de los Estados Unidos.

He entrado en este detalle para evitar todo equivocado concepto; asegurando sin embargo á V. E. que por mi parte haré todos los esfuerzos que dependan de mis facultades para que aquellos infelices entren en su deber, y con este obgeto incluyo á V. E. dos Cartas una para el Comandante Grál de las Provincias internas, y otra para el particular de Nacogdoches para que se sirva enviarlas por la primera oportunidad duplicándolas yó por otro conducto.

Dios gue. á V. E. m^a a^a NUEVA ORLEANS 10 de Noviembre de 1804
EL MARQ. DE CASA-CALVO

[*Endorsed*] rec^d in Gov^r Claiborne's 17 Nov^r 1804

[Translation]

[November 10, 1804]

THE GOVERNOR OF THE TERRITORY OF NEW ORLEANS.

The sincere exposition of my reply to Your Excellency's communication of October 30 last led me to hope that, considering the reasons for the prudent conduct which I followed, it would have received all the approval that it in fairness called for, and that Your Excellency would be persuaded at once that the expressions thereof did not have the least tendency to weaken the good understanding which happily subsists between the two nations.

I must repeat to Your Excellency in view of what you are good enough to represent in your note of yesterday, that the blame is only to be imputed to the inhabitants of Natchitoches: the proof is very plain, obvious, and perceptible: through the frequent commerce, and contact which they maintain with the Presidio of Nacogdoches they remembered, or had in mind the Bandos, or public proclamations at that post, and fearing as is natural that their property might suffer prejudice if they were kept in force; they asked the Commandant, who told them in a friendly manner whatever he might know, pointing out at the same time the road they should follow to suspend the effects of a sovereign resolution promulgated in those dominions. There is no doubt that the inhabitants should have kept that information secret, and not have made it known before their Blacks, who I presume learned it in no other way; and here Your Excellency has my reason for advancing the proposal that the inhabitants themselves must take the blame themselves for imprudent conduct or for having talked incautiously.

There is no doubt that Your Excellency must see to the safety of the property of the citizens of your Government; I do not dispute it, nor did I do more than contribute to it in view of the note which Your Excellency was good enough to send me, and in consideration of the inhabitants of Natchitoches, formerly vassals of His Catholic Majesty. Your Excellency must report to the President of the United States by virtue of your duty; as I render an account to my Court of whatever happens in the matter.

Not having in my possession more than the substance, or extract, of the Royal order to which the Commandant of Nacogdoches refers, it is impossible for me to satisfy Your Excellency's desires.

Your Excellency disapproves my proposal that the Negroes who take refuge in the interior provinces be returned under pledge not to injure them; but Your Excellency is not unaware that this is the ordinary courtesy that might be required by any citizen of another to whom he should send a runaway slave who begged mercy: even the treaties that are made between limitrophe nations for the mutual return of deserters are made on this condition; this courtesy is what is

intended by any authority when delivering a delinquent claimed by a foreign party; this I intended believing that my capacity gave me the right to ask an ordinary thing which out of deference ought to be done without the slightest suggestion, not to wish to exasperate those people, who, certain of their punishment on returning to their masters, would abandon themselves to violence before surrendering. Thereby I thought to flatter the humane inclination of Your Excellency and the decided tendency of the United States.

I have entered into this detail in order to avoid any mistaken conception; assuring Your Excellency nevertheless that for my part I shall make all the efforts within my power in order that those unfortunate people may enter into their duty, and with this purpose I enclose two letters to Your Excellency, one for the Commandant General of the interior provinces and another for the Commandant of Nacogdoches, which you will please send to them on the first occasion, and I will duplicate them through another channel.

God keep Your Excellency many years. NEW ORLEANS *November* 10, 1804.

THE MARQUIS OF CASA CALVO.

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xiv:C]

DEPARTMENT OF STATE, *Nov^r 10th 1804.*

GOV^r CLAIBORNE.

SIR. I have received your several letters dated 16th ⁴⁷ 23^d & 25th Sept^r,⁴⁸ two of the 21st of the same, ⁴⁹ also those dated 3^d,⁵⁰ 5th & 8th of October ⁵¹ last. The Marquis de Casa Yrujo, has stated that he has seen some letters from very respectable persons at New Orleans, which confirm the report of a criminal attempt made by Nathaniel Kemper and other American Citizens, who had effectually entered with an armed force into the Territory possessed by his Catholic Majesty, arrested several alcaldes, published a proclamation, the object of which was to excite the Spaniards there against their sovereign, and who had endeavoured to obtain possession of Baton Rouge by coup-de-main; and that being driven back from there they had taken refuge within the territories of the United States. It is evident that if these hostile acts begun in and proceeded from our Territory

⁴⁷ Not found.

⁴⁸ Rowland (ed.), *Claiborne Let. Bk.*, II, 340, 341.

⁴⁹ *Ibid.*, pp. 337-339. One of these letters is printed under date of Sept. 20, 1804.

⁵⁰ *Ante*, p. 304. Another letter of this date is printed, Rowland (ed.), *op. cit.*, II, 345-346.

⁵¹ *Ibid.*, pp. 347-349.

or were committed by any Citizens of the United States, or if the armed force is embodied or maintained therein with a design to resume the attempt, that the laws of the United States have been violated, and the offenders ought consequently to be brought to justice. It is moreover the Presidents express direction that every means in your power, consistent with the duties of your office be promptly used, if there be occasion, to prevent the carrying on of any expedition from the Territory of the United States, against those possessed by Spain, and as far as may be necessary, he gives you authority for this purpose to make use of the Militia.

I am &c

JAMES MADISON.

Mem: A letter on the same subject, as above, was addressed at the same time to Cato West Acting Gov^r of the Missⁱ Territory.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

N^w ORLEANS *November 10^b 1804*

D SIR, Governor Folch is yet in this City, arranging (as is understood) with the Marquis a plan for improving and strengthening the Garrison at Pensacola. These Gentlemen (I hear) are impressed with an opinion that the U. States will abandon their Claim to West Florida, and that East & West Florida will be given in exchange for the West Bank of the Mississippi;—But this I presume is in conformity to their wishes, & that they have no Official Information on which to ground the opinion.—

A Royal Decree is said to have reached M^r Moralis, sanctioning his sales of Lands in West Florida—This information has given great pleasure to our Land Speculators, and particularly to M^r Daniel Clark.⁵²—

I have enclosed you a paper containing a reply to certain Charges exhibited against me by an Anonimous Writer;⁵³—The Reply is also anonymous; but the statements are correct:—The charges against me were contained in a Pamphlet, a Copy of which I have sent to the Sec^y of State.

Governor Folch & his Suit consisting of eight or ten Officers; A Band of Music['] (12 Musicians) and about 15 or 20 Barge Men, will leave this City for Pensacola in a few Days.—I am desirous his Visit should be short; but during his stay, I esteemed it a Duty to treat him with every Mark of respect; particularly since his passage by the way of New-Orleans was with my Consent.—

⁵² Cf. Claiborne to the Secretary of State, May 19, 1805 (Rowland, ed., *op. cit.*, III, 58–59).

⁵³ Enclosures not found.

I pray you Sir, to receive my best wishes for a Continuance of your health & happiness, & believe me to be—With every sentiment of Respect! Your faithful friend! ⁵⁴

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the U. States.—

[*Endorsed*] Claiborne Gov^r N.O. Nov. 10. 04. rec^d Dec. 10.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

(Duplicate)

NEW ORLEANS *November 19th 1804*

DEAR SIR, A late arrest of a Spanish Officer in this City by the Civil authority, has occasioned much agitation here, and excited in a great degree, the displeasure of the Marquis of Casa Calvo, and of Governor Folch.

I have not time by this Mail, to furnish the Secretary of State with the particulars of this Affair, but I pray you to be assured, that the conduct of the constituted authorities has been marked with firmness and prudence.⁵⁵ I have not yet been enabled to form a Council; Only five of the Gentlemen nominated, have accepted their Commissions; to wit;—Mess^{rs} Poidrass, Watkins, Wikoff, Morgan and Kenner; the first four are now in the City and the fifth is daily expected. Mess^{rs} Clarke, Jones and Boré, declined serving from party considerations, and a sincere disposition to embarrass the Government: Colonel Bellechasse and M^r Dubuys, from a fear that their acceptance would draw upon them the resentment of their Creditors, the greatest of whom was M^r Daniel Clarke; and Mess^{rs} Dow Cantrell and Romain declined serving as Counsellors from a distrust of “their qualifications for so high a Trust.”—

I persuade myself that the Mail due on tomorrow will bring me the names of some Gentlemen to supply the places of those resigned; But if this should not happen, (in order to obtain seven members which will form a quorum) I have it in contemplation to fill two of the Blank Commissions in my possession with the names of two judicious prudent men, and to rely on your goodness and the necessity of the case, for my justification.

⁵⁴ Acknowledged Jan. 7, 1805, *post*, p. 363.

⁵⁵ See Claiborne to the Secretary of State, Nov. 23, 1804, with the following enclosures: Claiborne to Casa Calvo, Nov. 16, Nov. 18, Nov. 22, 1804; Casa Calvo to Claiborne, Nov. 16, Nov. 17, Nov. 19, 1804; Kerr to *id.*, Nov. 17, 1804 (NA, SD, Orleans Terr. Papers, v; the covering letter and the first three enclosures are printed, Rowland, ed., *op. cit.*, III, 13–23). Claiborne to Casa Calvo, Nov. 16, 1804, is printed under date of Nov. 10.

An early Session of the Legislature is important to the welfare of the Territory, and Judge Prevost assures me, that the business in the Supreme Court cannot progress without Legislative interference.

My Health is entirely restored and I feel as if my Constitution was now well adapted to the Climate: The application therefore for leave of absence, which was made in a former Letter,^{56a} I solicit you to consider as withdrawn. A complete organization of the Government of this Territory will be a task difficult to effect: But assisted with a Council, I flatter myself the state of affairs will soon wear a favourable aspect.

On my first arrival at Natchez, my political difficulties were infinitely greater than those I now have to encounter: and therefore when I reflect on the past I am by no means discouraged with the prospect now before me.

Accept my best wishes for a continuance of your Individual and Public Happiness, and believe me to be—with great Respect! your faithful friend.

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE UNITED STATES

[*Endorsed*] Claiborne Gov^r N.O. Nov. 19. 04. rec^d Jan. 1.⁵⁶

EDWARD D. TURNER TO GOVERNOR CLAIBORNE ⁵⁷

[NA:SD, Orleans Terr. Papers, v:ALS]

(Duplicate)

NATCHITOCHEs November 21st 1804—

I have the honor to Acknowledge your letter of the 3^d November,⁵⁸ and am happy to inform you that in consequence of the return of the Negroes which I notified you of in mine of the 5th Inst.⁵⁹ tranquillity is again restored to the District—and I yesterday at the solicitations of their Masters, gave up to them all who had been Confined as implicated in the Plot of Absconding (but who did not execute their intention) to be delt with as they might deem proper—Those who absolutely deserted, and took with them property belonging to their Masters, and Neighbours, I have detained for trial, at the first Courts to be held—

^{56a} Oct. 5, 1804, *ante*, p. 306.

⁵⁶ Acknowledged Jan. 7, 1805, *post*, p. 363.

⁵⁷ Covering letter, Claiborne to the Secretary of State, Dec. 31, 1804, printed, Rowland (ed.), *op. cit.*, III, 30. Also enclosed were Claiborne to Turner, Dec. 24 and Dec. 28, 1804, *ibid.*, pp. 32–33, and Turner to Claiborne Nov. 28 and Dec. 8, 1804 (NA, SD, Orleans Terr. Papers, v), concerning the arrest of a Spanish murderer, and the report that a Spanish post was to be established at Matagorda.

⁵⁸ Rowland (ed.), *op. cit.*, II, 389–390.

⁵⁹ Not found.

The Indians who have been here, I have found it absolutely necessary to give a little Provision to, and the Chiefs I have commonly presented with a pound or two of powder and a proportion of lead, also a little Tobacco, which appears to be an Article of peculiar estimation with them—The Cado Chief expressed a Wish for a Flag to hoist in his Village—he said it was customary to have the Flag of the Nation who claimed the Country in which they lived, and it was necessary the Spanish one should be superceeded—I think it would be well to send three or four to be distributed among the different Tribes—small ones would Answer—

The Paunies sent me a Message by the Cado—“They wished to be well with the U States, and requested a Trader might be sent them”—

Since my last the Spaniards have advanced a Non Commissioned officer and ten Men, within Forty Miles of here, at a place called Lanana, the reason they assign, is to stop any contraband Goods being taken to their Country—

I have no fears that any considerable force will be stationed on this side of the river Grand at present, for the best reason in the World—they could not be subsisted—The Inhabitants between here and there, do not raise Sufficient Provisions to carry them half through the year; and was it not for the Supplies they get from this District, they would absolutely starve—This year I am informed their crops are worse than common, owing to two circumstances 1st the drought, and secondly the rapacity of the Priests, who have been allowed to renew a Custom of exacting a tenth of every thing raised—some of the best Farmers on ascertaining the renewal of the tax, tore down their fences and left their fields to be ravaged by the Cattle—consequently if my information is right, by Christmas they must look to us for support, or receive it from a distance of 5 or 600 Miles on the backs of Animals—Bayou Piere, a Settlement at present under the Spanish Jurisdiction, about 70 Miles above this on the river, and about the same distance that this is from Nacogdoches, it is said, this Year has pretty good Crops of Corn,—but as the people are not in the habit of raising more than will answer themselves—I question if there will be any to spare—This Settlement—Bayou Piere—probably might furnish Beef and Pork for Five hundred Men a Year—

In my letter of the 5th Inst. I wrote you the Council had failed which was to have taken place through the Interest of the Spaniards—owing to a disagreement, and want of disposition among the Indians to attend it—The Cado's seem to have a Sovereign contempt for the Spaniards—and I am told it is the case with the Indians generally—If so, a little policy will secure their friendship—

In my last I forgot to inform you that an Express about three Weeks since, had arrived from Orleans at Nacogdoches—the cause of his being sent, I have not been able to ascertain—

Nov^r 25 Since writing the above Capt. Tredeau informs that four of the Soldiers, who were concerned in letting the Spaniard escape who was taken with the Negroes. have deserted, from the fear of being punished⁶⁰—

Mr^s Turner desires you to accept her respects, with those of your Humble Serv^t

EDW. D TURNER

GOVERNOR CLAIBORNE.—

[*Addressed*] His Excellency Governor Claiborne New Orleans
[*Postmarked*] Natchez M. T—Dec^r 20th Public Service 17

[*Endorsed*] Rec^d in Gov^r Claiborne's Forwarded by F L Claiborne
20th Dec^r 1804.

RECOMMENDATION OF ANDREW PORTER, JR., AS PORT
INSPECTOR

[SD:Appt. Office Files:DS]

[November 22nd 1804]

To the President of the United States—

We the Subscribers Merchants &c. of the City of New Orleans, well knowing the integrity & abilities of M^r Andrew Porter Junior, acting as Inspector & Surveyor of the Port of New Orleans & having witnessed his faithfull discharge of the duties of his Office for a long time past. Recommend him as a Person proper to be appointed Inspector & Surveyor of the Port of New Orleans.

November 22nd 1804.

Chew & Relf	Dejan & Brother
P. Madan & C ^o	McNeal & Montgomery
Amory & Callender	Benj ⁿ Morgan
Judas & Touro	Kenner & Henderson
Meeker, Williamson & Patton	Henry O'Hara
B. Cenas	Winter & Harman
Jn ^o Poultney Jr & C ^o	Jn ^o Palfrey
George Pollock	B S Spitzer
Charles Norwood	J MDonogh Jun ^r & C ^o
Alex ^r Milne	Shepherd Brown & C ^o
P. L. B. Duplessis Jr	Thomas Randall
Geo: T: Ross	P ^r o Petit
John Clay	Labatut
Philip Zerban	Earle, Jones, & C ^o
John Lynd	M ^r Fortier
Henry Stagg	Rougaud
Paul Lanusse	Roques
William Flood	Joseph MNeil
Joseph T. Gray	John Watkins

[*Endorsed*] Porter Andrew to be Surveyor N.O. Andrew Porter,
Jr 1804

⁶⁰ Answered Dec. 28, 1804 (Rowland, ed., *op. cit.*, III, 32-33).

THE POSTMASTER GENERAL TO BLAIZE CENAS

[PO:P.M. Letter Book N]

Nov. 25th 1804.B. CENAS Esq^r p.m. New Orleans

Your letter of the 22^d Ult^o ⁶¹ has been received. The arrangement relative to ship letters is without doubt a proper one. In respect to the great deficiency in the news-papers I know of no remedy—if they were packed up when dry they would often become so wet on the passage as to fall to pieces. When a bundle of letters is broken they can be mailed again because each has the place of destination marked upon it, but only the subscribers name and not his residence, is marked on a news-papers.

The dead-letters which belonged to the private establishment of the mail ought to be returned to this office, that they may be opened, but the postage marked upon them will not be estimated. From sun rise to Sun set is a proper time for keeping your Office open.

If you can have a list of letters on hand inserted in one of your news-papers for two cents each, you will please to have them advertised at the beginning of every month (not advertising the same letter twice) if the printers will not advertise for that price a manuscript list affixed to your post office door or window and also at the Coffee house must answer.

G. G.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

(Duplicate)

NEW-ORLEANS Nov^r 25th 1804.

DEAR SIR! My Administration here, from the time of my Arrival in Louisiana, to the close of the late provisional Government, has already become an Object of some discussion; to this I can have no objection; I wou'd rather court it, were I assur'd, that the Enquiries wou'd be conducted with Candour.—but some publications have appear'd here upon the subject, in which, I do not think Justice has been render'd me.—I am well assur'd, that these Publications, will make their way, to the Northward, and May perhaps, make some unfavorable Impressions.—With a view, therefore, to my Justification, and for your satisfaction I will take the Liberty to animadvert, in a few words, on the principal points, to which, Objections have been rais'd.—

Many of the Embarrassments I have experienc'd, may be attributed to the disorganiz'd revolutionary State, in which we receiv'd Louisiana from M. Laussat.—That Minister demanded and possess'd himself

⁶¹ Not found.

of the province, nearly a Month before the Arrival of the American Commissioners.

I candidly confess, Sir!—that my early Impressions, were, that M^r Laussat had done some good, in the course of his Short Career, and for the destruction of the Cabildo, I had suppos'd myself indebted to him:—but I soon found, that the changes made, were too radical and immediate, not to subject, both the American Government and the Citizens to Inconvenience and difficulties.—Nearly all the ancient Establishments of the Country, were overthrown: the Cabildo dissolv'd, the Judiciary abolish'd, and nothing erected in their place, but a Municipality, or City Council, whose powers were undefin'd, and seem'd to be limited only by the will of their Creator.—

Instead of finding a regular Government, to which the People were accustom'd, the general principles and forms of which, I cou'd, for a while, have adopted, I beheld a new Order of things which no One perfectly understood.—

In this state, I had to provide some means for preserving the peace of the Country, and protecting Individuals in their rights.—A Revival of the Spanish Tribunals, was thought of; but powerful Objections presented.—

There were then two strong parties, in the Country, one Spanish, and the other French; the latter the most numerous and influential.—To undo, therefore, all that Laussat had done, wou'd not only have given Offence, to him, and thereby embarrass'd the unfinished Negotiations, then pending between Us, but wou'd also have afforded matter of Triumph to the Spanish Interest, and probably kindled a flame among the French Partizans, That cou'd not easily be extinguished.—I had also particular Objections to the Spanish Tribunals: they seem'd to me, illy calculated for the “security of personal Liberty and Property,” and therefore, altho', if I had found those Tribunals in Existence, they wou'd have been recognis'd, yet I was not Sollicitous to revive them.—Under existing Circumstances, and after mature deliberation, I determin'd to steer, as nearly as possible, a middle Course;—I reviv'd some of the Spanish Offices, and appointed Magistrates, resembling those of the United States; I introduc'd some new Members into the Municipality, and defin'd it's powers; I vested the Judicial Authority, in a Court, which I created for the purpose, with a Jurisdiction, extending to all suits under Three Thousand Dollars.—Higher causes I took cognizance of myself.—All these Regulations, were not prescrib'd in a day;—as Occasion requir'd, my plan was pursued, and the Interest of the people, kept constantly in View;—Nor was I inattentive to their Wishes and Opinions, as far as they cou'd be collected from those persons, who, I suppos'd wou'd answer my Enquiries with most Candour.—

The general Clamour of the Citizens, for a Court of Justice, necessarily plac'd that measure foremost on the List; the Others follow'd gradually in succession.—The proceedings of the Court, which I erected, have been the subject of some Animadversions.—

To this I can only answer, that it was compos'd exclusively of Citizens of this Territory, a Majority of whom were French, and I took pains, (after consulting the Municipality) to select the most respectable Characters in the City, and it's Vicinity.—

Ignorant of Law, and unaccustom'd to it's forms, these Gentlemen may have been often betray'd into little Irregularities, and sometimes perplex'd, by jarring Sentiments of Right or by Indecision: but this I am assur'd of, that they were honest and upright, in their Intentions, and render'd much Service to their Country.—

I have been accus'd of bestowing the lucrative offices of the Government to Americans exclusively.—this is not true: few Offices were given to Americans, which wou'd, in my Opinion, have been fill'd with Propriety by french Men, or ancient Louisianians.—

It wou'd have been rash indeed, for me, to have entrusted important Duties and high Trusts to Men I knew not.—

Hence, let it not be a matter of Surprize, that some of my Countrymen, of whom, my own Knowledge, or whose establish'd Character entitled them to Confidence, shou'd have experienc'd my patronage.

Of those Offices, which I cou'd safely confide to Citizens indiscriminately, much the greater portion, has been conferr'd on French Men, or native Louisianians. The late Admission of foreign Negroes, has also been a Subject of Complaint against me.—

The Searcher of all Hearts, knows, how little I desire, to see Another of that wretched Race, set his foot on the Shores of America! how, from my Heart, I detest the Rapacity, that wou'd transport them to us! but on this point, the People here have United as one man! there seem'd to be but one sentiment throughout the Province—they must import more Slaves, or the Country was ruin'd for ever.—the most respectable Characters, cou'd not, even in my presence, suppress the Agitation of their Tempers, when a check to that Trade, was suggested!—Under such Circumstances, it was not for me; without the Authority of previous Law, or the Instructions of my Government to prohibit the Importation of Slaves.—To give security to the province, and Quietude to the Citizens, I gave Orders for the exclusion of S' Domingo Negroes, and took every precautionary measure to enforce them; but I entertain'd little hopes of success.—Nothing but a general Exclusion, cou'd have counteracted the Evasions and frauds, that were sometimes practis'd, by west India Slave Traders.—

The Organizing of the Volunteer Corps, and some other of my Official Acts, have been objected to; but my Explanations on almost every measure of my late Administration have been so general &

particular in my official Letters to the Secretary of State, that I conceive it, unnecessary to dilate further on the Subject.—

In a Country like Louisiana where Intrigue has so long sported; where so many petty factions are nurs'd, and such incompatible Interests exist;—where the Citizens lately releas'd from despotic Sway, are not fully appriz'd of the Nature, nor do they sufficiently estimate the Value of a pure and free Government, I do really conceive myself peculiarly fortunate, in having drawn, my late Administration to so peaceful a Close! ⁶²

For a continuance of your individual and public happiness, I pray you to accept the best wishes of Dear Sir, Your faithful friend

W^m C. C. CLAIBORNE—

TO THOMAS JEFFERSON President of the U. States.

P.S. At the request of several Merchants I have enclosed you a petition in favour of M^r Porter, who is a Candidate for the office of Surveyor for this Port; ^{62a}—I have not the pleasure of an Acquaintance with M^r Porter; But he is represented to me as an honest, capable young man.—I am D^r Sir, With respect, Yo: faithful friend

W. C. C. CLAIBORNE

[*Endorsed*] Claiborne Gov^r N.O. Nov. 25. 04. rec^d Jan. 1. ⁶³

THE PRESIDENT TO SECRETARY BROWN

[LC:Jefferson Papers:D]

WASHINGTON *Dec.* 1. 1804.

DEAR SIR The importance of appointing officers for the government of Orleans who speak both the French and English languages has produced difficulties in the arrangement which have distressed me exceedingly. the French language entered so little into education in this country in the early time of those who are now of an age for public office, that it is difficult, even among those, otherwise well qualified, to find persons who can speak French. the impossibility of completing my arrangement in the way I had first proposed has placed me under the painful, but inevitable necessity of some change in it. in fact my greatest difficulty is in finding lawyers who can speak French: and this has obliged me to make a change in your destination, which tho' I believe you will prefer it, yet I would not have made without consulting you, had time permitted. I have nominated you to the Senate one of the judges of the Superior court of the territory

⁶² Beginning with "For a continuance" through the postscript, the letter is in Claiborne's hand.

^{62a} *Ante*, p. 337.

⁶³ Acknowledged Jan. 7, 1805, *post*, p. 363.

of Orleans, & I have no doubt they will confirm it.⁶⁴ the salary is the same, the tenure of office more independent, more dignified, and the occupation less constant. I hope you will lend yourself to this accomodation of the public necessities, & by the next post I expect to be able to forward your commission. Accept my friendly salutations & assurances of great esteem & respect.⁶⁵

TH: JEFFERSON

JAMES BROWN esq.

THE PRESIDENT TO JOHN GRAHAM

[LC:Jefferson Papers:D]

WASHINGTON Dec. 1. 04.

SIR I had this morning desired a person to ask the favor of you to call on me; but learnt soon after that you had left this place for Dumfries. the office of Secretary of the territory of Orleans is vacant. it requires indispensably that the person holding it should speak the French as well as English languages: the Spanish would be an useful tho' not indispensable addition. presuming you speak French, I meant to propose this office to your acceptance. the salary is 2000. Dollars a year, & the duties are, under the direction of the governor, to record & preserve all the papers & proceedings of the executive, & all the acts of the Governor & legislative council, & to transmit copies to the President of the US. on whom also the continuance in office depends. on a vacancy of the office of governor, the government devolves on him till a new appointment. these are offices of importance & dignity: and I should hope it would not be unacceptable to you. be so good as to favor me with an answer as soon as you can & accept my salutation & assurances of esteem & respect

TH: JEFFERSON

JOHN GRAHAM esq.

THE PRESIDENT TO GOVERNOR CLAIBORNE

[LC:Jefferson Papers:D]

WASHINGTON Dec. 2. 04.

DEAR SIR I wrote you last on the 28th of Oct.⁶⁶ since which I have recieved your favors of Sep. 8. 27.⁶⁷ & Oct. 5. & 22.⁶⁸ I observe you

⁶⁴ Brown was nominated Nov. 30, and confirmed Dec. 12, 1804 (*Senate, Exec. Journal*, I, 476, 477), but he declined the appointment. Buckner Thruston was nominated to the same office Feb. 26, 1805, and his appointment was confirmed, Mar. 1, 1805, *ibid.*, p. 484, but he also declined. See Thruston to the Secretary of State, May 17 and July 1, 1805 (SD, Appt. Office Files), and the Secretary of State to Thruston, June 10, 1805 (NA, SD, Dom. Letters, xv).

⁶⁵ Answered Jan. 8, 1805, *post*, p. 365.

⁶⁶ *Ante*, p. 316.

⁶⁷ Jefferson Papers (LC).

⁶⁸ *Ante*, pp. 309, 311.

have received the resignations of Boré, Jones & Dow, as members of the Legislative council. I therefore now inclose you two commissions with blanks for the names.⁶⁹ thinking it important that the settlements in the country should be represented wherever proper persons can be found, it is my wish that one of these should be filled with the name of Doct^r John Sibley of Natchitoches if he will accept. the uncertainty of this has prevented my inserting his name. the other you will fill up according to your own best judgment, as also that for Sibley if he refuses, keeping in view the principles of the original composition, to give most to the Agricultural, but some to the mercantile interests, to apportion the members between town & country as nearly according to numbers as you can, to give a bare majority to the American over the native vote, and to consider the possession of both languages as having great weight against other qualities.

I think it visible that most of whatever discontent exists among the French inhabitants arises from the introduction of our language too suddenly, & the awkwardness the inhabitants experience in being unable to do business with their government but thro' an interpreter in order to give them all the relief in my power, I have found it necessary to make some change in my original plan. I have named mr Brown one of the judges, instead of Secretary. & have proposed to mr Kirby an arrangement, which if he approves, I shall be able to place a third judge on the bench possessing both languages, so that the pleadings may be filed indifferently in either, and the Counsel parties, & witnesses address their court in either my opinion is that the two languages should be placed by law on an equal footing, & the records intermix them as equivalent also that the laws should be passed in both languages, & each to be consider[ed] original. this must depend on the legislative council. supposing that mr Graham our late Secretary of legation lately returned from Madrid speaks French, I have proposed to him, if he does, the place of Secretary. I shall have his answer in a day or two, in which case you will know it by the next post. the nominations for the Orleans government are now before the Senate and will be acted on this week. by the next post you will learn the result. Mess^{rs} Sauvé &c are here, & conduct themselves with approbation. they will find a disposition in the great majority here to do whatever circumstances will admit for our new fellow citizens, to do as much for them as we do for our own brothers & children settling in new territories, & only to refuse them what the principles of our constitution & government refuse equally to all. they will find that we have no motive of action here but the combined good of the whole & all it's parts, and they will be sensible that in a whole composed of parts, no one part must carve for itself. if par-

⁶⁹ Not found.

ticular individuals continue to endeavor to excite insurrection with you, the energies of the law must lay hold of them. Accept my friendly salutations & assurances of great esteem & respect.

TH: JEFFERSON

GOV^r. CLAIBORNE

P S. not having yet heard of the arrival of mr Kirby & mr Brown at N. O. I ask the favor of you to have the inclosed delivered to them.⁷⁰

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

NEW-ORLEANS Dec. 2nd 1804

DEAR SIR, Since the 12th Ultimo, Mess^{rs} Poidras, Morgan and Watkins have been attending in this City with a view of meeting in Council, in Conformity to my proclamation. Mess^{rs} Kenner and Wikoff (who from fear of the Fever had avoided the City) appeared a few days since. These five Gentlemen are all, who of the original thirteen named as Councillors thought proper to accept.

The situation of things here is such, as to justify on my part some share of Solicitude. Since the first of October all the former Judicial Authorities have been considered as abolished. With a view of preventing Anarchy, the Civil Commandants were advised by me, to continue for the present, in the discharge of their former functions,⁷¹ but being themselves distrustful of their powers, they have generally been feeble in Action, and some have declined the exercise of any Authority. The Magistrates of the City have discovered a like carelessness and indecisive conduct, arising from the belief which is no doubt correct, that since the first of October their former Judicial Powers have ceased.

Judge Prevost also (the only Judge who has arrived) labours under considerable difficulties. He is in a great measure without Laws to guide him either in Civil or Criminal Cases, or the necessary Officers to cause his Judgments to be executed. Under existing circumstances therefore the early organization of the Legislative Body was of the highest importance, and I have taken the liberty to fill two of the Blank Commissions for Councillors, which were forwarded me, with the names of George Pollock and Eugene Dorcier, who having ac-

⁷⁰ The President to Brown, Dec. 1, 1804, *ante*, p. 341, and to Kirby, same date *Terr. Papers* (Miss.), v, 355-356.

⁷¹ See Claiborne to the Secretary of State, Sept. 16, 1804, enclosing the instructions to the commandants here mentioned, same date (NA, SD, Orleans Terr. Papers, v; printed, Rowland, ed., *Claiborne Let. Bk.*, II, 336-337). Claiborne's letter is erroneously dated Sept. 17 in the printed version.

cepted will give a Quorum, and on tomorrow the Legislature will proceed to Business. M^r George Pollock and Doctor Robert Dow were mentioned in your Letter of the 30th September,⁷² and one of whom you wished in the Council. Doctor Dow was offered the Commission but having refused, I have supposed it would be agreeable to you that M^r Pollock should now be appointed.

But to form a Quorum, I have been under the necessity of requiring the services of a Gentleman not named in your Letter, to Wit Eugene Dorcier, he is by Birth a Swiss, Served with Reputation during the American War, and is esteemed a Man of Sense and integrity. At the close of the War, M^r Dorcier emigrated to Louisiana, where he has Acquired a handsome little property. I appointed him to the Command of the Battalion of Orleans Volunteers, and during the Temporary Government he acted as a justice of the Peace. In both these offices he has manifested a great share of Zeal, Integrity, Prudence and a sincere attachment to the United States. The Council being organized, I am persuaded every thing here will soon wear a favourable aspect; even at this time the utmost order prevails, notwithstanding the very lax state of the Laws, and of the Constited Authorities.

I should have delayed still longer, the filling up the two Blank Commissions, in expectation of shortly hearing from you on the subject, but the Members attending had become discontented, and both M^r Poidras and M^r Wickoff talked of resigning and returning home. M^r Wikoff is an honest and independent Farmer, and will make a good Member: but M^r Poidras's great Wealth and influence in the Territory, United to his Talents, Prudence and friendly disposition towards the United States render his services highly desirable.

I fear Sir at a distance, the State of affairs here appears much worse than it really is. It is true that we are afflicted with a Small, but active faction, composed principally of a few disappointed, ambitious Men, who have done every thing in their power, to embarrass the Constituted Authorities; Unfortunately M^{rs} Clark, Jones and Boré who were first named of the Council, were of that faction: But believe me Sir the great body of the People continue well disposed, and that the discontents are becoming less every day—At least such is my present impressions.—

Accept Sir, the best wishes of Your faithful friend!

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the U. States.

⁷² Not found. Cf. the President to Claiborne, Aug. 30, 1804, *ante*, p. 281.

Members Originally named for the Council, and

Stephen Boré	}	Declined Serving
Evan Jones		
Daniel Clark		
Michael Cantrell		
Jack Romain		
Gaspar Dubuys		
Bellechasse Degoutier & Robert Dow	}	Accepted
Julian Poidras		
William Wikoff		
Benjamin Morgan		
John Watkins & William Kenner		

Members of the Council, recently named.

George Pollock, vice Robert Dow.
Eugene Dorcier, vice Stephen Boré—

Members now attending in the Legislative Council—

Julian Poidras	William Kenner
William Wikoff	George Pollock
Benjamin Morgan	Eugene Dorcier
John Watkins	

[*Endorsed*] Claiborne Gov^r N.O. Dec. 2. 04. rec^d Feb. 20.

 THE POSTMASTER GENERAL TO JOHN SIBLEY

[PO:P.M. Letter Book N]

Dec^r 6. 1804.

JOHN SIBLY Esq^r Natchitoches N. O.

Yours of the 20th Oct. ⁷³ is received and I have this day transmitted the same to the Committee upon post roads.⁷⁴ If it shall be the pleasure of Congress to establish a post road at Natchitoches, it will be my endeavour to make such arrangements as shall furnish the Citizens of that place with a convenient line of communication.

G. G.

 THE POSTMASTER GENERAL TO FRANCIS CONNELL

[PO:P.M. Letter Book N]

Dec^r 6. 1804.

FRANCIS CONNELL Esq^r Manshack parish Territory of New Orleans

Upon the representation of Isaac Hayes, Joseph Miller and others, I have established a post office to be Kept on the Island of New

⁷³ Not found.

⁷⁴ The Postmaster General to the chairman, Committee on Post Roads, Dec. 6, 1804 (PO, P.M. Let. Bk. N).

Orleans, in the parish of Manshack and on the south side of the river Ibberville. This office must not on any consideration, be at any time Kept in any part of the Territories now in the possession of and claimed by the Crown of Spain, but the duties thereof must be discharged within the actual practical jurisdiction of the United States. I have thought it necessary, thus specifically to point out to you, to whom as you will perceive by the inclosed papers,⁷⁵ the duties of the office are assigned, the particular place in which those duties must be discharged, and you will not consider yourself at liberty, to exercise the duties of said office, but within the limits herein laid down.

G. G.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

NEW-ORLEANS *December 8th 1804*

MY DEAR SIR, I have the Honour to enclose you a copy of my address to the Legislative Council, and of the answer returned thereto.⁷⁵ The meeting of the Council has had already a happy effect; the few Intriguers who have laboured to stop the wheels of Government are greatly discouraged, and the well disposed Citizens highly satisfied. The only anxiety I now feel is, that the means I resorted to, to form a Council may meet your approbation.

The filling of a Blank Commission with a name not previously sanctioned by you is a liberty which I very reluctantly ventured on, and should certainly not have done it, had I not seen that a State of anarchy and confusion was fast approaching. Seven members being necessary to form a Quorum and as it might happen that one of the Council might be sick (as is now the case) or from some other cause could not attend, I have filled another Blank Commission with the name of James Mather, an old and respectable Inhabitant of Louisiana; an Englishman by Birth; But with respect to the affairs of this District, an American in principle. M^r Mather is moreover a man of real information and great integrity and very generally esteemed.

Mess^{rs} Poidrass, Morgan, Kenner, Wycoff, Pollock, Watkins, Dancier and James Mather now compose the Council, and I believe I can say with certainty, that they are all respectable men of good understanding, and possessing considerable influence in the District

I flatter myself that the next Mail will bring me the names of a sufficiency of Gentlemen to complete the council, and in the mean time I shall console myself with the reflection that my late conduct will receive your approbation. It is believed here that the three Gentlemen of the Council lately named were selected by the President of the

⁷⁵ Not present.

United States. For a continuance of your Health and happiness, I pray you to accept the best wishes of your Faithful friend

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE UNITED STATES

[*Endorsed*] Claiborne Gov^r N.O. Dec. 8. 04. rec^d Jan. 23.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[NA:SD, Orleans Terr. Papers, v:ALS]

NEW ORLEANS 8th Dec. 1804

SIR, On the fourth Instant the Legislative Council formed a Quorum; and on the following day I delivered to them an address of which the enclosure Marked A is a copy

The meeting of the Council has had a happy effect, it has checked a spirit of Anarchy that had made its appearance, and given to the good disposed Citizens a Confidence in the Government.

The Answer of the Council to my address, you will find in the Newspapers enclosed.⁷⁷

I am Sir very Respectfully your Humble Servant

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE UNITED STATES.

[*Endorsed*] Governor Claiborne 8 Dec^r 1804. rec^d 23 Jan^r

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS December 10th 1804.

DEAR SIR, I have the pleasure to announce the arrival of Judge Hall; he reached this City three days ago', and on this Morning, I delivered him his Commission, and administered the Oaths of Office.

The death of Colonel Kirbey is really an event I greatly lament;—But I persuade myself his vacancy will soon be filled by an able and judicious Judge.—M^r Prevost is attentive to his duties, and his decisions (I believe) have hitherto given general satisfaction—I am however enclined to think, that M^r Edward Livingston's intimacy with M^r Prevost will prove injurious;—they lodge in the same House, and have already purchased in co-partnership, some property in this City of Considerable value.—When M^r Livingston first came to this City, I received him as an old Congressional friend, and I must confess that for a little while, I was disposed to serve him; But he soon discovered his Views;—they were hostile to what I thought the Interest of the

⁷⁷ Enclosures not present.

United States, and it therefore became impossible for me any longer to be his friend;—Hence has arisen his opposition to me, & I have now to contend against his Talents, Address, Intrigue, and all his Influence.—

M^r Briggs is still in New-Orleans, and I am sorry to add extremely indisposed; he is sanguine in his expectations that a short, direct & good Road may be obtained between Washington & this City, & proposes to forward a Draft of the Route by the next Mail.—I believe M^r Briggs's Indisposition may be attributed to the fatigue of his Journey, & his attention to Business since his arrival.—

I must again express to you, my solicitude, that my Conduct in relation to the Council may be approved;—Things really Sir, were in a situation calculated to excite uneasiness;—The Territory was in a great measure without Law, and Judge Prevost had given an Opinion (which was probably correct) that the Commandants, and former Justices of the Peace, had no Judicial Powers. In this state of things, I did suppose you would excuse me, in filling up three of the blank Commissions, with a view of forming a Council.—

The Gentlemen first named were advised of their appointments, & informed that their Commissions were in my possession, and would be delivered, whenever they appeared and took the Oaths of Office; eight declined serving, & there remained in my possession eight blank Commissions, three of which I have filled up with the names of Eugene D'Orcier, George Pollock and James Mather.

Every thing is now quiet in this City, and the Council progressing in Business with expedition & care.

Accept my Dear Sir, the best wishes of Your faithful friend.

WILLIAM C. C. CLAIBORNE

[*Endorsed*] Claiborne Gov^r N.O. Dec. 10. 04. rec^d Jan. 23.

COMMISSION OF DOMINIC A. HALL AS JUDGE

[SD:Misc. Permanent Comms., C:C]

[*December 11, 1804*]

THOMAS JEFFERSON, President of the United States of America,
To all who shall see these presents, Greeting:

Know ye, That reposing special Trust and Confidence in the Wisdom, Uprightness and Learning of DOMINICK A. HALL, of South Carolina, I have nominated, and by and with the advice and Consent of the Senate do appoint him Judge of the District Court in and for the Orleans District; and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and Laws of the United States; and to Have and to Hold the said office with all the powers, privileges and Emoluments to the same of right

appertaining unto him the said Dominick A Hall during his good behaviour.

In Testimony whereof, I have caused these Letters to be L.S made Patent and the Seal of the United States to be hereunto affixed. Given under my hand at the City of Washington the Eleventh day of December in the year of our Lord one thousand Eight hundred and four; and of the Independence of the United States of America, the Twenty Ninth.

TH: JEFFERSON

By the President
JAMES MADISON
Sec^y of State.

COMMISSION OF JUDGE PREVOST

[SD:Misc. Permanent Comms., C:C]

[December 11, 1804]

THOMAS JEFFERSON, President of the United States of America,
To all who shall see these presents, Greeting:

Know ye, That reposing special Trust and Confidence in the Wisdom, Uprightness and Learning of JOHN B. PREVOST, of New York, I have nominated, and by and with the advice and consent of the Senate do appoint him One of the Judges of the Superior Court in and over the Territory of Orleans,⁷⁸ and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and Laws of the United States; and to Have and to Hold the said Office, with all the powers, privileges and Emoluments to the same of right appertaining for the term of four years from the 30th day of September last.⁷⁹

⁷⁸ Nominated Nov. 30 and confirmed Dec. 11, 1804 (*Senate, Exec. Journal*, I, 476, 477). An earlier recess appointment and commission had been given to Prevost according to a statement by the President to the Senate, Nov. 30, 1804, *ibid.*, pp. 475-476. Prevost, in a letter to the Secretary of the Treasury, not dated, found with his salary account (GAO, Misc. Treas., acct. no. 21349, 1809), said his first commission was dated Aug. 18, 1804. However, his formal tenure of office began Oct. 1, 1804, according to the account cited. The discrepancy is explained by the following excerpt from Pleasonton to Sheldon, not dated, *loc. cit.*:

"Mr Prevost I presume from the date he states his commission to have borne, was one of those Judges appointed under the act of 26 March 1804 and whose Commissions were sent from this office blank and have never been since filled up in the record. . . . It is rendered highly probable that he was app^d under That act, for all those Commissions, I recollect, were made out & forwarded in June or July succeeding, and were dated perhaps soon after they reached orleans by Gov^r Claiborne, which might have been in Aug^t. It may be proper to observe that we had to renew all those Commissions, conformably to another act, and those it were which were dated June 10 1805."

⁷⁹ Cf. commission of June 10, 1805, *post*, p. 455.

In Testimony whereof, I have caused these Letters to be made Patent and the Seal of the United States to be hereunto affixed.

Given under my hand at the City of Washington the Eleventh day of December in the year of our Lord one thousand Eight hundred and four; and of the Independence of the United States of America the Twenty Ninth.

TH: JEFFERSON

By the President
 JAMES MADISON
 Secretary of State.

COMMISSION OF GOVERNOR CLAIBORNE ⁸⁰

[SD:Misc. Permanent Comms., C:C]

[December 12, 1804]

THOMAS JEFFERSON, President of the United States of America,
To all who shall see these presents—Greeting:

Know ye, That reposing special Trust and Confidence in the Patriotism, Integrity and Abilities of WILLIAM C. C. CLAIBORNE, of Tennessee, I have nominated, and by and with the advice and Consent of the Senate do appoint him Governor in and over the Territory of Orleans; ⁸¹ and do authorize and empower him to execute and fulfil the duties of that office according to law; and to Have and to Hold the said office, with all the powers, privileges and Emoluments to the same of right appertaining during the pleasure of the President of the United States for the time being.

In Testimony whereof, I have caused these Letters to be L.S made Patent, and the Seal of the United States to be hereunto affixed.

Given under my hand at the City of Washington the Twelfth day of December in the year of our Lord one thousand Eight hundred and four; and of the Independence of the United States of America the Twenty Ninth.

TH: JEFFERSON

By the President
 JAMES MADISON
 Secretary of State.

⁸⁰ Nominated Nov. 30 and confirmed Dec. 12, 1804 (*Senate, Exec. Journal*, 1, 476, 477). His previous commission of August, 1804, conveyed a recess appointment.

⁸¹ Although the law of Mar. 26, 1804, *ante*, p. 202, fixed the term of office of the Governor at three years, Claiborne's early appointments were for an indefinite period, or during pleasure, until Jan. 17, 1806, *post*, p. 571, due to the President's uncertainty as to the proper person to fill the office.

COMMISSION OF JOHN GRAHAM AS SECRETARY

[SD:Misc. Permanent Comms., C:C]

[December 12, 1804]

THOMAS JEFFERSON, President of the United States of America,
To all who shall see these presents Greeting:

Know ye, That reposing special Trust and Confidence in the Integrity, Diligence and Abilities of JOHN GRAHAM, of Kentucky, I have nominated, and by and with the advice and consent of the Senate do appoint him Secretary in and for the Territory of Orleans;⁸² and do authorize and empower him to execute and fulfil the duties of that office according to Law; and to Have and to Hold the said office, with all the powers, privileges and Emoluments to the same of right appertaining for the term of four years from the day of the date hereof, unless the President of the United States for the time being shall be pleased sooner to revoke this Commission.

In Testimony whereof, I have caused these Letters to be L.S made Patent, and the Seal of the United States to be hereunto affixed.

Given under my hand at the City of Washington the twelfth day of December in the year of our Lord one thousand Eight hundred and four; and of the Independence of the United States of America, the Twenth Ninth.

TH: JEFFERSON

By the President
 JAMES MADISON
 Secretary of State

 THE SECRETARY OF WAR TO JOHN SIBLEY

[NA:Ind. Office, Sec. War Letter Book B]

WAR DEPARTMENT *December 13, 1804*DOCT^r JN^o SIBLEY

SIR I am authorised by the President of United States. to request you to act occasionally as an Agent for the United States, in holding such conferences with the Chiefs and others of the several Indian Tribes in the vicinity of Natchitoches as you shall judge necessary for securing the friendship of the Indians generally in that quarter: You will be furnished with three thousand dollars worth of goods for presents to the Indians, to be distributed in the most useful manner; and you will also consider yourself authorised to furnish through the contractors agent supplies of provisions to the Chiefs and others who my call on you upon business. You will employ as an Inter-

⁸² Nominated Dec. 11 and confirmed Dec. 12, 1804 (*Senate, Exec. Journal*, 1, 476, 477).

preter some suitable person who will be paid a reasonable compensation for his services as such. You will assure the Indians of the confidence they may at all times place in the justice and friendship of the Government of the United States, as long as they conduct themselves in a peaceable and friendly manner towards the Government and citizens of our Country and that if they expect to be treated as the Children of their Great Father, the President of the United States, they must break off all connection with any other power and rely on their father for such friendly aid as he extends to all his other red children within our extensive territories—

For your occasional services in carrying the views of Government into effect, as contemplated in these instructions, you will be allowed four dollars per day;—you will therefore keep an account of the time you shall actually be so employed; and you will also keep an account, with such vouchers as the nature of the case will admit, of the ditribution of the property placed in your hands. You will from time to time please to make such communications to this Department, and Gov^r Claiborne, as circumstances shall require

It will be desirable to know as early as may be, the names, numbers, and local situations of the Indian nations or tribes in Louisiana, to the southward of the Arkansas—Within six months after you shall have begun to act under these instructions, it will be expected, that you will render an account of your doing & of the expenses relating there to and that in the meantime you make as frequent communications as circumstances may render expedient.⁸³

I am &c

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xiv:C]

DEPARTMENT OF STATE, Dec^r 15th 1804.

GOV^r CLAIBORNE.

SIR. I have received your several letters dated the 16th,⁸⁴ two of 21, 23, 25 Sep^r ⁸⁵—2,⁸⁶ 3, 5, 8, 16, 19, 20, 22, 26, 27 Oct^r ⁸⁷—two of 3, 5, 8⁸⁸ & 10th Nov^r ⁸⁹—and now inclose your Commission as Governor,

⁸³ See the Secretary of War to Freeman, Dec. 13, 1804, directing that goods to the amount of \$3,000 be bought, and that these be sent to Sibley (NA, WD, AGO, Old Recs. Div., Mil. Bk. 2).

⁸⁴ Not found.

⁸⁵ Rowland (ed.), *Claiborne Let. Bk.*, II, 337–338 (the first under date of Sept. 20), 338–339, 340, 341.

⁸⁶ Not found.

⁸⁷ Rowland (ed.), *op. cit.*, II, 345–346, 347–348, 349, 352–360, 367–369, 369–370, 372, 375–376, 377–378.

⁸⁸ *Ibid.*, pp. 378–379, 381–382, 390–392, 394. See also letters of Oct. 3, Oct. 22, and Nov. 5, 1804, *ante*, pp. 304, 312, 320.

⁸⁹ Rowland (ed.), *op. cit.*, III, 7–8.

with the approbation of the Senate, and sundry other Commissions for Officers of the Territory of Orleans. Your letters now acknowledged present two subjects on which the instructions of the Executive seem necessary. 1st the case of the Barque Hero, and 2^d the introduction of slaves into the Mississippi. The Hero, is considered in relation to our neutral obligations as resembling a privateer. The British Treaty except the first ten articles being expired, does not effect them in this instance; but the 25th Art. of the Convention with France of 30th Sept^r 1800, contemplates certain restrictions, respecting privateers belonging to her enemies and their prizes, is required by an impartial neutrality to be extended to her own. Nothing however in the Treaties of the U: States, or the law of Nations makes it our duty to prevent the landing and dispersion of the persons on board the Hero, if they are inclined to do so. With respect to the British persons on board, who may in their turn have become prisoners to the French, it must be observed, that their entrance into our jurisdiction works their liberation and that it would be illegal to continue their detention either on shore or on board the Vessel.⁹⁰ The Treaty ceding Louisiana to the United States, gives to Spain no right to introduce Slaves into the Mississippi, and she can have the less petence to it under her present slender relation to the Mississippi, considering that she always maintained a contrary doctrine against the U: States when they had such extensive possessions on that river, and that she has not even yet opened the Mobile to us, notwithstanding the extent of it running through our territories—With respect to the Citizens of Orleans & Louisiana the prohibitions particularly imposed on them will be found in the act instituting their Government.⁹¹

I am &c

JAMES MADISON.

⁹⁰ For the correspondence concerning the problem created by the arrival of the *Hero*, see the following: Claiborne to the Secretary of State, Nov. 3, enclosing his letters to John Calver, commander of the *Hero*, Nov. 2 (two), to Davis, Nov. 3, to Nicoll, Nov. 3, 1804; *id.* to *id.*, Nov. 18, Dec. 15 and Dec. 23, enclosing Claiborne to Freeman, Dec. 23, 1804 (Rowland, ed., *op. cit.*, II, 378–381, III, 10–13, 26–29).

Additional enclosures found with the above in NA (SD, Orleans Terr. Papers, v), are as follows: in Claiborne to the Secretary of State, Nov. 3: Claiborne to Freeman, Nov. 2, and Brown to Claiborne, Nov. 2, 1804; in Claiborne to the Secretary of State, Nov. 18: Duckworth to Calver, Oct. 1, report by Juge of the number of prisoners on board, Nov. 2, Poqson to the British consul, Nov. 6, Calver to Davis, Nov. 6, Davis to Claiborne, Nov. 9, Nicoll to *id.*, Nov. 13, Claiborne to Nicoll, Nov. 16, 1804; in Claiborne to the Secretary of State, Dec. 23: Juge's list of prisoners, Nov. 4, statement by Williamson of the condition of the prisoners, Nov. 11, statement by Calver of the number of Englishmen on board, Nov. 12, statement by Nicoll of food furnished, Nov. 19–Dec. 8, Calver's receipt for food furnished, Dec. 8, Nicoll to Claiborne, Dec. 11 (two), and Freeman to *id.*, Dec. 23, 1804.

⁹¹ Answered Jan. 14, 1805, *post*, p. 368.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS December 16th 1804

DEAR SIR, By the last Mail I received your Letter of the 28th of October,⁹² and was happy to learn your determination to appoint M^r Brown the Successor of my friend Trist. I have particularly observed the Conduct of M^r Brown in public and private Life, and I doubt not but he will continue to merit your Esteem and Confidence.—The family of my departed friend are in the enjoyment of health, and I am persuaded will find in M^r Brown the character of a Father. The Letter you addressed to M^r Gellston⁹³ was by his Executor handed to M^{rs} Trist the elder, who received it in entire Confidence.—

Friend Briggs has been ill, but is now on the recovery; He was solicitous to forward you his Report by the ensuing Mail, but has been prevented by Indisposition.—I have not lost sight of the Interest of General La Fayette, & will write you particularly upon the subject in the course of a few Days.

I can assure you Sir, that the most perfect good Order prevails thro'out this Territory, and that the people generally are becoming contented; they begin to view their Connexion with the United States as permanent, and to experience the Benefits thereof. The opposition therefore (of Intriguers) to the Government will soon cease, & be confined to Men; indeed this is already the case, and altho' I shall probably, be the principal object of Attack, yet I must confess it will not be a source of regret, since it will be a proof, that the principles of the American Government are too pure to be assailed, and hence the Mal Contents can alone attack those who administer them.

I pray God to preserve you in health & happiness!

I am D^r Sir, With great Respect Your faithful friend

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the United States.

[*Endorsed*] Claiborne Gov^r N.O. Dec. 16. 04. rec^d Feb. 20.

⁹² *Ante*, p. 316.

⁹³ Oct. 15, 1804 (Jefferson Papers, LC).

JUDGE PREVOST TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, v:ALS]

[December 19, 1804]

I have the honor to enclose a letter from the Marquis de Casa Calvo which I received shortly after my arrival here,⁹⁴ it is perhaps not material in itself but as it is possible that it will be made a subject of complaint to the government I have thought it prudent to possess you with my answer—I regret that I have been left thus long alone to encounter a[ll] the difficulties which necessarily present themselves in the establishm[en]t of a new system, indeed the task has been great to reconcile the antient laws of the country with the provisions of the act organizing this government and with the principles of our Constitution & doubtless many errors have been committed but the dignity of the Court has been preserved and the consequences resulting from a speedy and impartial distribution of justice have been highly beneficial—I have interested myself much with the Council to induce them to employ some of the bar in forming a code of laws, they have at length consented to unite M^r Brown and M^r Livingston for the purpose, the governor however opposes this arrangement either from an enmity to the[se] gentlemen or from a persuasion that the laws of Tennessee sev[er]al of which he has actually presented, are fit for every state of Society in whatever clime—without your aid I fear that I shall be defeated and I am the more anxious on the subject because I view it as the most important measure to be adopted to preserve the control of the government of the U States after the 1st of october next should a french representation be admitted—A governor possessing firmness could then with propriety reject all bills interfering with this code and thus pres[erv]e a system entire congenial with our government until the peop[le] become sufficiently conversant with its principles to legislat[e or] until we can obtain an american representation—Do not i[m]agine that I think the people hostile to our government it is an absurdity they are fully sensible of the advantages resulting from the connexion and view it with pleasure but they have their habits language and religion and they naturally feel some jealousies on this head which may always become a subject for intrigue and party—May I pray you to think seriously on the measure and should you concur to intimate it to our Executive—who could have recommended M^r Sibly to the President I know him not but his character is so exceptionable that he ought never to have been named

⁹⁴ Nov. 3, 1804, found with the covering letter, asking Prevost's interposition in the execution of a judgment against a resident of Orleans Territory, arising from a suit heard by a Spanish court prior to the cession. Casa Calvo had first applied to Claiborne for the execution of the sentence, but the latter denied having authority to execute the sentence of a foreign tribunal without examining the merits of the suit and had referred Casa Calvo to the territorial court.

I fear much a federal influence here operating upon the imbecility of M^r Clai[born]e who appears to have thrown himself into the arms of the Attorney Gen[er]al devoted to that cause—His office gives him consequence although he is wholly incompetent to the discharge of its duties—It is indeed with reluctance that I have said thus much on the subject of politics and I should have been silent but from a conviction that you are ignorant of the real state of things here—Accept the assurance of my sincere regard and believe me with every sentiment of respect

Your very hum^lo sert

J B PREVOST

N ORLEANS *Decemb^r 19th 1805*[4].

JA^s MADISON Secretary of State

[*Addressed*] James Madison Secretary of State Washington

[*Endorsed*] J. B. Prevost 19 Dec^r 1804 ⁹⁵

THE POSTMASTER GENERAL TO GOVERNOR CLAIBORNE

[PO:P.M. Letter Book N]

Dec^r 20th 1804.

HIS EXCELLENCY W. C. C. CLAIBORNE New Orleans

Your of the 12th of Nov^r is received.⁹⁶ According to your request I have directed all your letters to be put into a separate packet and directed to M^r Cenas—I have lately adopted a regulation by which the newspapers will be carried in one separate and distinct Portman-teau & the letters in another and I cannot but hope this regulation will remedy most of the evils complained of in your part of the Country.
G.G.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS *Dec^r 21st 1804.*

DEAR SIR, On yesterday in this City, there was great rejoicing—The Citizens generally evinced a grateful recollection of the period which annexed Louisian'a to the United States, & thro'out the Day there was a degree of harmony which afforded me singular pleasure.—The paper enclosed ⁹⁶ will give you some account of the particulars.—You may be assured Sir, that the great body of this people, are becoming well disposed to the United States, and that the Mal Contents are at this time few in number:—The long residence of the Marquis of Casa

⁹⁵ Acknowledged Apr. 8, 1805 (NA, SD, Dom. Letters, XIV).

⁹⁶ Not found.

Calvo & other Spanish Officers in this Territory; the frequent Reports that the Country would be receeded to Spain; the Sale of the Florida Lands;—the Intrigues of Laussat, & of a few disappointed, restless Americans, occasioned a degree of unsettled Allegiance & discontent;—But the Communication to Congress at the opening of the Session, & the subsequent publication of the Official Letters of the Ministers Cervillos & Yrujo,⁹⁸ has banished every Idea of another Change; & I see with satisfaction, that the Confidence of the People in the American Government is daily encreasing.—I fear however, we shall soon find here a strong federal Party, nearly all the Gentlemen of the Bar, and many of the Merchants are of that Sect; they have a federal paper (the Louisiana Gazette) and it is assuming a decided Tone.—

The Legislative Council proceed with great Caution & deliberation; they have several important Laws under way, but will probably delay their final passage for a Week or two in expectation that the vacancies in the Legislature will soon be filled.

I persuade myself that the means I took to obtain a Council will meet your approbation;—the great distance between this City, and the Seat of Government; the lax state of the Laws, and the apparent anxiety of the well disposed Citizens led me to suppose, that you would approve of my exercising a prudent discretion. Eugene D'orcier, George Pollock & James Mather are the names of the new Councillors; they are Men of Integrity & Information; the two last have resided in the District for many years.—There are still five Vacancies in the Council, which I shall not attempt to fill without your Instructions.—I was myself enclined to think, that the Justices of the Peace appointed during the temporary Government, as also the Civil Commandants, had authority under the Act of Congress to exercise judicial Powers, until the Legislature had made other provision;—But on this point, several Gentlemen of Law learning disagreed with me, and it was understood to be the opinion of Judge Prevost, that the Act of Congress had destroyed all the former Tribunals of Justice.—Hence Sir, arose the necessity for an early organization of the Legislative Body—who having recognized & continued the functions of Justices of the Peace & of Commandants, the preservation of good order is insured; & the Council may with mature deliberation devise a permanent System of Jurisprudence.⁹⁹—

⁹⁸ See *Annals*, 8 Cong., 2 sess., 11–14, 1233–1234.

⁹⁹ The act referred to, the first passed by the council, was approved Dec. 13, 1804, and provided that civil commandants and justices of the peace who had continued to exercise their powers after Sept. 30, 1804, should not be liable for their official conduct. They were authorized to continue their functions until further provision was made (*Acts of the Legislative Council of Orleans*, 1–2 sess., 1804–1805, pp. 2–5). The act approved May 3, 1805, *ibid.*, pp. 388–399, abolished the offices of the civil commandants at the time when the judges and justices appointed under the territorial government should be sworn. By the act ap-

I pray you Sir, to accept my best Wishes for your health and happiness—and believe me to be With great respect Your faithful friend

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the U. States.—

[*Endorsed*] Claiborne Gov^r N.O. Dec. 21. 04. rec^d Feb. 20.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW ORLEANS, *December 22^d 1804.*

DEAR SIR, On this morning, (accompanied by the Mayor of the City M^r Pitot) I visited the ground adjacent to the Canal of Carondelet, and find the Land low, and in some parts subject to be overflowed;—But my impression is, that the whole may easily be reclaimed, and will soon be valuable.—

The Commons of the City as explained by the Mayor, and as he said, were defined in a Grant issued by a french Governor many years ago, include the Forts S^t Charles and S^t Louis, all the minor fortifications erected by the Bar[']on de Carondelet, several handsome adjoining Lots, and extend about one quarter of a Mile on the Canal towards the Bayou S^t John;—the balance of the Land on each side, quite to the Bayou is vacant; I do not its wedth; the length is near a Mile;—but there is no doubt, but a survey of at least six hundred Acres may be obtained.—The Claim of the City, if a good one, will not only enable the Corporation to encrease their funds, but to add greatly to the Beauty of N^w Orleans, and to the Comfort of the Inhabitants by preserving several open Squares, and the laying out and improving several public' Walks.

The Grant alluded to by the Mayor I have not seen, but he spoke of it, with such certainty, as to leave no doubt on my mind of its existence.

When I advised the laying of a part of General La fayetts Grant on the unappropriated Land adjoining this City, I had no knowledge that any part thereof, was claimed by the City;—The interference of this Claim, may prevent the obtaining as valuable a Tract, as I at

proved Jan. 23, 1805, *ibid.*, pp. 28–29, the council provided immunity from arrest for its members on their way to and from their meetings, and by the act approved Jan. 26, 1805, *ibid.*, pp. 40–41, it established the compensation of its officers. Other early enactments of the council related to the assessment of court costs, auction sales, the duties of the territorial treasurer, court procedure, the manner of keeping public accounts, and punishment for criminal offenses (acts approved Dec. 29, 1804, Jan. 15, Jan. 23, Jan. 25, Feb. 2, 1805, *ibid.*, pp. 6–8, 10–25, 30–39, 42–45).

first contemplated;—But I nevertheless think the Land on each side of the Canal, to which there is no claimant but the United States will greatly enhance in value; and that the General's Interest would be served by locating the same in his Name. I would propose that an Area of 250 feet on each side of the Canal should be preserved, in order to admit of its enlargement, & of a Road to be ornamented with a double Row of Trees. It is probable, that New-Orleans will in a few years extend quite to the Bayou, and therefore I think that the Lands on the Canal, will soon meet with lucrative sales.—M^r Isaac Briggs who is now nearly restored to health, has promised in a few Days to visit with me, the Canal of Carondelet, and to give me his opinion as to the quantity, quality, and relative value of the vacant Land;—this opinion I shall transmit to you, for I place great Confidence in M^r Briggs' Judg'ment in matters of this kind.

With respect to the Aggregate of the Land granted to General Lafayette, I can only repeat, what I have heretofore mentioned, that the whole might be located to great advantage in various parts of the Territory; either on the Island of Orleans, the Red River, or the Attackapas; But it would be advisable to engage some judicious person to visit the different Districts, & select the best positions.—

I pray you to accept the best wishes of—Dear Sir, Your faithful friend

WILLIAM C. C. CLAIBORNE—

THE PRESIDENT OF THE UNITED STATES.

[*Endorsed*] Claiborne Gov^r N.O. Dec. 22. 04 rec^d Feb. 20.

RESOLUTION OF THE LEGISLATIVE COUNCIL¹

[NA:SD, Orleans Terr. Papers, v]

[December 31, 1804]

Orleans Gazette, EXTRA.—Dec. 31, 1804.

The following resolution was, on Saturday last moved in the Legislative Council, by Mr. Pollock—which (from the interest it will excite) we hasten to lay before the public:

WHEREAS certain troops of his Catholic Majesty yet remain in this city, appearing daily in its streets with arms, to the great annoyance of the good citizens thereof. And whereas a guard is regularly

¹ In the form of a small printed handbill. The covering letter, Claiborne to the Secretary of State, Dec. 31, 1804, is printed, Rowland (ed.), *Claiborne Let. Bk.*, III, 34.

mounted at the house of the Marquis de Casa Calvo by those troops, who are said to be detained for that purpose solely. And whereas the government of the United States, hath ever held inviolate the rights of hospitality, by a full protection of those who are under its laws, without foreign aid,

Therefore, *Resolved*, As the sense of the members of the legislative council, that such practices are not only dangerous to the peace and quiet of this city, but derogatory to the dignity of the government of the United States, and an infringement of its sovereignty.

Resolved further, That the president of the council be directed forthwith to transmit a copy of the preceeding resolution to his Excellency the Governor of this Territory.

Which resolution was read the first time, and agreed to.

Ordered That the above resolution be taken into farther consideration on Monday next.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VI:LS]

NEW-ORLEANS Jan^y 1st 1805

SIR, Great exertions are now making to revive the Louisiana Bank, and I understand the probability is, that the Capital required will in a few days be Subscribed.

My own doubts as to the Validity of the Charter are known, as is also the opinion of Some of the Officers of Government, that it was in itself a Nullity: But many Citizens seem nevertheless determined to adventure.

I am Sir with great Respect Your very Hb^le Sev^t

WILLIAM C. C. CLAIBORNE

THE HONB^le JAMES MADISON Sec^{ry} of State. —

[*Endorsed*] Gov^r Claiborne 1 Jan^y 1805 rec^d 21 Feb^y

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[LC:Madison Papers:ALS]

N^w ORLEANS Jan^y 4th 1805.—

(Private)

D^r SIR, In consequence of the Death of my private Secretary, and the temporary absence from the City of one of my former Clerks, I have not yet been enabled to forward a general Statement of my public' expenditures during the temporary Government—But it shall be done in a short time, and I trust you will discover that I have had a due Regard for œconomy.—

The existence of the Fever in this City, encreased in some measure my public' disbursements, particularly as it related to Clerk hire, but it was unavoidable, for business was pressing, and my own Indisposition, & that of my two Clerks, made it necessary that I should employ other assistants.

It would have been a fortunate event in every point of view, for my personal Interest, had I retired from the City, at the commencement of the sickly season;—But I was urged by duty to remain, and altho' in consequence thereof, my misfortunes have been heavy, I cannot attach to myself any Censure.—

The general sickness in my family, greatly added to my private expenses—So much so, that I am certain one half of my annual salary, would not reimburse the sum I have already expended, (on that account,) and meet the existing demands against me.—

It is certainly true, that a sense of duty, occasioned my continuance in the City; but altho' (from that Consideration) I do not know, that I can claim any allowance for extra expenses, yet I trust, the circumstance will be taken into view by the Officers of the Government, and that my Compensation as temporary Governor of Louisiana will be as liberal as Justice will permit.—

I am sorry to inform you, that great exertions (and with much success) have of late been made to revive the Louisiana Bank. Mess^{rs} Livingston, Jones and Clark have been active on the Occasion;—These Gentlemen it is said, will be large Stock-holders;—M^r Livingston has speculated to great advantage since his arrival;—In one speculation alone, he is represented to have made a clear profit of thirty thousand Dollars.

I am sorry the establishment of a Branch Bank of the U. States in this City has been so long delayed;—The want of a Bank, has greatly assisted the friends of the Louisiana Bank, some of whom, particularly those above named, with a view to private speculation, & under an expectation, that it would injure me, at the Seat of Government, are using all their influence & address to put the Bank in motion.—I have avowed my own doubts as to the validity of the Charter, & suggested that it had been viewed at the Seat of Government as a Nullity, But I believe the Capital required, will nevertheless be subscribed.—

Accept assurances of my great respect & sincere esteem!

WILLIAM C. C. CLAIBORNE

THE HON^{ble} JAMES MADISON Sec^y of State.

[Endorsed] (Private) Jan. 4, 1805 Claiborne W^m C. C. Jan^y 4th 1805

THE PRESIDENT TO GOVERNOR CLAIBORNE

[LC:Jefferson Papers:D]

WASHINGTON *Jan.* 7. 05.

DEAR SIR My last to you was of Dec. 2. since which I have recieved yours of Oct. 27.² Nov. 1.³ 4. 10. 19. & 25,⁴ in mine went two blank commissions for the legislative council, and the Secretary of state will by this mail send you two others. you will fill them up at your discretion as nearly as you can on the principles before explained. this of course includes my approbation of the appointments mentioned in your letter as intended to be made. since my last I have learned the death of mr Kirby; and mr John Brown tells me that I may count on mr James Brown not accepting his appointment of judge, but I get this information too late to get things back on their former footing, mr Graham having recieved the appointment of Secretary. what I must request of mr Brown is to act till I can send a successor (waiting however for his resignation naming a future day, as the last of May or June for instance) and I will at the same time send him a commission as Attorney for the district which his brother thinks will coincide with his views more than any other place. I am very much puzzled to find judges who can speak French.

A letter received yesterday from mr Pinckney dated Madrid Nov. 8.⁵ informs that the English minister had that morning recieved his passports to depart without taking leave. this circumstance following the British captures of Spanish vessels renders it certain that war is now going on between those two nations, altho' no declaration is yet received here.

M^r Briggs will have explained to you our purpose of running a mail below the mountains to N. Orleans by Tuckabatché & Fort Stoddart. from this last place to the mouth of Pearl river it must pass thro' the territory possessed by Spain but claimed by us. Col^o Monroe left London the 8th of Oct. for Madrid to settle that point. while it is under negotiation we think both parties should cautiously refrain from innovating on the present state of things. for this reason we think it proper to ask the consent of the Spanish government. this will be best done by yourself & I presume through the Marquis of Casa Calvo, who seems disposed to interpose usefully between the two governments. I suppose the post will have to pass about 70. miles by land through the territory they hold. Congress have not yet sanctioned the measure, but there is no doubt they will do it.⁶ we shall have to open a road from Georgia to Pearl river. but as that will

² *Ante*, p. 314.

³ Jefferson Papers (LC).

⁴ *Ante*, pp. 318, 333, 334, 338.

⁵ Not found.

⁶ Act approved Mar. 3, 1805 (2 STAT. 337-338).

take time, & we want an immediate use of that line, we propose to send immediately a mail of letters only, excluding printed papers, on horseback, along the most practicable Indian paths. we count on getting the distance from Washington to New Orleans performed in 12. days, as soon as the riders shall have learned the best routs. I must therefore pray you to take immediate measures to accomodate this matter with the Spanish officers, & to give me as speedy an answer as possible: as our mail will delay it's departure on that line only till I get your answer.⁷

Accept my friendly salutations & assurances of great esteem & respect.

TH: JEFFERSON

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xiv:C]

DEPARTMENT OF STATE, *January 7th 1805.*

GOVERNOR CLAIBORNE.

SIR. I have the honor to acknowledge your letters of the 18th ⁸ 23, ⁸ 24, ⁹ & 26 Nov^r ¹⁰—Though as a matter of courtesy the permission to Gov^r Folch and his officers to pass through New Orleans, could not be declined, yet it never could be understood that as to them it was intended or even possible for you to dispense with the operation of the laws or the proceedings of the Tribunals. Nothing therefore could be more unreasonable than the refusal of Don Garcia to submit to the arrest, nor more indecorous than the interposition of Gov^r Folch, and the Marquis of Caso Calvo as respects both the object they had in view and the manner of proceeding to attain it. Whatever privileges may have been incident to the character of the latter gentleman previously to the delivery of the Territories by France to the United States, there is no reason for their continuance and hereafter he ought to expect no more than that respect and attention in his private character which is due to him from the confidence his government has reposed in him and other titles to consideration.

⁷ See the Postmaster General to Piatt, Dec. 9, 1805, *Terr. Papers* (Miss.), v, 443-444. The following are also relevant: the President to Holland, Feb. 22, 1805 (Jefferson Papers, LC), and to the Postmaster General, Aug. 3, *post*, p. 488, and Aug. 25, 1805 (Jefferson Papers, LC).

⁸ Rowland (ed.), *Claiborne Let. Bk.*, III, 10-12, 13-16.

⁹ Not found.

¹⁰ NA(SD, Orleans Terr. Papers, v), discussing the disposition of the cargo of the *Active*, and reporting the death of Kirby on Oct. 20, 1804.

John Graham Esq^r late Secretary of the Legation to Madrid, who has been appointed Secretary of the Territory in the place of M^r Brown intends soon to proceed to New Orleans.¹¹

I am &c

JAMES MADISON.

JAMES BROWN TO THE PRESIDENT

[SD:Apt. Office Files:ALS]

NEW ORLEANS *January 8th 1805*

DEAR SIR, Altho the post will leave this in a few minutes, yet I cannot permit it to depart without a short reply to your very friendly and very flattering Letter of the 1st of Dec^r.¹² The change which you have made in my official standing here is calculated to gratify political ambition, and presents the means of gratifying a passion infinitely dearer to my heart, that of promoting the happiness of my fellow citizens. But there are circumstances to which even this laudable passion must yield, and at this moment I find myself subject to their controul. My property the fruit of sixteen years incessant application to my profession, is vested in Lands in Kentucky which under present circumstances are not easily made subservient to my immediate necessities. I have made an experiment in house keeping in New Orleans and find that the hire of a small but decent house, servants hire, and forage for two horses, have precisely exhausted my salary as Secretary, leaving the important articles of food, raiment, wood &c entirely unprovided for. I had however hoped that by engaging professionally in a few weighty causes where the fees were considerable I could subsist without embarrassing myself, exhausting my little acquisitions, or meanly supplicating my government for an increase of Salary—My knowledge of the French and Spanish languages and my reputation here as a Lawyer to which rumor had more than done justice, insured me success in the path which I had chalked out for myself. To accept the Office of a Judge at once deranges these plans and subjects me not only to the loss of a moment peculiarly favorable to the advancement of my private interest, but what is more serious to a loss of nearly 3000 Dollars annually.

The idea you have adopted of appointing to the Bench gentlemen who understand the French language is correct, and its beneficial effects have been evinced in the satisfaction the people have discovered on the arrival of the two Judges already here. Feeling myself in some degree restored to the independent ground of private life I will go farther and suggest an opinion that half the discontents existing here

¹¹ See Graham to the Secretary of State, May 3, 1805 (NA, SD, Orleans Terr. Papers, v1), written from Louisville, Kentucky, explaining his delay in leaving for New Orleans.

¹² *Ante*, p. 341.

have been produced by the total want of a knowledge of that language on the part of some other officers of the Government.

On the receipt of the Commission I shall again write you. In the mean accept among the felicitations of the great Majority of your Constituents my declaration of increased confidence in your administration, and my assurances that whether in Office or in private life my gratitude for the repeated marks of Confidence you have reposed shall cease only with my existence¹³—

I am Sir, Your Most Ob^t & very Humble Serv^t

JAMES BROWN

THOMAS JEFFERSON President United States

[*Addressed*] Thomas Jefferson President of the U States Washington—City By mail [*Postmarked*] New Orleans Jan. 8 Free

[*Endorsed*] Brown James. N.O. Jan. 8. 05. rec^d Feb. 20.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS Jan^y 10th 1805.—

DEAR SIR, I have received your Letter of the 2nd Ultimo, together with its several enclosures.¹⁴—

Your Letter to M^r Brown¹⁵ was immediately delivered;—that to Colonel Kirbey¹⁶ is returned to you, & whose death I presume you have by this time been informed of.—

M^r Brown has mentioned to me his Intention to decline serving either as Judge or Secretary; the Sal[']ary is not sufficient to support him comfortably, and finding a great opening at the Bar, he thinks it his duty to pursue his profession, and the more so, since his private Resources are too limited to justify any sacrifices.—I regret the resignation of M^r Brown; in any Character his services would have been valuable; but his knowledge of the Law & of the Languages, would have rendered him an acquisition to the Territorial Bench.—The sudden introduction of our Languages into Louisiana has indeed subjected the citizens to considerable Inconvenience and given rise to much discontent;—Exertions were made to remedy this Inconvenience—In the Court of Pleas which was established during the temporary Government, the Records were kept in French and English, & in the selection of Justices, the possession of the two Languages was considered by me as “having great weight against other qualifica-

¹³ Cf. Brown to the President, Jan. 15, 1805, and to the Secretary of State, same date, repeating the explanation here offered (SD, Appt. Office Files).

¹⁴ *Ante*, p. 342.

¹⁵ *Ante*, p. 341.

¹⁶ *Terr. Papers* (Miss.) v, 355-356.

tions".—In the Governor's Court, an Interpreter of Talents was al'ways present, and the Clerk of the Court from his knowledge of the French was enabled to transact (satisfactorily) to any business relating to his Department—But the circumstance of the Supreme Judge having but a very incorrect knowledge of the French was embarrassing to him & inconvenient to the Suitors.—

The organization of the Council has relieved me from much anxiety, & the care and prudence with which they act, afford me great satisfaction.

I am fearful of sudden Innovation, and therefore strongly advise the gradual introduction of the American System of Jurisprudence.—The Council have already determined that the Laws should be printed in french & English;

In the latter however, the Laws are to be passed, but official translations thereof are to be made, & this I presume will be satisfactory.

Doctor Sibley will probably decline serving as a councillor; he is a great supporter of the Memorial & censures the present provincial Government.

I shall not be mortified, at the Doctor's declining; his late appointment as a Surgeon in the Army, occasioned his Character to be investigated, & I have learned from correct sources that his Conduct in Life has been such, as to render him unworthy of Confidence;—The other blank commission you forwarded me, shall be filled with great care, & in my selection I shall be governed by the considerations you have suggested. It is however a difficult task to select councillors from among the ancient Louisianians; a few will decline from party motives;—some from a distrust of their Talents, & others from a fear of being abused in the Papers. The press here is an object of Terror, & its licenciousness, the constant topic' of conversation among the Louisianians. Of late the Livingston & Clark party have attacked my past & present administration with great malevolence, & it is expected that the Council in their turn will be the victims of Calumny.—I have nearly completed a copy of my official Journal during the temporary Government; It shall be forwarded to the Secretary of State as soon as possible, and if any of the charges exhibited against me by anonymous Writers, should be deemed worthy of notice, I must refer you for my defence to that Journal.—

With my best wishes for your happiness—I have the honor to be with great respect Your faithful friend

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE U. STATES.

P.S. I have enclosed you a publication ¹⁷ which was to have appeared in the Orleans Gazette; but which the Editor at my request has sus-

¹⁷ Enclosure not present.

pended—It relates to Doctor Sibley, & I have read it with regret & astonishment.—I had always supposed Doctor Sibley a Man of reputation & as such I mentioned him to you in one of my Letters.

I still hope this publication is a calumny, but there are Gentlemen here from N. Carolina who support the statement.—W.C.C.C.

[*Endorsed*] Claiborne Gov^r N.O. Jan. 10. 05. re^{ed} Feb. 20.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VI:LS]

NEW ORLEANS *January* 13th 1804 [5]

SIR, The Incipient Capital of the Louisiana Bank has been Subscribed, and the following Gentlemen Elected Directors, to Wit.—Paul Lanuse, James Pitot, Julien Poydrass, Daniel Clark, Michael Fortier, John Soulie, Thomas Harman, Thomas Urquhart, William Donaldson, John F Merieult, Francis Duplessis, James Carrick, John M^oDonogh, John B. Labatut, and Nicholas Girod.—The People have of late received an opinion that a Bank would be of great public Utility, and notwithstanding they were advised of the doubts which existed as to the validity of the charter, they were determined to make the experiment.—

The Civil Government here, will very soon I trust be perfectly organized, and then (unless our differences with Spain should assume a friendly aspect) there will be no necessity for more than one Company of regular Troops in this City; the balance may be ordered to Plaquemine, and our Frontier Posts where they may be serviceable;—The enclosed Letter which I have this moment received from the Commanding Officer at Natchitoches,¹⁸ will shew you the great increase of the Spanish force in the Province of Taxus.¹⁹

I have the Honour to be Sir Your most obd^t Hb S^v

W^m C. C. CLAIBORNE

THE HON^{bl} JAMES MADISON—Secretary of State—

[*Endorsed*] Gov^r Claiborne 13 Jan^y 1805 rec^d 21 Feb^y

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VI:LS]

NEW ORLEANS *January* 14th 1805

SIR, I have this moment received your Letter of the 15th December²⁰ enclosing my Commission as Governor with the approval of the Senate,

¹⁸ Dec. 27, 1804 (Rowland, ed., *Claiborne Let. Bk.*, III, 30–31).

¹⁹ Answered Feb. 25, 1805, *post*, p. 397.

²⁰ *Ante*, p. 353.

and sundry other Commissions for officers of The Territory of Orleans. I am greatly indebted to the Government for their renewed evidence of confidence, and I pray you to be assured that every effort will be used by me, to support and advance the Interest of my Country.

Your Instructions concerning the Hero have in part been anticipated, all the French and most of the English have landed; some of the Latter from considerations of Humanity have been placed in the Marine Hospital as was stated in a former letter, and I learn the Vessel will depart in a few days.

Your opinion and instructions relative to the introduction of Slaves into the Mississippi shall regulate my Conduct.

I have the Honor to be Sir with Respect and Esteem Your most obd^t and very Humb^l Serv^t

WILLIAM C. C. CLAIBORNE

THE HONB^l JAMES MADISON Sec^{ry} of State

[*Endorsed*] Governor Claiborne 14 Jan^y 1805 rec^d 21 Feb^y

JAMES BROWN TO JOHN BRECKINRIDGE

[LC:Breckinridge Papers:ALS]

NEW ORLEANS *January* 15. 1805.

MY DEAR SIR I received your favor of the 13th Ult^o ²¹ and sincerely rejoice at the renewal of a correspondence from which I have formerly derived both pleasure and instruction. Confidant that my situation is not the most favorable for the collection of interesting events, I despair of being able to repay you for your agreeable favors but hope by the frequency of my Letters to evince a desire to entitle myself to some portion of your attention.

You concluded correctly when you formed the opinion that an appointment in the Judiciary would not meet my wishes. Indeed situated as I am it would have involved me in serious inconveniences to have accepted it. My funds are all in Kentucky and cannot be abruptly transferred without very heavy sacrifices—The rent of a plain but decent House, the hire of four Servants, and the forage of two horses would precisely exhaust the Salary of a Judge, leaving him destitute of food, raiment, and wood, and the thousand unenumerated articles which enter into the details of house keeping. Thus situated I could not avoid resigning and my only concern was to avoid giving pain to the President who I believe in this instance considered himself as conferring a serious benefit. I have endeavored to impress him with the reasons which induced my resignation, and to assure him that

²¹ Not found.

no change in my situation could eradicate my partiality for the system which he has so successfully administered.

You will discover that the Governor is the subject of some warm attacks in the papers of this City. The situation I have lately filled has given me the means of judging of his conduct and talents, but has at the same time imposed some reserve in alluding to his official conduct. This reserve is increased by my aversion for personal politics to which I feel sensible I have devoted too much of my youth, and by my wish to confine my future views to the sphere of my profession which is now my only support. Indeed the facts alluded to happened long before my arrival and consequently I can say nothing about them. Ignorant of the languages of the Country he labors under great disadvantages, and finds it impossible to withstand the general cry of unpopularity with which he is assailed. Happily for M^r Jefferson the same dislike does not exist as it respects the Judiciary. The Judges speak French are extremely popular and have done much towards quieting the public mind—.

Your ideas respecting the Memorial correspond precisely with my own. To give them the second grade of Gov^t, if given politely, will do provided the helm here is held with a prudent hand. You are right in your opinion that the Commissioners are men of respectability—indeed they are connected with the first characters in the Country and are universally respected—You may do me an essential service by treating them with every mark of attention.

I felicitate you on the domestic occurrence to which you allude, and sincerely hope that my friend Grayson will make your good hearted Letitia happy. M^{rs} Brown will write her by the ensuing mail—

The French & Spanish Languages have been of real use to myself here and have enabled me to serve the views of Government They have introduced me into every circle and have afforded me the means of giving assurances to the Citizens respecting the intentions of Congress which have given general satisfaction. In my profession I should starve without a knowledge of these languages. Two Balls and two plays every week afford the means of amusement to those who wish to kill time, and could we forget the scenes of last Summer we might be happy

Adieu God bless you

JAMES BROWN

THE HONB^l° JN^o BRECK^{es}°

[Addressed] The Honble John Breckinridge Senate of Congress
Washington. City By mail [Postmarked] New Orleans Jan. 15
Free

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VI:LS]

NEW ORLEANS *January 19th 1805*

SIR, I feel myself bound in duty to myself and the Government I have the Honour to serve, to forward to you the enclosed papers²² containing some severe strictures on my late administration, general public character and private manners; and I hope I shall be excused for offering some observations on the principal matters of accusation. I trust the Executive will not readily believe, that the affairs of this Territory have been administered in the slovenly and ridiculous manner exhibited by those Papers; and I feel it a justice due my own reputation to take the earliest opportunity of meeting the calumny in that quarter, where it seems to be the object of the writer to injure me.

I at first contemplated a publication of the Documents that went to my exculpation, but I was dissuaded from it by a conviction that those pieces would do me only a temporary injury here, and that the people would soon be aware of the characters and real objects of those who have so wantonly attacked me. Under such circumstances I thought a perfect silence on my part, would not only be the most dignified, but also the most prudent conduct to pursue. I have however determined through your Department to convey to the Executive a few comments upon the subject as next to an approving conscience, the approbation of the President, is the first object of my ambition, the most anxious wish of my Heart.

My accusers you will observe take great pains to impress the Public with an opinion that my Government here commenced "under the most favorable auspices", an assertion contradicted by every circumstance of the times: But on this point my former Letters to you were so explicit, as to supercede the necessity of entering into detail. I will therefore in general terms state that when possession of Louisiana was received the aspect of affairs was not such as promised either a pleasing administration, or a happy result. The People were Split into Parties, divided in their affections, and the Sport of Foreign and Domestic Intriguers. The functions of Government were nearly at a stand, and much was wanting to produce System in and restore order to the different Departments.—Great changes were expected under the new order of things, and more was required to conciliate and attach the general sentiment to the American Government, than my resources permitted or the energies of any one man could accomplish. The honest distrust which I entertained of my Talents;—the sincere diffidence with which I entered upon the duties of my office; my constant reluctance to exert any of the large discretionary powers entrusted to me, except when urged by imperious necessity, or the strong pressure

²² Not present.

of Political expediency, and my anxious solicitude for the speedy termination of the provisional Government are all known to you. I could not but be sensible of the difficulty and peril of my situation. My Successor may perhaps enter upon his office with more pleasing prospects, and I pray God he may acquire many Laurels—But in being the first appointed to conciliate a people of different Manners, Languages and Nations, to introduce among them Principles of Government and a System of Administration altogether new to them, which few understood, and not many sufficiently appreciated, I felt myself as one, sent on a forlorn hope risqueing my political reputation in the Breach, where every arm raised against me, would be raised with advantage.

Fortune however so far favored me as to have brought my Provisional administration to a peaceful close—that I committed errors I will readily admit, but I am not sensible of having been betrayed into any material measures, that I can reflect on with self accusation. It is true I did not do so much as some seem to have expected, nor was my administration marked with any of those strong traits which some would call energy, but others more properly oppression. A charge of Tyranny on the one part, or imbecility on the other was equally an object of dread, I was solicitous to steer that course which a just and conciliatory Policy dictated—But I expected that by avoiding either extreme, I should subject myself to the imputation of its opposite, and it seems I have not been disappointed. The continuation of the Spanish Troops here after the expiration of the time limited by the Treaty was a subject of serious uneasiness to me, and one on which the Commissioners from time to time expressed much solicitude, and urged frequently the immediate removal of those Troops. Our Correspondence with M^r Laussat I trust sufficiently evinces our dispositions and exertions in that behalf. To take any other measures to hasten the departure of those Troops would have been unauthorized on our part, and I doubt even had we had the authority whether we had the force necessary to carry any compulsory measures into effect.

As to the Marquis of Casa Calvo's having retained a centinal at his House, it never gave me any uneasiness, and indeed I knew not until lately that it was ever considered as an object of Jealousy by any of our Citizens.—I however communicated the circumstance to you,²⁸ and considering from your silence, that you viewed it as I did, in a very unimportant light, I did not interfere on the subject 'till lately, on a complaint made against the guard for an outrage on a

²⁸ Claiborne to the Secretary of State, Jan. 5, 1805, enclosing Ross to Claiborne, Dec. 6, 1804, Claiborne to Casa Calvo, Dec. 8, Dec. 29, 1804, Jan 4, 1805, and Casa Calvo to Claiborne, Dec. 8, 1804, and Jan. 2, 1805 (NA, SD, Orleans Terr. Papers, VI).

Citizen, and the centinel was discontinued at my request.—Concerning the affair of M^r Hulin it will be necessary for me to enter into some explanation, as you are yet unacquainted with the circumstances of that contest, and the statement exhibited in the enclosed paper has not wanted the aid of Professional skill to render the writers cause as plausible as possible.—The enclosures No^s 1, 2, 3 & 4 are copies of Official Letters on the subject;²⁴ and the certificates No^s 5 & 6 will go in explanation. These Documents will place the transaction in its true point of view. I have only to add in further illustration of the subject, that between the Marquis and the Intendant, there subsists not only a Political rivalry, but even a personal hatred.—Hulin is a Man little known except as a Dependent of the Intendant's. Villamil is a violent partizan of the Marquis's, but his wife, Madam Villamil is in the opposite Interest, having been long seperated from her Husband, and enjoying in a particular manner as is said the protection and intimacy of the Intendant. When the subject was first mentioned to me by the Marquis, I was led to understand that his intention was under the authority of the Government of Havana, to procure testimony touching the official conduct of the Intendant, not having the most distant idea that he intended to interfere in any manner with the right of M^r Hulin or M^r Villamil to property still within this Territory.

It is true that I learned from the Marquis that Hulins Title was a fraudulent one, and at his request I notified the Notaries Public (before whom Bills of Sale for Slaves are taken) that such suggestion had been made in order that the property might not be alienated until Villamil might have an opportunity of supporting his claim before a competent Tribunal.²⁵—Under a like impression that the Intendants Official conduct alone was the object of the Marquis's investigation. M^r Randall at my request asked M^{rs} Villamil to permit one of her Servants to attend at the Marquis's House for half an hour. It was a request made by me to gratify a wish of the Marquis, and M^{rs} Villamil was at liberty to comply or not as she pleased. As to the Story of the insolence of the Spanish Sodier sent by the Marquis to M^{rs} Villamil, it is denied by the Marquis's Secretary, and I am inclined to think it not correct. M^r Hulins Memorial (quoted in the Paper) was not presented to me until about the last of July or the first of August—not long before I was taken with the Yellow Fever, and the Memorial remained unread until after my recovery.

²⁴ Enclosures 1 to 4 not present. Cf. Casa Calvo to Claiborne, June 16, July 26, Sept. 12, and Claiborne to Casa Calvo, Sept. 5, 1804, *ibid.*, IV, V. The last-mentioned letter is printed, Rowland (ed.), *Claiborne Let. Bk.*, II, 320–325, and contains all the relevant facts on the Villamil case.

²⁵ Claiborne to Pedesclaux, June 16, 1804 (Rowland, ed., *op. cit.*, II, 219–220).

Viewing this contest from the beginning as one arising altogether out of the private animosities of two foreign Officers, in which neither I nor my Country was any wise interested, I was unwilling that my name or Authority should be used on the occasion, and was also desirous that the affair might terminate without troubling our Government, or involving its Officers in the question. But so soon as I discovered that the Marquis had proceeded to unauthorized lengths, and called upon me to carry into execution his Decrees between persons amenable only to the Territorial Tribunals, my conduct was immediately such as a knowledge of the rights of my Country dictated. That conduct is communicated in the Correspondence, and I trust will be approved of.—You will observe that to the Marquis's last letter I returned no answer—But my silence may be attributed to the then pressure of my Domestic misfortunes, and the early approach of the period which limited my Judicial powers.

The injurious and ill-founded allusion made to the influence of the Marquis over my conduct deserve no notice. The truth is that nothing but a formal intercourse of civilities ever subsisted between us, and even that has been discontinued since the affair of Don Manuel Garcia, in which, tho exclusively a Judicial proceeding, the Spaniards thro ignorance have supposed me to have been concerned.

It may perhaps be to you a matter of curiosity to know the nature and extent of the party, to which I am indebted for those unfriendly attacks.—I have therefore no hesitation to tell you, that they proceeded originally from the resentment of M^r Daniel Clark, who conceiving himself entitled to the confidence of the President and perhaps some distinguished situation in the Administration here, is mortified to find himself so entirely overlooked. To his party M^r Edward Livingston, who as prudence ought to have suggested, probably at first intended no interference with the Politicks of the Country, was too easily persuaded to attach himself, and his opposition to me and the acts of the Government I represent speedily ensued. I early discovered the Political views of these Gentlemen, they went (in my opinion) to injure the Interest and Character of our Government in this Country, and I therefore pursued such a line of conduct towards them and their measures as my duty required. I might I believe name another Gentleman late of New York as attached to this Party from whom I did not expect opposition;—But the party are few in number, and but for the standing which their Talents give them, would not be considered as formidable. For my part the plain and economical habits in which I have been educated and hitherto lived, united to a candid and unsuspecting disposition, qualify me but badly for a personal competition with those whose manners have been formed on a model better calculated for the Etiquette of this City, and who from long practice, are more con-

versant with the Arts of intrigue.—To what lengths the opposition to me may be carried I know not—But am inclined to think that nothing will be left unsaid, which can wound my feelings, and that my public and private Character will be cruelly misrepresented.

I pray you Sir to lay this Letter before the President, and should be much obliged by your early communication to me, of any Sentiment he may be pleased to express.²⁶

Accept assurances of my great Respect, & sincere Esteem!

WILLIAM C. C. CLAIBORNE

P.S. In the Paper called the Union a piece written in broken English ridiculing the Memorialists was published. This production greatly irritated the ancient Louisianians, and my enemies told them that it was published with my knowledge and approbation, as was every thing else which appeared in that Paper—To shew you what foundation there was for those reports, I refer you to the enclosed certificate from the Editor of the Union marked N° 7. W. C.C.C.

[Endorsed] Gov^r Claiborne 19 Jan^r 1805 vindication of his general conduct.

[Enclosure:ADS]

Certificate of Thomas S. Kennedy

[January 18, 1805]

The Undersigned has for some time past been employed in the Office of Governor Claiborne.—

To the best of his recollection he thinks, that about the last of July or the first of August in the year 1804 M^r Edward Livingston handed a Petition²⁷ to Governor Claiborne, and said that it was upon the

²⁶ Acknowledged Mar. 18, 1805, *post*, p. 418. The letter was transmitted to the President by the Secretary of State in a letter of Mar. 17, 1805 (Jefferson Papers, LC), the relevant portion of which reads:

“ . . . You will find that I obey the wish of Gov^r Claiborne in taxing you with a lengthy communication from him rendered necessary by the persevering & elaborate attacks of his political adversaries. Fowler of Kentucky shewed me yesterday two letters one from James Brown, the other from Bradford the Editor of the Newspapers. Brown without indicating any personal ill will ag^t the Gov^r appears to concur fully in denouncing his want of talents and weight of Character. He confirms the news given by others of the quiescent disposition of the Louisianians. Bradford is bitter, wishes it to be inferred from circumstances which necessarily mean nothing unusual, that the Gov^r endeavored to give him a sop, in the job of public printing, and declares that if no removal takes place, the federal party will gain the upper hand of those attached to the administration, among whom he classes himself as one of the most zealous. His letter intimates that he had in a previous one mentioned two persons whom he does not name as fit successors to Claiborne; but that he would name as preferable to all others. Chancellor Livingston in whose character he finds all the desirable qualifications.”

²⁷ Not found.

Subject of the Marquis's improper interference about some slaves, and that after some little conversation the particulars of which he does not recollect the Governor said he would take the subject of the Petition into consideration. About the time this Petition was handed in M^{rs} Claiborne was taken sick, and the Governor himself was every day complaining of being more or less indisposed; and was at last on the 9th day of August taken ill of the yellow fever.

Early in September the Translator for the Government (M^r Derbigny) handed in Translations of two Letters from the Marquis of Casa Calvo,²⁸ which had been written in June—I heard the Governor regret exceedingly the delay of the Translations saying in substance “that they were important Letters and ought to have been sooner received, since they confirmed certain improper proceedings of the Marquis in relation to some Negroes; concerning which he had heretofore heard some reports, but did not credit them” The Governor immediately set about answering those Letters. He was then in a low State of Health and greatly enfeebled;—I recollect advising him frequently, not to attend to Business in His then debilitated Situation—But he replied, “the Letters of the Marquis are of such a nature, as to render an immediate answer necessary. I have also heard the Governor say that the Marquis and the former Intendant Morales were at Variance and that the Marquis was so solicitous to prove the Mal-conduct of Morales, that he had gone so far even, as to take the Deposition of Slaves

THOMAS S. KENNEDY

NEW ORLEANS Jan^y 18th 1805—

[Endorsed] N^o 6 A Certificate of M^r Thomas S. Kennedy.

[Enclosure:ADS]

Certificate of John Kidder

[January 18, 1805]

I certify that I was Editor of the paper called the ‘Union’ when a peice in broken English was published signed Serpent d’eau I beleive Governor Claiborne knew nothing of that peice untill he saw it in print for he immediately afterwards expressed to me his great regret at the publication, saying that every thing should be avoided that might tend to irritate the public mind—I further certify that I never did consult Gov^r Claiborne what I should or should not publish. The paper was conducted according to my own judgment & I know of no influence attempted by Gov^r Claiborne over the press, except a general

²⁸ One is dated June 16, 1804 (NA, SD, Orleans Terr. Papers, IV). The other letter referred to has not been found.

wish, which he more than once expressed that nothing might be published which would tend to divide or agitate the Citizens.

NEW ORLEANS 18th Jan^r 1805.

J. KIDDER.

[*Endorsed*] [N^o 7] Certificate of M^r Kidder late Editor of the Union—

[Enclosure:DS]

Certificate of John Watkins

[January 21, 1805]

The following is a Statement of what I recollect relative to the circumstances of Hulins case, & the Correspondence which took place between the Governor and the Marquis of Casa Calvo upon that Subject—

I well remember that shortly after the Governors illness, and while he was still Low and very feeble I found him at his Table writing. I censured him for attending to business so early, while his Health and even his life was in so precarious a state and requested him to retire to his chamber—He replied that the occasion was such as to make it necessary for him to act; that by translations of Letters from the Marquis of Casa Calvo just received, he had learned that the Marquis had attempted to use Judicial Authority in Louisiana. He added that information to this effect had been before given him, but that he had discredited it in consequence of the Verbal explanations of the Marquis, and of Don André his Secretary. The Governor seemed very much hurt on the occasion, and regreted that the Translator for the Government, had so long delayed furnishing him with Translations. I further remember to have been present at a conversation between the Governor and M^r Derbigny the Translator for the Government, upon the Subject of the Marquis's Letters. The Governor lamented the delay and said that it had Subjected him to embarrassment and censure, and that his Silence might have encouraged the Marquis to a proceeding which was highly improper. M^r Derbigny replied that he himself equally regretted the delay, that being uninformed of the importance of the Letters, they had been laid aside with many other Papers for Translation and forgotten, or neglected by the press of Business, otherwise Translations would have been earlier made. This Transaction took place some where about the first of September 1804

JOHN WATKINS

NEW-ORLEANS Jan^r 21st 1805

[*Endorsed*] N^o 5. A Certificate of Doctor John Watkins—

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VI:ALS]

(Private)

NEW-ORLEANS *Jan*^y 21st [1805]

DEAR SIR, On perusing the Copy of my Letter of the 19th Instant, I find that my feelings (when speaking of the difficulty of my situation) led me to introduce a Military Simile, which is inapplicable & improper. You will oblige me therefore, if you will correct that part of my Letter of the 19th where the Simile of the "forlorn hope" appears, in such manner, as to make it read "I considered myself as sent on an undertaking hazardous to my political fame, and placed in a station, where every Arm raised against me, was raised to advantage".

I am D^r Sir, With great Respect Your friendW^m C. C. CLAIBORNEJA^s MADISON Esq^r

[*Addressed*] The Hon^{ble} James Madison Sec^y of State City of Washington. [*Postmarked*] New Orleans Jan. 22

[*Endorsed*] Gov^r Claiborne 21 Jan^y 1805

 JAMES BROWN TO JOHN BRECKINRIDGE

[LC:Breckinridge Papers:ALS]

NEW ORLEANS *January* 22nd 1805

DEAR SIR, By the last mail ²⁹ you were apprized of my resolution to resign the office of Judge of the Superior Court of this Territory, and I now have the pleasure of addressing you from the independent ground of private life. The pleasure of the independence and liberty which I now enjoy is enhanced by the honorable circumstances under which I took my leave of Office; and so far from feeling chagrin at the arrangements of the President to which my present situation is attributable, I am impressed with sentiments of gratitude for the repeated marks of his confidence manifested by the two appointments conferred upon me. Had it been possible to have preserved that pecuniary independence, which you know I have ever held sacred, in the Office to which I was last appointed, I believe I should have overlooked the flattering prospect of professional profit, and have yielded to the wishes of M^r Jefferson and my newly acquired fellow Citizens. But this you are sure was impossible; and I was compelled to forego the prospects of Utility, to preserve my independence. Yet in the walks of private life I have the disposition, and may some times have the power of doing good by recommending wholesome regulations, or apprizing the Government of dangers which might otherwise escape their notice. Confiding strongly in the correctness of your political

²⁹ Jan. 15, 1805, *ante*, p. 369.

creed, and knowing how deeply you feel interested in the prosperity of all the Country watered by the streams of the Mississippi I shall always derive pleasure from the communication of such local information as I may suppose may be valuable to you, or such as you may from time to time require of me.

It is generally expected here that the Memorial will only succeed so far as to obtain us the second grade of Territorial Government. Should the present system be continued until October I have conceived that much good might be done by availing ourselves of the assistance of the Council to adopt a good code of Laws for the Government of the Territory. We possess all the materials for the able execution of such a work The Civil law—the Spanish Ordinances—the British Statute and Common Laws, and the codes of all the States are spread before us, and the people are prepared for the reception of a code ably compiled from these several systems—The Council is composed of characters ready to adopt a code which would meet the approbation of our Judges and American Lawyers. Should a good system be adopted it will probably long remain unchanged, provided the Governor has the firmness to exercise that negative over the Legislature and counsel, with which the second grade of Government will invest him. If such a code is not in operation on the commencement of the second grade of Government, it is but too probable we shall remain sometime without Laws or with a system too motley and complicated to be understood by our ablest jurists. The members of the Council & House of Representatives will generally be attached to French Laws and will pass only acts resembling the Civil Law and the Spanish Ordinances formerly in force here These will be rejected by the Governor, whose laws when drawn up and transmitted to the Legislature will meet a similar fate; and thus the system which could now be adopted with ease will be steadily rejected—Impressed with these ideas the Council appear disposed to engage M^r Livingston and myself to digest a Code; but such is the unfortunate dislike of the Governor towards the only man in whom the Council seems disposed to confide as my assistant, that it is believed the measure will fail and the Country be left without any laws except a few unimportant ones which relate to the Militia &c &c. Too great a stranger to past events I cannot pronounce whether the charges daily exhibited in the papers ag^t the Governor are or are not true. He has some friends who give him credit for good intentions, but admit that he wants capacity and firmness; whilst his enemies, as you may see, deny him all the qualities necessary to an able administration of the Government—Totally ignorant of the Language of the Country, and being disliked by almost all who speak it, he will find, I fear, some difficulty, perhaps an impossibility of regaining the public confidence which he seems to have lost. Indeed “entre nous” I fear that the unpopularity

of his administration may occasion a prevalence of the detestable doctrines of Yankee federalists amongst us. Men whose whole lives have been devoted to the abuse of M^r Jefferson and republicanism here declare that they belong to our party, and apologize for the change by a libel on the politics of our first Magistrate. They declare that they were federalists at Boston, because the politics of the republican party were hostile to that part of the Union, but that in Louisiana, they can calculate on enjoying the benefits derived from our Selfish system, & that therefore so long as they remain here, they will join our phalanx. These ingenious casuists are high in confidence, and some of them hold important offices. Should they conduct us on to Statehood, and succeed in disgusting the people with our first Magistrate, they will probably reflect that "one good turn deserves another", and when they have aided their Yankee brethren with Two federal votes in the Senate, and one or two in the H of Representatives they will justify the change by declaring that in the dependent condition of a Territory, good policy required that they should be republicans, but that when able to give weight to a party, their consciences compelled them to adopt the principles of the Federalists.—

The establishment of a Bank here which we are assured meets the approbation of M^r Jefferson will soon bring an immense Capital into Action. The improvements of the Town and the rise in the price of produce will evince the importance of an Institution which calls from the cellars of Misers their hidden dormant capital and gives it life and action. The rapidity with which the shares have been subscribed far exceeds all example, and the business of discounting will soon commence on a liberal scale—

I pray you to write me by every mail and believe me Your sincere friend

JAMES BROWN

THE HONBLE JOHN BRECKINRIDGE

[Addressed] The Hon^{ble} John Breckinridge Senate of Congress Washington City By mail [Postmarked] New Orleans Jan. 22 [Readdressed] Lexington Ky [Postmarked] Washⁿ City Mar 16 Free

[Endorsed] J. Browns letter

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, vi:LS]

NEW ORLEANS *January 26th 1805*

SIR, I enclose you the third number of the Public accuser.³⁰ You will see the Gall of my Enemies and the Zeal with which they embrace every occurrence to annoy my feelings. I feel as if I was trespassing

³⁰ Not present.

upon your important duties, in soliciting your attention for one moment to News-paper Publications—But when you perceive the malignity of my opponents, I trust you will excuse the desire I manifest to keep the Executive advised of my answers to the charges exhibited against me.

With respect to the Militia I need only observe, that my conduct was such as my duty prescribed and my judgment approved.—The formation of the Volunteer Corps was a matter of expediency; in acknowledging the Battalion of free people of colour, and presenting to them a standard, I acted in conformity to the instructions from the Secretary of War and the delay attending the organization of the Militia generally was the result of necessity. As to the guard stationed at the Government House, it consists only of a Corporal and three men, who are designed to give security to the Records of the Province (delivered to the Commissioners) which are deposited in a Room on the ground Floor. I do not know that any person would feel a disposition to disturb those Records, but as they are important, and their present situation somewhat insecure, it seemed to me (that during the continuance of the Troops in this City) there would be a propriety in having a Centinel placed at the Government House. As to the orderly guard alluded to, I was during the Provisional Government furnished every day with a Sergeant, who carried Messages and Letters from my Office, and as I find such a Character still useful, I continue to avail myself of the politeness of the Commanding Officer in this particular.

Upon the subject of Lieutenant Doyles marriage, my conduct has been cruelly misrepresented, and I strongly suspect that my Enemies have carried their malignity so far, as to have obtained (by artifice) from a young Creole (who speaks but a few words of English) a statement upon oath, which does not contain a single fact. M^r Doyles Marriage was not with me, an object of any concern; I knew the young man only by name, his folly I regretted, but the Elopement being effected, I thought it best to prevent the girl from being dishonored, to permit the Marriage.

The representation of M^r Orso (altho on oath) as to my agency in the Business is without the least foundation. Several Gentlemen having a knowledge of the facts attending the Marriage, have furnished me with Certificates upon the subject which are herewith enclosed marked N^{os} 1. 2 ³¹

I do not know that I shall again trouble you with any remarks on anonymous writers—I feel as if you would deem them unworthy of such attention;—But really when such a Deposition as M^r Orso's

³¹ There are four other certificates enclosed, nos. 1 to 4, to the same effect as the one here printed; namely, those of George King, Jan. 23, W. A. Murray, Jan. 23, J. W. Gurley, Jan. 25, and James W. Lanier, Jan. 26, 1805.

can be obtained, I fear that Neither Integrity, Prudence or any other virtue, can shield the Reputation of a Public Officer from malignant calumniators.³²

I am Sir very Respectfully Your Hb^l• Serv^t

WILLIAM C. C. CLAIBORNE

P S. The Petition published was I believe written by myself; —The friend of M^r Doyle (a M^r Randall) brought a written application for a License, but being improper, I gave a form of a Petition, which form he preserved, and by way of revenge because I would not appoint him an auctioneer, he has given to the writer of the accuser—W.C.C.C.

[*Endorsed*] Gov^r Claiborne 26 Jan^r 1805 M^l• Orso's elopement

[Enclosure:ADS]

Certificate of John Watkins

[January 22, 1805]

DEAR SIR With respect to the marriage of Lieutenant Doyl' and Miss Orso which has become a matter of news paper discussion I give you the following particulars as coming within my knowledge.

On the evening of the elopement I went to the Governors where I found him and M^r Gurly conversing upon the subject, which until then I had never heard of. The Governor stated to me that he had just received information of the parties being together in a private house, & read to me a petition from them, praying a Licence, which he added could not be granted without first obtaining the consent of the Parents of the Young Lady. At this moment M^r Thomas Randal came into the Room and was requested by the Governor (as he spoke French and knew M^r Orso's family) to wait upon the old Gentleman & inform him that the Governor wished to see him upon the unfortunate subject of his Daughters marriage. M^r Randal soon returned and stated that M^r Orso himself was ill & in Bed, but that his Son had promised to come, who accordingly entered a few minutes after. Young M^r Orso appeared greatly distressed, excused his fathers not complying with the Governors request and observed that a visit from his Excellency might sooth the old Gentlemans mind and would be gratefully acknowledged by the whole family. The Governor consented to go under the impression that a reconciliation might be brought about & asked me to accompany him. We found the family in the utmost distress. The old Gentleman was in Bed and appeared to be deeply & sincerely affected. The Governor regreted what had happened, told him that he had been solicited to give them a licence, but that he would not do it without his consent, & asked him what he wished to be done? The old Gentleman replied, that of two evils

³² Acknowledged Mar. 18, 1805, *post*, p. 418.

he would chuse the least, & that although nothing should ever induce him to be reconciled to them, yet he could wish that since they were already together that the marriage might take place immediately and prayed that his Excellency would see it accomplished. The Governor assured him that he would. The old Gentleman took the Governor by the hand and in Tears thanked him for such marks of condesention & goodness. We retired and the ceremony was performed by Father Welch between ten & eleven oclock at night, in the presence of the Governor and several respectable private Gentlemen. I was fully persuaded at the time and do still firmly beleive that the whole of the Governors conduct relative to this affair was governed by the purest motives of benevolence, & the most conscientious regard for the reputation and happiness of the parties concerned. I view his agency in this affair not only as blameless but as one of the most virtuous and praiseworthy acts, ever performed by him or any other member of Society. I view in it the salvation of innocence, and the laudable attempt to heal the wounds of an afflicted Father.

JOHN WATKINS

N: ORLEANS *Jan*^y 22—1805—

[*Endorsed*] N^o 5—Rec^d in Gov^r Claiborne's 26th *Jan*^y 1805. M^r Kennedy

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, vi:LS]

NEW ORLEANS *January* 27th 1805

SIR, The Last Northern Mail met with a misfortune. The Rider reported that (about twelve leagues from the City) he was thrown from his Horse in the Night, and when he overtook him the Portmanteau was missing.—It was found a few days ago by an Inhabitant floating in the Mississippi near the Shore and was immediately forwarded by the Civil Commandant of the District to me. The Portmanteau had been forced open, the Letters and Packets were very wet, but did not appear to have been examined;—many however are supposed to have been lost.—It is probable the Horse after throwing the Rider (who I suppose was drunk) was met by some person, who opened the Portmanteau in search of cloathing or money, and finding none threw it down near the waters-edge.

This misfortune delayed the departure of the Mail from hence to Washington for one week. I have nothing of importance to communicate—The Council are still in Session and their proceedings evidence much prudence—The Members are of opinion, that their per diem allowance should be paid out of the Treasury of the United States, and are desirous of receiving their compensation.—If an appropriation

for this object has been made, I will thank you to inform me thereof.³³ The intercourse between the white Citizens and the Indians West of the Mississippi is at present not subject to much restraint. Since the first of October, several persons have carried on Trade with the Indians without License, and not having myself received instructions upon the subject, I feel a delicacy in interfering, and the more so, since by the act for the Government of the Territory, the duties of Superintendent of Indian Affairs does not devolve upon the Governor.³⁴—I wish Sir you would mention this subject to the President—If the Intercourse with the Indians is not carefully guarded, disputes will soon arise—At present the most perfect good understanding exists, and until I receive your orders, I shall give such instructions from time to time to the Commandants of frontier Posts as are best calculated to preserve the existing harmony.³⁵

I am Sir with the Highest Respect and Esteem your most obed^t & very Hb^l S^t

WILLIAM C. C. CLAIBORNE

THE HON^{bl} THE SEC^{ry} OF STATE

[Addressed] The Hon^{ble} James Madison Sec^y of State City of Washington

[Endorsed] Gov^r Claiborne 27 Jan^y 1805 Payment of the Legislative Council. Indian Intercourse

GOVERNOR CLAIBORNE TO EDWARD D. TURNER

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *January 28th 1805*—

SIR, Your Letter of the 22nd of December³⁶ was duly received. I persuade myself that the masters of the Slaves you allude to, have consented to their liberation, and if so, that in conformity to my last Letter to you,³⁷ they have been released from Prison. The Legislature are now engaged in framing a Law for the speedy trial and punishment of Slaves who Shall commit offences. The Subject is an important one, and requires deliberation, but I expect the law will

³³ Cf. sec. 6 of the act approved Mar. 26, 1804, *ante*, p. 205, and the act approved Mar. 1, 1805 (2 STAT. 316-321).

³⁴ In the organic acts of the previously organized territories, the office of Superintendent of Indian Affairs was united with that of the Governor. This authority was not given Claiborne until the act approved Mar. 2, 1805, *post*, p. 405, became effective. See Claiborne to Sibley, Oct. 30, 1805 (Rowland, ed., *Claiborne Let. Bk.*, III, 217-219).

³⁵ Acknowledged Apr. 1, 1805, *post*, p. 431.

³⁶ Not found.

³⁷ Dec. 28, 1804 (Rowland, ed., *op. cit.*, III, 32-33), is probably the letter referred to.

pass in six or eight days.³⁸ In the case of the person whom you have confined in consequence of an attempt to defraud the Creditors of his Testator, I cannot give you any instructions, inasmuch as my Judicial powers have ceased since the first of October, and you know the danger under our Government, of the Executive interposing with the Judicial Department. I however perceive in your conduct on the occasion a disposition to be just, and in any further steps you may take your own prudence and judgment will be your best guides. Altho my Judicial powers have ceased, yet yours as Civil Commandant continue, and have lately been fully recognized, by an act of the Territorial Legislature. On any other subject, than one of a Judicial nature, I shall not hesitate to give you my advice when desired, but your own reflections will shew you the delicacy of my present situation so far as relates to the Judiciary. present me respectfully to your Lady, and believe me to be with esteem—Sir your obd^t Sev^t

(signed) WILLIAM C. C. CLAIBORNE

CAPT TURNER Natchitoches

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS *Jan*^r 29th 1805—

DEAR SIR, I have forwarded a commission as Councillor to Doctor John Sibley; he is certainly a Man of Information, & is capable of making a good member of the Legislature.

I must confess that I felt hurt on seeing the Paragraph concerning the Doctor, which I enclosed you by the last Mail ³⁹—My personal Acquaintance with him is limited, but as an interesting correspondent I had respected him, & formed an opinion, that he was a worthy Member of Society.—Upon further enquiry, I find the paragraph forwarded to you not correct;—I learn that the Doctor is not happy in domestic' Life, and that as a husband his conduct is not approved; indeed it has been such as to have lessened his standing in society, but

³⁸ The act approved May 4, 1805, retained the Spanish laws for the punishment of slaves, with the provision that no cruel or unusual punishment should be inflicted, that the county courts should have jurisdiction over all crimes committed by slaves except murder, and that trials in the county courts should be before the judge and four householders. The superior court was given jurisdiction of murder cases (*Acts of the Legislative Council of Orleans*, 1-2 sess., 1804-1805, New Orleans, 1805, pp. 416-454). An act approved June 7, 1806, called the Black Code, and a second act of the same date, defined in detail the penalties to be exacted for the various offenses (*Acts, First Session, First Legislature, Orleans*, New Orleans, 1807, pp. 150-191, 190-213).

³⁹ Jan. 10, 1805, *ante*, p. 366.

in other respects I have not understood, that his private Character is exceptionable.—

The other blank commission I have filled up with the name of Doctor William Flood of this City, a native of Virginia; a man of a cool head and an honest heart who loves his Country, his Government and Laws.—Two or three ancient Louisianians were indirectly consulted, in order to know how far a Seat in the Council would be agreeable; But I found that until the result of the Memorial to Congress was known, they were unwilling to become Legislators.

There are a few discontented Men here, who incessantly labour to keep the Territory in a state of Inquietude—finding that the Council could not be defeated, their opposition was immediately turned against me.—I had anticipated the Attack, but really it has been more severe and ungenerous, than I supposed even the malignity of my enemies would have permitted; The pieces against me, accompanied with my explanations are forwarded to the Secretary of State,⁴⁰ which I hope will receive your perusal, & that thro' the Secretary you will do me the honor to convey your Impressions upon the subject.

There is no doubt here, but that Mess^{rs} Livingston & Clark are the Leaders of the opposition to me, & their ill-will is excited by a knowledge which they have of my dislike to them and all their measures.—

Livingston & Clark both possess Talents, and the latter much wealth;—they are also great Intrigu'ers, and will probably do me injury (by their writings) in the United States:—But their opposition will in this City, be in the end serviceable to me.

My health is again becoming precarious;—I am fearful my Constitution is not yet adapted to this Climate, and that I shall very soon for want of health, be compelled to relinquish my office, & retire to a more northern Climate.

I pray you Sir to accept the best wishes of Your faithful friend

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the U. States.—

[*Endorsed*] Claiborne Gov^r N.O. Jan. 29. rec^d Mar. 13.⁴¹

GOVERNOR CLAIBORNE TO FERDINAND L. CLAIBORNE

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *January 29th 1805*

SIR, I enclose you a Commission for M^r Wooldridge as Civil Commandant of the District of Concordia which I will thank you to

⁴⁰ Jan. 26, 1805, *ante*, p. 380.

⁴¹ Answered Mar. 14, 1805, *post*, p. 416.

deliver—You will be pleased also to deliver to Mr Wooldridge all the Papers and Records, belonging to that Post, and take his receipt for the Same.

I am Sir very respectfully Your H^ble Sev^t

(Signed) WILLIAM C. C. CLAIBORNE

MAJOR CLAIBORNE Natchez—

GOVERNOR CLAIBORNE TO JOSEPH BOWMAR

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *January 29th 1805*

SIR, I received a late Letter ⁴² from you stating some difficulty with respect to the Indian intercourse. Since the first of October my former powers relating to Indians have ceased, and being without instructions upon the subject from the Government, I feel a delicacy in prescribing any general rules for your guide. I however am of opinion that you did right in stopping the trader who proposed to pass up Washita, and for the present you will not permit the person alluded to, or any other one, except those who were licensed by me to Trade with Indians, unless such persons shall be of good character, and in no instance will you permit any person to pass into the Indian Territory as a Trader unless he shall give Bond payable to the Governor of the Territory and his successors in office with security for four thousand Dollars with a condition that he will traffic with the Indians for Peltry alone, and that no other article shall be taken in exchange for his goods.⁴³ This condition I esteem necessary to prevent any person or persons under colour of a Trading voyage from passing into the Spanish Country for the purpose of taking Horses or of encouraging the Indians to do so, a species of Trespass which if not prevented might involve us in disputes with our Spanish Neighbours.

I am Sir very respectfully Your obdt Sev^t

(Signed) WM. C. C. CLAIBORNE

TO THE COMMANDANT at Washita—

⁴² Not found.

⁴³ Applications for trading licenses were transmitted by Claiborne to the Secretary of War, who acted on them after consultation with the President. See the Secretary of War to Claiborne, Sept. 28, 1805, and to Benjamin Morgan, same date, concerning the latter's request for a license for himself and Jacob Bright, and a copy of the license and bond (NA, Ind. Office, Sec. War Let. Bk. B.)

GOVERNOR CLAIBORNE TO JAMES PITOT

[NA: SD, Orleans Terr. Papers, vi: C]

NEW ORLEANS *January 30th 1805*—

SIR, The Legislature of this Territory having authorized the Governor thereof to Borrow for the Public use a sum of Money not exceeding five thousand Dollars,⁴⁴ I have the Honor thro you, to address the Municipality on the subject, and to ask whether any and what sum, they could conveniently Loan the Territory, and upon what terms. The Law authorizing the Loan is enclosed,⁴⁵ which I pray you to lay before the Municipality—Permit me to add that fifteen hundred, or two thousand dollars would for the present answer the calls of the Government, and I persuade myself that the Municipality will be enabled without injuring the City to Loan that amount for a few Months ⁴⁶—

I am Sir with great respect and Esteem your most ob^{dt} S^t

(signed) WILLIAM C. C. CLAIBORNE

THE HON^{ble} JA^s PITOT Esq Mayor of New Orleans

GOVERNOR CLAIBORNE TO EDWARD D. TURNER

[NA: SD, Orleans Terr. Papers, vi: C]

NEW ORLEANS *February 1st 1805*

SIR, Having understood by a Gentleman lately from your district, that the Negroes who escaped to Nacogdoches some time since, and are now in confinement, were dangerous persons of established bad fame; and that their liberation would give alarm to the good Citizens, I advise that they be detained in safe custody until liberated by due course of Law. The suggestion made in a former letter,⁴⁷ that I had no objection to their Liberation provided their Masters wished it, I hope you have not acted upon. But if they have been released from confinement, and their going at large should give any uneasiness to your Society, I advise that they be immediately arrested. Their further support while in confinement may be at the Public expence.

I am Sir very respectfully Your obdt Sevt

(Signed) WILLIAM C. C. CLAIBORNE

CAP^t TURNER Natchitoches

⁴⁴ Act approved Jan. 15, 1805 (*Acts of the Legislative Council of Orleans*, 1-2 sess., 1804-1805, pp. 8-10). The loan was repaid by a tax on slaves under an act approved May 1, 1805, *ibid.*, pp. 382-383.

⁴⁵ Not present.

⁴⁶ Cf. Claiborne to Zachary, cashier of the Louisiana Bank, Apr. 23 and May 7, 1805, concerning loans to the territory (NA, SD, Orleans Terr. Papers, vi; the second letter is printed, Rowland, ed., *Claiborne Let. Bk.*, III, 40-41).

⁴⁷ Dec. 28, 1804, printed, Rowland (ed.), *op. cit.*, III, 32-33.

GOVERNOR CLAIBORNE TO JUDGE PREVOST

[NA:SD, Orleans Terr. Papers, VI: C]

NEW ORLEANS *February 2nd 1805*

SIR, The Bearer M^r Paillette it seems having been appointed by the Civil Commandant of Nachitoches administrator of the estate of John Sobuir Deceased, has attended in this City to take charge of the Estate of the said Deceased. But finding that another administrator has been appointed by the Superior Court, he knows not how to proceed. Under these circumstances I have taken the liberty to request M^r Paillette to state his case to the Judge. If there is any thing improper in this request I hope you will excuse me. The Citizens of this Territory are so accustomed to apply to the Officers of Government for their advice, that we shall for some time be subjected to frequent applications.

I am Sir very respectfully Your obd^t Sev^t

(Signed) WILLIAM C. C. CLAIBORNE

THE HONBLE JUDGE PREVOST—

GOVERNOR CLAIBORNE TO WILLIAM B. SHIELDS

[NA:SD, Orleans Terr. Papers, VI: C]

NEW ORLEANS *February 4th 1805*

SIR, I have the Honor to enclose you an abstract of all the Warrants or orders of Survey issued by the Spanish Authorities in the District of Natchez. This Abstract is taken from the Records delivered to the American Commissioners and was made out by a Gentleman of respectability specially employed for the purpose by the late Secretary—M^r Brown. I will thank you to inform me your opinion as to the mode of compensating this Gentleman for his Services, and whether the Sum is to be fixed and paid by you or Myself.⁴⁸ I am Sir with great respect and Esteem your H^{bl} S^t

(Signed) WILLIAM C. C. CLAIBORNE

W^m B. SHIELDS Esq^r Natchez—

⁴⁸ Apparently Shields was acting as agent of the United States. The following note from the Secretary of the Treasury to the President, endorsed as having been dated and received Oct. 24, 1804, is in the Jefferson Papers (LC):

"In what manner should the records applied for be transmitted. May Gov^r Claiborne be directed by the Sec^r of State to deliver them to M^r Shields as agent of the United States, or to the board of Commissioners?"

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VI:LS]

NEW ORLEANS *February 6th 1805*

SIR, The Press in this City is indeed becoming licentious; it even menaces the tranquility of private life, but hitherto the Executive of The Territory has been the principal object of abuse. I am happy However to add, that the Louisianians have no concern in the abusive publications, and very generally disapprove of them. The discontented party are composed principally of Natives of the United States, and I am inclined to think their number very inconsiderable.

The Legislative Council do not proceed to Business, with all the dispatch which several influential Americans who are here desire; They are solicitous that a code of Laws and principles of Practice to which they have been accustomed, should be introduced, and are so impatient of delay, that I fear former Municipal regulations will be too Suddenly innovated upon, and that the American System of Jurisprudence, will be more generally adopted than the present situation of the Territory will justify. Finding in this City several Public Buildings unoccupied by Public Officers, I permitted private Citizens to use the same upon their agreeing to pay such Rent per month as three disinterested persons should say was just; in this situation is the Old Custom House, and a Building (formerly appropriated as a Stable) which M^r Bradford a Printer at present occupies. It is not yet ascertained what Rent these Houses are to bring; but you shall be advised thereof in due time, and the same shall be accounted for. Colonel Freeman occupies a Public Building gratis, the Barracks not affording him comfortable accommodations; and the House which was formerly possessed by the Priests, I have not interfered with.

The House occupied by Colonel Freeman was formerly "the Kings School-House", it was very much out of repair, but it has been put in fine order by the Colonel, and is now a comfortable Building. I hope it will be appropriated to the same object for which it was originally intended, and that it may be presented by Congress to the City.⁴⁹

I have the Honor to be Sir with great Respect and Esteem your most ob^dt H^b S^t

WILLIAM C. C. CLAIBORNE

THE HONB^lo THE SECTY OF STATE[*Endorsed*] Gov^r Claiborne 6 Feb^r 1805⁴⁹ Acknowledged Apr. 1, 1805, *post*, p. 431.

GOVERNOR CLAIBORNE TO THE POSTMASTER GENERAL

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *February 8th 1805*

SIR, I enclose you an account ⁵⁰ which was rendered to me on this day by Robert Chew, for Beverly Chew who acted as a Post Master in this City for a few Months by virtue of an appointment from me, during the late Provisional Government. By this account it seems that one Hundred and Sixty four Dollars remained in M^r Chews hands, after deducting his Commissions, and paying to M^r Seamans Post Master at Natchez the Monies due that office. The above Sum I understand accrued upon the Postage of Letters between Natchez and this City while M^r Chew acted as Post Master, and which being paid to me will be held Subject to your orders. You will remember that during the late Provisional Government and previous to the extension of the Post office Laws to Louisiana, I informed you that I had authorized a charge of the usual postage on Letters passing by the express Mail, between this City and Natchez, and that I had named temporarily M^r Chew the Post Master.—

I am Sir with great respect and Esteem your ob^{dt} Sev^t

(Signed) WILLIAM C. C. CLAIBORNE

THE HONB^l• THE POST MASTER GENERAL—

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VI:LS]

NEW ORLEANS *Feb^y 10th 1805*

SIR, Colonel De Lassus formerly Lieutenant Governor of Upper Louisiana (with thirty Spanish Soldiers) is now in this City on his way to Pensacola;— his arrival was announced to me by a Letter from the Marquis of Casa Calvo, of which the enclosure No 1 is a translation, and to which I returned the answer No 2. The delay attending the evacuation of the Ceded Territory has often been noticed by me, and the Marquis has been told that the continuance of Spanish Officers in this District, so long beyond the right and occasion for it was not seen with approbation. But it seems the evacuation is not yet completed, and that several Spanish Officers continue in this City;— some I learn have been permitted to retire on half pay, and others I believe feel a strong desire to resign their Commissions and settle permanently in Louisiana, and of this number, I am inclined

⁵⁰ Enclosure not present.

to think the late Intendant M^r Morales is one; But of this however I have no certain information.⁵¹

I am Sir very Respectfully your most obdt H^d S^r

WILLIAM C. C. CLAIBORNE

THE HON^{ble} JAMES MADISON Sec^y of State

[*Endorsed*] Gov^r Claiborne 10 feb^r 1805

[Enclosures]

The Marquis of Casa Calvo to Governor Claiborne

[February 6, 1805]

SIR the Colónel Don Carlos Dehault de lassus formerly lieutenant Governor at Illinois is arrived here with thirty privates of the Regiment of Louisiana who having finished the time of their Enlisting are to go to Pensacola to take their licence to be disbanding. I beg leave to inform your Excellency of this fact in order that they can take their lodgings in this City at the Expençe of his Catholic Majesty till the continuation of their travel towards the place of their destination and I flatter myself they will not Give to your Excellency any reason of uneasiness. may your Excellency live many years. NEW ORLEANS the 6th of February 1805

(Signed) THE MARQUIS OF CASA CALVO.

[*Endorsed*] N^o 1. rec^d in Gov^r Claiborne's 10 Feb^r 1805

Governor Claiborne to the Marquis of Casa Calvo

NEW ORLEANS Feb^r 7th 1805

SIR, I have received your Excellency's Letter of yesterday informing me of the arrival in this City of Colonel De Lassus formerly Lieutenant Governor of Illinois, with thirty privates of the Regiment of Louisiana, on their way to Pensacola.

I beg leave to inform your Excellency that a temporary continuance of these Troops in this City, until they can conveniently proceed to their place of destination, will afford me no uneasiness, since I am persuaded that their officers will take special care to prevent the Commission of any disorder, and will on all occasions manifest a respect for the Laws of this Territory.

Accept assurances of my great respect and High Consideration

(Signed) WILLIAM C. C. CLAIBORNE

HIS EXCELLENCY THE MARQUIS OF CASA CALVO.

[*Endorsed*] N^o 2. Rec^d in Gov^r Claiborne's 10 Feb^r 1805

⁵¹ Acknowledged Apr. 1, 1805, *post*, p. 431.

JUDGE PREVOST TO GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *February 15th 1805*

SIR, I take the liberty to enclose the return of the Sheriff, from which I think you will concur in the propriety of aiding him with a Guard.

I have the honor to be Sir respectfully Your ob^{at} Sv^t

(Signed) J. B. PREVOST

HIS EXC^lY GOV. CLAIBORNE

[Enclosure]

Report by the Sheriff

SUPERIOR COURT

Pomerat vs L. Mayenge

February 15th

sent Charles Bonville my Deputy to the Defendants House to make a Siezure of certain Segars but was prevented and driven off by force, by Mayenge the Son of the Defendant, and a certain Son in Law of the said Defendant, and the wife of the said Defendant

(Signed) LOUIS KERR

Alguazil Mayor

A true Copy from the original on record in the Clerks Office—
(Signed) James Johnson, Acting Clk

GOVERNOR CLAIBORNE TO THE PRESIDENT

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *February 17th 1805*

MY DEAR SIR I have lately had but too much occasion to solicit from your feelings a tribute of condolence for the private misfortunes which have marked my residence in this Country. Once more I have to resume the unfortunate recital by announcing to you the Death of my Brother in Law, and Private Secretary Mr Micajah G. Lewis, who on Tuesday last was killed in a Duel near this City. You have no doubt discovered that (like most men who fill exalted stations) it has been my misfortune to have attracted the envy, and excited the malevolence and ill will of a portion of Society, and I presume you are apprized of the persecution I am suffering here, thro the vehicle of a licensious press, every circumstance as well of a private nature, as of my official conduct, that calumny could torture into an accusation against me has been brought into public view, and exhibited in every shape that malignant wit could devise. I early discovered that these ungenerous attacks excited greatly the Sensibility of M^r Lewis and

with the most anxious solicitude for his well-fare I used every argument to induce him to view with calmness the Tempestuous Sea to which my Political elevation had exposed me. On one occasion I had accommodated a dispute in which his sympathies had involved him, and I had persuaded myself that my advice, united to his mild and pacific disposition, would have ensured his future safety. But unhappily for me, and unfortunately for my poor Brother, even my misfortunes became the Sport of party Spirit, and the ashes of his beloved Sister were not suffered to repose in the Grave. She was raised from the Tomb to give poignancy and distress to my feelings; he sought and discovered the Author of the cruel production, a Duel was the consequence, and my amiable young friend received a Bullet through his Heart at the second fire.

I hope the assurance is to you unnecessary, that this Melancholy affair was kept a secret from me, and that the news of the fatal result was the first intimation I received of it. Gladly would I have made bear my own Bosom to the stroke, before any friend of mine, and particularly one so dear to me as M^r Lewis had fallen a victim in this cause.

I am D Sir with great respect your faithful friend
 (Signed) WILLIAM C. C. CLAIBORNE
 THOMAS JEFFERSON President of the United States

GOVERNOR CLAIBORNE TO CONSTANT FREEMAN

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *February 17th 1805*

SIR, Upon the representation of the Honorable Judge Prevost that the Alguazil Mayor has been resisted by force in the exercise of his duty at the Plantation of one Mayenge near this City, and that the aid of Military force is necessary to Support the Civil Authority,⁶² I have to request of you to furnish the Alguazil Mayor with a Non Commissioned Officer and Six men for that purpose.

I am Sir very respectfully Your H^{ble} Sev^t
 (Signed) WILLIAM C. C. CLAIBORNE

LIEUT. COLONEL FREEMAN—

⁶² Prevost to Claiborne, Feb. 15, 1805, *ante*, p. 393.

GOVERNOR CLAIBORNE TO JAMES PITOT

[NA:SD, Orleans Terr. Papers, vi:C]

NEW ORLEANS *February 20th 1805*

SIR, The enclosed Papers will present you with a Copy of "an act to Incorporate the City of New Orleans" ⁵³ Upon perusal thereof you will find certain duties devolving upon the Mayor and Municipality of this City which I persuade myself will be discharged with promptitude and cheerfulness.

In a few days I hope to be enabled to present you with an official Copy of the Law in the French Language.

Accept assurances of my great Respect and High consideration
(Signed) WILLIAM C. C. CLAIBORNE

THE HON^{ble} JAMES PITOT Esq^r Mayor of the City of New Orleans

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, vi:LS]

(Duplicate)

NEW ORLEANS *February 21st 1805*

SIR, In my Letter of the 19th Instant,⁵⁴ I stated that about the last of July or first of August, the Petition of Hulin was presented to me.⁵⁵ I have since found (among my Papers) the original Petition, which is without date, but one of the Documents referred to, bears date on the eleventh of August.

I had no recollection myself, as to the particular period of presenting this Petition, but one of the Young Gentlemen in my office (M^r Kennedy) had supposed it to have been about the last of July or first of August, and relying on the correctness of his memory I made the statement. I can, however now—confidently inform you, that the Petition of Hulin was not handed to me previous to the first of September. I was taken ill of the Fever on the 9th of August and did not rise from my Bed until about the last of that month. A document annexed to the Petition bears date on the 11th of August, and it cannot be presumed, that those Papers would have been presented to me, during my confinement.

You will have observed Sir, that the writer who so plausibly, but so unjustly attacked my Official conduct states, that the Petition of Hulin was laid before me early in July;—if this had been true, I should feel as if I had been inattentive to my duties;—but the fact being established, that the improper conduct of the Marquis of Casa

⁵³ Act approved Feb. 17, 1805 (*Acts of the Legislative Council of Orleans, 1804-1805, pp. 44-73*).

⁵⁴ No letter of this date has been found. Cf. Claiborne's letter of Jan. 19, 1805, *ante*, p. 371.

⁵⁵ Not found.

Calvo remained unknown to me, until September, I do believe, that the most malignant of my Enemies would agree, that my Letter of the fifth of that Month ⁵⁶ to the Marquis, ought to exempt me from censure—M^r Livingston (who is the author of the piece signed the Public Accuser) made several applications to me for a view of Hulin's Petition, but it was mislaid and could not be found. At length the Public accuser appeared, which first made me acquainted with Livingstons designs, and in that writing, this unprincipled Man (calculating no doubt upon the loss of the original Petition) suppresses the Document which bears date the 11th of August, and roundly asserts, that the Petition was presented the first of July.

I have experienced here a great share of News-paper abuse, but nothing like a serious charge of improper conduct in Office has been exhibited, except in the case of Hulin and Villamil; I am therefore solicitous that this transaction should appear to you in its true colours. Perhaps it was unfortunate that I permitted my name to have been used by Morales as Sanctioning the Sale of the Negroes. But I cannot think that in doing so, I at the time acted improperly: It was very soon after the transfer of Louisiana to the United States and within the period allowed by Treaty for the evacuation of the Province by the Spanish forces.—Morales represented Villamil as an Officer of his Catholic Majesty, a public defaulter, and a fugitive; He further stated that a judgment had been rendered at the Havana by a competent Tribunal, and that the sale of the Negroes (who had been in deposit for some time) "would enable him to finish this affair (in which his King was interested) with the expedition recommended."

Under these circumstances I was of opinion that my assent to the Sale, could do injury to no one, and would tend only to draw to a close the operations of His Catholic Majesty's officers in Louisiana, which were essential to a Speedy and complete evacuation of the Province.—

I am Sir with respect and Esteem your most o^bt Hb^s S^t

WILLIAM C. C. CLAIBORNE

THE HON^{ble} JAMES MADISON Sec^{ry} of State

[*Endorsed*] Gov^r Claiborne 21 Feb^y 1805

⁵⁶ Printed, Rowland (ed.), *Claiborne Let. Bk.*, II, pp. 320-325.

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, XIV:C]

DEPARTMENT OF STATE *February 25th 1805.*

GOVERNOR CLAIBORNE. New Orleans

SIR. Your several letters of the 8th ⁵⁷ 10. 11. 15. 23. & 31 Dec^r ⁵⁸ & 1. 5. 6.⁵⁹ 13 & 14 of January ⁶⁰ have been successively received; the most of them after having been long on the way. The steps taken by the Spaniards as communicated in those of the latest dates, for strengthening and advancing their military posts, justly claim attention. Whatever the motive may be, the tendency of them cannot be favorable to the tranquility and friendship between the two Nations, which it must be the interest of Spain as much at least as of the U: States to preserve. As long since as the 21st of Sept^r last M^r Pinckney communicated to the Spanish Government a proposition ⁶¹ and recommendation on the part of the President that no new positions or augmentations of military force should take place on either side, within the territories claimed by both, Eastward of the Mississippi, and the manifest propriety of this mutual forbearance throughout the territories in controversy while negotiations were in train, ought to be readily admitted, and ought to have produced immediately counter-orders in relation to any military dispositions, which a jealousy or false policy in the Spanish Gov^t might have previously suggested. It is not impossible that such counter-orders may have been issued, and that notwithstanding the lapse of time, they may not have reached the proper hands. Be this it may the President has thought it expedient that some provisional arrangements for the case, which you will learn from the Department of War, should be made on our part; that this determination should be candidly imparted to the Marquis de Casa Calvo, if still at New Orleans; and that with assurances that the arrangements are merely provisional, he should be urged to take the most effectual measures in his power for restoring every thing to the military footing which existed at the cession of Louisiana to the United States. The relation which France bears both to Spain & the United States on the subject of Louisiana, makes it also proper in the judgment of the President, that the views of this Government should be

⁵⁷ Not found.

⁵⁸ Rowland (ed.), *op. cit.*, III, 23-24, 25-26, 26-28, 28-29, 34-36.

⁵⁹ NA (SD, Orleans Terr. Papers, VI), concerning the Orleans Bank and the guard maintained by Casa Calvo. Jan. 1 is printed *ante*, p. 361.

⁶⁰ *Ante*, p. 368.

⁶¹ Not identified. Cf. Monroe and Pinckney to Ceballos, Jan. 28, 1805 (*Annals*, 8 Cong., 2 sess., 1364-1369), in which the proposal here mentioned was submitted to the Spanish Government. See also the Secretary of State to Monroe, May 23, 1805 (*A.S.P.*, *For. Rels.*, II, 633), in which the maintenance of the *status quo* in the disputed areas was held essential for the avoidance of war.

explained to the French Minister here, and an occasion thence given him for superadding his Counsel & influence with the Spanish authorities. The weight of these explanations cannot fail to be the greater, both with the French Minister and the Marquis of Casa Calvo, on account of the war which has commenced between G. Britain & Spain. The manifesto of Spain is dated on the 12th of Dec^r—The formal annunciation of it on the part of G— Britain has not yet appeared. There can be no room for pretending that the military steps within the territories in question, taken by the Spanish Officers, had or can have reference to the danger of attacks from Great Britain. The relations subsisting between Great Britain and the United States and the light in which any such intrusions of the former, would present itself to the latter, are a sufficient guarantee that they will not be attempted. I only add on this subject that the President relies on your vigilance in obtaining & communicating intelligence of every Spanish movement or project which it may be interesting to the Government to possess, and particularly that he wishes you to take immediate measures the nature and extent of the Spanish establishment made or contemplated at the Bay of S^t Bernard or its vicinity.

Notwithstanding the approaching term of the Session, Congress have come to no final decision with respect to the object of the memorial of the Inhabitants of Louisiana. The papers enclosed⁶² contain the views entertained with respect to the future government of the Territory, by the respective branches, as far as these views have been developed.⁶³

I am &c

JAMES MADISON.

NOTICE TO THE CITIZENS OF NEW ORLEANS⁶⁴

[NA:SD, Orleans Terr. Papers, VI⁶⁵]

[February 25, 1805]

THE MUNICIPAL BODY

To all the Inhabitants of the City and Precincts of New-Orleans.

FELLOW CITIZENS, By an act of the Legislative Council, to incorporate the city of New-Orleans, approved on the 17th inst. by his excellency William C. C. Claiborne, governor of this territory. The municipal body, is directed to cause an election for aldermen, of whom the city council is to be composed, to take place on the first Monday in March next.

⁶² Not present.

⁶³ Answered Mar. 26, 1805, *post*, p. 425.

⁶⁴ Found with Claiborne to the Secretary of State, Apr. 6, 1805 (NA, SD, Orleans Terr. Papers, VI), in the form of a printed broadside, with English and French texts in parallel columns. As will be noted, there are several typographical errors in names.

The municipal body therefore requests your personal attendance, each in his ward respectively, at any time between the hours of nine in the morning and five in the afternoon, on the 4th of March, being the first Monday of the said month; there to give your votes individually for a number of members, agreeable to the said act of incorporation.

The former division of this city, and its precincts into divisions, remaining the same, for what concerns the city as before, excepting that the third district is augmented by the re-union made thereto, of the Maiterie, Bayou St. John, and Jentilly: and the limits of each district are fixed by the law in the manner following:

FIRST DISTRICT OR WARD.

The first ward comprehends all that portion of the city, within the following bounds, to wit: beginning at the river Mississippi, where the street of Orleans, if extended would strike the same, and following the centre of that street to its intersection with Bourbon street, then along the same to the canal of Bernard Marigny, then along that canal to the river, and up the river to the point of beginning.

Messrs. Felix Arnaud, and Serjuin, commissaries, and Mr. Alpointe, clerk, named in conformity to the law; shall receive the votes at the ball-room.

SECOND WARD.

The second ward comprehends all that portion of the said city within the following boundaries: beginning at the river Mississippi, where the street of Orleans if extended would strike the same, and following the centre of that street to its intersection with Bourbon street, then along the same southwardly to the old ramparts of the city, and from thence by a straight line to the river, and down the same to the point of beginning.

Messrs. Duplessis and Henderson, commissaries, and Mr. G. Morgan, clerk, named in conformity to the law; shall receive the votes at Mr. Lefauchew's.

THIRD WARD.

The 3d ward comprehends all that portion of the city within the following boundaries: beginning at the point where the streets of Bourbon and Orleans intersect, and running along the said street of Orleans to the old ramparts of the city, then following the line of the said ramparts, to the canal of Marigny, and along the same to the limits of the first ward, and including also the settlements of Bayau St. John, Lameterie, Jentily and Chef Menteur.

Messrs. L. Blanc, and Lu. M'Carty, commissaries, and Mr. Colson, clerk, named in conformity to the law, shall receive the votes at Mr. Coquet's.

FOURTH WARD.

The 4th ward is bounded by a line running from the point of intersection of Bourbon and Orleans streets, along the said street of Orleans, to the old ramparts of the city, then following the said ramparts southwardly and eastwardly, until it strikes the limits of the 2nd ward.

Messrs. Lioteau, and L. Rillieu, commissaries, and Mr. Th. Duru-ford clerk, named in conformity to the law, shall receive the votes at Mr. John Romain's.

FIFTH WARD.

The fifth ward comprehends all that portion of the said city within the following boundaries: beginning at the point where the southwardly line of the second and fourth wards strike the Mississippi, then along that line to its western extremity, and from thence in a direct line to the plantation of Madame Delor Sarpy, and along the line of the said plantation to the first and down the river to the point of beginning.

Messrs. Burk and Godefroy, commissaries, and Mr. Lalande Ferriere, clerk, named in conformity to the law; shall receive the votes at Mr. M'Laran's.

SIXTH WARD.

The sixth ward comprehends all that portion of the said city, known by the name of the upper Banlieu; extending itself on the left bank of the river from the plantation of Madam Delor Sarpy, to that of Mr. Oliver Forelle, inclusive, and on the right bank, from the powder house to the canal of Mr. Hazeng's plantation.

Messrs. Azur Delorme and J. Rhe. Macarty, commissaries, and Mr. L. Bouligny, clerk, named in conformity to the law; shall receive the votes at Mr. J. Rhe. Marcarty's.

SEVENTH WARD.

And the seventh ward comprehends all that portion of the said city, known under the name of the lower Banlieu, running on the left bank of the river, from the canal of Mr. Bernard Marigny, down to the canal of Mr. Rivier's plantation, and on the right bank to the canal of Mr. J. Fazende.

Messrs. Bienvenu and Deflechier, commissaries, and Mr. Guclin, clerk, named in conformity to the law; shall receive the votes at Mr. Rienvenu's.

The only object of the assembling of the districts, will be the election of two aldermen for each district, the commissaries shall deposit the ballots in a ballot box, of which, one of them shall keep the key. Each voter shall prove his right as a freeholder, or household tenant, agreeably to the act of incorporation, and his name shall be recorded by the

clerk, in a book which will be sent him by the municipal body for that purpose, as they will likewise supply the commissaries with a ballot box. And the ballots shall be opened and counted in the presence of such voters as may chuse to remain until the end of the sitting.

You will, fellow citizens, most undoubtedly feel the importance of this election, and consider what degree of zeal and reflection is required in your first step, towards the enjoyment of your rights. The new city council legally invested with the full powers of their fellow citizens, will not be restrained in the exercise of their authority, as it may frequently have happened to the municipality, from their uncertainty respecting the true extent of their powers, and the confidence placed in them by the people.

The members of the said council should be selected with so scrupulous an attention, as the duties to be performed by them, consist in preserving public tranquility, regulating the police, and passing such by-laws and ordinances as they may deem necessary for the same. It will likewise be in their power to insure new public improvements, by furnishing the mayoralty with such means as their wisdom may advise; and by their integrity and firmness preserve unimpaired, the properties and privileges belonging to the city.

JS. PITOT, Mayor.
BOURGEOIS, Clerk.

By the Mayor,
New Orleans, 25th February, 1805:

[French text]

[February 25, 1805]

LE CORPS MUNICIPAL,

Aux Habitans de la Ville et banlieue de la Nouvelle-Orléans.

CHERS CONCITOYENS, L'Acte du Conseil Législatif, pour l'incorporation de la Nouvelle-Orléans et de sa banlieue, approuvé le 17 de ce mois, par Son Excellence WM. C. C. CLAIBORNE, Gouverneur de ce Territoire, enjoint au Corps Municipal de prendre les mesures nécessaires, pour que l'Election des *ALDERMEN*, devant composer le Conseil de la Commune, ait lieu le premier Lundi du mois de Mars prochain. Il vous invite, en conséquence, à présenter personnellement votre scrutin, ledit premier Lundi 4 Mars, entre neuf heures du matin et cinq heures de l'après-midi, chacun dans votre arrondissement respectif, pour le nombre de Membres prescrit par l'Acte d'Incorporation.

La Ville et sa banlieue conservent leur ancienne division de Districts, pour ce qui concerne la première; mais la Métairie, le Bayou St.-Jean et Gentilly ont été réunis au troisième ci-devant Quartier de la Ville; et la Loi détermine les limites de tous lesdits Districts, de la manière suivante:

IER. DISTRICT.

IL comprend toute la partie de la Ville, dans les limites ci-après, savoir: en partant du Mississipi, à l'endroit où la rue d'Orléans lui serait contigue, si elle était prolongée jusqu'au bord de ce Fleuve, et en suivant le centre de ladite rue jusqu'à son point d'intersection avec la rue de Bourbon; et de là, en suivant cette dernière rue jusqu'au Canal Marigny, ensuite ce Canal jusqu'à la rivière, et en remontant celle-ci jusqu'au point du départ.

MM. Félix Arnaud et Séguin, Commissaires, et M. Alpuente, Secrétaire, nommés conformément à la Loi, recevront les Votes dans la grande salle des Bals publics.

IIME. DISTRICT.

IL comprend la partie de la Ville à prendre du Mississipi, à l'endroit où la rue d'Orléans le toucherait si elle était prolongée jusque sur ses rives; et en suivant le centre de ladite rue jusqu'à son point d'intersection avec la rue de Bourbon; et de là, en suivant ladite rue vers le Sud, jusqu'aux vieux remparts, et en décrivant une ligne droite jusqu'au Fleuve, et descendant ce dernier pour revenir au point du départ.

MM. Duplessis et Handerson, Commissaires, et M. George Morgan, Secrétaire, recevront les Votes, chez M. Lefaucheur, au Café du Commerce.

IIIME. DISTRICT.

IL comprend toute cette portion, qui se trouve en partant du point où les rues de Bourbon et d'Orléans se joignent, et en suivant cette dernière jusqu'aux vieux remparts; de là, en parcourant la ligne desdits remparts jusqu'au Canal Marigny, et celui-ci, jusqu'aux limites du premier District; comprenant aussi, dans son étendue, les Etablissements du Bayou St.-Jean, de la Métairie, de Gentilly et de Chef-Menteur.

MM. Leblanc du Bayou et Eugène Macarty, Commissaires, et M. Colson, Secrétaire, recevront les Votes, chez M. Coquet.

IVME. DISTRICT.

IL est borné par une ligne courant du point d'intersection des rues de Bourbon et d'Orléans, le long de ladite rue d'Orléans, jusqu'aux vieux remparts; de là, en suivant lesdits remparts vers le Sud et vers l'Est, jusqu'à ce qu'on ait atteint les limites du second District.

MM. Lioteau et Louis Rillieux, Commissaires, et M. Th. Durnford, Secrétaire, recevront les Votes, chez M. J. Romain.

VME. DISTRICT.

IL comprend toute cette portion de la Ville, qui se trouve à prendre du point où la ligne Sud du second et du quatrième District touche le

Mississippi; de là, le long de cette ligne jusqu'à son extrémité occidentale; et ensuite en ligne directe jusqu'à l'Habitation de Madame Delore Sarpy, et en suivant la ligne de ladite Habitation jusqu'au Fleuve, puis, en descendant le Fleuve pour regagner le point du départ.

MM. Godefroy et Burk, Commissaires, et M. Lalande Ferrière, Secrétaire, recevront les Votes, chez M. M'Laran.

VIME. DISTRICT.

IL comprend la partie connue jusqu'ici sous le nom de Banlieue supérieure, savoir: sur la rive gauche du Fleuve, depuis l'Habitation de Madame Delore Sarpy, jusqu'à celle de M. Olivier Forcelle, inclusivement; et sur la rive droite, depuis le Magasin à Poudre, en face de la Ville, jusqu'au Canal de l'Habitation de M. Harang.

MM. Azur Delorme et J. B. Macarty, Commissaires, et M. L. Bouligny, Secrétaire, recevront les Votes, chez M. J. B. Macarty, l'un desdits Commissaires.

VIIME. DISTRICT.

Il comprend la partie connue sous le nom de Banlieue inférieure, depuis la Ville jusqu'au Canal de l'Habitation de M. Rivière, sur la rive gauche; et sur la droite, jusqu'au Canal de M. Jules Fazende.

MM. Bienvenu et Defléchier, Commissaires, et M. Guérin, Secrétaire, recevront les Votes, chez M. Bienvenu, ci-dessus nommé.

L'unique objet des Assemblées de District, sera d'élire deux *Aldermen*, par chacun desdits Districts.

Les Votes seront déposés, par les Commissaires, dans une Caisse dont ils auront la clef. Chaque Votant justifiera de ses droits, comme Propriétaire ou Locataire, aux termes de l'Acte de Corporation. Son nom sera inscrit par le Secrétaire, sur le Livre que le Corps Municipal lui aura fait parvenir pour cet usage, en même temps que la Caisse destinée aux Commissaires; et le dépouillement du Scrutin se sera en présence des Citoyens qui auront attendu l'heure fixée pour la clôture de la Séance.

Vous sentirez sûrement, chers Concitoyens, l'importance de cette Election, et combien ce premier pas, vers la jouissance de vos droits, exige de réflexion et de zèle. Ce nouveau Conseil de la Commune, investi des Pouvoirs incontestables de ses Concitoyens, par un vœu librement et légalement émis ne sera point arrêté, comme a pu l'être souvent le Corps Municipal, par des doutes sur l'étendue de son Autorité, et de la confiance que le Public lui accordait; et l'on devra être d'autant plus scrupuleux dans le choix des Membres de ce Conseil, qu'ils auront à pourvoir au maintien de la tranquillité publique par la perfection de leurs Ordonnances de Police; à assurer des améliorations par la sagesse des moyens offerts à la Mairie; et à conserver les Pro-

priétés et Privilèges de la Commune, par leur droiture et leur fermeté.
Nouvelle-Orléans, le 25 Février 1805.

Js. PITOT, *Maire.*

Par le Maire, BOURGEOIS, *Secrétaire Greffier.*

GOVERNOR CLAIBORNE TO JAMES PITOT

[NA:SD, Orleans Terr. Papers, vi:C]

NEW ORLEANS *February 27th 1805*

To the Mayor and Members of the Municipality!

GENTLEMEN, As the period is approaching which will put an end to your Official functions, I cannot deny myself the pleasure of acknowledging how Sensible I am of your faithful Public Services, and of returning you my best thanks for the support which you have uniformly given to the Government of the Territory—In your respective Stations Gentlemen you have manifested great vigilance and attachment to the general Interest—Under your Auspices the streets and Levies of the City have been much improved, and the Police so directed as to ensure Safety to property, and the preservation of good order. I pray you Sir to accept yourself, and convey to the Members of the Municipality this expression of my confidence esteem and respect

(Signed) WILLIAM C. C. CLAIBORNE

THE HONBLE JAS PITOT Esq Mayor of the City of New Orleans

GOVERNOR CLAIBORNE TO JAMES PITOT

[NA:SD, Orleans Terr. Papers, vi:C]

NEW ORLEANS *February 28th 1805*

SIR Desirous of availing the Public of your Services as Mayor of this City, I have the Honor to enclose you a Commission, and to Subscribe myself—

With respect & Esteem Your H^{b^{le}} Sev^t

(Signed) WILLIAM C. C. CLAIBORNE

THE HON^{b^{le}} JAMES PITOT Esq^r Mayor of the City of New Orleans

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, vi:LS]

(Private)

NEW ORLEANS *March 1st 1805*

DEAR SIR, I received this morning a visit from the Marquis of Casa Calvo; He came as he said to ask my advice as to the conduct he should pursue to obtain redress for the King his Master against

Don Juan Ventura Morales the late Intendant who had exceeded his powers in the case of Peter Villamil, and not accounted properly for certain Monies due the King from said Villamil.

I stated to the Marquis, that the Courts of the Territory were the only sources to which he could apply for redress and advised him to employ on this occasion some Attorney at Law. The Marquis proceeded to state (what I before suspected) that Morales was the man who prompted the opposition to me, that he was particularly intimate with Messrs. Clark Livingston and others—and that the solicitude which I had manifested during the temporary Government for Morales's departure from the Territory had made him my implacable Enemy. My private opinion is, that Morales will ultimately settle in this Territory.

His wealth is abundant. It is said that he can command in cash five hundred thousand Dollars, and it is also said that several of the speculators of this City, are in the habit of receiving money from him on Loan. The Sales he made in West Florida occasioned an intimacy between him and Daniel Clark and that intimacy still continues.—

I am Sir with great Respect and Esteem your most ob^d H^b S^v

WILLIAM C. C. CLAIBORNE

JAMES MADISON Esq^r

[*Endorsed*] Governor Claiborne 1 March 1805.

AN ACT FOR THE GOVERNMENT OF ORLEANS TERRITORY

[NA:SD, Original Statutes ⁶⁶]

[March 2, 1805]

*An Act further providing for the government of the territory of Orleans.*⁶⁷

Be It Enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby authorised to establish within the territory of Orleans, a government in all respects similar, (except as is herein otherwise provided) to that now exercised in the Mississippi territory; ⁶⁸ and shall, in the recess of the Senate, but to be nominated at their next meeting, for their advice and consent, appoint all the officers necessary therein, in conformity with the ordinance of Congress, made on the thirteenth day of July, one thousand seven hundred and eighty-seven, and that from and after the establishment of the

⁶⁶ Printed also in 2 STAT. 322-323.

⁶⁷ This act originated in the Senate with the report of a bill Jan. 29, 1805. The history of the bill from this point may be followed in *Senate Journal*, III, 443, 444, 445, 451, 455-456, 457; *House Journal*, v, 144, 155-156, 157; *Annals*, 8 Cong., 2 sess., 45-46, 47, 48, 50, 51, 54, 59-61, 1201, 1209-1210, 1211. For details of the course of the legislation, see Brown, *Const. Hist. La. Purchase*, pp. 159-161.

⁶⁸ See act organizing Mississippi Territory, *Terr. Papers* (Miss.), v, 18-22.

said government, the inhabitants of the territory of Orleans, shall be entitled to and enjoy all the rights, privileges, and advantages secured by the said ordinance, and now enjoyed by the people of the Mississippi territory.

SEC. 2^d *And be it further enacted*, That so much of the said ordinance of Congress, as relates to the organisation of a general assembly, and prescribes the powers thereof, shall, from and after the fourth day of July next, be in force in the said territory of Orleans; and in order to carry the same into operation, the governor of the said territory shall cause to be elected twenty-five representatives, for which purpose he shall lay off the said territory into convenient election districts, on or before the first Monday of October next, and give due notice thereof throughout the same; and shall appoint the most convenient time and place within each of the said districts, for holding the elections; and shall nominate a proper officer or officers to preside at and conduct the same, and to return to him the names of the persons who may have been duly elected. All subsequent elections shall be regulated by the legislature; and the number of representatives shall be determined, and the apportionment made in the manner prescribed by the said ordinance.

SEC. 3. *And be it further enacted*, That the representatives to be chosen as aforesaid shall be convened by the governor, in the city of Orleans, on the first Monday in November next; and the first general assembly shall be convened by the governor as soon as may be convenient, at the city of Orleans, after the members of the legislative council shall be appointed and commissioned; and the general assembly shall meet, at least, once in every year, and such meeting shall be on the first Monday in December, annually, unless they shall, by law, appoint a different day. Neither house, during the session, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that, in which the two branches are sitting.

SEC. 4. *And be it further enacted*, That the laws in force in the said territory, at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force, until altered, modified, or repealed by the legislature.

SEC. 5. *And be it further enacted*, That the second paragraph of the said ordinance, which regulates the descent and distribution of estates; and also the sixth article of compact which is annexed to, and makes part of said ordinance,⁶⁹ are hereby declared not to extend to, but are excluded from all operation within the said territory of Orleans.

SEC. 6. *And be it further enacted*, That the governor, secretary, and judges, to be appointed by virtue of this act, shall be severally allowed the same compensation which is now allowed to the governor, secre-

⁶⁹ Providing for the prohibition of slavery.

tary, and judges, of the territory of Orleans. And all the additional officers authorised by this act, shall respectively receive the same compensations for their services, as are by law established for similar offices in the Mississippi territory, to be paid quarter-yearly out of the revenues of impost and tonnage, accruing within the said territory of Orleans.

SEC. 7. *And be it further enacted*, That whenever it shall be ascertained by an actual census, or enumeration of the inhabitants of the territory of Orleans, taken by proper authority, that the number of free inhabitants included therein shall amount to sixty thousand, they shall thereupon be authorised to form for themselves a constitution and state government, and be admitted into the Union upon the footing of the original states, in all respects whatever, conformably to the provisions of the third article of the treaty, concluded at Paris, on the thirtieth of April, one thousand eight hundred and three, between the United States and the French republic: *Provided*, that the constitution so to be established shall be republican, and not inconsistent with the constitution of the United States, nor inconsistent with the ordinance of the late Congress, passed the thirteenth day of July, one thousand seven hundred and eighty-seven, so far as the same is made applicable to the territorial government hereby authorized to be established: *Provided however*, that Congress shall be at liberty, at any time prior to the admission of the inhabitants of the said territory to the right of a separate state, to alter the boundaries thereof as they may judge proper:—*Except only*, that no alteration shall be made which shall procrastinate the period for the admission of the inhabitants thereof to the rights of a state government according to the provision of this act.

SEC. 8. *And be it further enacted*, That so much of an act, intituled "An act erecting Louisiana into two territories, and providing for the temporary government thereof," as is repugnant with this act, shall, from and after the first Monday of November next, be repealed. And the residue of the said act shall continue in full force, until repealed, any thing in the sixteenth section of the said act to the contrary notwithstanding.

NATH^l MACON Speaker of the House of Representatives.

A. BURR Vice President of the United States, and
President of the Senate.

March 2. 1805.

Approved

TH: JEFFERSON

I certify that this act did originate in the Senate. Sam: A. Otis
Secretary.

AN ACT FOR THE ADJUSTMENT OF LAND TITLES

[NA:SD, Original Statutes ⁷⁰]

[March 2, 1805]

*An act for ascertaining and adjusting the titles and claims to land, within the territory of Orleans, and the district of Louisiana.*⁷¹

Be It Enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any person or persons, and the legal representatives of any person or persons, who on the first day of October, in the year one thousand eight hundred, were resident within the territories ceded by the French republic to the United States, by the treaty of the thirtieth of April, one thousand eight hundred and three, and who had prior to the said first day of October, one thousand eight hundred, obtained from the French or Spanish governments respectively, during the time either of the said governments had the actual possession of said territories,⁷² any duly registered warrant, or order of survey for lands lying within the said territories to which the Indian title had been extinguished,⁷³ and which were on that day actually inhabited and cultivated by such person or persons, or for his or their use, shall be confirmed in their claims to such lands in the same manner as if their titles had been completed: *Provided however,* that no such incomplete title shall be confirmed, unless the person in whose name such warrant or order of survey had been granted, was at the time of it's date, either the head of a family, or above the age of twenty-one years; nor unless the conditions and terms on which the completion of the grant might depend, shall have been fulfilled.⁷⁴

⁷⁰ Printed also in 2 STAT. 324-329.

⁷¹ This act originated in the Senate, Jan. 7, 1805. The course of the legislation may be followed in *Senate Journal*, III, 431, 432, 439, 445, 448; *House Journal*, v, 129, 130, 150, 152; *Annals*, 8 Cong. 2 sess., 32, 33, 40, 48, 52, 1189, 1190, 1206, 1207. Cf. land ordinance of 1785, *Terr. Papers* (N.W.), II, 12-18, and acts approved May 18, 1796, *ibid.*, pp. 552-557, and Mar. 3, 1803, *ibid.* (Miss.), v, 192-205.

⁷² Grants made by France after Nov. 3, 1762, and by Spain after Oct. 1, 1800, were held void by the U. S. Supreme Court (*U. S. v. Reynes and Davis v. Police Jury of Concordia*, 9 Howard, 127-155, 280-297, and *U. S. v. D'Auterive*, 10 Howard, 609-627).

⁷³ Titles were not refused settlers, however, who had occupied lands under Spanish permits to inhabit and cultivate, although the Indian claim to such lands had not been extinguished (*Marsh et al. v. Brooks et al.*, 14 Howard, 513-525). See Dart, "Louisiana Land Titles derived from Indian Tribes", *La. Hist. Quar.*, IV, 134-144.

⁷⁴ The act approved Apr. 21, 1806 (2 STAT. 391-395), removed the age qualification set up by this section, if the claimant had inhabited his land for ten years prior to Dec. 20, 1803. The act approved Mar. 3, 1807 (2 STAT. 440-442), repealed both the age and head-of-family qualifications. For a judicial interpretation of this section, see *U. S. v. D'Auterive* (10 Howard, 609-627). See also the Secretary of the Treasury to Briggs, May 8, 1806, *post*, p. 630, for an explanation of the changes introduced by the act approved Apr. 21, 1806.

SEC. 2. *And be it further enacted*, That to every person, or to the legal representative or representatives of every person, who being either the head of a family, or twenty-one years of age, had prior to the twentieth day of December, one thousand eight hundred and three, with the permission of the proper Spanish officer,⁷⁵ and in conformity with the laws, usages, and customs of the Spanish government,⁷⁶ made an actual settlement on a tract of land within the said territories, not claimed by virtue of the preceeding section, or of any Spanish or French grant made and completed before the first day of October, one thousand eight hundred, and during the time the government which made such grant, had the actual possession of the said territories, and who did on the said twentieth day of December, one thousand eight hundred and three, actually inhabit and cultivate the said tract of land;⁷⁷ the tract of land thus inhabited and cultivated, shall be granted: *Provided however*, that not more than one tract shall be thus granted to any one person, and the same shall not contain more than one mile square,⁷⁸ together with such other and further quantity, as heretofore has been allowed for the wife and family of such actual settler, agreeably to the laws, usages and customs of the Spanish government: *Provided also*, that this donation shall not be made to any person who claims any other tract of land in the said territories by virtue of any French or Spanish grant.

SEC. 3. *And be it further enacted*, That for the purpose of more conveniently ascertaining the titles and claims to land in the territory ceded as aforesaid, the territory of Orleans shall be laid off into two districts, in such manner as the President of the United States shall direct; in each of which, he shall appoint, in the recess of the Senate, but who shall be nominated at their next meeting, for their advice and consent, a register; who shall receive the same annual compensation, give security in the same manner, and in the same sums, and

⁷⁵ Sec. 1 of the act approved Apr. 21, 1806, provided that persons claiming under this section, who had begun actual settlement prior to Oct. 1, 1800, and who had cultivated their land for three years prior to Dec. 20, 1803, should be considered as having made their settlement with the permission of the Spanish authorities, although evidence of such permission could not be produced.

⁷⁶ See White (comp.), *Laws of Great Britain, France and Spain*, Philadelphia, 1839. The manner in which the Spanish grants were made is described in a number of judicial interpretations, among them *Soulard v. U. S.* (4 Peters, 511-513), *U. S. v. Clarke* (8 Peters, 436-469), *Delassus v. U. S.* (9 Peters, 117-136), and *Jourdan v. Barrett* (4 Howard, 168-184).

⁷⁷ The act approved Apr. 12, 1814 (3 STAT. 121-123), confirmed grants previously barred by this condition of residence on Dec. 20, 1803.

⁷⁸ Sec. 2 of the act approved Mar. 3, 1807 (2 STAT. 440-442), provided for the confirmation of grants not in excess of 2,000 acres, on condition that the claimants had been in possession of such grants Dec. 20, 1803, and for ten consecutive years preceding. Sec. 1 of the act approved Apr. 12, 1814 (3 STAT. 121-123), permitted the confirmation of grants not in excess of one league square.

whose duties and authorities shall in every respect be the same in relation to the lands which shall hereafter be disposed of at their offices, as are by law provided with respect to the registers in the several offices established for the disposal of the lands of the United States, north of the river Ohio, and above the mouth of Kentucky river. The President of the United States shall likewise appoint a recorder of land titles in the district of Louisiana, who shall give security in the same manner, and in the same sums, and shall be entitled to the same annual compensation, as the registers of the several land offices.

SEC. 4. *And be it further enacted*, That every person claiming lands in the above mentioned territories, by virtue of any legal French or Spanish grant, made and completed before the first day of October, one thousand eight hundred, and during the time the government which made such grant, had the actual possession of the territories, may, and every person claiming lands in the said territories, by virtue of the two first sections of this act, or by virtue of any grant or incomplete title, bearing date subsequent to the first day of October, one thousand eight hundred, shall, before the first day of March, one thousand eight hundred and six,⁷⁹ deliver to the register of the land office, or recorder of land titles, within whose district the land may be, a notice in writing, stating the nature and extent of his claims, together with a plat of the tract or tracts claimed; and shall also on or before that day, deliver to the said register or recorder, for the purpose of being recorded, every grant, order of survey, deed, conveyance, or other written evidence of his claim; and the same shall be recorded by the register or recorder, or by the translator herein after mentioned, in books to be kept by them for that purpose, on receiving from the parties, at the rate of twelve and an half cents for every hundred words contained in such written evidence of their claim: *Provided however*, that where lands are claimed by virtue of a complete French or Spanish grant as aforesaid, it shall not be necessary for the claimant to have any other evidence of his claim recorded, except the original grant or patent, together with the warrant, or order of survey, and the plat; but all the other conveyances or deeds shall be deposited with the register or recorder, to be by them laid before the commissioners hereinafter directed to be appointed, when they shall take the claim into consideration. And if such person shall neglect to deliver such notice in writing of his claim, together with a plat as aforesaid, or cause to be recorded such written evidence of the same, all his right, so far as the same is derived from the two first sections of this act, shall become void, and forever thereafter be barred; nor shall any

⁷⁹ This time limit was successively extended. See acts approved Apr. 21, 1806, Mar. 3, 1807, Mar. 10, 1812, and Feb. 27, 1813 (2 STAT. 391-395, 440-442, 692-698, 807-808).

incomplete grant, warrant, order of survey, deed of conveyance, or other written evidence, which shall not be recorded as above directed, ever after be considered, or admitted as evidence in any court of the United States, against any grant derived from the United States. The said register and recorder shall commence the duties hereby enjoined on them, on or before the first day of September next, and continue to discharge the same, at such place in their respective districts, as the President of the United States shall direct.

SEC. 5. *And be it further enacted*, That two persons to be appointed by the President alone, for the district of Louisiana, and two persons, to be in the same manner appointed for each of the districts directed by this act to be laid off in the territory of Orleans, shall, together with the register or recorder of the district for which they may be appointed, be commissioners for the purpose of ascertaining within their respective districts, the rights of persons claiming under any French or Spanish grant as aforesaid, or under the two first sections of this act. The said commissioners shall previous to their entering on the duties of their appointment, respectively take and subscribe the following oath or affirmation, before some person qualified to administer the same:—"I [blank] do solemnly swear (or affirm) that I will impartially exercise and discharge the duties imposed on me by an act of Congress, entitled 'An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans, and the district of Louisiana,' to the best of my skill and judgment." It shall be the duty of the said commissioners to meet in their respective districts, at such place as the President shall have directed therein, for the residence of the register or recorder, on or before the first day of December next, and they shall not adjourn to any other place, nor for a longer time than three days, until the first day of March, one thousand eight hundred and six, and until they shall have completed the business of their appointment. Each board, or a majority of each board, shall, in their respective districts, have power to hear and decide in a summary manner, all matters respecting such claims, also to administer oaths, to compel the attendance of, and examine witnesses, and such other testimony as may be adduced, to demand and obtain from the proper officer and officers, all public records, in which grants of land, warrants, or orders of survey, or any other evidence of claims to land, derived from either the French or Spanish governments, may have been recorded; to take transcripts of such record or records, or of any part thereof; to have access to all other records of a public nature, relative to the granting, sale, transfer, or titles of lands, within their respective districts; and to decide in a summary way, according to justice and equity, on all claims filed with the register or recorder, in conformity with the provisions of this act, and on all complete French or Spanish grants, the evidence of which, though not thus filed, may be

found of record on the public records of such grants; which decisions shall be laid before Congress in the manner hereinafter directed, and be subject to their determination thereon: *Provided however*, that nothing in this act contained, shall be construed so as to recognise any grant or incomplete title, bearing date subsequent to the first day of October, one thousand eight hundred, or to authorise the commissioners aforesaid to make any decision thereon. The said boards respectively shall have power to appoint a clerk, whose duty it shall be to enter in a book to be kept for that purpose, full and correct minutes of their proceedings and decisions, together with the evidence on which such decisions are made, which books and papers, on the dissolution of the boards, shall be deposited in the respective offices of the registers of the land offices, or of the recorder of land titles of the district; and the said clerk shall prepare two transcripts of all the decisions made by the commissioners in favour of the claimants to land; both of which shall be signed by a majority of the said commissioners, and one of which shall be transmitted to the officer exercising in the district the authority of surveyor general; and the other to the secretary of the treasury. It shall likewise be the duty of the said commissioners, to make to the secretary of the treasury a full report of all the claims filed with the register of the proper land office, or recorder of land titles, as above directed, which may have been rejected, together with the substance of the evidence adduced in support thereof, and such remarks thereon as they may think proper; which reports, together with the transcripts of the decisions of the commissioners in favor of the claimants, shall be laid by the secretary of the treasury before Congress, at their next ensuing meeting.⁸⁰ When any Spanish or French grant, warrant, or order of survey, as aforesaid, shall be produced to either of the said boards, for lands, which were not at the date of such grant, warrant, or order or survey, or within one year thereafter, inhabited, cultivated, or occupied, by or for the use of the grantee; or whenever either of the said boards shall not be satisfied that such grant, warrant, or order of survey, did issue at the time when the same bears date, but that the same is antedated or otherwise fraudulent; the said commissioners shall not be bound to consider such grant, warrant, or order of survey, as conclusive evidence of the title, but may require such other proof of its validity as they may deem proper. Each of the commissioners, and clerks aforesaid, shall be allowed a compensation of two thousand dollars, in full for his services as such; and each of the said clerks shall, previous to his entering on the duties of his office, take and subscribe the following oath or affirmation—to wit: “I [blank] do solemnly swear (or affirm) that I will truly,

⁸⁰ The Supreme Court has held that the final assent of Congress is necessary for the completion of all imperfect titles (*Menard's Heirs v. Massey*, 8 Howard, 293-316).

and faithfully discharge the duties of a clerk to the board of commissioners, for examining the claims to land, as enjoined by an act of Congress, entitled "An act ascertaining and adjusting the titles and claims to land within the territory of Orleans, and the district of Louisiana."

Which oath or affirmation shall be entered on the minutes of the board.⁸¹

SEC. 6. *And be it further enacted*, That the secretary of the treasury shall be, and he is hereby authorised to employ three agents, one for each board, and whose compensation shall not exceed one thousand five hundred dollars each, for the purpose of appearing before the commissioners, in behalf of the United States, to investigate the claims for lands, and to oppose all such as said agents may deem fraudulent, and unfounded. It shall also be the duty of the said agent for the district of Louisiana, to examine into, and investigate the titles and claims, if any there be, to the lead mines within the said district, to collect all the evidence within his power, with respect to the claims to, and value of the said mines, and to lay the same before the commissioners, who shall make a special report thereof, with their opinions thereon, to the secretary of the treasury, to be by him laid before Congress, at their next ensuing session. The said board of commissioners shall each be authorised to employ a translator of the Spanish and French languages, to assist them in the dispatch of the business which may be brought before them, and for the purpose of recording Spanish and French grants, deeds, or other evidences of claims, on the register's books. The said translator shall receive, for the recording done by him, the fees already provided by law, and may be allowed, not exceeding fifty dollars, for every month he shall be employed; *Provided*, That the whole compensation, other than that arising from fees, shall not exceed six hundred dollars.

SEC. 7. *And be it further enacted*, That the powers vested by law in the surveyor of the lands of the United States, south of the state of Tennessee, shall extend over all the public lands of the United States, to which the Indian title has been, or shall hereafter be extinguished, within the said territory of Orleans; and it shall be the duty of the said surveyor, to cause such of the said lands, as the President of the United States shall expressly direct, to be surveyed, and divided, as nearly as the nature of the country will admit, in the same manner, and under the same regulations as is provided by law, in relation to the

⁸¹ The powers and duties of the commissioners were successively extended by acts approved Feb. 28, 1806, Apr. 21, 1806, and Mar. 3, 1807 (2 STAT. 352-353, 391-395, 440-442).

lands of the United States north west of the river Ohio, and above the mouth of Kentucky river.⁸²

SEC. 8. *And be it further enacted*, That the location, or locations of lands which Major General La Fayette is by law authorised to make on any lands, the property of the United States, in the territory of Orleans, shall be made with the register or registers of the land offices established by this act in the said territory: the surveys thereof shall be executed under the authority of the surveyor of the lands of the United States, south of Tennessee; and a patent or patents therefor shall issue, on presenting such surveys to the secretary of the treasury, together with a certificate of the proper register, or registers, stating that the land is not rightfully claimed by any other person: *Provided*, that no location or survey made by virtue of this section shall contain less than one thousand acres, nor include any improved lands or lots, salt spring or lead mine.

SEC. 9. *And be it further enacted*, That a sum not exceeding fifty thousand dollars, to be paid out of any unappropriated monies in the treasury, be, and the same is hereby appropriated for the purpose of carrying this act into effect.

NATH^l MACON Speaker of the House of Representatives.

A. BURR Vice President of the United States. and

President of the Senate.

March 2. 1805.

Approved

TH: JEFFERSON

I certify that this act did originate in the Senate. Sam: A Otis Secretary.

GOVERNOR CLAIBORNE TO ABIMAEL NICOLL

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS March 9th 1805

SIR, I request that you would examine every Vessel coming from a Foreign Port, and if you find any Slave or Slaves on Board, not composing a part of the Crew, that you would detain such Vessel, and not permit her to pass the Fort until you have reported the case to the Governor of the Territory and received his instructions. I regret the trouble which a compliance with this request will occasion you, but I

⁸² The act approved Feb. 28, 1806 (2 STAT. 352-353), authorized the surveyor general to execute such surveys as were considered by the commissioners necessary for the determination of claims. The expense of such surveys was borne by the claimants unless the claim was based on French or Spanish grant completed before Oct. 1, 1800.

find that the examination and detention desired are necessary to ensure a due observance of our Laws—

I am Sir with Respect & Esteem your obed^t Sevt

(signed) WM C. C. CLAIBORNE

CAPTAIN NICOLL Plaquemine

COMMISSION OF GEORGE DUFFIELD AS JUDGE⁸³

[SD:Temporary Comms.; 1:C]

[March 11, 1805]

THOMAS JEFFERSON, President of the United States of America

To all who shall see these Presents, Greeting;

Know Ye, That reposing special Trust and Confidence in the Wisdom, Uprightness, and Learning of GEORGE DUFFIELD of Tennessee, I do appoint him One of the Judges of the Superior Court in and over the Territory of Orleans; and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the United States; and to Have and to Hold the said Office with all the powers, privileges and Emoluments to the same of right appertaining during his good behaviour, and until the end of the next Session of the Senate of the United States and no longer.

In Testimony whereof, I have caused these Letters to be

L.S. made Patent and the seal of the United States to be hereunto affixed.

Given under my Hand at the City of Washington the Eleventh day of March in the year of our Lord one thousand Eight hundred and five; and of the Independence of the United States of America the Twenty ninth.

TH: JEFFERSON

By the President

JAMES MADISON

Secretary of State.

⁸³ Duffield had been recommended by Senator Joseph Anderson and Representative John Rhea, of Tennessee (Anderson and Rhea to the President, Mar. 5, 1805, SD, Appt. Office Files). Anderson subsequently informed the President, Mar. 25, 1805, *loc. cit.*, that Duffield was addicted to drink. The President then told Rhea, Apr. 30, 1805 (Jefferson Papers, LC), that he could not nominate Duffield to the Senate, and suggested that he be informed of the fact, so that he could resign. Rhea, however, informed the President, May 29, 1805, that his good opinion of Duffield was unchanged, and enclosed three statements in support of the latter's character, one from the citizens of Hawkins County, Tenn., May 29, 1805, and the others from citizens of Washington and Green counties, Tenn., not dated (SD, Appt. Office Files).

GOVERNOR CLAIBORNE TO RICHARD RELF AND [BLANK]

[NA:SD, Orleans Terr. Papers, vi:C]

NEW ORLEANS *March* 12th 1805

GENTLEMEN, I have this day Commissioned M^r Quinones a Keeper of Records, and authorized him to receive possession of certain Records appertaining to the Office of Charles Ximenes late a Notary Public, the law having required that a delivery of the Papers should take place in the presence of two Commissioners, I have Gentlemen nominated and appointed you with full authority to act in this particular, and I solicit on the occasion your Services. M^r Quinones will shew you a Copy of the Law in which your duty as Commissioners is prescribed.⁸⁶

I am Gentlemen very respectfully your obd^t sev^t—

(signed) WILLIAM C. C. CLAIBORNE

RICHARD RELF & [blank] Esqrs

 THE PRESIDENT TO GOVERNOR CLAIBORNE

[LC:Jefferson Papers:ALS]

WASHINGTON *Mar* 14. 05.

DEAR SIR Your letter of Jan. 29.⁸⁷ was recieved yesterday, and I have just time to drop you a line as I am setting out on a short visit to Monticello. you apologise to the Secretary of State for troubling him with documents in confutation of the Accuser. We perfectly understand the game which is playing against you, we know every man concerned in it, and I only lament, sincerely lament the name of one man found among them, and from whom I had expected much better things, but you do right in sending evidence against such documents as the Accuser N^o 3 has published; because it enables us to understand the truth of the transaction. One of the deputies returned from hence will probably join that faction actively. the others are dissatisfied, but they are virtuous men who will do nothing wicked.⁸⁸

⁸⁶ The records were removed from the custody of Pedesclaux and Ximenes, and placed in charge of Quinones, under the authority of an act approved Mar. 5, 1805. By an act approved Mar. 7, 1805, the clerk of the Orleans Superior Court was made custodian of the records of the governor's court in existence during the temporary territorial government (*Acts of the Legislative Council of Orleans*, 1-2 sess., 1804-1805, pp. 80-83, 86-88). For other measures taken to preserve the territorial archives, see Claiborne to Trouard, June 29 and July 9, 1805, and to St. Amand, July 9, 1805 (Rowland, ed., *Claiborne Let. Bk.*, III, 106, 117-118, 118-119).

⁸⁷ *Ante*, p. 385.

⁸⁸ The following excerpt is from the President to the Secretary of State, Mar. 23, 1805 (Madison Papers, LC):

" . . . Lee & Claiborne seem both pestered with intriguants. but as far as we see the conduct of both is without blame. in the case of Claiborne we must shew that however thankfully we recieve personal information as to our officers, we will not permit them to be written down by newspaper defamation.—"

I desired you some time ago to enter into conferences with the Marquis de Casa Calvo, or, if necessary, a correspondence with Govern^r Folk for their acquiescence in our sending the post-rider who is to go from hence by Cartersville, Pr. Edw^d C. H. Athens, Tuckabatche, Fort Stoddert & the mouth of Pearl river to N. Orleans, thro' a corner of the territory mutually claimed by them and us, that is to say from Fort Stoddert to the lowest bluff on Pearl river. while the country is the subject of negociation we think it honorable that each party should innovate nothing without the consent of the other. they have not observed this as to the road from Mobile to Baton rouge. settle this matter immediately as our rider will set out within a week to explore & establish his route. he will be with you almost as soon as this letter.—I have appointed Thruston of Kentucky & Duffield of Tennessee your 2^d and 3^d judges (they speak French) James Brown District attorney, and mr Gurley Recorder. Accept my friendly salutations and assurances of great esteem and respect.

TH: JEFFERSON

GOV^r CLAIBORNE

GOVERNOR CLAIBORNE TO MONSIEUR BAILEY

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *March 14th 1805*

SIR, I have enclosed you a Commission as Civil Commandant of the District of Iberville. The Interest of your fellow Citizens require, that the Office of Commandant should be committed to some person better qualified: and in whom greater confidence can be placed than in Francis Connell. My choice has fallen upon you, and I persuade myself you will give to the people the benefit of your Services.—

I am Sir with Respect and Esteem Your H^{bl}^e Sev^t

(signed) WILLIAM C. C. CLAIBORNE

MONSIEUR BAILEY

P.S The probability is, your Office of Commandant will not continue for more than a few weeks, The Legislature are about establishing Courts in the different Parishes, in which the present powers of Commandants will be vested. W.C.C.C.

GOVERNOR CLAIBORNE TO MONSIEUR BAILEY

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *March 14th 1805*

SIR, Having understood that Francis Connell the Civil Commandant of your District has withdrawn from this Territory and that the Archives of the District are exposed to loss and injury, I request

that you would repair to the House of the said Connell, and take possession of said Archives, and hold the same in safe keeping until you shall hear further from me on the subject

I am Sir with great respect your obdt Hble Sevt

(signed) WILLIAM C. C. CLAIBORNE

MONSIEUR BAILEY

THE POSTMASTER GENERAL TO GOVERNOR CLAIBORNE

[PO:P.M. Letter Book N]

March 15. 1805

Gov. W. C. C. CLAIBORNE Territory of Orleans

The Bearer of this letter M^r Francis Abraham has undertaken to establish a mail on a part of the road recently established by Congress, between the Seat of Government and your Territory via Athens in Georgia. May I ask the favor of your Excellency to give such necessary instructions to Abraham as will appear to you most necessary to carry into effect the desirable object of making a safe & expeditious conveyance between your Territory and this City. Should the establishment of any ferrys be necessary I trust that your Excellency will have them established at an early day. We shall soon take the liberty of drawing the post office money out of your hands that you informed us had been deposited with you by M^r Chew.⁸⁹ G G

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, XIV:C]

DEPARTMENT OF STATE, March 18th 1805.

Gov^r CLAIBORNE

SIR. I have received your favor of January 19th ⁹⁰ with its enclosures and shall forward it as you wish for the perusal of the President, who set out some days ago for his seat in Virginia. On his departure he left it in charge with me to call your attention to the new route proposed to be established to New Orleans, diagonally through West Florida, and to suggest the propriety of a communication on that subject with the Marquis de Casa Calvo, and thro' him, or directly, as may be best, with Gov^r Folk. Such a communication is rendered the more proper by criticisms which have lately been made by the Marquis d'Yrujo, on the surveys ordered by the President thro' parts of Louisiana remaining in possession of Spain.

It is not probable that any serious objection will be made to the passage of the mail thro' that route, more than of the mail from Natches

⁸⁹ Answered June 7, 1805 (Rowland, ed., *Claiborne Let. Bk.*, III, 83-84).

⁹⁰ *Ante*, p. 371.

thro' another part of West Florida. The Spanish Officers might also be reminded of the military rod which is said to be undertaken by Gov^r Folch from Pensacola to Baton Rouge, which considering the claim of the United States to West Florida and the negociation on foot, is more liable to objection than the harmless measures taken on our part; one of which, too, the expedition of Cap^t Lewis, was previously made known to the Spanish Minister here, and was never considered as dissatisfactory. It is proper however to observe, that in his late allusions to that and other proceedings under M^r Brigs & Mess^{rs} Dunbar & Hunter, he was probably led by the sole consideration of presenting a shadow of justification for the military innovations of the Spanish Officers within the controverted territory, without a previous understanding with the Government of the United States. Since I informed you that these military innovations had been represented to the Marquis, with a requisition that he would instantly interpose with the Spanish Officers in order to restore the proper state of things, an answer has been received from and a conversation held with him. He ascribes the measures to orders given under impressions made at Madrid by some steps taken by M^r Pinckney; which orders owing to the affair of Kemper & other circumstances have not yet been revoked. He candidly acknowledges his apprehension that no authority exists on this side the Atlantic that can controul them; but assures us that he has written on the subject not only to the Marquis de Casa Calvo, but to the Vice Roy of Mexico, whom he supposes most likely to be the source from which the execution of the orders proceeds; adding that he confides too much in the justice and candor of the American Government to suppose that it will pursue any course which might endanger the good understanding of the two Nations, which is indubitably the desire of His Catholic Majesty to maintain and cherish. What influence all this may have on the views of the President, I am not authorized to say.⁹¹

I am &^c

JAMES MADISON.

P.S.—Your letter of the 26th Jan^y with its enclosures,⁹² is also received

THE POSTMASTER GENERAL TO BLAIZE CENAS

[PO:P.M. Letter Book N]

March 18, 1805

BLAIZE CENAS Esq. P M New Orleans City

I am duly favored with your letter of January 26th accompanied by sundry documents, as well as your letter of Feb^y 4th ⁹³ I pray you to

⁹¹ Answered Apr. 21, 1805, *post*, p. 437.

⁹² *Ante*, p. 380.

⁹³ Neither letter has been found.

accept my thanks for the zeal and good conduct you have manifested in attempting to ascertain the villains who have robbed your mail—and I still hope that they may be discovered—All incidental expences that have arisen from the investigation of the robbery will constitute a proper charge against this office, and which you can enter as a contingent expence in your account current.

I have just dispatched a person to ascertain the best practicable road for establishing a mail between the seat of Government and your City, which when effected will be of immense utility to your Territory and the government generally—and relieve this Department from many complaints that are now made in consequence of failures in the present mail

G. G

THE POSTMASTER GENERAL TO ISAAC HAYS

[PO:P.M. Letter Book N]

March 18, 1805

COL^o ISAAC HAYS M. C New Orleans T. O

Yours of January 27 is received ⁹⁴—I very much regret to learn that an accident so important as you have detailed, should have occurred—but I can see no use in the Post Boy's being imprisoned inasmuch as he is thought innocent

G. G

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, vi:LS]

NEW ORLEANS *March 18th 1805*

SIR, We have not received a Northern Mail for five Weeks; of course I am without any late Letters from the Department of State; or recent information from the Seat of Government.

Much anxiety exists here to learn the issue of the Memorial to Congress.⁹⁵—We have seen the Report of the Committee of the House of Representatives, and as you may have conjectured, the Plan of Government proposed by the Committee is a Subject of private discussion, and one on which the society is divided. The Legislative Council are yet in Session, and have passed many Laws, of which Copies shall soon be forwarded to you.—It is probable that the Council will adjourn in about two weeks. Letters of late date, from our Frontiers represent every thing as tranquil, and the disposition of the Indian Tribes as very friendly to the United States.

The Marquis of Casa Calvo still remains in this City, and expects Shortly to be employed in extending the Line of Limits between the

⁹⁴ Not found.

⁹⁵ Printed, *Annals*, 8 Cong 2., sess., 1014–1017.

United States and the Mexican possessions. A dispute has arisen among the Members of the Catholic Church in this City. M^r Walch who claims to be the Vicar General of Louisiana took upon himself to dismiss a Priest who had the care of this Parish. The Priest appealed to his Parishoners, who have disavowed the authority of M^r Walch, and Elected (amidst many Huzzas) the dismissed Priest their Pastor. The Subject excites much Interest among the Catholic's; but it is probable the affair will not eventuate in any unpleasant consequences!⁹⁶

I am Sir, very respectfully your Hbl^e S^v

WILLIAM C. C. CLAIBORNE

THE HONB^l° JAMES MADISON Sec^{ry} of State—

[*Endorsed*] Gov^r Claiborne 18 March 1805

THE POSTMASTER GENERAL TO C. BERAUD

[PO:P.M. Letter Book N]

March 22^d 1805.

M^r C^a BERAUD New Orleans

Since the receipt of your letter of the 15th February last,⁹⁷ we have searched the dead letters which have been received at this office from New Orleans, but we have not been able to discover any to your address. If any have been received—they have been opened and examined, previous to the receipt of your letter: and when dead letters are examined and found to contain no valuable inclosures, we immediately destroy them.

G G

GOVERNOR CLAIBORNE TO JOSEPH BOWMAR

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS March 23rd 1805

SIR, In a Letter which you lately addressed to Colonel Freeman,⁹⁷ it is stated, that a request made to you by M^r Dinsmore to prevent the Chactaw Indians from Hunting in your District, had excited much discontent among them, and you solicited further instructions upon the Subject. Altho I am uninformed of the authority of Mr Dinsmore to interfere with Indian Affairs West of the Mississippi, I nevertheless will take upon myself to advise, that for the present, you refrain from a compliance with M^r Dinsmores request, and that your deportment to the Indians generally be the most conciliatory. You will

⁹⁶ For the details of this dispute, see Robertson (ed.), *La. under Sp., Fr., and U.S.*, II, 284, n.

⁹⁷ Not found.

protect the well disposed peaceable Indians from injury, and you will prevent the vicious from acts of aggression on the Inhabitants.

The enclosed extracts from Acts of Congress "Regulating Trade and Intercourse with Indian Tribes"⁹⁹ you will carefully peruse, and I advise that for the present, they serve as your guide. I will thank you to give me the names of such Citizens of your District whom you think best calculated to fill the Offices of Justices of the Peace

I am Sir with respect and Esteem your H^{ble} Sev^t

(Signed) WILLIAM C. C. CLAIBORNE

LIEU^t BOWMAR Civil Commandant Ouechita

GOVERNOR CLAIBORNE TO JOHN BOWYER

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *March 23rd* 1805

TO CAPTAIN BOYER

SIR, I have received one Letter from you, Since you arrived in the Appalousas District, and which I immediately answered.¹ The difficulty between yourself, and the Commandant of Atakapas I have sincerely regretted, but as it has arisen more immediately from causes of a Military nature, a decision cannot be made by me. In your character as Civil Commandant, I am persuaded you will dispense Justice with an impartial hand, and that your Department will be such as to secure you the esteem of the Citizens, and conciliate their affections to the United States. A Law will pass in a few days establishing Inferior Courts in the Territory.² By this Law Appalousas will form a County, and I shall have to appoint three Judges, a Clerk Sheriff, Coroner and several Justices of the Peace. I will thank you to give me the names of such honest Men of your District, as you may suppose best calculated to fill the above offices.—

I am Sir with great Respect your obdt Sev^t

(Signed) WILLIAM C. C. CLAIBORNE

To CAPTAIN BOYER, Commandant of Apelousas

⁹⁹ Enclosures not present. See acts approved July 22, 1790, Apr. 18 and May 19, 1796, Mar. 3, 1799, Apr. 22, 1800, Mar. 30, 1802, and Feb. 28, 1803 (1 STAT., 137-138, 452-453, 469-474, 743-749, 2 STAT., 39-40, 139-146, 207).

¹ Neither letter has been found.

² Act approved Apr. 10, 1805 (*Acts of the Legislative Council of Orleans*, 1-2 sess., 1804-1805, New Orleans, 1805, pp. 144-209). This act also divided the territory into twelve counties. It was amended by the act approved July 3, 1805, which defined the jurisdiction and the procedure of the county courts, *ibid.*, 2 sess., pp. 42-47. Other laws passed at this time, relating to the courts and the administration of justice, provided for the following: the printing of the laws, appointment of an attorney general, fees for attorneys, witnesses, and agents of the courts, building of courthouse and jails, county circuit courts, regulation of notaries, and the establishment of a probate court, *ibid.*, 1 sess., pp. 90-95, 260-262, 353-373, 384-387; 2 sess., pp. 30-33, 68-75, 76-86.

GOVERNOR CLAIBORNE TO JUDGE PREVOST ³

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *March 23rd 1805*

SIR, Captain Carrick the Civil Commandant of the District of S^t Bernard, has acquainted me of the disorderly conduct of one of the Priests in his Parish—I have requested Captain Carrick to communicate the particulars to you, Since if there be cause for the interference of the Civil Authority, the Judiciary can alone direct the proper measures—

I am Sir very Respectfully your most obdt S^t

(Signed) WILLIAM C. C. CLAIBORNE

THE HON^{ble} JUDGE PREVOST

GOVERNOR CLAIBORNE TO L. WOOLDRIDGE

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *March 24th 1805*

SIR, By a Law of the Legislature which will pass in a few days, all that Tract of Country beginning at the Mouth of Red River, and ascending the same to Black River, thence along Black River to the Tensa River, and along the same to the Tensa Lake, thence by a right line Eastwardly to the Mississippi and down the same to the beginning, is to compose a County and to be called Concordia.

Provision is made by Law for the formation of a County Court for Concordia, and I shall have to appoint three Judges, a Clerk, Sheriff, Treasurer, Coroner and several Justices of the Peace, you will oblige me therefore by giving me the names of such Honest Men residing within the limits aforesaid, as you may suppose best calculated to fill the Offices enumerated.⁴

I am Sir very respectfully your obdt Sevt

(Signed) WILLIAM C. C. CLAIBORNE

MR. WOOLDRIDGE Civil Commandant Concordia—

³ Covering letter, Claiborne to the Secretary of State, Mar. 24, 1805, printed, Robertson (ed.), *La. under Sp., Fr., and U. S.* II, 283-284. See also *id.* to *id.*, June 16, 1805, Rowland (ed.), *Claiborne Let. Bk.*, III, 96).

⁴ Similar requests were sent by Claiborne to Turner, Mar. 24, 1805, and to Bowmar, same date, civil commandants at Natchitoches and Ouachita, respectively (NA, SD, Orleans Terr. Papers, VI). Turner and Bowmar were informed that their authority as commandants would continue until the organization of an inferior court.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[NA:SD, Orleans Terr. Papers, vi:C]

NEW ORLEANS *March 25th 1805*

D^r SIR, The late Indian Agency which has been conferred on Doctor John Sibley has occasioned an Investigation of his private character; and I discover that it has received many injurious reproaches. M^r Bradford the Editor of the Orleans Gazette has addressed to me a Letter upon the subject which I deem it a duty to lay before you,⁵ more especially since in some of my former Letters to you I may have spoken respectfully of Doctor Sibley, and I recollect to have mentioned him as a proper person to fill a Seat in the Legislative Council.—I have myself no knowledge of the Doctors private character, nor did I ever learn until lately any serious exceptions to it. He passed a few weeks in the Mississippi Territory in the year 1802 and was occasionally at my House. I was pleased with him as an agreeable companion and a man of information, I have since received many interesting Letters from the Doctor which contained as I suppose much valuable information. The reputation of the Doctor in North Carolina can readily be acquired from some of the Gentlemen of that State. Of his general conduct here I cannot give any Testimony, there are however other Citizens who speak of him equally as disrespectful as Mr Bradford, and others again who represent him as a man of Integrity, and profess a friendship. I persuade myself that when you consider the motive which has induced me to address you this Letter, you will excuse the liberty I have taken, I have always been careful in recommending persons for office, and whenever I should be so unfortunate as to have named in my Letters to you an unworthy character, you may be assured it has arisen from my being myself deceived.—I still hope Doctor Sibley is not unworthy of your Patronage, the characters of the best of Men have been misrepresented. Of the Doctors private reputation I have no personal knowledge, but as exceptions to it are stated by M^r Bradford, I esteemed it a duty to enclose you his Letter.

The Council are yet in Session. Among the good Laws which they will enact, I hope there will be one for the support of Public Schools, and upon liberal principles.⁶ Many African Slaves are introduced

⁵ Not found.

⁶ The council, by the act approved Apr. 19, 1805, established the University of Orleans, meaning by university a system of secondary and collegiate schools. The law provided for a college in New Orleans and an academy and public library in each county, to be supported by a lottery (*Acts of the Legislative Council of Orleans*, 1-2 sess., 1804-1805, pp. 304-321). Nothing was done under this act, however, and legislation was enacted in 1806, 1808, and 1809 authorizing the parishes to maintain their own schools at their own expense but at the same time denying them the right to levy a general tax for the purpose (acts approved May 2, 1806, Mar. 16, 1808, Mar. 18, 1809, *Acts, First Session, First Legislature, Or-*

into the Settlement of Baton Rouge by the way of Pensacola, and Mobile, and from Baton Rouge they pass into Louisiana. These abuses are seen and regretted but (under existing circumstances) cannot be prevented.

I pray you to accept the best wishes of Dear Sir—your faithful friend

(Signed) WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the the United States

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, vi:LS]

NEW ORLEANS *March 26th 1805*

SIR, I am Honored with the receipt of your Letter of the 25th Ultimo,⁷ and shall be particularly attentive to its contents. The Marquis of Casa Calvo is yet in this City, and I believe contemplates remaining for some time; there at present exists between the Marquis and myself a friendly intercourse, and I shall embrace an early opportunity to make to him the communication desired by the President.

The Spanish Force at Pensacola and in West Florida, amounts to about nine hundred effective men. Two Hundred are stationed at Baton Rouge, about eighty at the Town of Mobile, and the remainder at Pensacola. I however can confidently assure you, that on the Militia of West Florida the Spanish Government can place no reliance; among them there is a general Spirit of disaffection, and a great desire manifested to become Americans;—this disposition is particularly observable in the vicinity of Baton Rouge. I cannot state the number of Spanish Troops in the Province of Taxus, but if any credit can be given to reports, they have of late, been considerably augmented. At the Bay of S^t Bernard the Spaniards have erected a Fort, of the strength of which I am not informed;—but on the Coast they have several Garrisons, and I learn from a Source entitled to credit, that within eighty Leagues from the Mouth of the Sabine, they have at this time about two thousand Troops.—I however will make further enquiries and communicate to you the result.

The Scism among the Catholics of the Territory increases; the Vicar General, who claims precedence in the Church, is about pub-

leans, New Orleans, 1807, pp. 8-11; Acts, First Session, Second Legislature, Orleans, New Orleans, 1808, pp. 20-23; Acts, Second Session, Second Legislature, Orleans, New Orleans, 1809, pp. 46-49). An act approved Apr. 9, 1811, appropriated \$15,000 for a college in New Orleans, and not over \$2,000 for one or more schools in each of the counties except Orleans (Acts, Second Session, Third Legislature, Orleans, New Orleans, 1811, pp. 64-71). See Noble, "Governor Claiborne and the Public School System of the Territorial Government of Louisiana", La. Hist. Quar., XI, 535-552.

⁷ *Ante*, p. 397.

lishing a Pastoral Letter, and proposes to give it general circulation: I very much regret this religious contest, but I persuade myself it will not be productive of Serious consequences.

M. Walsh is an Irishman, and his principal opponent M. Antoine (a Priest) a Spaniard; The Marquis of Casa Calvo is said to take great Interest in favor of the Latter, but I have no evidence of the fact.

I am Sir very Respectfully Your most obt Sv.

WILLIAM C. C. CLAIBORNE

THE HON^{ble} JAMES MADISON Secty of State—

P.S. As it is probable I may occasionally have confidential communications to make you, I should be happy to be furnished with a Cipher.—W.C.C.C.

[Endorsed] Gov^r Claiborne 26 March 1805 Rec^d 22 May Cypher

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, vi:LS]

(Private) (Duplicate) NEW ORLEANS *March 26th 1805*

SIR, Your private Letter of the 14th of January with its enclosure was duly received.⁸ I have not yet attempted to Select any additional Members for the Council, inasmuch as few persons here would accept until the issue of the Memorial to Congress was ascertained.

Eugene Dorciere, James Mather and George Pollocks Commissions bear Date the 30th of August, and William Floods the 12th of December—John Sibley has been offered an appointment, but no answer having been received the Commission is not yet filled up. It is probable that Doctor Sibley will not accept, in consequence of an Indian Agency conferred on him by the President. Three of the Commissions which were sent forward to me, were presented to Messrs. Dorciere, Mather and Pollock; the Gentlemen first named by the President, having declined accepting, the blanks were filled with the names above mentioned—The Commissions were dated the 30th of August. The Council is now composed of Mess^{rs} Julien Poydrass, Benjamin Morgan, William Wikoff, William Kenner, George Pollock, Eugene D'orcieri, James Mather and William Flood. The seat of Doctor John Watkins has been vacated, in consequence of his appointment to the Office of Recorder of this City.—When the Memorial to Congress is decided there will be no difficulty in completing the Council, but I am unwilling at this time to offer a Com-

⁸ Not found.

mission to any Citizen, lest my feelings should be subjected to the mortification of a refusal.

I am Sir very respectfully your obdt S^t

WILLIAM C. C. CLAIBORNE

THE HON^{ble} JAMES MADISON Secty of State—

[*Endorsed*] Gov^r Claiborne 26 March 1805 Rec^d 22 May To fill up the records

THE SECRETARY OF THE TREASURY TO JOHN W. GURLEY

[GLO:Div. C, Misc. Letter Book One]

TREASURY DEPARTMENT, *March 30th 1805.*

JOHN W. GURLEY, Esquire, Register &c. Eastern part of the territory of Orleans

SIR, Enclosed, I transmit to you a commission⁹ from the President of the United States, appointing you to be Register of the land-office of the United States in & for the eastern part of the Territory of Orleans.

I have, therefore, to request, that you will immediately qualify yourself by taking an oath to support the Constitution of the United States, and for fidelity in office, with a bond executed by yourself & one or more good Sureties, in the sum of ten thousand dollars—a form of the bond is enclosed.

You will perceive by the act, a copy of which is enclosed,¹⁰ that it was not necessary that the Register should have entered into the duties of his office before the first of September next; but it has been thought eligible to carry the law into effect immediately; and the annual salary of five hundred dollars to which you are entitled as Register will commence from the time when you shall have qualified yourself & executed the bond.

The President has not yet definitively determined on the proper boundary between the Eastern and Western divisions of the Territory of Orleans. For the present, all that part of the Territory which lies East of the Mississippi, together with all the parishes lying on the West bank & bordering the same, & including the Fourche, will belong to the Eastern division, and the office therefor to be kept at New Orleans—All the Settlements on Red & Washita rivers, together with the parishes of Attacapas and Opelousas, are intended to form the Western division. I will thank you to transmit to me the form of a specification which may designate with precision that division,

⁹ Not present. Gurley was nominated to this office Dec. 20, 1805, and his appointment confirmed Dec. 23, 1805 (*Senate, Exec. Journal*, II, 8, 10).

¹⁰ Not present. See act approved Mar. 2, 1805, *ante*, p. 408.

and also to communicate your opinion on the propriety of any alteration in it.¹¹

For the present, I will call your attention only to one part of the law. It is enacted by the 4th section that persons claiming lands by virtue of legal French or Spanish grants made before the 1st of October 1800, may file a notice of their claim with the Register; but that persons claiming either under the two first sections of the Act or under incomplete titles shall do it under penalty of their claim being forever barred. You will easily perceive that the distinction is drawn from the different nature of the claims, that the first species is considered as already established & not wanting any confirmation from the Government of the United States; but it is necessary that the people should be also made to understand it; that they should know that it is not intended to disturb their rights founded on legal grants, and that the object of the first paragraph is merely to enable them to have their grants recorded in an American Office, if they shall think it expedient, and to prevent the possibility of the United States selling through mistake lands which have already been legally granted.

It is true that persons claiming lands under complete grants dated after the 1st of October 1800 are included in the same class with persons who claim under incomplete titles, and that there may exist some cases in which such grants are not confirmed by the two first sections of the Act. But it must be observed, 1^{stly} that such cases must be but few, 2^{ndly} That although Congress have not thought it proper, without having previously obtained more correct information, to confirm titles, or to assume principles by which titles will be confirmed, beyond the extent embraced by the two first sections, yet it cannot be doubted that they will, on the recommendation of the commissioner's, confirm, hereafter, equitable claims not embraced by those two sections; and that this was their object in requiring grants dated after the 1st of October 1800 to be filed with the Register; otherwise, no notice of them would have been taken in the law—3^{dly} that supposing that Congress should refuse to confirm some grants of that description, it will not preclude the Claimants from their remedy in Courts of law. Indeed it is well known here that the reason which has induced caution in framing the Act was the knowledge of fraudulent grants, principally in Upper Louisiana; and I have thus early mentioned the subject to you, in order that you may embrace every proper opportunity to remove objections & to repel misrepresentations, which may be expected from persons interested in grants of a doubtful nature.¹²

The Collector of New Orleans will be instructed to pay your salary as Register, quarterly, and also to advance you five hundred dollars,

¹¹ Cf. the Secretary of the Treasury to the President, May 28, 1805, and the latter's reply, May 29, 1805 (Adams, ed., *Writings Gallatin*, I, 231-233).

¹² Answered June 3, 1805, *post*, p. 453.

on account of your compensation as Commissioner. Of the remaining fifteen hundred dollars, he will pay you five hundred on the 1st of January next, & the balance whenever the business of the board shall have been completed.

I have &c.

I will thank you to inform me of the time & expence necessary for transcribing or extracting, from the proper records at New-Orleans, for the use of the two other boards, minutes of the grants, orders of survey, &c in the Territory of Louisiana—and in the Western division of the Territory of Orleans. To this enquiry, I would wish to have as early an answer as practicable.

Ex^d

THE SECRETARY OF THE TREASURY TO JOHN THOMPSON

[GLO:Div. C, Misc. Letter Book One]

TREASURY DEPARTMENT, *March* 30. 1803 [1805].

JOHN THOMPSON, Esquire, Register &c. for the Western part of the territory of Orleans.

SIR, Enclosed, I transmit to you a commission from the President of the United States, appointing you to be Register of the land-office of the United States in and for the western part of the Territory of Orleans.¹³

I have therefore to request, that you will immediately qualify yourself by taking an oath to support the Constitution of the United States, and for fidelity in office, with a bond executed by yourself and one or more good Sureties, in the sum of ten thousand dollars. A form of the bond is enclosed.¹⁴

You will perceive by the Act of which a copy is enclosed,¹⁴ that it is not necessary that you should enter on the duties of the Office till the 1st day of September, though it would be convenient, if practicable, that you should be on the spot at an earlier date. But it is, at all events, important that the President should be immediately informed whether you will accept the appointment, and I will thank you to favor me with an early answer on that subject.

The President has not yet received the information necessary to enable him to decide on the proper dividing line between the Western¹⁵ and Eastern¹⁵ parts of the Territory of Orleans. All the Parishes or districts which border on either bank of the Mississippi will certainly belong to the first, & all the settlements on Red river & Wachita to the last; but it is yet doubted to which of them the parishes of Atacapas

¹³ Enclosure not present. Thompson was nominated to this office Dec. 20, and his appointment was confirmed Dec. 23, 1805 (*Senate, Exec. Journal*, II, 8, 10).

¹⁴ Not present.

¹⁵ The opposite is meant. Cf. *supra*.

& Opelousas ought to be annexed; and till then it remains uncertain whether the office to which you are appointed should be held on the Red river or at Opelousas. On that point, you will receive further instructions before your departure.

The emoluments pertaining to the Office are—

1st The recording fees to be paid by the Parties.

2nd an annual salary of five hundred dollars as Register, which will commence from the day of his arrival at the place where the Office shall be held, & for which he may then draw quarterly on the Secretary of the Treasury, or, if more convenient to him, on the Collector of New Orleans; but he must select one or the other mode & advise the Secretary of his choice before he begins drawing.

3rd A compensation of two thousand dollars as Commissioner. If you accept the Office, I will direct the Supervisor of Kentucky to advance you five hundred dollars of that sum before your departure; and you will be authorized to draw on me a further sum of five hundred dollars on the 1st of January next, & the balance of one thousand dollars, whenever the business of the Board shall have been completed.

4th The commissions &c. upon the sales of land which may hereafter take place.

I have &c.

Ex^a

GOVERNOR CLAIBORNE TO EDWARD D. TURNER

[NA:SD, Orleans Terr. Papers, vi:C]

NEW ORLEANS *March 31st 1805*

SIR, Your Several Letters of the 3rd 6th & 16th of March ¹⁶ have been duly received. The explanation you have given upon the subject of the slaves recently released from confinement is satisfactory, and your conduct in this affair seems to have been directed by prudent and just considerations. I have as yet received no application from those who wish the Banishment of the slaves, and if any is made, I shall know how to appreciate the motive. I am aware of the difficulty of organizing the County Courts.—The want of information among the body of the people, their former habits and existing prejudices present great impediments, but I will select with care the officers of the Court, and if things should not be conducted with propriety, I shall only be censured by illiberal men, or those who know not the difficulties in my way. I hope the recent reports from Nacogdoches are incorrect. I however will take an early opportunity to confer on the subject with the Marquis of Casa Calvo, and ascertain the truth of the case. If the Spanish Authorities in your vicinity should en-

¹⁶ None of these letters have been found.

courage the elopement of slaves from the Service of their Masters, and give protection to the fugitives, the consequences cannot fail to be unpleasant, and the Subject will demand the serious attention of our Government.

I am Sir with Esteem your obdt Sev^t

(Signed) WILLIAM C. C. CLAIBORNE

CAPTAIN TURNER Natchitoches

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xiv:C]

DEPARTMENT OF STATE *April 1st 1805.*

GOV^r CLAIBORNE

SIR. I have received your several letters dated 19.21.26 & 27th January, & 6th & 10th February.¹⁷ You will have seen in the appropriation law for this year the provision made for the compensation of the members of the Legislative Council and other objects of expense in the Territory of Orleans.¹⁸ For paying the expenses accruing in the interval between the 1st of Nov^r & 1st of January last, the Secretary of the Treasury has given the directions, which seemed expedient to the Collector of the Customs at New Orleans. The part of your letter of the 27th of January¹⁹ respecting the Indian Superintendency, will be communicated to the President on his return from Monticello, where he will remain a short time. Should the M^r Laval, mentioned in the enclosed paper²⁰ received from the Consular Agent of the U:S: at Havanna, remain in New Orleans, you will be pleased to submit the question to the proper law Officer, how far his conduct in being the owner of the privateer Eugene, which lately departed from the Mississ^l taken with the circumstance of his residence in the U: States, subjects him to legal animadversion.²¹

I am &^o

JAMES MADISON.

GOVERNOR CLAIBORNE TO THEODORE STARK

[NA:SD, Orleans Terr. Papers, vi:C]

NEW ORLEANS *April 1st 1805*

SIR, A Law dividing this Territory into Several Counties and providing for the establishment of Inferior Courts will pass the Legislature in a few days. The Settlements of Ouichita and Concordia will each form a County, and if the office of Clerk in either of these Counties

¹⁷ *Ante*, pp. 371, 378, 380, 383, 390, 391.

¹⁸ Act approved Mar. 1, 1805 (2 STAT. 316-321).

¹⁹ *Ante*, p. 383.

²⁰ Not found.

²¹ Answered June 3, 1805 (Rowland, ed., *Claiborne Let. Bk.*, III, 68).

would be worthy your acceptance, I should be happy to confer it on you. Having heard that you were not at present engaged in business I have made you this communication

I am Sir with great Respect & Esteem Your obdt Sevt

(Signed) WILLIAM C. C. CLAIBORNE

THEODORE STARK Esq Natchez

GOVERNOR CLAIBORNE TO CONSTANT FREEMAN

[NA:SD, Orleans Terr. Papers, vi:C]

NEW ORLEANS *April 4th 1805.*

TO COLONEL FREEMAN

SIR, I have organized a company of Volunteer Militia in this City by the Title of the Orleans Fusileers, and annexed it to the Batallion of Orleans Volunteers.²² This new Company have solicited the Loan of forty stand of Arms, and you will oblige me if you will cause that number to be delivered to the order of Captain Davis upon his giving a receipt for the same. The Volunteer Corps of Militia heretofore organized in this City were furnished with Public arms, and the officers of the General Government to whom the circumstance was communicated did not express their disapprobation.

I am Sir very respectfully Your obdt Sevt

(Signed) WILLIAM C. C. CLAIBORNE

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, vi:LS]

NEW ORLEANS *April 5th 1805*

SIR, A Late letter from Captain Turner of Natchitoches contains the following Paragraph, "I fear the return of the negroes who had escaped to Nacogdoches will not remedy the evil; the Commandant

²² This organization had been officially recognized by an act approved Jan. 23, 1805. By an act approved Mar. 29, 1805, the governor was authorized to commission officers of militia companies. An act approved Apr. 10, 1805, directed the enrollment in the militia of all white men between sixteen and fifty, except city and territorial officers, postmasters and stage drivers, ferrymen and pilots, mariners, ministers, school teachers, physicians, surgeons, and apothecaries (*Acts of the Legislative Council of Orleans*, 1-2 sess., 1804-1805, pp. 26-29, 120-121, 262-302). Subsequent enactments divided the territory into three militia districts, and defined the duties of officers and prescribed penalties for failure to attend musters (acts approved June 7, 1806, and Apr. 29, 1811, *Acts, First Session, First Legislature, Orleans*, pp. 146-149; *Acts, Second Session, Third Legislature, Orleans*, pp. 148-165). For other references to the militia, see Claiborne to Freeman, June 13 and 14, to Pitot, June 18 and July 1, to Sibley, Oct. 30, to the Secretary of State, Nov. 5, and to Hopkins, Nov. 24, 1805 (Rowland, ed., *op. cit.*, III, 93-94, 95, 98-99, 106-107, 217-219, 225-227, 235-237).

who restored them has been arrested for so doing, and his Successor has positive orders to carry the Royal Decree concerning fugitive Slaves into effect; my informant is a Gentleman immediately from Nacogdoches". I trust this information is not correct; it however was accredited at Natchitoches and has excited some uneasiness.²³

Many of the Citizens West of the Mississippi are yet impressed with an opinion that they are shortly to fall under the Dominion of Spain and the Spanish Officers here and at Pensacola take frequent occasions to remark that West and East Florida would be given in exchange for the Territory West of the Mississippi, but on no other conditions would a cession be made²⁴

I am Sir very Respectfully Your Hble St

WILLIAM C. C. CLAIBORNE

THE HON^{ble} JAMES MADISON Sec^{ry} of State

[Addressed] The Hon^{ble} James Madison Secretary of State Washington Mail [Postmarked] New Orleans Apr. 9 Free

[Endorsed] Gov^r Claiborne 5 May [April] 1805

GOVERNOR CLAIBORNE TO JOHN SIBLEY

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS April 8th 1805

SIR, Your Letter of the [blank] Ultimo²⁵ was delivered to me by Lieutenant Murry. The abuses in the Post Department I have long Seen and regretted, but a remedy seems difficult. I however rely much on the vigilance, Talents and attention of the Post Master General, and trust that in a short time, a due portion of care will be manifested at the various Offices. The Council are yet in Session, but an adjournment will probably take place in five or six days. If a call of the Legislature during this Summer should become necessary, you shall be advised thereof. I can assure you Sir, that I exercise no manner of controul over any News Paper printed in this City, and if you have read a regular file of the Orleans Gazette, you must have perceived, that that Paper has given currency to many severe and illiberal strictures on my Public Conduct, Private Manners, and general deportment in life. Strictures which I confess were very

²³ The letter referred to has not been found. On the subject of the fugitive slaves, see Claiborne to the Secretary of State, Aug. 6, 1805, to Casa Calvo, Aug. 8, 1805, to Herrera, Aug. 26, 1805, Casa Calvo to Claiborne, no date, 1805, and Herrera to Claiborne, Aug. 28, 1806 (Rowland, ed., *op. cit.*, III, 152, 155-156, 383-386, 392-393).

²⁴ Cf. Claiborne to the Secretary of State, June 5, 1805, printed *ibid.*, pp. 80-83, under date of June 6.

²⁵ Not identified.

disagreeable to me, but being unconscious of doing wrong to my Country, or to Man, the calumnies which have appeared, occasion me no serious inquietude. I do not know upon what authority the Editor of the Orleans Gazette made the attack on you which is referred to in your Letter, but I am persuaded that he would publish any piece in explanation which might be offered. I am thus impressed, because altho the various pieces which have appeared against me, were as Hostile to my reputation as language could make them, I discovered that productions in my vindication were not refused a place in the same Paper. The Legislature have passed a Bill providing for the establishment of County Courts, Natchitoches is constituted a County, and an Inferior Court is to be organized therein to be called the County Court. I will carry this Law into execution as soon as possible, but until the Court is organized the Civil Commandant retains his present powers—

I am Sir very respectfully Your Hble Sev^t

(Signed) WILLIAM C. C. CLAIBORNE

DOCTOR SIBLEY Natchitoches

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VI:LS]

NEW ORLEANS *April* 16th 1805

SIR, Since my last, nothing has occur'ed worthy communication. The Schism in the Church is not yet adjusted; the enclosed reply ²⁶ to Col^o Bellechasse has greatly irritated him and his friends; and will I fear eventuate in a personal Combat. I have learned that the Marquis of Casa Calvo takes an Interest in the dispute between the Priests, and uses his influence on the occasion. I have it in contemplation to address a Letter to the Marquis on the Subject, and to Suggest the indelicacy and impropriety of any interference on his part.

The Louisiana Bank is in operation, and has acquired confidence. It has made considerable Discounts, and received large Deposits. The Council will probably rise in a few days; they have by Law divided the Territory into twelve Counties, and directed the establishment of an Inferior Court in each County. In order the better to

²⁶ Found with the covering letter. This reply, in French, and signed "Un de vos Concitoyens," was published as an extra of the *Orleans Gazette*, Apr. 13, 1805. It is a polemic against Bellechasse, inspired by the latter's reply to the pastoral letter of Patrick Walsh, who claimed the title of vicar-general of Louisiana. The pastoral letter, Mar. 27, 1805, and Bellechasse's reply, not dated, were enclosed in Claiborne's letters to the Secretary of State of Mar. 31 and Apr. 1, 1805, respectively (NA, SD, Orleans Terr. Papers, VI). See Fortier, *Louisiana*, iv, 106-107, 115-116, and Walsh to Claiborne, July 11, 1805, with the latter's reply, July 12, 1805, in Rowland (ed.), *Claiborne Let. Bk.*, III, 120-123.

organize these Courts, and to select suitable characters to fill the various Offices, I propose visiting several of the Counties; but I shall take care not to be too distant from the City to permit of my prompt attention to any instructions which you may give me: I will thank you therefore to forward your communications (as usual) to New Orleans, and provision will be made to convey them immediately to me.

I am Sir very Respectfully your Obdt S^t

WILLIAM C. C. CLAIBORNE

THE HON^{ble} THE SECRETARY OF STATE

[*Endorsed*] Gov^r Claiborne 16 April 1805 Rec^d 28 May

GOVERNOR CLAIBORNE TO MANUEL ANDRY

[NA:SD, Orleans Terr. Papers, vi:C]

NEW ORLEANS *April 16th 1805*

TO M. MANUEL ANDRY Commandant of the Parish of S^t John the Baptiste

SIR, I have understood that the Levee in your District is in Several places in bad order, and that an early repair thereof, is essential to the Interest of the farmers generally. I advise therefore that you immediately instruct the persons owning the Land where the Levee is bad, to repair the same, and in case of their refusal or neglect so to do, that you call upon the Inhabitants of your District generally to make the necessary repairs, and the expense attending the same, the owners of the Land will be bound to pay. If the roads of your District should be out of repair, you will cause the ancient regulations relative to roads, to be observed, as these regulations are yet in force.

I am Sir very respectfully Your obdt Sevt

(Signed) WILLIAM C. C. CLAIBORNE

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, vi:LS]

NEW ORLEANS *April 19th 1805.*

SIR, In conformity to your Letter of the 25th of February,²⁷ I have taken occasion to communicate (verbally) to the Marquis of Casa Calvo, the impressions of the Executive of the United States, upon the Subject of the late increase of the Spanish Armies within and near the disputed Territories, and also the provisional arrangements which were in consequence contemplated.—

I said to him, that “the President had been desirous that pending the Negotiation between our two Governments, the present state of

²⁷ *Ante*, p. 397.

things should not be innovated on by either party;—and particularly, that no new positions or augmentations of Military force should take place on either side within the Territories claimed by both Eastward of the Mississippi”—But understanding “that Spain had not only augmented her forces within the Territory aforesaid, and its Vicinity, but established new Military Posts, he had thought proper to strengthen the Garrisons of the United States on the Mississippi:—I added that, “the President was nevertheless sincerely desirous that the existing differences should be Amicably adjusted and he entertained strong hopes that such would be the result.” The Marquis replied “that the forces of his Catholic Majesty had not been augmented at Baton Rouge, Mobile or Pensacola in any other manner, than by concentrating at these places, the Troops which had been withdrawn from the various parts of Louisiana now in possession of the United States;” he further observed that “in consequence of certain impressions which the conduct of our Minister at Madrid (M^r Pinckney) had made on the mind of his Catholic Majesty, and a recent act of Congress,²⁸ which was construed by his Court as giving authority to the President to take possession of a part of Florida, a Fleet had been ordered to be fitted out at Cadiz and Ferrol, for the purpose of conveying four thousand regular Troops to Mexico, which were to occupy various Posts in the Province of Taxus, and to advance as far as the Western Bank of the Sabine River, under the direction of a M^r Gramara (a man of Military Talents and a great engineer) who was named Captain General of Taxus”.—But said the Marquis, “the Fleet has never sailed, and I suppose its departure is delayed by the satisfactory explanation which the President gave of the Act of Congress; I have also received Letters from S^t Antoine of a late date, and I do not learn from them the arrival of the Captain General Gramara, or that the Military Posts in the Interior Provinces had been strengthened.”

After some other unimportant conversation, and reciprocating assurances of personal consideration and of our great Solitude for the preservation of a good understanding between our two Nations the conference terminated.

I am Sir very Respectfully your Obd^t Hb^t Sev^t

WILLIAM C. C. CLAIBORNE

THE HONBLE JAMES MADISON, Secty of State

P.S. The Marquis told me that of the contemplated departure of a Fleet from Cadiz and Ferrol; its object and destination he had (in conformity to his instructions) some time since informed the Minister near the United States (M^r DYrugo)—W.C.C.C.

²⁸ Sec. 11 of the act approved Feb. 24, 1804, which organized the Mobile area as a collection district (2 STAT. 254).

[*Endorsed*] Gov^r Claiborne 19 April 1805 Communication to the Marquis Casa Calvo respecting Military Innovations.

GOVERNOR CLAIBORNE TO JOHN BOWYER

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *April 19th 1805*

SIR, Having understood by Colonel Freeman, that you were made a Member of a Court Martial and ordered to this City, I have appointed M^r Theophilus Collins Commandant Pro. tem of Opelousas, and to whom you will be pleased to deliver the Records, and Papers of the District now in your possession. I pray you to accept my thanks for your faithful public services.

I am Sir very respectfully your H^{ble} Sert

(Signed) WILLIAM C. C. CLAIBORNE

CAPTAIN BOYER

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VI:ALS]

NEW ORLEANS *April 21st 1805*

SIR, I received by the last Mail your favors of the 18th²⁹ and 11th ultimo;³⁰—the last covering a Copy of the Law for the Government of this Territory, the inaugural address of the President, and a duplicate of your Letter of the 25th of February,³¹ the original of which had previously been received and acted upon.

Having Sometime Since been advised by the President himself,³² of his intention to establish a Post Route from Washington by the Creek Nation, Fort Stoddart and the mouth of Pearl River to New Orleans, I immediately commenced a correspondence with the Marquis of Casa Calvo upon the subject, a copy of which I several weeks ago, forwarded to the President.³³—The Marquis had no objection to the contemplated Route, but to meet any exception which might be taken by Governor Folch, and at the same time pay him an attention with which he is always pleased, I shall take an early opportunity to communicate with him also on the same Subject, and will advise you the result.—

My Letter of the 19th Instant,³⁴ will inform you of the Substance of a conversation I had with the Marquis of Casa Calvo in relation to the

²⁹ *Ante*, p. 418.

³⁰ NA(Dom. Letters, XIV).

³¹ *Ante*, p. 397.

³² *Ante*, p. 363.

³³ See accompanying enclosures.

³⁴ *Ante*, p. 435.

late Military movements of the Spanish Authorities in this Quarter. The Marquis does not admit that the Military Posts in the Province of Taxus have been strengthened; but I cannot believe that the frequent statements to the contrary made to me by Captain Turner of Natchitoches, and other respectable characters are without foundation.

The expedition of Governor Folch to Baton Rouge was certainly unnecessary.—Kempers insurrection as it is called, was in fact nothing more than a riot, in which a few uninformed, ignorant men had taken a part, and the whole affair was at an end previous to Folchs departure from Pensacola.³⁵ The Marching Spanish Troops to Baton Rouge; the opening of a Road from Pensacola; Governor Folchs Subsequent conduct at this place, united to the exertions which were made to keep alive among the Citizens here an attachment to Spain, all tend to confirm me in an opinion, that about that time a rupture with the United States was deemed by the Spanish Authorities a probable event; but of late their conduct has assumed a more pacific aspect. The Law of Congress for the Government of this Territory will not give general Satisfaction. The people have been taught to expect greater privileges, and many are disappointed; I believe however as much is given them, as they can manage with discretion, or as they ought to be trusted with, until the limits of the Ceded Territory are acknowledged, the National attachments of our new Brothers less wavering, and the views and characters of some influential men here better ascertained: I particularly allude to those persons who were formerly in the Spanish Service, and are permitted (by their Government) to remain in Louisiana as Pensioners, or in the enjoyment of their full pay. I am happy that my Letters of the 19th³⁶ and 26th³⁷ of January with their Several enclosures have reached you, and I indulge a hope that their perusal have removed any impressions unfavorable to me, which the intrigues and writings of a small and unprincipled faction, might otherwise have made upon your mind.

I confess Sir the opposition, the cruel opposition I have experienced has harrow'd up my feelings excessively, but I found powerful consolation from an approving conscience, and a well founded hope that my Superiors to whom the difficulties I have combated are known,

³⁵ For letters relating to the renewed activity of the Kempers, culminating in their arrest, see Casa Calvo to Claiborne, May 6, Claiborne to Casa Calvo, May 8, to Williams, May 8, to the Secretary of State, May 10, Aug. 27 and Sept. 11, to Freeman, May 13, to Folch, Aug. 9, to Wilson, Sept. 9, and to the Secretary of War, Sept. 11, 1805 (Rowland, ed., *Claiborne Let. Bk.*, III, 43-47, 51-52, 54, 157, 183, 184-185, 186-188). See also Cox, *West Fla. Controversy*, pp. 163-168.

³⁶ *Ante*, p. 371.

³⁷ *Ante*, p. 380.

would approbate a conduct which has throughout been directed by the purest motives of honest patriotism.³⁸

I am Sir with great Respect Your most ob^d H^bl S^t

WILLIAM C. C. CLAIBORNE

THE HON^bl^e JAMES MADISON Secty of State—

P.S. I enclose you a Copy of my Letter to the Marquis upon the Subject of the Road, & also of his Answer.—W.C.C.C.

[Endorsed] Gov^r Claiborne 21 April 1805 Rec^d 11 June Road thro' W. Florida

[Enclosures]

*Governor Claiborne to the Marquis of Casa Calvo*³⁹

NEW ORLEANS February 20th 1805

SIR, The American Government desirous of facilitating the intercourse between the United States and the Territory of Orleans, propose to establish a Post from the City of Washington for the conveyance of Letters in a direct course to Fort Stoddart on the Mobile, and from thence by the Mouth of Pearl River to New Orleans. This contemplated Post will pass about seventy Miles thro the Territory possessed by Spain, and as I persuade myself that the Spanish Government will not only assent thereto, but will extend to the person or persons who may have charge of the mail their friendly protection. Convinced of your Excellencys disposition to interpose usefully between our two Governments, and to promote the harmony and good understanding which happily prevails between the two Nations, I have addressed you this communication.

I renew to your Excellency assurances of my great respect and Esteem

(Signed) WM C. C. CLAIBORNE

HIS EXCELLENCY THE MARQUIS OF CASA CALVO.

The Marquis of Casa Calvo to Governor Claiborne

(Translation)

NEW ORLEANS Feby 21st 1805

SIR, I can see no reason on my part, why the Mail you have in view, as you was pleased to give me notice in your favor of yesterday should

³⁸ A second letter from Claiborne to the Secretary of State, also of Apr. 21, 1805, is found in NA (SD, Orleans Terr. Papers, VI). Claiborne reported the content of a conversation held with Casa Calvo concerning Spanish foreign affairs and the negotiations between Spain and the United States over the question of boundaries. Claiborne said the object of the Spanish would be to establish the Mississippi as the western limit of the American territories, and that East and West Florida would be offered to attain this object.

³⁹ Not present with the covering letter but in the executive correspondence, January-June, 1805, in the same volume.

not for the present pass on his Majesty's Territories for the length of Seventy Miles you mention from Fort Stoddart to the Mouth of Pearl River; and your Excellency may rest assured that I will from this Moment, use my best endeavours to cause that protection to be afforded to the persons having charge of the Mail which is due to a Public establishment of so much utility. I will give due information of the same to my Court, and likewise let the governor of West Florida know the desire of your Excellency and Government; requesting Your Excellency to be persuaded of my Sincere regard and Respect.

(signed) THE MARQUIS OF CASA CALVO.

GOV. CLAIBORNE

[*Endorsed*] Rec^d in Gov^r Claiborne's 21 April 1805

GOVERNOR CLAIBORNE TO HENRY HOPKINS

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *April 22nd 1805*

SIR, Your Letter by M Prevost has been received.⁴⁰ I do not recollect to have omitted answering any of your Letters, the contents of which seemed to me to have been interesting to the Citizens of your District: It is however very probable that many of my Communications to you may have miscarried. —In the dispute between Captain Boyer and yourself, I have not interfered; —the Subject was a delicate one, and I was not fully informed of the particulars. I however remember to have said to you in a Letter, that altho I regretted the difference, my confidence in your Integrity and Talents was not diminished and gave you assurances of my Esteem. In a former Letter from you, I was advised of your determination not to pass any conveyances of Land sold by Indians without instructions from me. I approved of that determination and thought it unnecessary to write upon the subject. In relation to the Persons confined for offences, I can only observe that I have long expected that provision would be made for the Speedy Trial of minor offenders in the Counties where the Offences were committed. But no provision of the kind is yet made, and I can only request that you would cause persons charged with breaches of the Law to be holden in safe Custody.

Having understood that you were ordered to this City, I will thank you leave the Records &c in the hands of some discreet Citizen and name him the Civil Commandant pro tem, one of the Cyndicks would be preferred.

Accept assurances of my Sincere Esteem

(Signed) WILLIAM C. C. CLAIBORNE

LIEUT. HOPKINS Commandant Attakapas

⁴⁰ Neither this nor the other letters mentioned below have been identified.

THE SECRETARY OF THE TREASURY TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

TREASURY DEPARTMENT 23^d April 1805

SIR I have the honor to enclose two accounts of certain contingent expences incurred by Governor Claiborne, which he has transmitted to this office.⁴¹ The only appropriation for contingencies in the territory of Orleans was made by the act of 3^d March last and is in the following words "For incidental and contingent expences of the legislative council and of the secretary of the said territory, two thousand dollars"⁴²

The contingent expences of various kinds which were incurred by Governor Claiborne prior to the first day of October 1804 were chargeable to the fund of twenty thousand dollars created by the second section of the Act providing for the expenses of the civil Government of Louisiana, passed March 19, 1804.⁴³ The accounts for that period are not yet settled; nor can they be settled until the principles of settlement shall have been decided upon by the President, under whose direction the expenditure of that sum was placed. But the fund being amply sufficient to cover all the expences thus incurred, there will be no difficulty, arising from want of authority or appropriation, in settling the accounts for that period.

It is only for expences incurred subsequent to the first day of October 1804, when the form of Government established by the Act of March 26, 1804, took place that any difficulties occur. The sum for contingencies is only two thousand dollars, and is applicable only to such as relate to the legislative council and to the Secretary's office. It is not believed, however, that there be any expectation on the part of that council, that any portion of their contingent expences shall be defrayed by the United States: and the whole sum of two thousand dollars may, with the approbation of the President, be applied to the executive department. Still, it seems confined by the words of the law to the Secretary's office: and there are several items in the enclosed accounts which have never been allowed to the Governors of other territories, and cannot by any forced construction come within the meaning of the appropriation. Indeed the necessary expences properly pertaining to the Secretary's office would remain unprovided for, if the sum intended for that object should be applied to others.

It is true that there are some expences arising from the peculiar situation of the Governor of Orleans, such as the allowance to an interpreter, and the repairs of the Government house, which ought perhaps in justice to be provided for. Others, such as that of a

⁴¹ Not found.

⁴² Act approved Mar. 1, 1805 (2 STAT. 316-321).

⁴³ 2 STAT. 272.

private Secretary, appear altogether inadmissible. But in respect even to those which, though not yet provided for, appear reasonable, Governor Claiborne should be apprized that there is no fund to defray them, and he should also be informed of the precise manner in which it is intended that the appropriation should be applied. As he sends regularly his accounts, he may justly complain should they remain longer in our hands without any communication being made to him of the objectionable parts. Permit me, therefore, to call your attention to the subject and to request such instructions as may enable me to write to the Governor.

I have the honor to be with the highest respect Sir Your obed^t Serv^t

—ALBERT GALLATIN

THE PRESIDENT OF THE UNITED STATES

[*Endorsed*] Departm^t Treas^y Apr. 23. 05. rec^d Apr. 23. Gov^r Claiborne's acc^{ts}.

GOVERNOR CLAIBORNE TO THE SECRETARY OF WAR

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *April 23rd 1805*

SIR, To enable me to meet some small expenditures I have incurred in the Indian Department, to defray also the expense of conveying by express to Pensacola a Letter to Governor Folch on Public Business, and other inconsiderable charges which accrued during the late temporary Government of Louisiana; and which remain unpaid I have drawn a Bill upon you on this day in favor of William Brown payable at five days sight. I am not certain that yours is the proper Department to draw on, but I was inclined to the opinion that until otherwise instructed it would be most regular. The accounts and vouchers shall in due time be forwarded.

I am Sir very respectfully Your obed^t sev^t

(Signed) WILLIAM C. C. CLAIBORNE

THE HON^{ble} THE SECRETARY AT WAR

GOVERNOR CLAIBORNE TO CONSTANT FREEMAN

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *April 23rd 1805*

SIR, In order to execute a duty which devolves upon me as Governor of this Territory, I find it necessary to visit the several Districts on the Mississippi as far up as Concordia a Post opposite to Natchez. I propose to pass by Water, and to set out on the first day of next Month. If therefore the State of the Service will permit, I shall be

much obliged to you to furnish me with a Non-Commissioned Officer, six privates and a comfortable Boat. On my arrival at Concordia the Boat may immediately descend the River, and I do not believe that the Soldiers whose Services I solicit will be more than three weeks absent from the City. you will oblige me by an early answer to this Letter.

I am Sir very respectfully Your Hble Sev^t

(Signed) WILLIAM C. C. CLAIBORNE

LIEUT COL^d FREEMAN

GOVERNOR CLAIBORNE TO THE MASTER AND WARDENS,
PORT OF NEW ORLEANS

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *April 23rd 1805*

GENTLEMEN, Under the Act regulating the Port of New Orleans ⁴⁴ it is made the duty of the Executive to appoint two or more Master Pilots. For the present I am of opinion that two Master Pilots are Sufficient for the Commerce of the Port, and I will thank you to recommend to me Suitable Characters. Captain Johnston is now the only acting Pilot; he is represented to me as an active capable and Honest man A M^r Bradish has also been mentioned to me by a number of respectable Citizens as worthy of confidence; But as I would wish to make no appointment of Pilots without previously consulting the Board of Wardens, I have addressed you this Letter.⁴⁵

I am Gentlemen with great respect your obdt Sev^t

(Signed) WILLIAM C. C. CLAIBORNE

TO THE MASTER AND WARDENS of the Port of New Orleans

THE PRESIDENT TO THE SECRETARY OF THE TREASURY

[LC:Jefferson Papers:D]

WASHINGTON *Apr. 24. 05.*

DEAR SIR I have no information of the death of judge Bruin, altho I have letters & news papers from Natchez to Mar. 24. in some of which it would certainly have been mentioned if true. I return you the instrument for Sacket harbour approved. (with respect to Claiborne's accounts I think his situation so totally different from that of all other governors as to justify peculiar indulgences.) the office of

⁴⁴ Approved Mar. 31, 1805 (*Acts of the Legislative Council of Orleans, 1-2 sess., 1804-1805, pp. 122-145*).

⁴⁵ Claiborne's circular letter to the master and wardens of the port, covering their commissions, is in NA(SD, Orleans Terr. Papers, VI). The letter is not dated but follows Claiborne to Sibley, Apr. 8, 1805.

the Secretary of the territory is so completely the office of the Governor, that it requires no great latitude of construction to identify them, because there is not a single official act of his which may not properly emanate through the Secretary. even the dispatching an express is the business of the Secretary; & this particular charge is so important that it ought to be justified if any latitude of construction will admit it. his account stands thus.

Expresses etc	700.	} these 3. articles, which seem to belong to the office amount to 2100 D. which is 100. D. over the appropriation.
Stationary etc	700.	
Translator of Fr. & Span.	<u>700.</u>	
Private Secretary	800.	not allowed by the law
Indian Interpreter	350.	this ought not to stand in his account as Governor but as Indian agent. it belongs to his account with the War department, where the pay of Interpreters is allowed if deemed reasonable but I am volunteering in opinions which belong to the ordinary jurisdiction of the treasury: therefore I wish them to be recieved only as suggestions & as if they came from any other person.

affectionate salutations.⁴⁶

TH: JEFFERSON

M^r GALLATIN

P.S. the papers from Tombigbee are on a subject new to me.

P.P.S. I omitted to observe on the article of repairs of the government house, that the U. S. have houses, lands & other property there, some leased on rent, some in their own possession & which they must keep in repair. the rents seem a proper fund for doing this so far as they will go. the only question is whether the repairs made by Claiborne were necessary for the preservation of the house, or it's occupation. he cannot be chargeable with necessary repairs.

GOVERNOR CLAIBORNE TO THE GOVERNOR OF
WEST FLORIDA

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *April 26th 1805*

SIR, For the convenience of the Officers as well as of the Citizens of this Territory, the President of the United States contemplates the establishment of a Post for the conveyance of Letters from the City of

⁴⁶ The following statement of Claiborne's accounts is found in GAO (Misc. Treas., acct. no. 23365, 1811):

"By Amount of his expenditures from the 28th of January 1804 to the 1st of July 1809 for printing, Stationery, postage, Candles, office furniture, Express Hire, Salaries of Secretary, Clerks and Interpreter, Including his Compensation as Governor General from the 18th of Novem^r 1803 to the 30th Septem^r 1804 as Authorised by the President p Account 10.613.89."

Washington to Fort Stoddard on the Mobile and from thence by the Mouth of Pearl river to New Orleans.

As this contemplated Post will pass about Seventy Miles through the Territory possessed by Spain, I sometime since advised the Marquis of Casa Calvo thereof, who promised to write to your Excellency on the Subject; but as I feel particularly solicitous that this Post which promises to be of Such public Utility should meet no interruption; I cannot myself refrain from addressing your Excellency on the Same Subject, and to request that your friendly protection may be extended to the person or persons who may have the mail in charge. Captain Carmick of the United States Army will present your Excellency this Letter and will convey to me your answer.⁴⁷—

Accept assurances of my great respect and High Consideration

(signed) WILLIAM C. C. CLAIBORNE

HIS EXCELLENCY GOV. FOLCH Pensacola—

[*Endorsed*] Rec^d in Gov^r Claiborne's 5 May 1805 ⁴⁸

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VI:LS]

NEW ORLEANS *April 29th 1805*

SIR, Since my last, I have addressed a Letter to Governor Folch upon the subject of the Road,⁴⁹ and no private opportunity having offered, I have forwarded it by Captain Carmick of the Army, who will also convey to me the Governors Answer.—Colonel Freeman was obliging enough to grant me on this occasion, the benefit of Captain Carmicks services.⁵⁰—

Mess^{rs} Sauv  Detrahan and Derbigny reached their respective homes on the day before yesterday;—On this morning M. Sauv  came to the City and paid me a visit. The Deputies are certainly dissatisfied; but I am inclined to think that they will not attempt to inflame the public mind. The Council is yet in Session; and adjournment will take place in two or three days. I shall visit in a few days the Settlements on the Mississippi as high up as Point-Coup e but will return again to New Orleans in 14 days; in the mean time such dispatches for

⁴⁷ Folch's reply, June 6, 1805, granting permission to run the post through Spanish territory, was quoted by Claiborne in his letter to the Secretary of State, Aug. 9, 1805, and acknowledged in Claiborne to Folch, Aug. 9, 1805 (Rowland, ed., *Claiborne Let. Bk.*, III, 156-157). Cf. Cox, *West Fla. Controversy*, pp. 171-172.

⁴⁸ Printed, Rowland (ed.), *op. cit.*, III, 39-40.

⁴⁹ Apr. 26, 1805, *supra*.

⁵⁰ See Claiborne to the Postmaster General, June 7, 1805 (Rowland, ed., *op. cit.*, III, 83-84).

me as may arrive, will be forwarded to me by my private Secretary, who remains in the City.⁵¹—

I am Sir very Respectfully Your Hb^{le} Sev^t

WILLIAM C. C. CLAIBORNE

THE HON^{ble} THE SECRETARY OF STATE

[*Endorsed*] Gov^r Claiborne 29 April 1805

GOVERNOR CLAIBORNE TO THE LEGISLATIVE
COUNCIL ⁵²

[NA:SD, Orleans Terr. Papers, vi:DS]

[May 4, 1805]

M^r President and Gentlemen of the Legislative Council!

A Committee of your Honorable Body having acquainted me, that you had considered and exercised your Legislative Authority on the various Subjects which required immediate attention, and believing myself that the Public Interest will sustain no injury by a short recess, I come now to prorogue this Assembly.—

Permit me to hope, Gentlemen, that the Acts which you have passed, will prove conducive to the object which we have all in view, the general Welfare: Of the merit of Laws, however, experience is the only infallible test. The result of our labours will as speedily as possible be laid before our fellow Citizens, and the Public Functionaries will proceed immediately to the Execution of the Laws. Their defects will not escape the observation of the Judicious Citizen or enlightened Magistrate, and it will devolve on the Legislature to provide the requisite amendments. To enable us to perform this duty with promptitude, I shall again, at an early day, avail the Territory of your faithful public Services; I therefore declare that the Legislative Council is prorouged until the 20th day of June next ⁵³

Receive Gentlemen the assurances of my great respect and Esteem, accompanied with my best wishes for your prosperity and Happiness.—

WILLIAM C. C. CLAIBORNE

NEW-ORLEANS *May* 4th 1805.—

⁵¹ Claiborne left New Orleans, May 14, and went to Pointe Coupee, organizing the county courts on the way. He returned May 31, 1805. See his letters to Pitot, May 13, and to the Secretary of State, May 18 and 31, 1805, Rowland (ed.), *op. cit.*, III, 53–54, 57–58, 60.

⁵² The covering letter, Claiborne to the Secretary of State, May 4, 1805, is printed, *ibid.*, pp. 38–39.

⁵³ See Claiborne's addresses delivered at the convening and at the prorouging of the council, June 22 and July 3, 1805, enclosed in his letters to the Secretary of State, June 26 and July 6, 1805, respectively, *ibid.*, pp. 103–105, 108–113, 115–116.

GOVERNOR CLAIBORNE TO JAMES WILLIAMS

[NA:SD, Orleans Terr. Papers, VI:C]

NEW ORLEANS *May* 4th 1805

SIR, In conformity to a Law of this Territory of which a copy is enclosed ⁵⁴ it becomes my duty to organize in the County of Concordia an Inferior Court of Law; and as it is of importance to Society, that the office of Judge should be filled by a Citizen of Talents and Integrity my choice has fallen upon you, and I persuade myself that you will accept the Commission herewith forwarded.⁵⁵ I am aware that your private concerns may render a removal to Concordia inconvenient. But it is not necessary that you should pass all your time in your County, nor would your official duties prevent your Practising in the Courts which may be held at Natchez, or in its vicinity—I trust therefore that on this occasion you will give to the Territory of Orleans the benefit of your Services. The Laws passed by the Legislature are now printing in the English and French Languages, and as soon as they are completed you shall be furnished with a Copy. I will thank you to deliver the Commissions enclosed, to the persons for whom they are intended, and to administer to each officer an oath to support the Constitution of the United States, and also an oath faithfully and diligently to perform the duties of his office.⁵⁶

Accept assurances of my respectful consideration

(Signed) WILLIAM C. C. CLAIBORNE

M^r JAMES WILLIAMS Natchez

P.S. I do not know the Christian name of M^r Richardson, you will be pleased to insert it. —W.C.C.C—

 JUDGE DUFFIELD TO THE SECRETARY OF STATE

[GAO:Misc. Treas., Acct. No. 17724, 1806:ALS]

JONESBOROUGH TENNESSEE *May* 6th 1805THE HONBLE JAMES MADISON Esq^r

SIR, On the 21st of April ult^o I had the honor to [MS. torn] enclosing the Commission, which the President of the United States has been

⁵⁴ Not present.⁵⁵ Forwarded in Claiborne to F. L. Claiborne, May 4, 1805 (Rowland, ed., *op. cit.*, III, 36-37).⁵⁶ For further references to the appointment of judges and the establishment of courts, see Claiborne to Turner, May 7, Alexander, May 7, Danemours, May 8, Collins, May 9, sheriffs of the territory, May 9, the Secretary of State, May 13 and May 31, Landry, May 20, Trouard, June 12, Andry, June 12, and to the Legislative Council, June 22, 1805 *ibid.*, III, 41-43, 47-50, 53, 59-60, 90-91, 92-93, 103-105.

pleased to confer on me.⁶⁷ A deviation from the usual arrival of the Mail from the Westward, prevented my acknowledging the receipt of your packet by the earliest opportunity. An inevitable delay of about three weeks from the present date, occasioned by some indispensable arrangements previous to my departure from Tennessee, will, I hope plead my apology for not being at this time on my journey to the City of Orleans. Be pleased Sir to assure the [President] of the utmost exertion of my feeble powers in support of the Constitution and laws of the United States and that in endeavouring faithfully, to discharge the duties of the appointment, my highest ambition will be, to obtain his and the public approbation. May I hope for the honor of your being the medium of conveying my grateful acknowledgements to the President, and of tendering to him, my highest sentiments of respect.

With very great respect, I have the honor to be, Sir Your obed^t Serv^t

GEO: DUFFIELD

HON^{ble} JA^s MADISON Esq^r Sec^y of State

[*Endorsed*] Duffield George to M^r Madison accepts appmt as judge Orleans N^o 17724—

JAMES BROWN TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VI:ALS]

NEW ORLEANS, *May 7th* 1805.

SIR, I have this day had the honor of receiving your letter of 22nd March inclosing me a commission as Attorney of the United States in and for the Orleans District.⁶⁸

For this renewed mark of Executive confidence, and for the polite terms in which it has been conveyed, I take the earliest opportunity of expressing my warmest acknowledgements.

The President had been pleased some time ago to express to Governor Claiborne his intention of transmitting me the appointment of Prosecutor for this District. Having made some engagements against the claims of the United States, to more than the amount of a years revenue, of the office; I expressed my wish that the appointment might be employed as an inducement to some gentleman of sound legal information and Correct political principles, to remove to this Country. This letter I presume had not been received at the time of preparing my Commission. Sensible that the revenue department requires the immediate aid of a District Attorney, and Conscious that my resignation of the office of a Judge (rendered necessary

⁶⁷ Mar. 11, 1805, *ante*, p. 415.

⁶⁸ Neither the letter nor the enclosure has been found.

by imperious circumstances) had already in some degree embarrassed the plans of the Executive I resolved to relinquish my engagements however profitable, and lend myself to the public necessities.

You may therefore calculate on my accepting the office, and discharging the duties of it with that fidelity and zeal which become the subordinate branches of an administration anxious to merit the confidence of their fellow Citizens.

With perfect esteem and consideration I am, Sir, Your most ob^t Humble Serv^t

JAMES BROWN

THE HON'BLE JAMES MADISON Sec^y of State

[*Endorsed*] Orleans Dist. Attorney 7 May 1804[5] Rec^d 28 June

THE SECRETARY OF WAR TO JOHN SIBLEY

[NA:Indian Office, Sec. War Letter Book B]

WAR DEPARTMENT *May 25, 1805.*

JOHN SIBLEY.

SIR, Your letter with a short and very satisfactory history of the Indian nations or tribes, in Lower Louisiana, has been duly received, and perused with pleasure.⁴⁹

You will, at all times, use all the means in your power to conciliate the esteem and friendship of the Indians generally, and more especially of such nations as might, in case of a rupture with Spain, be either useful or mischeivous to us, according to the side they might be induced to take. None ought to engage your special attention so early as those, who reside in the immediate vicinity of the Bay of St. Bernard; and from your description of their present temper & disposition, it will require no great exertion to draw them firmly into the interests of the United States. They may be assured, that they, and all other red people within the limits of the United States, will be treated with undeviating friendship, as long as they shall conduct themselves fairly & with good faith towards the Government & Citizens of the U. States.

If a judicious selection of two or three principal Chiefs, from each of the considerable nations, could be prevailed on to visit Gov^t Claiborne with you, and afterward to take a passage by water from

⁴⁹ Apr. 5, 1805, printed, with Sibley's report on the Red River country, Apr. 10, 1805, in *A.S.P., Ind. Affairs*, I, 721-731. Both communications were placed before Congress by the President, Feb. 19, 1806, to supplement the information received from the Lewis and Clark, and Dunbar expeditions (*Annals*, 9 Cong., 1 sess., 115-116, 480). On this subject see the President to Sibley, May 27, 1805 (Washington, ed., *Writings Jefferson*, IV, 580-581), and Sibley to the President, Aug. 27 and Dec. 14, 1805, and Sept. 17, 1807 (Jefferson Papers, LC).

New-Orleans to New York, Philadelphia or Baltimore, for the purpose of seeing their great Father, the President of the U. S. it would, probably have a good and lasting effect.

A Factory, or trading house will, I hope, be established at Natchitoches, in the course of the next autumn, for the purpose of supplying the Indians with such goods as they may need, at a reasonable rate.

You will take the earliest opportunity for preparing the minds of the small tribes, scattered about the lower waters of the Red River, Oppalousas and Attacappas, for a survey of that part of the country, which will take place under the direction of the Government of the United States. You may assure them generally, that, although lines may be run through some parts of their lands, for the purpose of rendering the surveys complete, as it may relate to lands, not claimed by any red people, their several titles, to their respective tracts of land, will be held sacred; and no person or persons whatsoever will be allowed to molest them, or take from them, one acre of their lands, in any way, except by their consent, and fairly & honestly agreed to by the respective nations, at public treaties, held under the immediate direction of their Great Father, the President of the United States.—

Assure them that their Great Father has a strong friendship for all his red children, and will always treat them as his children, as long as they shall behave well; that he wishes all his red children to be at peace with each other, and that they may live happily and enjoy all the comforts of life.—

I am, Sir, very Resp &c—

THE PRESIDENT TO GOVERNOR CLAIBORNE

[LC:Jefferson Papers:D]

WASHINGTON *May*. 26. 05.

DEAR SIR My last letter to you was of the 26th of March.⁶⁰ since that I have recieved yours of Feb. 17. and Mar. 25.⁶¹ with respect to D^r Sibley who was the subject of the last, I observe two specific charges: 1. that he left his wife but it does not appear whether the separation was through the fault or the will of her or him. 2. that he attempted to marry again—this is a charge of weight, but no proof being adduced, it cannot weigh against the integrity of his character affirmed by others, and his unquestionable good sense and information. I see no ground therefore for wishing his appointments had not been made. on the contrary we have already recieved from him a valuable statement of the several tribes of Indians residing within the territory of Orleans and believe from the industry & intelligence he has already

⁶⁰ Not found.

⁶¹ *Ante*, pp. 393, 424.

shewn in that department that we shall find him a valuable officer.⁶² we before had under contemplation the surveying the country on the West side of the Missipi into townships by lines running North & South from the sea to the Northern boundary, 33° and extending Westwardly from the river about the breadth of 8. or 10. townships. having now recieved the locations of the several Indian tribes, we shall be able to take up the subject, and to make such provisions for it's execution as may give no uneasiness to them, as not only their rights but their comfort will be sacredly cherished. but on this subject particular instructions will be sent to yourself & D^r Sibley for quieting them effectually so soon as we have come to any certain conclusions. no pains must be spared, neither, to satisfy the inhabitants on the West side of the river, that in surveying the adjacent lands their rights will be liberally confirmed according to the equity of their situation and not to rigorous law. You have before known of Capt Lewis's mission up the Missouri and mr Dunbar's up the Wachita. we are now about to send one up the Red river. the original idea was that the same party should come down the Arcansa: but this is changed, & they will return down the Red river. the object of these missions is in the first place to ascertain the geography of the country, and then to give us such other details respecting it as men naturally wish to know. as it is possible that in proceeding to the sources of the Red river, beyond which they are expressly instructed not to go, they may fall in with some Spanish subjects, and may meet with obstructions from them, I wish you to ask a passport from the Marquis of Casa-calvo for the party. you may assure him on the honour & good faith of the government that the object of the journey is merely geographical & scientific, having in view nothing unfriendly to Spain, and to satisfy him of that, if he thinks proper to send one or two persons of his own choice as witnesses of our proceedings, they shall be recieved into the party and subsisted at our expence through the journey, but their pay or reward to go from him. as we have to settle a boundary with Spain to the Westward they cannot expect that we will go blindfold into the business. both parties ought to be free to make surveys of experiment preparatory to settlement, and each having a certain claim to the country must have equal right to procure the information necessary for elucidating their right. should the Marquis refuse to send any one, or to give a passport, he should be made to understand that should any violence be offered the party by subjects of Spain, it will have serious consequences. this will require delicate intimation to avoid the appearance of meaning it as a threat. in fact the Passport is a measure of precaution on both

⁶² Cf. the Secretary of War to Sibley, Sept. 26, 1805, expressing his entire satisfaction with his character and conduct (NA, Ind. Office, Sec. War Let. Bk. B).

sides, to warn against the committing an aggression for want of due information, which might endanger the harmony, perhaps the peace of the parties. the passport is to be sent to mr Dunbar the director of the mission. In my letter of the 7th of Jan.⁶³ I desired you to obtain the acquiescence of the government of West Florida, either thro' the Governor or the Marquis, in the passage of our Post-rider through a corner of the country claimed by both, that is to say from Fort Stoddard direct towards N. Orleans. it will pass about 100 miles through the country claimed by both; and the passage of a courier is so innocent as never to be denied by one friendly nation to another, even where there is no mutual claim. it will stand in this case precisely on the same footing as the passage of our post by Baton rouge. not having heard from you on this subject, but presuming it could have met with no difficulty, our rider set out about a fortnight ago, and is probably with you by this time. his contract is to perform the journey always in a fortnight. we hope in time to reduce it to 10. days. you mentioned in one of your letters, the expectation that your legislature would establish an academy. should this be done, I would recommend to you a president whose name would give it immediate celebrity, a person whom I have known intimately 20. years, who was admitted to be second to no man in France in genius & science, and to no man on earth in integrity, benevolence & zeal to be useful to mankind. it is M. Dupont de Nemours. he has been over here & established his family in New York & Delaware. he is now in France but returns this spring; he has turned his eye to N. Orleans as the place where alone his possession of the language can render him useful, and has entertained thoughts of going there to instruct youth, even should it be at his own expence, as the best means now in his power of doing good. he will certainly decide to go there if invited to an institution and I pronounce with confidence there is not a man in the world better qualified than him in information & virtuous zeal for such a post. it happens that Mad^e du Pont is equally remarkable for her sound understanding, information & benevolent zeal.⁶⁴

M^r Gallatin thinks no location can be made for La Fayette under 1000. a^c. the location therefore adjacent to N. Orleans must include so much swamp, or water as to make up 1000. a he has at length sent over a power of Attorney to mr Madison, who will in future direct what is to be done. M. de la Fayette having expressed a particular confidence in M. du Plantier who is otherwise known to us as meriting entire confidence, mr Madison will probably authorise him to act in every thing for Lafayette. I will still thank you however to go on with the

⁶³ *Ante*, p. 363.

⁶⁴ See Du Pont to the President, July 1, 1804, and the President to Du Pont, Feb. 12, 1806 (Chinard, ed., *Letters Jefferson and Du Pont de Nemours*, pp. 85-87, 106-108).

location adjacent to the city until M. du Plantier is ready to take the burthen off your hands. Accept my friendly salutations and assurances of continued esteem & respect.

TH: JEFFERSON

GOV^r CLAIBORNE

P.S. Supposing it probable D^r Sibley may be at N. Orleans, & yet not certain, I inclose a letter for him under your address in hopes you will be so good as to deliver or forward it as the case may be.⁶⁵ it covers some blank Vocabularies for the languages of the Indians in that quarter.⁶⁶

JOHN W. GURLEY TO THE SECRETARY OF THE TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, XXII:ALS]

NEW ORLEANS *June* 3^d 1805

SIR I have had the honour to receive your's of the 30th March ult^r,⁶⁷ transmitting to me a commission from the President of the United States appointing me Register of the land office of the United States for the eastern part of the Territory of orleans.

In compliance with your request I shall immediately qualify myself in the manner which you prescribe for executing the duties of the office, which I accept with a sincere hope that those duties may be discharged in such a manner as to merit the approbation of the Government.

I shall without delay cause the law to be republished, and give such notice as may be necessary of the opening of the office for the purpose of receiving titles and claims. Your very important observations on the 4th section of the law will receive my most particular attention. And permit me to suggest the propriety of an official publication of them as being calculated to remove objections, to give satisfaction to the people of the Country and facility to the execution of the law.⁶⁸—

With regard to the division of the Territory I apprehend that the outlines which you state are conveniently established. Whether any partial alterations in them may be expedient I shall endeavour to

⁶⁵ May 27, 1805 (Washington, ed., *Writings Jefferson*, IV, 580–581).

⁶⁶ Acknowledged July 8, 1805 (Jefferson Papers, LC), and answered in full July 14, 1805 (Rowland, ed., *Claiborne Let. Bk.*, III, 124–127).

⁶⁷ *Ante*, p. 427.

⁶⁸ In a letter to the Secretary of the Treasury, June 16, 1805 [1806] (GLO, N.O., Reg. and Rec. Let., XXII), Gurley wrote:

“Indeed . . . the principal impediments to the complete execution of the former law so far as it related to the enregistrement of claims, resulted from the difficulty of giving it publicity and making it understood by the mass of inhabitants, and the prejudices excited against it by a few individuals here whose sole object for these two years past has been to oppose every measure of the general Government in this quarter however just or necessary.—”

ascertain as well as to transmit to you as speedily as possible a specification designating precisely the division.

By the next mail I flatter myself that I shall be able to answer your question relative to the time and expence necessary for transcribing the records in this place for the use of the two other boards⁶⁹— with sentiments of the highest respect and esteem I have the honour to be Sir your very obt Hum¹⁰ Sev^t

JN^o W. GURLEY

HON¹ ALBERT GALLATIN Esq^r Sec^r of ye Treasury

[*Endorsed*] N. Orleans 3 June 1805 J. W. Gurley Register of Land off. Eastern Dist of Orleans Territ^r accepts the office

JOHN W. GURLEY TO THE SECRETARY OF THE TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, XXII:ALS]

NEW ORLEANS *June 9th 1805*

SIR Since the last which I had the honour of addressing you⁷⁰ I have qualified myself for executing ye duties of ye office of Register according to ye prescriptions of ye the law.⁷¹ I have made preparation for opening the office during the present month.

I have found very considerable difficulty in obtaining a specification which shall precisely mark the devision of ye Territory. I hope however that by the next mail I may be able to communicate what may be satisfactory on that subject.—

Upon the enquiry as to the time and expence necessary for obtaining minutes of ye grants orders of surveys &c for ye use of ye other two boards of Commissioners, I have ascertained that the time required would be, as nearly as I can calculate, a Month or Six weeks, & the expence from one to two hundred dollars. This is upon the Supposition that the enclosed form of transcript would be sufficiently particular.⁷²—

It is proper for me here to observe that the records of grants and orders of survey are distinct from the records of ye Surveys actually made. The latter are now in the hands of the old Surveyor Gen^l of the province from the year A D 1788. when all the records in his office were consumed by fire. Transcripts from these as well as from the former may be obtained at a small expence—They are all however in a very disorderly state and extremely imperfect—

⁶⁹ Answered July 9, 1805 (GLO, Div. C, Misc. Letter Book One), requesting Gurley to assist the district attorney, Brown, in securing transcripts and abstracts of the land records, and authorizing him to publish Gallatin's observations on the land laws provided they appeared anonymously.

⁷⁰ *Supra*.

⁷¹ Act approved Mar. 2, 1805, *ante*, p. 408.

⁷² Enclosure present.

I have the honour to be with ye hghst Respect your obt & huml
Sevt

JN^o W. GURLEY.—

HON^l ALBERT GALLATIN Esquire Secretary of ye Treasury

[*Endorsed*] New Orleans June 9^t 1805 John W. Gurley respecting
expençe of transcribing abstracts of records of Spanish grants. orders
of survey &^a Answ^d ⁷³

COMMISSION OF JUDGE PREVOST ⁷⁴

[SD:Temporary Comms., 1:C]

[June 10, 1805]

THOMAS JEFFERSON, President of the United States of America,
To all who shall see these presents, Greeting:

Know ye, That reposing special Trust and Confidence in the Wis-
dom, Uprightness and Learning of JOHN B. PREVOST, of New York,
I do appoint him One of the Judges in and over the Territory of
Orleans; and do authorize and empower him to execute and fulfil the
duties of that office according to Law; and to Have and to Hold the
said office with all the powers, privileges and Emoluments to the same
of right appertaining during his good behaviour, or during the exist-
ence of the Government established by the Act of Congress of the
United States passed on the 2^d March 1805 entitled "An Act further
providing for the Government of the Territory of Orleans" and the
Ordinance of Congress passed on the 13th day of July 1787 therein
referred to: He to reside in the said Territory. This Commission to
continue in force until the end of the next Session of the Senate of
the United States and no longer.⁷⁵

In Testimony whereof, I have caused these Letters to be
L.S made patent, and the Seal of the United States to be here-
unto affixed. Given under my hand at the City of Washing-
ton the tenth day of June in the year of our Lord one thousand Eight
hundred and five; and of the Independence of the United States of
America, the Twenty Ninth.

TH: JEFFERSON

By the President
JAMES MADISON
Secretary of State

⁷³ Acknowledged, July 24, 1805 (GLO, Div. C, Misc. Let. Bk. One).

⁷⁴ A recess appointment.

⁷⁵ Cf. commission, Jan. 17, 1806, *post*, p. 572.

COMMISSION OF JUDGE DUFFIELD ⁷⁶

[SD:Temporary Comms., 1:C]

[June 10, 1805]

THOMAS JEFFERSON, President of the United States of America,
To all who shall see these presents, Greeting:

Know ye, That reposing special Trust and Confidence in the Wisdom, Uprightness and Learning of GEORGE DUFFIELD, of Tennessee, I do appoint him One of the Judges in and over the Territory of Orleans; and do authorize and empower him to execute and fulfil the duties of that Office according to Law; and to Have and to Hold the said office with all the powers, privileges and emoluments to the same of right appertaining during his good behaviour, or during the existence of the Government established by the Act of Congress of the United States passed on the 2^d March 1805 entitled "An Act further providing for the Government of the territory of Orleans", and the Ordinance of Congress passed on the 13th July 1787 therein referred to: He to reside in the said Territory. This Commission to continue in force until the end of the next Session of the Senate of the United States and no longer.

In Testimony whereof, I have caused these Letters to be L.S made patent, and the Seal of the United States to be hereunto affixed. Given under my hand at the City of Washington the Tenth day of June in the year of our Lord one thousand Eight hundred and five; and of the Independence of the United States of America, the Twenty Ninth.

TH: JEFFERSON

By the President
 JAMES MADISON
 Secretary of State

SECRETARY GRAHAM TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VI:ALS]

NEW ORLEANS 23^d June 1805

SIR I have the Honor to inclose so many of the "Acts passed at the first Session of the Legislative Council of the Territory of Orleans", as are printed; ⁷⁷ and to say that the residue shall be forwarded, so soon as they come from the Press.

I have been induced to send on these Acts, in this form, as I understand it is the usage in the other Territories to do so; if however you prefer a manuscript Copy I will have one made out.

⁷⁶ See *ante*, p. 350, n. 78.

⁷⁷ Enclosure missing. See *Acts of the Legislative Council of the Territory of Orleans*, 1-2 sess., 1804-1805 (New Orleans, 1805).

On my arrival here on the 3^d of this month I was told by the Physicians that it would be extremely imprudent in me to remain in Town, coming here as I did, at this advanced season of the year, from a Northern climate, in high health. In consequence of their advice I have endeavoured to get Lodgings near the City — as yet I have not succeeded; but at all events I shall move out of Town in a day or two & so soon as I get myself settled I will begin to transcribe the official Journal of the Governor with a view of sending you a Copy for the Inspection of the President.

The Governor desires me to say that he will have the Honor of writing to you by the next Mail: ⁷⁸ at present he has nothing to communicate save only that the council formed a quorum the day before yesterday & proceeded to business. on the 3^d of next Month they will be prorogue'd sine die.

With Sentiments of the Highest Respect I have the Honor to be,
Sir, Your Mo: Obt Hble Ser^t

JOHN GRAHAM

THE HON^{ble} JAMES MADISON Secretary of State—

[Addressed] The Hon^{ble} James Madison Secretary of State City of Washington

[Endorsed] Orleans Territory Secretary 23^d June 1805 Rec^d 13 Aug^t

THE SECRETARY OF THE TREASURY TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

[June 26, 1805]

DEAR SIR Donaldson, Penrose & Lucas appointed commissioners for upper Louisiana, and Thompson, Trimble & Vacher appointed for the western district of the Orleans territory have all accepted. Of the three appointed for New Orleans, we have received no answers from Gurley ⁷⁹ or Coburn, ⁸⁰ and Sebastian declines. His letter ⁸¹ is now enclosed together with sundry recommendations received after the appointments had been made and which may assist in filling his place. Three agents must also be appointed; and I had contemplated James Brown for N. Orleans, Lewis for the western or red river district, and either Carr or Parke for upper Louisiana. When

⁷⁸ See Claiborne to the Secretary of State, June 26, 1805 (Rowland, ed., *Claiborne Let. Bk.*, III, 105).

⁷⁹ See Gurley to the Secretary of the Treasury, June 3, 1805, *ante*, p. 453.

⁸⁰ Coburn was appointed judge for Orleans July 30, 1805, according to his temporary commission of that date, found in SD (Appt. Office Files).

⁸¹ June 3, 1805, *loc. cit.*, declining the appointment because of its temporary character.

you shall have compared with the Several recommendations already in your hands, I will wait on you in order to know the result.

Respectfully Your obed^t Serv^t

—ALBERT GALLATIN

June 26 1805

THE PRESIDENT OF THE UNITED STATES

[*Endorsed*] Departm^t Treas^y rec^d June. 26. 05. nominns.

THE SECRETARY OF WAR TO GOVERNOR CLAIBORNE

[NA:WD,AGO, Old Recs. Div., Misc. Letter Book 2]

WAR DEPARTM^t July 1. 1805.

W^m C C CLAIBORNE

SIR It is with some degree of Surprise & regret, I have to remark that no information, until within a few weeks, has been communicated to the Seat of Government, of the existence of a considerable settlement, and a small military post, on Red River, about twenty five or thirty miles above Natchitoches.

It must be presumed, that there would have been no objection, on the part of the Spanish Commissioner, to the evacuation of that post, at the time we received possession of the other posts, if he had been required so to do. It's immediate connection with Natchitoches, & being two or three hundred miles below the old French Settlement & military post on Red River, which were not abandoned, until long after the Cession of Spain in 1762, must certainly have obviated any possible objections to its being considered as a part of Louisiana. But, as Gen^l Wilkinson had never heard of the settlement, until I informed him of it in April last, I presume no notice was taken of it, when the other posts were given up. —

It may not be improper for you to mention the subject to the Marquis de Casa Calvo, although, under present circumstances, it is doubtful whether he will consent to give it up to US.—

As there are some persons yet living in the Vicinity of Natchitoches, who can testify to the actual settlement, by the French, about Three hundred Miles above that place, on the Red River, it is considered by the President of considerable importance to have the deposition of such persons taken, as Doctor Sibley can inform you of, who have either resided at the said settlement, or have had knowledge of its actual existence, and of there having been a grist mill at the place;— and who can testify the time it was abandoned as a military post, as well as the time when the Settlement was broken up, and the mill irons and stones removed down to the place, where they are now to be found.—

You will, therefore, please to take such effectual measures, as you may deem most expedient for procuring such depositions, as may be

obtained, for ascertaining every fact which relates to the several settlements made by the French, on the waters of the Red River, above Natchitoches, or elsewhere, in advance of any posts we now occupy, in Lower Louisiana; but more especially, such as were made on the Red River and its waters. —

I shall write to Doctor Sibley on the subject, and request him to make strict enquiry for persons, whose evidence it may be proper to take.⁸²

The old man he mentioned, by the name of [blank], who gave him the principal part of the information he has received, on the subject of those distant settlements, can, without doubt, aid him in his enquiry after other persons who have knowledge of the facts we wish to substantiate.⁸³—

I have the Honor to be &c. &c.

THE SECRETARY OF THE TREASURY TO ISAAC BRIGGS

[GLO:Div. E, SG, 1790-1816:C]

TREASURY DEPARTMENT *July 2nd 1805.*

ISAAC BRIGGS, Esquire, Surveyor General. Washington, M.T.

SIR, You will perceive, that, by the "Act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the district of Louisiana", the powers vested by law in the surveyor of the lands of the United States south of the State of Tennessee, are extended over all the public lands of the United States to which the Indian title may be extinguished within the territory of Orleans; and that the said Surveyor must cause such of the said lands as the President of the United States shall expressly direct, to be surveyed, as nearly as the nature of the Country will admit, in the same manner as the other public lands of the United States.

The lands intended to be surveyed under your superintendance, in conformity with the several provisions of the act & with the President's directions are as followeth, viz^t;

1st Such tracts as may be located for Major General La Fayette; on which subject, I beg leave to refer to my letter of the 27th of May last.⁸⁴

⁸² July 8, 1805, *post*, p. 469.

⁸³ Acknowledged Aug. 5, and answered fully Aug. 11, 1805 (Rowland, ed., *op. cit.*, III, 149-150, 162-164). On this subject, see Claiborne to the judge of Natchitoches County, Aug. 11, 1805, to Turner, Oct. 14, 1805, to the Secretary of State, Oct. 14, 1805, and to Dunbar, Oct. 23, 1805, *ibid.*, pp. 161-162, 196-199, 206-207. Depositions concerning the French settlements were secured by Sibley and forwarded by Claiborne to the Secretary of War, Oct. 24 and Oct. 30, and to the Secretary of State, Oct. 30, 1805, *ibid.*, pp. 215, 216-217. The depositions are printed, *A.S.P., For. Rels.*, II, 692-694, and *Annals*, 9 Cong., 1 sess., 1209-1216.

⁸⁴ GLO (Div. C, Misc. Let. Bk. One).

2nd Such tracts as it may be necessary to survey or to re-survey, for the purpose of carrying into effect the provisions relative to claims to lands in the District. It must be observed here that the Commissioners of the two districts established in the territory of Orleans have not, as in the Mississippi territory, the power of confirming titles and granting Certificates, but only that of investigating & reporting their opinion to Congress. It may, nevertheless, be found necessary, as indeed has happened even in the Mississippi territory, to survey or resurvey many tracts claimed, in order to ascertain the boundaries and quantities claimed by individuals & to enable the Commissioners to form a correct opinion on the claims. You will therefore be pleased to appoint so many Assistants as in your opinion may be wanted to execute the surveys which each of the two boards may direct, or which the Claimants themselves may apply for. For, in the case of incomplete titles, many of those Claimants will naturally wish to annex to the evidence of their title a plat made by an Officer of the United States. The law is silent respecting the manner in which the expence of such surveys is to be defrayed: but, taking the provisions adopted in the other territories as the best rule by which to be governed in this case, it will result, that, whenever it shall be found necessary to survey lands, the title to which had been completed before the 1st of October 1800, or which had been surveyed before that day by a duly authorized Officer of the then existing Government, and, in pursuance of a legal warrant or order of survey, the expence of the new survey must be defrayed by the United States; and that, in case of incomplete titles not legally surveyed before the 1st of October 1800, the parties must defray the expence of the survey. Four dollars a mile may be allowed to the Assistant Surveyors for those services, whether the expence be defrayed by the United States or by the Parties. Should you think such compensation so inadequate that the work cannot be performed, you will be pleased to state the lowest compensation for which competent Assistants may be procured, and also what were the fees allowed for similar services under the Spanish Government. As all the former grants have been expressed in Arpents, which, though the word "Arpent" be, like "Acre", applicable only to a superficial measure, seem, in Louisiana, to mean, also, a measure of length, it will be necessary that you should ascertain with precision the contents of an Arpent in English superficial perches and feet, and also the measure of length in English perches and feet which is understood by an Arpent in front. I have supposed it to be the side of a square which contains an Arpent.

3^{rdly} So much of the alluvial or inundated country lying between the Mississippi and the Fourche on the east & the Chafalaya on the west and also west of Chafalaya as may be considered at present to be fit for cultivation. It is believed that no part of that large extent can now be inhabited except some margins along the several

streams or bayous, as is the case along the Mississippi & the Fourche. The best mode therefore which presents itself is to meander the principal streams, & particularly the Chafalaya, from it's commencement to it's discharge into the sea, and it's water communications with the rivers Opelousa, Attacapa & Têche, surveying, at the same time, on each margin & in the best manner which the nature of the country will admit, tracts of one hundred & sixty acres and having as much front, in proportion to their depth, as has been usual in lower Louisiana. But the best method of executing this part of the work is, nevertheless, left discretionary with you, only observing that although townships cannot be laid out, yet the surveys executed there should be connected in some manner with some known point on the Mississippi & with some part of the ranges of townships hereafter mentioned. I will also add that, as the mouth of the river Têche is understood to afford the best harbour between the mouth of the Mississippi & that of the Trinity river, a survey of the Chafalaya from it's commencement (in or about 31° north latitude) to the place where it is said to communicate with the Têche, and thence by such communication, and down the Têche, to the sea shore, is considered as important, and the first part of the work to be executed. I say nothing of the Mississippi itself, nor of the lands lying either in the island of New Orleans, or on the opposite side of the river east of the Fourche, on a presumption that no body of land remains there vacant which would defray the expence of a general survey. If you shall think, however, that the margin of the Mississippi, at least from Concord to the settlements of Pointe coupée, is susceptible of immediate cultivation, you may survey the same as the other rivers of that alluvial tract.

4th As many ranges of townships, to be laid out west of Chafalaya & of it's inundation, & from Red river to the sea shore, as the funds appropriated by Congress will permit us to survey, not going, however, farther west than the Meridian of Natchitoches. In relation to this last part of the work, you will be pleased to attend to the following circumstances—1st Although those townships must commence at some distance from the Mississippi, it is necessary nevertheless, that they should be connected, by a line running due east & west & accurately surveyed, with some known point on that river; and the 31st degree of latitude, as a continuation of Mr. Ellicot's boundary line seems the most eligible—2^d In that part of the Country which has already been granted to individuals & is actually inhabited, including the several districts of Attacapas, Opelousa, Avoyelle & Rapids, the exterior lines only of the townships should be run until the claims shall have been ascertained according to law, when the subdivisions will, of course, be made: and it will be necessary to inform both the white inhabitants & several small tribes of Indians who are scattered through that territory, that the running of such lines will

not, in the least, affect their rightful claims, and that the object is only to ascertain the vacant land & to connect the whole together.

The sum appropriated by Congress by the above-mentioned act, is fifty thousand dollars, of which near thirty thousand dollars are necessary to defray the expences of the several boards. The remaining twenty thousand dollars may be applied to the surveying; and you are hereby authorized to draw on me, from time to time, for the same. In order to facilitate your operations, I have directed the Collector of New Orleans to purchase your bills to that amount; but you will be pleased to distinguish the bills you may draw on that account by stating that they are "on account of expences incident to the surveys of the territory of Orleans". I will also thank you to transmit to this office as early as convenient, an estimate of the further appropriation which in your opinion may be necessary to complete the surveys as far west as Natchitoches.⁸⁵

The country is yet so little known here that, notwithstanding the discretion vested in you, it will perhaps be found, that some of the above instructions, which you might consider as imperative, cannot be carried into effect. In points which will not to yourself appear very important, & may not admit of delay, you may make such alterations as you will think necessary. But it will be more acceptable, in essential points, that you should state the objections & propose a substitute. In whatever manner the surveys may be executed, your Assistants must be directed to make a very correct return of the nature and growth of the soil, of the depth of the rivers or bayous, of the elevation of the waters during the inundation & of their greatest depression, and particularly of the depth of the lands not liable to be inundated or which may be protected by a low levée.

Should you think it proper to go yourself to the territory of Orleans, in order to superintend the general arrangements, a reasonable compensation shall be made for your travelling expences going & returning. In this, however, as in every other respect, I have a perfect confidence that you will be as œconomical as the nature of the service will permit.⁸⁶

I am &^{ca}

Ex^d

⁸⁵ See the Secretary of the Treasury to Pease, Mar. 21, 1807 (*Terr. Papers' Miss.*, v, 534-537), censuring Briggs for continuing the surveys west of Natchitoches into Spanish territory.

⁸⁶ Answered Aug. 31, 1805 (GLO, Div. E, Miss. SG, vol. 52), discussing the method of survey to be used in the alluvial country on the Mississippi, Lafayette's locations, and surveying fees, and stating that to complete the surveys as far west as Natchitoches would require an appropriation of \$120,000, exclusive of contingent or salary expences. On Oct. 14, 1805, Briggs informed the Secretary of the Treasury that he was leaving on that day for New Orleans to make preparations for the surveys there. On Dec. 23, 1805, he wrote from Washington, Mississippi Territory, that he intended to leave the next day to begin his survey

THE SECRETARY OF THE TREASURY TO JOHN THOMPSON

[GLO: Div. C, Misc. Letter Book One]

TREAS^y DEPARTM^t July 2nd 1805.JOHN THOMPSON, Esquire, Register &c. Louisville, Kent^y

SIR, Your letter of June 1st, enclosing your official bond, which is approved, has been received.⁸⁷

I have the honor to enclose an extract of the act of the President establishing the boundaries of the Western & Eastern land districts of the Territory of Orleans.⁸⁸ The Parish or County of Opelousas is generally designated, as the place where the office is to be kept, until further information shall have been obtained, as to the most eligible spot. I will thank you, after your arrival there, to communicate your opinion, on that point, and, also, to let me know, whether Natchez, Rapids, Pointe Coupée, or what other situation, on the post road, will be the most convenient place for the receipt & transmission, by safe opportunities, of letters directed to you.

The Supervisor of Kentucky has been directed, to advance you five hundred dollars, in conformity with my letter of the 30th of March.⁸⁹

The instructions & forms relative to your duties as Register, under the laws providing for the sale of public lands, shall be transmitted, whenever Congress shall think proper to extend those laws to the Territory of Orleans; which, as they have directed the lands to be surveyed, appears to be their intention. But, for the present, I will only call your attention to one part of the law passed last Session. It is enacted, by the 4th Section, that persons, claiming lands by virtue of legal French or Spanish grants, made before the 1st of October 1800, may file a notice of their claim, with the Register; but that persons, claiming, either under the two first sections of the Act, or under incomplete titles, shall do it, under penalty of their claim being forever barred. You will easily perceive, that the distinction is drawn from the different natures of the claims; that the first species is considered as already established & not wanting any confirmation from the Government of the United States; but it is necessary that the people should be also made to understand it; that they should know, that it is not intended to disturb their rights, founded on legal grants, and that the object of that first paragraph is, merely, to enable them to have their grants recorded in an American Office, if they shall think it expedient, and to prevent the possibility of the United States

of the Mississippi River from latitude 33 southward. See also the Secretary to Briggs (GLO, Div. E, SG, 1790-1816) Nov. 5, and the latter's reply, Dec. 9, 1805, concerning salaries and accounts (GLO, Div. E, Miss. SG, vol. 52).

⁸⁷ Not found.

⁸⁸ Enclosure not present.

⁸⁹ *Ante*, p. 429.

selling, through mistake, lands, which have already been legally granted. It is true, that persons, claiming lands under complete grants, dated after the 1st of October 1800, are included in the same class with persons, who claim under incomplete titles, and that there may exist some cases, in which such grants are not confirmed by the two first sections of the act. But it must be observed, 1^{stly}, that such cases must be but few,—2^{dly}, that, although Congress have not thought it proper, without having previously obtained more correct information, to confirm titles, or to assume principles, by which titles will be confirmed, beyond the extent embraced by the two first Sections, yet it cannot be doubted, that they will, on the recommendation of the Commissioners, confirm, hereafter, equitable claims, not embraced by those two Sections, and that this was their object, in requiring grants dated after the 1st of October 1800, to be filed with the Register; otherwise, no notice of them would have been taken in the law—3^{rdly}, that, supposing that Congress should refuse to confirm some grants of that description, it will not preclude the Claimants from their remedy in Courts of law. Indeed, it is well known here, that the reason, which has induced caution in framing the act, was the knowledge of fraudulent grants, principally in Upper Louisiana; and I have thus early mentioned the subject to you, in order that you may embrace every proper opportunity to remove objections, and repel misrepresentations, which may be expected, from persons interested in grants of a doubtful nature.⁹⁰—

I have &c^a

Ex^a

⁹⁰ A copy of this letter was enclosed in the Secretary of the Treasury to Thompson, Aug. 27, 1805 (GLO, Div. C, Misc. Let. Bk. One).

PART FOUR
Papers relating to the Third Administration
of Governor Claiborne
1805-1806

PART FOUR

COMMISSION OF GOVERNOR CLAIBORNE ¹

[SD:Temporary Comms., 1:C]

[June 8, 1805²]

THOMAS JEFFERSON, President of the United States of America,
To all who shall see these presents, Greeting:

Know ye, That in pursuance of the Act of Congress passed on the 2^d March 1805 entitled "An Act further providing for the Government of the Territory of Orleans"³ and reposing special Trust and Confidence in the Patriotism, Integrity and Abilities of WILLIAM C. C. CLAIBORNE, of Tennessee, I do appoint him Governor in and over the Territory of Orleans; and do authorize and empower him to execute and fulfil the duties of that Office according to Law; and to Have and to Hold the said Office with all the powers, privileges and emoluments to the same of right appertaining from and after the third day of July next ensuing until the end of the next Session of the Senate of the United States, and no longer unless the President of the United States for the time being should be pleased sooner to revoke this Commission.

In Testimony whereof, I have caused these Letters to be
L.S. made patent, and the Seal of the United States to be hereunto
affixed.

Given under my hand at the City of Washington the Eighth day
of June in the year of our Lord one thousand Eight hundred and five;
and of the Independence of the United States of America, the
Twenty Ninth.⁴

TH: JEFFERSON

By the President
JAMES MADISON
Secretary of State

¹ A recess appointment.

² This document was not effective until July 3; it has therefore been taken out of its formal chronological order for use as an introduction to Part Four.

³ *Ante*, p. 405.

⁴ See commission, Jan. 17, 1806, *post*, p. 571.

THE SECRETARY OF THE TREASURY TO ALLAN B.
MAGRUDER, JAMES BROWN, AND FELIX GRUNDY

[GLO:Div. C, Misc.Letter Book One]

TREASURY DEPARTMENT, July 8th 1805.

The Undermentioned persons.

SIR, You are hereby appointed Agent of the United States, for the purpose of investigating claims for lands, in and for the [blank]. For the duties of the office, and compensation allowed by law, I beg leave to refer you to the act for ascertaining and adjusting the titles and claims to land, within the territory of Orleans & the District of Louisiana, and request, that you will inform me, as soon as possible, whether you accept the appointment.

The place where the Board will meet, for your District, is [blank]; [to which place it is desirable that the Agent should repair as early as convenient;]⁵ and, if you shall accept, you may draw, on the Secretary of the Treasury, for five hundred dollars, immediately, for five hundred, on the 1st of January next, and for the remaining five hundred dollars, as soon as the Board shall have completed their business. The description of the boundaries of the Eastern & Western Districts of Orleans is enclosed.⁶

It is not in my power to give any specific instructions, which may assist the Agent, in repelling fraudulent and unfounded claims. A knowledge of the precise manner, in which grants were made by the former Governments, and of the methods, which have been adopted, to obtain colourable, though unfounded, titles, will, it is presumed, be obtained, on the spot: and I can only say, that the attention of the Agent should be peculiarly bestowed on a critical investigation of large, unusual, or late grants.

As it is important, that the other boards should be furnished with copies of so much of the public records kept at New Orleans, as relates to grants within their districts, I had written to M^r Gurley, who was appointed Register there, to send me an estimate of the expence.⁷ Having received no answer from that Gentleman,⁸ I have to request, that you will cause an extract to be made from those records, which shall contain, in two separate lists, one for each district, a summary statement of all the grants made by the competent authority, in the Western district of Orleans, & in the District of Louisiana. That statement should shew, 1st, the date of the application, of the order of survey, of the survey, and, when the grant is complete, of the patent

⁵ These brackets are on the original. The brackets enclosing the word *blank* are editorial.

⁶ Not present.

⁷ Mar. 30, 1805, *ante*, p. 427.

⁸ June 9, 1805, *ante*, p. 454.

or concession—2nd, the contents, situation and boundaries of the tract, and, 3rd, the conditions, if any, attached to the grant; together with such other remarks, as may appear relevant & important. For that purpose, you may apply a sum, not exceeding one thousand dollars. Should the work require a larger sum, I will thank you to transmit a previous estimate. The list of grants, in the western district of Orleans, you will be pleased to transmit, by safe opportunity, either to John Thompson, Register at Opelousas, or, to the Clerk of the Board. If not too voluminous, I would wish a copy to be also transmitted, by mail, to this Department. The list of claims in the District of Louisiana must be transmitted to this office. The Collector of New Orleans is directed, to purchase your bills, drawn on the Secretary of the Treasury, to the amount & for the purposes herein mentioned.

I have &c^a

ALLAN B. MAGRUDER, Esq^r } 1st blank filled with the words
of Kentucky. } "Western Dist^t of Orleans"
2nd d^o d^o "Apelousas".

JAMES BROWN, Esq^{ro} Dis^t } 1st blank filled with the words
Atty of New Orleans. } "Eastern dist^t of Orleans".
2^d d^o d^o "New Orleans"^o

FELIX GRUNDY, Esquire } 1st blank filled with the words
of Kentucky. } "District of Louisiana."
2nd d^o d^o "S^t Louis."

The words between [] were omitted in the letter sent to New Orleans.

The words underlined were omitted in the letter sent to M^r Grundy.

The last paragraph was sent only to New Orleans.

To M^r Magruder was added the following

Note. Two large grants, on the Washita, one twelve leagues square, in favor of Baron Bastrop, and another about twelve leagues in length by two leagues in breadth, originally granted to Marquis Grand maison, & now claimed by Daniel Clark, will require particular investigation, especially in order to ascertain, what conditions were affixed to the grant, and whether they have been fulfilled.

Ex^d

THE SECRETARY OF WAR TO JOHN SIBLEY

[NA:Indian Office, Sec. War Letter Book B]

WAR DEPAT^{mt} July 8, 1805.

JOHN SIBLEY

SIR I have been directed by the President of the United States, to write to Gov^r Claiborne and to you, on the subject of evidence to be

^a See Brown's reply, Aug. 24, 1805, *post*, p. 495.

procured, of the actual settlements made, and military posts established by the French on Red River, above Natchitoches, prior to the Cession of Louisiana to Spain in 1762.

I have written to the Governor, and requested him to concert measures with you for obtaining depositions from persons in your neighborhood or elsewhere, to establish the facts relative to settlements and posts.¹⁰

You will please to aid the Governor all in your power, in finding out old persons who were actually acquainted with the facts in question;— and you will make every practicable exertion, with such assistance as the Governor may afford you, for conciliating the friendship and confidence of the Indian tribes generally in your neighborhood.

Your views should be extended as far as the Bay of S^t Bernard. Suitable presents ought occasionally to be made, in arms and ammunition to some leading Chiefs; and other articles, to a moderate amount, when it can be done with propriety and good effect. All such measures should be founded on our general friendship, towards all red people, within the limits of the Territory of the United States;— it being the sincere wish of the President to render his red Children as happy as possible. If ten or twelve principal Chiefs, of the most considerable nation, can be prevailed upon to visit their Great Father, the President of the U. S. it ought to be effected at the public expense.

Your several communications in reply to the enquiries contained in mine of the 22^d of Jan^y last,¹¹ are highly acceptable, and very satisfactory.—

I am, Sir, very Res^d

T. W. PREVOST TO THE [SECRETARY OF STATE]

[NA:SD, Orleans Terr. Papers, VII:ALS]

[July 8, 1805]

SIR, On the 10. of last month while in the discharge of his duties M^r Prevost was attacked with a serious fever which still confines him to his bed—And his physicians are of opinion that he will not

¹⁰ July 1, 1805, *ante*, p. 458.

¹¹ NA(WD, AGO, Old Recs. Div., Misc. Let.Bk. 2), asking for information concerning the distances from points in Orleans and Louisiana to Santa Fe, and the location and size of towns on the east bank of the Rio Grande. Sibley's reply has not been found. In a letter to the President, Aug. 9, 1805 (Jefferson Papers, LC), Sibley said:

"I shall punctually attend to General Dearborn's Instructions relative to Indian Affairs; I believe I have a Just Idea of the importance of them.

"I hope some other communications I have made to General Dearborne besides my Short Account of the Indian Tribes will afford you Some Satisfaction: to be usefull to you and my Country affords me the greatest pleasure, and I Shall esteem you Sir as my benefactor in proportion as you afford me (by commanding me) opportunities of being so."

regain his strength in this Country until the cold weather sets in, in Decemb^r—It is therefore his wish, thro' you to obtain permission from the President to leave the Colony on the arrival of Judge Duffield, and the moment that such leave is obtained he will take the first vessel that offers whithersoever she may be bound—the very great interest I take in this event induces me to solicit an early answer—with many apologies Sir I have the honor to be with great respect your very humb^le Serv^t¹²

T. W. PREVOST

NEW ORLEANS. *July*. 8. 1805.

[*Endorsed*] T. W. Prevost 8 July 1805. Rec^d 13 Aug^t Quer. what controul has the President over the Judges?¹³

THE SECRETARY OF THE TREASURY TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

[*July* 9, 1805]

SIR I have the honor to enclose for your decision a letter from M^r Hall district judge at New Orleans in which he requests that a certain public building should be appropriated to the use of the courts.¹⁴

Applications have been several times made by the custom house officers for some similar appropriation, the building heretofore used for that purpose being an old wooden one and very unsafe for the keeping of the books, accounts & bonds.

¹² The following excerpt is from a letter from Judge D. A. Hall, of the Orleans Superior Court, to the President, Aug. 6, 1805 (SD, Appt. Office Files), in which he recommended Capt. James Stille, U. S. A., for appointment to the Orleans bench:

"I have seen with regret, that several gentlemen whom you have nominated to the bench have declined the appointment. The lowness of the salary wh is by no means sufficient to support a family and apprehensions of the climate have no doubt been amongst the causes of their Non acceptance. It is important that a judge of the superior court should be immediately appointed. M^r Prevost has been and still is very ill. No business has been done in the territorial court for some time past. The number of causes is considrable & the docket is daily swelling to an enormous size."

¹³ Answered Aug. 28, 1805 (NA, SD, Dom. Letters, xv). The relevant portion of the letter reads:

"Though such a request on the part of an Officer, placed under the controul of the President, would be readily acceded to, as far the public service might permit, so on the other hand as Judge Prevost holds an office in a separate branch of the Government, he must be at liberty to act according to the urgency of circumstances."

¹⁴ Letters from Hall and Claiborne on this subject were forwarded to the President by the Secretary of the Treasury, July 30, 1805 (Jefferson Papers, LC), but they have not been found.

It had also been stated that a part of the public or military hospital might be spared for the marine or sick seamen hospital. A ward of the Charity hospital has heretofore been obtained from the trustees for that purpose.

It might be desirable & I respectfully beg leave to suggest the propriety of obtaining a general return & description of all the public buildings there in order that such as are wanted may be applied to such uses as you will be pleased to direct & that such as are inconvenient or useless, such indeed as the old custom house, may be disposed of.¹⁵

I have the honor to be respectfully Sir Your most obed^t Ser^t

—ALBERT GALLATIN

TREASURY DEPARTMENT 9th July 1805

THE PRESIDENT OF THE UNITED STATES

[Endorsed] Departm^t Treas^y July 9. 05. rec^d July 9. public build^g in N.O.

[Enclosure:LS]

Judge Hall to the Secretary of the Treasury

NEW ORLEANS 3. June '05.

SIR Since my arrival here I have suffered much inconvenience for want of a proper Court room. I have been hitherto obliged to hire rooms, which the Marshal informs me he is compelled to leave. There is in the city a house belonging to the United States in every way suitable to the accomodation of the Court. It contains a large hall, rooms for juries and an office for the Clerk. It was formerly used as a school house, in the establishment of the King of Spain for teaching the spanish language. Since Colo. Freeman's arrival, the Governor has permitted him to occupy it. I have suggested to the Governor the propriety of appropriating it to the purpose of holding the Court of the United States. Colo. Freeman can be very handsomely accomodated in the military quarters, which are excellent. The Governor agrees with me, that this is the only building of the U: S: here, fit for a Court house. I must request, Sir, y'r interference on this subject and that some order be made directing that the building be applied to the purpose of holding therein the district Court. I am, Sir, with great Consideration and respect,

Yr most obedient humble Servant.—

DOM: A: HALL

¹⁵ A return was requested in the President to Claiborne, July 10, 1805, *loc. cit.*, and supplied by the latter, Oct. 23, 1805 (Rowland, ed., *Claiborne Let. Bk.*, III, 207-211).

THE SECRETARY OF WAR TO GOVERNOR CLAIBORNE

[NA:WD, AGO, Old Recs. Div.:C]

WASHINGTON 10 July 1805

W^m C. C. CLAIBORNE

SIR Your letters of the 3rd Ult.¹⁶ have been duly received—on the subject of your bill for \$1000 which I could not pay, I have this day had a conversation with the Secretary of State, by which it appears that you must have mistaken the purport of M^r Madison's letter to you dated May 1st 1804¹⁷ as recited in one of your letters & consequently could not with propriety have drawn on me on account of the \$400 per Month for extra expenses, as that allowance ceased in Dec^r 1803 — any doubts which may rest on your mind relative to your compensation as Commissioner or as Governor, can be more thoroughly explained by the Sec^{ry} of State than by any other person.—It will only be necessary for me to observe farther, that I cannot consider myself authorized to pay any Bills drawn by your Excellency, except for Expenses actually incurred in the Indian Department & such Bills should be accompanied with an account & vouchers to cover them.

With Sentiments &c

THE POSTMASTER GENERAL TO GOVERNOR CLAIBORNE

[PO:P.M. Letter Book N]

July 19th 1805W^m C. C. CLAIBORNE Esq. Gov^r of New Orleans.

Yours of the 7th of June¹⁸ has been duly rec^d Altho we have long since effected the establishment of the line from here to Coweta, which is now in perfect order, & have transmitted nine miles by that route for from New Orleans by the route,¹⁹ which leads us to fear, that some uncommon accident must have befallen M^r Abrahams, from whome we have not herd one word for nearly two months either that must be the case or he must be dismissed from the public service & from my knowledge of his great preservance & industry, which ever untill this instance has exceeded that of any other contractor South of the Potomak I cannot readily conclude he merits.

¹⁶ There are two letters of this date, *ibid.*, pp. 66–68, 69–70, relative to Claiborne's accounts. For other letters on this subject, see Claiborne to the Secretary of the Treasury, June 10, Aug. 7, Sept. 13, 1805, Apr. 10, May 20, July 6, Dec. 22, Dec. 31, 1806, Jan. 22, 1807 (two); to the Secretary of State, July 30, 1805, Jan. 22, 1807; to the Secretary of War, June 26, 1806, Jan. 22, 1807, *ibid.*, pp. 88–90, 142–143, 152–153, 188–190, 289, 301–302, 348–349, 354–355, iv, 69, 73–74, 108–110.

¹⁷ *Ibid.*, II, 177–178.

¹⁸ *Ibid.*, III, 83–84.

¹⁹ This is an exact reproduction of the text; the confusion of words originated with the contemporary copyist.

Circumstanced as we are Sir, I have to solicit of you the favour of undertaking the establishment of the line from New Orleans to Coweta in case M^r Abrahams should not have effected the establishment, by the time of the arrival of this letter. It is not my expectation that you will assume the labour of seeing this establishment effected, but that you devise the plan & give to M^r Cenas your Postmaster such directions as shall be best calculated to effectuate the object. M^r Cenas upon perusing this will feel it his duty to cooperate with you & Strictly to carry into effect any plan which you may devise.

The Sergant at arms, who established the line from here to Coweta has just returned & informs us that Col^l Hawkins has given it as his opinion that the Mail cannot be carried with regularity between Fort Stoddert & New Orleans, otherwise than by whater. Will you be pleased to give me your opinion on that subject. The expences of the expresses to Gov^r Folch my I think with propriety be taken from the Post Office money in your hands as the expence was incurred in aid of the Department the balance which remain you can at any time pay over to the Postmaster at New Orleans & take his Rec^t.

The frequent interuptions which take place in the Mail between this City & yours, is matter of deep regrete to us all, but I asure you they arise from the length of the way & the state of the Country, not from any neglect in the Department. More express's have been sent, More moneys have been expended, & more circulars been transmitted to the Agents of the Department on that route, than any other routes of three times the extent in the Nation.²⁰ The latest news from M^r Monroe is of an aspect more pleasing, than some which preceeded.

Every thing will remain quiet, but it is hardly probable that we shall immediatley possess the Floridas.

G. G.

THE PRESIDENT TO THE POSTMASTER GENERAL

[LC: Jefferson Papers: D]

MONTICELLO *July* 23. 05

DEAR SIR In your letter of the 19th ²¹ you ask my advice as to the measures to be taken to carry into effect the law for the transmission of a mail to New Orleans by the lower route. I do not see that in the present state of our information any correct decision can be formed. Whenever we hear from Abrams, his report with Mr Wheatly's will inform us of the difficulties thro' the whole route, & we may then consider whether we have the power & the means of

²⁰ Answered Oct. 17, 1805 (Rowland, ed., *op. cit.*, III, 202-204).

²¹ Printed, in part, in *Terr. Papers* (Miss.), v, 444-445, n.

removing them. Should it prove in event that Abrams is dead, I presume we must then send off another agent to explore the rout. in that case would it not be better to divide the space between Coweta & N. Orleans into two agencies, procuring for the further part some undertaker at N. O. where they are better acquainted with the natural obstacles and the best means of surmounting them? the point of partition should be fixed as near to Mr Briggs's strait lines as possible. to blase a way by compas & cut out the bushes seems too expensive for a temporary object. would it not be sufficient to follow Indian paths where they exist in a proper direction, uniting them by a blased line where necessary, conducted, not by compas, but by the courses of the ridges & waters, without cutting out the bushes, which a horse-man accustomed to the woods can generally get through without embarrasment? A man on horse-back, well acquainted with the grounds and with a hatchet in his hand would soon mark out his own way in any piney country I have ever seen. on the whole it appears we must wait news from Abrams. Accept my friendly salutations & assurances of great respect & esteem.

TH: JEFFERSON

GIDEON GRANGER, esq

THE POSTMASTER GENERAL TO BENJAMIN MORGAN

[PO:P.M. Letter Book N]

July 23^d 1805

BENJⁿ MORGAN Esq. New Orleans I T.

Your letter of June 17th is at hand. Yours of 27th May²² also came to hand & would have been duly attended to but for my absence in the Western World. It gives me infinite Satisfaction to learn, the Philadelphia mail has come to hand & you may rest assured that no exertion on my part s[h]all be wanting, to discover the cause of its detention. Every attention has been paid in order to secure the proper regularity of the Mail on that route, two expresses were sent this Spring for that purpose & you may rely on all the aid this Department can afford towards Securing the punctual arrival of your Mails

G G

JUDGE DUFFIELD TO THE SECRETARY OF STATE

[GAO:Misc. Treas., Acct. No. 17724, 1806: ALS]

TERRITORY OF ORLEANS, near the City of Orleans—

July 23^d 1805

THE HONBLE JAMES MADISON Esqr

SIR, Although the period, since my arrival in this Territory, has been very short, the effect of the climate on my health, has been such,

²² Neither has been found.

as to convince me, it will never be friendly to my constitution: I have therefore enclosed the Commission, with which, the President was pleased to honour me, and must respectfully request you, Sir, to inform him of my resignation of it.—With peculiar satisfaction I am enabled to state, that no inconvenience will occur hereby, in the discharge of the public business of the Territory; as there is at present a Suspension of the judicial proceedings of the Court; which, it is presumed, will continue untill the month of November next, by reason of the sickly season, with the formality of opening & adjourning the Court in pursuance of the Act of Congress on the subject. I deemed it my duty to give the earliest intimation of my intention, that no possible inconvenience might result from it. Be pleased Sir, to honour me, with assuring the President of my most profound respect.—

With very great consideration I am Sir Your obed^t Serv^t

GEO: DUFFIELD

[*Endorsed*] George Duffield 23 July 1805 Rec^d 27 Aug^t Resigns the office of Judge [Duffield George resigns as judge of Orleans I signed his commⁿ Mar. 11.²³ It's date may vary a few days.]²⁴

JOHN W. GURLEY TO GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, VII:ALS]

NEW ORLEANS *July 25. 1805*—

SIR I take the liberty of addressing your Excellency that I have it in contemplation to make a journey into the western and northern parts of this Territory and as many considerations which have induced me to this proposed undertaking have resulted from my official situation as Register of ye land office for this district I have thought it proper to Submit them to your Excellency and to Request your opinion on the propriety of ye measure.—

By my official instructions bearing date the 13th March ult²⁵ the Secretary of ye Treasury observes that it has been thought eligible immediately to carry into effect the law for adjusting and regulating land titles in this Territory and for this purpose requests me to qualify myself immediately for executing the duties of Register. This letter was not received untill the beginning of June when I without delay

²³ *Anle*, p. 415. Duffield's formal tenure of office terminated with the date of his letter of resignation, according to a statement accompanying his account, cited above. See Keene to Senator Samuel Smith, Sept. 12, 1805 (SD, Appt. Office Files), mentioning Thruston's refusal of an appointment as judge for Orleans, the resignations of Prevost and Duffield, and recommending Judge Toulmin of Mississippi to fill the vacancy. Toulmin was also recommended by Dinsmoor (Dinsmoor to the Secretary of War, Oct. 12, 1805, *loc. cit.*).

²⁴ The bracketed portion is in Jefferson's hand.

²⁵ Not found.

commenced the necessary preparations for complying with it's directions. A translation of ye law into the French language I found indispensibly necessary. This was accordingly done, and I have enclosed to the principle officers of this Government Copies of ye same in both languages, & by a Circular letter addressed to each²⁶ requested their aid in explaining to the people of their several Counties the general objects of the law and the advantages which would accrue to them from a prompt & speedy compliance with its provisions. I need not add my expectation of their favourable cooperation.—

But there are considerations which I hardly need state to your Excellency which give but too great reason to apprehend that notwithstanding the utmost exertions of ye friends of the Government and of those immediately entrusted with the execution of this law, that much delay will take place and considerable difficulties attend the carrying of it into effect.—

This will arise as well from the difficulty of giving a seasonable and adequate publicity to the law, of making the people understand it's provisions and the mode in which they are to be complied with, as from the efforts which have already commenced, and which we Can not suppose will be discontinued, to render the law obnoxious to the people by misrepresenting it's objects and intended effects. Indeed there Can be no doubt that this law is regarded by the enemies of ye Government as a powerfull engine by which to excite discontent in this Territory. Already it is represented as intended to rob the people of their rights to destroy the equitable titles which exist in the Country and finally to become instrument of the most vexatious oppression. Misrepresentations like these so directly at war with truth may undoubtedly be overcome—but in order to this it is important to adopt the best and most appropriate means. Among others one which I have felt it my duty no less than my inclination to submit to your Excellency's judgement is that of visiting the Several Counties in this district of conversing with and explaining to the people the real objects of this law of furnishing them with the appropriate forms for presenting & entering their claims & thus to remove their difficulties and doubts and to attempt at least to show to them that the law in it's operation will not infringe on their rights or in any case do them injustice—.

This will be the principle object of my proposed journey, and your Excellency's opinion as to the expediency of it will highly oblige me—My absence from the City will necessarily be about Six weeks.—during this time my own opinion is from all the observation I have made that very few if any claims will be entered—I shall however leave ye Office under the care of a man in whom I can place ye highest confidence with instructions to receive all such claims as may be presented.

²⁶ Not found.

Should your Excellency however be of opinion that any public inconvenience may arise from my proposed absence, on account of any official duties imposed on me, I shall most cheerfully desist from the prosecution of my plans ²⁷

With ye highest respect I have ye honour to be your Exce^{ya} Obt & hm^l Sev^t

JN^o W. GURLEY

TO HIS EXCELLENCY W^m C. C. CLAIBORNE Governour of ye Territory of Orleans

[*Addressed*] To his Excellency W^m C. C. Claiborne Governour of ye Territory of Orleans.

[*Endorsed*] A letter from M^r Gurley to Gov^r Claiborne Rec^d in Gov^r Claiborne's 3 Aug^t 1805 ²⁸

PROCLAMATION BY GOVERNOR CLAIBORNE ²⁹

[NA:SD, Orleans Terr. Papers, VII ³⁰]

By WILLIAM CHARLES COLE CLAIBORNE, Governor of the Territory of Orleans,

A PROCLAMATION.

[July 26, 1805]

WHEREAS, the senate and house of representatives of the United States of America, in congress assembled, did, on the second day of March of this present year, pass "An act further providing for the government of the territory of Orleans," which act was approved and signed by the President of the United States, and is now in force— And whereas by the second section of the said act, it is directed, "that the governor of the said territory shall cause to be elected twenty-five representatives, for which purpose, he shall lay off the said territory into convenient election districts, on or before the first Monday in October next, and give due notice thereof throughout the same, and appoint the most convenient time and place within each of the said districts for holding the elections; and shall nominate a proper officer or officers to preside at and conduct the same, and to return to him the

²⁷ Cf. Gurley to the Secretary of the Treasury, July 25, 1805, stating that the register's office had been open since the second Monday in July, but that no claims had been presented (GLO, New Orleans, Reg. and Rec. Let., XXII).

²⁸ Rowland (ed.), *Claiborne Let. Bk.*, III, 146-147.

²⁹ Covering letter, Claiborne to the Secretary of State, July 27, 1805, printed, *ibid.*, pp. 136-138. Also enclosed were a printed copy of that part of the Ordinance of 1787 extended to Orleans by the act approved Mar. 2, 1805, and two statements of Peter Seulenan's claims against the United States for paving in front of government property in New Orleans, Feb. 15 and May 9, 1805.

³⁰ In the form of a printed broadside. There is no mention of a French text.

names of the persons, who may have been duly elected"—Now therefore, I, WILLIAM CHARLES COLE CLAIBORNE, governor of the territory of Orleans, by virtue of and in obedience to the above mentioned act, do hereby declare and ordain, that the county of Orleans, shall form the first election district, and be entitled to seven representatives; that the election shall be holden on the third Monday in September next, and the two succeeding days;—on the first day, the election shall be holden at the house of M. Riviere: on the second day at the Hotel de Ville, in the city of New-Orleans, and on the third day, at the house of John Baptist Macarty. The polls on each day shall remain open from the hour of ten in the morning, until three in the afternoon.—And I do nominate and authorize the mayor of New-Orleans, the recorder of said city, and the sheriff of the said county of Orleans, or any one or more of them, to preside at, and conduct the said election.

The county of German Coast, shall form the second election district, and be entitled to two representatives; the election shall be holden at the usual place of holding the court for said county, on the third Monday in September next, and the following day; and I do nominate and authorise the judge, clerk and sheriff of the said county of German Coast, or any one or more of them, to preside at, and conduct the said election.

The county of Acadia, shall form the third election district, and be entitled to two representatives, the election shall be holden on the third Monday in September next, and the following day, at the usual place of holding the court of said county; and I do nominate and authorise the judge, clerk and sheriff of said county of Acadia, or any one or more of them, to preside at, and conduct the said election.

The county of La Fourche shall form the fourth election district, and be entitled to two representatives; the election shall take place at the usual place of holding the court of said county, on the third Monday in September next, and the following day; and I do nominate and authorize the judge, clerk and sheriff of the said county of La-fourche, or any one or more of them, to preside at, and conduct the said election.

The county of Iberville shall form the fifth election district, and be entitled to two representatives; the election shall be holden at the usual place of holding the court for said county, on the third Monday in September next, and the following day; and I do nominate and authorize the judge, clerk and sheriff of the said county of Iberville, or any one or more of them, to preside at, and conduct the said election.

The county of Attacapas shall form the sixth election district, and be entitled to two representatives; the election shall be holden on the third Monday in September next, and the following day, at the usual place of holding the court for said county: and I do hereby nominate

and authorise the judge, clerk and sheriff of said county of Attapugas, or any one or more of them, to preside at and conduct the said election.

The county of Opelousas shall form the seventh election district, and be entitled to two Representatives; the election shall be holden at the usual place of holding the court of said county, on the third Monday in September next, and the following day; and I do nominate and authorise the judge, clerk and sheriff of said county of Opelousas, or any one or more of them, to preside at and conduct the said election.

The county of Point Coupee shall form the eighth election district, and be entitled to two representatives; the election shall be holden at the usual place of holding the court for said county, on the third Monday in September next, and the following day: and I do nominate the judge, clerk and sheriff of said county of Point Coupee, or any one or more of them, to preside at and conduct the said election.

The county of Rapide shall form the ninth election district, and be entitled to one Representative; the election shall be holden at the usual place of holding the court for said county, on the third Monday in September next, and the following day; and I do nominate and authorise the judge, clerk and sheriff of said county of Rapide, or any one or more of them, to preside at and conduct the said election.

The county of Natchitoches shall form the tenth election district, and be entitled to one Representative; the election shall be holden at the usual place of holding the court for said county, on the third Monday in September next, and the following day; and I do nominate and authorise the judge, clerk and sheriff of said county of Natchitoches, or any one or more of them, to preside at and conduct the said election.

The county of Ouachitta shall form the eleventh election district, and be entitled to one Representative; the election shall be holden at the usual place of holding the court for said county, on the third Monday in September next, and the following day; and I do nominate and authorise the judge, clerk and sheriff of said county of Ouachitta, or any one or more of them, to preside at and conduct the said election.

The county of Concordia shall form the twelfth election district, and be entitled to one Representative; the election shall be holden on the third Monday in September next, and the following day, at the usual place of holding the court for said county; and I do nominate and authorise the judge, clerk and sheriff of said county of Concordia, or any one or more of them, to preside at and conduct the said election.

And I do require of the officers who are nominated and authorised to preside at and conduct the respective elections, hereby directed, to make a return to the undersigned in writing, under their hands and seals, on or before the thirtieth day of October next, of the names of the persons who to them shall appear to have been duly elected—

And I do further by virtue of the powers in me vested, require all and singular the Representatives, who shall be elected as aforesaid, to convene in the city of New-Orleans on the first Monday in November next, at the hour of eleven in the forenoon, in the Hall lately occupied by the Legislative Council.

Given under my hand, and the seal of the Territory, at the City of New-Orleans, on the twenty-sixth day of July, in the year of (L.S.) our Lord one thousand, eight hundred and five, and the Independence of the United States the thirtieth.

WILLIAM CHARLES COLE CLAIBORNE.

GOVERNOR CLAIBORNE TO JOHN WATKINS

[NA:SD, Orleans Terr. Papers, VII: DS ³¹]

Circular.

NEW-ORLEANS, July 26, 1805.

SIR, I HAVE the honor to enclose you several copies of a proclamation, issued in conformity to a late act of congress further providing for the government of the Territory of Orleans, and you will oblige me by having the same posted up in the most public places in your county.

By the act alluded to, the Ordinance of Congress of the 13th of July, 1787, is, with little exception extended to this territory, and such parts thereof as relate to the qualifications as well of representatives as of voters, and which prescribe the powers of the general assembly, are also enclosed, for your information, and that of the citizens generally.

By the proclamation you will observe, that you are named one of the officers to conduct the election in your county; and I trust you will discharge with fidelity the trust reposed in you.

Accept assurances of my respect and regard,

WILLIAM C. C. CLAIBORNE

THE MAYOR OF NEW-ORLEANS

JOHN WATKINS TO GOVERNOR CLAIBORNE ³²

[NA:SD, Orleans Terr. Papers, VII:ALS]

NEW ORLEANS July 26—1805

TO HIS EXCELL^t GOV^r CLAIBORNE

SIR In taking possession of the Office of the Mayoralty I found among the papers, the enclosed decrees of the Town Council approved and signed by my predecessor M^r James Pitot.

³¹ A printed form letter, signed, forwarded with the preceding document. The name of the person addressed and the signature are in Claiborne's hand.

³² Covering letter, Claiborne to the Secretary of State, Aug. 4, 1805, printed, Rowland (ed.), *Claiborne Let. Bk.*, III, 149.

It is my duty to transmit them to your Excel^y begging that you will be pleased to examine their contents, and inform the Council of your determination relative thereto as soon as your Excel^y may find it convenient. The rumours already spread abroad concerning the riotous conduct of the Town guard will I apprehend be but too strongly verified should they not be confined to close quarters. Indeed to derive those advantages from this guard which was contemplated at their creation it is absolutely necessary that they should be taken from amongst the rest of the Citizens and placed immediately und[er] the Eye & controul of their Officers.

The other two Decrees relates to the ground upon which stands the old Custom house and the old Spanish forts which the Town claims as its property, and requests to be put into possession of it as soon as your Excl^y can conveniently do it, for the purpose of embellishing the City clearing out the streets and filling up the Ditches and other receptacles of stagnant water, highly injurious to the beauty & healthfulness of the City ³³—

I have the honor to be Sir your most ob: & Humb: Servant

JOHN WATKINS

[Endorsed] From the Mayor of New-Orleans to Gov^r Claiborne
Rec^d in Gov^r Claiborne's 4 Aug^t 1805

[Enclosures]

Resolution of the City Council of the City of New Orleans.

Sitting of the 20th of July 1805

Whereas the City has Granted only pro tempore, the lot on which the ancient Custom house is erected, and that the said Building is now useless and even prejudicial to the interests of the Community, in opposing any other disposition of it, for the best advantage of the Public, the City Council has resolved, that the Mayor be requested to require the Governor of this territory, to Give directions for the destruction of the aforesaid Building formerly used as a Custom house, Disposing that the materials thereof be Carried off within the time of Six months from and after the date of the present. (Signed) JOHN WATKINS president of the City Council, BOURGEOIS Secretary of the said Council.—approved by the Mayor (signed) J^e PITOT mayor.

I delivered this faithfull Copy of the aforesaid resolution (signed) Bourgeois Secretary.

I do Certify the above Copy by order of the Mayor (signed) J. Chabaud Secretary of the Mayoralty.

I do Certify the above translation Moreau Lislet interpreter.

³³Answered Aug. 2, 1805, *ibid.*, pp. 143-145.

*Resolution of the City Council of the City of New Orleans*Sitting of the 20th July 1805

Whereas the Forts and batteries surrounding the City, have been erected on a Ground which belongs to this Community, and it is urgent to require their demolishing, in order to execute the plans which the public Interest solicits for the enlarging and embellishing of the said City; and Whereas to this reason may be added an other powerful motive, the salubrity of the weather, the ditches surrounding the aforesaid forts being full of a still standing water the contagious exhalations of which are the very causes of epedimical Diseases, *It is Resolved* that the Mayor shall transmit to the Governor of this territory the wish of the City Council that the aforesaid Forts and batteries may be immediately Destroyed and the materials thereof employed to fill up the surrounding ditches. (signed) JOHN WATKINS president of the City Council, BOURGEOIS Secretary of the said Council—approved by the Mayor (signed) J^e PITOT Mayor

I Delivered this as a true Copy of the aforesaid resolution (signed) Bourgeois Secretary

I do Certify the above Copy by order of the Mayor (signed) J. Chabaud secretary of the Mayoralty.

I do Certify the above translation Moreau Lislet interpreter.

*Resolution of the City Council of the City of New Orleans*Sitting of the 20th July 1805

On the Petition of the officers of the town Guard, the City Council has resolved, that the said troop shall be lodged in barracks, and for that purpose the Governor of this Territory requested by the present, to Give directions for the evacuation of the Guard house by the regular troops now occupying part of the first story in the hotel de ville, which is intended to serve as barracks for the town Guard. (signed) J. WATKINS president of the City Council, BOURGEOIS Secretary of the said Council—approved by the Mayor (signed) J^e PITOT Mayor

I Delivered this as a true Copy of the aforesaid resolution (signed) Bourgeois Secretary.

I do Certify the above Copy by order of the Mayor (signed) J. Chabaud Secretary of the Mayoralty.

I do Certify the above translation Moreau Lislet interpreter.

[*Endorsed*] Rec^d in Gov^r Claiborne's 4 Aug^t 1805

THE MARQUIS OF CASA CALVO TO GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, VII:C 31]

[August 2, 1805]

TO THE GOVERNOR of the territory of Orleans

SIR in Consequence of the letter that your Excellency has been pleased to write to me,³⁶ relating to the doubt which I manifested concerning the persons employed in the Commission of Limits, and other subjects of his Catholic Majesty, who are yet in, but about to depart from this Province, I inclose to your Excellency, the List of the persons who now Compose the said Commission, together with that of the individuals who are about to depart from this Country, as soon as their business therein shall be terminated, and also that of the retired individuals and of the widows on pensions, who may remain in this Province.

May your Excellency live many years. NEW ORLEANS the 2^d of August 1805 (signed) THE MARQUIS DE CASA CALVO.

I do Certify the above translation Moreau Lislet interpreter.

[Enclosures]

[July 30, 1805]

A list of the individuals composing the expedition of the limits of the province of Louisiana, as approved by his C. M.'s order of the 20th august 1804.

Principal Commissioner . . .	The brigad ^r gen ^l Marquis de Casa-calvo.
associate commiss ^o ner . . .	Lieut ^t Col ^l D ⁿ Joseph Martinez de Orosa, brigade-major in the corps of Engineers.
Secretary	the commissary at war <u>ad honores</u> , D ⁿ Andrew Lopez Armesto.
Clerk	the 1 st Sargeant of the Reg ^t of the Havannah Antonio Martinez.
Captain	D ⁿ Nicolas Finiels.
Captain in the Army . . .	D ⁿ Stephen Minor.
Capt ⁿ in the militia . . .	D ⁿ Thomas Power.
Chaplain	D ⁿ Sebastian Gili.
Surgeon	D ⁿ Joachim Ablanedo.
Commander of the escorting troops	D ⁿ Benigno Garcia Calderon, adjud ^t in the Reg ^t of Louisiana.

³⁶ Covering letter, Claiborne to the Secretary of State, Aug. 7, 1805, printed, Rowland (ed.), *Claiborne Let. Bk.*, III, 154.

³⁷ July 28, 1805, *ibid.*, pp. 139-140. See also Casa Calvo to Claiborne, July 27, 1805, *ibid.*, pp. 138-139.

Sargeant of the same . . .	John B. DelaCruz; with a corporal & ten grenadiers.
Adjutant	D ⁿ Ignatius Fernandez, adjutant of the Reg ^t of Louisiana.
Officer of the revenue . . .	D ⁿ John Tala.
Clerk of the same	D ⁿ Felix Tala, his son.
Surgeon of the hospital . . .	D ⁿ Fernando Moreno.
Commandant of the galliot & smaller boats	D ⁿ Anthony Molina.
Carpenter	Manuel Guillemain.

N^{ts}—That for the purpose of purchasing timber for the navy, the 4th officer of the naval administration Dⁿ Anthony de Ibarra, and his clerk Dⁿ John B. Bermudez, are in this place.

NEW-ORLEANS 30th of July 1805.

Signed: ANDREW LOPEZ ARMESTO, Sec^{ry}—

I do Certify the above translation Moreau Lislet interpreter

[July 30, 1805]

List of the Persons employed by his Catholic Majesty who are to depart as soon as their business shall be terminated.—

Administration of the King's Revenue.

1. Don John Ventura Morales, pay Master General of the Army, late Intendent pro tempore in this Province.
2. Don Gilbert Leonard treasurer of the army late pay Master General pro tempore in the said Province.
3. Don Manuel Armirez treasurer pro tempore.
4. Don Cayetano Valdez Secretary of the Intendency.
5. Don Francis Arroyo destined by a Royal order for Porto Rico.
6. Don Joseph Rueda who is to Go to Campeche.

Custom House.

1. Don Joseph Anthony de Hoa, Administrator
2. Don Anthony Morales, treasurer.
3. Don Manuel Toledano officer of the Guard of the Custom house.

Royal Hospital.

1. Don Joseph Heitas, surgeon, who has order of the King to retire into Pensacola.

Surveyor General

1. Don Charles Trudeau

NEW ORLEANS 30th July 1805 (signed)

DON ANDREW LOPEZ ARMESTO Secretary of the Commission.

I do Certify the above translation Moreau Lislet interpreter

[July 30, 1805]

A list of the officers, in his C.M.'s service, who are to depart immediately after having terminated their business.

Officers, who belonged to the late staff of this place:

Town-major; lieut^t Col^l Dⁿ Gilberto Guillemard, who is on the point of going to Panzacola.

Adjutant, Lieut^t Col^l Dⁿ Paul LeBlanc, who is to go to the same place.
adjutant, Captⁿ Henry Mintzinger, who is ordered to go to the said place.

Officers of the Regt of Louisiana.

Captains	{	Lieut ^t Col ^l D ⁿ Zenon Trudeau.	They ought to have
		D ⁿ Ygnatius Delino.	joined their corps;
		D ⁿ Joseph LeBlanc.	and for having not yet
		D ⁿ John Lassize.	done it, are exposed to
		D ⁿ Felix Trudeau	lose their commissions.

Militia.

Captain Dⁿ Lewis DeClouet, late commander of the same.

Army.

Lieut^t Col^l Dⁿ Peter Rousseau, who has solicited his retreat.

Captain, Dⁿ Henry Peyroux.

Posts.

Dⁿ Peter Marin, late administrator of the same.

NEW-ORLEANS, July 30th 1805.

Signed: ANDREW LOPEZ ARMESTO.

I do Certify the above translation Moreau Lislet Interpreter.

[July 30, 1805]

List of the retired officers and of other persons employed in the Service of his Catholic Majesty who are to remain in this Province, in order to settle their business or on account of their old Age or usual infirmities.

1. Dⁿ Nicholas D'Aunoy, Colonel of the Royal Corps of Artillery . . .
 2. Dⁿ Manuel Perez, lieutenant Colonel
 3. Dⁿ Peter Favrot, lieutenant Colonel and Captain of Grenadiers
. (with a Royal permission for two years)
 4. Don Manuel Lanzos
 5. Dⁿ Francis Rivas
 6. Dⁿ Joseph Baamonde
 7. Dⁿ William Dupare
 8. Dⁿ Lewis Tudice
 9. Dⁿ Stephen Lamorandier
 10. Dⁿ Charles Morant adjutant General of Milice
 11. Dⁿ Charles de villiers
 12. Dⁿ John Vives
- | | | | | | |
|------------|---|--|--|----------------------------|---|
| } Captains | } | 11. D ⁿ Charles de villiers | } 1 st lieutenants of Milice (with a Royal per- | | |
| | | 12. D ⁿ John Vives | | } mission for three years) | |
| | | 8. D ⁿ Lewis Tudice | | | } lieutenants with the Grade of Captain |
| | | 9. D ⁿ Stephen Lamorandier | | | |

- | | | |
|--|---|------------------------------|
| 13. D ^a Peter Faillon | } | second lieutenants of Milice |
| 14. D ^a Joseph Piernas | | |
| 15. D ^a Manuel Soileau | | |
| 16. D ^a James Fernandez | | |
| 17. D ^a Silvestre | | |
| 18. D ^a Henry Darcancel | | officer of administration. |

N^{ts} by a particular favour of his Majesty, the widows of the persons employed, who are enjoying of pensions though they are unable to Go to Pensacola are the following:

1. D^{na} Marguerite Waths, Widow of the Brigadier D^a Manuel Gayoso de Lemos late Governor of this Province
- 2^d M^{rs} Villemont
3. M^{rs} Boulogny
4. M^{rs} Panis
5. the Baroness de Brouer
6. M^{rs} Trevino
7. M^{rs} Causot
8. D^{na} Francoise Trudeau
9. M^{rs} Zespedes

N^{ts} There was a small Number of retired sergents and privates who are to Go to Baton rouge or Penzacola.

NEW ORLEANS 30th *july* 1805

(signed) ANDREW LOPEZ ARMESTO.

I do Certify the above translation Moreau Lislet interpreter.

[*Endorsed*] Rec^d in Gov^r Claiborne's 7 Aug^t 1805

JOHN WATKINS TO GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, vii:C]

(Copy) Mayoralty Office NEW ORLEANS *August 2^d* 1805
 TO HIS EXCELLENCY GOVERNOR CLAIBORNE

SIR Fully convinced of the reality of the desire which your Excellency has manifested on various occasions for the encouraging of learning in this Territory, and well persuaded of the dispositions of the general government to second that desire, I feel it my duty to submit to your consideration the following facts and observations.

The building at present occupied by Leutenant Colonel Freeman, was erected many yers ago, by the orders and at the expence of the king of spain, the then sovereign of this Country, for the purpose of a publick School for the benefit of the youth of Louisiana; and from that time to the delivery of the Colony to the french government, His Catholic Majesty maintained at his own expence several teachers in the different branches of literature; whose services were bestowed gratis upon all those who thought proper to benefit by them. As far as I understand the principles of the American government, its policy is to govern by reason, & not the sword.

Why then should this house, consacrated under the arbitrary gov-

ernment of Spain to the education of youth, be now under the peaceful govern^t of the United States converted into the head quarters of a Military chief?

What has Minerva done in this part of the American dominions, that she should be compeled to cede her place to Mars? Tis true the little god of war may say, that he divides the temple with the goddess. But in as much as we are now in great want of a building for a public library, which is to be connected with a University, so soon as our funds will enable us to accomplish the scheme contemplated by the legislature; and as there is no other Edifice in the City upon which we have the same claims, I flatter myself that your Excellency will not only do everything in your power to procure us the one occupied by Colonel Freeman, but that you will make such an exposition of the affaire to the President of the United States as may induce him to restore the old School house to its original destination.³⁶

I have the honor to be with consideration of high respect and esteem, Your Excellency's most ob^t & humb. Serv^t

Signed=JOHN WATKINS

[Endorsed] From the Mayor of N^w Orleans to Gov^r Claiborne
Gov^r Claiborne 3 Aug^t 1805³⁷

THE PRESIDENT TO THE POSTMASTER GENERAL

[LC:Jefferson Papers:D]

MONTICELLO Aug. 3. 05

DEAR SIR On my return yesterday from a journey to New London, I recieved your favor of July 23.³⁸ and now return Gov^r Claiborne's letter³⁹ & map. as far as one can judge from these documents I should conclude the best route to be by land to the river Chefmenteur, then by water to Bois-doré & thence Northernly along the Indian path; because this reduces the water transportation to about 20. miles of still water where oars may be used, which is very desirable. to go to the place of Favre would be much further & upstream. however I believe it had better be left to the Governor to chuse between these two routes.⁴⁰ Accept affectionate salutations.

TH: JEFFERSON

M^r GRANGER

³⁶ Answered Aug. 3, 1805 (Rowland, ed., *Claiborne Let. Bk.*, III, 147-148). The Secretary of War informed Freeman, June 14, 1805 (NA, WD, AGO, Old Recs. Div., Mil. Bk. 2), that if the building claimed by him was attached to the civil department, the governor had authority over it.

³⁷ Enclosed in Claiborne to the Secretary of State, of this date (NA, SD, Orleans Terr. Papers, VII; printed, Rowland, ed., *op. cit.*, III, 148-149).

³⁸ Jefferson Papers (LC).

³⁹ June 17, 1805 (Rowland, ed., *op. cit.*, III, 97-98).

⁴⁰ See the Postmaster General to Hawkins, Aug. 2, 1805 (*Terr. Papers, Miss.*, v, 416).

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VII:LS]

NEW ORLEANS August 6th 1805—

(Private)

DEAR SIR, I am not yet favored with the Marquis's Answer to my Letter of the third instant⁴¹—It is (I believe) delayed, from Moralis's unwillingness to communicate the extent of his Orders, or the time and manner he proposes to execute them.

Moralis has more information, but less principle than any Spanish Officer I ever met with; his Wealth enables him to make many Friends, and among them I am sorry to inform you, some of our own Countrymen are conspicuous.

The day after the report was circulated, that Moralis's conduct was approved by his Court, and that he had Authority to continue his Sales in West Florida, he (Moralis) was (I learn) waited upon by many Persons, who congratulated him on the interesting Intelligence, and evidenced a Disposition to adventure in the Speculation:—Many of the Emigrants thither, are indeed mere Adventurers, the acquirement of Wealth is their object and as to the means, they seem to manifest much indifference⁴²—

I must confess Sir, that the embarrassments which have attended our Negotiation with Spain, have mortified me exceedingly—the People of West Florida, expected that the Country would certainly be delivered to the United States, and while the delay excites their regret and surprise, it tends to lessen the confidence of the Citizens of this Territory, in the American Government, and to encourage a belief that Louisiana will again fall under the Dominion of Spain!⁴³

I have the honor to be Sir, With great respect, Your friend

WILLIAM C. C. CLAIBORNE

JA^a MADISON Esq^r—

P.S. During Colo: Bur's continuance in this City he was marked in his Attentions to Moralis, and was in habits of intimacy with Livingston, Clark & Jones. W.C.C.C.

[Addressed] The Hon^{ble} James Madison Sec^y of State City of Washington (Private)

[Endorsed] Governor Claibourne Aug^t 1805

⁴¹ Rowland (ed.), *op. cit.*, III, 146.

⁴² Concerning Claiborne's effort to close Morales's land office, see his letters to the Secretary of State, Aug. 3, Aug. 5, Aug. 6, Aug. 10, 1805, to Casa Calvo, Aug. 9, 1805, and Casa Calvo to Claiborne, [Aug. 8] and Aug. 12, 1805, *ibid.*, pp. 145–146, 150–152, 158–161, 170–172.

⁴³ On this subject, see Claiborne to the Secretary of State, Aug. 5, Aug. 23, and Aug. 26, 1805 *ibid.*, pp. 150–151, 180–183.

JOSHUA LEWIS TO THE [SECRETARY OF THE TREASURY]

[NA:SD, Orleans Terr. Papers, VII:ALS]

LEXINGTON 12th Aug^t 1805

DEAR SIR I acknowledge the receipt of a commission appointing me Comm^r to the Eastern District of the New-Orleans territory from the President of the U. States. With gratitude I accept of it, and assure you that my best endeavours shall be used to discharge the same with fidelity.—Accept assurances of my highest respect

JOSHUA LEWIS

[Endorsed] Orleans Commr Lewis 12 Aug^t 1805 Rec^d 31 Aug^t
Accepts his appoint^t

JUAN VENTURA MORALES TO GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, VII:C]

[August 19, 1805]

D^a Juan Ventura Morales, Contador de Exercito, Yntendente interino de la Florida occidental, Encargado por S. M. en R^a Ordines de 30 de Julio, 16 de Octubre de 1802 y otras para el arreglo y conclusion de los asuntos de interes que la España tiene en la provincia de la Luisiana, y confirmado por R¹ Orden de 20 Febrero de 1805 en la facultad de terminar y concluir los Expedientes de las terras vendidas en los distritos de Baton Rouge y Movila, y demas que ocurran asi en ellos como en los demas Territorios dependientes de la Florida Occidental

A consecuencia de haverse me instruido por el Señor Marques de Casa Calvo Caballero del Orden de Santiago, Brigadier de los Reales Extos, Coronel del Regimiento fixo de la Havana y Comisario nombrado por S. M. C. para la entrega de esta Prov^a a la Republica Francesa, arreglo de sus limites y demas asuntos civiles y Militares pertenecientes a la España, en oficios de quince y diez y ocho de este mes, de las dos Cartas que con fecha catorze y diez y siete del corriente le ha dirigido el Exmo Señor D^a Guillermo Carlos Cole Claiborne Gobernador del Territorio de Orleans cuio contenido es el que sigue

[Here are quoted Claiborne's letters of Aug. 14 and Aug. 17 translated into Spanish.]

No siendo posible intentar mi seperacion de esta pro^oia mientras no se hayan arreglado, y concluido los negocios de interes de la España pendientes en ella para que el Rey mi Amo me tiene autorizado; y protestando como desde luego protesto una, dos y tres veces y las demas en derecho necesarias contra S. E. el nominado S^{or} Gobernador ó contra quien mas bien corresponda. En primer lugar la Violencia, y desaire que se hace en mi persona a la regia autoridad de que emana la mia.

En segundo el daño y perjuicio resultase a los intereses de la España de sugerarme a la inacion que se exigé y obstrucion que se pone por S. E. el S^{or} D^a Guillermo Claiborne a la conclusion por me de la Expedientes pendientes sobre venta de Tierras en los districtos de Baton Rouge, y Mobilla, y demas que pudieran ocurrir en dhõs districtos hasta el limité de la Orilla occidental del Rio Perdido cuios districtos pertenecen en absoluta propiedad y dominio al Rey de España por haber los conquistado sus reales Armas de la Nacion Ingleza en los años de 1799 y 1780 y no hallarse comprehendidos en la Cession de la Pro^{cia} hecha a la Republica Francesa por el Tratado convenido en S^a Yldefonso en primero de Octubre de 1800.—Y en tercero y ultimo lugar que la Seguridad por escrito a que se me fuerza de que durante mi permanencia en esta Ciudad no tomare disposicion alguna sobre las tierras al oueste del Rio perdido, tanto sobre las que se dicen ya vendidas como las que aon no lo estan no puede ni debe causar el mas minimo perjuicio no solo a los que compraron antes de aora, y en virtud de haver cumplido las condiciones obtubieron sus titulos sino tambien a aquellos a quienes se han concedido gratuitam^{te} y confirmado en la posecion de las que havian obtenido de los Senores Gobernadores de esta Provincia en el tiempo que tenian la facultad de conceder y repartir las tierras del dominio de S. M. C. Ofresco y prometo à S. E. el S^{or} Guillermo Carlos Cole Claiborne, Gobernador del Territorio de Orleans que durante mi permanencia en esta Ciudad no tomaré ni daré disposicion alguna sobre las Tierras situadas al oueste del Rio perdido, asi sobre las que estan vendidas y no terminados los Expedientes como las que aon no se enagenaron a favor en ningun particular.—Y para que sirva a dhó S^{or} de seguridad firmo el presente bajo las protestas enunciadas en la Ciudad de la Nueva Orleans diez y nueve de Agosto de Mil ocho cientos y cinco

(Copia firmada) JUAN VENTURA MORALES

A true Copy from the original ⁴⁴

W. C. C. CLAIBORNE

[Endorsed] Rec^d in Gov^r Claiborne's 11 Sept^r 1805 ⁴⁵

[Translation ⁴⁶]

[August 19, 1805]

Don John Ventura Morales Contador of the Army Intendant pro tempore of West Florida, authorised by his Majesty's royal orders of the 30th of July, 16 of October 1802 and other dates, to regulate and conclude the affairs of interest belonging to Spain in the province of Louisiana and confirming by the royal order of the 20th of february

⁴⁴ The attestation is in Claiborne's hand.

⁴⁵ Printed, Rowland (ed.), *Claiborne Let. Bk.*, III, 188.

⁴⁶ A contemporary translation.

1805 the power of terminating and concluding what remains to be done respecting the lands sold in the districts of Baton rouge and Mobile and others existing there and the remaining territories depending on West florida.

In consequence of information from the Lord Marquis of Casa Calvo, Knight of the order of S^t James, Brigadier of the royal armies, Colonel of the fixt regiment of the Havana and Commissioner nominated by his Catholic Majesty for the delivery of this province to the french republic, the regulation of its limits and other affairs Civil & military belonging to Spain, in his official letters of the 15th and 18th of this month,⁴⁷ of the two letters dated the 14th and 17th ⁴⁸ Current addressed to him by his Excellency William C. C. Claiborne Governor of the territory of Orleans, the Contents of which are as follow.

[Here follows the translation of Governor Claiborne's two letters—The Contador then continues ⁴⁹]

It being impossible for me to separate myself from this province whilst the affairs of interest of Spain depending in it are not regulated and concluded, to which effect the King my Master has vested me with authority: and protesting as I do now and from this time protest once, twice and three times and by all necessary means in the law against his Excellency the above named Governor & against whomsoever it may concern: In the first place the violence and Contempt with which the regal authority has been treated thro' my person, my own authority emanating from that Source. 2^o The damage and prejudice which may result to the interests of Spain by subjecting me to the inaction which is demanded, and the opposition given by his Excellency William Claiborne to my concluding the depending business, arising from the sale of lands in the districts of Baton rouge and Mobile and others which may exist within the said districts extending to the west margin of the river Perdido: which districts are the absolute property & domains of the King of Spain, having been conquered by his royal arms from the English nation in the years 1799 and 1780 and are not comprehended in the Cession of the province made to the french republic by the Treaty agreed upon at S^t Ildefonso the 1st of October 1800: and in the third and last place, the assurance in writing which I am forced to give that during my stay in this City, I should not take any measures respecting the lands lying west of the river Perdido, not only those which are said to be already sold but also those which remain vacant, cannot nor ought not to cause the slightest prejudice, not only to those who have purchased before this time, & in consideration of their having com-

⁴⁷ Not found.

⁴⁸ Rowland (ed.), *op. cit.*, III, 167-168, 174-175.

⁴⁹ The bracketed portion was contributed by the contemporary translator.

plied with the conditions, have obtained their titles, but also to such persons who have obtained gratuitous grants, & such as have been confirmed in the possession of lands granted by the Governors of this province during the time that they possessed the power of granting and distributing the lands of the Domains of his C. M.

I offer and promise to his E. William C. C. Claiborne Governor of the territory of Orleans, that during my residence in this City I will not take nor give any measures respecting the lands lying to the West of the river perdidó; neither with regard to those already sold whose titles are incomplete nor those which are hitherto unsold to any private person. And in order that the present may be an assurance to the said Governor, I do sign the same under the expressed protests, in the City of New Orleans the 19th of August 1805

Signed JUAN VENTURA MORALES

[Endorsed] Rec^d in Gov^r Claiborne's 11 Sept^r 1805 ⁶⁰

DAVID PARMELEE TO THE SECRETARY OF THE TREASURY

[SD:Appt. Office Files:ALS]

HOBUCKINTOOPA August 19—1805.

SIR. I notice that by an Act of Congress, of the 2nd of March last,⁶¹ you are authorised to employ three agents, one for each Board of Commissioners, who are to convene on the first of December next, in the Districts of the Territory of Orleans and the District of Louisiana. If you deem me worthy, I shall feel myself much obliged by your appointing me One of those agents, preferring, if the agency be unfilled, the western or upper District in the Territory of Orleans.

M^r Chambers has written to you on this subject, and M^r Granger, if at the seat of Government, will probably inform you whether he thinks I merit such an appointment.

In all this month the Board of Commissioners expect to adjourn sine die, after which time, I shall, as soon as possible be at the City of Washington.⁶²

⁶⁰ See also Claiborne to the Secretary of State, Aug. 20, and to Casa Calvo, Aug. 21, 1805 (Rowland, ed., *op. cit.*, III, 178-180).

⁶¹ *Ante*, p. 408.

⁶² A letter from Joseph Chambers to the Secretary of the Treasury, Aug. 19, 1805, recommending Parmelee, is in SD (Appt. Office Files). The Secretary of the Treasury added the following endorsement:

"David Parmelee, who is recommended, and applies for the appoint^t of agent, will make an excellent Commissioner vice Thrimble. He was E. Kirby's friend, taken with him to Mobile, where he acted as clerk to the board, and since M^r Kirby's death has been the efficient man of the board. His experience added to previous acquirements seem to qualify him in a particular manner. —A. G."

With due respect, I am Sir Your Obedient Servant
 DAVID PARMELEE 2nd
 HON: ALBERT GALLATIN Secretary of the Treasury
 [*Endorsed*] Parmelee David 1805

THE POSTMASTER GENERAL TO BLAIZE CENAS

[PO:P.M. Letter Book N]

August 21. 1805.

BLAIZE CENAS Esq^r P. M. New Orleans

Mess^{rs} Vassault & Goldston have written me⁵³ that they have purchased the contract from Isaac Hays, for the carriage of the mail between New Orleans and Fort Adams, and solicit an advance to aid them in the performance of the service. M^r Hays is now in advance \$250—and \$750 remain unpaid, on his draft of August 15th 1804. in favor of Jacob Kinney for \$1000, which we have conditionally promised the holder of it, in three quarterly payments. I have however agreed that you should advance them \$1,000 after they have given such security, as in your opinion will be sufficient, for the performance of the contract and on their producing M^r Hays authority to receive the same. With this you will be pleased to comply & write me on the subject.

G G

P.S. The letter to Mess^{rs} Vassault & Goldston is inclosed, which, after you have read it, you will be pleased to deliver them.

JAMES BROWN TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VII:ALS]

GERMAN COAST Aug^t 24th 1805

SIR I had the honor to receive your favor⁵⁴ covering my Commission as District Attorney of the United States for the District of Orleans, and take the earliest opportunity of informing you that I have accepted the appointment—

With real respect I have the honor to be Sir Your Most obt Serv^t
 JAMES BROWN

THE HON^{ble} JAMES MADISON Sec^y of State

[*Endorsed*] Orleans Dist. Att^y 24 Aug^t 1805 Rec^d 1 Oct^r

⁵³ Not found but referred to as of July 13, 1805, in the Postmaster General to Vassault and Goldston, Aug. 21, 1805 (PO, P.M. Let. Bk. N).

⁵⁴ Not found. Brown was nominated U. S. Attorney for the District of Orleans Dec. 20, and his appointment confirmed, Dec. 23, 1805 (*Senate, Exec. Journal*, II, 8, 10).

JAMES BROWN TO THE SECRETARY OF THE TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, xxii:ALS]

GERMAN COAST 30 Miles above N Orleans 24th Augt. 1805.

SIR I have the honor to acknowledge the receipt of your letter of the 8th of July last ⁵⁶ appointing me Agent of the United States for the purpose of investigating claims to lands in and for the eastern District of Orleans, and avail myself of the earliest mail to apprise you that I have accepted the appointment. The Districts are judiciously divided, and the place of holding the boards well adapted to the public convenience. In the Eastern District the claims are generally small, well settled, and dependent upon very ancient concessions. In many instances all evidence of title, except possession, has been lost by casualty or destroyed with the Offices in which they were recorded. As these claims are sustained by long possession, it will be necessary that the Commissioners should proceed with great descretion and liberality. The enemies of the Government are already actively engaged in disseminating the alarming idea, that the titles are to be discussed and scrutinized with the utmost rigor, and that few will bear the severe test to which the Commissioners and the Land law will subject them; whilst some of the well meaning, but weak friends, of the Administration, are so indiscreet as to exult at the prospect of the wealth which the United States will derive from the defects to be detected in the Titles of the Ancient Inhabitants.

M^r Gurley set out from New Orleans about four weeks ago on a Journey to Opelousas, Attacapas & Red river, and I heard it hinted that he would proceed as far as Ouachita before his return. His journey is reported to have some object in view relative to the duties of his office, but as you appear not to have been apprized of it, and as his District does not embrace that Country, I presume the report is incorrect. Governor Claiborne called on me two or three days, and upon my shewing him that part of your letter which relates to copies of the records for the boards of Louisiana and of the Western District, he requested me to express to you his belief that M^r Gurley had written to you on the subject. He has left the papers in the possession of a young man in New Orleans, from whom I will obtain a list of the titles in order to enable myself to contract for preparing the documents you require.

I am Sir very respectfully Your obedient servant

JAMES BROWN

THE HON^{ble} THE SECRETARY OF THE TREAS^{ry}

[Addressed] The Honble Albert Gallatin Sec^y of the Treasury
Washington-City. By Mail [Postmarked] New Orleans Aug 27
Free

⁵⁶ *Ante*, p. 468.

[*Endorsed*] Territory of Orleans August 24th 1805 James Brown
Agent &^c Answ^d ⁵⁷

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEPARTMENT OF STATE August 28th 1805.

GOV^r CLAIBORNE New Orleans.

SIR. In compliance with the request contained in your letter of the 26 ult.⁵⁸ I have to state it as my opinion (the office of Attorney General being vacant)⁵⁹ that the powers of the Legislative Council of the Territory of Orleans do not cease until the first Monday in November next; but, as under a contrary impression you intended to prorogue them on the third of July last, the true exposition of the Act of the last session of Congress as far as relates to the subject is unimportant, unless some exegency, not to be calculated upon, should render it indispensible to convene the Council.

I am &^c

JAMES MADISON

JAMES BROWN TO THE SECRETARY OF THE TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, xxii:ALS]

GERMAN COAST Sept^r 3rd 1805

SIR I visited New Orleans a few days ago for the purpose of carrying your wishes into effect relative to the Abstracts of Concessions &^c for the use of the Commissioners of the western District of Orleans, and of the District of Louisiana. The papers had been deposited by M^r Gurley with a M^r Ferdinand Hañez^{59a}—who appeared to act as Deputy Register, in receiving Grants, in the absence of the Register. I communicated to him that part of your letter which had relation to the abstracts,⁶⁰ and requested him to ascertain as nearly as possible, the number of Claims the evidences of which were within the reach of the Register, and to propose the lowest sum for which he would engage to transact the business. After nearly two days examination and deliberation he sent me the letter, a Copy of which I now inclose.⁶¹

⁵⁷ Oct. 10, 1805 (GLO, Div. C, Misc. Let. Bk. One), stating that the Government had no intention of questioning titles of long standing, even though incomplete, and that severity would be exercised only in grants involving speculation or fraud.

⁵⁸ Not found.

⁵⁹ Levi Lincoln served until Dec. 31, 1804; John Breckinridge took office Aug. 7, 1805.

^{59a} Ibanez.

⁶⁰ July 8, 1805, *ante*, p. 468.

⁶¹ Ferdinand Ibanez to Brown, Aug. 26, 1805 (GLO, New Orleans, Reg. and Rec. Let., xxii), stating that there had been upwards of 3,000 warrants and orders of survey issued by the French and Spanish in the District of Louisiana and in Orleans District, and that abstracts could be made for \$800.

Soon after my return to the Country, M^r Gurley called at my house on his way from Natchez to New Orleans; I informed him of the steps I had taken in his absence, and intimated my intention to contract for making out the Documents at the price proposed in the inclosed letter, stipulating however for a deduction in case the number of claims fell short of 3000—He earnestly requested that I would proceed no farther in the business until he should receive an answer to a letter which he had written you on the same subject, in which he had given the most full and satisfactory information. This answer he seemed to expect by the succeeding mail. The substance of the information given was not indeed communicated to me; but as the measures required on my part by your letter appeared to have been suggested by the supposed inattention of M^r Gurley, to whom the business was originally confided; I deemed it indelicate to proceed after his return, and after his own, and his friend Governor Claiborne's assurances that he had embraced the earliest opportunity of giving you all the information you wished, and of doing every thing which the nature of the affair required. Should any thing further however be wanting which I can transact, I shall feel happy paying the most prompt attention to the instructions of the Government.

I am happy that the discontents of the people which are already too numerous have not been encreased by an injudicious and inconvenient division of the Territory into Districts. The Inhabitants of Attacapas and Opelousas would have been extremely harrassed by being compelled to attend with their witnesses at a place so remote and so expensive as New Orleans. But there is a consideration connected with the subject of still greater importance. The inhabitants of N Orleans and of the Islands formed by the Iberville and the Chafalaya give a tone or impression on political subjects which pervades the whole Territory. On no questions are the feelings of the people of every Country more alive than on those which affect the Titles to the Lands on which they reside. In the Eastern District, as now divided, there will be found few recent, few large, few fraudulent Grants—In the Western District the titles are perhaps more doubtful; indeed under that clause which requires actual possession in 1800 many will be lost. Had these ambiguous, fraudulent, or illegal claims been decided in the Capital, the fate of the unsuccessful Claimants would have excited a degree of sensibility and sympathy which might have been dangerous to the popularity of the Government—Decided in a remote [MS. torn] and thinly settled County, the result will [MS. torn] awaken less interest, and excite no sensation [MS. torn] which will diffuse themselves over this [MS. torn] I should not have hazarded these remar[MS. torn] not Governor Claiborne intimated to me his wish that [MS. torn] portion of Country should be thrown into [MS. torn] District. However correct his opinions

[MS. torn] other subjects, I am confident in this [MS. torn] that his impressions are extremely incor[MS. torn] I shall be sorry indeed, if that extensive [MS. torn] which he possesses with the Government, [MS. torn] employed to produce any alteration in the Districts as now marked out by the President—

Discovering that the Deputy of M^r Gurley for want of correct information respecting the limits of the District had received some title papers for lands not lying within it, I took the liberty of giving a Copy of the Act of the President dividing the Territory

I am respectfully Sir Your most ob^t

JAMES BROWN

THE HON^{ble} ALBERT GALLATIN

[Addressed] The Hon^{ble} Albert Gallatin Secretary of the Treasury Washington-City By mail [Postmarked] F-Adams, Sep^t—6 Free

[Endorsed] German Coast. Territory of Orleans Septem^r 3^d 1805 James Brown—Agent &^c Answ^d ⁶²

SECRETARY GRAHAM TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VII:ALS]

NEW ORLEANS 8th Sep^r 1805

SIR I have now the Honor to inclose a copy of all the Acts passed at the first Session of the Legislative Council of this Territory & shall very soon forward on a copy of those passed at their last Session⁶³—

With perfect Respect I have the Honor to be, Sir Your Mo: Obt Sert

JOHN GRAHAM

THE HON^{ble} JAMES MADISON Secretary of State

JOHN W. GURLEY TO THE SECRETARY OF THE
TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, XXII:ALS]

NEW ORLEANS Sep^r 8. 1805

ALBERT GALLATIN Esquire Secretary of ye Treasury

SIR I have ye honour to enclose you my bond signed by John Watkins the present Mayor of this City as my surety.⁶⁴

⁶³ Oct. 10, 1805 (GLO, Div. C, Misc. Let. Bk. One). A list of inhabitants having incomplete titles was enclosed in Claiborne to the Secretary of State, Aug. 15, 1805 (NA, SD, Orleans Terr. Papers, VII; the covering letter is printed, Rowland, ed., *Claiborne Let. Bk.*, III, 170, under date of Aug. 16).

⁶³ Enclosures missing. See *Acts of the Legislative Council of Orleans*, 1–2 sess., 1804–1805 (New Orleans, 1805).

⁶⁴ Enclosure not present.

At the request of M^r Brown the Collector I have given him my bills on you for five hundred dollars, being on account of my compensation as Commissioner which I was directed to receive from him by your letter of the 30th March ult.⁶⁵

From a journey into the several Counties of this district during which I have been absent from the City about four weeks, I am happy to inform you that the people are generally disposed to comply with the provisions of ye law requiring the enregistering of their claims; and that notwithstanding the great effort which the enemies of ye Government have made to render the law obnoxious, yet that there is a probability of it's being carried into execution without the difficulty which we have had reason to apprehend.

M^r Brown the Agent for the United States informs me that he has received particular instructions and has written you on ye subject of obtaining the transcripts from ye Spanish Records.⁶⁶

I have ye honour to be with great respect your ob^t Sev^t

JNO. W. GURLEY.

[*Endorsed*] New-Orleans Septem^r 8th 1805 Jn^o W. Gurley—Register of the L. Office transmitting his Bond of Office. Sent the Bond to Comptrollers Office on the 16^h October, 05. N. Orleans Register's bond

SECRETARY GRAHAM TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VII:ALS]

NEW ORLEANS 9th Sep^r 1805

SIR I had the Honor to write you by the last Post ⁶⁷ to let you know that a White Man had been taken up here for endeavouring to bring about an Insurrection among the Negroes; and I have now the Honor to inclose a Copy of a Letter from the Mayor of this City, giving the best account that can be had of this Man, of his Plans, and of the Progress he had made towards their execution.

The Circumstance of an Insurrection having been planned, and the uncertainty how far the plan may have been acted upon, gives to the People here a very considerable degree of inquietude & alarm—I have the satisfaction however to say, that every possible precaution is taken by the Police Officers & I believe that nothing is at present to be apprehended, more than at any other time; but I consider this Country as in a state of constant danger & therefore as requiring the presence of a considerable Military Force—and if I might be permitted to give

⁶⁵ *Ante*, p. 427.

⁶⁶ Aug. 24, 1805, *ante*, p. 495.

⁶⁷ Sept. 2, 1805 (NA, SD, Orleans Terr. Papers, VII), stating that a man named Le Grand, recently from Santo Domingo, had been arrested for attempting to cause a negro insurrection.

an opinion I would recommend an increase of the Regular Troops here, as a measure equally expedient, whether we have in view the Submission of the Black, or the Respect of the White Inhabitants of the Country.

With Sentiments of the Highest Respect—I have the Honor to be,
Sir, Your Mo Obt Ser^t

JOHN GRAHAM

JAMES MADISON Esq^r Secretary of State

[Addressed] The Hon^{ble} James Madison Secretary of State City of Washington

[Endorsed] Orleans John Graham 9 Sep^t 1805 Rec^d 15 Oct^r

[Enclosure: ALS]

John Watkins to Secretary Graham

[September 6, 1805]

About three weeks ago a mulatto Slave named Celestin came to me accompanied by two Gentlemen, and stated that a white man who called himself Le Grand, and with whom he Celestin had been at work for some time past had frequently made propositions to him to join in a scheme to produce an insurrection among the negroes, Massacre the Whites and make themselves masters of the city or in case of failiar to destroy it by pillage and fire. In support of what he asserted Celestin produced several copies of an instrument of writing signed Grand juge, which he said had been put into his hands by Le Grand to be distributed among the negroes and such free people of colour as could be depended upon and would be most likely to favor the plan. He further added that papers of a similar nature would be found stuck up at the market house and other public places in the City in the course of a few days which accordingly happened, but they were so soon removed by the Officers of police as not to have been seen by any other persons but them, or at any rate not to have occasioned any the smallest sensation in the public mind. Celestin was Represented by the Gentlemen who came with him as an honest faithful Slave, and it appeared evident from the testimony of one of them who was well acquainted with Le Grand's hand writing that the pieces signed Grand Juge were written by him. Under these circumstances the conduct of Celestin, on the present occasin was highly applauded, and he was encouraged to use every means in his power to gain the confidence of Le Grand and to draw from him all the particulars of this exacrable plot. With this view it was thought advisable that Celestin should make him acquainted with some of the most respectable and trust worthy free people of colour who under the pretence of entering into his measures would be able to ascertain, the nature and extent of the conspiracy and the characters

concerned in it. Accordingly three or four Mullattoes of note and integrity were introduced to Le Grand, who Received them very cordially and after a short acquaintance unbosomed himself to them to the following effect. He requested of them to procure him all the information in their power relative to the number of Slaves in the Territory and the neighboring countries, the degree of their attachment to their masters, the manner in which they were generally treated. He wished to know if the Slaves in General were acquainted with the use of fire Arms whether they were allowed to wear them and the names of those persons who would be most proper in point of skill and popularity to be made Chiefs. He made some inquiries about their attachment to the American Government, and many respecting the topography of the country. He wished to know if there were any mountains in the neighborhood, and how the Boyous and Lakes were distributed &c. &c. He then went on to observe that as for himself he only wished at present to be known to ten of the principal characters who were to be chiefs, that each of these ten were to reveal the scheme to ten others and so on ad infinitum. Agents were to be sent to Natchez and other parts of the country, all the Drivers of the different plantations were to be gained over and, on a certain day and at a certain hour the blow was to be given. They were to make themselves masters of all the Arms Ammunition &c. in the City, block up the streets environ all the public stores Banks, &c. and to assassinate all those persons who should refuse to join them or made the smallest resistance to their measures. He further added that this was a favorable moment for the execution of their designs inasmuch as the regular Troops were now out of Town and would not soon return. During this interview he gave to one of the Mulattoes two other instruments of writing nearly in the same style & manner with those he had formerly given to Celestin, written upon paper and with ink which agreeably to my instructions he had been furnished with and told them he had a proclamation in Readiness which he intended to have printed some little time before the attack, and posted up in various parts of the City, and at the same time gave them to understand that he had been formerly engaged in a similar plan in S^t Domingo —

Informed of the Result of these various conversations I determined if possible to procure some white person to be witness to the plot. But the smallness of the Room in which Le Grand lodged and the still silent manner in which he conducted his infernal deliberations, together with his extreme caution rendering it impossible to conceal any one in the same apartment determined me to adopt the following stratagem. On the night that his arrest was intended we caused one or two new characters to be introduced to him, and directed that they should assemble at the usual place between ten and eleven o'clock at night.

One of them was to feign some difficulty of hearing and by that means induce Le Grand to speak some what louder than common. At the time appointed Col^o Bellechasse Major Dorcier and myself accompanied by one of the Town guards surrounded the cabin where they were. It was in a Retired part of One of the subarbs. They were all seated and Le Grand in the midst of them with a dark lantern at his feet repeted over to the new Recruits the plan such as I have above detailed it, which was distinctly herd by Col^o Bellechasse who was more advantageously placed for that purpose than either Major Dorcier or myself. The Dogs in the neighborhood however making a great deal of noise interrupted his conversation and we were compelled to enter the room before he had time to declair who, or whether any other persons than those present were concerned with him. I regretted this circumstance extreamly as our great object was to accertain whether any other white person than Le Grand himself was concerned in this horid conspiracy—Having entered the Room Le Grand was immediately bound and conducted to Prison. The others were all sent off under a guard and to lull the suspicions of Le Grand orders were given to put them in Irons and to have them safely lodged in seperate parts of the Jail—His Trunk papers &c were all seized and are now in my possession. Upon inquiring of him what he was doing in the company of Slaves and free people of colour at that hour of the night, he replied that he was sick and that they had come to see him and that he was only talking to them about the medicins he had taken & the nature of his complaint. He said he was a native of France, that he had been a soldier in the French Army, that he had deserted, was afterwards pardonned & that about three years ago he came to S^t Doming where he resided two years, and that at the general massacre of the whites he fled from thence and arrived at Baltimore in an American Vessel—From Baltimore he came by the way of Fort Pitt and Kentucky to this country, where he had been about Six weeks, and that his name was Grand jean, This account of himself was nearly corroborated by papers found in his Trunk, except that instead of six weeks he had been nearly four months in New-Orleans. Among his papers was a pasport, which he had obtained from the Marquis of Casa Calva to go to the Havannah as a Native borne in Louisiana, dated I think in the latter end of May and a protection from M^r Brown the Collector of this port as an American Citizen nearly of the same date. Besides these papers there was a sketch of the proclamation above spoken of entitled le Judgement de la raison humaine; and a letter addressed to him in French while at Lexington Kentucky by a man who signed himself Calais speeking of the plans in which Le Grand was engaged and shewing on the part of Calais a great desire to consert with him as to the most proper means of carring them into execution. If in the

prosecution of this business any other circumstances should come to my knowledge worthy of notice they shall be duly communicated to you; at present my own opinion is that in the person of Grand Jean we have got the only criminal concerned in the conspiracy. I am inclined to think that he had never opened his project to any one but Celestin, and those we employed to betray him. But, Sir, from our contiguity to the West India Islands, from the great number of Slaves and free people of color as well as bad disposed white people now among us who have been conversant with the crimes that have disgraced and the innocent blood which has encrimsoned the plains of S^t Domingo and other countries we shall ever be in danger while the protecting Arm of our country is so feeble. Our Militia will never be worth much while our numbers are so few and scattered over such an extensive country. They are moreover mingled with those very negroes and and free people of colour whom we must necessarily always consider in a country where slavery exists to the extent it does here as political enemies. Besides in what age or country has the wealthy citizen surrounded with Slaves ever been known to make a good soldier? As for our Regular Troops where are they and where is their force? Encamped at a distance from the Town, and so very few in numbers that they themselves are at the mercy of those very slaves. I am not a friend to standing Armies in a free country but we are in a country of Slaves. In the limits of the City of New-Orleans there are including negroes and people of colour, agreeable to the best information I can get nearly twelve thousand souls, and not above four thousand whites of all ages & sexes. The numbers of the former are daily increasing in a much greater proportion than those of the latter, and that increase is much more dangerous in quality than in quantity. Many worthless free people of colour or persons calling themselves free arrive here daily without our being able to prevent it, or to drive them away after they have come. Agreeably to the existing laws of our Country the importation of native Affricans is suppressed. Such however, is the public opinion of the necessity of more slaves and such the high price of labor that all the vigilance of the best organized Government upon earth will not be sufficient to prevent their introduction. They cannot be brought by regular traffick because the laws oppose it, but they will be fraudently brought, and the Risque being less in getting them from the Islands than from Africa it naturally follows that our country is and will continue to be overrun with the wretches of S^t Domingo Martinique & Jamaica instead of the harmless African. Whoever takes a view of the sentiments of the Inhabitants of lower Louisiana, of the natural and geographical situation of the country must be convinsed of the truths of these observations. I defy all the vigilance of man to pre-

vent the introduction of Slaves by some means or other. The people ask for new Negroes, you refuse them they say they must have Slaves of some kind and will and do therefore procure such as they can get.

The Government of the United States must therefore, under such circumstances afford us protection, for the present by encreasing the number of Troops in this Quarter and ultimately and permanently by encouraging the migration of the native Americans to this Country and facilitating their establishment among us. I will go further Sir, and if I can speak in confidence to the Government of my Country, I will say that it is high time that we should get rid of, that we should root out from among the agents and influence of foreign Governments. It is high time that the people of this country and more particularly the Strangers who reside among us should be convinced and that beyond a possibility of doubt that the Sovereignty of Louisiana is irrevocably fixed in the hands of the United States. The American population must be increased, it must be made to overballance that of every other description of persons. The character, the manners, the language of the country must become American if we wish the Government to be such. Many of the old Inhabitants here are already as good Americans as any in the U. States but the great majority are to the United States what Americans would be to France or Spain were they residing under the Government of either of these nations.

As to the contents of the proclamation found in Grand jeans Trunk, like all the other instruments which were given to Celestin and those concerned with him, it is written in such a dark mysterious stile that but little can be collected from it—It goes however to the prostration of all law and order in Society and the emancipation of all Slaves and the destruction of white men.

JOHN WATKINS
Mayor of the City.

NEW ORLEANS,—*September 6. 1805.*

To JOHN GRAHAM Esquire, Secretary to the Territory of Orleans—
[*Endorsed*] Rec^d in M^r Graham's 9 Sept^r 1805

SECRETARY GRAHAM TO GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, vii:ALS]

NEW ORLEANS 16th Sep^r 1805

DEAR SIR You will see by the NewsPapers that their are three or four different Tickets to be voted for at the Election which commences today—We may form some Idea of what may probably be the result when the Commissioners return from the lower District this Evening as they intend to count the votes given in there I will add a Postscript to let you know all that I can learn from them—

The alarm occasioned by the contemplated Insurrection of Le Grand or Grand-Jean seems in a great measure to have died away & the City is perfectly quiet at present & what is not less important it is very healthy for the season at least it is said to be more so than the adjacent country—Under this Idea the Troops from camp have been removed into Town—It could be under no other for I am told they had at Camp scarcely a Dozen Men fit for Duty—I learn from M^r Taylor that Col^o Freeman has ordered two companies here from Fort Adams—it will probably however be some time before they arrive—a very general opinion prevails among our Friends that the Government ought to increase there Forces here & I confess that I am strongly impressed with this opinion myself—We are told from very good authority that the General of Marine (who lately arrived at the Havanna Incog: from Spain) immediately on his arrival, ordered 600 Men to Pensacola & M^r Bradford tells us that 5000 Men are marching towards our Frontiers from Mexico—To the latter piece of intelligence I give no credit: the former however I believe may be depended on ⁶⁸—

The Marquis of Casa Calvo has been very sick since you left this; I saw him the other Evening when he enquired after you. It is said that he has received Letters from his Government saying that application would be made to the President to accredit him as a Diplomatic Character here—I should hesitate to beleive that an application so unusual would be made if it is acceded to it would give you a great deal of trouble & probably occasion mischievous consequences while we have so many People here who entertain the Idea that this country will revert to Spain—You probably know more than I do of the seizure on the part of Lieut Wilson of the Spaniards who had taken the Kempers in the Mississippi Territory—As you come by Baton Rouge, take care that Grand Pré does not keep you as a Hostage for their delivery—By the By sp[MS. torn] of him reminds me to tell you [MS. torn] an American vessel has been seized at Mobile for not paying Duties—& some Goods distined for the Troops at Fort Stoddart have been detained at Mobile because the Gentleman who had charge of them refused to pay the Duties ⁶⁹—

⁶⁸ For references to the possibility of the outbreak of hostilities, see Graham to the Secretary of State, Sept. 16, 1805 (NA, SD, Orleans Terr. Papers, VII); the President to *id.*, Sept. 16, 1805 (Ford, ed., *Writings Jefferson*, VIII, 379–380); Claiborne to *id.*, Oct. 5, Oct. 24, Oct. 31, Nov. 5, to Sibley, Oct. 8, to the Secretary of War, Oct. 10, Oct. 30, and Nov. 7, to Williams, Oct. 10, Oct. 24 and Oct. 30, to Wilkinson, Oct. 10, to Folch, Oct. 31, and to the President, Nov. 6, 1805 (Rowland, ed., *Claiborne Let. Bk.*, III, 191–193, 194–196, 211–214, 216–217, 221–223, 225–229). See also Cox, *West Fla. Controversy*, pp. 172 *et seq.*

⁶⁹ For references to the imposition of duties at Mobile, see Claiborne to Morales, Oct. 22, to the Secretary of State, Oct. 24 and Oct. 31, and to Folch, Oct. 31, 1805 (Rowland, ed., *op. cit.*, III, 205–206, 211–213, 221–223).

We are all wishing to see you & no one I assure more than Your Friend & Servant

JOHN GRAHAM

In the lower district today—Watkins & Carrick the Merchant had 80 votes each, M^cCarty nearly as many as also M^r Brown—the French Ticket as it is called few or none—The American Ticket tomorrow will be I am told—Watkins—Carrick—Brown—Belleshasse, Harman B. M^cCarty, & M^cDonnaugh—three or four of whom will probably get in—Brown has written today to beg that he may not be run; but he had so good a vote before his Letter was received that he will probably be voted for, if he is not Gurley or Pollock will be put on the Ticket in his Place—

[*Addressed*] His Ex^{cy}—W^m C C Claiborne Governor of the Territory of Orleans—Concordia To be left in the Post Office Natchez [*Post-marked*] public Service

[*Endorsed*] Rec^d in Gov^r Claiborne's 25 Sep^r 1805 ⁷⁰

JAMES BROWN TO JOHN BRECKINRIDGE

[LC:Breckinridge Papers:ALS]

GERMAN COAST *Sept^r 17th 1805*

MY DEAR SIR, Your friendly and very interesting letter of the 8th Ult.⁷¹ reached me by the last Mail, and next to the pleasure I derived from being assured of the health and happiness of a family which will ever continue to be dear to me, was the entertainment afforded by the satisfactory and comprehensive detail of political events which you have been at the trouble of giving me. Doctor Brown is too much engaged in the Natural to spend a thought on the political world, and John who used to amuse me occasionally by political details, and speculations, has lately enjoyed such wretched health and spirits that I have seldom received a letter from him. You will enquire why one who like myself, has not taken any part in the passing events of this Country, and whose exclusive objects are the enjoyment of life, and the accumulation of a competence, should feel anxious to be informed respecting the course of public affairs. I can only answer that I have not divested myself of that curiosity which is natural to every man of reflexion, and that my interest in the tranquility, growth, and prosperity of this Country, is daily augmented, by the many advantages to the Union which I perceive to be connected with the possession of it, by the property I have acquired in it, and by the friendships I have contracted with many of its worthy inhabitants. I will go farther

⁷⁰ *Ibid.*, p. 190.

⁷¹ Not found.

and add that my mind has been awakened in some degree from the political indifference into which it had sunk, by the painful conviction, that our administration, with every disposition to adopt a wise policy as it respects this part of the Union, is not possessed of that correct and general information respecting us, which would enable them to pursue those measures which alone can make this important key to the better half of the United States a solid, a secure, and an affectionate member of the American confederacy. In addition to all these motives, the confidence which the Administration has reposed in me, and the repeated and flattering instances in which they have evinced it, impose upon me some kind of an obligation to convey thro' some channel direct or indirect, the observations which I may occasionally make on our situation, and my opinions as to the measures which ought to be pursued.—Without any affectation of modesty, I feel so confident that my remarks will contain more of chaff, than of solid grain, that I tremble at the idea of exposing them either, to the world, or to the eyes of those who would judge them with severity; and therefore you must prepare yourself, to read them, to sift them, to use what is useful and to reject what is incorrect or inapplicable to our situation. Of your discretion you have given me proofs too direct and too repeated to leave a doubt on my mind of my being exposed either here, or at head quarters, by any mistaken opinions which may creep into my communications.

The first mistake then which pervades the administration relates to the temper of the people of this Country. They are supposed to be warmly attached to the American Union, and highly satisfied with the Executive of their own territory. Professions of attachment to the union, and of pleasure on being transferred from despotism to freedom were general on my arrival in this Country, and the only murmurs which manifested themselves originated in a contempt for governor Claiborne and a disapprobation of his measures. He was loudly and generally pronounced to be weak vain, timid, ignorant and incompetent to govern an intelligent people. Matters continued in this train until the sitting of the Council; when some wholesome laws, prepared by myself, and passed by the Legislature the object of which was to change the administration of Justice in some small degree and to assimilate it to the American Jurisprudence, increased the number of Malcontents and gave rise to the opinion that the established laws of the Country were about to be altered. The return of the Deputies chagrined, mortified, and enraged, was the moment when clamor became bold, censure illiberal, and hostility to the American laws and Government open and avowed. Think not however that this unmerited hatred of Americans, and of American Government, has been produced solely by the weakness of the Governor, the unpopularity of one or two laws, or the rejection of the

Memorial. These several sources of discontent would soon have been dried up, had not faction found a rallying point, and discontent an inexhaustible fountain in the Emissaries of France and Spain resident amongst us. Merchants mechanics and vagabonds, formerly in the train of Lausat continued to alienate the affections of the French citizens from their new brethren, and to inspire the hope of a renewed incorporation into the Nation from which they are descended. But the efforts of individuals without office, rank, wealth or family connections in the Country, might have been easily counteracted by the patriotism of the Americans who by speaking the Languages of the Inhabitants can communicate with them had not a source of contamination more copious in mischief existed amongst us. I allude to the Marquis de Casa Calvo and the Splendid band of Spanish Officers who appear in his train, and wear the uniform of his Master. This officer has a sentry posted at his door, opens a levée every Sunday which is attended by a number of Spanish officers, with side arms and complete uniform, who march in his train to church. When there, he assumes the seat of Governor has the Masses said for him which are destined for the Governor in processions marches in the place, and carries the Standard of Governor, and on most public occasions would be mistaken for the first Magestrate of the Territory. You will smile at the idea that this mock parade, this ridiculous pageantry could alienate the affections of the people, or have an unfavorable influence of any kind upon their minds. But when you have indulged your disposition to smile, I pray you to reflect on the situation, temper, and manners of our people. They have been so often bartered that they have lost all faith in the declarations of Government. Twice sold by their parent country, they are become infidels as to national honor, and are easily persuaded that America will readily recede them, or barter them away as soon as the fear of France or the Temptations of avarice shall operate with sufficient force. Ignorant of the true principles of government, and strangers to the fountains from which alone legitimate authority can flow, they are caught by the glare of a Splendid exterior, and suppose that it is ever the badge of power and superiority—Hence the plain appearance (I might say slovenly in the extreme) and the awkward address of the American Governor, who labors under the disadvantage of not speaking* a sentence of their language, leads to the belief that he is only vested with “a little brief authority” which is shortly to be surrendered up to the former Governor of the Country, who, in token of

*I am well aware that he has written to the President that he had acquired a competent knowledge of french and that I recorded this letter as Secretary in my journal; but I know and all his acquaintances know that at the date of that letter he had not taken a lesson on the vowels, and that he has never yet read the verbs [Footnote on the MS.]

the expectancy, is permitted to wear all the badges of his former rank. This opinion is diligently diffused by the creatures of France and Spain: who assert that to prevent Louisiana from falling into the hands of England, to whose naval superiority it would have become an easy prey, America has accepted the cession, under an express, but secret stipulation, to recede it to France or Spain at the close of the present war. Why it is asked, if this is not the case, has not more pains been taken to organize the Government, and to encourage emigration? Why is not the Marquis either sent away or stripped of his guard and compelled to be contented with the protection which our laws afford to every decent foreigner? Why does the late Intendant continue here, after having sold Lands within the Country supposed to be ceded to America by the treaty? Why has his conduct received the sanction of his Court, and why has he been ordered to continue to augment his sovereigns revenue from the same fund. Why is the Military force so inconsiderable at a point of so much importance, and why is the command intrusted to an officer so little capable of extensive plans as the present Commandant? Why in a country abounding in men of talents, firmness, and political experience, has the Government been confided to one who is young in political life, deficient in learning, a stranger to the manners and language of the people, and in case of War or insurrection too ignorant of discipline and too irresolute from temperament to face the danger and crush the opposition? Why has not this Governor endeavored, during his stay, to acquire the language and gain the esteem of the Inhabitants? All these questions, they artfully contend amount to proof that the Governor is only placed here to keep up the appearances of ownership on the part of the United States, until a definitive treaty, with Great Britain, or an increase of the Naval force of France, and Spain, shall have Enabled, one or the other of those countries, to resume the possession. This reasoning has had an extensive influence. It has emboldened opposition and given acrimony to censure. The American Government is accused of a breach of treaty, and of a disregard to the interests of the Inhabitants. In a word the old Inhabitants are generally hostile* to our Government and laws, and take little pains to conceal their sentiments.

You will no doubt recollect the difficulty with which the opinions of the people of an extensive territory are collected and will be disposed to flatter yourself that I have surcharged the picture. I wish I may be mistaken when I insinuate that I have truly delineated the opinions of a great Majority; for I would not be understood to say that all the old Inhabitants prefer the Governments of France or

*By hostility I mean no more than an expression of dislike & disgust [Footnote on the MS.]

Spain to that of the United States. My letters to you last winter ⁷² informed you with what politeness I was received by the people of this Territory and how sincerely I felt obliged by their attentions to me. The same polite deportment has ever since been manifested to me, and I reflect with pleasure that I have not made an enemy either personal or political in the Country. Thus exempted from any motive to misrepresent I fear my opinions are but too correct; and indeed the disaffection of the people seems so naturally to grow out of the past, and the present events, that I am not surprised at its existence. Speaking their language tolerably well and filling no very conspicuous public station I am placed on ground more favorable to observation than that of a Governor who is too often assailed by flattery and who seldom hears disagreeable truths—not a single inhabitant for miles above and below me speaks our language except a few Americans who have fixed a temporary abode near us—Of course my associates are principally the inhabitants of the coast—If I have been mistaken in the general voice of the people, I cannot be deceived in the dangerous disaffection to American laws, and distrust of American protection, which has been evinced by the Common Council of the Town of N Orleans, the only body corporate in the country which owes its existence to popular suffrage. This corporation includes not only the Town, but also the greater part of the County of Orleans. The Town has been hitherto supplied with a guard from the regular force of the United States, who by their vigilance, courage, and real discretion, had gained the confidence of all who were well affected to our Government. To this guard our watchmen reported, and our Judiciary appealed when any dangerous appearances of resistance, or insurrection manifested themselves either amongst the Slaves or the free citizens. The Town Council has by an ordinance directed that a company of regular troops shall be listed to be called the Maréchaussée or Gendarmerie of N Orleans whose duty it shall be to guard the Town and to continue in service one year. The Governor was at first appalled by the provisions of the constitution; but the happy expedient of christening them in their Commissions, “Officers of Militia” removed, all scruples and three disaffected Frenchmen were appointed to the command who have enlisted the corps partly, it is said, from the renegado’s of S^t Domingo, and partly from French vagabonds Creoles of the Country. These miscreants frequent at all hours of the night, if my information is correct, the tabarets or little Tipling houses and drink with free negroes or slaves, who appear to be their principal associates—The guard from our trusty regular troops is now, by order of the Executive, withdrawn and their place supplied by these wretches who have sucked the blood of the ill-fated inhabitants of S^t Domingo. In this instance the Governor seemed

⁷² Jan. 15, 22, 1805, *ante*, pp. 369, 378.

strongly impressed with a sense of the impropriety of what he was doing, but such was the arrogant tone of the Town Council, and such is the native timidity and irresolution of his character, that he was incapable of refusing his sanction to the Corps who could never have endangered our safety had he withheld their Commissions—It really distresses me that this man has been placed in a situation the duties of which he is unable to discharge, and I am still more distressed for him when I reflect, that scenes still more trying, and situations more embarrassing than those thro which he has passed, yet await him.

The election of a Representative branch of the Legislature commences on Monday week. I anticipate the election of Representatives not one of whom can speak the English language, and most of whom ardently pant for the fraternal embrace of the French Empire. God grant that I may be mistaken, but if I am you shall early be possessed of the agreeable intelligence.* The object of these men it is said will be to repeal every law passed by the Legislative Council, to introduce the French language exclusively into our courts and by every violent measure which ingenuity can devise, to force the general Government to recede the Country, or to admit it at once into the Union. The effect of these measures upon the friends of America here will be serious indeed, and our only refuge will remain in firm resistance on the part of the Governor—The Council will be nominated by the Representative branch and no choice will be left of which the President can make any important use⁷³—

Thus my friend I have reposed in the bosom of Secrecy the situation in which we are placed, or appear to me to be placed, and trust that without hinting at the source of your information, you will be roused to enquiry, and keep a vigilant eye on what passes in this nether world. The observation you drop “that little capacity is necessary to govern us during our territorial state” has led to this detail. My opinion is that at the moment of receiving possession no people could be more easily Governed than the citizens of this Territory. The strict and arbitrary government of Spain exerted upon the restless descendants of Frenchmen had broken their haughty spirits and accustomed them to implicit obedience. The most influential char-

* I attended the election for German Coast County yesterday—Destrehan & André are elected—My Predictions are so far verified— [Footnote on the MS.]

⁷³ The following excerpt from Brown to the Attorney General, Oct. 31, 1805 (Breckinridge Papers, LC), is relevant here:

“Our elections terminated nearly as I expected—Doctor Watkins’s numerous connections amongst the old settlers secured his election. The other members are French and will do well enough in case of tranquility, but are not to be reckoned on as warm friends in case of war. Morhouse is almost the only member who can speak the English language, and his ambition has excited some disagreeable sensations altho’ it is confessed that the present is not his first step on the Ladder.”

acter in the Country could have been imprisoned for months by Governor Claiborne on his arrival without exciting an audible murmur on the part of his friends. At present the imprisonment of an obscure French citizen for Perjury, or any other heinous crime, calls forth many learned dissertations upon laws and the rights of man—I am so far from believing that a weak man is competent to the government of the people of this Territory, that I declare to you upon my honor, that were I conscious of possessing the combined talents of Jefferson, Madison, & Gallatin, I should now venture on the task with fear and trembling. The disturbances which have manifested themselves have, at the seat of government, been attributed to Ned Livingston, and I am disposed to believe every thing which can be said of his dislike of the present Administration—But I assure you he has no influence nor has he had any since my arrival. He has been used as a tool in drafting the Memorial, and probably had the vanity to believe he had rendered himself popular by it. But he has long ago seen his error, and equally unpopular with Americans and Frenchmen, has been lately engaged in ruinous speculations, which have reduced his fortune and private credit, to as low an ebb as his public reputation.

You now ask for the remedy—It is easy. If you have a man of talents who will undertake the disagreeable task, send him to us without delay. Furnish a strong guard from the regular force of the United States. A firm Governor will protect us against the introduction of the civil law, the French administration of Justice, the French language and a French Maréchaussée of S^t Domingo cut-throats—. But the best of all remedies is the one hinted at in your letter, “a plentiful supply of American Emigrants”—The means for obtaining these are abundant—Fine lands a fine climate, and an excellent market—soon would we fill our Legislature with characters devoted to the Union, and firmly attached to their american brethren—Your own mind, fruitful in resources, will suggest what further ought to be done and the weighty interest you have at hazard will induce you to exert all your talents and zeal on this important subject—

The law relative to our land claims is also a fruitful source of disquietude, and demands the early attention of the National Legislature. I should be at a loss to account for some of the provisions of that act had I forgotten that information had reached you that large Grants were made subsequent to the treaties of Cession—The period which will enable me to speak positively on this subject is rapidly approaching, but I venture to predict, that except the recent sales in West Florida, the tales you have heard will be discovered to be gross falsehoods or extravagant exaggerations. The Spanish Government was not only frugal but even penurious in their Grants of lands; and except the Ouachita concession to the Baron de Bastrop, and about 100,000 acres adjoining it granted to Daniel Clark I am not informed

of any large Grants in [MS. torn] Eastern & Western districts of Orleans—But [MS. torn] this subject I shall address another [MS. torn] pamphlet of a letter, prepared perhaps in the same hasty slovenly way with the present, and like it intended for your own [perusal] only. Having no disposition to meddle [MS. torn] parties or politics of the Country, and wishing [MS. torn] retain the good will of the [MS. torn] inhabitants of the Territory, who whatever may be their political mistakes, have many vi[r]tues to recommend them, and many claims up[MS. torn] gratitude, I hope you will feel the [MS. torn] of keeping out of view observa[tions] which might be tortured by the illiberal into evidence of dislike to my fellow citizens, or enmity against Governor Claiborne—I rejoice at the degree of health enjoyed by your family and am happy that M^{rs} B— will have one of the warmest wishes of her heart gratified by the establishment of M^r Grayson and his sincere, friendly Letitia, so near her—Remember to present, to every Member of your family the combined wishes of my Nancy & myself that you may long enjoy unbounded happiness and (in Spanish phraseology) that you may live a thousand years—

Your friend

JAMES BROWN

HONBLE JN^o B—GE

[Addressed] The Honble John Breckinridge Fayette County near Lexington Kentucky By mail Way. [Postmarked] F—Adams Sep 23. 26

SECRETARY GRAHAM TO GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, VII:C]

(Copy)

NEW ORLEANS 19th Septem^r 1805

DEAR SIR, I had the pleasure to write you by last post, since then, many Rumours of an unpleasant nature have got abroad; how far they are to be relied on, I do not know; but I feel it my duty to recommend to you immediately to return Here.

As I do not know that the conveyance which now presents itself to me, is a safe one, I forbare to offer to you any opinions, other than the one expressed above, which you will consider as given both in my Public & Private Capacity—

with very great Regard & Respect I am Sir your mo obt sert

(Signed) JOHN GRAHAM

HIS EXCY GOVERNOR CLAIBORNE

[Endorsed] Rec^d in Gov^r Claiborne's 27 Sep^r 1805 ⁷⁴

⁷⁴ Rowland (ed.), *Claiborne Let. Bk.*, III, 190–191.

THE SECRETARY OF WAR TO JOHN SIBLEY

[NA:Indian Office, Sec. War Letter Book B]

WAR DEPARTMENT Oct^r 17. 1805

JOHN SIBLEY

SIR, You will herewith receive your Commission, as Indian Agent, for that part of the Territory of Orleans, West of the River Mississippi; under which your Pay, at the rate of \$. 1000 per Annum, and your Subsistence, at four rations per day, will commence on the first of July last. You will consequently make up your account for actual services, in conformity to the tenor of my letter to you, of the 13th of December 1804,⁷⁵ until the 1st day of July ult. when your regular pay & subsistence will begin; for which, your Bills on this Deptmt. drawn Quarterly, will be paid.—

The Goods, for commencing a trade with the Indians in that quarter, will, I hope, arrive by the time this reaches you;—and should no Agent or Assistant arrive, as soon as the goods, I will thank you to have them carefully stored, in safe keeping, until one of them reaches Natchitoches.

The manuscript volume was duly received, at the Office of the Secretary of State; and is considered valuable.⁷⁶ I hope you will have

⁷⁵ *Ante*, p. 352.

⁷⁶ Described by Claiborne in his letter to the Secretary of State, June 5, 1805 (printed as of June 6, 1805, Rowland, ed., *op. cit.*, III, 80–83). In a letter to Sibley of June 10, 1805, Claiborne asked that a copy be sent to the Secretary of State, *ibid.*, pp. 87–88. The following excerpt from Wagner to the Secretary of State, Sept. 24, 1805 (Madison Papers, LC), is relevant:

“I have this day received from D^r Sibley the book you were promised as calculated to throw light upon the boundaries of Louisiana. It is a manuscript of many quires, purporting to be an historical journal concerning the establishment of the French therein, compiled from the works of Iberville, Bienville, and Benard de la Harpe, Commandant of the Bay of St. Benard. It was found among the papers of M. Messier, late Gov^r of Texas, whose family, after his death at St. Antonio, returned to their former residence at Natchitoches, where the son, who furnished the manuscript from which the present is copied, is County Treasurer. The history is deduced to the year 1724. Notwithstanding the evident and conspicuous superiority of the means and manner of discussing our claim over the Spanish Ministers' efforts at Madrid, has already given us a great advantage in the appearance of the argument, I am in hopes that we can derive further succour, before the meeting of Congress, from this manuscript. It cost D^r Sibley, as he states, 85 dollars for the copying: I suppose we ought to devise a means for repaying him, if indeed he does not mean to draw, of which he is silent. I shall await your instruction, whether I shall retain it for the President, who may be expected in about a week, or forward it to you.”

Of the MS. journal of Benard de la Harpe, which Wagner describes, entitled *Journal historique concernant l'établissement des françois à la Louisiane, tiré des memoires de M^{rs} D'Iberville et de Bienville, commandants pour le Roy au dit pays, et sur les decouvertes et recherches de M^r Benard de la Harpe nommé au commandements de la Baye s^t Benard*, there are two MS. copies in NA (SD Archives) and one in LC (Manuscripts Division). According to Sabin, the journal was printed

Succeeded in quieting the minds of the Indians, towards the Sea coast; and that you will have made proper impressions on them in the vicinity of S^t Barnard.—

It is the wish of the President of the United States, that you should encourage a few of the Principal Chiefs of some of the considerable Tribes or Nations to make a visit to the seat of Government; —and, if practicable, to induce the Great Chief of the Caddos to be of the party—A passport is herewith enclosed for them. You Will fill up the Blank with the names of the Chiefs, who may be selected to form the deputation.—The expense should not be extended beyond what may be found absolutely necessary. The route you propose will probably be the best. Perhaps a passage in the stage from Augusta in Georgia, to this place, may be found practicable and convenient. In such case, their horses may be left in Georgia until their return. It will be advisable for you to accompany the deputation.—We shall take measures for rendering their passage through the Indian Country, East of the Mississippi, safe, and free from any bickerings with the Indians, through whose Territory they may pass.—I wish you to continue to forward every kind of information relative to the Indians & our other neighbors in that quarter

I presume your Son is, by this time, near his post, As Assistant Agent to the Fact^y at S^t Louis.—

I am Sir &c.⁷⁷

[Enclosures]

Commission of John Sibley as Indian Agent

[October 17, 1805]

TO JOHN SIBLEY Esq.—

SIR, You are hereby, with the approbation of the President of the United States, appointed Agent of Indian Affairs, for that part of the Territory of Orleans West of the River Mississippi.

in Paris in 1831 under the title, *Journal historique de l'établissement des François à la Louisiane* (Nouvelle-Orleans, A. L. Boimare, 1831).

⁷⁷ Other letters for 1805 relating to Indians and Indian trade, are as follows: the President to Bollman, Oct. 6 (Jefferson Papers, LC); the Secretary of War to Davy, Apr. 8, Sept. 25, and Oct. 10 (NA, Ind. Office, Sec. War Let. Bk. B); *id.* to Freeman, Dec. 31 (NA, WD, AGO, Old Recs. Div., Mil. Bk. 2); *id.* to Claiborne, Dec. 31, *ibid.*, Misc. Let. Bk. 2. The following records in NA (Ind. Office) disclose the amount of the Indian trade and the manner in which it was carried on: Arkansas Indents, Indian Factory Office. Goods shipped to New Orleans for J. B. Treat, Factor, Apr. 17, 1805–Apr. 14, 1810 (Natchitoches Day Book, 1806–1812). Accounts with Davy, Linnard, Sibley, Fulsholm, Indians, and others, showing furs and peltries received and goods given in payment (Natchitoches Ledger, Feb. 23, 1806–June 30, 1812; Natchitoches Invoice Book, Apr. 30, 1806–Jan. 5, 1822). Invoices of furs, peltries, and tallow forwarded (Natchitoches Indian Agency Letter Book, June 21, 1809–Dec. 31, 1821).

In discharging the various duties of this appointment, you will be governed by such instructions as you have, or may from time to time receive from this Department.

Given under my hand & the seal of the War Office of the
L S United States, this seventeenth day of October, 1805, & of
the Independence of said States the Thirtieth.—

Sig^d H DEARBORN
Sec^y of War

Passport for the Chiefs of Tribes West of the Mississippi River

[October 18, 1805]

To the Agents & Officers Civil & Military of the United States, and
all others, Citizens & Inhabitants thereof, and to the Chiefs &
people of all Indian Nations in Amity & Friendship with the United
States,—

Greeting—

You are hereby requested to permit the Bearers hereof,

[blank]

Chiefs of Indians Nations West of the River Mississippi, with their
Interpreters & Attendants, on their way to the Seat of Government,
to pass freely & without molestation, and to aid and assist them on
their way, as the Friends of the United States.—

Given at the War Office of the United States, at the City of Washing-
ton, this Eighteenth day of October 1805.—

Signed H. DEARBORN
Secretary of war—

SECRETARY GRAHAM TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VII:ALS]

Secretarys Office NEW ORLEANS 23^d Oct^r 1805

SIR I have the Honor to forward to you by this Mail a Copy of
the Official Journal of the Governor of this Territory, from the 22^d of
January (the time when Mr Brown left this Office) to the 1st July.⁷⁸

Circumstances over which I had no controul, prevented me from
transmitting this Copy sooner; but in future I will take care to comply
more strictly with the Injunctions of the Law.

The appointments made by the Governor are not as yet placed upon
the Records in this Office; but he tells me they will be so soon as he can
ascertain who have, and who have not, accepted the Commissions
sent to them.

With perfect Respect I have the Honor to be, Sir, Your Mo Obt Ser^t
JOHN GRAHAM

THE HON^{bl} JAMES MADISON Secretary of State

[*Endorsed*] Orleans Territory Sec^y 23^d Oct^r 1805 Rec^d 26 Nov^r.

⁷⁸ Not present.

JAMES BROWN TO THE SECRETARY OF THE TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, xxii:ALS]

NEW ORLEANS Oct' 30th 1805

SIR, Since my return to the City M^r Gurley and myself have engaged M^r Ybanez to make out the abstracts of Grants for the Commissioners in the District of Louisiana and the Western District of Orleans. We are bound to pay him one third of a Dollar for each Grant accompanied by a Copy for your office, as far as One thousand Dollars would cover the expence and to refer him as to the residue to the Justice of the Government. He now assures us that the number will not exceed One thousand and promises to complete them within a very short period—

On applying to the Surveyor General for the papers in his possession he assured M^r Ybanez that the Intendant had lately ordered him to be in readiness to depart for Pensacola, and to carry with him all the surveys Grants Concessions and other papers which were in his possession relative to lands in the ceded Country. He further observed that many of the title papers of the people of this Country yet remained in the hands of Don André late Secretary of the Spanish Government, who has lately accompanied the Marquis de Casa Calvo on a hunting party about one or two hundred miles to the west of this place. This important information I immediately Communicated to the Governor who no doubt will exert his usual vigilance and firmness in obtaining documents so very important as well to the Government as to its citizens* / M^r Vanpradelles has arrived a day or two ago. Lewis has not yet been heard of by any of his friends in this quarter.⁷⁹

Letters from this place by the last mail must have announced the loss of M^r Porter Surveyor of the Port. No doubt a great choice of Candidates will be offered to the President, and indeed in this place several are supposed to have solicited the vacant place—A M^r Lovell who has written some time in the Office seems to have acquired the good wishes of the most respectable part of the Merchants of this City—I have neither known him long nor intimately; but confess I should be gratified, as he has born a part in our revolutionary struggle, to see him decently provided for.⁸⁰

⁷⁹ The first two paragraphs of this letter were sent to Madison by Gallatin, Dec. 12, 1805 (Gallatin Papers, LC), who suggested that Claiborne be given instructions to secure the title papers and other documents which pertained to Louisiana.

⁸⁰ A letter from James Lovell to the Secretary of War, Oct. 17, 1805, asking the latter to support his application for the office of surveyor and enclosing recommendations from citizens of New Orleans is in SD (Appt. Office Files). He was nominated surveyor of the port, Feb. 23, 1806, and his appointment confirmed, Mar. 3, 1806; nominated as John Lovell to be inspector of the port, Dec. 15, 1806,

I am Sir with real respect and esteem Your Most Obedient Humble Serv^t

JAMES BROWN

THE HONBLE ALBERT GALLATIN

[Addressed] The Honble Albert Gallatin Secretary of the Treasury Washington-City By Mail [Postmarked] New Orleans Nov 1 Free

[Endorsed] New-Orleans October 30th 1805 James Brown Esqr—Agent & de agreem^t with M^r Ybanes pr making out Abstracts of Grants Transcribe from the beginning to the crotchet /

SECRETARY GRAHAM TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VII:ALS]

Secretarys Office NEW ORLEANS 31st Oct^r 1805

SIR I had the Honor to forward to you by the last Mail ⁸¹ a copy of the official Journal of the Governor of this Territory, from the 22^d Jan^r to the 1st of July last, as it stands on Record in this Office. Both the Governor & myself wish to know whether you consider this the proper kind of Journal to be kept in the Secretarys Office, under the Ordinance of 1787 —That Ordinance speaking of the Secretary says that “it shall be his Duty to keep and preserve the Acts & Laws passed by the Legislature, and the Public Records of the District, and the proceedings, of the Governor in his Executive Department; and transmit authentic copies of such Acts & proceedings, every Six Months to the Secretary of Congress.” I have no difficulty in understanding that I am to transmit copies of the Acts of the Legislature, and of the proceedings of the Governor in his Executive Department; but I am some what at a loss to know, what are to be considered as his proceedings in his Executive Department and therefore beg leave to ask for Instructions on that Subject —I do this not only with the approbation, but by the advice of Governor Claiborne, who is not less anxious than myself that the Journal of his proceedings should be kept in the manner, the President deems most proper.

From the Ordinance it would seem that the Records of the Territory were considered as something different from either the Acts of the Legislature, or the proceedings of the Governor in his Executive Department. Am I th[en] to take charge of the Land Papers? or would

and his appointment confirmed, Jan. 16, 1807; renominated under his proper name to the same office, Feb. 2, 1807, and appointment confirmed Feb. 4, 1807 (*Senate, Exec. Journal*, II, 25, 26, 45, 48–49). Claiborne had recommended Peter Duplessis for the post in his letter to the President, Oct. 16, 1805 (Rowland, ed., *Claiborne Let. Bk.*, III, 204).

⁸¹ Oct. 23, 1805, *ante*, p. 516.

they more properly remain with the Register who now has them? In making these enquiries I am actuated solely by a wish faithfully to discharge the Trust reposed in me & I flatter myself that my Motive will induce you to pardon me for the trouble I now give you —

With the most Perfect Respect I have the Honor to be, Sir Your Obt Hble Ser^t

JOHN GRAHAM

[Addressed] The Hon^{ble} James Madison Secretary of State City of Washington

[Endorsed] Orleans Secretary 31 Oct^r 1805 to be answ^d.

BENEDICT VAN PRADELLES TO THE SECRETARY OF STATE

[SD:Appt. Office Files:ALS ⁸²]

NEW ORLEANS Oct^r 31st 1805,

SIR! Permit me to do myself the honor, of informing you, that I accept with gratitude, the appointment which it has pleased the President of the United States, to give me of commissioner for the purpose of ascertaining & adjusting the titles and claims to land, in the eastern district of the territory of Orleans ⁸³

The length of time elapsed, between the date of my commission and that of this letter, will I hope Justify & serve as my apology for accounting for it. I have been detained by the low State of the water, on the Ohio & Mississippi rivers, from the 26th of July the day on which I Started from the rapids of the Ohio for, & Yesterday that of my arrival at this place, where my commission was handed me

I beg leave to Subscribe myself with the most elevated Sentiments of esteem & ancient Wish for Your Wellfare Sir! Your most obedient h^{ble} Serv^t

B: VAN PRADELLES

JAMES MADISON Esquire Secretary of State of the U: S:

[Endorsed] Van Pradelles B. accepts appm^t 1805 B. Van Pradelles

⁸² A copy is also found in NA (SD, Orleans Terr. Papers, VII).

⁸³ Letters and certificates concerning Van Pradelles's application for office, found in SD (Appt. Office Files), are as follows: Savary to the Secretary of the Treasury, Apr. 17, 1805; Van Pradelles to *id.*, Apr. 18, 1805; Greenup to *id.*, Apr. 23, 1805; Van Pradelles to Brown, Apr. 22, 1805; Rowan to the President, Apr. 22, 1805; Sandford to [*id.*], Apr. 22, enclosing certificate of James Garrard, Apr. 17, 1805; Lee to *id.*, Apr. 25, 1805; Allen to Lee, Apr. 25, 1805; and certificate of Buckner Thruston, Apr. 13, 1805. His commission, (SD Temporary Comms., 1) was dated July 30, 1805.

JEAN NOËL DESTRÉHAN TO GOVERNOR CLAIBORNE

[NA: SD, Orleans Terr. Papers, VII:C]

(Copy)

[November 8, 1805]

To HIS EXCELLENCY WILLIAM C. C. CLAIBORNE, Governor of the Territory of Orleans:

SIR The House of Representatives receive with respect, your Excellency's address at the opening of their Session. We enter upon the important duties to which we are called, with the best intentions; and in return for the honor conferred by a free people, we can only promise our best exertions to promote the interest and happiness of our common country.

We are fully impressed with the importance of our immediate powers.—We shall endeavor to exercise them with discretion, and we trust that the persons recommended to the President of the United States, will prove worthy of his approbation—and that those selected as Councillors will deserve his, and the confidence of their country.

We agree with your Excellency in the propriety of an early organization of the legislative Body, and we are fully persuaded of the co-operation and support of your Excellency in all measures essential to the convenience of our Constituents, and the welfare of this Territory.

With high respect, we have the honor to be—&c

JEAN NOEL DESTREHAN—Speaker, &c

NEW ORLEANS 8. Nov^r 1805.

[*Endorsed*] (unanimously adopted.) Rec^d in Gov^r Claiborne's 8 Nov^r 1805 ⁸⁴

PROCEEDINGS OF THE TERRITORIAL HOUSE OF REPRESENTATIVES ⁸⁵

[NA: SD, Orleans Terr. Papers, VII:E]

Orleans Legislature. House of Representatives.

MONDAY November 11th 1805.

On motion, Resolved, that the Speaker of the house of representatives, transmit to the President of the United States, by triplicates, an extract from the journal of this house, bearing date Friday, November 8, containing all that relates to the nomination by ballot, of ten persons, out of whom the President of the U. States is to appoint five to serve as councillors for the Territory of Orleans; and that the speaker be requested likewise to communicate to the President of the United States the wishes of this house, for as speedy an organization as possible, of the Legislature of the Territory of Orleans.

Mr. Hazure De l'Orme moved to instruct the committee appointed

⁸⁴ Rowland (ed.), *op. cit.*, III, 229–230.

⁸⁵ From the *Louisiana Gazette*, Nov. 19, 1805; covering letter, Claiborne to the Secretary of State, Nov. 20, 1805, printed, Rowland (ed.), *op. cit.*, III, 234.

to draft a memorial to Congress, to pray for a repeal of that part of the act granting to this territory the second grade of government, as provides for the introduction of the common law, owing to the great confusion it will introduce in the courts of justice. After some discussion, Mr. Mahon proposed to postpone the consideration of the resolution, until the opinion of the superior court should be known on the subject, understanding that the question would be agitated to-morrow.—Resolution postponed.

Mr. Bernard moved a resolution to have translated and published the Constitution of the United States; the ordinance of Congress of 1787, with the amendments thereto up to the present day; and all the laws of Congress relative to the Territory of Orleans. Dr. Watkins moved to amend the resolution, by appointing a committee to prepare these materials, and report them at the meeting of both branches of the legislature.—The amendment passed, and the resolution was adopted.

Mr. Bore moved that the house meet only two days in each week, until the legislature is completely organized.—Rejected.

Adjourned.

Thursday, November 14, 1805. Dr. Watkins, from the committee appointed to prepare an address to Thomas Jefferson, President of the United States, made report, which was read in the two languages, and adopted as follows:—

TO THOMAS JEFFERSON, *President of the United States.*

SIR: The house of representatives of the territory of Orleans, penetrated with a sense of the eminent services you have rendered your country, and impressed with the highest respect for that wisdom and integrity, which induced a free people to call you to your present elevated station, seize with pleasure the first moments of their legislative existence to assure you of their esteem and confidence.—The advancement of your country's happiness, has long occupied your attention, and of the ability and fidelity with which your important duties have been discharged, the suffrages of a grateful nation are the unequivocal testimonies.

If any circumstance could enrich the fame of a statesman already conspicuous by a firm and able support of the civil and religious rights of men, it would be your conduct in the acquisition of Louisiana. You have added to the dominions of the United States, a country, highly favored by nature; and to the great American family, a people worthy the blessings of freedom, and in their determination to maintain it, equally zealous with all their brethren of the Union.⁸⁶

JEAN NOEL DESTREHAN,
Speaker of the house of representatives.

ELIGIUS FROMENTIN, Ck.

⁸⁶ Answered Dec. 28, 1805, *post*, p. 551.

On motion Resolved that the address to Thomas Jefferson, President of the United States, which has been read and adopted by this house, be signed by the Speaker, and countersigned by the clerk, and by him sent by triplicates, with an extract from the journal relating thereto, to the President of the United States.

It was moved to instruct the committee appointed to draft provisional rules for the government of this house, to complete their work, and report at the opening of the next session—Agreed to, and Dr. Watkins added to the committee, in room of Mr. Conway, excused.

Ordered, that the governor be informed that this house is about to adjourn without day, and that he be requested to inform the house whether he has any further communication to make before that adjournment takes place.

Adjourned until this evening, 5 o'clock.

Five o'clock, P. M.

The speaker informed the house, that in conformity with a resolution entered into by the house in the morning, he waited upon his excellency the governor, to let him know that the house had it in contemplation to adjourn *sine die*. His excellency requested the speaker to assure this house of his respect, that the mode and time of adjournment was entirely left to the disposition of the house, that he did not intend to make any use of the right of prorogation, which the law had invested him with, that he conceived a great advantage might result to the country from the appointment of any committees the house should wish to appoint, to prepare materials for future legislation, during the recess—that he supposed the legislature would be called on, to meet sometime between the 10th and the 20th of February next, and that except requesting him to assure the members of his best wishes for the many polite attentions he had received from them, he had no further communication to make to the house during the present session.

The thanks of the house were given to the speaker.

Mr. Watkins in the name of the committee appointed for the purpose of drafting and presenting to this house a memorial to Congress, made a report accordingly, and read in the English language, the said memorial, which was afterwards translated into the French language by the clerk.

On motion that the said memorial be adopted by the house, several amendments were made thereto, which were agreed to by the house.

On motion that the said memorial with the amendments be adopted by the house, it passed in the affirmative.

Mr. Mahon moved that the thanks of this house be given to the Speaker, for the able and faithful discharge of his duties during the session. Agreed to unanimously.

Whereupon the Speaker rose and delivered to the house the following

ADDRESS:

I value as I ought, the thanks which this honorable house, has deigned to address me. I receive them as a mark of indulgence. It will be to me an encouragement in the discharge of the duties which are imposed upon me. My only ambition in devoting my existence and all my faculties to the happiness of my country, is to deserve the suffrage of this honorable house, and the esteem of my fellow citizens.

Before we part after this short session, give me leave to congratulate my honorable colleagues, upon the manner with which they have fulfilled the important task which had devolved upon them. If no body could witness in our deliberations the talents and experience, which it will be our most unremitting endeavors to acquire, I hope that our fellow citizens have observed with satisfaction our modesty, our moderation, and our wisdom, together with the marks of the purest zeal for the advantage of our constituents, and the happiness of our common country. Let us continue gentlemen, to imitate in this respect, the patriotic virtues of which our brethren of the United States afford as constantly the example.

I invite the honorable members of this house, to procure during the recess, all the materials, the knowledge of which may accelerate the accomplishment of our legislative duties. Let us devote all our efforts to qualify us to fulfil, in a becoming manner, the heavy trust placed in us. The happiness of our fellow citizens, and that of our own families, depend upon our exertions; and to these let us unite the most ardent wishes for the welfare of our country, and for the peace, glory, and prosperity of the United States.

Resolved unanimously, that the Speaker be desired to leave upon the clerks table a copy of his address to this House.

And then the house adjourned *sine die*.

JEAN NOËL DESTREHAN TO THE PRESIDENT

[NA:SD, Orleans Terr. Papers, VII:LS]

TO THOMAS JEFFERSON President of the United States

Monday *November the 11th 1805*

In the house of representatives of the territory of Orleans

SIR In obedience to a provision contained in the ordinance of Congress bearing date the thirteenth of November 1787 and in conformity with a resolve of the house of representatives of this territory herein inclosed, I have the honor to return to you the extract of the journal of this house, which contains every thing that relates to the election by ballot of the ten persons out of whom the president of the

United States is to appoint five to serve as counsellors for the territory of Orleans: I beg leave further to communicate to you, Sir, the wishes of this house for as speedy an organisation as possible of the legislature of this territory.

With the highest respect I have the honor to be, Sir your most Obedient humble Servant

JEAN NOËL DESTREHAN⁸⁷

Speaker of the house of Representatives

[*Endorsed*] Orleans Speaker of the Assembly 11 Nov^r 1805 nomination of Council Orleans H. of Repr. Nov. 11.05. rec^d Dec. 16.

[Enclosures]

*Extract from the Journal of the House of Representatives of the Territory of Orleans*⁸⁸

F[rid]ay November the 8th 1805

In the house of representatives of the territory of Orleans

The Speaker and nineteen members present, the house proceeded to select by ballot ten persons to be nominated to the president of the United States out of whom he is to appoint five to serve as counsellors for the territory of Orleans, and the ballot being taken the persons who had the greatest number of votes were

Mess. Joseph de Ville Bellechasse who had	. . .	nineteen votes
John W. Gurley	. . . . .	nineteen votes
Pierre Derbigny	. . . . .	Eighteen
John Baptist M ^c carty	. . . . .	eighteen
Jean Noel Destrehan	. . . . .	Seventeen
Pierre Sauvé	. . . . .	Seventeen
Dominique Bouligny	. . . . .	Sixteen
Joseph Villars (pere)	. . . . .	Sixteen
Evan Jones	. . . . .	fifteen
François Le paulenier Dannemours	. . . . .	thirteen

Whereupon *Resolved* that the aforesaid nomination be recommended

Attest—Eligius Fromentin Clerk of the house of representatives

Resolution of the House of Representatives of the Territory of Orleans

Monday November the 11th 1805

In the house of representatives of the territory of Orleans

Resolved that the Speaker of the house of representatives do transmit to the president of the United States by triplicata an extract from the journal of this house bearing date friday november the 8th, con-

⁸⁷ Destrehan signed only his surname. Some one else, presumably the clerk, added his two Christian names.

⁸⁸ Two other copies of this list have been found (Jefferson Papers, LC).

taining all that relates to the nomination by ballot of the ten persons out of whom the president of the United States is to appoint five to serve as councillors for the territory of Orleans; and that the Speaker be requested likewise to communicate to the president of the United States the wishes of this house for as Speedy an organisation as possible of the legislature of the territory of Orleans.

Attest. Eligius Fromentin Clerk of the house of representatives

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

NEW ORLEANS, *November 13. 1805.*

DEAR SIR I have the honor to inclose you a List of the Gentlemen recommended by the House of Representatives of this Territory, as legislative Councillors.⁹⁰

Mess^{rs} M^oCarty and Bellechasse possess a great share of the public confidence, and are unquestionably, very honest, good men,—they each hold Commissions as Colonels in the militia, and I have every reason to believe them well disposed to the present Administration.

The character of M^r Gurley is known to you; I will only add, that I esteem him an honest man, and a zealous American.

As the three late Delegates to Congress are in the nomination, perhaps it may be advisable to appoint one of them to the Council: M^r Darbigny is a well informed man, and I believe him an honest one, but I doubt whether, at this time, he is altogether an American in sentiment or attachment.

Mess^{rs} Sauv  and Detr han hold large Estates in this Territory, and enjoy, deservedly, the esteem of their Neighbours; but as M^r Detr han has a Seat in the House of Representatives, it would, probably, be most pleasing to the People, if M^r Sauv  should be commissioned for the Council.

Of the other gentlemen recommended, I have little personal knowledge, except of M^r Evan Jones, and of him it is not in my power to say any thing which could recommend him to your confidence.

M^r Dannemour supports an amiable character; he was, formerly, a Commercial Consul of France (under the royal government) to the United States, and resided, I believe, at Baltimore,—he possesses Talents, but is now old and very infirm, too much so, it is said, to transact business.

⁹⁰ Two enclosures are present, a resolution of the territorial house of representatives, Nov. 13, 1805, directing that a report of the election be sent to Claiborne, and the report itself, a copy of which had been previously forwarded to the Secretary of State by Destrehan, Nov. 11, 1805, *ante*, p. 520.

M^r Bouigny is a young man of promising Talents; a native of the Province, with numerous and respectable connections,—he was formerly an Ensign in the Spanish service, but retired previous to the transfer of Louisiana to the United States; M^r Bouigny is at present a member of the House of Representatives.

M^r Villair (pere) is an old man of Talents and respectability, but in his politics, is said to be a violent Frenchman.

Mess^{rs} Bellechasse, Gurley, Darbigny, and Jones reside in the City of Orleans; Mess^{rs} M^oCarty, Sauv , Bouigny, Detr han, and Villair in the County of Orleans; and M^r Dannemour in the County of Ouachetta.

Mess^{rs} Gurley and Darbigny are Lawyers. Mess^{rs} M^oCarty Sauv , Bellechasse, Bouigny, Dannemour and Villair, Planters—and Evan Jones a Merchant; but of this gentleman, I must again repeat, that it is not in my power to say any thing which could recommend him to your confidence.

I am, Dear Sir, with very great respect, Your faithful friend!

WILLIAM C. C. CLAIBORNE

P.S. All the gentlemen recommended, speak the two languages, except M^r Detr han and Colonel Bellechasse, and each of these have some knowledge of English, and will soon be enabled to speak it.

To THOMAS JEFFERSON President of the United States.

[*Endorsed*] Claiborne Gov^r N.O. Nov. 13. 05. rec^d Dec. 16. Fayette Post road legislative council Address aff^{rs} with Spain June 17. July 14. Nov. 13.

MEMORIAL TO CONGRESS BY THE TERRITORIAL HOUSE OF REPRESENTATIVES

[NA:SF, 9 Cong., 1 sess.:ADS ⁰¹]

Thursday the 14 of November 1805

In the HOUSE of representatives of the Territory of ORL ANS.

To The Honorable the Senate and to the Honorable the house of representatives of the United States in Congress assembled

The memorial of the house of representatives of the territory of Orle ans respectfully represents

That your memorialists have carefully considered the act passed at the last session of Congress intituled an act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the District of Louisiana; ⁰² and whilst they applaud the motive which has thus early called your attention to that subject, they

⁰¹ The memorial is in Fromentin's hand. It is printed, with accompanying papers, *A.S.P., Pub. Lands*, 1, 250–252.

⁰² Act approved Mar. 2, 1805, *ante*, p. 408.

remain impressed with a conviction that many of the provisions of that act require amendment. Attributing these defects in the law to the want of that local information which their remote situation from the seat of government has rendered it impossible you should attain, your memorialists confidently trust, that, upon exposing the injuries to which they would be subjected by the execution of that act in it's present imperfect form, your honorable body will apply the appropriate remedy.

The former governments of France and Spain under whose dominion this Country has successively passed, did not consider the vacant lands as a source from which revenue was to be derived, but as a means of increasing the population of the country, encouraging it's agriculture, and gaining the affection of it's inhabitants. Hence They were ever ready to grant lands to those who removed to the province and applied for them; and although the concessions generally contained conditions, that the lands should be settled within three years, that the roads and levees should be made, and that the grantee should not alien, unless the conditions were performed, yet it was well understood that these conditions, like those inserted by the British government in many of her colonial patents, were not designed for the purpose of compelling a rigorous performance of them, but with a view to impress the Grantee with a sense of dependence upon that Government from which his title emanated, and to bind him to that sovereign upon whom they depended for ultimate confirmation.⁹³ In no case were lands reannexed to the King's domain for want of a performance of the conditions, except where the Grantee had manifested some decided disposition to abandon them or to leave the province; and even then such lands were never considered as liable to be regranted, until the surveyor general who was ordered to make the necessary enquiries reported that the lands in question were subject in consequence of neglecting to perform the conditions, to be reannexed to his Majesty's domain. From this view of the subject your honorable body will readily account for that want of a disposition to speculate in lands, which is manifested by the small tracts which are now held by all the ancient inhabitants, and for that negligence in obtaining complete titles, which would in other countries be inexcusable, and unaccountable. Where government possessing immense tracts of land, was ever ready to bestow them on the first applicant, it is obvious that such property would never be considered as worth the expence of engrossing; and where new concessions were daily offered to strangers, it is not surprising that the

⁹³ The conditions imposed by the Spanish law have been recognized as binding in a number of cases decided by the United States Supreme Court. See *U. S. v. Boisdoré* (11 Howard, 63-104), *U. S. v. Moore* (12 Howard, 209-225), *U. S. v. Simon* (12 Howard, 433-435), and *U. S. v. Hughes* (13 Howard, 1-4).

old inhabitants should feel secure, even with imperfect titles, on the scanty portions which their ancestors or themselves had acquired.

The act to which we have called the attention of Congress, requires that in order to the confirmation of incomplete titles dated prior to the 1st day of october 1800, it shall be necessary

1st That the person in whose favor the warrant issued, should at the time it emanated have attained the age of twenty one, or have been the head of a family.

2^d That the lands should have been actually inhabited and cultivated on the first day of october 1800 by the grantee or by some one for his use.

The instances where, after performing the conditions in the warrant of survey, the settler has proceeded to obtain his patent, are comparatively few. Lulled into security by causes already briefly enumerated, he depended confidently on his possession, accompanied by his survey; and in numerous instances after performing the conditions, the lands have been transferred by repeated sales, or have passed by testament or descent through numerous heirs or devisees, without any other written evidence of right than a warrant followed by a platt and certificate of survey. Aged invalids are now the proprietors of tracts held under warrants granted to minors; and numerous families at this moment subsist upon the productions of lands formerly granted to those who were then unmarried and without families. Indeed infancy, celibacy, or the want of a family were never thought of as objections to the emanations of patents under the French or Spanish governments, and your memorialists humbly presume, can never furnish a just reason for refusing a confirmation of uncomplete claims under the equitable government of the United States.

Your Memorialists therefore confidently trust that your Honorable body aware of the injustice of changing the tenures by which their lands have heretofore been held, will not make the titles of the citizens of this territory depend upon conditions not known to them at the time of acquiring their property, not inserted in their concessions; and not contemplated by the laws or usages of the government from which their claims are derived.

An inspection of the concessions or warrants of survey issued by the Spanish authorities here will prove that manifest injustice will be done to numerous claimants, should proof be required that the land was actually inhabited and cultivated on the first day of october 1800 by him in whose favour the warrant issued, or by some person for his use. In the form of these concessions or warrants of survey little variety is discoverable. They state that the roads, and levées, where they are necessary, are to be made within a year, that the land is to be settled before the expiration of three years, and is not to be aliened until the conditions are performed. Upon the most strict construc-

tion of this instrument it is clear that the holder of it is allowed three years to settle his land, and that this period cannot be abridged without an act of manifest injustice. In all instances when the orders of survey are not dated more than three years anterior to the first day of october 1800 this provision of the act would operate to the great injury of the honest claimant. Your memorialists beg leave to be indulged in repeating that the Spanish government never resumed their grants on account of the non performance of conditions, unless the party claiming had evinced some disposition to abandon the land or to emigrate from the province. It may be proper also to observe that in many instances where lands had been long settled and every condition religiously performed, the proprietor had either settled on some other tract which he acquired by purchase, or owed to the bounty of Government, and had permitted his former acquisition to remain on the first day of october uninhabited and uncultivated either by himself, or by any persons for his use. It would seem superfluous to observe on the injustice of refusing to confirm a claim under these circumstances for want of residence and of cultivation; and yet such is the actual state of numerous claims within the Territory of Orleans. Your memorialists therefore pray that so much of the act as requires actual residence on the land, and cultivation, may be dispensed with, and that the commissioners in confirming titles shall be guided by the tenor of the title papers and the laws and usages of the government from which the claims are derived.

Your memorialists have also discovered with extreme regret that no provision is made for recording and confirming any incomplete titles under Spanish warrants dated subsequent to the first day of october 1800, and prior to the period at which this Territory was surrendered to the French republic. It is a fact well known to your honorable body that after the treaty of S' Ildefonso, the Spanish authorities continued in possession of this territory, exercised their usual acts of sovereignty, and were supposed by her subjects to enjoy their former unlimited right of granting away the soil. Hence proceeded that confidence which allured adventurers to this country, induced them to accept surveys of land, to enter into possession, and faithfully to perform the usual conditions. That regard for equity which prevails on the ordinary tribunals of the United States would, it is supposed, prescribe a confirmation of titles commenced under such circumstances; and your memorialists hope that some provision will be made, by which claimants under Spanish titles dated since the first day of October 1800, shall be confirmed in their rights.

Your memerialists deem it a sacred duty which they owe to themselves and to their constituents to apprize your honorable body, that in consequence of repeated casualties by fire, and owing to the loss of papers and records consequent upon the frequent political

changes to which this country has been subjected, the title papers of numerous claims have been lost or entirely destroyed. It is some consolation under this misfortune that the claimants who have suffered most in the loss of papers are generally those who have remained long in peaceable possession, and who will be able to prove an acknowledged right not disputed for a succession of years. Equity However and a just regard for the peculiar situation of those who have been thus deprived of the evidences of their rights, would seem to require that some specific provisions should be made for their relief.

From reflecting on the extent of the districts and the difficulty of travelling through them, and recollecting that the same individuals may necessarily have business, as parties or witnesses, at each of the boards, your memorialists are induced to believe that the time allowed at present for registering will be too short, and therefore pray that it may be extended.

In many parts of this territory, but particularly in the large and populous counties of Attacapas and Opelousas the inhabitants have generally settled upon Bayous or rivers where the soil is extremely fertile, but where there is not a sufficiency of timber for the purposes of fuel and agricultural conveniencies. Immediately behind these lands the prairies or natural meadows commence, and continue to different extent of from one to twenty and even thirty miles. These prairies are destitute of timber and terminate in marshes or cypress swamps. The timber growing on these marshes has been the only source from which the settlers have supplied themselves, and the Spanish authorities here convinced of the importance of reserving them as a common for the use of the inhabitants, refused to grant them to individuals. These swamps at this moment belong to the United States and severe penalties are annexed to the offence of cutting timber upon them. Without a continuance of the indulgent permission to use the timber on these swamps, the inhabitants situated near the prairies will be compelled to abandon their habitations. Your memorialists therefore pray that the citizens of this territory situated as aforesaid may be allowed the use of the nearest cypress swamps without incurring the penalties of the law, and that legal provision may be made, securing them in the right of common in such lands.

Another subject of incalculable importance to the most useful cultivators in this territory, those who reside on the two borders of the river below the Chafalaya and Iberville, forces itself upon the attention of your memorialists, and seems to deserve the tender consideration of your honorable body. The lands alluded to are divided into small tracts which are entirely cleared on their front, and have long been under cultivation. The grantees of these lands at the moment of acquiring them, were at liberty to take gratuitously either a single

concession, by which they acquired a depth from the river of forty acres, or a double concession by which they acquired all the land between the river and the lakes or morasses which approach it's borders on both sides. A few of the early grantees accepted double concessions, whilst the greater number, knowing that the lands between them and the lakes would at any time be conceded to them upon their application, and being ignorant of the future destinies of the country contented themselves with single concessions. These settlers felt the less anxious to extend their grants, when they reflected that the morasses and swamps pressed in every where behind their lands so close, as to allow in few instances more than thirty and in many less than twenty acres in depth fit for culture. The lands behind these concessions were sacredly preserved by the Spanish government for the proprietors in front, and they were at any time able to procure them by offering proof that an extension of their grants would not injure the holders of double concessions.⁹⁴

The culture of sugar, a culture of the first importance to the prosperity and independence of the United states, a culture forbidden by nature to the other inhabitants of the Union, and confined exclusively to this favoured spot, has on many plantations already nearly exhausted the timber and will, unless aided by the cypress groves so long reserved by the Spanish government for the present inhabitants, greatly languish or be entirely abandoned. Should these lands be exposed for sale, it is obvious that they could be bought only with the view of harassing the proprietors of the front, because not an acre of them is fit for culture of any kind and they can be approached only by passing through the cultivated lands of those who are the proprietors of the front. To promote the Culture of sugar, to quiet the minds of the settlers, to screen them from the rapacity of those who might purchase the lands between them and the lakes, and to fulfill their expectations founded on the immemorial usages and solemn assurances of their former governments, your memorialists pray that the holders of single concessions, may be placed upon the same footing with those to whom double concessions were granted by the governments of France and Spain.

Your memorialists, before they conclude this address to your honorable body beg leave to direct your attention to a memorial transmitted you by the late legislative council relative to the establishment and endowment of public schools, and pray that the liberality which has been so honorably displayed towards the other Territories may be

⁹⁴ Sec. 5 of the act approved Mar. 3, 1811 (2 STAT. 662-666), gave preemption rights to the holders of such tracts. Cf. Claiborne to the Secretary of State, Aug. 23, 1805, in Rowland (ed.), *Claiborne Let. Bk.*, III, 180-181.

generously extended to the Territory of Orleans; and your Memorialists as in duty bound will ever pray.

JEAN NOËL DESTREHAN ⁹⁵

Speaker of the house of representatives

ELIGIUS FROMENTIN, Clerk

[*Endorsed*] 9 Cong 1 Sess L Memorial of the H^o of Representatives of the Territory of Orleans, praying that an alteration may be made in the law of the last session, respecting the titles to lands; & for a further encouragement to the culture of Sugar Dec. 31. 1805.

Read & referred to Mr. Anderson, [Mr.] Tracy, [Mr.] Baldwin, [Mr.] Bradley, & [Mr.] Adams.⁹⁶

[The following papers ⁹⁷ connected with this memorial were placed on file by M^r Anderson, chairman of the Committee to whom the memorial was referred] ⁹⁸

FRANCIS J. LE BRETON DORGENOY TO [THE SECRETARY
OF STATE]

[NA:SD, Orleans Terr. Papers, VII:ALS]

NEW ORLEANS *november* 15th 1805.

SIR I have received with Gratitude and regard the honour of your circular to the marshals, Enclosed in the same packet, you have favoured me with an act of Congress passed "at the last session for the more preservation of peace in the ports and harbours of the United States and in the waters under their Jurisdiction.

Be pleased, Sir to accept my further thanks for the Second session of the eight congress you have forwarded me together with a new commission dated June 12th instant, from the president of the united States whom I am very much indebted to & in return for this favour, Give me leave to Express here my great veneration for his virtues which gain him the affection and love of the good people of america

⁹⁵ Destréhan signed only his surname; his Christian names were added by the clerk.

⁹⁶ The petition was presented to the Senate Dec. 31, 1805, and to the House, Jan. 3, 1806. The House committee to which it was referred made a report Feb. 27, 1806, but on the last paragraph only. A bill passed by the Senate Apr. 16 was passed, with amendments, by the House on Apr. 21 and approved as the act of Apr. 21, 1806 (2 STAT. 391-395). The House report of Feb. 27, 1806, is printed, *A.S.P.*, *Pub. Lands*, I, 258-259. The amendments reported by the House committee, Apr. 19, 1806, are in the House Files. The legislation may be followed in *Annals*, 9 Cong., 1 sess., 44, 234, 236, 241, 248, 332, 519, 522, 1063, 1065, 1079, 1083; *Senate Journal*, IV, 15, 81, 83, 87, 95; *House Journal*, v, 226-227, 306, 308, 396, 398, 411, 419. For the principal alterations introduced by this act, see notes to the act approved Mar. 2, 1805, *ante*, p. 408.

⁹⁷ There is only one present, the Secretary of the Treasury to Anderson, Apr. 4, 1806, *post*, p. 624.

⁹⁸ This pair of brackets is on the original.

I wish, Sir, you would be Conscious that I am as much devoted to the General government and constitution of the union as disposed faithfully To discharge the duties of my office.

I am, Sir, with a high consideration and respect your most obedient and humble servant

F J LE BRETON DORGENOY

[Endorsed] Orleans Marshal 15 Nov^r 1805

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEPARTMENT OF STATE, November 18th 1805.

GOVERNOR CLAIBORNE New Orleans.

SIR. You will find enclosed a list of your letters which remain unacknowledged.⁹⁹

From the public papers you will have learnt the unfavorable result of the negotiations for the settlement of the controversy with Spain. In truth M^r Monroe left Madrid without being able to accomplish any object of his mission; the councils of Spain obstinately rejecting our demands & declining not only to accept our proposals of compromise, but to offer any of their own. Under such appearances of an obstinate and unfriendly temper on her part, heightened by the reinforcements lately landed at Pensacola, the similar movements reported to have taken place on the western frontier accompanied by the violent and predatory acts committed by the Spanish troops in that quarter, as communicated to the Secretary of War by D^r Sibley,¹ the President has come to the resolution, that the Marquis Casa Calvo and all other persons holding commissions or retained in the service of His Catholic Majesty should be ordered to quit the Territory of Orleans as soon as possible. As the pretext for the Marquis remaining as a Commissioner for delivering possession has ceased, or seems to be exchanged for another arising from his character of Commissioner for settling limits, it may be proper to remark that he has never been

⁹⁹ Not present.

¹ Extracts from Sibley's letters, May 1 and May 31, July 2, and Aug. 8, 1805, with extracts from Turner to Wilkinson, Aug. 1 and Oct. 15, 1804, May 3, and Sept. 30, 1805, Johnson to Sibley, Oct. 3, 1805, Bowyer to Freeman, Oct. 13, 1805, and Claiborne to the Secretary of War, Oct. 30, 1805, are printed, *A.S.P., For. Rels.*, II, 690-693; *Annals*, 9 Cong., 1 sess., 1204-1209. These letters were part of the letters and documents having to do with Spanish relations submitted by the President to the Congress with his message of Dec. 6, 1805. The message, which was presented Dec. 9, 1805, is printed in Richardson (comp.), *Messages and Papers*, I, 388-390; *A.S.P., For. Rels.*, II, 613; *Annals*, 9 Cong., 1 sess., 18-19; Ford(ed.), *Writings Jefferson*, VIII, 397-402. The question of expelling Irujo, Casa Calvo, and Morales from United States territory was raised in the President's letter to the Secretary of State of Oct. 11, 1805, *ibid.*, pp. 380-382.

accredited in any such character and that no arrangement has ever been proposed to us for setting such a Commission on foot, that the Marquis and nearly all his attendants are military characters, some of them of considerable rank, and that as long as such a difference of opinion continues respecting the lines to be run, there can be no necessity for the commission. You will therefore lose no time in notifying the Presidents order upon this subject to the Marquis and through him to the persons whom it comprehends, in such terms as may leave no room for a further discussion, and as whilst they are attempered to the present state of things may not wear the aspect of hostility. In what manner the relations between the United States & Spain may be affected by the views of Congress on the subject will be known at the approaching Session. With them also it will lie to extend the intermediate provisions for the safety of the Country, in case the new posture of things in Europe should draw Spain into manifestations of a readiness to terminate the difference with us on reasonable & amicable grounds.²

I am &c

JAMES MADISON.

THE SECRETARY OF WAR TO THE COMMANDING
OFFICER AT NATCHITOCHE

[LC:Jefferson Papers:C]

WAR DEPARTMENT *Nov*^r 20th 1805

COMMANDING OFFICER at Natchitoches.

SIR, By direction of the President of the United States,³ you will, without delay, apply to the Spanish Commandant at Nacogdoches, and request an assurance from him that there shall be no further inroads nor acts of violence from their part, committed on this side of the Sabine River. If he refuses, or fails to observe his engagement, you will be on the alert for the protection of our Citizens pursuing their lawful concerns Westward of the Mississippi.

You will, from time to time, send patrols through the country Eastward of the Sabine River, (which you are to consider as in our actual possession) and especially when armed men, not under the authority, of the U. S. have entered, or are about to enter the same, or when it is necessary to repel invasion, to pursue and arrest the invaders, or to protect the persons or property of our Citizens or those under our protection. You will, if possible, arrest all aggressors; and avoid the spilling of blood but when these orders cannot be otherwise executed.

² Answered Jan. 7, 1806, *post*, p. 557.

³ The President to the Secretary of War, Nov. 20, 1805 (Jefferson Papers, LC).

Persons arrested, as Spanish subjects, may be delivered to the Commandant of Nacogdoches, if he gives satisfactory assurance of punishment; otherwise they are to be delivered to the Civil authority of the U. S. for punishment; or, if that be found incompetent, you will deal with them as you shall be advised by the Governor of the Territory of New Orleans.

In patrolling the Country about Bayou Pierre (which settlement is within our possessions, altho' not yet assumed) you are not to disturb or enter that settlement, unless an aggression renders it necessary to take possession of it, and to send the Spanish guard to Nacogdoches. And if the Commandant of Nacogdoches shall engage, as proposed in the first instance, to prevent aggressions, then you are not to consider any peaceable intercourse between Nacogdoches and Bayou Pierre as an aggression; but if that engagement is denied in the first instance, you will prevent all intercourse between those places.

I am very respectfully &c—

P.S. I will thank you to state, as precisely as practicable, the distance by land and by water, between the settlement at Bayou Pierre and Natchitoches.

Every reasonable measure, short of actual force, ought to be pursued on your part, to induce the Commanding Officer at Nacogdoches, to cause restitution to be made of the property taken from the Citizens or Traders of the U. S. by the Soldiers or subjects of Spain.⁴

(Signed) H. DEARBORN.

[*Endorsed*] Gen^l Dearborn to Command^r officer Natchitoches Nov. 20. 05.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

NEW ORLEANS, *November* 20. 1805.

DEAR SIR—I have the honor to inclose you a duplicate copy of my letter of the 13. Instant.⁵

⁴ Answered by Major Porter Feb. 8, 1806, stating that he had requested the Nacogdoches commandant for the assurance mentioned above but that this had been refused (*A.S.P., For. Rels.*, II, 798). Captain Turner was then ordered to Adais, where he encountered a Spanish force commanded by Ensign Joseph Maria Gonzalez. After some discussion, the latter agreed to withdraw beyond the Sabine, and signed a statement to that effect (Porter to Turner, Feb. 1, 1806; Turner to Porter, Feb. 6, 1806; statement by Gonzalez, Feb. 6, 1806, *ibid.*, pp. 798-799). The communications mentioned above were placed before Congress by the President with his message of Mar. 19, 1806, *loc. cit.*; *Annals*, 9 Cong., 1 sess., 190-191. See the Secretary of War to Porter, Mar. 19, 1806 (Jefferson Papers, LC), approving the measures taken, and the President to Rodney, Mar. 24, 1806 (Ford, ed., *Writings Jefferson*, VIII, 435-436), discussing the incident.

⁵ *Ante*, p. 525.

The Citizens recommended as Councillors are, for the most part, men of Talents and Integrity; indeed, with the exception of M^r Jones, there is not one whose appointment would give me regret; but having witnessed the unfriendly disposition of this Gentleman to the American Government, I should be sorry to see him honored with a confidence which, on his part, is so little merited.

The proceedings of the House of representatives of this Territory were very satisfactory to me,—much harmony prevailed, and a degree of patriotism evidenced, which will (I hope) have a good effect, both at home and abroad.

I learn, through the medium of the newspapers, that Russia, Sweden, and Austria are hostile to Bounaparte, and will probably unite with England in the war against France and Spain;—an event of this kind would doubtless prove favorable to an amicable settlement of the limits of Louisiana; but if it should so happen that Justice cannot be obtained by negociation, there can be but one opinion as to the issue of an attempt on the part of the United States, to command by Force, an acknowledgement of their Rights.

Accept, Dear Sir, the best wishes of Your faithful Friend—

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE UNITED STATES.

[*Endorsed*] Claiborne Gov^r N.O. Nov. 20. 05. rec^d Dec. 23.

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEPARTMENT OF STATE Nov^r 25th 1805.

GOVERNOR CLAIBORNE

SIR. Since my letter of the 18th instant,⁶ I have received yours of the 14th October⁷ relating to the excursion of the Marquis of Casa Calvo to the Sabine River. In the present situation of our affairs with Spain, it would have been preferred that the liberty he has used to travel and explore the Country should not have been indulged, and particularly that it should not have been countenanced by the attendance of an American Officer at Adais. As however my letter of the 18th (of which one copy has been sent by the Mail, and another by Sea) will have occasioned such a different impression with respect to the Marquis and the other persons in the service of Spain, it is not to be apprehended that any future question will arise with respect to a similar courtesy.⁸

I am &^o

JAMES MADISON.

⁶ *Ante*, p. 533.

⁷ Rowland (ed.), *Claiborne Let. Bk.*, III, 198-199.

⁸ Answered Jan. 7, 1806, *post*, p. 557.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, vii:LS]

NEW ORLEANS *November 27th* 1805

DEAR SIR, M^r Cobourn has not Yet arrived in this City, and it is apprehended, that he either has or will decline accepting the Commission which has been offered him.⁹

The Economy observed in the Salaries of the Judicial Officers of this Territory, will I fear effect the respectability of our Judiciary; the Compensation of a Supreme Judge is really Sir inadequate to a comfortable support. Judge Hall altho' by no means extravagant in his mode of Living, cannot I am sure, make his Salary meet his expences, and as for Judge Prevost, who has a large Family to maintain, he cannot possibly avoid making inroads on his private Fortune.

From a principle of duty to the Government, and Justice to the Judges, I have been induced to address You this Letter.—Permit me to add, that the same reasons, which suggest the propriety of encreasing the Salary of the Judges, will apply to the Secretary for the Territory.

I have the Honor to be Sir, With sentiments of Great Respect and sincere Esteem Your Most obedient Sert

WILLIAM C. C. CLAIBORNE

THE HONBLE JAMES MADISON Secretary of State

[Endorsed] Orleans Gov^r 27 Nov^r 1805

 JAMES BROWN TO SAMUEL SMITH ¹⁰

[NA:SF, 9 Cong., 1 sess.:ALS]

NEW ORLEANS *Nov. 28th* 1805

DEAR SIR, The liberty which I take of inclosing you the Petition of the Bar of New Orleans will I hope be attributed to its true cause, a conviction that no one would enter more readily than yourself into the just and liberal views upon which the application is founded. The necessity of an enlightened and independant Court is acknowledged in every part of the world where the rights of property and personal security are respected; but in this part of the United States where the duties of the Judge are arduous and complicated, the importance of his possessing intelligence and firmness, is more sensibly felt than in any other.

For twelve months the efforts of our worthy President to complete the number of our Judges have been unavailing. An ignorance of the

⁹ Coburn did not serve. He was subsequently commissioned as judge of Michigan and Louisiana territories. His commission as judge of Orleans Territory, dated July 13, 1805, is in SD (Temporary Comms., 1).

¹⁰ A Senator of the United States from Maryland.

civil law which yet remains in force here, the variety of languages spoken by our citizens, their attachment to foreign customs and monarchical Government, the reputed unhealthfulness of the climate, the expence of living here, and the scant salaries allowed by Government, have deterred those who have been appointed to the Bench of New Orleans from entering upon the duties of the Office. Judge Prevost alone has had the courage to yield himself to the public necessities at the important moment of receiving our acquired Territory as a portion of the United States, and public fame, who is accused of being an arrant tattler, has lost her hundred tongues if she has not informed you that he has fulfilled the wishes of Government, and transcended the expectations of even his most partial friends. To say that he has been upright in a country where the name of a Judge was formerly but another name for corruption, would, be no encomium; for thank God, altho the poor Louisianian stares at the idea of an honest Judge, yet the opposite of the character is hardly known in our happy Country. But the penetration and diligence which could ingraft the practice of American courts, with its viva voce examinations of witnesses, and trial by Jury, upon the principles of the Civil law, and digest a system of practice equally acceptable to the disciple of Lord Coke and of Justinian, are qualities more rare, and better calculated to excite our applause and command our gratitude. This has been done by Judge Prevost and the proof of it is the enclosed petition signed by the entire members of a bar where the French, English, and Spanish languages are in daily use and all of which are understood by the Court.

I am certain that Judge Prevost is a stranger to the appeal made to the Representatives of his Country on his behalf. He would probably have opposed it. But if his delicacy would induce him to serve his country at a heavy loss, is not that country too delicate, too just, to accept his services on such terms, and as he has performed to the entire satisfaction of the people of this Country the duties assigned to three Judges is he not entitled to the recompense?

One year only has elapsed since I had the pleasure of becoming acquainted with this truly valuable Judge whose diligence and talents have so fully justified the choice of the President in placing him at the head of our Court. The correct Knowledge he possesses of the languages of the people, the ease and affability of his manners, his firmness in dispensing justice, his attachment to the sound system which now prevails, and which is leading our country to such a state of unexampled prosperity, have attached me to him, and have dictated the hasty remarks which now accompany the Petition. If you could but know how much the respectability of our Government here has been supported by its bench, I am sure you would not hesitate to make the Salaries more liberal than they are at the present moment—

The expences of living here, are, as in all warm climates, extravagant beyond what you could suppose. The house in which I reside rents at one hundred Dollars a month, altho it is far from being large; and every other expence is in proportion. With 2000 Dollars annually, a Judge, who has to depend upon his Salary would starve, and without some increase of Salary I fear both our Judges will resign. In attending to this subject you may essentially serve a country already indebted to you, and particularly gratify the Members of our bar as well as the respectable citizens of our Territory.

With real respect and esteem D Sir your Most Ob^t [MS. torn]

JAMES [MS. torn]

GEN^l SAMUEL SMITH

[Addressed] The Honorable Samuel Smith Senate of Congress Washington-City. Mail [Postmarked] New Orleans Nov 29 Free

[Enclosure:DS]

Petition to Congress by Lawyers of the Territory

[No date]

To the Honorable the Congress of the United States in Senate and House of Representatives convened

The petition of the Subscribers Counsellors at Law, practising at the Bar of the Superior Court of the Territory of Orleans

Humbly sheweth, That they have seen the numerous and almost insurmountable Difficulties, attending the Organization of a New Tribunal in this Territory—and witnessed the wonderful Manner in which they have been removed by the Wisdom and Energy of the Presiding Judge—that, to the Application and Zeal, with which he has devoted himself to the duties of his Station, unaided by any Associate, unrelieved by any relaxation from business may be attributed a painful illness, of which he stills feels the Effects.

That the Sum of Two thousand Dollars fixed by Law as the Salary of a Judge is so totally inadequate to a decent Support that they are convinced it has not paid more than one third of the necessary Expences incurred by the Gentleman to whom your Petitioners allude.

In as much therefore as the whole Judiciary Duties of the Territory have been performed by one person, as those Duties from the great proportion of business done out of Court would have been much lighter if the Associate Judges had shared them. And as the Sum appropriated for the Salaries of two Judges has for the last Year been saved to the Public.

They respectfully pray that the Sum appropriated for the Salaries of the two associate Judges of the Superior Court of this Territory may be paid to the Honorable J. B. Prevost Esq^r—And that such annual Augmentation may be made to the Salaries of the Judges as may pro-

cure the talents, Industry and Learning so highly necessary in that important Station.

James Brown
Moreau Lislet
Paillette
James Alexander
J: W: Alexander
Eligius Fromentin
L^r Kerr.
R Cannes
P Derbigny
R R Keene

Henry Brown
Mazuzeau
A. R. Ellery
Philip L Jones
W. A. Duer
Edw Livingston
J W. Gurley
P Bradish
Piquon
R M'Shane

[*Endorsed*] 9 Cong. 1 Sess. L. Petition of the Counsellors at Law of N. Orleans, praying that the salaries of the Judges of that territory may be augmented & that the presiding Judge may receive a compensation for extra services rendered during the last year— 1805. dec: 31. Read & Referred to Mr. Smith of M. [Mr.] Anderson [Mr.] Tracy.¹¹

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, vii:LS]

NEW ORLEANS Dec^r 4. 1805.

SIR I have had no late intelligence from M^r Graham;—it is probable he has met with some detention at Pensacola, for it is (I presume) well known to you, that dispatch in business is not a trait in the spanish character.

I am sorry to inform you that much confusion exists in the County of Atachapas; the Citizens in that quarter are divided into parties, and their personal resentments so great, that it has been difficult to preserve the public peace.

During the provisional Government in Louisiana, Lieutenant Hopkins, late of the Army, acted (under my orders) as Civil Commandant of Atachapas, and discharged his duties in a manner very satisfactory to me; he preserved the most perfect good order, and acquired for himself, the esteem and confidence of the People.

The gentlemen whom, under a Law (passed by the legislative Council) providing for the establishment of inferior Courts I appointed to Offices within Atachapas, have not profited by M^r Hopkin's good example;—on the contrary they have neither commanded, for themselves, or for the Law, the public respect; and such is (at this time)

¹¹ *Annals*, 9 Cong., 1 sess., 44. This committee of the Senate reported a bill Feb. 4, 1806, which, after amendment, provided for a salary of \$2,500 for the judges, and for the payment of \$500 to Prevost for the additional services he had performed. The bill passed the Senate but was rejected by the House. See *ibid.*, 53, 83, 86, 90, 92, 480, 484–485, 486–487. A copy of the bill is in NA (Senate Files).

the state of things, that my presence in the County has become advisable. I contemplate setting out in a few days, and will be accompanied by Colonel Bellechasse, a very worthy and influential Citizen; our personal expenses, which will be inconsiderable, I purpose defraying out of the Fund allowed for the contingent expenses of this government.

The divisions in Atachapas owe their origin to the affair of S^t Julien, of which you have, long since, been made acquainted; no very serious acts of disorder have yet been committed, but to prevent such, and if possible to restore harmony;—but in any event to remove from Office, the Officer or officers who may have acted improperly, are the objects of my visit.

I shall not be absent from this City more than Eighteen days, and if, in the mean time, any important dispatches from the Seat of Government should arrive at New Orleans, they will be forwarded to me by Express.

I have the honor to be, Sir, very respectfully, your hble Serv^t

WILLIAM C. C. CLAIBORNE

THE HONBLE THE SEC^y OF STATE.

[Addressed] The Honorable The Secretary of State Washington
[Postmarked] New Orleans Dec. 6 Free

[Endorsed] Orleans Gov^r 4 Dec^r 1806[5]

THE SECRETARY OF WAR TO CONSTANT FREEMAN

[NA:WD, AGO, Old Recs. Div., Mil. Book 2]

WAR DEPT^{mt} Dec: 5th 1805.

CONS^t FREEMAN

SIR, From the frequent disputes which arise between the Civil and Military at New-Orleans, it is evidently necessary that the latter should be removed from the Town.—You will therefore please to inform me at what place a suitable site can be found, within, from two to four miles from the Town, for a military Post.—Can a suitable one be found on the opposite side of the River including the magazine?

Should the most proper place for a permanent post be found on lands not belonging to the Public, you will endeavor to obtain the terms on which it may be purchased.—From ten to twenty five acres will be a sufficiency.—

You will also please to inform me whether it would be advisable to take down the present brick buildings for the purpose of using the materials for erecting others; or at what rates the public military buildings, with the sites could be sold.—

I will thank you to inform me likewise, of the price of Brick at New Orleans, and whether any considerable quantity can be obtained

at that place by purchase, or by making them.—The two Companies lately drawn from Fort Adams ought to be sent back to that post in April next, (unless you receive orders to the contrary) with six heavy cannon and two thousand stands of Arms.¹²—

I am very Resp—Y^r O^bt Serv^t

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, vii:LS]

NEW ORLEANS *December 9th 1805*

SIR, The enclosures No^a 1. 2 & 3 will present you with copies of the several Letters, which have passed between Gov^r Folch and myself, relative to the exaction of Duties at the Town of Mobile on American Vessels, and the late Military Movements in West Florida.¹³ The Enclosure N^o 4 is a copy of a letter from me to M^r Brown the Collector of this Port, and that N^o 5 of his answer.¹⁴ Governor Folch proposes to put the American Trade on the Mobile, on the same footing in which the Spanish trade is placed on the Mississippi: But inasmuch as Foreign Vessels with Negroes on Board, cannot be permitted to pass New Orleans, I fear the Governor will Seize upon this circumstance as a pretext for continuing at Mobile the present regulations. In this event, I solicit your instructions how to act. A continuance of the duty of 12 p^{ct} amounts very nearly to a prohibition to our Citizens, of the Navigation of the Mobile Waters; and cannot but prove ruinous to our Settlements on the Tombechee.

M^r Graham supposes that at Pensacola and its Dependencies, there are about 800 Troops and at Mobile 150. He represents the

¹² Other letters for 1805, relating to military affairs in the territory, are as follows: Hopkins to the Secretary of War, June 18, Turner to *id.*, Sept. 30, enclosing his letters to Dionesio Vallé, Sept. 18 and Sept. 20, Hayward to *id.*, Nov. 1 (NA, WD, AGO, Old Recs. Div.), and Claiborne to the President, Nov. 22, 1805 (Jefferson Papers, LC).

¹³ Two of the enclosures here mentioned, Folch to Claiborne, Nov. 28, and Claiborne to Folch, Dec. 9, 1805, are found with the covering letter. The third letter mentioned, *id.* to *id.*, Oct. 31, 1805, is found with Claiborne's letter to the Secretary of State of the same date, also in NA (SD, Orleans Terr. Papers, vii), and is printed, Rowland (ed.), *Claiborne Let. Bk.*, III, 221–222.

¹⁴ Both of Dec. 7, 1805, present with the covering letter. Claiborne asked if Spanish ships had been subjected to detention or to the payment of duties in passing New Orleans, and if drawbacks were granted on goods exported from the United States to adjacent Spanish territory. Brown replied that the only ships barred from ports in the disputed area were those carrying slaves, and that no drawbacks were allowed. Concerning this subject see Claiborne to the Secretary of State, Mar. 30, 1805, enclosing his letter to Casa Calvo, Mar. 28, and the latter's reply, Mar. 29, 1805; *id.* to *id.*, Dec. 5, 1805; Graham to *id.*, Nov. 30, 1805 (NA, SD, Orleans Terr. Papers, vi, vii); and *Terr. Papers* (Miss.), v, index, under "Mobile" and "Mobile River."

Fort below Pensacola, called the Barances, which defends the entrance to the Bay as already strong, and undergoing considerable improvements, but that the Fortifications near the Town are in a State of Ruin. The Fort at Mobile has lately been repaired, and in the opinion of M^r Graham is a regular work, and capable of making a good defence;—It is supported by about 32 Pieces of Heavy Can'on. M^r Graham states that on Dauphin Island near the mouth of Mobile, the Spaniards are about to erect a Block House, and from thence to Pensacola at convenient distances, they propose rearing Signal Posts to convey intelligence. M^r Graham understood that more Troops were expected at Pensacola; report said 2000, and that new Barracks were to be erected, but the truth of this, he much doubts.

At Baton Rouge I presume there are about 200 Men. I shall set out on Tomorrow for the County of Atakapas, on the Business which I communicated to you in my last Letter.¹⁵ It is not probable that I shall be absent from the City more than 15 or 16 days.

I have the Honor to be Sir very respectfully your Most obdt Hbl^e Sev^t

WILLIAM C. C. CLAIBORNE

THE HON^{ble} JAMES MADISON Sec^{ry} of State—

[*Endorsed*] Gov^r Claiborne 9 Dec^r 1805. Proposal to Gov^r Folch about opening the Mobile.

MEMORIAL TO CONGRESS FROM THE REGENTS OF THE
UNIVERSITY OF ORLEANS

[HF:9 Cong., 1 sess.:DS]

[December 9, 1805]

To the Senate, and House of Representatives of the United States, in Congress assembled.

The Regents of the University of Orleans beg leave to approach your honorable Body, and request that, with the same liberality with which you have contributed to the endowment of similar Institutions for the education of Youth, you will be pleased to assign such lands, or other property of the United States in the Territory of Orleans, as you shall deem fit for the support of the collegiate Establishment over which they have been appointed to preside. They Solicit particularly that you will allow them the use of that public building, in the City of New Orleans, which was originally intended, and given by the late

¹⁵ Dec. 4, 1805, *ante*, p. 540.

Sovereign of this Country to the Inhabitants for the purpose of a public School

WILLIAM C. C. CLAIBORNE
Chancellor of the University of Orleans.¹⁶—

NEW-ORLEANS *December the 9th 1805.*

[*Endorsed*] Memorial of the Regents of the University of Orleans. 4th February 1806. Referred to the Committee on the Public lands. 19th March 1806. Report made, read and referred to a committee of the whole House on Saturday next. (Mr. Gregg) ¹⁷

PETITION TO CONGRESS BY THE LEGISLATIVE COUNCIL

[HF:9 Cong., 1 sess.:DS]

[Referred *December 10, 1805*]

To the Senate, and House of Representatives of the United States.

The Legislative Council of the Territory of Orleans, in the name, and on the behalf of its inhabitants, beg leave respectfully to approach your honorable Body, and to pray that you will grant such a portion of the Lands of the United States, as you may deem requisite for contributing towards the Establishment and Support of Colleges, Schools, and other Seminaries of learning, for the benefit of this Territory. It is unnecessary to urge to your honorable, and intelligent Body the public importance of such institutions; or to remind you of your former liberality towards other Territories, situated as ours.

We therefore pray you to grant and appropriate for the purposes above mentioned, all the lands of the United States, lying within the limits of the City of New Orleans, as defined by the act incorporating the same, and such other lands as your Wisdom may deem adequate to the objects in Contemplation

J POYDRAS
president of The Council

¹⁶ Claiborne had been elected chancellor of the university at a meeting of the regents held July 5, 1805, according to the minutes of that meeting (Madison Papers, LC).

¹⁷ Andrew Gregg, chairman of the Committee on Public Lands. See *Annals*, 9 Cong., 1 sess., 433, 827. A copy of the report mentioned is found in House Files (LC). The committee approved the policy of the government in subsidizing educational institutions and offered the following resolutions:

Resolved That it is expedient to authorise the Secretary of the Treasury to locate a tract of land six miles square in the Territory of Orleans, for the use of the University of Orleans, and that the said tract be excepted from any future sale of the public land of the U States

Resolved That the prayer of the petitioners as respects their application for the use of a public building in the city of New Orleans originally intended and granted for a public school is reasonable and ought to be granted"

[*Endorsed*] Petition of the Legislative Council of New-Orleans. 10th December 1805, Referred to M^r George W. Campbell. M^r Jones. M^r Bryan. M^r John Whitehill and M^r Wadsworth. with leave to report by bill, or otherwise. 27th February 1806, report, in part, & refe^d to Com^{ee} whole House on Monday next.¹⁸ to 5. and rep^d by bill or other wise.

JAMES BROWN TO THE SECRETARY OF THE TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, xxii:ALS]

NEW ORLEANS *December 11th 1805*

SIR M^r Ybanez who was employed by the Register and myself to prepare Abstracts of Concessions and Grants to lands in the District of Louisiana, and the Western District of Orleans, delivered the result of his researches and labors to me yesterday, and unsatisfactory as the Abstract for the District of Louisiana may appear, I consider it my duty to transmit it to you by the earliest Mail.

The Abstract for the Western District of Orleans is voluminous, containing twenty four pages of paper of the same size with that now inclosed, and therefore cannot be transmitted by Mail. The copy prepared for the Commissioners shall be forwarded to them so soon as I shall have procured exemplifications of certain Royal Ordinances referred to in some of the Grants; and the duplicate intended for your Office shall be sent by the first Vessel sailing from this Port for New York, Philadelphia, or Baltimore.

This last Abstract presents a list of about three hundred and seventy Claimants—to whom about four hundred and thirty Concessions or Grants have been issued, containing in the aggregate about three hundred and fifty thousand Acres or Arpanes of land, exclusive of some small Grants of Islands or Prairies in which the quantity conceded is not expressed. You are not however to conclude that this abstract exhibits a complete catalogue of all lands to which fair pretensions may be set up by the inhabitants of that District. In many instances settlements have been made under written orders from Commandants, upon which no regular subsequent proceedings have been had, and the only evidence of which remains in the possession of the Claimant. Nor is this all. [My own information, limited as it has been, has brought before me many titles, and some of them of considerable

¹⁸ *Annals*, 9 Cong., 1 sess., 272, 519. The report, printed in *A.S.P., Pub. Lands*, I, 258–259, recommended that land be set aside for the support of public schools. Sec. 11 of the act approved Apr. 21, 1806 (2 STAT. 391–395), reserved one section in each township of the public lands in the western district for the support of schools in that township, and reserved an entire township for the use of a “seminary of learning.” Sec. 7 of the act approved Mar. 3, 1811 (2 STAT. 662–666), directed that this township be located south of Red River, and reserved a second township, north of that river, for a like purpose.

quantities of land, regularly signed by the Spanish Authorities, which are not noted in the abstract of M^r Ybanez, and probably are not recorded in any Register delivered to our Commissioners on the taking possession of the Province. It has long been known to the Governor that Don Juan Morales late Intendant, Don André de Armisto late Secretary, and Don Carlos Ximenes late Notary, of the Spanish Government, were in possession of many very important records and documents relative to the claims to land and other property within the ceded territory, and yet unfortunately it has happened that no measures have been taken to procure either the originals or copies. Such records as were in the possession of Ximenes and Morales were, last summer sent by the latter to Pensacola, which will hereafter be the head quarters of the Intendancy, from whence we are in future to derive all information respecting those claims which are to be found only in the registers deposited at that place. The necessity and frequency of applications for copies [of] these papers will open a rich source of revenue to the Spanish Authorities there; and the purity of their conduct whilst entrusted with the administration here, affords a blessed prospect of obtaining pure and correct information from the certificates and copies which they may furnish to the public. or to individuals. In the letter of the late Intendant accompanying the few records which he surrendered to the Commissioners, is a passage, from the Spanish of which, I give you the following translation.

“To effect a separation of the records which have been made up during the time of the Spanish Government, would be a work of considerable labor; and in my opinion it is not incumbent upon us to perform it. It ought to be done by the Government wishing to secure the property of its citizens, and as the business is to be performed by your Excellencies” (the Marquis de Casa Calvo and Don Manuel de Salcedo) “I doubt not but that you will devise some expedient calculated to reconcile the interest of the Spanish Subject with that of the American citizen, so as to give general satisfaction. On my part, I shall ever be ready to produce any notes which may be necessary to the protection of their respective properties.”

The price of the information here offered, and its authenticity can be accurately estimated by those only who have had an opportunity of knowing how the Spanish functionaries discharge their official duties in the remote provinces. Possessed of this information, I deeply regret that copies of “these notes so necessary to the protection of the claims of our Citizens, had not been applied for, and the expences of obtaining them paid, by our Government. In Pensacola these records may swell or contract, may grow or dwindle according to the appeal which may be made to the interest or avarice of the Officer in possession of them; and whatever confidence we feel in the present virtuous

holders, we have no security for the continuance of their immaculate administration. In a former letter I apprized you of the intended removal of the Office and records of Don Carlos Laveau Trudeau, and of the application which I prevailed upon the Governor to make to M^r Morales upon that subject.^{18a} The removal of those important papers is suspended until the return of the Marquis de Casa Calvo who is at present on our frontier, and the Surveyor General has been prevailed upon to permit M^r Ybanez to have access to his records for the purpose of rendering his extracts as comprehensive as possible. It is possible M^r Trudeau may expect some compensation from Government for this indulgence and I have promised to obtain your sentiments on the Subject.]

The Court of Commissioners formed a board a few days ago and elected a Clerk. No business has yet been transacted, and indeed few claims have, as yet been presented. M^r Van Pradelles at the particular request of the Governor, has accompanied him on an excursion to the County of Attacapas, where the extortions, resistance of law, and oppressive acts of the County Judge Edward Nichols are said to have rendered the presence of the Executive necessary in order to tranquilize the public mind. The conduct of M^r Nichols has excited much clamor; and were you to credit one half the rumors respecting him, you would believe that the barbarities and extortions of Verres in Sicily were outdone by this dilapedator of the Attacapas. Until M^r Van Pradelles's return business will move heavily. M^r Gurley's complicated avocations as practising lawyer, Attorney General, and Director of the Bank must necessarily engross a considerable portion of his time, and deny him the power of devoting it exclusively to the business of register.

The amount due to Ybanez for the abstracts amoun'g to somewhere about 130 Dollars shall be settled immediately. The Governor has not yet certified the fifty dollars claimed upon the old account to be due, and my own impressions being against the demand I shall wait such a certificate before I discharge it.

I would apologize for the length and minuteness of these details did I not believe that they ought to be laid before you, and were I not convinced that you view nothing with indifference which can reflect the faintest light upon topics connected with your Department. And having in this letter occupied to much of your time on that branch of public business which has devolved upon me as Agent for land claims, I must crave an additional moments indulgence whilst I bring into view a part of my official conduct as Attorney of the United States for this District. [The prevailing anxiety for the importation of slaves has induced every man capable of reading the Acts of Congress to examine the regulations in force on that sub-

^{18a} Oct. 30, 1805, *ante*, p. 517.

ject. Our lawyers have unanimously expressed an opinion that the prohibitions against the importation of Slaves contained in the Act of 1804 for the Government of this Territory, are repealed by the Act of 1805 extending to us the second grade of Government—that we are now entitled to all the rights, privileges, and advantages, enjoyed by the inhabitants of the Mississippi Territory, and consequently that our citizens possess the right of importing into this Country any Slaves already legally introduced into any of the States. The collector daily expecting the arrival of slaves requested my opinion on the subject. I expressed to him an opinion that any Slaves introduced into any of the States prior to the date of the law erecting the Mississippi Territory might be legally admitted, and advised him to obtain a legal decision as to the propriety of admitting the importation of such as had been introduced into the United States since that epoch. The opinion of the Attorney General on this interesting subject would be very acceptable altho I cannot think the law by any means doubtful or ambiguous in its provisions.] Should the opinion I have been pressed to give on this subject be deemed erroneous or thought to compromit the interests of Government it will be to me a source of regret, and I shall feel gratified by giving in my resignation of an office which I have found both troublesome and unprofitable, and which I only accepted from motives of attachment to the present administration, and a hope (perhaps suggested by vanity) that I could be instrumental in promoting its views and patriotic designs—

The daily arrival of Vessels from the Islands with slaves on board called loudly for some general regulation on that subject. On the application of the Collector I have given him an opinion which he will transmit you.¹⁹ Should a better plan suggest itself to you, the one now pursued shall be discontinued.

Your letter of the 5th of Dec^r ²⁰ is this moment received. The Mobile rout is long ago fallen into disrepute here and I shall not write by it until it gets into better credit. Judge Prevost whose ill health required his residence during the summer months in West Florida, has made many enquiries respecting the proposed road, and has been impressed with an opinion that M^r Briggs has thought too favorably of it—

With real esteem I am Sir your most ob^t

JAMES BROWN

THE HONBLE ALBERT GALLATIN

[Addressed] The Honble Albert Gallatin

¹⁹ No such communication has been found.

²⁰ Not found.

[*Endorsed*] N. Orleans 11th Dec^{er} 1805 James Brown Copy of so much as is enclosed between [] to be enclosed in letter to Sec^y of State This letter to be returned to me File

=====
JOHN W. GURLEY TO THE SECRETARY OF THE
TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, xxii:ALS]

NEW ORLEANS Dec^m 11th 1805

SIR I have to inform you that since the last which I had the honour of addressing you the two Commissioners for this District M^r Van Praddeles & M^r Lewis have arrived and agreeably to the law of Congress have organised their board.²¹ A considerable number of claims have been presented and I beleive the people are very generally prepareing to have their titles enregistered.

During the session of the representative a memorial on the subject of the land law was framed and has been transmitted to Congress.²² The contents I am not able to state with accuracy as it has not been made public here — one object however is to obtain a prolongation of the time for enregistering claims. This I believe will be absolutely necessary.—

I availed myself of the opportunity which the meeting of the representatives afforded me of furnishing them with all the information necessary rellative to the requisite forms which were to be attended to in in the presentation of their claims, and I have no doubt that at the meeting of the Legislature a great number of claims from the different Counties will be presented.—

The transcripts from the French and Spanish records are completed and are in the hands of M^r Brown who has stated to me that he would transmit them.

I have the honour to be with Sentiments of ye highest respect Sir your ob^t & hu^l Sev^t

JN^o W. GURLEY

HON^l ALBERT GALLATIN Esqe Sec^y of ye Treasury

[*Addressed*] Hon^l Albert Gallatin Esquire Secretary of ye Treasury
Washington [*Postmarked*] New Orleans Dec 13

[*Endorsed*] New-Orleans Decem. 11: 1805 John W. Gurley—Register
&^o Time for claims to be extended file

²¹ Act approved Mar. 2, 1805, *ante*, p. 408.

²² Nov. 14, 1805, *ante*, p. 526.

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEPARTMENT OF STATE *Dec^r 14th 1805.*GOV^r CLAIBORNE.

SIR. You will have been apprized of the intention of the Spanish Officers to withdraw from New Orleans the Land Archives of the late Province of Louisiana, and in particular the surveys, grants, concessions and other papers in the possession of the late Surveyor General. Many of the title papers of the people of that Country are stated to remain the hands of Don André, the late Sec^r of the Gov^t and are probably intended to be disposed of in like manner. The President therefore directs in order that the 2^d Art: of the Treaty of cession may not longer remain unfulfilled, that you take all legal & proper measures for gaining possession of these "archives, papers & documents, relative to the domain & Sovereignty of Louisiana"—but he expects from you, that they will in no event be permitted to be carried out of the Territory.²³

I am &c.—

JAMES MADISON

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, vii:ALS]

120 Miles from NEW-ORLEANS 15th *December 1805:*

SIR, Previous to my departure from the City, I informed you of the dissensions in Attackapas, and of my intension to visit that County.—These dissensions have not assumed a serious aspect, nor would they alone, have induced my absence from New-Orleans—But as several objects of Importance awaited my presence in Oppalousas and Attackapas, I have hastened my Journey, and propose to avail myself of the occasion, to make suitable efforts to adjust the differences & to produce harmony.—The general objects of my visit, to which I allude, are—first: To acquire a more accurate knowledge of the Country, and of the Interest of the Inhabitants, than I at present possess.—Secondly—To assist in the more perfect organization of the Militia.—Thirdly—To give such explanations of the late Act of Congress, concerning the Lands in this Territory, as will tend to remove certain discontents which are said to exist—And lastly to conciliate (by such Means as may be in my power) the Affections of the People, as well towards the General, as the local Government:

Next to the Island of New-Orleans, Oppalousas and Attackapas are the most important Districts of the Territory;—the Land is fertile, and well adapted to Cultivation;—the Improvements are considerable, and the Settlers numerous and respectable;—But on my return, I shall

²³ Answered Jan. 30, 1806 (Rowland, ed., *Claiborne Let. Bk.*, III, 254–256). See also Claiborne to the Secretary of War, Feb. 1, 1806, *ibid.*, p. 257.

be enabled to give you more accurate information, and will write you in detail.—

My Journey has been so much delayed by bad weather, that I shall necessarily be longer absent, than I at first contemplated;—But unless some unforeseen event, should prevent, I shall return to New-Orleans on or before the fourth day of January next.

I pray you Sir, to accept assurances of my great respect & sincere Esteem!

WILLIAM C. C. CLAIBORNE

THE HON^{ble} M^r MADISON Sec^y of State.

[*Endorsed*] Orleans Gov^r 15 Dec^r 1805

THE PRESIDENT TO THE SPEAKER AND TERRITORIAL
HOUSE OF REPRESENTATIVES

[LC:Jefferson Papers:D]

[December 28, 1805]

To the Speaker & House of Representatives of the territory of Orleans.

The expressions by which the Representatives of the territory of Orleans, in their address of the 14th of Nov.²⁴ are pleased to convey their sense of my public conduct, are gratefully recieved by me, & placed among those testimonies which will constitute the happiness of my future life. the first reward we can recieve for services faithfully directed to the public good, is the comfort of an approving conscience the next the approbation of our fellow-citizens.

The day which added to the U. S. a country so highly favored by nature, and, to the great American family, a people so worthy of the blessings of freedom, & zealous to maintain them, will be counted among the most fortunate in our annals, & will ever, I trust, be commemorated by the nations which in future times will cover this acquisition as the birthday of a political well-being too rare among men.

The sound discretion displayed by our new brethren in the selection of characters for the important functions of legislation, is a pledge of the wholesome use they will make of the powers of self-government, & from the wisdom & virtue of their representatives I augur such a course of proceeding as will establish among them liberty, law & order, will rapidly advance their growth & prosperity, & rivet their affections to the American union, of which they are become an inseparable part.

²⁴ *Ante*, p. 521.

Towards effecting these great objects, be assured, fellow citizens, of every aid within the limits of my powers, and Accept the homage of my high respect & consideration.

TH: JEFFERSON

WASHINGTON Dec. 28. 1805.

THE SECRETARY OF STATE TO WILLIAM LATTIMORE

[NA:SD, Dom. Letters, xv:C]

[January 2, 1806]

M^r Madison presents his compliments to D^r Lattimore and has the honor to commit to him the enclosed letter from M^r E. Livingston and the memorial of Baron Bastrop.²⁵ In requesting D^r Lattimore, as the delegate from the Territory nearest to the residence of those gentlemen, to present it to the House of Representatives, it is M^r M's intention to do no more than afford it a channel to Congress and leave it to the fate its intrinsic nature may assign to it.²⁶

JAMES MADISON

DEP^t OF STATE—2^d January 1806.

SECRETARY GRAHAM TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:ALS]

NEW ORLEANS January 2nd 1805[6]

SIR, I have the Honor of enclosing you a Duplicate of my Letter by the last Mail,²⁷ and a Copy of the one I wrote to M^r Morales.²⁸ The Copy of his answer²⁹ cannot be got ready in time for this Mail but the Substance may be found in my Letter to him, for he agrees that I was correct in my understanding of what he said

This day week we received by a ship in a very short Passage from New York the Presidents Message to the Senate and House of Representatives of the 3rd Ultimo,³⁰ a copy was immediately sent to the Governor, and if he receives it I am sure he will hasten his return to the

²⁵ Enclosures not present.

²⁶ Bastrop's petition, that he "be indemnified by a grant of lands or money, for the loss of an exclusive privilege, granted him before the cession of the said Territory, to trade with the Indian tribes for a term not yet expired," was presented to the House, Jan. 3, 1806, and referred to the committee on alterations necessary in the act approved Mar. 30, 1802 (*Annals*, 9 Cong., 1 sess., 332). No further mention of Bastrop's plea has been discovered.

²⁷ Not present.

²⁸ Dec. 23, 1805, present with the covering letter. It concerns the dispute over the imposition of duties at Mobile.

²⁹ Dec. 24, 1805, present with the above, and on the same subject.

³⁰ Printed, Richardson (comp.), *Messages and Papers*, 1, 382-388; *Annals*, 9 Cong., 1 sess., 11-16.

City, unless he finds it expedient to remain a little longer where he is.
to make some arrangements— for the defence— of
898. 688. 1188. 1224. 1399. 156. 696A. 1581. 954. 389. 613. 828.
our Western frontiers—
800. 214. 632. 1583. 392. 888. 1348A he may probably think this the
the Marquis
more necessary as a report has gone abroad that 954. 726. 1430. 1093.
of Casa— Calvo— has been tampering— with the—
828. 478. 1094. 479. 288. 108. 977'. 878. 677. 29. 1342. 236. 954.
Indians in that Quarter
1339. 327. 1280A 1339. 953. 1424. whatever he may have done
his journey
130. 1347. 476. I apprehend must have been undertaken from
motives different from those he assigned to the Governor, for he has
not yet I am told gone where he stated he should go, and he has been
already absent longer than he led us to believe he would be. I should
against this
unwillingly raise in your mind any improper Suspicions 1250. 909.
gentleman— but is that he ought not
156. 392. 897. 690. 994. my own opinion 1350. 953. 115. 797. 457.
to remain— in this country. His manners— and his
898. 1458. 1210. 1339. 909. 535. 1075. 130. 690. 404A 1283. 130.
character must give him an will
557. 769. 1138. 169. 128. 1280. influence and that influence 232.
be used against us
1010. 2961. 1250. 295. whenever an occasion of doing so may offer.
— of every— Spaniard—
If we could get clear 1630. 1644. 828. 588. 1056. 1114. 417. 1227.
in the country be free
1339. 954. 535. I should rejoice for we should then 1010. 1505'/.
from our most dangerous enemies
1584. 800. 761. 379. 156. 1481. 617A 1071 from the returns made
to the Mayor there are about two hundred & thirty
1670. 1593. 898. 954. 738. 862. 960. 1225. 1197. 942. 149. 908.
of these people and they are who
828. 902. 28. 1283. 903. 1225. generally of that description 225.
would be ready to seize— — any moment of disturb-
245. 1010. 1475. 898. 1117 1300. 1057. 637. 1290. 752. 828. 329.
ance to commit the
935. 1006. 493. 898. 503. 954. vilest depredations and whether in
they are a nuisance to
Peace or War 903. 1225. 1193. 470. 470. 1300. 1094. 392. 493. 898.
the country
1595. 954. 535.

As the President's Message induces me to believe that a rupture with
Spain is not an improbable event, I have felt it my duty (the Governor
being absent) to ascertain for your information

what are our present
1598. 1700. 217. 1225. 800. 74.

probable— means of defence
 86. 1377. 741A. 828. 389. 613. 1070. from the best accounts I can
 we have in the city and its three hundred
 get 207. 113. 1339. 954. 564. 1283. 1386A vicinity about 916. 149.
 and fifty men french, Spanish— or natives
 1283. 1571. 695. other than 1506. 1068. 1114. 445. 1068. 862. 423A
 on whose good wishes— we may rely.— In this
 844. 228. 178. 230. 1105A 207. 738. 1456. 1056. 1075. 1339. 909.
 estimate— all the Americans— all
 636. 1338. are included 1214'. 954. 1276. 466. and in fact 1214'.
 those whose language— is not french or Spanish—
 912. 228. 1369. 190. 1251. 1350. 457. 1506. 862. 1114. 445. 1075.
 of Inhabitants— to these
 I speak here 1642. 828. 1339. 195. 1047. 1289A. 1062. 898. 902.
 we may add a hundred or a hundred and fifty sailors—
 207. 738. 1240'. 1193. 149. 862. 1193. 149. 1283. 1571. 1094. 1300.
 1367. 1484.
 and the regular troops— in garrison—
 1283. 954. 1454. 250. 1370. 967y. 8'55A. 1339. 155. 1420y. 844—
 that we could not— draw more than
 from all which I calculate 953. 207. 532. 457. 356. 300. 759. 952.
 five hundred—men fit for
 1551. 149.⁸¹ 695. 1550. 1581. service. In making this statement, it is
 there are not many among
 far from my intention to insinuate that 960. 1228. 457. 724. 1279.
 the natives— and some among the French who would join us
 954. 423A. 1068. 1283. 1188. 1279. 954. 1506. 225. 245. 1345. 295.
 1062. but at present, it is impossible for me to form any thing like
 how many would do so.
 a conjecture 145. 724. 245. 339. 1187. 1075.

From what I hear, and from what I see, I am induced to think 1676.
 that the prevailing disposition among these two classes
 1599. 953. 954. 72. 252. 1342. 335. 1300. 894. 1279. 902. 942. 566. 1'117A.
 of people is to remain— neutral in case— of— a war
 828. 28. 1350. 898. 1458. 1210. 412. 1339. 478. 1117. 828. 1193. 284.
 between Spain and the U. States
 1041. 1115. 1283. 954. 201. 1070. Yet I believe that this disposi-
 according to the measures pursued—
 tion will be more or less general 1200. 898. 954. 742A. 29. 1162.
 by the Americans here.— If we
 374. 996. 954. 1276. 466. 124. 1075. 1316. 207. show a determination
 to—resist— any attack
 1609. 898. 1463. 1350. 877. 1290. 1268. 879y. 1293. that may be
 will join us: some from prin-
 made, many of them 232. I calculate 1345. 295—1188. 1584. 82.

⁸¹ From this point to the last paragraph the letter is written in another hand than Graham's.

ciple and more from ultimately—
 1068. 1283. 759. 1584. a conviction that we must 278. 1338. 1333.
 succeed— but if we do not form a rallying—
 1159. 494. 1062. 994. 1316. 207. 339. 457. 149'4. 1193. 1397. 1333.
 point for them they will do nothing [toward]²² themselves—
 1342. 56. 1581. 956. 903. 232. I fear 339. 449. 965. 956. 1123A.
 1075. Under this impression, the Mayor of the City and myself are
 —to— draw all our countrymen into a
 endeavoring 1690. 898. 356. 300. 1214. 800. 535. 695. 1344. 1193.
 military association for the defence of the city
 707. 1300. 884. 1056. association 1581. 954. 389. 613. 828. 954. 564.
 in attacked by the Spanish forces—
 1339. case it should be 1590. 1260. 879y. 1293A. 996. 954. 1114. 445.
 now on our Eastern frontiers— —that
 1582A. 465. 844. 800. 647. 632. or western 1583. 392. 922. 633.—953.
 they will enter— into—it—with
 903. 232. 621. 628. 1344. 1386. 236. 1615 zeal and avidity, I have no
 they
 doubt, and if they do so, I feel a confidence that 1625. 1597. 903.
 will be joined by many of the natives by so many
 232. 1010. 1345/. 996. 724. 828. 954. 423A.—in fact 996. 1187. 724.
 as to deter the Spanish Governors from making—
 1259. 898. 315. 628. 954. 1114. 445. 180A. 1584. 688y. 1342.
 a hasty
 1193. 109. 1056. 1268. 879.
 —attack upon us President has taken
 1293. 292. 295. 1068. and I trust that the 75. 108. 881/.
 —effectual measures to secure— us from any other.—
 661. 1527. 253. 742A. 898. 1117. 549. 295. 1584. 1290. 791. 1075.
 This—association— will be put into no
 909. 1259. 1187. 559.²³ 1271. 232. 1010. 98. 1344. 449. regular form,
 until the return of the Governor, and he will then give it that which
 seems to him most proper. The object of it is to 1590. 1650. 356.
 draw out moment— and put
 3000. 804. under the exigency of the 1699. 752. 1068. 1283. 98.
 [in]²⁴ military— array men who
 707. 1386. 1258. 1224. 1393. 1056. 695. 225. would not, otherwise,
 subject themselves of—doing—militia—
 1158. 1311. 956. 1123A. to the inconvenience 828. 339. 1342. 707.
 duty but for a time
 1386. 1301. 372.—The expedient will answer 994. 1581. 1193. 892.
 but for very— short time for the Spanish—
 and I fear 994. 1581. 1193. 264. 1110. 1485. 892. 1581. 954. 1114.
 forces are and might even
 445. 1582A. 1228. increasing in our neighbourhood 1283. 706. 586.

²² Brackets on the original.

²³ A possible erasure.

with their present numbers if they are —brave—
 236. 955. 74. 473A. 1068. 1596. 1316. 903. 1228. 1030. 257. 1068.
 bear down any we could make
 1012. 354. 1290. opposition 207. 1650. 532. 688. 1071. This at
 prevailing opinion
 least is the 1700. 72. 252. 1342. 858. and the very circumstance of
 is alarming— for we have few
 it's being so 1596. 1350. 1214. 1230. 1342. 1581. 207. 113. 1561.
 men here who would take weaker—
 695. 124. 225. 245. 881. what they believe to be the 207. 1213. 628.
 side:— to save their property—
 1143. 1071. 898. 1094. 257. 955.³⁵ 85. 29. 943. would be the great
 of near all and to take arms— on— the—
 object 1700. 828. 432. 1214'. 1283. 898. 881. 1230A. 844. 954. 207.
 weaker side to
 1213. 628. 1143. might be supposed the readiest means 1593. 828.
 losing it.
 1325y. 1342. 1386.

mulattoe corps

The peculiar circumstances attending the 771. 1268. 848. 637. 530. 100. 1093 will require much delicacy of management: I have therefore thought it most prudent not to say any thing to them until the return of the Governor.

With Sentiments of the Highest Respect I have the Honor to be,
 Sir, Your Mo: Obt Ser^t

JOHN GRAHAM

THE HON^{ble} JAMES MADISON

[*Endorsed*] Orleans Sec^r 2 Jan^r 1806

SECRETARY GRAHAM TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:ALS]

NEW ORLEANS 2^d January 1805[6]

SIR I have just a moment before the departure of the Mail to acknowledge the receipt of your Letters of the 18th & 25th of November addressed to Governor Claiborne.³⁶ As they are of importance I shall forward them to him by an Express unless I hear in the course of tomorrow that he is on his return.

He may possibly determine to prevent the Marquis's coming back to our Territories, who was, when we last heard from him, about 200 Leagues to the west of this place. No American officer has I believe attended him.

³⁵ A possible erasure.

³⁶ *Ante*, pp. 533, 536.

With Sentiments of the Highest Respect—I have the Honor to be,
Sir, Your Mo Obt Sev^t

JOHN GRAHAM

THE HON^{ble} JAMES MADISON

[*Endorsed*] Orleans S[ec]^y 2 Jan^y 1806 Rec^d 11 feb^y

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:LS]

NEW ORLEANS *January 7. 1806.*

SIR On the morning of the 5. Instant I returned to this City,³⁷ and read with respectful attention, your communications of the 18. and 25. of November,³⁸ which did not reach New Orleans until the 3. instant.

I have long regretted the residence of the Marquis of Caso Calvo, and other Spanish Officers, in this Territory;—their intrigues weakened the attachment of our Citizens to their Government—generated discontents—and were made the ground for belief that the Country, west of the Mississippi, would speedily revert to Spain.—I receive therefore, with pleasure, the determination of the President, for their departure—and I shall endeavor to convey his Orders in the same spirit with which they are given me, and to leave no room for discussion.

The Marquis of Casa Calvo is still absent from this City;—he was, three weeks ago, on the Occockasaw or Trinity River, where he had contemplated forming a settlement, and to which he proposed inviting the disaffected of this Territory; but it is stated to me that the Lands on the Occockasaw were so unfavorable to improvement and cultivation, that he had abandoned his project, and proposed returning to New Orleans,—but by what Route, I am not advised;—in the course of tomorrow I shall endeavor to obtain accurate information on this point,—and will communicate to the Marquis, by Express, the Order for his departure.—I think it best that the Marquis should not again visit this City. It is not probable that the Order for the departure of the Spanish Officers will excite any commotion in the interior of the Territory, or that it would occasion regret to other persons than the connexions of the individuals concerned;—But in New Orleans there are many adherents to the spanish interest—a few of respectable standing in society—but for the most part, composed of characters well suited for mischievous and wicked enterprizes. I do not believe, that, under existing circumstances, the Marquis would encourage

³⁷ Claiborne had informed the Secretary of State of his return from Attakapas and Opelousas in a letter of Jan. 4, 1806, written "Near New Orleans" (NA, SD, Orleans Terr. Papers, VIII).

³⁸ *Ante*, pp. 533, 536.

acts of violence and hostility,—but as his influence here is considerable, and might, if used on the occasion, give rise to a commotion which could not be checked without Bloodshed, I have thought it prudent early to apprize him of the President's Orders.

I shall indeed be sorry if the excursion of the Marquis should have subjected me to the smallest share of censure.—I did suppose that his real objects were unfriendly to the United States, nor did I accredit the assurances to the contrary which he so readily gave me: but, as I doubted my authority to prevent his excursion, I thought it best to state no objections to it;—I had, not long before the departure of the Marquis, applied to him (by order of the President) for Passports for Mr Dunbar and his Party who were about exploring the Red River; and, as an inducement to his ready compliance with my request, I assured him that the object of the Mission was not unfriendly to Spain, and that any Gentleman whom he would name to witness the proceeding, should be received into the Party: to this application a satisfactory response was given,³⁹—and when the Marquis notified me of his intention to visit Adais, he gave me similar assurances of his unoffending views, and had no objections to any Officer whom I might name, accompanying him; and hence arose the nomination of Captain Turner.⁴⁰

I shall do myself the honor to write you more fully on Tomorrow.⁴¹

I am Sir, very respectfully, your humble Serv^t

WILLIAM C. C. CLAIBORNE

THE SEC^y OF STATE.

[*Addressed*] The Honorable The Secretary of State

[*Endorsed*] Gov^r Claiborne 7 Jan^y 1806 To be copied

JAMES BROWN TO THE SECRETARY OF THE TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, xxii:ALS]

NEW ORLEANS Jan^y 7th 1806

SIR Two posts ago I had the honor to inclose you a copy of the Abstracts of Grants in upper Louisiana⁴² and would have sent on the Duplicate the succeeding week had not the regular Course of the Mail been interrupted. The duplicate is now inclosed,⁴³ and by the first Vessel sailing for Baltimore or Philadelphia you may expect to receive

³⁹ See Claiborne to Casa Calvo, Feb. 8, 1806 (Rowland, ed., *Claiborne Let. Bk.*, III, 262–263).

⁴⁰ See Claiborne to the Secretary of State, Oct. 14, 1805, and to Turner, same date, *ibid.*, pp. 196–199.

⁴¹ Acknowledged June 9, 1806, *post*, p. 658.

⁴² Dec. 11, 1805, *ante*, p. 545.

⁴³ Not present.

a copy of the Abstract made out for M^r Thompson the Register at Opelousas.

Pursuant to your instructions I have drawn on you for one thousand Dollars, part of my compensation as agent of Land Claims, in favor of the Collector of this port—I have also drawn for my Salary as Secretary of this Territory from the first day of October 1804 'till the 22nd January following being the day on which I received and resigned my corrected Commission as Judge at which time I considered myself as removed from the office of Secretary—I was not notified of the appointment of a successor for some time after, and continued to discharge some of the duties of my former office occasionally but as my record was only brought up to the period above mentioned I have charged my salary only to that day.

I have applied to M^r Graham to procure the royal orders referred to in the Abstracts and have made him sensible that without them the documents will be unintelligible. He appears anxious to procure them and has promised to address a letter to the late intendan on the subject. The absence of the Marquis de Casa Calvo will probably delay the business some time as M^r Morales would hardly undertake to deliver any documents without the consent of the Spanish Commissioner ⁴⁴—

The President's message ⁴⁵ has excited serious apprehensions of war, and did we not feel confident that the Government knew our defenceless situation and was determined without delay to give us effective aid we should not enjoy sensations of the most enviable description. We presume however that you are well assured that we have not a place of strength in the Territory, that we have but four or five Volunteer corps of Militia organized consisting in all of not more than one hundred men, that there are more Spanish than American officers in the Country, that almost every respectable family has one or more of its members in Spanish pay or reaping the fruits of Spanish patronage, that the people are alarmed about their titles, that they are alarmed about their religion, that they are inflamed by the Marquis and his emissaries, that the free people of color have lost their consequence by being stripped of Arms and are anxious to regain it; in short that with the most dangerous materials amongst us we possess hardly sufficient strength to ensure internal tranquillity should foreign intrigue give motion to the disaffected—All this and more I have been told has been candidly communicated by the highest authority, and coming from that source, has no doubt suggested measures which will secure us.

⁴⁴ See Claiborne to the Secretary of War, Feb. 1, 1806, concerning papers in Trudeau's possession, and *id.* to Casa Calvo, Feb. 6, 1806, asking for the return of certain documents (Rowland, ed., *op. cit.*, III, 257, 260).

⁴⁵ Message to Congress of Dec. 6, 1805 (Richardson, comp., *Messages and Papers*, I, 388–390).

The wealthy inhabitants of the Country are good citizens and easily governed, but they will prefer inaction and neutrality to active measures; and whilst we do them the justice to believe that they will not oppose our Government we are tempted to conclude that they would not resist its enemies.

The Commissioners have tried but one or two cases, and indeed the number of Grants before them is not considerable—M^r Van Praddelles has returned, and will resume his seat.

The account of Ybanez has not been certified by the Governor and until that is done I shall not pass it—The Abstracts will cost from 130 to 150 Doll^{rs}. The account has not yet been presented

With great respect & esteem I am Sir Your Most Ob^t Serv^t

JAMES BROWN

THE HONBLE ALBERT GALLATIN Sec^y of the Treasury

[*Endorsed*] New Orleans 7th Jan^y 1806 James Brown Agent of Land Claims

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:LS]

NEW ORLEANS *January* 8. 1806.

SIR I persuade myself that my late visit to Appalouzas and Atachapas has been attended with some good effects.—The Civil Authorities were again put in motion; the Militia officers commissioned;⁴⁶ such explanations given of the Land Law,⁴⁷ as were calculated to check discontents; and every just effort made to attach the Citizens to the Government of the United States.

During my absence from this City, it does not appear that the public Service sustained any inconvenience; the Executive department received all that attention from M^r Graham which I had anticipated, and his conduct was such as to strengthen my confidence in his judgment and discretion. M^r Graham's letter of the 2nd Instant, presents you with much useful and correct information.⁴⁸—In the present crisis of affairs, the Regular Troops in this Territory are too few in number to give confidence to the well disposed citizens, or to deter the treacherous from forming mischievous machinations.—The Louisianians are a timid people—and so little are they acquainted with the strength of the U. States, that the issue of a contest with Spain, is esteemed, by them, as doubtful; and therefore they (or many

⁴⁶ Concerning the militia, see Claiborne to the Secretary of State, Jan. 21, Jan. 30, 1806, to the Secretary of War, Jan. 15, Feb. 12, 1806, and to Du Bourg, Jan. 17, 1806 (Rowland, ed., *op. cit.*, III, 243, 245–247, 256, 264–265).

⁴⁷ Act approved Mar. 2, 1805, *ante*, p. 408.

⁴⁸ *Ante*, p. 552.

of them) would probably be disposed to remain neutral, as the surest means of preserving their property.—If war should be deemed inevitable, I esteem it my duty to suggest the propriety of raising and organizing a respectable Corps of Horse. The Country west of the Mississippi is interspersed with immense Praaries, and an army could not act to advantage in that quarter, without the support of Cavalry.

With respect to the Mulatto Corps in this City, to which M^r Graham alludes in his communication, I am indeed at a loss to know what policy is best to pursue.—Their reorganization, during the late temporary government, was not liked by the ancient Louisianians, nor were there wanting Americans who, with a view to my injury, reprobated the proceeding, both by speaking and writing;—indeed, so much was said upon the subject, that the late Legislative Council thought it prudent to take no notice of the Mulatto Corps in the general Militia Law;⁴⁹—this neglect has soured them considerably with the American Government, and it is questionable how far they would, in the hour of danger, prove faithful to the American Standard.—I shall however, procure a Census of the free people of Colour who reside in and near this City,—those capable of bearing arms may probably amount to about 400, and while proper exertions shall be made to conciliate the good will of all, I have little doubt but that those among them who possess property and a fair reputation, will, in any event, prove faithful to their allegiance

I have not been enabled to ascertain the route by which the Marquis proposed returning to this City;—at the date of the last accounts, he was still on the Trinity River, and proposed being in New Orleans previous to the 15. of the present month. In consequence of the absence of the Marquis, I shall notify the President's Order, relative to the Spanish Officers, to Morales, and require his immediate departure.—The subject is a delicate one, and will be handled with all the caution and prudence which I can command.⁵⁰ From M^r Graham's correspondence with M^r Morales, who is now acknowledged as Intendant of West Florida, you will perceive how little disposed that Officer is to accommodate the American Trade on the Mobile.—Indeed Sir, the Superior Agents of Spain, in this vicinity, all manifest a hostile spirit to the U. S., and seem desirous of War.⁵¹

⁴⁹ Act approved Apr. 10, 1805 (*Acts of the Legislative Council of the Territory of Orleans*, 1-2 sess., 1804-1805, pp. 262-303).

⁵⁰ See Claiborne to Morales, Jan. 11, 1806, requesting his immediate departure (Rowland, ed., *op. cit.*, III, 238-239), and the latter's reply, Jan. 11, 1806, *post*, p. 564.

⁵¹ Acknowledged June 9, 1806, *post*, p. 658.

I am Sir, with great respect & esteem—your hble Serv^t

WILLIAM C. C. CLAIBORNE

THE SEC^y OF STATE.

[*Addressed*] The Honorable the Secretary of State

[*Endorsed*] Governor Claiborne 8 Jan^y 1806

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:LS]

NEW ORLEANS Jan^y 9. 1806.

SIR M^r James Mather, late a member of the Legislative Council, and now the Judge for the County of la Fourche, writes me under date of the 2^d of January,⁵² as follows: "The Marquis Casa Calvo remained in this settlement at least 15 days,—during which time he principally employed himself in persuading the people—that all this side of the River Mississippi would soon again return to Spain either by negociation or Force; so that their minds are very unsettled; yet I cannot say that they have, in any manner, been refractory or disobeyed any Orders that I have had occasion to give them".

I shall, on Tomorrow, communicate the President's Orders relative to the Spanish Officers;—My letter to the Marquis on the occasion shall be forwarded by Express.

M^r Graham, in his late communication to you,⁵³ used a Cypher which was not intended for this Department;—it was the one which was furnished Governor Sargent, and which on my arrival at Natchez I had carefully put away in my private Desk;—Nor was it known to me that the paper was still in my possession, until M^r Graham informed me on my return, of the mistake which had been committed;—It is hoped, however, that the Key to that Cypher may yet be in the Office of State; but least it should not be found, a Copy of M^r Graham's communication will be forwarded by the next Post.⁵⁴

I am Sir, very respectfully, your hble. Serv^t

WILLIAM C. C. CLAIBORNE

THE SEC^y OF STATE.

[*Addressed*] The honorable The Secretary of State

[*Endorsed*] Gov^r Claiborne 9 Jan^y 1806 To be extracted from.

⁵² Not found.

⁵³ Jan. 2, 1806, *ante*, p. 552.

⁵⁴ Acknowledged June 9, 1806, *post*, p. 658.

THE PRESIDENT TO PHILIP REIBELT

[LC:Jefferson Papers:D]

WASHINGTON *Jan.* 10. 06.

SIR I find, at length, a moment in which I can hastily acknowledge the receipt of your letter of the 2^d ⁵⁵ there happens to be a vacant factorship at Natchitoches on Red river, the one which you would suit best, & would suit you best of all those within our limits. it is an antient French village, where there is a tolerable society, & the factory for the neighboring tribes of Indians, who are entirely humanised—I spoke to the Secretary at war who has the appointment, & says it shall be given to you. the salary & all allowances are 1365 D a year, and no permission to engage in private trade. he says that the factors are required to give an effectual security to the amount of 10,000. D. on this subject, as well as every thing else relating to it, you will be pleased to correspond with him. should you go, your best mode would be by sea to N. Orleans & then up the rivers to Natchitoches. sincerely wishing this may meet your convenience I present you my friendly salutations.⁵⁵

TH: JEFFERSON

[Endorsed] Reibelt. Jan. 10. 06.

GOVERNOR CLAIBORNE TO THE MARQUIS OF CASA CALVO

[NA:SD, Orleans Terr. Papers, VIII:C]

(Copy)

NEW ORLEANS *Jan^y* 10th 1806

TO HIS EXCELLENCY THE MARQUIS OF CASA CALVO

SIR The President of the United States has directed—that Your Excellency and all other persons holding Commissions or retained in the service of His Catholic Majesty, should quit the Territory of Orleans as soon as possible.—This proceeding has been resorted to as a measure of precaution, rendered the more expedient from the rejection by the Councils of Spain of the proposals submitted by the Envoy Extraordinary of the United States for an amicable adjust-

⁵⁵ Jan. 2, 1806 (Jefferson Papers, LC), asking for an appointment as Indian agent.

⁵⁶ Reibelt accepted the appointment here offered and arrived in New Orleans in April or May, 1806. Instead of proceeding to his station, he remained in the city, attached himself to the Wilkinson entourage during the Burr excitement, and wrote long letters to the President on the political situation in Orleans. The Secretary of War waited until February, 1807, for Reibelt to assume his duties and then appointed Thomas Linnard to the Natchitoches factorship (Reibelt to the President, May 8, 1806, Jan. 16 and Jan. 29, 1807, Jefferson Papers, LC; and the Secretary of War to Reibelt, Jan. 14, Jan. 20, Jan. 24, Jan. 27, Jan. 29, and Feb. 3, 1806 (NA, Ind. Office, Sec. War Let. Bk. B)). Reibelt's commission, dated Jan. 31, 1806, is also present, *loc. cit.* See also the President to Claiborne, Apr. 27, 1806 (Ford, ed., *Writings Jefferson*, VIII, 442-445).

ment of existing differences; from the reinforcements lately landed at Pensacola; similar movements on our western Frontier; and the recent acts of aggression committed by the Spanish Troops in that quarter.

The Secretary of State having instructed me to lose no time in notifying to Your Excellency the President's Order, and to request that you would communicate the same to the persons whom it comprehends; I have sent a Gentleman for the express purpose of meeting you, and it is expected, that, after the receipt of this Dispatch, you will advance no further within the Territory of Orleans, but that you will, together with your Attendants, withdraw therefrom as soon as possible.

I repeat to Your Excellency that this is only a measure of precaution, dictated by the circumstances of the Times, and not intended as an act of offence towards your Nation, or of rigour against yourself and the other Gentlemen attached to the service of His Catholic Majesty.

In making this communication to Your Excellency, it may be proper to inform you that you have never been accredited by the President of the United States, as a Commissioner of Limits; that no proposal has been made on the part of Spain for setting such a Commission on foot, nor indeed can it be considered as necessary, so long as the present difference of opinion continues, respecting the lines to be run.⁵⁷

I avail myself of the occasion to render to Your Excellency the assurances of my high and respectful consideration.

Signed WILLIAM C C CLAIBORNE

HIS EXCELLENCY THE MARQUIS OF CASA CALVO.

[*Endorsed*] No. 2. Rec^d in Gov^r Claiborne's 12 Jan^r 1806 ⁵⁸

JUAN VENTURA MORALES TO GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, VIII:C]

(Copy) (translation.)

[*January 11, 1806*]

EXMO SEÑOR. I have received the Letter of Your Excellency of this day,⁵⁹ in which, in conformity to the Orders of the President of the United States, it is made known to me that he finds himself in the situation to require that I hasten my departure from this Territory;

⁵⁷ See Claiborne to Ross, Jan. 12, to Porter, Jan. 12, Sargento, Jan. 25, Feb. 3, and the Secretary of State, Feb. 6 and 7, 1806 (Rowland, ed., *Claiborne Let. Bk.*, III, 239-240, 241, 248-249, 258, 260-261).

⁵⁸ Printed, *ibid.*, pp. 241-242.

⁵⁹ *Ibid.*, pp. 238-239.

and that I should make arrangements that all those employed by the King my Master, in the department of which I am the Chief, should prepare to depart as soon as possible.

In reply to this, I must make known to Y. E. that if I had not met with some difficulty I should some days since have retired from this Country with the dependents who ought to follow me. These are surmounted, and my stay only depends on the arrival of the vessels which are coming for me, which if they are not at this moment, will very soon arrive at the mouth of the Bayou S^t John.

What is here mentioned ought not to prevent my mentioning to Y. E. my surprise at an intimation, which at the same time that it infringes the Laws of Hospitality, wounds the Right which Spain has that her Agents should remain in this Territory the full time necessary to terminate the Affairs of Interest which she has depending. On other occasions, and particularly in the Letters which I delivered to Y. E. on the 2^d Nov^r of the past year 1804.⁶⁰ I gave the reasons, or details, and not to be troublesome by a repetition, I refer to it. Altho' my voyage was determined on it could not be considered that I had given up what was pending. There are many affairs whose conclusion awaits the decision of the Supreme Council, or Court, and the Tribunal of accounts; and the King my Master having foreseen that after I should retire it would be necessary that a Minister should remain here, who would reclaim and sustain in these Tribunals, his Royal Rights; I named for this Commission don Antonio Morales, late Treasurer of the Spanish Custom House which was in this place: In virtue of which I find myself called upon to ask of Your Excellency, if the s^d Minister (who besides the said charge ought to remain with that of the documents proving the Sums which have not been paid) in consequence of the money not being remitted, is to be considered as comprehended among the others of the department of which I am the chief, who Your Exc^y intimates are to go off: In which case I must hasten the proper protests against whoever gives room for them, for the known and irreparable damages losses and injuries which will follow to the interest of Spain for the want of a person who may reclaim sustain and defend them. At the same time I conceive it my duty to beg of Your Exc^y that you will be pleased to inform me of the date of the Orders of the President—to the end that in the account (parte) which I must give to my Government, there may not be wanting a circumstance which may be very essential to their forming

⁶⁰ Not found.

a true judgment of the Cause which may have produced the intimation given to me by Your Exc^y, under instructions.⁶¹

Signed JOHN V. MORALES

11. Jan^y 1806.

HIS EXC^y W. C. C. CLAIBORNE

[Endorsed] N^o 1. Rec^d in Gov^r Claiborne's 13 Jan^y 1806 ⁶²

THE PRESIDENT TO GOVERNOR CLAIBORNE

[LC:Jefferson Papers:D]

WASHINGTON Jan. 16. 06.

DEAR SIR Your unacknoleged letters of June 17. July 14.⁶³ Nov. 13.⁶⁴ prove me an unpunctual correspondent. it is not that I do less than I might, but that there is more than I can do. in the first place I pray you to deliver the inclosed answer to the Address of the H. of R. of Orleans which is a duplicate of what I forwarded by a former post.⁶⁵ I then thought that by the succeeding one I might send on the nomination of your legislative council, but it is still before the Senate. I have just pressed for a decision that it may go by this post. but know not whether I shall obtain it. Col^o Hawkins has lately been here, & undertakes to set our new post road into compleat motion so that we shall have the full benefit of it by March or April.

M. Duplantier having undertaken the location of M. La Fayette's lands, I have entire confidence in it's being done in the best manner—but delay is dangerous. I am particularly anxious he should secure those adjacent to N. O. surveyed by M. Le Font. mr Gallatin doubts whether he is free to take a parcel less than 1000. acres (American) even in satisfaction for 1000. I am not satisfied of the correctness of this opinion: but to put it out of all doubt (as it is so important) I propose 1. That Juan Suarez shall be prevailed on to surrender his claim to the land C. D. O. P. in Lafon's survey, on an assurance that as soon as the grant of the whole parcel thus consolidated shall be made to La fayette there shall be a reconveyance of this parcel to him and perhaps some little compensation more as an inducement. 2. if this parcel does not make the whole 1000. a^s then that so much more of the swamp on the left hand of D. C. shall be included as will make it up: or even the whole deficiency of 40. a^s made up there, if

⁶¹ Answered Jan. 12, 1806 (Rowland, ed., *op. cit.*, III, 240).

⁶² *Ibid.*, pp. 242-243. The original of this letter (NA, SD, Orleans Terr. Papers, VIII) appears in cipher with an interlinear decoding.

⁶³ Printed, Rowland (ed.), *op. cit.*, III, 96-97, 124-127.

⁶⁴ *Ante*, p. 525.

⁶⁵ Dec. 28, 1805, *ante*, p. 551.

Suarez should be untractable. perhaps it may be better to consolidate the whole in that way than by meddling with Suarez. I am anxious to have this done instantly & to have the grant signed. Accept my friendly salutations & assurances of esteem & respect

TH: JEFFERSON

GOV^r CLAIBORNE

[*Endorsed*] Claiborne Gov^r Jan. 16. 06.⁶⁶

⁶⁶ Answered Mar. 4, 1806, *post*, p. 605.

PART FIVE

**Papers relating to the Fourth Administration
of Governor Claiborne**

1806–1809

PART FIVE

COMMISSION OF GOVERNOR CLAIBORNE

[SD:Misc. Permanent Comms., C:C]

[January 17, 1806]

THOMAS JEFFERSON, President of the United States of America.

To all who shall see these presents, Greeting:

Know Ye, That reposing special Trust and Confidence in the Patriotism, Integrity and Abilities of WILLIAM C. C. CLAIBORNE of Orleans, I have nominated and by and with the advice and Consent of the Senate do appoint him Governor in and over the Territory of Orleans;¹ and do authorize and empower him to execute and fulfill the duties of that Office according to law; and to Have and to Hold the said Office with all the powers, privileges and Emoluments to the same of right appertaining for the term of three years from the day of the date hereof, unless the President of the United States for the time being should be pleased sooner to revoke this Commission.

In Testimony whereof I have caused these Letters to be L.S. made Patent and the Seal of the United States to be hereunto affixed.

Given under my hand at the City of Washington, the Seventeenth day of January in the year of our Lord one thousand eight hundred and six, and of the Independence of the United States of America, the Thirtieth.

TH: JEFFERSON,

By the President
JAMES MADISON,
Secretary of State.

COMMISSION OF SECRETARY GRAHAM

[SD:Misc. Permanent Comms., C:C]

[January 17, 1806]

THOMAS JEFFERSON, President of the United States of America.

To all who shall see these presents, Greeting:—

Know Ye, That reposing special Trust and Confidence in the Integrity, Diligence and Abilities of JOHN GRAHAM of Orleans, I have

¹ Nominated Dec. 20 and confirmed Dec. 23, 1805 (*Senate, Exec. Journal*, II, 8, 10).

nominated, and by and with the advice and consent of the Senate do appoint him Secretary in and for the Territory of Orleans;² and do authorize and empower him to execute and fulfil the duties of that Office according to law; and to Have and to Hold the said Office with all the powers, privileges and Emoluments to the same of right appertaining for the term of four years from the day of the date hereof, unless the President of the United States for the time being should be pleased sooner to revoke and determine this Commission.

In Testimony whereof, I have caused these Letters to (L.S.) be made Patent, and the Seal of the United States to be hereunto affixed.

Given under my hand at the City of Washington the Seventeenth day of January in the year of our Lord one thousand eight hundred and six, and of the Independence of the U States of America, the thirtieth.

By the President,
JAMES MADISON,
Secretary of State.

TH: JEFFERSON,

COMMISSION OF JUDGE PREVOST

[SD:Misc. Permanent Comms., C:C]

[January 17, 1806]

THOMAS JEFFERSON, President of the United States of America,
To all who shall see these presents, Greeting:—

Know Ye, That reposing special Trust and Confidence in the Wisdom, Uprightness and Learning of JOHN B. PREVOST of Orleans, I have nominated and by and with the advice and consent of the Senate do appoint him one of the Judges in and over the Territory of Orleans;² and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the United States; and to Have and to Hold the said Office with all the powers, privileges and Emoluments to the same of right appertaining for the term of four years from the day of the date hereof.

In Testimony whereof I have caused these Letters to be (L.S.) made Patent and the Seal of the United States to be hereunto affixed. Given under my hand at the City of Washington, the Seventeenth day of January in the year of our Lord one thousand eight hundred and six, and of the Independence of the United States of America, the Thirtieth.—

By the President,
JAMES MADISON
Secretary of State

TH: JEFFERSON,

² Nominated Dec. 20 and confirmed Dec. 23, 1805, *loc. cit.*

COMMISSION OF WILLIAM SPRIGG AS JUDGE

[SD:Misc. Permanent Comms., C:C]

[January 18, 1806]

THOMAS JEFFERSON, President of the United States of America.

To all who shall see these presents, Greeting—

Know Ye, That reposing special trust and Confidence in the Wisdom, Uprightness and Learning of WILLIAM SPRIGG of Ohio, I have nominated, and by and with the advice and consent of the Senate, do appoint him one of the Judges in and over the Territory of Orleans;³ and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and laws of the United States: and to Have and to Hold the said Office with all the powers, privileges and Emoluments to the same of right appertaining for the term of four years from the day of the date hereof.

In Testimony whereof, I have caused these Letters to be (L.S.) made Patent and the Seal of the United States to be hereunto affixed.

Given under my hand at the City of Washington, the Eighteenth day of January in the year of our Lord one thousand eight hundred and Six, and of the Independence of the United States of America, the Thirtieth.

TH JEFFERSON

By the President

JAMES MADISON Secretary of State.

COMMISSION OF GEORGE MATHEWS, JR., AS JUDGE

[SD:Misc. Permanent Comms., C:C]

[January 19, 1806]

THOMAS JEFFERSON, President of the United States of America

To all who shall see these presents Greeting

Know Ye, That reposing special Trust and Confidence in the Wisdom, Uprightness and Learning of GEORGE MATTHEWS Jun^r of Georgia, I have nominated, and by and with the advice and consent of the Senate, do appoint him one of the Judges in and over the Territory of Orleans,³ and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and laws of the United States; and to Have and to Hold the said office with all the powers, privileges and Emoluments to the same of right

³ Nominated Jan. 20 and confirmed Jan. 21, 1806, *ibid.*, pp. 16, 17.

appertaining for the term of four Years from the day of the date hereof.⁶

In Testimony whereof, I have caused these Letters to be (L.S.) made Patent, and the Seal of the United States to be hereunto affixed. Given under my hand at the City of Washington, the nineteenth day of January in the year of our Lord one thousand eight hundred and Six, and of the Independence of the United States of America, the thirtieth.

TH: JEFFERSON

By the President
JAMES MADISON Secretary of State

H. MOLIER TO GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, VIII:C]

(Copy) NEW ORLEANS 21. *January* 1806.

HIS EXCELLENCY GOVERNOR CLAIBORNE,

SIR, Conformably to your proclamation of the 6th. of December 1805. containing a writ of Election to fill the vacancy in the House of Representatives of this Territory, occasioned by the resignation of Robert Avart Esquire of the first Election District; and agreeably to your commission authorising me to hold the Election in the absence of the Sheriff, I have caused an Election to be held in the said first Election District, yesterday the 20th. and this day the 21st. according to the directions of said proclamation; James M. Bradford acting as Clerk; on counting the votes taken, they were found to stand thus, for Benjamin Morgan twenty three, Castillon, two, Perter Derbingny two, Blanque two, Guichard two, Frances LeBreton D'Orgenoy two, Paul Lanusse one, Lafon, one William Nott one Peter Faucher one; wherefore I have caused it to be proclaimed, that Benjamin Morgan Esquire is duly Elected a Representative for the County of Orleans in the Legislature thereof, to fill the vacancy occasioned by the resignation of Robert Avert Esq^r and thereof inform your Excellency.

With High respect and Consideration Your Excellencys Obt. Servant,

Signed, H. MOLIER
Coroner

[*Endorsed*] Rec^d in Gov^r Claiborne's 23rd Jan^y 1806 ⁷

⁶ The Secretary of State informed Mathews, Oct. 12, 1809 (NA, SD, Dom. Letters, xv), that this limitation of his term of office was merely a clerical error and would be corrected.

⁷ Printed, Rowland (ed.), *Claiborne Let. Bk.*, III, 247.

THE SECRETARY OF THE TREASURY TO SAMUEL SMITH

[NA:SF, 9 Cong., 1 sess.:ALS]

TREASURY DEPARTMENT *January 22^d 1806*SIR I had the honor to receive your letter of the 20th ins^t ^a

The Collector of New Orleans was authorized to advance the salaries of the judges as they became due. It appears by his returns that Judge Prevost received salary from the first Oct^{er} 1804 to the 30th Sept^{er} 1805, and that no other judge of the Supreme Court has received payment. From which I infer that he is the only one who has officiated as such. I do not know the date of his commission, but only that he left New York for New Orleans the latter end of August or beginning of September. I met him on his way the 11th or 12th Sept^{er} 1804 near Lancaster in Pennsylvania. I have also been informed of the fact that no other person Appointed as a Judge has yet accepted the appointment and that the two other places remain vacant.

I have the honor to be respectfully Sir Your obed^t Sev^t

—ALBERT GALLATIN

HONBLE SAMUEL SMITH in Senate

 STATEMENT OF STEPHEN, A FREE NEGRO, TO
GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, VIII:C]

[January 23, 1806]

Stephen, a free Black Man, informs the Governor of the Territory of Orleans, as follows:

That he is privy to the hostile intentions of certain Creoles of color in the City of New Orleans:

That the said people of color, with the exceptions of John Laduff and Vallefrois Trudeau, and a few others, consist of every free man of that description, in the town and in the neighbourhood:

That they hold nightly meetings at certain places, to wit; at Clavare's a free Negro opposite la Nuce's; at Francis Dorvill's a mulatto man who is called Captain and wears a spanish Cockade, opposite to Moralle's; at Beckes a mulatto's place near the Bayou S^t John; and at several other places,—at which meetings they hold Counsels, and concert plans of hostility against the americans:

That these people have, all, the possession of Guns and other military arms, and of powder and Ball:

He has frequently overheard their conversations, and heard them mention particularly the names of, the Marquis Casa Calvo, Med-

^a Not found.

singer,* Morales, Charles Lavo a mulatto man, Joseph Cabaree a mulatto man, Charles Brulet a yellow man called Captain of the Granadies, Landau a mulatto man whose Brother is married to Julia Bryan and is the person who carries about the paper to ascertain those who are friendly to the Spaniards, and a considerable number of others whose names he does not recollect: They only wait the return of the Marquis to give the WHOOP, to commence the massacre.

He understands that these people expect the Marquis to arrive shortly with three or four thousand troops, and that he is to bring one or two nations of Indians with him, or that they are to follow him:

They offer to set all the Black People free who will join them:

He gives a caution, that if the Americans should hear the cry of Fire, not to go out, but to stand upon their guard.

Sworn to the 23. of January 1806.⁹

[Endorsed] Rec^d in Gov^r Claiborne's 24 Jan^r 1806¹⁰

JUAN VENTURA MORALES TO GOVERNOR CLAIBORNE¹¹

[NA:SD, Orleans Terr. Papers, VIII:C]

(Copy)

NEW ORLEANS *January* 26. 1806.

SIR, In answer to Your Excellency's letter of yesterday,¹² received at 3 o'clock in the afternoon, I must make known to you, that if what is mentioned in the second paragraph, should take effect, I will fill up the Blank in the Passport which your Excellency may send me, with the name of the Minister named by the King my Master to terminate the pecuniary concerns of Spain in this Country, and he will immediately be put on the road for this place.

There would not have been a necessity for Your Excellency reminding me of the intimation which was given in your letter of the 11th instant,¹³ if the Vessels which ought to have come to transport me had arrived, or if I could have gotten others. My self-love alone, after the above intimation, was sufficient to have prevented me from remaining in a Country where my presence and that of the others employed (by Spain) produces distrust. Yesterday the first Vessel arrived, and I am going immediately to accelerate my measures to

*A Spanish Officer. [Footnote on the MS.]

⁹ Cf. Claiborne to the Secretary of State, Jan. 29, 1806, enclosing another copy of this statement, and on the same subject (Rowland, ed., *op. cit.*, III, 252-253).

¹⁰ *Ibid.*, p. 248.

¹¹ Covering letter, Claiborne to the Secretary of State, Jan. 28, 1806, printed, *ibid.*, pp. 251-252.

¹² Jan. 25, 1806, enclosed with the above, *ibid.*, pp. 249-251.

¹³ *Ibid.*, pp. 238-239.

go off, if it is possible, before the expiration of the limited time pointed out by Your Excellency.

As these Acts cannot be received under any other aspect than hostile, Judge it proper (or I think it my duty) to beg of Your Excellency to tell me if the Vessels which come in for me, will be able to draw near the mouth of the Bayou S' John to facilitate the embarkation of the Baggage, without an apprehension of being incommoded by the Artillery of the Fort, or of being proceeded against by any other means, by which they may run the risque of being detained or captured.

I must also solicit of Your Excellency to send me a Passport to leave the Territory under your command with the security which is proper; and with this object I inform Your Excellency that my family accompanies me, the number of which is, five white Persons and fourteen Slaves; and that in the vessel destined to carry me, there ought also to embark the Treasurer Don Manuel Armirer, the Secretary of the Intendency Don Cayetano Valder, the Secretary of the Contaduria Don Francisco de Arroyo, Don Antonio Morales, Don Francisco Gonzalez Moro, their respective Servants, and three dependents of the Resguardo de Rentos who supply the place of Office Keepers, Don Gilberto Leonard, Don Miguel de Rueda, Don Enlogio de Casas, Don Manuel Loper and one Dependent will go up to Baton Rouge, for which Purpose I beg Your Excellency to provide them their Passports; and the others employed (or the other Officers) who were under my Orders, as I understand, separate themselves from the Service.

Signed JUAN VENTURA MORALES.

[Endorsed] N° 3

JUAN VENTURA MORALES TO GOVERNOR CLAIBORNE ¹⁴

[NA:SD, Orleans Terr. Papers, VIII:C]

(Copy)

NEW ORLEANS Jan^y 28. 1806.

SIR I received the letter which Your Excellency was pleased to direct to me yesterday,¹⁵ and with it the Passports for the S^{or} Contador Leonard, and for myself, with our respective Suits, which you had the goodness to enclose me; for which expedition, and for the expressions of attention and urbanity offered on account of my voyage, I return Your Excellency my respectful thanks.

Three of the Vessels which came for the purpose of transporting and conveying me, are the property of the King my Master, and the fourth being, as it is, freighted on account of the Royal Treasury to be

¹⁴ Covering letter, Claiborne to the Secretary of State, Jan. 28, 1806, printed, *ibid.*, pp. 251-252.

¹⁵ *Ibid.*, p. 251.

employed in the Royal Service, may be considered of the same class—and trusting in the security which Your Excellency is pleased to give me, that they shall not be molested or exposed to the dangers which I pointed out in my preceding Letter, I have directed that they should draw near to the mouth of the Bayou S^t John, for the purpose of facilitating the embarcation of my baggage, and my early departure.

The Officers who have left the service of the King of Spain, so far as I am informed, are, Don Carlos Trudeau; the Surveyor; Don Manuel de Hoa a clerk in the Contaduria; and Don Juan Joseph Blanche of the Treasury. If, before my departure, any other should do the same, I will notify it to Your Excellency.

In the meantime, thankful for the attention you have been pleased to show me, I offer myself to the disposition of Your Excellency, with the greatest desire of pleasing you in whatever may depend upon myself personally.¹⁶

Signed JUAN VENTURA MORALES.

[Endorsed] N^o 5.

PETITION TO GOVERNOR CLAIBORNE BY MERCHANTS
AND INHABITANTS OF NEW ORLEANS

[NA:SD, Orleans Terr. Papers, VIII:DS]

[January, 1806]

To his Excellency William C. C. Claiborne, Governor of the territory of Orleans,

The petition of sundry merchants & inhabitants of the city of New-Orleans,

Humbly sheweth,

That your petitioners are creditors of the Spanish treasury for some considerable sums of money, for which they hold livrances or recognizances of the said treasury, which said recognizances, payable in this place, have, for some years past, been lying in their hands in daily expectation that the Intendant of his C. M. before his departure from this country, would receive sufficient funds to pay & collect the said bills or livrances; But that the said Intendant, being now ordered to leave the territory of the U. S. before any such payment has been made, your petitioners are exposed to suffer perhaps a total loss of that property, and some of them the ruin of their fortunes, unless your Excellency, moved by so important a considera-

¹⁶ For other letters concerning the departure of the Spanish officers, see Claiborne to the Secretary of State, Feb. 13, 1806, enclosing Casa Calvo to Claiborne, Feb. 7, Feb. 10, and Feb. 12, with the latter's replies, Feb. 8, Feb. 11, and Feb. 12 (NA, SD, Orleans Terr. Papers, VIII; printed, except Casa Calvo's letters, in Rowland, ed., *op. cit.*, III, 261-262, 263-264, 265-266).

tion, does permit that some agent of the s^d Intendant may remain in this place for the purpose of settling the remaining accounts of the Spanish treasury with the inhabitants of this territory.

Wherefore your petitioners, fully confiding in your Excellency's patronage, pray you to grant such permission, as the only practicable means of averting from them the ruinous losses with which they are threatened in the present critical circumstance.¹⁷

& Your petitioners, as in duty bound, shall ever pray &c.

Cavelier & Sons	Christov ^l de Armas
G. Keny	J ^h tricou
jph pavo	Eug ^e D'orsiere
Fran ^{oo} Pamoncanes	Evan Jones
J ^h Faurie & C.	J ^e Pitot.
Tho ^e Durnford	Shepherd Brown & Co.
J ^a B ^{oe} Labatut	Fr Duplessis
Paul Darrant	Sanderson & White
P ^{re} Petit	jque. Guesnon
N. Girod	Rougaud
Jh: Gournier	Paul Lanusse
John MDonogh, Ju ^r & C ^o	J ^a Gil. Dusser
T. J. D. Urquhart	Geromo La Chiapella
Alex ^r Milne	B ^{oe} Duret
M ^l Fortier & fils	Bart ^e Bosque
Dejan freres—	

[*Endorsed*] N^o 1.—Petition of sundry Merchants and Inhabitants of New Orleans Jan^r 1806. Rec^d in Gov^r Claiborne's 28 Jan^r 1806 ¹⁸

THE POSTMASTER GENERAL TO BLAIZE CENAS

[PO:P.M. Letter Book N]

February 4th 1806—

BLAIZE CENAS Esq^r p m New Orleans O. T.

Yours of dec: 14th is received.¹⁹ While we regret the failure of Mess^{rs} Vassault and Gold[ston] in carrying their contract into effect I cannot too highly applaud your zeal in continuing the mail on their route to the great convenience of the public. We shall take early measures to continue the conveyance of that mail on a plan that is most advantageous to the public and 'till such time, we expect that you will have the mail carried on the best terms possible—

G GR

¹⁷ Cf. Favre to the Secretary of State, Jan. 26, 1808, asking for assistance in settling the question of the notes or "livrances" of the Spanish Government held by the people of New Orleans (NA, SD, Orleans Terr. Papers, X).

¹⁸ Printed, Rowland (ed.), *op. cit.*, III, 251-252.

¹⁹ Not found.

THE PRESIDENT TO GOVERNOR CLAIBORNE

[LC:Jefferson Papers:D]

WASHINGTON *Feb.* 10. 1806.SIR On the 23^d of December I nominated to the Senate of the U S.

Joseph de Ville Bellechasse

John W. Gurley

John Baptiste M^cCarty

Jean Noel Destrehan

Pierre Sauvé

to be members of the legislative council for the territory of Orleans, being five of the ten persons named to me for that purpose by the House of Representatives of the Territory. Mess^{rs} Bellechasse, M^cCarty, Destrehan & Sauvé were assented to by the Senate²⁰ & their commissions forwarded in January. the nomination of mr Gurley was reserved by the Senate for further consideration, and has been since negated.²¹ I am therefore to request that the House of Representatives will proceed to name two persons, of whom I may appoint one with the advice of Senate to supply the vacancy still remaining. Accept the assurance of my high consideration & esteem.

TH: JEFFERSON

GOV^r CLAIBORNE

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEPARTMENT OF STATE, *February* 10th 1806.GOV^r CLAIBORNE.

SIR. Since my letter of the 14th Dec^r ²² communicating the President's directions to prevent the papers of the Spanish Surveyor General and Secretary of Louisiana from being carried out of the District, information has been received, that, in the course of the last summer M^r Morales, sent to Pensacola the records & documents, relative to grants of Land in Louisiana, which had been in his possession and that of M^r Ximenes, the late Notary to the government. As this proceeding is manifestly contrary to the treaty of cession, and it is of the greatest importance in the prevention of inconvenience forgery and fraud that they should be repossessed by the United States, the President further instructs you to endeavour to regain them by the most pointed official applications and such legal remedies against those who sent them away as may be applicable. James Brown Esq^r the Agent for land claims can give you such further

²⁰ Jan. 9, 1806 (*Senate, Exec. Journal*, II, 10-11, 13).²¹ Jan. 28, 1806, *ibid.*, p. 19.²² *Ante*, p. 550.

information on the subject as may be requisite.²³ Col^o Freeman has communicated to the War Department a letter from Cap^t Stille²⁴ from which & other intimations it appears probable that the Marquis of Casa Calvo is taking measures for making a Settlement on trinity river, contrary to the expectation which might have been formed, that until the limits between the Spanish territories & those of the U States shall be settled, things would be kept in their present state.²⁵ You will therefore give him to understand as from your express instructions how inconsistent with the dictates of amity between the two Countries such a step on his part would be viewed; that his persisting in it would not be looked upon with indifference, and if the settlement meditated or any other shall be attempted in the disputed territory the government will consider itself justified in taking any measures that may be necessary to break it up.²⁶

I am &^o

JAMES MADISON.

GEORGE T. ROSS TO GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, VIII:C]

(Copy)

NEW ORLEANS 11. *Feb^y* 1806.

HIS EXCELLENCY, GOVERNOR CLAIBORNE

SIR, In conformity with your orders of the 10. of January²⁷ I proceeded in pursuit of the Marquis of Casa Calvo, and on my arrival in the Attacapas received such information of his route as induced me to proceed to Camp Hamilton in the Appalouzas; there I learned that the Marquis was shortly to be at the Post of Nachitoches, or in all probability was then there, —So soon as a guide and Horses could be procured, I set out for that place, a distance of 160 Miles of extremely bad roads, and impeded by Bayous and Swamps; on the 4th day I arrived there, but found unfortunately that the Marquis had left that post for this City 4 or 5 days previous; —Regret, rest assured, Sir, was the consequence; as from the information I derived of his measures from the time of his leaving this City, I was of opinion, the sooner the Country was rid of him the better. During my rout I made frequent

²³ See Claiborne to Brown, Mar. 18, 1806 (Rowland, ed., *op. cit.*, III, 272), requesting a description of the documents referred to by the President.

²⁴ Not found.

²⁵ On Feb. 8, 1806 (NA, SD, Misc. Letters), the President sent the following note to Wagner: "Should not Claiborne be instructed to enter into a correspondence with Casa-Calvo, to insist on keeping things in their present state, and to let him understand that if any new settlement is made in the disputed territory, and particularly the one meditated on Trinity we shall break it up." See Claiborne to Casa Calvo, Mar. 29, 1806 (Rowland, ed., *op. cit.*, III, 282).

²⁶ Acknowledged Mar. 13, 1806 (NA, SD, Orleans Terr. Papers, VIII).

²⁷ Not found. Cf. Claiborne to Ross, Jan. 12, 1806, Rowland (ed.), *op. cit.*, III, 239-240.

enquiries of people of respectability whom I was led to believe were attached to our Government and its Laws. —From their representations it appears that much exertion has been made use of to induce the people of part of this Territory, to believe that they were not long to be American Citizens; in fact this representation was carried so far as to induce the inhabitants to neglect Registering their Titles to their Land, or to employ Surveyors to plot their Boundaries. This last circumstance was particularly observable at Nachitoches about the time of the arrival of the Marquis where every person attached to us represented him as the Cause. The Circumstance of the Indians who resided within our Territory quitting their hunting parties and returning at this season, has led Doct^r Sibly, our Agent at Natchitoches to believe that some improper interference has taken place with them. I met an Interpreter on his way to their Settlement on Chicou Bayou, to learn of them, whether they ment to return their families within the Spanish Territories, but of the cause I can give no positive information. —I close my report by observing to your Excellency that I am convinced, in my own mind, both from observation and information that the Marquis de Casa Calvo, is an enemy to our Government and its prosperity, and if he has so far forgot the feelings of humanity as to Tamper with Savages, with whom our Government is exerting every nerve to Humanize, that he deserves the execration of every feeling breast!

I am Sir, with Great respect Your Excellencys Humble Servant
Signed, GEO: T. ROSS
Capt. O^s Rang^r

[*Endorsed*] Rec^d in Gov^r Claiborne's 12 Feb^y 1806 ²⁸

THE POSTMASTER GENERAL TO SAUL AND STILLE

[PO:P.M. Letter Book N]

February 12. 1806

MESS^{rs} SAUL & STILLE New Orleans O T.

Your two letters under date of the 1st Ult^o are received.²⁹ Your demand appears to be too high for carrying the mail from New Orleans to Loftus Heights; it is in fact, more than double the price that we stipulated to pay M^r Hays and which was supposed to be equal to the object. But under the impression that the postmaster at Loftus Heights, is in a situation more favorable to the making a contract advantageous to the public, than the post master of New Orleans we have confided the business to him: and if you are still disposed to

²⁸ Printed, *ibid.*, p. 264.

²⁹ Not found.

make a contract you will please to address him on the subject, who is duly authorized to make a temporary contract ³⁰—

G GR

SECRETARY GRAHAM TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:ALS]

NEW ORLEANS Feb^y 13th 1806.

SIR I have the Honor to inclose you a Copy of the General Orders issued by the Governor of this Territory, in his Character as Commander in Chief of the Militia; and also a List of the Civil appointments made by him.

The List of the Military appointments ³¹ can not, the Governor tells me, be made out until the return of the Adjutant General who is now on a Tour organizing the Militia.³²

With Sentiments of the Highest Respect, I have the Honor to be, Sir Your Mo Obt Ser^t

JOHN GRAHAM

THE HON^{ble} JAMES MADISON Secretary of State—

[Addressed] The Honorable James Madison, Secretary of State.

[Endorsed] John Graham 13 Feb^y 1806

[Enclosures]

General Orders Issued by Governor Claiborne

Head Quarters, NEW ORLEANS [April 17, 1805]

GENERAL ORDERS:—

By the commander in Chief.

John Watkins, Michael Fortier junior, Joseph Faurie, and William Nott, are hereby appointed and declared Aid de Camps to the commander in Chief, with the rank of Majors, and are to be obeyed and respected as such.

Given at New Orleans, this 17th of April 1805.

³⁰ For other letters of this period concerning the postal service, see *Terr. Papers* (Miss.), v, index.

³¹ The Secretary of War, in a circular letter to the governors of the States and Territories, Nov. 8, 1805, had requested a return of the militia by Jan. 5, 1806 (NA, WD, AGO, Old Recs. Div., Misc. Let. Bk. 2). Concerning the militia, see Claiborne to the territorial legislature, Mar. 25 and May 28, 1806, to the Secretary of War, Apr. 30, May 31, and June 15, 1806, and to the President, June 17, 1806 (Rowland, ed., *op. cit.*, III, 274–281, 295–296, 318, 320, 328–330, 333–335). Claiborne to the legislature, Mar. 25, is printed under date of Mar. 24.

³² Acknowledged June 9, 1806, *post*, p. 658.

GENERAL ORDERS:

Head Quarters NEW ORLEANS Aug 10. 1805.

In obedience to a Law of this Territory, "entitled" "an act for regulating and governing the Militia of the Territory of Orleans",³³ The commander in chief has laid out the first division which includes the City of New Orleans, and extends from the Balise to the Parish of Cabohanoce, inclusive, into the following subdivisions, for the purpose of forming six Regiments and one Battalion:—all that part of the city lying between Fort S^t Louis & Toulouse Street including the south side thereof, shall furnish the first regiment of the first Brigade, —all that part of the city lying between fort S^t Charles and Toulouse street including the north side thereof, shall furnish the second Regiment of the same Brigade. The County of Orleans from Fort S^t Charles to the Balise including the settlements on both sides of the River, & those of Terre au Boeuf, shall furnish the Third Regiment of the same Brigade. The settlements of Materis, Bayou S^t John, (beginning at the house of M. Tremi) Gentilly and Chief Menteur, shall furnish one Battalion to be attached to the second Regiment. The Fauxbourg of S^t Mary, and that part of the county of Orleans, lying above the city, on both sides of the River shall furnish the fourth Regiment of the same Brigade. The County of German Coast shall furnish the fifth, and the county of Acadia, the sixth regiment of the same brigade. The several independent companies of orleans volunteers forming a Battalion, are attached to the first Regiment.

By order of the Commander in Chief,

(Signed) WILLIAM NOTT,
Aid de Camp.

GENERAL ORDERS.

Head Quarters, NEW ORLEANS 12th Aug^t 1805.

The commander in Chief of the militia of this Territory, hereby prescribes the several uniforms of the officers thereof.

The uniform of the Brigadier General, shall be a long blue coat, yellow buttons with buff facings and linings and buff under clothes:— He shall be distinguished by a white Plume, and two Gold epaulets, with a silver star in each.

The uniform of Aids de Camp, shall be that of the Staff to which they belong, except that their epaulets shall be plain, and the aids of the commander in Chief, shall wear green plumes, and those of the Brigadier general blue.

The uniform of the adjutant General, shall be the same as of the aids de Camp, except that his plume shall be red. The uniform of Colonels and Majors shall be a long blue coat white buttons, red fac-

³³ Approved Apr. 10, 1805 (*Acts of the Legislative Council of Orleans*, 1-2 sess. 1804-1805, New Orleans, 1805, pp. 262-302).

ings, white linings, and white under clothes, they shall be distinguished by a pair of Silver epaulets, and white Plumes.

The uniforms of the Brigade Majors shall be the same as that of the Colonels of regiments, except that the Plumes of the former shall be Black.

All the commissioned officers shall wear a long blue Coat, white buttons, and white linings (except artillery officers, who shall have red linings, and yellow buttons) white under cloths and half Boots. Captains shall be distinguished by an Epaulet on the Right shoulder, of the colour of their buttons, and Subalterns by one on the left.

All commissioned officers shall wear black Stocks Cocked Hats, and black Cockades, ornamented with eagles, of the colour of their buttons, and red silk sashes; those of the General and field officers to be worn round their waists out side of the coat, those of inferior rank underneath.

Red waistcoats and blue pantaloons may be occasionally substituted in the place of white under cloths, by the order or permission of officers commanding regiments:—and as many officers may not be able to provide themselves immediately with silver epaulets, they are permitted to continue the use of such as they may have for the space of six months from the date of these orders. Captains and Subalterns attached to the Battalion of Orleans Volunteers, will wear the uniform heretofore prescribed them.

By order of the Commander in Chief

(Signed) M. FORTIER junior
Aid De Camp.

GENERAL ORDERS: —

Head Quarters NEW ORLEANS 13 Aug^r 1805.

The commanding officers of Regiments, are requested to call a meeting of their Battalion officers on some day in the month of September next, which day they will appoint as early as convenient, in order to divide their Regimental circles into Battalion and company districts, in conformity to the third section of the act for regulating and governing the militia of the Territory of Orleans.

The limits of Battalion and Company districts to be particularly delineated, and the commanding officers of regiments, will make due return thereof to the adjutant General.

By order of the Commander in Chief

M. FORTIER jun^r
aid de Camp.

PROCLAMATION.

By WILLIAM CHARLES COLE CLAIBORNE, Governor of the Territory of Orleans!

Whereas by the fourth Section of the Law for regulating and governing the militia of the territory of Orleans, it is provided that the

Governor of the territory shall have authority by Proclamation to alter, the Division bounds prescribed in the said act if in the organization of the militia the same should prove inconvenient; and that such Proclamation shall have full force and effect untill after the rising of the next Session of the Legislature of the Territory thence afterwards ensuing:— Now therefore, I William Charles Cole Claiborne, Governor of the territory of Orleans by virtue of the Powers in me vested, and with a view of remedying inconveniences which have arrisen under the act aforesaid, and accommodating the boundaries of Districts to the circumstances of the Country, Do declare and ordain that the City of New Orleans, and the Counties of Orleans, & German Coast shall form the first division:— The Counties of Acadia Lafourche, Iberville, Attackapas, and Apalousas, the Second Division, and that the Counties of Point Coupée, Concordia, Rapide, Natchitoches and Ouachita shall form the third Division.

Given under my hand and the Seal of the territory, near the City of New Orleans, on the twenty third day of August, in the year of our Lord one thousand Eight hundred & five, and of the Independance of the United States the Thirtieth.

Signed / W. C. C. CLAIBORNE

GENERAL ORDERS:

Head Quarters, COUNTY of ACADIA *August 23^d 1805.*

The Commander in Chief, directs that the Counties of LaFourche and Iberville shall furnish the seventh Regiment of Militia; and the Counties of Atacapas and opalousas the eighth which Regiments shall be annexed to the Second Brigade.

The Counties of Point Coupée and Concordia shall furnish the ninth Regiment, and shall be annexed to the Third brigade.

The counties of Rapide and Nachitoches shall furnish the tenth Regiment, and shall be annexed to the same brigade.

The county of Ouachita shall furnish one battalion to be annexed to the tenth Regiment.

When Two Counties furnish a Regimental Circle, it is directed that each County should compose a Battalion district. The Sixth regiment is attached to the second brigade

By Order of the Commander in Chief.

GENERAL ORDERS.

Head Quarters COUNTY of ACADIA *Aug^t 23^d 1805.*

The field officers of Regiments attached to the second and third Brigades will proce'd without delay, in persuance of the Third section of the Act for regulating and governing the Militia of the Territory of Orleans, to lay out their Regimental Circles into Battlion and Company districts, and report the same to the adjutant General.

By order of the Commander in Chief.

Head Quarters, NEW ORLEANS 19th October 1805.

A General Court martial will convene on the 21st instant at 11 o'clock. A. M. at the principal for the trial of Capt: Davis and Lieut O'Naille of the Battalion of Orleans Volunteers.

Colonel D'orsiere President

Captain, Pollock		Capt. Ross
" Lynd	Members—	" Dejan
Lieutenant. Colson		Lieut Relf
" Coursulle		" Crawford
" Thibaut		" Patton
" Dejan		" Ponass

Lieutenant Bradish, of the Troop of Orleans Dragoons will please to act as Judge advocate. An orderly Serjant to attend the Court. The Parties and Evidences to have due notice to attend

By order of the Commander in Chief. W^m NOTT. a.d.c.

GENERAL ORDERS. NEW ORLEANS 21st day October 1805.

Captain James Sterrett will act as Judge Advocate to the Court Martial, which is convened for the Trial of Captain Davis and Lieutenant O'Naille of the Orleans Battalion of Volunteers.

By Order of the Commander in Chief,

WILLIAM NOTT
aid de Camp—

GENERAL ORDERS. Same as above Dated.

Lieutenant Chastair will act as member of the Court Martial, convened for the Trial of Cap. Davis & Lieut O'Naille:—Lieut Colson, heretofore named a member of said Court, is on account of indisposition, excused from attending.

By Order of the Commander in Chief WILLIAM NOTT.
Aid de Camp.

GENERAL ORDERS. Same Date as above.

Lieutenants Blache and Clay, and Ensign Laporte will act as members of the Court Martial, which is convened for the Trials of Captain Davis and Lieutenant O'Naille of the Battalion of Orleans Volunteers.

By Order of the Commander in Chief WILLIAM NOTT.
Aid de Camp.

GENERAL ORDERS. NEW ORLEANS 23^d October 1805.

Lieutenant Clay will act in the place of Capt Ross at the Court Martial convened for the Trial of Lieutenant O'Naille:—Capt Ross having been excused serving owing to his occupation as sheriff of the County.

By Order of the Commander in Chief WILLIAM NOTT. a.d.c.

GENERAL ORDERS.

Head Quarters NEW ORLEANS 24 *October* 1805.

The adjutant General will, without delay convoke the Field and Staff officers, attached to the first, second, Third and fourth Regiments of Militia; as also, The Major, Captains, Lieutenants and Ensigns of the Battalion of Orleans Volunteers, and, communicate to them his instructions for exercising and manoeuvring the said Militia by Regiments, Battalions and Companies.—

By order of the Commander in Chief

WILLIAM NOTT, a.d.c.

N. B. The execution of the foregoing order is suspended, in consequence of the resignation of the Adjutant General.

Major Clarke—

GENERAL ORDERS.

Head Quarters NEW ORLEANS *October* 25 1805.

With a view to promote the dicipline of the several volunteer Corps & to meet the wishes of the officers thereof, Major Clarke of the first Regiment of Militia Infantry, will untill further orders, discharge the Duties of Adjutant Major to the Battalion of Orleans Volunteers. By order of the Commander in Chief

WILLIAM NOTT Aid De Camp.

Captain Davis.

GENERAL ORDERS.

Head Quarters NEW ORLEANS 26. *October* 1805.

“At the General Court Martial whereof Colonel D’orsier was President, Captain Samuel B. Davis of the Battalion of Orleans Volunteers, was tried on the following Charge and Specification.”

“Charged with conduct unbecoming an officer.”

“Specification 1st.”

In having convened a partial and unconstitutional Meeting of the Company, at a private house, on the night of the 15th *October*, for insidious and malicious purposes, and then and there traducing and vilifying Lieutenant O’Naille to the Company, when it was not in his power to defend himself, having been denied the privilege of a common criminal, the liberty of a fair trial in being confronted with accusers—all which conduct, low and unmanly in itself, was still farther calculated to destroy the confidince of the Private in the Officer, and highly detrimental in principal and example to military subordination and justice, and farther contrary to the by Laws of the Company.”

"Specification 2"

In having presumed at said partial and unconstitutional Meetings of the Company, to countenance, recommend, and abet the dissolution of said Company, contrary to the powers placed in you as Captain, & without the knowledge and consent of the commander in Chief: said Company forming a part of a battalion, regularly attached to the Militia of the Territory, all which Conduct is highly incompatible with the character and duty of an officer, and adapted by you to bring about your purposes of low & unmanly revenge."

"To which Charge and Specifications, Severally, he plead, not Guilty":

The Court are of opinion that Captain Samuel B. Davis behaved in an unofficer like manner, in having permitted a private meeting of a part of his company, called by a private of the same, in having attended such meeting; in having presided and in having not only permitted it to proceed to business as if regularly convened, but in having brought forward and encouraged a motion for the expulsion of an officer who was absent, and who had not been informed of the meeting; and in having transmitted to the commander in chief the proceedings of the meeting, and Do therefore Sentence him to be reprimanded by the commander in Chief in General Orders".

The Commander in Chief cannot refrain from approving a Sentence so strongly supported by the testimony adduced, or from expressing his regret that an officer of Rank, whose conduct ought to be an example for others, should have subjected himself to a public Reprimand.

The attendance of an officer at a meeting of his Company, called by a private, would at any time be improper; But in the present case, it was particularly exceptionable, and the active part taken by the Captain in the deliberation, is marked with a degree of indelicacy which was not to be expected from a character of his military experience.

The Commander in Chief feels much regret in giving a Reprimand, which cannot but be sensibly felt by the officer who has merited it.—

Captain Davis will resume his sword:—The Court Martial of which Colonel D'orsier is President.—is Dissolved.—

Lieutenant O'Naille

GENERAL ORDERS.

Head Quarters NEW ORLEANS 26th Octo: 1805.

At the General Court Martial, whereof Colonel D'orsiere was President.—Lieutenant John F. O'Naille of the Battalion of Orleans Volunteers, was tried on the following charge and specification.

"Charged, with conduct dishonorable to an officer".

"Specification;—In having ordered a detachment of the Company of Fusileers to repair to the Theatre on the night of the 29th September,

at which time and place he, Lieut O'Naille, was engaged in a private quarrel with an officer of the Gend d'arms, and would have been supported in his quarrel, by a few of the Company with fixed Bayonets, had they not been prevented by being ordered away by a superior officer."

To which charge and specification, Lieutenant J. F. O'Naille pleaded not Guilty."

"The Court are of opinion that Lieutenant O'Naille, Did on the evening of the 29th September, order a part of the Fusileers to the Theatre, after having been engaged in a private quarrel with a person there, and that he was thereby guilty of unmilitary conduct as an officer:—And do sentence him to be reprimanded by the Commander in Chief in General Orders."

The Commander in Chief approves the aforesaid Sentence. The Lieutenant is convicted of a conduct in the highest degree censurable. The Fusileers are not destined to avenge a private quarrel, or to promote riot and Disorder;—Associated for the defence of their Country, her Government and Laws, Their Arms must give protection to society, and never be made the means of spreading terror among an inoffending people, nor exciting tumult and confusion;—At a Theatre where the Citizens repair for the enjoyment of the most rational amusements, and in the presence of that tender Sex, which, enlivens the scene and invites to harmony;— what apology can be tendered for the officer, who engages in a private quarrel, and commands a Detachment of armed Men to attend him? The Lieutenants conduct on this occasion, is indeed, without a palliative:—It is unworthy the officer; it is a reproach to the Man!!!

Lieutenant O'Naille will resume his Sword. The General Court Martial of which Colonel D'orsiere is President is dissolved—

GENERAL ORDERS.

NEW ORLEANS *November 5. 1805.*

Lieutenat J. F. O'Naille is excused from performing duty in the Company of Orleans Fusileers, untill further Orders!

By Order of the Commander in Chief

WILLIAM NOTT. a.d.c.

GENERAL ORDERS.

Head Quarters NEW ORLEANS 5 *Novem^r* 1805.

The Orleans troop of Horse under the command of Capt Bradish, will rendezvous in front of the Government House; Equiped for duty, on the morning of the 10 inst. at the hour of 10. there to await further Orders.

By Order &c—

WM. NOTT. a.d.c.

[November 8, 1805]

Communication Made to the Officers of the Volunteers, Assembled at the House of Madam Fourage on the Night of the 8th of November 1805.

GENTLEMEN, By the direction of the commander in Chief, I have the honour to address this assembly, and to inform them in reply to their address dated this day, that the Order of the 5th inst. was intended to prevent Lieutenant O'Naile from performing duty in the Company of Fusileers, from which he had been expelled, untill the commander in chief could form an opinion whether, under the Laws of the Territory relating to volunteer corps, and of the By Laws of the Company, that Expulsion could operate.

The commander in Chief regrets that he is forced to decide that question; he would have been well pleased if the differences among the Fusileers could have been otherwise determined; —He regrets that the By Laws of the fusileers extends to the expulsion of officers; But, the question is not now a question of Policy, but of Right — and the Commander in Chief believing that the Expulsion of Lieutenant O'Naile by the resolution of said Company bearing date the 29th & 30. October is consistant with the By Laws of the Fusileers, and the Law of the territory, has instructed me to inform him Lieut O'Naile, and the officers of this assembly, that he Lieut. O'Naile can no longer do duty in the aforesaid company of fusileers.

The Commander in Chief has further instructed me to communicate to this assembly of officers, the following Documents, which I will now beg leave to read.

- 1st. The By Laws of the company of orleans fusileers
- 2^d The Laws of the territory relative to Volunteer Corps
- 3^d The proceedings of y^e Fusileers & Defence of L^t ONaill
- 4th The opinion of the Attorney General.

Before I conclude, Permit me, Gentlemen, to add that the Commander in Chief is incapable of being influenced by personal considerations, when a question of right is brought before him; He is alone influenced by his judgement

The Officers of the Volunteer Corps, possess the confidence and esteem of the Commander in Chief, and as Citizens and Soldiers they will find him on all occasions disposed to be just and fr[ien]dly towards them.

WILLIAM NOTT, a.d.c.

GENERAL ORDERS.

Head Quarters NEW ORLEANS 11th Nov^r 1805.

The Resignation of Colonel Francois Dutillet as adjutant General of the Militia of the Territory of Orleans has been accepted; and Henry Hopkins is appointed his successor to take rank from the first instant.

By Order of the Commander in Chief.

WILLIAM NOTT. a.d.c.

GENERAL ORDERS.

Head Quarters NEW ORLEANS 11th November 1805.

The Gentilly Battalion is annexed to the first Regiment of Militia Infantry, and the Major of said Battalion will receive the Orders of Colonel Bellchasse.

So much of the General order of the 10th. of August last as annexed the Battalion of Orleans Volunteers to the first Regiment of Militia of Infantry, is rescinded.

By Order of the Commander in Chief

WILLIAM NOTT. a.d.c.

GENERAL ORDERS.^{33a}

Head Quarters NEW ORLEANS 11th November 1805.

The commander in Chief experienced very great satisfaction at the late Review of the Battalion of Orleans Volunteers.

The several Companies were completely equiped, and passed through the exercises of the day with a degree of accuracy and promptitude, which entitle them to a tribute of Applause.

The Commander in Chief, has noticed with pleasure the vigilance and attention to duty of Major Dubourg and the officers attached to his command; nor can he withhold from Major Clark who performs temporarily the duties of adjutant, a tender of thanks for his useful services. The Orleans Troop of Horse did not escape observation; its martial appearance, and correct conduct on the Parade, were seen with approbation.

The Commander in Chief enjoins it upon all, both officers and Privates to persevere in the faithful discharge of their respective duties. It is expected that the officers will diligently attend to the discipline of their several Corps; that they will enforce a ready compliance with orders, and Encourage by their example, and command by their authority that degree of Military Subordination which is the Life and Soul of an armed force.

By Order of the Commander in Chief

WILLIAM NOTT, a.d.c.

GENERAL ORDERS.

Head Quarters NEW ORLEANS 12. November 1805.

All applications to the commander in Chief from Officers attached to the Battalion of Orleans Volunteers, must in future be communicated to the Major or Commanding officer of said Battalion, and by him transmitted to the Commander in Chief.

By Order of the Commander in Chief.

WILLIAM NOTT. a.d.c.

^{33a} Enclosed in Claiborne to the Secretary of State, Nov. 12, 1805; printed, Rowland (ed)., *Claiborne Let. Bk.*, III, 230-231.

Letter.

NEW ORLEANS 23^d *Novem.* 1805.

CAPTAIN S. B. DAVIS,

SIR, I am directed by the commander in chief to acquaint you that in compliance with the prayer of Jn^o Kohn John Therwait, John Ellis, Samuel Hebbé, Christopher Stewart, [blank] Kerr, Samuel Elkins, and James Dayton,—Permission has been granted them to withdraw from the Company of Orleans fusileers.

Signed, WILLIAM NOTT. a.d.c.

Head Quarters NEW ORLEANS 9th *Decem* 1805.

WALTERS CLARK Esquire,

SIR, I am directed by the Commander in Chief to inform you that in compliance with your request, he has been pleased to accept of your resignation as Major of the first Regiment of Militia Infantry, and as adjutant Major to the Battalion of Orleans Volunteers.

I have the honor to be, With great respect, Sir, Yo. Hum Sev't.

WILLIAM NOTT. a.d.c.

Head Quarters, NEW ORLEANS 10. *Decem* 1805.

MAJOR DUBOURG,

SIR, I am directed by the Commander in Chief to request that you will furnish, without delay, to the Colonels Bellechasse, D'orsier, and M^oCarty, a complete List of every Member attached to the Battalion of Orleans Volunteers.

I have the honor to be With great respect Sir, Your H. St.

WILLIAM NOTT. a.d.c.

Head Quarters, NEW ORLEANS 10. *Decem* 1805.

MAJOR DUBOURG,

SIR, I am directed by the commander in Chief, to request that you will issue your Orders for the Parade of the Battalion of Orleans Volunteers, at the Square in front of the Principal, on the 20. day of the present month, to celebrate the anniversary of the taking possession of Louisiana by the United States of America.

I have the honor to be, with great respect, Sir, Your h. S^t

WILLIAM NOTT. a.d.c.

Circular.

NEW ORLEANS 13th *Decem* 1805.

Colonels, Bellchasse }
 D'orsiere } SIR,
 Villerey }
 M^oCarty, }

I am directed by the Commander in Chief to request that you will, without delay, issue your Orders to the Officers under your command, and co-operate by your active exertions, to complete by the latter end of the present month, a correct return of every individual attached to the (1. 2. 3. 4.) Regiment of Militia Infantry.

I have the honor to be &c.

WILLIAM NOTT. a.d.c.

NEW ORLEANS, *January 14.* 1806.

MAJOR DUBOURG,

SIR, In the absence of the Aid de Camps of the commander in chief, I am directed by him to request that you will, as soon as may be, furnish him with a General Return of the Companies attached to the Battalion of Orleans Volunteers.

I have the honor to be &c.

R. CLAIBORNE, P. Sec^y.

GENERAL ORDERS.

Head Quarters, NEW ORLEANS 15 *Jan^y* 1806.

The Battalion of Orleans Volunteers will be reviewed on the 19th instant. The Battalion will assemble in front of the Old Custom House at nine O'clock in the morning, where they will be formed in line by the Major commanding, and marched to the Public Square in the Fauxbourg, where it will be received by the commander in chief

The several Companies will be provided with Twelve Rounds of Blank Catridges pr Man.

The Orleans Troop of Horse, equip'ed for Duty, will rendezvous on the same day in front of the Government House at 10. O'clock a.m. and await further Orders.

Captain Clark of the Montgomery Greens, will act as adjutant Major of the said Battalion on the 19th instant.

By Order of the Commander in Chief—

WILLIAM NOTT. a.d.c.

NEW ORLEANS 16th *Jan^y* 1806.

CAPTAIN BRADISH,

SIR, I am directed by the Commander in Chief to request, that you will, without loss of time, make a return of the Orleans Troop of Horse, under your command

WILLIAM NOTT. a.d.c.

GENERAL ORDERS.

Head Quarters, NEW ORLEANS 17th Jan^r 1806.

Captain Clarke of the Montgomery Greens, is at his own request, excused from acting as adjutant Major to the Battalion of Orleans Volunteers on the 19th instant.

By Order of the Commander in Chief

WILLIAM NOTT. a.d.c.

GENERAL ORDERS.

Head Quarters, NEW ORLEANS 18th. Jan^r 1806

The Commander in Chief announces with pleasure the acceptance of Captain James Stille, late of the United States Army, of the commission of adjutant Major to the Battalion of Orleans Volunteers: His knowledge of military tactics well qualifies him as the Instructor of the young and inexperienced Soldier, and the promptitude with which he has undertaken the duties of this necessary office is a proof of his disposition to be useful to his Country.

By order of the Commander in Chief

WILLIAM NOTT. a.d.c.

GENERAL ORDERS.

Head Quarters, NEW ORLEANS 20th Jan^r 1806.

The Commander in Chief was well pleased with the appearance and conduct of the Battalion of Orleans Volunteers at the Review on the 19th instant. The neatness of the Soldiery in their dress, the excellent order of their Arms, and the exactitude with which the various evolutions were performed, are proofs of that vigilance and attention to Duty which every officer should manifest, and of that Laudable emulation and just idea of subordination which every Citizen Soldier should feel.—This tribute of applause cannot be understood, as extended to the Company of Orleans Chasseurs; on the contrary their absence from Parade was noticed with much dissatisfaction, and has attached either to the Captain or Senior Lieutenant a charge of great neglect of Duty: —The Commander in Chief, however, persuades himself that a similar occurrence will not happen, and that on all other occasions he shall be enabled to speak of the Chasseurs in terms of approbation.

By Order of the Commander in Chief

WILLIAM NOTT. a.d.c.

NEW ORLEANS *January 28th* 1806.

MAJOR DUBOURG.

SIR, I am instructed by the commander in chief to request that you will issue your orders for assembling the different companies attached

to the orleans volunteers on Sunday next y^e 2^d February, at the Public Square in front of the Principal, there to perform Battalion exercise,— a measure recommended by the Commander in Chief as preparatory to the General Review which will take place on the 22^d of the ensuing month.

I am, Sir, &c.

WILLIAM NOTT. a.d.c.

GENERAL ORDERS.

Head Quarters, NEW ORLEANS 29th January 1806.

For the better security, by night, of the property of the Citizens of New Orleans, the commander in Chief directs, that in future there be a company of Militia on duty in the City every day, from 5 O'Clock in the evening untill 6 in the morning. This service will be commenced by the Orleans Volunteers, and be continued in regular rotation thro'out that Corps, and the first and second Regiments of Militia, and that part of the fourth Regiment which is included in the Fauxbourg. Major Dubourg will cause the Company first in order in his Battalion to assemble on tomorrow evening in front of the Government House where the Officer will receive instructions from the commander in Chief.

By Order of the Commander in Chief

(Sig^d) WILLIAM NOTT. a.d.c.

NEW ORLEANS 29th January 1806.

SIR, I will make immediate arrangements for the supply of the necessary number of blank and ball catridges for the Battalion of orleans volunteers, and will advise you more particularly on Tomorrow.

There having been some mistake about Lieutenant Relfs resignation, or to speak more correctly, that Officer being at this time greatly desirous to retain his command, I have no objection to view his resignation as informal, and therefore desire that you consider him as still in service. You are at liberty, if you wish it, to exercise your Battalion on Sunday next in the Square of the Fauxbourg.

I am Sir, yours &c.

Signed, WILLIAM C. C. CLAIBORNE.

MAJOR DUBOURGH.

[January 30, 1806]

To the Commanding Officer of the Militia Guard.

Your duty is to contribute to the Security of New Orleans; to the safety of the property of the Inhabitants; and to aid the civil authority in the preservation of good order.—For these purposes, you will cause the Streets to be patrolled from nine oclock at night untill the Break of Day; —You will arrest all suspicious persons found in the streets,

and those who cannot give a good account of themselves, you will convey to the Principal and deliver, for safe keeping to the officer of the Gend'armery.

If any event should happen in the night which threatens the Peace or safety of the City, you will communicate the same, without delay to the commander in chief, to the Major of the Battalion, and to the Mayor of the City.

I repete, that one of the objects of your command is to aid the civil authority in the support of good order; you will therefore report yourself on this evening to the Mayor of the City, and know from him whether there be any particular service which he desires you to render. —In making your Patrols, if you should fall in with the Gend'armery, they are to be treated with respect, and to the officers of that corps, your civilities are to be extended. It is expected that a centinel will be placed at the Door of the Guard House, and regularly relieved. —You will report on tomorrow at the hour of eight in the Morning, the events of the Night, to the commander in chief.

By Order of the Commander in Chief

WILLIAM NOTT. a.d.c.

NEW ORLEANS. *January* 30. 1806.

GENERAL ORDERS.

Head Quarters NEW ORLEANS 5 *February* 1806.

By the Commander in Chief.

John Ward Gurley is hereby appointed & declared aid de camp to the commander in chief, with the Rank of Major, vice Major John Watkins resigned.—

(Signed) W. C. C. CLAIBORNE.

GENERAL ORDERS.

NEW ORLEANS 5 *February* 1806.

The commander in Chief directs that henceforth the Militia Guard will rendezvous in front of the Government House between the hours of seven and eight o'clock in the evening—The officer commanding the Guard, will attend at the Government House every evening at seven o'clock—to receive his Instructions & arms for the use of his company.

By Order of the Commander in chief

WILLIAM NOTT. a.d.c.

GENERAL ORDERS.

NEW ORLEANS 2^d *Feb* 1806.

A Field officer of the Militia will be on duty every day from the hour of Seven o'clock in the evening untill Six in the morning, whose duty it shall be to make two visits to the Guard each night; one before midnight, the other before four o'clock in the morning.—This service will be commenced by the aids de camp, to the commander in chief,

and followed in regular rota[tion] by the Field officers, of the First & Second Regiments and that part of the Fourth regiment which is included in the faughbourg.

Major William Nott will be the Officer of this day

By Order of the Commander in Chief

WILLIAM NOTT. a.d.c.

[Endorsed] Rec^d in John Graham's 13 Feb^y 1806

*Register, of Civil Appointments in the Territory of Orleans.*³⁴

JUDGES.

Names	Dates	Places	Remarks
Thomas Collins.....	29 April 1805.....	Opelousas.....	
J. Alexander.....	. ditto . ditto.....	Nachitoches....	
James Workman.....	1st May 1805.....	Orleans.....	
E. C. Nichols.....	2 ^d . do . ditto.....	Attackapas.....	
C. L. P. Danemours.....	3 ^d . do . ditto.....	Ouachita.....	
James Williams.....	4th . do . ditto.....	Concordia.....	
William Miller.....	. do . do . ditto.....	Rapid.....	
M. Cantrelle.....	15th . do . ditto.....	Acadia.....	
James Mather.....		La Forche.....	
Pierre Belly.....	29th . do . ditto.....	Iberville.....	
Julian Poydrass.....	. do . do . ditto.....	Point Coupée... .	
Archilles Truard.....	12th June 1805.....	German Coast.. .	
Thomas Dawson.....	18th Novem. . do . .	Rapid.....	
Edward Turner.....	23 ^d Jan..... 1806..	Nachitoches....	

CLERKS.

C. M. Audibert.....	29th April 1805.....	Attacapas.....	
George King.....	. do . do . ditto.....	Opelousas.....	
John C. Carr.....	15th June . ditto.....	Nachitoches....	
Thomas S Kennedy . . .	2 ^d May . . . ditto . . .	Orleans . . .	
H. Dent . . .	4 . . . do . ditto . . .	Rapids . . .	
L. Wooldridge . . .	. do . do . ditto . . .	Concordia . . .	Resigned.
Hubart Remy . . .	15th . do . ditto . . .	Acadia . . .	
William Wykoff . . .	29th . do . ditto . . .	Iberville . . .	
P. Conelly . . .	. do . do . ditto . . .	Point Coupée . .	Resigned.
William Haughey . . .	. do . do . ditto . . .	Ouachita . . .	
James Mather Junior . .	12th June . . ditto . .	German Coast . .	
Gabriel Winters . . .	26th Sept . . ditto . .	Concordia . . .	
John W. Smith . . .	4th Novem. . ditto . .	Orleans . . .	
Cornelius Vorkies . . .	30. Decem. . . ditto . .	Attackapas . . .	
Ebenezer Cooley . . .	16. January 1806 . . .	Point Coupee . .	
William Hubbard . . .	. . . . .	. . . . .

³⁴ Registers of appointments not heretofore published by Rowland in his *Clairborne Letter Books* are embodied in the present volume, whenever found. There is no complete list available. As will be noted, many names are misspelled in this and other similar registers in this volume.

JUSTICES.

Names	Dates	Places	Remarks
Alexander Briand	29th April. 1805	Ouachita	
J. M ^e Laughlin . . . . .	. . . ditto . do . ditto . . . . .	. . . ditto	
M. Dejeane . . . . .	. . . ditto . do . ditto	Opelousas	
C. Cretion . . . . .	. . . ditto . do . ditto . . . . .	. . . ditto	
John Andrews . . . . .	. . . ditto . do . ditto . . . . .	. . . ditto	
L. Fonteneau . . . . .	. . . ditto . do . ditto . . . . .	. . . ditto	
Thomas Elmer . . . . .	. . . ditto . do . ditto . . . . .	. . . ditto	
George Pollock . . . . .	. . . . .	Orleans	
John Lynd . . . . .	. . . . .	. . . ditto	
Francois Duplissis . . . . .	. . . . .	. . . ditto	
John Duplissis . . . . .	. . . . .	. . . ditto	
P. Baillis	4th May 1805	Rapid	
John Minor . . . . .	. . . ditto ditto . . . . .	. . . ditto	
William Blount . . . . .	. . . ditto ditto	Concordia	
James Brewster . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Latour	13th . . . do . ditto	Orleans	
Captain Davis . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Garrick . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Moreau . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Girandea . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Patton . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Cenas	13th May 1805	Orleans	
M. Baker . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Heins . . . . .	. . . ditto ditto . . . . .	. . . ditto	
Joseph Forie . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Meriult . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Burke . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Earle . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Lanusse . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Pitot . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Dutillet . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Guerin . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. DeLorme . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Bertoniere . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Watkins . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Bellchasse . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Sauvée . . . . .	. . . ditto . 14th . ditto . . . . .	. . . ditto	
James Carrick	14th ditto . . . . .	. . . ditto	
John Riviore . . . . .	. . . ditto ditto . . . . .	. . . ditto	
Gaspard Dubuys	15th ditto	Acadia	
Joseph Landrie . . . . .	. . . ditto ditto . . . . .	. . . ditto	
Louis Millene . . . . .	. . . ditto ditto . . . . .	. . . ditto	
James Scott	15th May. 1805	Acadia	
William Conway . . . . .	. . . ditto ditto . . . . .	. . . ditto	
Daniel Blauen . . . . .	. . . ditto ditto . . . . .	. . . ditto	
Stephen René . . . . .	. . . ditto ditto . . . . .	. . . ditto	
Joseph Henry	29th . do ditto	Ibberville	
Dubry Dupuis . . . . .	. . . ditto ditto . . . . .	. . . ditto	
Simon Richard . . . . .	. . . ditto ditto . . . . .	. . . ditto	
M. Read . . . . .	. . . ditto ditto . . . . .	. . . ditto	
J. P. Manchossé . . . . .	. . . ditto ditto	Point Coupée	
Alexander LeBlanc . . . . .	. . . ditto ditto . . . . .	. . . ditto	
Etienne Major . . . . .	. . . ditto ditto . . . . .	. . . ditto	
Ebenezer Cooley . . . . .	. . . ditto ditto . . . . .	. . . ditto	
William LeBeuff . . . . .	. . . ditto ditto . . . . .	. . . ditto	
Joseph Dearier . . . . .	. . . ditto ditto . . . . .	. . . ditto	
Michael Andries	12th June 1805	German Coast	
Antoine S ^t Amand . . . . .	. . . ditto ditto . . . . .	. . . ditto	
Alexander Labranche . . . . .	. . . ditto ditto . . . . .	. . . ditto	

JUSTICES—Continued.

Names	Dates	Places	Remarks
Pierre S ^t Martin	12th June 1805	German Coast	
Cadet Fortier	ditto ditto	ditto	
Pierre Sauv�	ditto ditto	ditto	
Trudeau L'aine	ditto ditto	ditto	
David Morgan	26th June 1805	Concordia	
Oliver Theriot	28th August do	Acadia	
Frances Dutillet	31 October do	Orleans	
John Cason	18 Novem. do	Rapide	
Levi Wells	ditto ditto	ditto	
Benjamin Grubb	ditto ditto	ditto	
Samuel Henrie	ditto ditto	ditto	
Mathew Stone	ditto ditto	ditto	
John Tourney	ditto ditto	ditto	
Joseph Freeong Junior	ditto ditto	ditto	
M. Duplissis	7th January 1806	Orleans	
Michael S ^t Amand		La Fourche	
Thomas Villarneau		ditto	
Etirne Boudreau		ditto	
Henry S Thebedau		ditto	
Pierre D. S ^t Amand		ditto	
Jacquis La Motte		ditto	
B. Pireaudeau			
John Sibley	14th June 1805	Nachitoches	
Francois P. Bossier	17th June 1805	ditto	
Joseph Gillard	20th June 1805	ditto	
Placid Bossier	7th July 1805	Nachitoches	
Louis Derbaune	7th July 1805	ditto	
Francois Bellabre Dumas	1 Decem. 1805	ditto	
Remy Perault	7th Decem. 1805	ditto	
Bartholomew Shaumbergh		ditto	
Captain Johnson	18th Septem. do	Orleans	
Blaize Cenas	23 ^d February do	Orleans	

SHERIFFS.

Isaac Camp	29 April 1805	Attackapas	Resigned.
George T. Ross	2 ^d May 1805	Orleans	
M. Richardson	4th do ditto	Concordia	Resigned.
Frederick Walther	ditto ditto	Rapide	
Alexander Plouch�	29th ditto	Point Coup�e	
R�n� Trudeau	12th June 1805	German Coast	Resigned.
Andrew Price	15th do 1805	Nachitoches	
Andrew Kay	ditto ditto	Ouachita	
Edward Owens	ditto ditto	Opelousas	
Charles Morgan	26th Sept 1805	Concordia	
John Stein	30 Decem. do	Attackapas	
Isaac Camp	16th Jan ^r 1806	Point Coupee	
Nathan Merion		Ibberville	
Isaac Herbert		La Fourche	

NOTARY PUBLICS.

Names	Dates	Places	Remarks
Narcissus Prouten.....	27th Decem. 1804.....	New Orleans....	
Peter Pedescloux.....	2 ^d January.....	ditto.....	
John Lynd.....	23 ^d Feb ^r 1805.....	ditto.....	
Elephalet Fitch.....	11th. Novem ".....	ditto.....	
Henry Brown.....	".....	ditto.....	
Quinonis.....	".....	ditto.....	

PHYSICIANS OF PORTS.

William Flood.....	New Orleans....	
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AUCTIONEERS.

Henry Molier.....	25th Jan ^r 1805.....	New Orleans....	Resigned.
Charles Patton.....	ditto..... ditto.....	New Orleans....	
P. B. L. Duplissis.....	ditto..... ditto.....	New Orleans....	
William Wykoff.....	30th Decem. do.....	Appalouzas.... and	
A. Planché *.....	16th Jan. 1806.....	Attackapas....	
Henry Molier.....	25th. do. 1806.....	New Orleans....	
Charles Patton.....	ditto..... ditto.....	New Orleans....	
Joseph Forie.....	ditto..... ditto.....	New Orleans....	

RECORDERS.

John Watkins.....	27th Feb ^r 1805.....	New Orleans....	
D. Bellchasse.....	.....	New Orleans....	

TREASURERS.

D. Provost.....	29th April 1805.....	Attac-apas.....	Deceased.
William Wykoff.....	ditto..... ditto.....	Opelousas.....	
Edward Meullion.....	4th May 1805.....	Rapide.....	
A. D. Tureau.....	15th..... ditto.....	Acadia.....	
Frances Allen.....	29th..... ditto.....	Point Coupée.....	
Pierre Segur.....	ditto..... ditto.....	Ibberville.....	
Michael Andries.....	12th June 1805.....	German Coast..	
James M ^c Clauglin.....	27th Novem do.....	Ouachita.....	
A. Planché.....	16th Jan: 1806.....	Point Coupée.....	
Thomas Elmer.....	.....	Opelousas.....
John Minor.....	.....	Concordia.....
M. Cabaret Junior.....	.....	German Coast..
M. Villanueva.....	.....	La Fourche.....
F. Fabra.....	.....	Acadia.....
A. D. Mejire.....	.....	Nachitoches....
Francois Duplissis.....	.....	New Orleans....
George W. Morgan.....	25th Jan: 1806.....	New Orleans....	

*of the County of Point Coupée. [Footnote on the MS.]

WARDENS OF THE PORT.

Names	Dates	Places	Remarks
Andrew Burke.....	10th April 1805.....	New Orleans....	
Hugh Pollock.....	10th ditto..... ditto..	New Orleans....	
John B. Labatut.....	10th. ditto..... ditto..	New Orleans....	
Michael Fortier.....	10th ditto..... ditto..	New Orleans....	
George Pollock.....	.....	New Orleans....	
Thomas Urqueheart.....	.....	New Orleans....	
Eugine D'Orciere.....	.....	New Orleans....	

CORONERS.

L. Chasseiret.....	29th April 1805.....	Opelousas.....	
Alexander Fulton.....	4th May..... ditto..	Rapide.....	
G. D. Buyis.....	15th. do..... ditto..	.....
Alexander Cooley.....	29th. do..... ditto..	Point Coupée...	
Antoine St Amand.....	12. June..... ditto..	German Coast..	
John Campton.....	18th Nov r..... ditto..	Rapide.....	
L. Chapeiret.....	.....	Opelousas.....	
M. Molier.....	New Orleans....	

HARBOUR MASTERS.

Samuel B. Davis.....	10th April 1805.....	New Orleans....	
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CIVIL COMMANDANTS.

Louis D. Blanc.....	15th January.....	Attac-apas.....	
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PILOTS.

William M. Johnson....	10th April 1805.....	New Orleans....	
George Bradish.....	27th do ditto.....	New Orleans....	

ATTORNIES.

John Ward Gurley.....	.....	Territory of Orleans.	
John S. Mahon.....	3 ^d Decem 1805.....	Concordia.....	
Eligues Fromentine....	9th ditto do.....	Iberville, Acadia, and German Coast.	
W. H. Nicholson.....	.....	Attac-apas, Opelousas and Rapide.	
	23 ^d January 1806.....	Nachitoches...	

KEEPER OF RECORDS.

Names	Dates	Places	Remarks
M. Quinonis.....	12th March 1805.....	New Orleans....	

KEEPERS OF MORTGAGES.

Peter Pedesclaux.....	2 ^d January 1806.....	New Orleans....	
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MAYORS OF NEW ORLEANS.

James Pitot.....	27th Feb. 1805.....	New Orleans....	Resigned.
John Watkins.....	New Orleans....	

REGISTERS OF WILLS.

Philip L. Jones.....	New Orleans....	
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INTERPRETERS.

Moreau De Lisle.....	New Orleans....	discontinued in June last.
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[Endorsed] Rec^d in John Graham's 13 Feb^y 1806

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:LS]

NEW ORLEANS Feb^y 19. 1806

SIR The Marquis of Casa Calvo left this City on the 15. Instant, destined it is said for Pensacola; he was much displeas'd at receiving an Order to depart—and views it as an act of great violence.³⁵

³⁵ Someruelos informed Claiborne, Feb. 22, 1806, that the Spanish boundary commission had been ordered to cease its operations since the two governments were not in accord on the question of the boundary, and that Casa Calvo would be withdrawn when he had concluded the affairs connected with the delivery of Louisiana (enclosed in Claiborne to the Secretary of State, Mar. 18, 1806, NA, SD, Orleans Terr. Papers, VIII; printed, Rowland, ed., *Claiborne Let. Bk.*, III, 271). The following extract from Vincent Grey, Havana, to Governor Claiborne, June 30, 1806, was quoted by Richard Claiborne in his letter to the Secretary of State, July 10, 1806 (NA, SD, Orleans Terr. Papers, VIII):

"The Marquis of Casa Calvo and his Son arrived here from Pensacola on Monday last, and will sail from hence on tomorrow evening on board the Ship Sally, Cap^t Hills, bound for Boston. He will I presume proceed direct for Madrid, without visiting the City of Washington."

We have a report here—that our Differences with Spain are amicably adjusted; I sincerely hope it may prove correct—but should it be unfounded, I believe the general wish and expectation here is—that our Government will take immediate possession of that part of Florida which lies to the west of the River Perdido.—There will be no difficulty in the operation; From the Inhabitants no opposition would be received—and the regular troops of Spain, in that District, are too inconsiderable to make a serious resistance.

I have this moment understood—that two british Vessels of war are lying off the Balize.—Their presence has given uneasiness to the Inhabitants of this City.—It is conjectured they are sent on this Station in order to enforce the late Instructions relative to the Commerce of Neutrals.

I have the pleasure to inform you—that the most perfect good order prevails in this City.³⁷

I have the honor to be, Sir, Very respectfully, Your humble Serv^t
WILLIAM C. C. CLAIBORNE

THE SECRETARY OF STATE.

[*Endorsed*] Claiborne W. C. C. Orleans 19 Feb^r 1806 Gov^r

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:LS]

NEW ORLEANS *February* 20. 1806.

SIR, The northern mail has this moment arrived; and brought me, under cover of a Packet, marked "Department of State" commissions for four members of the Legislative council, to wit Mess^{rs} Detrehan, Bellchasse Macarty, and Sauve.—I hope the fifth member may have also been appointed, and that his commission will be received by the next mail, since it may be made a question, how far (under the ordenance) an appointment of four members in the first instance, is constitutional.

I shall however notify the Gentlemen named in the commission of their appointments, and I will without delay convoke the Legislature, in expectation that the appointment of a fifth Councillor will be made known to me, before the commencement of the session—

I must confess, that of the ten Gentlemen named by the House of Representatives, M^r Evan Jones is the only one, whose nomination by the President would give me regret; for whatever may be represented to the contrary, there is nothing more certain in my mind, than that M^r Evan Jones does not merit the confidence of the American Government.³⁷

³⁷ Acknowledged June 9, 1806, *post*, p. 658.

With great respect and Esteem I am Sir, Your humble servant
WILLIAM C. C. CLAIBORNE

THE HONORABLE JAMES MADISON Secretary of State.

[Endorsed] Orleans Gov^r 20 Feb^y 1806.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

NEW ORLEANS *March 4th 1806*

DEAR SIR I am honored with the receipt of your Letter of the 16. of January; ³⁸ and its enclosure has been delivered to the Speaker of the House of Representatives.

I have also received from the department of State, Commissions for four members of the Council; the fifth member is not yet notified to me—but I trust his Commission will arrive previous to the meeting of the Legislature, which will be on the 24th day of the present month, March.—Of the Gentleman recommended as Councillors, I only feel solicitous that M^r Evan Jones may not be appointed; for, whatever may be said to the contrary, there is nothing more certain, in my mind, than that Gentleman does not merit the confidence of the Government.³⁹

I shall not be inattentive to the interest of General La Fayette; M^r Duplantier is, at present, near Baton Rouge, but is expected in this City in a few days, when I shall urge him to make, for the General, the location you recommend.—Perhaps Juan Suarez may be induced to abandon his claim upon the propositions being made which you suggest;—but in any event, a survey of 1000 acres, shall be made.

The Order for the Spanish Officers to depart this Territory, has given great umbrage to them; The Marquis of Casa Calvo has been pleased to consider the measure as one arising from my official communications; and has discovered, on the occasion, some personal resentment; he is, however, at present, under the dominion of his passions—and on cool reflection, I am persuaded, he himself, cannot but approve the policy of sending away, Men whose residence among us, tended to divide our Society, and to embarrass the local Government.

I wrote you the other day, by M^r Joshua Lewis, who passed by water from hence to Baltimore;—I then mentioned a report which prevailed relative to the increased embarrassments which, under the orders of Morales, our Commerce was subjected to, at the town of Mobile.⁴⁰—I

³⁸ *Ante*, p. 566.

³⁹ See Claiborne to the President, Apr. 3, 1806 (Rowland, ed., *op. cit.*, III, 283–284).

⁴⁰ Not identified. Cf. Claiborne to the President, Mar. 18, 1806, *ibid.*, p. 273. Claiborne's letter to the Secretary of State, Mar. 3, 1806, introducing Joshua Lewis, is in Madison Papers (LC), but the subject here mentioned is not discussed.

have, however, heard nothing further on the subject, and am inclined to think the report unfounded.

Everything is now tranquil in this City, and promises to continue so. I am D^r Sir, With great Respect Your faithful friend

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE U. STATES.

[*Endorsed*] Claiborne W^m C. C. N. O. Mar. 4. 06. rec^d Apr. 8.

JOHN W. GURLEY TO THE SECRETARY OF THE TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, xxii:ALS]

NEW ORLEANS *March 6th 1806*

SIR The time having now expired which was fixed by law for the reception of claims,⁴¹ I take the earliest opportunity to inform you of the present state of our business and of the progress which has been made in the execution of the law under which I have the honour to act.

About one hundred and sixty claims in all have been presented— These have invariably been recorded immediately on their presentation and laid before the Commissioners who have decided on all with the exception of a very few cases which have been postponed for the reception of further evidence.—

I flatter myself that the promptitude with which the business of this office has been Conducted, and the speedy decision of the Commissioners on the several cases presented to them has tended in no inconsiderable degree to Satisfy the people and will greatly facilitate the execution of the law upon a prolongation of the time for presenting claims, which I presume the government can not but grant—

I feel persuaded that the written evidence of titles in this district would be very generally recorded within any reasonable additional period which may be prescribed.—

M^r Lewis one of the Commissioners has just left this for the United States and from him you will derive much information relative to our operations, as well as in regard to the facts set forth in the memorial to Congress from the house of Representatives of this Territory. My opinion is, from the best information which it has been in my power to acquire, that the facts Stated in that memorial are Correctly and fairly represented—

I wrote to you some time since requesting direction as to the mode in which I should be Refunded the contingent expences of my office⁴²—

⁴¹ Mar. 1, 1806, as established by the act approved Mar. 2, 1805, *ante*, p. 408.

⁴² Jan. 28, 1806 (GLO, New Orleans, Reg. and Rec. Let., xxii). The Secretary of the Treasury informed Lewis, Van Pradelles, and Gurley, Feb. 5, 1806, that no bills would be paid unless previously authorized (GLO, Div. C, Misc. Let. Bk. One).

With sentiments of the highst Respect I have ye honour to be your
obt & hu^b S^t

J W GURLEY

NB. I have received no letters from your Department since ye one
bearing date 15 July ult⁴³—

ALBERT GALLATIN Esquire Sec^r of ye Treasury

[*Addressed*] Albert Gallatin Esquire Secre^r of ye Treasury Washing-
ton

[*Endorsed*] New-Orleans Mar: 6th 1806 J. W. Gurley—Register
&^c &^o

RICHARD CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:ALS]

NEW ORLEANS *March* 6. 1806.

SIR In virtue of a Resolution of the City Council, certain improve-
ments have been made to the Streets—and it was directed—that the
expense attending the same should be defrayed by the respective
Owners of Lots.—The street in front of the Government House has
been improved as directed by the City Council; and I am this day
presented with an acco^t against the United States, for 420 dollars;—
Will you be good enough to inform me how I am to pay this A/c—
whether by Draught upon yourself—or whether I am to pay it out of
the Fund arising from the Rent of Public Buildings?—If the latter, I
shall not be enabled to pay the same for several months, since the
monies heretofore arising from the rent of certain Public Buildings,
have been spent in Improvements done to the Government House and
other public Buildings.

An Acco^t against the United States, for certain improvements made
to the Street in front of the Barracks, Col^o Freeman has settled, by
orders of the Secretary of War.⁴⁴

I am, Sir, with great respect, your hble serv^t

For Governor Claiborne, who is, at this moment, absent, and the
letter must be sent to the Post Office.

R CLAIBORNE
Private Sec^r

THE SECRETARY OF STATE.

[*Addressed*] The Honorable The Secretary of State Washington
City [*Postmarked*] New Orleans Mar 7 Free

[*Endorsed*] Orleans Rich^d Claiborne 6 March 1806

⁴³ On the subject of Lafayette's locations (GLO, Div. C, Misc. Let. Bk. One)

⁴⁴ See Claiborne to Freeman, June 12 and June 13 (four), to Pitot, June 18 and
July 1, and to the Secretary of State, July 27, 1806 (Rowland, ed., *Claiborne Let.*
Bk., III, 91-92, 93-95, 98-99, 106-107, 136-138).

JUDGE PREVOST TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:ALS]

Duplicate

[March 10, 1806]

SIR M^{rs} Prevost wrote to you during the month of June last communicating my indisposition at that time together with her fears as to the consequences which might then be anticipated by the dissolution of the courts of justice ⁴⁶ — we have received no answer to that letter it has probably shared the fate of many others and is now suspended on some tree in the wilderness — Permit me therefore again to urge the propriety of further appointments here particularly as it is my wish to retire from an office the labors of which are too great for any one Individual and the compensation too small to justify the necessary sacrifices of time and feelings — On the one hand to penetrate into the mysteries of a code obsolete in practice from the corruptions of my predecessors to assimilate this to the present government without legislative aid so as to form some kind of system, to give effect to my decrees and at the same time to unite public opinion has indeed proved an herculean task — on the other hand I have been compelled from the state of society here connected with its former establishments to incur expences which have greatly surpassed the sum designated as a compensation by Congress — Do not however imagine that I have it in view to exalt my services on the contrary thus much should not have escaped my pen were it not to possess you of the three motives which induce the measure I am about to adopt — The approbation of the administration as united with the good of my country has been my constant study and I cannot but flatter myself that the President will not consider this as an unjustifiable dereliction of its interests when he recollects that I have a large family solely dependent upon my exertions for its support

I need not add that I shall cheerfully discharge the duties assigned to me until a successor can be found and until he shall have performed his noviciate ⁴⁷

I have the honor to be Sir with great respect yr H sevt

J B PREVOST

NEW ORLEANS March 10. 1806.

JAMES MADISON Secretary of State

[Endorsed] Orleans Judge Prevost 10 March 1806 L-6-a

⁴⁶ Not found.

⁴⁷ Answered May 7, 1806 (NA, SD, Dom. Letters, xv), expressing gratification for Prevost's willingness to remain in office until the appointment of a successor.

M. DEFORGUES TO GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, VIII:C]

(Copy)

NOVELLE ORLEANS, le 11 Mars 1806.

*Le commissaire des relations Commerciales de France A Son Excellence
Monsieur Claiborne Gouverneur de La Louisiane.*

MONSIEUR LE GOUVERNEUR, Plusieurs français arrivés dans cette ville à différentes époques et pour differens motifs ont été sommés de se faire inscrire dans la Garde municipale & même dans la milice de ce pays, ils viennent de me présenter leur reclamation contre cette formalité à laquelle on veut les assujétir, et qui sans leur donner le titre et les prérogatives de Citoyens Américains, leur ferait perdre le titre de Citoyens français & la protection de leur Gouvernement.

Je soumets à votre sagesse cette reclamation que je crois très raisonnable et très fondée, et qui je crois ne peut manquer d'être accueillie par votre Excellence.

Je ne peux vous dissimuler que plusieurs de ces français ont négligé de se présenter a ma Chancellerie pour y faire constater leur arrivée et reconnaître leur état et leur titre de Citoyens français. Cette négligence vous paraîtra Sans doute excusable parcequ'ils ont ignoré et l'importance de cette formalité et peut-être même L'existence d'un Commissaire dans cette résidence. Je viens de faire insérer dans les papiers publics de cette ville un avis à tous les français habitans dans ce pays; je les invite à Se présenter dans le plus court delay a ma Chancellerie pour y faire constater leur état et leur origine, et je les prévien que faute par eux de remplir cette formalité indispensable, ils renoncent à toutes protection du Gouvernement français, je recevrai le dépôt de leurs passeport et autres papiers Constatant leurs titres de français qui leur seront remis à leur départ légalement visés par moi; je leur donnerai en échange un certificat du Dépôt de ces papiers de la declaration de leur arrivée dans ce pays et de la reconnaissance de leurs titres de français attesté par deux temoins domiciliés.

Je crois, Monsieur le Gouverneur que cette marche conciliera tous les interêts et tous les droits. Je supplie donc votre Excellence de vouloir bien ordonner que les français porteur d'un Certificat délivré par moi dans la forme que je viens de tracer, seront exempts de réquisition de garde municipale & de milice.

J'ai l'honneur, de présenter à votre Excellence l'assurance de mon respect.⁴⁸

Signé DEFORGUES.

⁴⁸ Answered Mar. 13, 1806, stating that all French citizens, except those resident in Louisiana at the time of the cession, would readily be excused from militia duty upon receipt of a list of such persons together with their places of residence (enclosed in Claiborne to the Secretary of State, Apr. 3, 1806, NA, SD, Orleans Terr. Papers, VIII; printed, under date of Apr. 2, 1806, in Rowland, ed., *Claiborne Let. Bk.*, III 283).

Commissariat de la Louisiane
Nouvelle Orléans.

Ce jourd'huy est comparu à la Chancellerie de Commissariat
M^r assisté de M^r & de M^r
Témoins

Lequel a déclaré être arrivé en cette residence Le [blank] par le
Batiment le venant de & ne vouloir y
resider que pour ses affaires, et conserver tous les droits de Citoyen
français.

Il y a de plus déposé à la chancellerie le passeport à lui délivré a
. le lequel passeport lui sera remis à son
départ par nous visé ou Echangé.

Nouvelle Orléans, le [blank] an 180 [blank]

[*Endorsed*] Rec^d in Gov^r Claiborne's 3 March [April] 1806

[Translation]

NEW ORLEANS, March 11, 1806.

*The Commissioner of Commercial Relations of France, to His Excellency
Mr. Claiborne, Governor of Louisiana.*

MR. GOVERNOR, Several Frenchmen who have arrived in this city
at different times and for different reasons have been summoned to
enlist in the municipal guard & even in the militia of this region,
they have just presented to me their protest against this formality
to which it is desired to subject them, and which without giving them
the title and the prerogatives of American citizens, would cause
them to lose the title of French citizens & the protection of their
Government.

I submit to your wisdom this protest which I believe to be very
reasonable and very well grounded, and which I believe can not fail
to be accepted by your Excellency.

I cannot conceal from you that several of these Frenchmen neglected
to appear at my Chancellery to have their arrival registered there
and their status and title as French citizens recognized. This negli-
gence will doubtless appear excusable to you because they were
ignorant both of the importance of that formality and perhaps even
of the existence of a Commissioner residing here. I have just had
a notice to all French persons residing in this region inserted in the
public papers of this city; I request them to appear as soon as possible
at my Chancellery to have their status and their origin recorded
there, and I warn them that if they fail to perform this indispensable
formality, they renounce all protection by the French Government.
I shall receive the deposit of their passports and other papers showing

their rights as Frenchmen which will be returned at their departure legally viséd by me; I shall give them in exchange a certificate of the deposit of those papers of the declaration of their arrival in this country and the recognition of their French nationality attested by two witnesses domiciled here.

I believe, Mr. Governor, that that step will reconcile all interests and all rights. I beg Your Excellency therefore to be good enough to order that Frenchmen bearers of a Certificate delivered by me in the form which I am outlining shall be exempt from demands regarding the municipal guard and the militia.

I have the honor to present to Your Excellency the assurance of my respect.

DEFORGUES

Office of the Commissioner of Louisiana
New Orleans.

This day there appeared at the Chancellery of the Office of the Commissioner Mr. , together with Mr. and Mr. , witnesses.

Who declared that he arrived in this place on by the Ship coming from & that he wishes to reside here only for purposes of business, and to keep all the rights of a french Citizen.

Furthermore he has deposited at the chancellery the passport issued to him at on , which passport will be returned to him at his departure, visaed by us or Exchanged.

New Orleans, the year 180. . . .

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:LS]

NEW ORLEANS *March* 15. 1806.

SIR The Carrier of the Mail of the United States, from hence to Fort Stoddart, by the way of the Lake, is now in my office, and reports—that, on his arrival at the Town of Mobile, he waited upon Governor Folche, who informed him that the Mail would not be permitted to pass by water—upon which the Carrier asked and received permission to forward it by land, which was immediately done.—In a short time afterwards, the Mail from Fort Stoddart for New Orleans, having arrived at Mobile, the Carrier again called upon Governor Folche, and obtained permission to bring it on to this City; but was then informed that, for the future, the Mail of the United States would not be permitted to pass, either by land or by water, through the Dominions of His Catholic Majesty.

I do not understand that any hindrance has been offered to the passage of the Mail from hence, by the way of Baton Rouge.

It is understood that the fortifications at Mobile are undergoing repairs under the immediate direction of Governor Folche.

I have the honor to be, Sir, With great respect, Your hble Serv^t
WILLIAM C. C. CLAIBORNE

THE SEC^y OF STATE.

[*Endorsed*] Orleans Gov^r 15 March 1806

THE SECRETARY OF THE TREASURY TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

[*March 19, 1806*]

DEAR SIR I enclose three letters from M^r Thompson Register of Oppelousas; the last received this morning & the two others last week, but yet unanswered.⁵⁰

There are three points which seem to require consideration—

1. to extend the time for filing claims, which I think ought to be done & may be proposed to the land committee⁵¹

2. the great extent of the district & the distance of Washita & other counties from Opelousas—But how is that to be remedied? by making the Commissioners go from County to county; or by erecting a new district?⁵²

3. the purchases from Indians. I think that the case is so clear that no legislative interference is necessary, and that an instruction to the Commiss^{rs} which indeed Thompson seems to request will be sufficient.

If there are any other points which should require legislative provision, be pleased to state them as I may lay the whole subject, before the land committee. In relation to the first point above mentioned, it seems to me that the prolongation of time should extend only to the two districts of the territory of Orleans & not to upper Louisiana.

The anonymous letter is returned.⁵³ Magruder is not one of the commiss^{rs}, but only agent of the U. S. to oppose fraudulent claims. The board consists of Thompson, Vacher, & Parmelye;⁵⁴ so that

⁵⁰ Enclosures not present.

⁵¹ Sec. 3 of the act approved Apr. 21, 1806 (2 STAT. 391-395), extended the time for filing claims to Jan. 1, 1807.

⁵² Sec. 7 of the act mentioned above permitted the commissioners to hold hearings in any part of their districts and provided travelling expenses.

⁵³ Not present.

⁵⁴ Parmelee had served as clerk to the board of land commissioners at Ft. Stoddert. His appointment as commissioner for Opelousas was suggested by the Secretary of the Treasury to the President, Feb. 19, 1806 (Jefferson Papers, LC). See the Secretary to Parmelee, Apr. 23, 1806 (GLO, Div. C, Misc. Let. Bk. One), instructing him as to his duties.

we are certain of a sound majority. Vacher was recommended by J. Brown of Kentucky & some other persons⁶⁶ from N. York whom I do not recollect; but his principal recommendation was knowledge of the French language. Magruder is certainly a man of talents; but M^r Brackenridge who recommended him acknowledged that he had been intemperate, tho' he believed he had reformed. I would propose that either Parmelye or Thompson should be requested confidentially to state how both Vacher & Magruder behave, and to decide on their report.⁶⁶ Considering our critical situation in that quarter, it is necessary to pay particular attention to the demeanor of our officers and to do what we can to conciliate the inhabitants.—

Respectfully Your obed^t Ser^t

—ALBERT GALLATIN

19 March 1806

THE PRESIDENT OF THE UNITED STATES

[*Endorsed*] Departm^t Treas^y Mar. 19. 06. rec^d Mar. 19. Comm^{rs}
of W. Orleans

JAMES BROWN TO GOVERNOR CLAIBORNE

[GLO:New Orleans, Reg. and Rec. Letters, xxii:ALS]

NEW ORLEANS *March* 19th 1806

SIR I have the honor of acknowledging the receipt of your letter of yesterday,⁶⁷ in which you intimate your intention of commencing a correspondence with the proper officers of the Spanish Government for the purpose of procuring such records and papers as have been improperly removed from this Territory; and express your desire that I should furnish you with any information which I shall think important as to the nature and utility of the Documents in question. The

⁶⁶ by Dayton & Fairlie [marginal note in Jefferson's hand].

⁶⁶ Answered Mar. 20, 1806 (Jefferson Papers, LC), suggesting that the time for filing claims in the western district of Orleans be extended, and that the commissioners be stationed in the outlying settlements. On the subject of Indian land sales the President wrote:

"Indian sales made since the application of the Indian Intercourse law to that territory are annulled by that law. those made before stand on a different but not better ground. the Spanish claim attached on all lands to which no Indian tribe had a located & rightful title. if moveable tribes were permitted to settle on the Spanish lands, an occupation at will only was given them, & not a right to sell. the practice of Spain is evidence of the nature & extent of the indulgence."

The Indian intercourse law of Mar. 30, 1802, was extended to Orleans by sec. 15 of the act approved Mar. 26, 1804, *ante*, p. 212. On this subject see the President to the Secretary of the Treasury, May 29, and the latter's reply, May 30, 1805 (Adams, ed., *Writings Gallatin*, I, 232-235).

⁶⁷ Printed, Rowland (ed.), *op. cit.*, III, 272; a copy is also found in GLO, New Orleans, Reg. and Rec. Let., xxii.

subject is an interesting one; I have bestowed some attention on it; and although pressed by other occupations, I shall derive pleasure from having an opportunity of conveying the imperfect information I possess.

The Registers of Patents or complete Titles commence on the 30th day of May 1753 and terminate on the 11th of February 1799 about which latter Epoch the direction of the land department passed into the hands of the Intendant. Of these Registers the whole appear to be Originals except the one including the Patents from the 21st of February 1782 'till the 6th of September 1796 which is manifestly a copy, because it is throughout the manuscript of an individual who, it is notorious did not arrive in this province until ten or twelve years after the date with which it appears to commence. It would seem also to be a very imperfect copy, because several Patents for extensive tracts of Land, produced by individuals and known to have emanated from the Spanish Governors are not to be found on its pages. A complete Register of the Surveys on which these Patents anterior to 1799 are founded, together with the Petitions, and Warrants of Survey is wanting—

In support of Titles originated since 1799, the Intendant has furnished fifty three Cahiers or sheets containing Warrants of Survey issued, and Platts of Survey made during his administration; but has withheld the Register of Patents, for which he offers the following apology in his letter of the 18th of January 1804 to Don Manuel de Salcedo and the Marquis de Casa Ca[lvo]

“It will be a great work to make that separation in the records of the time of the Government, and in my opinion there is no reason for us to do it, as it ought to be done by the Government which wishes to secure the property of the Inhabitants of the Province; but as this business is to be transacted by your Excellencies, I make no doubt but that you will find some way of reconciling the good of the Spanish Subjects with that of the French or American Citizens so as to satisfy them all; On my part I will ever be ready to produce any notes that may be necessary to the protection of their respective properties.”

You are no doubt well apprized that the Intendant, in addition to his powers relative to land titles, was at the head of the revenue department, and with the advice of the Assessor was sole Judge in all causes arising under the revenue Laws. When violations of those laws took place—when fines were imposed, or forfeitures incurred, the sales were made by virtue of his Decrees, and under his immediate superintendance. In the Records of those Decrees and Sales lately kept by Don Carlos Ximenes his Notary, but since transferred to Pensacola, the Purchasors under them are to find the principal, if not the only security of their property. The American Collector at this Port, as I have been assured by M^r Brown, did not succeed to a

single document possessed by his Spanish Predecessors in office, altho' frequent applications have been recently made by individuals deeply interested in procuring information respecting facts which ought to appear upon the Archives of that Department—Indeed there is at this moment depending in the Superior Court of this Territory an important cause the fate of which depends upon a Decree of the Intendant which I saw last summer in the hands of M^r Morales, and which I am well assured was soon after removed with the other papers to Pensacola—

How far the notes of first concessions lately obtained from Don André de Armesto, and the surveys and papers possessed by M^r Trudeau the late Surveyor General, and which he seems to claim as his private property, may supply the want of the Petitions, Warrants of Survey, and Surveys, anterior to 1799, I am at this moment unable to determine, as I have not had an opportunity of examining them. I cannot refrain from suggesting now, as I did some time ago, the necessity of having an inventory of these papers made out, and effectual provision made for their preservation—

The expence of copying the patents from the Registers now in the possession of M^r Morales, cannot be very considerable, and ought not to be considered when we compare it with the importance of preserving the titles of our fellow Citizens—The Records and Decrees relative to the Revenue department, being unconnected with any papers appertaining to the Florida's should be immediately demanded and speedily restored to us—

With due respect & esteem I am Your mst obt

J BROWN—

HIS EXC^y W C C CLAIBORNE—

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

NEW ORLEANS *March* 26. 1806

DEAR SIR My official letters of this date to the Secretaries of State and War ⁶⁸ will acquaint you with the state of things in this quarter.

The general Assembly of this Territory is now in Session.—I anticipate some difficulty with these young Legislators; but I trust we shall harmonize, and that the result of our deliberations will not be unacceptable to the People.

I have informed the House of Representatives of the vacancy which still exists in the Council, and I believe they will on this day nominate

⁶⁸ Not found. Cf. Claiborne to the Secretary of State, Mar. 25, 1806 (Rowland, ed., *Claiborne Let. Bk.*, III, 281).

two persons, one of whom you may appoint with the advice of the Senate.

M^r Freeman who has charge of the Exploring Expedition up the Red River, is now in this City and proposes to proceed on his Mission in a few days; but I very much fear he will be interrupted in his excursion by our jealous and illdisposed Spanish neighbours.

The Marquis of Casa Calvo is reported to be at Mobile and assisting with his advice his Friend Folche in strengthening that place.—It is said, that they have enlarged the Fort,—cut away the Timber in its vicinity—and so arranged their Cannon as to bring them to bear in every direction.—but notwithstanding all this—whenever the American Government may direct it, the place will be taken without the loss of much blood.

I have no late intelligence from Nachetoches.—the Spaniards in that quarter would wish to do mischief, but they have not at present the means;—their force is inconsiderable.

I am D^r Sir, With great respect Your faithful friend

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE UNITED STATES.

[*Endorsed*] Claiborne Gov^r N. O. Mar. 26. 06. rec^d May 5

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:LS]

NEW ORLEANS *March 27. 1806.*

SIR On the 24. instant, the House of Assembly formed a Quorum; and on the following day, I delivered to them an Address, of which the inclosed is a Copy.⁶⁹

I am anxious to learn the real state of affairs between the United States, and foreign nations—and particularly so, as it relates to Spain. The free navigation of the Mobile, by American Vessels, is still prohibited, and our Fellow Citizens, on the Tombigbe, are experiencing therefrom, the most serious inconvenience:—Their articles of exportation are of no value; and many of the necessaries of life which were hitherto received by the Mobile, are in great scarcity;—In short, Sir, if the present state of things should continue for six months longer, the settlement will be ruined, and perhaps abandoned! The American Citizens on the Tombigbe have entered into an agreement—not to traffic or to have any intercourse with the Spaniards,

⁶⁹ In the form of a printed broadside, entitled the *Orleans Gazette Extra*, Mar. 25, 1806, signed by Claiborne as of that date; printed, Rowland (ed.), *op. cit.*, III, 274–281, under date of Mar. 24, 1806. The reply of the council, Mar. 29, 1806, and that of the house of representatives, Apr. 2, 1806, are printed *post*, pp. 618, 620.

so long as the free navigation of the Mobile is denied; but this agreement only proves the spirit and patriotism of our fellow Citizens;—it will produce no injury to their Oppressors; but if the intercourse of our Seaports, and particularly New Orleans with Pensacola and Mobile, was interdicted, our unjust Neighbours would, in their turn, experience much inconvenience, and their means of annoying us would be deminished; for it is a fact that most of their supplies, and some in the military department, are received from this City.⁶⁰

I cannot learn with certainty that any of the Gun Boats are on their passage to this Port. —A respectable Force in this quarter is, at the present Crisis, highly necessary. — The regular Troops here are few in number, and not prepared to take the Field to advantage; in as much as we have no Field Pieces mounted, and only a small supply of Ammunition and Camp Equipage. —I am no friend to a Standing Army; —my whole conduct in public life proves the Fact; but at the present period our best interests require, that there should be at least Twelve Hundred troops in this Territory! The presence of such a Force would not only deter the Spanish Agents in our vicinity from venturing on acts which were calculated to irritate; but what is infinitely of more consequence — it will give our new fellow Citizens a confidence in the American Government — which, I am sorry to say, many of them at this time, do not possess.

I have labored to enfuse among the People here, a martial Spirit, and to keep up a degree of military ardor,—but I perceive, with regret, that the spirit which was for a while roused, is declining, and that a general apathy is prevailing!—The native Americans declare that the Government neglects them—and the ancient Louisianians, seeing no military preparations, are impressed with an opinion that the United States are unable or unwilling to contend with the power of Spain.⁶¹

I have the honor to be, with great respect, Sir, Your mo ob^t Serv^t
WILLIAM C. C. CLAIBORNE

THE SEC^y OF STATE

[*Endorsed*] Orleans Gov^r Claiborne 26 March 1806 T. b-a.

⁶⁰ On this subject see Claiborne to the Secretary of State, Mar. 13, Mar. 14, Mar. 18, 1806 (enclosing Davies to Maxent, Mar. 8, and protest by Davies, Mar. 17); and Brooks & Co. to *id.*, Mar. 20, 1806 (NA, SD, Orleans Terr. Papers, VIII). Claiborne's letter of Mar. 25 is printed, Rowland (ed.), *op. cit.*, III, 281. Consult also indexes to Cox, *West Fla. Controversy*, and *Terr. Papers* (Miss.), v, vi.

⁶¹ Cf. Grand Pré to Claiborne, Apr. 1, 1806, protesting against the hostile preparations being made by American citizens against West Florida (enclosed in Claiborne to the Secretary of State, Apr. 8, 1806, NA, SD, Orleans Terr. Papers, VIII; the covering letter is printed, Rowland, ed., *op. cit.*, III, 285).

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:LS]

NEW ORLEANS *March 29, 1806*

SIR The news from Nachetoches is of an unpleasant nature. Spanish troops to the number of four hundred, accompanied by some Indians, are assembled on the Sabine, and threaten to advance and to maintain the same position (near to Nachetoches) from which a small spanish Guard was lately driven by Captain Turner under the orders of Major Porter.

This movement on the part of the Spaniards has excited much alarm on our western Frontier;—and if they (the Spaniards) should persevere in their design, I much doubt whether it will be in the power of Major Porter to oppose them with success; in as much as his present Force does not exceed two hundred effective men. I have reflected on the propriety of ordering to Nachitoches a detachment of the militia of the Territory, and of going there myself; but I shall come to no determination until I have further and more accurate information of the conduct and views of the Spaniards.⁶²

I have the honor to be Sir, with great respect, Your mo. ob^t Serv^t

THE SEC^y OF STATE

WILLIAM C. C. CLAIBORNE

[*Endorsed*] Orleans Gov^r Claiborne 29 March 1806⁶³

JEAN NOËL DESTREHAN TO GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, VIII:C]

(Copy)

[*March 29, 1806*]*To his Excellency the Governor of the Territory of Orleans.*

SIR, The legislative Council has heard with a respectfull attention and a lively interest, the address of your Excellency to the two houses of the Legislature in general assembly convened. The sentiments which it professes, deserve as much our gratitudes as the subjects of which it treats, are entitled to our attention. Unexperienced in the career in which they now venture, the members of the Legislative Council are the better able to appreciate the advantage of receiving your Excellency's good advices. Your Excellency ought to be persuaded that, during the course of their session, they will not lose sight of the objects which you recommend to their care. If there are

⁶² See the Secretary of War to Wilkinson, Mar. 18, 1806, ordering Cushing to Natchitoches; to Freeman, Mar. 19, 1806, concerning the strengthening of the forces at Natchitoches (NA, WD, AGO, Old Recs. Div., Mil. Bk. 2); and to Claiborne, Mar. 18, 1806, directing him to place the militia on as strong a footing as possible, *ibid.*, Misc. Let. Bk. 2. See also the President to Rodney, Mar. 24, 1806, Ford (ed.), *Writings Jefferson*, VIII, 435–436.

⁶³ Acknowledged June 9, 1806, *post*, p. 658.

establishments which the want of means may prevent to create for the moment, they will, at least endeavour to accelerate the epoch of such creation.

The Legislative council can but acknowledge that the important Functions which they have to Fulfill, bear an awful aspect to men who are little versed in the science of Legislation; but relying on the honesty of their intentions & supported by a true patriotism, they will discharge their duty, if not with talent, at least with zeal and with integrity.

The Legislative Council has seen with concern that the actual state of political affairs is such, as to threaten the tranquility of our happy Country. They nevertheless hope, with your Excellency, that the wise and moderate conduct of our Government will open the eyes of those powers of which we have to complain, and that acknowledging their injuries towards a nation who wishes to live in peace with all mankind, they will reestablish the harmony which had untill now subsisted between them and the United States. If however, contrary to the expectation of this just nation, they should persist in their arbitrary and vexatious conduct; If the plague of war, which had hitherto spared our soil, should penetrate into these peaceable retreats then no doubt, the inhabitants of this Territory, would defend with energy that country which they possess in common with their brethren of the United States, and would cherfully rally under the Standards of the Republic. But the Council anxiously think that their Zeal would be Fruitless, should they not be seconded by a military force capable of protecting their now defenceless country; and therefore flatter themselves that the general Government will shortly carry into effect the resolution which it seems to have taken to send to the assistance of our Citizens a respectable body of troops.

The Legislative Council prays your Excellency to accept their thanks for the benevolent dispositions which you manifest towards the general assembly, and they will endeavour to merit, during their occupations, the approbation of your Excellency; of the enlightened chief who holds the reins of the federal Government, & of that wise assembly which give laws to the United States.

Signed JEAN NOEL DESTREHAN
Président du Conseil Legislatif

NEW ORLEANS *March* 29th 1806.

[*Endorsed*] Answer of the Legislative Council, to the Governor's Address. Rec^d in Gov^r Claiborne's 3rd April 1806 ⁶⁴

⁶⁴ Rowland (ed.), *op. cit.*, III, 284-285.

THE SECRETARY OF THE TREASURY TO JOHN W. GURLEY

[GLO:Div. C, Misc. Letter Book One]

TREASURY DEPARTMENT. *March 31st 1806*JOHN, W, GURLEY Esquire Register &^{ca} &^{ca} New-Orleans.

SIR.—The Commission formerly transmitted to you, having been issued during the recess of the Senate; I now enclose to you another,^{64a} by which you will observe, that the President has, by & with the advice & consent of the Senate, appointed you to be Register of the Land Office of the United States, in & for the Eastern part of the Territory of Orleans.

I have therefore to request, that you will on the receipt of this commission, execute a new Bond, with one or more good sureties agreeably to the form heretofore prescribed, and transmit the same to my Office.⁶⁵

I am &^{ca}*Ex^d*

 JOHN WATKINS TO GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, VIII:C]

(Copy)

[*April 2, 1806*]

To His Excellency William C C Claiborne, Governor of the Territory of Orleans.

The House of Representatives of the Territory of Orleans received with great Respect, your Excellency's address to both branches of the Legislature, and reciprocate your congratulations on the prosperous state of the Territory.

They unite with you in grateful thanks to the beneficent Ruler of the Universe, for the blessings he has bestowed upon us; that to a genial climate and fertile soil he has added a Government which imposes no other restraints than those which the General good requires.—

In all sudden political changes, inconveniences naturally arise, and while we felicitate ourselves that these inconveniences have not been more considerable, we will endeavour by Judicious arrangements entirely to do them away.

A Revision of the Judiciary system is certainly of primary importance and will be one of the first objects of our attention. In adverting to the Criminal code, it shall be our Care to provide for the employment of such offenders as may be sentenced to hard labour, and we heartily concur with you in opinion that a wise policy dictates the

^{64a} The former commission was issued Mar. 11, 1805 (SD, Temporary Comms., 1), the latter, Jan. 17, 1806 (SD, Misc. Permanent Comms., C).

⁶⁵ Answered June 12, 1806, stating that the bond would be forwarded (GLO, New Orleans, Reg. and Rec. Let., XXII).

adoption of every expedient which may tend to the prevention of offences. From peculiar Circumstances we are surrounded with more than an ordinary portion of vicious men; it will perhaps therefore be found necessary to have recourse to a more rigorous and exemplary mode of punishment, than is Commonly made use of in Penitentiary institutions. The formation of a Black Code is highly essential to the interests of the territory, and we flatter ourselves that it may be so framed as to enforce all that Discipline which our situation requires, without being marked with any peculiar features of severity.

The act for improving the Inland Navigation of the Territory of Orleans, shall not escape our attention, and whatever can be done to promote the convenience of our fellow Citizens in this respect, shall be speedily adopted. The subject of roads and levees shall also be attended to, and every thing done for their amelioration which can be effected by Legislative interference.

The importance of a road on the banks of the Mississippi from New Orleans to the fort at Plaquemine, cannot but be perceived, and of it's practicability there can be but little doubt. Every thing shall be done to accomplish this great object, which the resources of our Country will allow, and the influence of the house of Representatives can Command.

Knowledge is the basis upon which freedom rests. Youths should be considered as the property of the state, their welfare should constitute a primary care of the Government, and those in power should esteem it an incumbent duty to make such provisions for the improvement of the minds and morals of the rising generation, as will enable them to appreciate the blessing of self Government. The Justice and importance of these observations, will not only be felt by all fathers of families, and acknowledged,—by every Citizen who is attached to a free Government, but will induce the house of Representatives to examine the Law establishing an University in the territory of Orleans, and, to afford that institution every aid and patronage in their power. Such alterations as may be found necessary in the inspection Law shall be made, and we will not fail to use our best endeavours to place the charity Hospital upon such a footing as to make it more generally beneficial.

An Examination of the receipts and expenditures of the treasury Department, up to the present day, will enable us to say what additional monies will be required to meet the increased expences which necessarily attend our present form of government; some addition to the existing taxes will be found indispensable, but this addition need not be considerable if our Disbursements are kept within the limits of a prudent Economy. We Congratulate our Country that much has already been done towards the organisation of the Militia, and hope that in a short time its completion may be effected. If however any

material defects in the present system should be found to exist, you need not doubt our readiness to apply a Corrective; at all times, our attention will be called to the militia; but more especially at a period like the present, when the United States, of which this territory forms an inseparable part are Experiencing from foreign powers injuries which, if not redressed may lead to difficulties. If a disposition on the part of the american Government to be just. Should inspire the rulers of ~~other~~ nations, of whose conduct we complain with a like disposition, we may yet hope to keep aloof from the controversies of Europe and to enjoy that tranquillity which a virtuous people know how to appreciate. Guided by the genius of an enlightened states man, no less beloved by his fellow Citizens than devoted to their interests; we confidently hope that every honourable effort will be used peaceably to accomodate existing difficulties. But should the reverse happen, the good People of this Territory will do their Duty. As in peace they partake of the general prosperity of the American Union, so in war, they will never refuse their feeble but unanimous cooperation with their Brethren of the North for the support of the dignity, and independence of their Common Country.

The past conduct of your Excellency, guarantees to the people of this Territory your best exertions for their interests; and the house of Representatives begs you to be assured that nothing shall be wanting on their part, to procure an agreeable session and a faithfull Co-operation with you, in Whatever may Contribute to the prosperity of the Territory at large.

(Signed) JOHN WATKINS
Speaker of the House of
Representatives

NEW-ORLEANS. *April 2nd 1806.*

[*Endorsed*] Answer of the House of Representatives to the Governor's address.—Recd in Gov^r Claiborne's 3 April 1806 ⁶⁶

JOHN WATKINS TO THE PRESIDENT

[NA:SD, Orleans Terr. Papers, VIII:LS⁶⁷]

NEW ORLEANS *April the 4th 1806*

SIR In pursuance of a resolution of the house of Representatives of the territory of Orleans, entered into in consequence of advice received from His Excellency the Governor, that there was a vacancy of one member in the Legislative council, I have the honor to transmit

⁶⁶ Printed, Rowland (ed.), *Claiborne Let.Bk.*, III, 284–285.

⁶⁷ A duplicate of this is present. Its endorsement reads: "Orleans John Watkins 4 April 1806 Vacancy to be filled in the Council." Duplicates of the two enclosures are also present.

to you an extract from the journal of the said house by which it will appear that Julien Poydras & Dominique Bouligny were duly nominated for the purpose of enabling you by and with the advice and consent of the Senate to Supply the above vacancy.

I have the honor to be, Sir, with great respect your very Obedient Humble Servant

JOHN WATKINS

Speaker of the house of Represent[atives]

THOMAS JEFFERSON President of the U. States

[*Endorsed*] Orleans Speaker House of Represen^a 4 April 1806
Watkins John. N. Orleans Apr. 4. 06—rec^d May 24. to be filed in State office

[Enclosures]

Extract from the Journal of the Territorial House of Representatives

Wednesday April the 2nd 1806

In the house of Representatives of the territory of Orleans

The Speaker and eighteen members present, The house proceeded to the election of two persons whose names are to be sent to the President of the United States, out of whom he is to appoint one, to fill up the vacancy in the legislative council of this territory; when at the opening of the ballots, it appeared that Mess. Julien Poydras, & Dominique Bouligny had the plurality of votes and the majority of the votes of all the members of the house who were present.

Whereupon

Resolved that the names of Mess. Poydras & Bouligny be sent to the President of the United States

Attest. ELIGIUS FROMENTIN Clerk of the house of Representatives of the territory of Orleans

[*Endorsed*] Rec^d in John Watkins' 4 April 1806

Extract from the Journal of the Territorial House of Representatives

Thursday April the 3^d 1806

In the house of Representatives of the territory of Orleans

Ordered that the Speaker of this house do transmit to the President of the United States by triplicata an extract from the journal of this house bearing date wednesday April the Second 1806, containing all that relates to the election by ballot of two persons out of whom the President of the United States is to appoint one, to fill up the vacancy in the legislative council of this territory.

Attest. ELIGIUS FROMENTIN Clerk of the house of Representatives of the territory of Orleans.

THE SECRETARY OF THE TREASURY TO JOSEPH
ANDERSON

[NA:SF, 9 Cong., 1 sess.:ALS]

TREASURY DEPARTMENT, *April 4th 1806*

SIR I have duly considered the New Orleans memorial & the observations of the Attorney general thereon. These, together with the information received from the several boards of Commissioners & a conversation with M^r Lewis one of them who has lately returned from New Orleans, induce me respectfully to suggest the following remarks —

I. Claims to land

As it appears that in many instances no legal evidence of a permission to settle can be produced, and as great hardship would follow from a total exclusion of grants for lands granted to minors, it would seem proper to provide 1st that a quiet possession of three years shall be considered as evidence of a permission to settle — 2^d that when lands have been in the quiet possession of the owners during ten years, the grants or concessions shall not be invalidated by reason of the grant having been made to a minor.

As it relates to other grants to minors, to double concessions, & to concessions made subsequent to the treaty of San Idelphonso, our information is not sufficient, and, for the present, it would be more eligible only to direct a special report to be made, & to declare that in the mean while the lands shall not be sold.

II. Time of filing claims

It is absolutely necessary to extend the time in the territory of Orleans; no more than 150 having been presented in the eastern district & less than 500 in the western. But from the want of information in the country, the scattered situation & distance of many settlements and the reluctance, encouraged by disaffected persons, to exhibit the claims, a general compliance with the law cannot be expected, unless a greater number of Offices be established or the registers be authorised to appoint temporary deputies in each county for the purpose of receiving the notices of claims, disseminating the information & removing the unfounded apprehensions of the people

III. Organisation & duties of the commissioners

It would also promote a prompt investigation of the claims, & remove a strong objection if the Commissioners were authorised to travel to the several counties & to collect on the spot oral evidence. This is equally applicable to Louisiana, as will appear from the enclosed copy of a letter from the Commiss^{rs} there.^{67a} But, both to

^{67a} Not present.

diminish the expense & to avoid delays, I would propose that the President should be authorised to diminish the number of commiss^{rs}, if he shall think it proper. It must be recollected that the boards are not authorised to make a final decision; and one man might prepare a report as well as three.

In addition to those alterations, I will also state that the Surveyor of the lands South of the State of Tennessee suggests the necessity of two of his deputies being authorised to keep permanent offices in the territory of Orleans & being allowed a small compensation therefor. Should it be the opinion of the Committee that lands ought to be offered for sale in that Territory, provision may be made to that effect for the western district, in which a portion of land has, in conformity with last year's act, been directed to be surveyed. But there are but few vacant in the eastern district except swamps; and it would be preferable to delay sales there, until a report shall have been received from the Commissioners.

I have the honor to be respectfully Sir Your obed^t Serv^t

—ALBERT GALLATIN

[*Addressed*] Honble Joseph Anderson in Senate

[*Endorsed*] Papers relating to Memorial of the Legislature of Orleans ⁶⁸ Which the Secretary is requested to take care of Until next Session

12th April 1806 appertains to Bill reported by M^r Anderson on the subject Bill respecting Orleans

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

NEW ORLEANS *April* 6. 1806

DEAR SIR I have the honor to introduce to your acquaintance, Major Fortier, an Inhabitant of this City, and a very useful and worthy member of our Society.

Major Fortier has acted as one of my Aid de Camps from the period of my first arrival in this City, to the present day—and I have found in him the character of an active officer, a good American, and an honest amiable young man.

With sentiments of great respect, I have the honor to be, Sir, Your faithful friend—

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE UNITED STATES

[*Endorsed*] Claiborne Gov^r N. O. Apr. 6. 06. rec^d May. 23 by Fortier.

⁶⁸ *Ante*, p. 526.

JUDGE SPRIGG TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:ALS]

CINCINNATI April 8th 1806

SIR The Commission of Judge of Orleans with which I am honored by the Executive of the United States did not reach my hand until the present Date—This was owing to its being directed to Cincinnati instead of Chillicothe where I have heretofore resided I shall proceed with due diligence to the Territory of Orleans and endeavour to discharge the Duties of this important office according to the best of my Small Skill and abilities.

I have the honor to be Sir most respectfully Your Ob^t Sv^t

WILLIAM SPRIGG

[Endorsed] Orleans Judge Sprigg 8 April 1806

JUDGE MATHEWS TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:ALS]

WASHINGTON MISSISSIPPI TERRITORY 20th April 1806

SIR / I received a commission, about the 1st of this month, appointing me a Judge for the Territory of Orleans.⁶⁹ A few days since, I took the liberty of expressing my thanks to the President for the confidence reposed in me by Government, mentioning also my acceptance of the appointment. This I would have done sooner, but for my doubts, of possessing qualifications to discharge the duties of so high a trust, with that reputation to myself, & justice to my Country, which its importance requires; yet as it may be difficult to find men, completely adequate in all respects to a wise and reputable fulfilment of the duties belonging to so important a judicial appointment, in an unhealthy Climate & with a moderate Salery, I have determined to accept it, & shall go immediately to N. Orleans, which, you will oblige me, by mentioning to the President.

With sentiments of the highest esteem I am Sir Your Obd^t Sev^t

GEO. MATHEWS JUN

HN^{bl}° JAMES MADISON

[Endorsed] Orleans Judge Matthews 20 April 1806

⁶⁹ Nominated Jan. 20 and appointment confirmed, Jan. 21, 1806 (*Senate, Exec. Journal*, II, 16, 17). For Claiborne's opinion of Mathews see his letter to the President, June 17, 1806 (Rowland, ed., *Claiborne Let. Bk.*, III, 333-335).

THE SECRETARY OF WAR TO GOVERNOR CLAIBORNE

[WD:AGO, Old Recs. Div., Misc. Letter Book 2]

WAR DEPTMT. *Ap*: 26. 1806.

SIR, The speediest measures, in the power of the Executive, will be taken for improving the fortifications at New Orleans and in its vicinity.⁷⁰—

Six additional Companies of Troops, will, I trust, arrive early in May at Fort Adams from S^t Louis; — and about two hundred recruits are on the way for New Orleans; — a number of Gun-boats are also directed to be stationed in your neighborhood. —

Although we have reason for believing that, the Spanish Government has no disposition to commence any serious act of hostility, it is considered expedient, to be as well prepared (as our circumstances will permit, without any considerable expense) for any hostile views your immediate neighbors may, from their present feelings, be induced to attempt. And, among other precautionary measures, it is desirable that, you & Governor Williams should, in as quiet & in the least alarm-

⁷⁰ Specific instructions regarding the New Orleans defense works were sent by the Secretary of War to Freeman, Apr. 26 and June 9, 1806, and to Wilkinson, June 9, 1806 (NA, WD, AGO, Old Recs. Div., Mil. Bks. 2 & 3). John Foncin was appointed to superintend the repair of the fortifications, and A. Abrahams was appointed military agent (the Secretary of War to Foncin, May 29, and to Abrahams, May 31 and July 1, 1806, *ibid.*, Misc. Let. Bk. 2 and Mil. Bk. 3). On this subject the following are relevant: Abrahams to the Secretary of War, Jan. 2, Jan. 9 (two), Jan. 23, Jan. 30, Feb. 13, Feb. 27, Mar. 3, Mar. 13, Apr. 3, and May 7, May 22, June 16, June 25, June 26, July 6, July 8, July 21, Aug. 27, Oct. 27, Nov. 10, Nov. 17, Dec. 14, 1807, and Feb. 23, 1808; Wilkinson to *id.*, Jan. 16 and Mar. 1, 1807; Freeman to *id.*, Mar. 11, 1807 (NA, WD, AGO, Old Recs. Div.); and the Secretary of War to Fulton, Mar. 16, 1807, and to Claiborne, Jan. 20, 1808, *ibid.*, Misc. Let. Bk. 3.

The President believed the measures taken to be adequate. See his letters to the Cabinet, Feb. 28, to Claiborne, Apr. 27, 1806 (Ford, ed., *Writings Jefferson*, VIII, 425-427, 442-445), to the Secretary of War, Apr. 26, 1806 (Jefferson Papers, LC), and to Price, Feb. 28, 1807 (*Writings Jefferson*, mem. ed., XI, 159-160). However, he made repeated recommendations for additional appropriations for the defense of New Orleans in his messages to Congress of Dec. 2, 1806, Feb. 10 and Oct. 27, 1807, Nov. 8, 1808, and Jan. 6, 1809 (*Annals*, 9 Cong., 2 sess., 11-16, 63-65; 10 Cong., 1 sess., 14-18; 2 sess., 11-15, 308-309).

For specific references to the defensive measures taken during this period, as far as the New Orleans fortifications and naval defenses were concerned, see *Annals*, 9 Cong., 1 sess., 380, 1030; 2 sess., 21-22, 204-205, 453, 487, 489, 610-611; 10 Cong., 1 sess., 32-33, 999, 1224-1225, 1994; 2 sess., 1171; 11 Cong., 1 sess., 31-32. The reports of the House committees and the Secretaries of War in connection with the legislation on the subject may be found in *A.S.P., Mil. Affairs*, I, 206-207, 217-222, 223-224, 236-239, 244-247, 307-311. For the legislation enacted, dealing wholly or in part with the New Orleans situation, see acts approved Apr. 21, 1806, Mar. 3, 1807, Jan. 8, 1808, Feb. 10 and June 14, 1809 (2 STAT. 402, 443, 453, 516-517, 547).

ing manner practicable, take measures for having the Militia of your respective Governments, in as good order & as ready for actual Service, as circumstances will admit. The unreasonable & ill natured conduct, which prevents our navigating the Mobile, for the express purpose of furnishing our Troops with provisions &c. and our factory with Goods is to be lamented. In a few months, we shall, I presume, Know the result of measures taken on that interesting subject.⁷¹—

I have directed the Commanding Officer at Fort Stoddert, to look out a way to the Pascagola; as near as possible to Latitude thirty one; to have a small party in a boat descend that river to its mouth; and to clear out any small obstructions there may be to the passage of large boats up it, to the road to be looked out & opened. If on examination it should appear practicable to send shallops up that River, under the cover of a Gun-boat, we can supply our Troops, as well as our factory, for a time, through that Channel.⁷²

I have the Honor to be very resp: y^r Excy's &c.

JOHN THOMPSON TO THE SECRETARY OF THE TREASURY

[SD:Appt. Office Files:ALS]

OPELOUSAS—Register's Office *May 1st 1806*—

SIR The Situation of my private Affairs, of which I have been informed by Letters received Yesterday, and a very indifferent State of Health, will render my Return to Kentucky extremely necessary in the Course of the Fall; I shall therefore be under the Necessity of soliciting Permission of the President to resign, and of requesting, that a Successor may be appointed me as early as possible— I am extremely sorry, that a Series of untoward Circumstances has rendered my Services less advantagous to my Country, than I expected when I accepted my Appointment: but I hope and believe, that my Time has not been altogether unprofitably employed—When I arrived here, I found the Inhabitants of this Part of the Country much prejudiced against the Character of the Americans, and disaffected to the Government of the United States—By freely associating with the most respectable Families of the Neighbourhood, and by embracing every proper Opportunity to give them correct Information, and, by calm and candid Explanations, to obviate their Objections; I flatter myself, I have in some Measure contributed to remove those unfavourable Impressions, and to render them more

⁷¹ The Secretary of War ordered Wilkinson, in a letter of May 6, 1806 (NA, WD, AGO, Old Recs. Div., Mil. Bk. 3), to proceed to Orleans Territory to take charge of the troops there, and gave him detailed instructions regarding the action to be taken in the event of hostilities.

⁷² This information was sent to Freeman by the Secretary of War, Apr. 28, 1806, *ibid.*, Mil. Bk. 2.

propitious to the Government under which they live—If much Progress has not been made in adjusting the Claims to Land in this District, it has been caused by Circumstances beyond my Control: for no Man ever felt a stronger Desire to discharge the Duties of his Office with Punctuality and Fidelity, or who is less conscious of having been guilty of Inattention or Neglect: and if some Mistakes may have been committed, they have been the Errors of the Judgment, and not of the Heart—I should be very sorry to delay or embarrass the Proceedings of the Board of Commissioners by my Resignation: but a bad State of Health, under which I have laboured for many Years, and the Situation of my private affairs, occasion me to be very solicitous to return to Kentucky early in the Fall—

Be kind enough, Sir, to make known to the President that I entertain a very high Sense of the Confidence with which he has honored me—and be pleased to accept my best Wishes for your Welfare and Happiness—

I have the Honor to be, very respectfully, Sir, Your most obedient
Servant

JOHN THOMPSON

[Addressed] The Hon^{ble} Albert Gallatin Esq^r Secretary of the Treasury, Washington City—

[Endorsed] Parmelie who may be supposed to be on the spot as Commiss^{er} may be appointed Register. Is there any other name amongst the recommendations? —A. G.

Thompson John. resigns as Register of the land office in the Western part of Orleans ⁷³ 1806

THE SECRETARY OF THE TREASURY TO JAMES BROWN

[GAO:Misc. Treas., Acct. No. 19297, 1807:C]

(Copy) TREASURY DEPARTMENT *May* 7th 1806

SIR, I wrote you on the 5th ins^t respecting your salary as District Attorney.⁷⁴ I have now to add, that in order to render the mode of payment in the Territory of Orleans conformable to that in all the

⁷³ In a letter to the Secretary of the Treasury, June 25, 1806 (Jefferson Papers, LC), otherwise irrelevant, the President observed:

“When will it be necessary to appoint a successor to Thompson? or may we postpone it on the presumption that being relieved from Vacher & Magruder he may no longer wish it, & so say to him”.

Vacher and Magruder had been notified of their dismissal by the Secretary of the Treasury in the latter's letters to them of May 5, 1806 (GLO, Div. C, Misc. Let. Bk. One). On Aug. 6, 1806, *loc. cit.*, the Secretary wrote Thompson that he hoped the dismissal of his former associates would induce him to continue in office, and that his successor would not be named until he was heard from.

⁷⁴ Not found.

other Districts of the U. States, I have directed the Marshall of the District to pay your salary in future, as it shall become due; and you will please to apply to him for that purpose instead of drawing on the Treasury as heretofore.

I am &°

(Signed) ALBERT GALLATIN.

JAMES BROWN Esq^r District Attorney Orleans.

[Endorsed] 19, 297 M^r Ferrall

THE SECRETARY OF THE TREASURY TO ISAAC BRIGGS

[GLO:Div. E, SG, 1790-1816:C]

TREASURY DEPARTMENT—*May*. 8th 1806—

ISAAC BRIGGS Esquire Surveyor. South Tennessee Mississippi Territory.

SIR, I have the honor to enclose the copy of an Act, supplementary to the Act entitled "An Act for ascertaining and adjusting the titles and claims to land within the territory of Orleans and the District of Louisiana." ⁷⁶—

You will perceive that by the ninth section, you are directed to appoint a principal deputy, for each of the two districts of the territory of Orleans, each of whom will be entitled to an annual compensation of five hundred dollars, to be paid by you and charged in your quarterly account, and in addition thereto a fee of 25 cents p^r mile, on surveys executed by any of the Deputies, and 25 Cents for a certified copy of any plot of survey. This last fee must in every instance be paid by the party applying for the plat, as it is not intended that the United States, should pay any for the official returns, which the Deputy may make to your office, to the Register of the proper land office, or to this Department. As to the other fee of 25 Cents p^r mile, it will be paid by the United States, when the survey is made at their expence, and by the parties when the land is surveyed at their expence. I hope this provision will be found sufficiently liberal to enable you to appoint two proper principal deputies, who will perform in the territory of Orleans, under your general superintendance, all the laborious part of the duties, enjoined by law on you.—

⁷⁶ Approved Apr. 21, 1806 (2 STAT. 391-395). For the more important changes introduced by this act, see notes to act approved Mar. 2, 1805, *ante*, p. 408. A copy of the Senate bill, as read Apr. 11, 1806, is in NA (Senate Files); a copy of the House report on the Senate bill, Apr. 19, 1806, is in the House Files (LC). For the Secretary of the Treasury's interpretation of the act, see his letter to Gurley and Thompson, May 5, 1806 (*A.S.P.*, *Pub. Lands*, III, 400-401). See also the Secretary to Thompson, May 6, 1806, with further instructions regarding incomplete titles, methods of survey, and accounts, *ibid.*, p. 401.

I have heard with pleasure that you had completed the survey of the Chafalaya & Teche,⁷⁶ and I must request that you will use every possible endeavour to have as much of the public lands in the western district of the territory of Orleans, surveyed during this year as is practicable, referring you for that purpose to my letter of 2^d July last.⁷⁷ —You will perceive by the subsequent sections of the enclosed Act, that it is the wish of the Legislature that the public lands should be offered for sale in that quarter; and I will add, that that object is considered as intimately connected with the welfare, & even the safety of that newly acquired territory.—For it is the only portion where any great increase of American population can take place, and I need not comment on the importance of that object.—It may indeed in this instance be found necessary to sacrifice the scientific correctness, which would otherwise be desirable, to the dispatch which is indispensibly necessary—

I will thank you to enclose to the Collector of New Orleans, to be delivered by him to such person as I may appoint to execute the survey of the coast directed by the 13th section of the Act, a sketch of your survey of the Chafalaya & Teche, which may give such person an approximate idea of the latitude & longitude of the mouth of those branches into the sea.

It is provided by the 12th section of the Act, that Gen^l La Fayette may make locations in tracts of five hundred acres; of which you will be pleased to give notice to your Deputies in the territory of Orleans — It will be desirable that your principal deputies in that territory, should respectively reside at the same place where the Land offices are kept, viz^t New Orleans & Opelousas ⁷⁸—

I have &^{ca}

Ex^d

SECRETARY GRAHAM TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:ALS]

Secretarys Office NEW ORLEANS 8th *May* 1806

SIR I have the Honor to inclose you a copy of the Register kept in this office, of the Military appointments made by the Governor of the Territory.

It may be proper for me to observe, that no Return has been made to me of the Military appointments among the People of Colour — these

⁷⁶ On this subject see Briggs to the President, Mar. 3, 1806, the Secretary of the Treasury to *id.*, Dec. 11, 1806 (Jefferson Papers, LC), and Briggs to the Secretary of the Treasury, Apr. 7, 1806 (GLO, Div. E, Miss. SG, vol. 52).

⁷⁷ *Ante*, p. 459.

⁷⁸ Answered July 9, 1806 (GLO, Div. E, Miss. SG, vol. 52), stating that the returns of the surveys of the Mississippi, Atchafalaya, Plaquemine, and Teche were not yet completed.

appointments were made before the Territorial Government got into operation and have not been since renewed. With Sentiments of the Highest Respect—I have the Honor to be, Sir Your Most Obt Sert

JOHN GRAHAM

THE HON^{ble} JAMES MADISON Secretary of State —

[Endorsed] Orleans Sec^y 8 May 1806 List of Militia Commissions.

[Enclosure]

Register of Appointments in the Militia of the Territory of Orleans.

[May 8, 1806]

Names.	Rank.	Dates of Commissions
W ^m C C Claiborne.....	Commander in Chief.	
Henry Hopkins.....	Adjutant General....	November 1. 1805.
William Wikoff.....	Brigade Inspector ...	.....d ^o 27. d ^o
Michael Fortier.....	Aid de Camp to Com ^r in chief.	April 17. d ^o
Joseph Forie.....	d ^o	d ^o
William Nott.....	d ^o	d ^o
John W Gurley.....	d ^o	Feb ^y 5. 1806.
Lewis Kerr.....	Brigade Major.....	August 11. 1805.
CAVALRY		
Augustin Tureaud.....	Captain.....	August 25. 1805.
Ebenezer Bradish.....	d ^o	
John Sibley.....	do.....	31. October 1805.
Francois Piseros.....	d ^o	31. March 1806.
William Owen.....	1 st Lieutenant.....	27. November 1805.
Blache.....	d ^o	
Rene Trudeau.....	d ^o	30. March 1806.
Onisem Roman.....	d ^o	27. November 1806.
William Duncan.....	2 ^d Lieutenant.....	27. November 1805.
John Clay.....	d ^o	
Etienne Trepanier.....	d ^o	30. March 1806.
Francois Arcenaux.....	d ^o	27. Nov ^r 1805.
Francois Dusey.....	Cornet.....	27. Nov ^r 1805.
P L B Duplississ.....	d ^o	Resigned 29. Ap ^r 1806.
Armedé Longer.....	d ^o	27. Nov ^r 1806.
1 st REGIMENT		
D. Bellechasse.....	Colonel.....	20. April 1805.
William Flood.....	Major.....	
Paul Darcantel.....	d ^o	
William Donaldson.....	Captain.....	20. January 1806.
Paul Lanus.....	d ^o	d ^o

Names.	Rank.	Dates of Commissions.
Louis Rillieux	Captain	20. January 1806.
T G Dusert	d°	d°
Augustin Macarty	d°	d°
Pierre Gaillard	d°	d°
Henry Molliere	d°	d°
Louis Martin	d°	d°
Antoine Cavellier	d°	22. February 1806.
Louis Allard	d°	1. March 1806.
Francois Dreux	d°	d°
Claude Tremé	d°	d°
Claudius Bellergey	1 st Lieutenant	20 th January 1806.
Dominique Roquet	d°	d°
John B Trette	d°	d°
Henry Lebreure	d°	d°
Roque Sen ^r	d°	d°
Philip Sidany	d°	d°
B. Dufau	d°	d°
Roque Jun ^r	d°	d°
Francis Jaquier	d°	22 ^d Feb ^r 1806
Jean L Alpuinte	d°	1 st March 1806
Joseph Castanedo	d°	d°
Jaques Kerignon	d°	d°
John F O'Neal	d° and Adjutant	
John B Demourel	2 ^d Lieutenant	20. January 1806.
Francis Bureau	d°	d°
Celestin Lachiapelle	do	d°
Nicholas Gravier	do	d°
John Kidder	d°	d°
Louis Desforgues	2 ^d Lieutenant	20. January 1806.
John Paul Poultz	do	do
Lewis Nicholas	d°	22. February 1806
Francois Armant Hulier	do	1. March. d°
Pierre Alex ^r Lefaucheur	do	22. Feb ^r 1806.
Legere F Bauduin	d°	d°
Etiene Pedesclaux	Ensign	1. March 1806.
SECOND REGIMENT		
Eugene D'Orsier	Colonel	11. August 1805.
Louis Boisdore	Major	12. August 1805.
Richard R Keene	do	7. November 1805.
Jean Mercier	Captain	21. January 1806.
Jean B Durel	do	22. d°
Felix Arnaud	do	do
Simon Ducourneau	do	do
Jean B Labatut	do	do
Zenon Cavalier	do	do
Narcissus Brutin	do	do
Leander Lacoste	d°	do
Bartholomew Lafon	1 st Lieutenant	21. January 1806.

Names.	Rank.	Dates of Commissions.
Antoine Marmillon.....	1 st Lieutenant.....	22. Jan ^r 1806.
F. Ruis Alpointe.....	do.....	do
Francis Landreau.....	d ^o	do
John Foley.....	do.....	do
Urbin Milleur.....	do.....	do
Laurins Pellegrin.....	d ^o	d ^o
Thomas Urkhart.....	d ^o	d ^o
Louis Duvillier.....	Second Lieutenant..	21 st January 1806
Jean F. Durel.....	do.....	22. Jan ^r 1806
Louis Laudreau.....	d ^o	do
Piere Hardy.....	d ^o	do
Ferdinand Percy.....	d ^o	do
La Villebruvre.....	2 ^d Lieutenant.....	22. January 1806.
Louis Jaques Barbin.....	do.....	do
Pierre Peyroux.....	d ^o	do
Marty.....	Ensign.....	do
THIRD REGIMENT		
Jaques Villerei.....	Colonel.....	12. August 1805.
Francois Garric.....	Major.....	do
Joseph Soniac Dufosat.....	d ^o	
Antoine Birvenu.....	Captain.....	20. February 1806.
Gabriel Villéré.....	do.....	do
Chiviller De Clouet.....	do.....	do
Nicholas Olivier.....	do.....	do
Louis Regeo.....	do.....	do
Francois Oduhigg.....	do.....	do
Joseph Davis.....	d ^o	do
John B Desdume.....	do.....	do
Macarty.....	1 st Lieutenant.....	
Casemere Boursier.....	do.....	20 th February 1806.
Castagnol Regeo.....	do.....	do
Francois Daquin.....	do.....	do
Gabriel Fazende.....	do.....	do
Pierre Misotiere.....	do & Adjutant..	do
Ejules Fazende.....	do.....	do
Francis Dellery Desilet..	2 ^d Lieutenant.....	do
Lorant Dupre.....	do.....	do
Joseph Lefever.....	do.....	do
Joseph Veillion.....	do.....	do
Levoday Beaumon.....	En[s]ign.....	20. February 1806.
FOURTH REGIMENT		
Jean B Macarty.....	Colonel.....	14. Aug ^t 1805.
D. Boulogny.....	Major.....	15. Oct ^r 1805.
Louis Badins.....	d ^o	17. Dec ^r 1805.
Pierre R. De Logny.....	Captain.....	22. January 1806.
Alexander Harring.....	do.....	do
Norbert Fortier.....	do.....	do

Names.	Rank.	Dates of Commissions.
Barthellemy Macarty...	Captain.....	22. January 1806.
Lalander Ferriere.....	do.....	do
J B Serapurer.....	do.....	do
D. P. Barran.....	do.....	do
Andrew Berke.....	do.....	do
Louis Bouigny.....	1 st Lieutenant.....	do
L C L Deschapelle.....	do.....	do
Oliver Forcelle.....	do.....	do
Lewis Wiltz.....	do.....	do
Edward Macarty.....	do.....	do
Louis Avart.....	do.....	do
Andrew Villamil.....	do.....	do
Robert Avart Jun ^r	do.....	do
John Delavilleburre.....	2 ^d Lieutenant.....	do
Cyrille Fazende.....	do.....	do
Belthazer Dressuau.....	do.....	do
Francois P. Delabarre.....	do.....	do
Francois Lachestiere.....	do.....	do
Pierre Percil.....	do.....	do
Edward Ducrot.....	do.....	do
Louis Dureau.....	do.....	do
Radolph J Ducrot.....	do.....	do
Morcier Fazende.....	do & Adjutant..	do
Saintpe.....	do Quarter Master	do
Francois Verbois.....	Ensign.....	do.
FIFTH REGIMENT		
Jaques Fortier.....	Colonel.....	12. August 1805.
Manuel Andrie.....	Major.....	do.
Antoine S ^t Armand.....	do.....	do.
Adelard Fortier.....	Captain.....	27. November 1805.
Louis Fouché.....	d ^o	do, excepted.
Michael Andry.....	do.....	do.
Leonard Perelloux.....	do.....	do, excepted.
Charles Masecot.....	do.....	do
Pierre S ^t Martin.....	do.....	do
Pierre Beaussic Jun ^r	do.....	do
Christopher Heydelle.....	do.....	do
Louis Blanchard.....	1 st Lieutenant.....	do, resigned
Elienne Trepanie.....	do.....	do, do
Andre Deslonde.....	do.....	do.
Pelbert Andry.....	do.....	do
Augustin Massicot.....	d ^o	do
Lalaude Dapermon.....	do.....	do, excepted
Pierre Macmillon.....	do.....	do
Mathia Russel.....	do.....	do
René Trudeau.....	do.....	do, resigned.
Jean Etienne Destrehan..	2 ^d Lieutenant.....	do
Alex ^r Delhomme.....	do.....	do, excepted

Names.	Rank.	Dates of Commissions.
Jean Folse.....	2 ^d Lieutenant.....	27. November 1805.
Alexander Chenet.....	do.....	do
George Pickner Jun ^r	do.....	do
Charles Derembourg.....	do.....	do, excepted
Fermin Songis.....	do.....	do
Jean Jaques Haydelle.....	do.....	do
Pierre St Martin Jun ^r	Ensign.....	do
Trouard Jun ^r	do.....	do
SIXTH REGIMENT		
John B Armant.....	Colonel.....	25. August 1805.
Marius P Bringier.....	Major.....	do
Joseph Landry.....	do.....	do
John B Cantrell.....	Captain.....	27 th November 1805.
Pierre Perret.....	do.....	do
Jean Reynauld.....	do.....	do
Joseph Comes.....	do.....	do
Olivier Theriot.....	do.....	do
John W Scott.....	do.....	do
John B Bonois.....	do.....	do
Pierre Theriot.....	do.....	do
Victorin Roman.....	1 st Lieutenant.....	do
James Cantrell Jun ^r	1 st Lieutenant.....	do
Louis Molliere.....	do.....	do
Louis Landry.....	do.....	do
Ferdenand Landry.....	do.....	do
Lewis Bringier.....	do.....	do
Joseph Landry Jun ^r	do.....	do
Justin Perret.....	do.....	do
Paul Eber.....	do and Adjutant.....	do
Casamiere Cantrell.....	2 ^d Lieutenant.....	do
Gerome Gaudet.....	do.....	do, excepted
Raymond Braux.....	do.....	do
John Brijot.....	do.....	do
Michael Braux.....	do.....	do
Rob ^t Wetherstrand.....	do.....	do, excepted
Benjamin Mir.....	do.....	do
Joseph Michel.....	do.....	do
Lavasseur Cantrell.....	Ensign.....	do
John Conway.....	do.....	do
SEVENTH REGIMENT		
William Wikoff Jun ^r	Colonel.....	23. Aug ^t 1805.
Pierre Allain.....	Major.....	30. Sep ^r 1805.
Thomas Villanueva.....	d ^o	do
Joseph Molere.....	Captain.....	27. November 1805
Barnard D'Otrive.....	do.....	do
Vallerian Allain.....	do.....	do

Names.	Rank.	Dates of Commissions.
Francois Revas.....	Captain.....	27. November 1805
Antonio Vivez.....	do.....	do
Louis Verret.....	do.....	do
Henry Thibodau.....	do.....	do
Jaques Verret.....	do.....	do
Pierre Joseph Landry...	1 st Lieutenant.....	do
Aubric Dupuis.....	do.....	do
Gerome Perrin.....	do.....	do, resigned
Temoleon Le Sassier.....	do.....	do
John Landry.....	do.....	do
Joachin Porche.....	do.....	do
Pierre Aubert.....	do.....	do
Pierre Daspit.....	do.....	do
Joseph Orellon.....	2 ^d Lieutenant.....	do
Armand Hebert.....	do.....	do
Polain Allain.....	do.....	do
Joseph Buau.....	do.....	do
Luke Landry.....	do.....	do
Marcelin Verret.....	do.....	do
Valentine Solet.....	do.....	do
Victor Coulon.....	do.....	do
Armanda Reigeau.....	Ensign.....	do
Godefrois Verret.....	do.....	do
EIGHTH REGIMENT		
John Thompson.....	Colonel.....	27. November 1805
George King.....	Major.....	do
Charles Oliver.....	do.....	do
Alexander Declouet.....	Captain.....	do
Clair Dubuclay.....	do.....	do
David Rees.....	do.....	do
Agricola Fusilier.....	do.....	do
Theophilus Elmer.....	do.....	do
Ancelot Cormier.....	do.....	do
Raphael Smith.....	do.....	do
Louis Fontenot.....	do.....	do
Alexander Delhomne.....	1. Lieutenant.....	do
Despanet Deblanc.....	do.....	do
Maxamelion Judice.....	do.....	do
Godefrois Decuire.....	do.....	do
Louis Tauriac.....	do.....	do
Eteine Lamorandier.....	do.....	do
David Guidry.....	do.....	do
Louis Carrier.....	do.....	do
William Montgomery.....	do, and Adjutant.....	do
Joseph Lathiolais.....	2 ^d Lieutenant.....	do
Archile Berard.....	do.....	do
Baptist Bonin.....	do.....	do

Names.	Rank.	Date of Commissions.
Vincent Labbé.....	2 ^d Lieutenant.....	27. November 1805
Joseph Gradnigs.....	do.....	do
Pierre Chretien.....	do.....	do
Cadet Potier.....	do.....	do
Jaques Dupres.....	do.....	do
Hipolite Chretien.....	Ensign.....	do
Alex ^f Delahoussay.....	do.....	do
NINTH REGIMENT		
Alexander Leblanc.....	Colonel.....	24. Aug ^t 1805.
Zenon Allain.....	Major.....	29. Sep ^r 1805.
William Nichols.....	do.....	27 th do do
David B Morgan.....	Captain.....	27. Nov ^r 1805.
Samuel Mahon.....	do.....	do
William Blunt.....	do.....	do
Trent.....	do.....	do
Gabriel Winters.....	1 st Lieutenant.....	do
Francis Henderson.....	do.....	do
Archibald Douglass.....	do.....	do
John S Blunt.....	do.....	do
William C Middleton...	2 ^d Lieutenant.....	do
John Carnahan.....	do.....	do
Robinson.....	do.....	do
Thomas Kenner.....	do.....	do
Ambrose Foster.....	Ensign.....	do
TENTH REGIMENT		
Emanuel Prudhome.....	Major.....	27. Nov ^r 1805.
James L Henderson.....	do.....	do
Nicholas Welsh.....	do.....	do
Ceprian Lacour.....	Captain.....	do
Reuben White.....	do.....	do
Charles Mulholland.....	do.....	do
Joseph Porriet.....	do.....	do
James Bludworth.....	do.....	do
Baptist Grapp.....	do.....	do
Antoine Prudhome.....	do.....	do
Louis Derban.....	do.....	do
Alexander Briard.....	do.....	do
Nicholas Meriwether.....	do.....	do
Lewis Lamy.....	do.....	do
James M ^o Lawchlin.....	do.....	do
Daniel Clark.....	1 st Lieutenant.....	27. November 1805.
Josiah Slater.....	do.....	do
Joshua Bradley.....	do.....	do
John Cumpton.....	do.....	do
Placid Bossier.....	do.....	do
Louis Buard.....	do.....	do
Alexis Cloutier.....	do.....	do

Names.	Rank.	Dates of Commissions.
George M ^o Tire.....	1 st Lieutenant.....	27. November 1805.
John Filhiol Jun ^r	do.....	do
Samuel Buckner.....	do.....	do
James Larche.....	do.....	do
Jacob Stoop.....	do.....	do
Pierre Leglease.....	2 ^d Lieutenant.....	do
John Louis Lacroix.....	do.....	do
James Neville.....	do.....	do
James Brown.....	do.....	do
Francois Roquer Jun ^r	do.....	do
John Pierre Verchere.....	do.....	do, excepted.
Le Count Jun ^r	do.....	do
Pero.....	do.....	do
Pierre Chauvin.....	do.....	do
Clack.....	do.....	do
John Bonaventure.....	do.....	do
Joseph Pomet.....	do.....	do
John Casson.....	Ensign.....	do
Antoine Grillette.....	do.....	do
Gramont Filhiol.....	do.....	do
ORLEANS VOLUNTEERS		
Peter F Dubourg.....	Major.....	
John Lind.....	Captain.....	30. May 1805
George T Ross.....	do.....	do
J B Dejan Sen ^r	do.....	do
Samuel B Davis.....	Captain.....	30th May 1806.
P. Colson.....	do.....	do
George Pollock.....	do.....	do
Waters Clark.....	do.....	do
John Crawford.....	1 st Lieutenant.....	
Richard Relf.....	do.....	
L Ponnas.....	do.....	
A L Duncan.....	do.....	
Chastant.....	do.....	
Leon Corcelle.....	do.....	
D. Haragan.....	do.....	
James Quinn.....	2 ^d Lieutenant.....	
Charles Patton.....	do.....	
John Thibaut.....	do.....	
William Harper.....	do.....	
Joseph Tricou.....	do.....	
John B. Dejan.....	do.....	
F W Small.....	do.....	
Nicholas Tricou.....	Ensign.....	
John P. Saunderson.....	do.....	
Henry A Heins.....	do.....	

Names.	Rank.	Dates of Commissions.
VOLUNTEER BLUES		
James Still.....	Captain.....	17. Jan ^r 1806, re- signed
James Lovell.....	do.....	18. do. resigned
Beverly Chew.....	do.....	do
Joseph Saul.....	1 st Lieutenant.....	do resigned
George T Philips.....	do.....	do
W A Duer.....	do.....	do
John W Smith.....	2 ^d Lieutenant.....	do
John W Leonard.....	do.....	do
Samuel Croudson.....	do.....	do.

SUMMARY.

Grades.	Com ^r in Chief	Adjutant General	Brigade Major	Aid de Camps	Colonels	Majors	Captains	1 st Lieutenants	2 ^d Lieutenants	Cornets	Ensigns	Brigade Inspector	Grand Total
General Staff.....	1	1	1	4	...	...	...	...	...	...	...	1	8
Cavalry.....	4	4	4	8	...	...	15
1 st Regiment.....	1	2	12	14	11	...	1	...	41
2 ^d Regiment.....	1	2	8	8	8	...	...	...	28
3 ^d Regiment.....	1	2	8	6	4	...	1	...	22
4 th Regiment.....	1	2	8	8	12	...	1	...	32
5 th Regiment.....	1	2	8	9	8	...	2	...	30
6 th Regiment.....	1	2	8	9	8	...	2	...	30
7 th Regiment.....	1	2	8	8	8	...	2	...	29
8 th Regiment.....	1	2	8	9	8	...	2	...	30
9 th Regiment.....	1	2	4	4	4	...	1	...	16
10 th Regiment.....	3	12	12	12	...	3	...	42
Orleans Volunteers.....	1	7	7	7	...	3	...	25
Volunteer Blues.....	3	3	3	...	...	...	9
Non-acceptances & Resignations.... } deduct	1	4	9	22	98	101	97	8	19	1	...
	4	6	5	1	...	...	...
Total in Grades....	1	4	9	22	94	95	92	2	19	1	341

Secretary's Office TERRITORY OF ORLEANS

I certify that the within is a true copy of the Register of Military appointments kept in this Office.

NEW ORLEANS May 8. 1806.

JOHN GRAHAM

[Endorsed] Rec^d in John Graham's 2nd May 1806

ⁿ As on the original.

PIERRE SAUVÉ TO GOVERNOR CLAIBORNE ⁸⁰

[NA:SD, Orleans Terr. Papers, VIII:C]

(Copy)

[May 21, 1806]

HIS EXCELLENCY WM. C. C. CLAIBORNE, Governor &° &° of Orleans Territory.

SIR, I am exceding sorry to inform your Excellency, that the state of my health & family concerns of the first impotence I have to settle, which will require all the spare time my health will admit of for a long while; for these reasons and others equally conclusive, I beg leave to with draw from your Territorial Council at the end of this session, and give you this notice in order that you may fill this vacancy before the Legislature adjorne.

I also beg leave to assure your Excellency of the esteem and consideration with which I have the honor to be, your Excellency's Most obedient & humble Servant.

Signed P^r SAUVÉ.

May 21. 1806.

[Endorsed] From M^r Sauvé May 21. 1806 (Copy) Rec^d in Gov^r Claiborne's 28 May 1806

JEAN NOËL DESTRÉHAN TO GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, VIII:C]

N^o110 ORLÉANS le 24 Mai 1806.A SON EXCELLENCE LE GOUVERNEUR W^m C. C. CLAIBORNE.

MONSIEUR, Ma mauvaise santé ne mepermettant pas de continuer mes fonctions comme Membre du Conseil Législatif de ce Territoire; je vous prie d'accepter ma résignation de cet honorable employ.

J'ai l'honneur d'être avec Respect, Monsieur, Votre très humble et très obéissant serviteur.

Signé DESTRÉHAN.

[Endorsed] From M^r Destréhan 24 May 1806 (Copy) Rec^d in Gov^r Claiborne's 28 May 1806

[Translation]

NEW ORLEANS, May 24, 1806.

HIS EXCELLENCY GOVERNOR WM. C. C. CLAIBORNE.

SIR, My ill health not permitting me to continue my duties as Member of the Legislative Council of this Territory; I beg you to accept my resignation from this honorable office.

I have the honor to be with Respect, Sir, Your very humble and very obedient servant,

Signed DESTRÉHAN.

⁸⁰ Enclosed, with the letter following, in Claiborne to the Secretary of State, May 28, 1806 (Rowland, ed., *Claiborne Let. Bk.*, III, 313, under date of May 26). Claiborne's replies to Sauvé and Destréhan, both of May 26, 1806, *ibid.*, pp. 308-309, were also enclosed.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:LS]

NEW ORLEANS *June 3^d 1806.*

SIR I inclose for your perusal a copy of a Manifesto addressed to the People of the Territory and signed by certain members of the legislative Council, and of the House of Representatives.

That this Publication will raise the popular sentiment in favor of the Signers, is perhaps probable; but I am persuaded its effects will soon pass away. For myself I only regret the proceeding on account of the Precedent; an appeal to the People in this way tends to bring the constituted Authorities into disrepute, and may lead to anarchy,—but I place too much reliance on the prudence and peaceable disposition of the Louisianians to apprehend any mischievous consequences. From personal considerations, the publication gives me no concern. I have rejected only two Laws—and of these, copies have been transmitted to you.⁸² My judgment told me they were wrong—and that judgment will never bend to the Will of any man or set of men. I am alone responsible for my conduct—and by pursuing my own course, if any political misfortune may await me, I shall have the consolation of conscious rectitude—a consolation more desirable than the praise of Nations. With respect to the Law concerning Elections which is alluded to, it was not rejected by the Executive.—One Clause which was deemed by me exceptionable—a clause which in certain cases transferred the right of issuing Writs of Election from the Executive to the Sheriffs of Counties—was—upon a reconsideration, stricken out—as was also, another clause which laid a fine of Twenty dollars upon every Citizen who was qualified to vote for Representatives, who should decline doing so. This latter clause the Council did not like—and readily availed themselves of my objections to have it expunged.⁸³

I have the honor to be, With great respect, Sir, your mo. ob^t Serv^t

WILLIAM C. C. CLAIBORNE

THE SEC^y OF STATE.

[*Addressed*] The Honorable The Secretary of State Washington.

[*Endorsed*] Orleans Gov^r 3 June 1806

⁸² “An Act to establish certain conditions necessary to be a Member of either House of the Legislature of the Territory of Orleans”, and “An Act declaring the laws which continue to be in force in the Territory Of Orleans, and authors which may be recurred to as authorities within the same”, enclosed in Claiborne to the Secretary of State, May 8 and May 22, 1806, respectively (NA, SD, Orleans Terr. Papers, VIII). The covering letters are printed, Rowland (ed.), *op. cit.*, III, 297–298, 305–306. See also *id.* to *id.*, May 26, 1806, and veto message of the same date, *ibid.*, pp. 309–311, 313.

⁸³ Acknowledged July 28, 1806, *post*, p. 679.

[Enclosure]

Le Telegraphe.—*Nouvelle-Orleans.*—*Mardi 3 Juin 1806.*—*Extrait de la Seance du Conseil Legislatif, Du 26 Mai 1806.*

[May 28, 1806]

“VU que les mesures les plus essentielles et les plus salutaires, prises par cette Législature, ont été successivemen[t] rejetées par le Gouverneur du territoire, et que cette Legislature, dont les Membres n’avaient accepté leur charge que dans l’espoir d’être utiles à leurs Concitoyens, doit être aujourd’hui convaincue qu’elle ne peut rien que leur occasionner une dépense considerable;

“RESOLU, que l’Assemblée Générale se dissolve immédiatement.”

Le Conseil Legislatif croit devoir à ses Concitoyens l’exposition des motifs qui l’ont déterminé à proposer la résolution ci-dessus transcrite, et qui lui ont fait considérer l’acte qui l’avait consacré, et auquel le Gouverneur a refusé sa sanction, comme celui d’ou dépendait, le plus essentiellement, le bonheur et la tranquillité future de ce pays. C’est au public à juger si ces motifs ont été purs et dégagés de toute espèce de passion particulière.

Le bienfait le plus inestimable, pour un peuple, c’est la conservation de ses lois, de ses usages et de ses habitudes. C’est cette conservation qui peut, seule, adoucir le passage subit d’un Gouvernement à un autre, et c’est en ménageant cet attachement naturel que le joug même le plus pesant devient supportable. Le Congrès des Etats-Unis a paru vouloir respecter ces principes sacrés, et rendre sa domination encore plus douce pour les habitans du territoire d’Orléans, en leur conservant leurs anciennes lois: tel est du moins, le sens naturel et raisonnable de l’article IV de l’acte du 2 Mars 1805, qui pourvoit ultérieurement au Gouvernement du Territoire d’Orléans, lequel est conçu en ces termes: “Les lois qui seront en force dans ledit Territoire lorsque cet acte commencera à avoir son effet, et qui ne seront pas contraires aux dispositions dudit acte, continueront d’être en vigueur, jusqu’à ce qu’elles soient changées, modifiées ou rappelées par la Législature.”

Or, quelles sont les lois que le Congrès a prétendu nous conserver per cette disposition? Quelles sont les lois qui doivent être sujettes à être revues et rectifiées par les Législatures de ce Territoire? La question n’est pas douteuse. Il est évident que c’est des anciennes lois qui étaient en usage en ce pays, avant sa cession aux Etats-Unis d’Amérique, qu’il s’agit ici. Car le Congrès a pris soin de nous appliquer, de la Loi Commune, tout ce qu’il a cru indispensable de nous prescrire, pour que notre régime ne fût pas en contradiction avec ce qui est en vigueur dans tous les Etats de l’Union, c’est-à-dire le droit d’être jugé par ses Pairs, et le *Writ d’habeas corpus*, les deux grands *Palladiums* de la liberté civile. A cet égard, nous ne pouvons rien

changer sur ce que le Congrès a ainsi, constitutionnellement, déterminé; mais il est clair que, sur tout le reste, nous sommes libres d'adopter ou de rejeter, de la Loi Commune, tout ce qui nous paraîtra convenable.

Or, puisque nous avons la faculté de conserver nos anciennes lois, en ce qui n'est pas contraire à la constitution des Etats-Unis et aux actes particuliers passés pour notre gouvernement provisoire, on ne peut nous disputer l'avantage de rester sous un système auquel nous sommes habitués, et qui n'a rien de contraire à l'affection que nous devons à notre gouvernement. Car, il faut distinguer, dans les lois qui regissent un état, celles qui tiennent à sa constitution et à son gouvernement, d'avec celles qui ne règlent que les contrats et les conventions entre particuliers. Les premières doivent être, indispensablement, communes à toutes les parties de la république, mais sur les autres elles peuvent différer sans inconvénients. Ainsi la constitution des Etats-Unis, et les autres lois fédératives, étant générales pour toute l'union, il serait absurde de prétendre que ce territoire ne doit pas y être soumis: mais quant aux lois sur les contrats, les testaments et les successions qu'importe qu'ici ces actes soient gouvernés par le droit civil, tandis que, dans les autres Etats de l'union, ils sont réglés par la loi commune? D'où vient que la multitude des coutumes que l'on remarque en Angleterre, ne nuit pas à l'harmonie générale? Ces différences de lois locales empêchent-elles un Anglais d'être moins bon citoyen et moins soumis à la constitution de son pays? Au contraire, et ce serait [original torn] être à exposer à aliéner son affection et à exciter le désordre et le mécontentement général, que de toucher à ces coutumes aux quelles chaque province est attachée par les liens de l'expérience et d'une longue habitude.

Dans les Etats-Unis, eux mêmes, il n'existe pas de code civil général: la loi commune d'Angleterre n'y est pas adoptée comme un article constitutionnel—Dès l'origine de l'établissement des colonies de la Nouvelle Angleterre cette loi commune n'avait été reçue, dans chaque province, qu'avec des modifications et des altérations, qui soit que la loi commune de Virginie ne ressemble pas plus à celle en usage dans la Caroline du sud, que celle-ci ne ressemble à celle qui a été adoptée dans l'Etat de New York. Lors de la confédération générale, et après la guerre de la révolution Américaine, le Congrès eut la sagesse de ne point choquer ces différences, en établissant une loi commune générale et uniforme, pour tous les Etats de l'union, et il a laissé, à chaque Etat, le droit de conserver ou de modifier ce qu'il avait cru devoir adopter de la loi commune, et même de la remplacer par d'autres lois, suivant qu'il le jugeroit le plus convenable à sa situation particulière.

C'est par une conséquence de cette politique prudente et judicieuse, que le Congrès a, sans doute, voulu accorder à ce Territoire, le privi-

lège de conserver ses anciennes lois, ou de les changer ou modifier suivant que ses Législatures le trouveraient nécessaire. Or, personne n'ignore que ces anciennes lois ne sont autre chose que la loi civile ou romaine, modifiée par les lois du gouvernement sous lequel existait ce pays avant sa cession aux Etats-Unis. Qu'on ignore le titre des livres où ces lois sont contenues, que ces titres paraissent barbares ou ridicules, c'est peut-être faire leur éloge le plus complet, en prouvant, par l'ignorance de ceux qui y ont obéi jusqu'ici, sans le savoir, qu'elle est leur douceur et leur sagesse, et le petit nombre d'inconvéniens qui peut résulter de leur exécution. Dans tous les cas, il n'est pas moins vrai que la loi romaine qui forme la base des lois civiles et politiques de toutes les nations policées de l'Europe, présente un ensemble de grandeur et de prudence qui est audessus de toute critique. Quelle pureté dans ces décisions puisées dans l'équité naturelle; quelle clarté dans cette rédaction, l'ouvrage des plus grands jurisconsultes, animés par les encouragemens des plus sages Empereurs; quelle simplicité dans la forme de ces contrats, et quels moyens sûrs et prompts pour obtenir les remèdes prescrits par la loi, pour la réparation de toutes espèces de torts civils.

Nous ne prétendons pas, certainement, établir aucun parallèle entre la loi civile et la loi commune; mais enfin la sagesse de la loi civile est reconnue de toute l'Europe; et cette loi, les dix-neuf-vingtièmes de la population de la Louisiane, la connaissent, y sont habitués dès l'enfance, et ne s'en verraient pas privés sans désespoir. Si les Habitans de ce Territoire n'avaient jamais connu de lois, si, jusqu'à présent, ils eussent vécu sans faire de conventions ou de contrats, il leur serait indifférent, peut être, d'adopter tel ou tel système, et il est probable même que leur attachement pour leur nouvelle patrie, leur ferait préférer celui qui les rapprocherait le plus de leurs nouveaux Concitoyens. Mais il s'agit ici de renverser des usages reçus et généralement connus, et l'incertitude par laquelle on les remplacerait, serait aussi injuste que désespérante. Chacun fait aujourd'hui, et par une longue expérience, comment les Successions se transmettent, quel est le pouvoir des pères sur leurs enfans, et la portion de leurs biens dont ils peuvent disposer à leur préjudice, quels sont les droits qui résultent des mariages faits avec ou sans contrat, la forme dans laquelle on peut disposer par testament, la manière de vendre, échanger ou aliéner ses propriétés avec sûreté, et les secours que la loi accorde à défaut de paiement. Chacun des Habitans dispersés sur la vaste étendue de ce Territoire, quel que peu instruit qu'il soit, a une teinture de cette jurisprudence générale et familière, nécessaire à la conduite des moindres affaires, et qui assure le repos des familles; cette connaissance, il la succée avec le lait, l'a reçue par tradition de ses pères, et l'a perfectionnée par l'expérience d'une vie longue et laborieuse. Renversez tout à coup ce système. Suppléez aux lois anciennes par des lois

nouvelles; quel bouleversement n'operez-vous pas? que devient l'expérience du vieillard, la facilité et la sûreté des mutations? Qui osera contracter sous un régime nouveau, dont il ne connaîtra pas les effets? Quel sera le sort de l'habitant assez malheureux pour n'avoir pas reçu suffisamment d'éducation, pour apprendre ces nouvelles lois, au moins par leur lecture, en supposant qu'on lui en facilite l'intelligence, en les lui transmettant dans sa propre langue? Ne frémissera-t-il pas, toutes les fois qu'il voudra disposer de ses propriétés? ne craindra-t-il pas alors, de le jeter dans un abîme sans fond et sans issue, et d'opérer sa ruine totale? ou faudra-t-il qu'il ait toujours besoin de recourir aux lumières d'un jurisconsulte, sur les transactions les plus ordinaires de la vie civile?⁸⁴

Voilà les raisons véritables qui nous attachent à notre ancienne Législation, et nulle autres raisons politiques qu'on voudrait fausement supposer aux bons Habitans de la Louisiane; et ce sont celles qui ont dû engager cette Législature à veiller à ce qu'on ne touchât pas, d'une main imprudente, à un dépôt si précieux. La première Législature de ce Territoire doit s'attacher principalement à fixer des bases fondamentales, les lois secondaires, les accessoires et les détails ne doivent venir qu'après, autrement on s'expose à faire des parties qui se trouveront incohérentes avec l'ensemble. Or, quelle est la première loi, la plus importante dans la situation actuelle de ce pays; quelle est la base fondamentale du grand édifice de sa législation future? On ne peut contester que ce ne soit de lui donner un code civil. La composition actuelle des Tribunaux, les Juges qui y siègent et les Jurisconsultes qui y plaident étant presque tous étrangers à la langue Française, et encore plus à celle dans laquelle la plupart des lois de ce pays sont écrites, la rareté même des auteurs élémentaires qui en parlent, tout rend indispensable l'adoption d'une mesure qui tend à mettre à portée de tous les citoyens, et dans les langues Française et Anglaise, un recueil complet des lois qui nous régissent. Mais avant de se livrer à ce travail, ne fallait-il pas déterminer quelle en serait la base, et quel serait le canevas sur lequel on devait travailler? Car, quel doit être, dans l'intérêt véritable des habitans de ce pays, la base qu'on doit adopter? C'est de conserver des anciennes lois tout ce qui peut être conservé sans inconvénient, et sans contrarier le système général de notre Gouvernement, et de ne recourir à des codes étrangers, que dans ce qui sera trouvé défectueux ou nuisible. Par cette mesure on ne placera pas les tribunaux, en quelque sorte, entre deux codes différens; car tous les contrats qui se sont passés jusqu'ici doivent être nécessairement jugés par les lois sous lesquels ils ont été faits; ainsi dans quel embarras ne plongerait-on pas les tribunaux, si, en effaçant tout ce qui reste de la loi civile, on les laissait

⁸⁴ These marks of ellipsis are on the original, as are similar marks later in the document.

pendant dans la nécessité de juger, par cette même loi, des effets de tous les contrats et actes passés jusqu'à ce jour? Qu'on réfléchisse que, pendant trente ans encore, peut-être, la moitié des procès qui se présenteront devant les tribunaux, naîtront sur l'exécution de contrats antérieurs au tems où nous parlons. Voilà donc de nouvelles raisons qui doivent encore plus attacher la Législature, au maintien de nos anciennes lois, et en faisant un code qui en sera rapproché autant que possible, les tribunaux y verront une boussole sûre qui facilitera la décision de tous les procès anciens, et nouveaux, sans rien livrer à l'arbitraire.

Tels sont les principes qui avaient déterminé la Législature à faire précéder son acte sur la formation d'un code, d'une loi déclaratoire sur les lois qui devaient servir de base à ce travail. On a prétendu que cette déclaration était inutile et surabondante, parce qu'elle s'induisait naturellement des disposition de l'acte du Congrès. La Législature doit certainement voir, dans cette disposition, un vœu bien exprimé de nous conserver nos anciennes lois. Mais suffit-il qu'elle y lise ce vœu: ne doit-elle pas veiller à ce qu'on n'égare pas les gens faibles et peu instruits qu'on cherche à inquiéter par de fausses terreurs, et à jeter dans l'incerttude sur les véritables intentions du Congrès? N'a-t-on pas vu élever ce doute, même en présence de la Cour supérieure de ce Territoire, et un argument public s'établir pour et contre cette question importante? N'est il pas à craindre qu'on la renouvelle encore; et la Législature a-t-elle dû rester muette sur un intérêt de cette nature, qui touche aux droits les plus chers de ses constituans? La discussion de la Chambre des Représentans et le refus même de la Sanction du Gouverneur, ne semblent-elles pas se réunir pour justifier sa prévoyance, en donnant à présumer qu'on a le dessein secret de nous jeter malgré nous dans le cahos épouvantable de la loi commune? N'a-t-on pas vu un honorable membre de cette chambre, soutenir que depuis six ans qu'il habitait dans ce pays, il ne savait pas qu'il vécut sous la loi civile et sous les autres lois qui nous régissent encore aujourd'hui, que nos transactions devaient se régler par la loi reçue dans les Etat Unis, tandis qu'il est reconnu que les Etats-Unis non pas de loi générale et uniforme sur les contrats? Il y a plus, on a entendu, d'autres membres prétendre qu'en gardant la loi civile nous adoptons tout ce qu'elle peut avoir de révoltant et de contraire au régime Républicain, lorsque la disposition de l'acte du Congrès citée dans l'acte déclaratoire, comme en formant la base, porte qu'il n'est conservé de cette loi que ce qui ne sera pas contraire à la constitution des Etats-Unis, qui proscriit expressément tout ce qui peut choquer la forme d'un gouvernement libre et Républicain.

Lorsqu'une pareille incertitude et de pareils écarts ont percé parmi ceux mêmes dont l'opinion doit servir de flambeau au peuple, nous

avons dû nous applaudir, encore plus fortement, d'avoir proposé une Loi capable de dissiper tous les doutes et de rassurer tous les ordres de Citoyens. La majorité de la Chambre des Représentans a pensé comme nous, en donnant son approbation à l'acte déclaratoire; il ne lui manquait plus que la sanction du Gouverneur pour lui donner force de loi, mais cette sanction lui a été refusée!

Dans ces circonstances, le Conseil Législatif, fortement pénétré qu'il ne pouvait point espérer de faire le bien, et que sa présence ne pouvait être qu'onéreuse à ses Concitoyens, puisque les mesures les plus intéressantes au bonheur du territoire, étaient ainsi rejetées, a, dans un mouvement unanime et spontané, résolu que la Législature serait immédiatement dissoute. Car il ne faut pas penser que ce soit seulement le refus de sanctionner la loi déclaratoire, toute salutaire qu'elle parut au Conseil Législatif, qui lui a fait prendre la résolution d'arrêter ainsi le cours de ses fonctions; c'est pour avoir vu rejeter, successivement, d'autres mesures non moins importantes.

Qu'on jette un coup d'œil sur le petit nombre de travaux de la Législature actuelle, et l'on sera convaincu de cette vérité. Le premier soin de cette Législature avait été de pourvoir au moyen d'exclure de son sein, les personnes revêtues d'emplois lucratifs de la part du Territoire ou des Etats-Unis, pour rendre ses délibérations aussi libres et aussi indépendantes que le système actuel de notre gouvernement peut le permettre: cette disposition était d'accord avec un principe respecté, tant par le gouvernement fédéral que par celui des Etats particuliers; elle était dans l'esprit de l'acte du Congrès du 22 Mars 1804,⁸⁵ érigeant la Louisiane en deux Territoires, par lequel ce principe nous a été appliqué; et elle était aussi dans l'esprit de l'acte du 2 Mars 1805,⁸⁶ puisque celui-ci ne rappelle du premier que ce qui lui est contraire, et que ce principe, loin d'avoir rien d'incompatible avec un pur changement de forme de Gouvernement, doit lui avoir infailliblement survécu. Cette première mesure de sureté publique, cette mesure indispensable pour empêcher le pouvoir exécutif de tout envahir, a été frappée de son *veto* absolu.⁸⁷

Une Loi a été, ensuite, passée, prescrivant les *formalités à remplir dans les Elections des Représentans de ce Territoire*.⁸⁸ Elle avait pour but d'empêcher, autant que possible, les abus qui se glissent dans ces sortes d'opérations, et de ne rien laisser à l'arbitraire du pouvoir exécutif, afin de déjouer les intrigues et d'assurer à la présente majorité des Citoyens, la preponderance qui est due à leur nombre: cette loi

⁸⁵ Act approved Mar. 26, 1804, *ante*, p. 202.

⁸⁶ *Ante*, p. 405.

⁸⁷ Cf. act approved June 4, 1806, providing that no person holding office in the territory, other than in the militia or as a justice of the peace, could be a member of the territorial legislature (*Acts, First Session, First Legislature, Orleans, New Orleans, 1807*, pp. 76-79).

⁸⁸ Act approved June 4, 1806, *ibid.*, pp. 78-85.

éprouve aussi des difficultés qui finiront par la rendre nulle, et le champ reste ouvert à l'intrigue. (a)

Enfin un acte *déclaratoire des lois qui continuent d'être en force dans le Territoire*, a été proposée comme une mesure conservatoire de nos lois actuelles, en tout ce qu'elles n'ont pas de contraire à la constitution des Etats-Unis. La Législature attachait beaucoup de prix à cet acte, pour jeter du jour sur notre système judiciaire présent et pour en fixer l'incertitude, jusqu'à ce qu'elle eut le tems de former un code civil. Elle regardait cette disposition, comme une sauvegarde contre les innovations dangereuses, et comme une mesure nécessaire à la tranquillité des Citoyens. Cet acte a été aussi rejeté et nous sommes rentrés dans la confusion.

Dans cet Etat de choses, le Conseil Legislatif a dû croire qu'il était sage de songer à mettre un terme à une session dispendieuse et inutile. Sans doute, le pouvoir exécutif tient son *veto* absolu de la constitution particuliere appliquée à ce Territoire, mais si, au moyen de ce *veto*, sa volonté et rien que sa volonté doit être la suprême règle, qu'il règne seul, et á découvert, la législature ne doit pas consentir à servir de hochet pour amuser le peuple. Qu'inporte au Territoire que le pouvoir exécutif sanctionne des lois sur l'Eglise protestante,⁸⁹ sur les engagés et apprentifs, et sur les cabarets,⁹⁰ s'il arrête, par son *veto* l'exécution d'une seule loi favorable à son bonheur? Fallait-il faire dépenser 20 ou 30,000 piastres au Territoire, pour lui présenter le spectacle d'une lutte scandaleuse, où la minorité trouve les moyens de se jouer du vœu de la majorité, et où il lui reste pour dernière ressource, le *veto* de l'exécutif pour proscrire ce qu'elle n'a pas approuvé?

Nous ignorons les sentimens que cette lecture fera naître dans le cœur de nos concitoyens, mais forts du témoignage de notre conscience, nous sommes persuadés que s'ils n'approuvent pas entièrement la chaleur qui a dicté notre conduite, au moins les motifs qui nous ont animés nous conserveront leur estime. Nous sommes persuadés, enfin, que malgré les vues odieuses que quelques malveillans ont voulu nous prêter, le gouvernement général et particulier, et nos antagonistes eux mêmes, ne pourront s'empêcher de nous rendre justice.

(a) Ces deux lois ont été depuis reproduites avec les modifications que le pouvoir exécutif a paru désirer. ce sacrifice aura-t-il été fait inutilement? [Footnote on the original]

⁸⁹ Cf. act approved July 3, 1805, for incorporating a congregation of the Protestant Episcopal Church (*Acts of the Legislative Council of Orleans Territory*, 1-2 sess., 1804-1805, pp. 88-95).

⁹⁰ Cf. act approved July 3, 1805, *ibid.*, pp. 52-55.

Nouvelle-Orléans, le 28 *May* 1806, et de l'indépendance des Etats-Unis, le 30eme.

P. SAUVE'

Président du Conseil Legislatif.

J. B. MACARTY.

J. D. D. BELLECHASSE.

Noms des Membres de la Chambre des Représentans qui ont été de la même opinion du Conseil Legislatif, relativement à l'acte déclaratoire.

J. ETIENNE BORE'.

J. SORREL.

D. BOULIGNY.

PRUDHOME.

J. ARNAULD.

ISAAC HEBERT.

M^{an} ANDRY

HAZEUR DELORME.

FELIX BERNARD.

JOSEPH LANDRY.

[Translation]

Le Telegraphe.—*New Orleans.*—*Tuesday, June 3, 1806.*—*Excerpt from the session of the Legislative Council of May 26, 1806*

[*May 28, 1806*]

“Whereas the most essential and salutary measures taken by this Legislature have been successively rejected by the Governor of the Territory, and whereas this Legislature, whose members had accepted their office only in the hope of being useful to their fellow-citizens, must be convinced today that it can do nothing except cause them considerable expense;

“*Resolved*, that the General Assembly be immediately dissolved.”

The Legislative Council believes that it owes to its fellow-citizens a statement of the motives which have determined it to propose the resolution copied above, and which have caused it to consider the act which confirmed it, and to which the Governor has refused his sanction, as that on which the happiness and future tranquillity of this country depended most essentially. It is for the public to judge whether these motives were pure and free from any kind of private passion.

The most inestimable benefit for a people is the preservation of its laws, usages, and habits. It is only such preservation that can soften the sudden transition from one government to another and it is by having consideration for that natural attachment that even the heaviest yoke becomes endurable. The Congress of the United States apparently wished to reflect these sacred principles and render its domination still easier for the inhabitants of the Territory of Orleans by preserving to them their former laws: such at least is the natural and reasonable sense of Article 4 of the act of March 2, 1805, which provides further for the government of the Territory of Orleans, and which is expressed in these terms: “The laws which shall be in force

in the said Territory at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force, until altered, modified or repealed by the Legislature."

Now, what are the laws which Congress intended to preserve to us by this provision? What are the laws which must be subject to review and rectification by the Legislatures of this Territory? The question is not a doubtful one. It is evident that they are the old laws which were in use in this country before its cession to the United States of America. For Congress took care to apply to us all of the common law which it considered indispensable to prescribe for us to the end that our régime might not conflict with that which is in force in all the States of the Union, that is to say, the right to be judged by one's peers and the *writ of habeas corpus*, the two great *palladiums* of civil liberty. In this regard we cannot change anything of what Congress has thus, constitutionally, determined; but it is clear that regarding all the rest we are free to adopt or to reject any of the common law which shall appear proper to us.

Now, since we have the power to keep our old laws in so far as they do not conflict with the Constitution of the United States and the special acts passed for our provisional government, no one can deny the advantage to us of remaining under a system to which we are accustomed and which has nothing contrary to the affection which we owe to our Government. For it is necessary to distinguish, among the laws which govern a state, those which depend on its constitution and its government from those which only regulate contracts and agreements between private persons. The former must necessarily be common to all parts of the Republic, but the latter may differ without disadvantages. Thus the Constitution of the United States and the other Federal laws being general for the whole Union, it would be absurd to claim that this Territory ought not to be subject to them: but as to the laws regarding contracts, wills and successions, what difference does it make that here such acts should be governed by the civil law while in the other States of the Union they are governed by the common law? How is it that the multiplicity of customs which is noticed in England is not prejudicial to the general harmony? Do those differences in local law prevent an Englishman from being just as good a citizen and just as loyal to the Constitution of his country? On the contrary, and it would be exposing his affection to the danger of being alienated and exciting disorder and general discontent to disturb those customs to which each province is attached by the bonds of experience and long habit.

In the United States itself there is no general civil code: the common law of England is not adopted here as an article of the Constitution—Ever since the original establishment of the New England colonies that common law has been received, in each province, only with modi-

fications and alterations, which bring it about that the common law of Virginia is no more like that in use in South Carolina than the latter is like the common law adopted in the State of New York. At the time of the general confederation and after the war of the American Revolution, Congress had the wisdom not to do violence to those differences by laying down a general and uniform common law for all the States of the Union, and it left to each State the right to preserve or to modify that which it had seen fit to adopt of the common law and even to replace it with other laws according as it might judge to be most suitable to its special situation.

There is no doubt that it is as a consequence of this prudent and judicious policy that Congress desired to grant to this Territory the privilege of keeping its old laws or of changing or modifying them according as its legislatures might find it necessary. Now, every one knows that those old laws are nothing but the civil or Roman law modified by the laws of the government under which this region existed before the latter's cession to the United States. If the title of the books in which those laws are contained is unknown, if those titles appear barbarous or ridiculous, those very circumstances are the most to their credit because they prove, by the ignorance of those who have obeyed them until now without knowing that they were doing so, how great is their mildness and their wisdom and how small is the number of disadvantages resulting from their execution. In any case it is no less true that the Roman law which formed the basis of the civil and political laws of all the civilized nations of Europe presents an ensemble of greatness and prudence which is above all criticism. What purity there is in those decisions based on natural equity; what clearness there is in the wording which is the work of the greatest jurists, encouraged by the wisest emperors; what simplicity there is in the form of those contracts and what sure and quick means there are for obtaining the remedies prescribed by the law, for the reparation of all kinds of civil wrongs.

We certainly do not attempt to draw any parallel between the civil law and the common law; but, in short, the wisdom of the civil law is recognized by all Europe; and this law is the one which nineteenth-twentieths of the population of Louisiana know and are accustomed to from childhood, of which law they would not see themselves deprived without falling into despair. If the inhabitants of this Territory had never known any laws, if they had lived down to the present time without making agreements or contracts, it would perhaps be a matter of indifference to them whether to adopt one system or another system, and it is even probable that their attachment to their new mother country would cause them to prefer that system which would bring them nearest to their new fellow-citizens. But it is a question here of overthrowing received and generally known usages and the

uncertainty with which they would be replaced would be as unjust as disheartening. Every one knows today and from a long experience how successions are transferred, what is the power of parents over their children and the amount of property of which they can dispose to their prejudice, what are the rights which result from marriages effected with or without contract, the manner in which one can dispose by will, the manner of selling, of exchanging or alienating one's properties with sureness and the remedies which the law accords in the case of default of payment. Each of the inhabitants dispersed over the vast expanse of this Territory, however little educated he may be, has a tincture of this general and familiar jurisprudence, necessary to the conduct of the smallest affairs, which assures the tranquility of families; he has sucked this knowledge at his mother's breast, he has received it by the tradition of his forefathers and he has perfected it by the experience of a long and laborious life. Overthrow this system all at once. Substitute new laws for the old laws; what a tremendous upset you cause! What becomes of the experience of an old man and what becomes of the facility and sureness of transfers? Who will dare to sign a contract under a new régime the effects of which will not be known to him? What will be the lot of the inhabitant who is so unfortunate as not to have received sufficient education to learn these new laws at least by reading them, even supposing that his understanding of them is facilitated by transmitting the new laws to him in his own language? Will he not shudder every time that he wishes to dispose of his properties? Will he not then be afraid lest he be throwing himself into a bottomless pit without outlet and of bringing about his total ruin? Or must he always have recourse to the knowledge of a jurist regarding the most ordinary transactions of civil law?

Those are the real reasons which attach us to our old legislation and not any other and political reasons which may falsely be attributed to the good inhabitants of Louisiana; and those are the reasons which could not but lead this Legislature to see to it that so precious a deposit should not be touched by an imprudent hand. The first Legislature of this Territory has to be particularly interested in establishing the fundamental bases; the secondary laws, accessory laws and details should only come later, otherwise one is exposed to making parts which will be found inconsistent with the whole. Now, what is the first law, the most important law in the present situation of this country; what is the fundamental basis of the great edifice of its future legislation? It cannot be denied that it is the matter of giving to it a civil code. The present composition of the courts, the judges presiding over them and the jurists who plead before them being almost all strangers to the French language and still more so to the language in which the greater part of the laws of this country are

written, the very scarcity even of the elementary authors who deal with them, everything renders indispensable the adoption of a measure which tends to place within the reach of all citizens, both in the French and the English language, a complete collection of the laws governing us. But before undertaking that work was it not necessary to determine what would be its basis and what would be the canvas on which one would do the work? For what ought to be, in the true interest of the inhabitants of this country, the basis to be adopted? It is that of keeping, of the old laws, everything which can be saved without disadvantage and without going contrary to the general system of our Government, and of not having recourse to foreign codes except in so far as the old may be found defective or prejudicial. By this measure one will not place the courts so to speak between two different codes. For all the contracts which have been made till now must necessarily be judged by the laws under which they were made; so how great would be the embarrassment of the courts if, while canceling everything which remains of the civil law, the courts should nevertheless be left under the necessity of judging, under that same law, of the effects of all contracts and documents made down to today? The point should be reflected upon that during perhaps thirty years to come half the lawsuits which will be presented to the courts will arise over the execution of contracts anterior to the time in which we are speaking. Here, therefore, are new reasons which ought to strengthen the attachment of the Legislature to the maintenance of our old laws by making a code which shall be as near to them as possible; the courts will see in them a sure compass which will facilitate the decision of all the old lawsuits as well as the new without leaving anything to arbitrary opinion.

Such are the principles which determined the Legislature to place, before its act on the formation of the code, a preliminary and declaratory law regarding the laws which were to serve as a basis for that work. The claim has been made that that declaration was useless and superfluous, because it was naturally deduced from the provisions of the act of Congress. The Legislature must certainly see in that provision a well-expressed desire of keeping for us our old laws. But is it sufficient that that wish be left there to be read: ought not the Legislature to see to it that weak and uneducated persons be not misled with ungrounded fears by those who wish to alarm them and to cause uncertainty regarding the true intentions of Congress? Has not that doubt been seen to arise even in the presence of the Superior Court of this Territory and has there not been a public argument for and against this important question? Is it not to be feared that the question be again raised; and ought the Legislature to have remained silent regarding an interest of this character which touches the dearest rights of its constituents? The debate in the Chamber of Representa-

tives and even the refusal of the sanction of the Governor, do they not seem—both of them—to justify its prudence, by raising the presumption that there is a secret intention of throwing us, despite ourselves, into the frightful chaos of the common law? Have we not seen an honorable member of this Chamber argue that for six years past, during which he had been living in this country, he was not aware that he was living under the civil law and under the other laws which still govern us today and that our transactions ought to be regulated by the law accepted in the United States, while it is known to all that the United States does not have any general and uniform law regarding contracts? Furthermore, other members have been heard to claim that by keeping the civil law we are adopting everything that is most revolting and contrary to the Republican régime, when the provision of the act of Congress cited in the declaratory act, as forming the basis thereof, states that nothing is retained of that law except what will not be contrary to the Constitution of the United States, which expressly proscribes anything which may be contrary to the form of a free and republican government.

When such great uncertainty and such mistakes have appeared among those very persons whose opinion ought to serve as a torch for the people, we have been all the more justified in congratulating ourselves for having proposed a law capable of dissipating all doubts and of reassuring all classes of citizens. The majority of the Chamber of Representatives has had the same opinion as ourselves, as was shown in approving the declaratory act; nothing more was lacking to the act than the approval of the Governor in order to give the act the force of law, but such approval was refused! . . .

Under these circumstances, the Legislative Council, being strongly persuaded that it could not by any means hope to do good and that its present condition was only an expense for its fellow-citizens since the measures which were of the greatest importance for the happiness of the Territory were thus rejected, has in a unanimous and spontaneous movement resolved that the Legislature should be immediately dissolved. For it must not be thought that it is only the refusal to sanction the declaratory law, however salutary it appeared to the Legislative Council, which caused the Council to decide thus to bring its functions to a stop; it is because it has seen rejected, one after the other, other measures of no less importance.

Let us look over the small number of works of the present Legislature, and one will be convinced of this truth. The first care of this Legislature was to take measures for the exclusion from itself of persons enjoying remunerative employments in the service of the Territory or of the United States, so as to render its deliberations as free and as independent as the present system of our Government may allow: this provision was in accordance with a principle respected

both by the Federal Government and by that of the individual States; it was within the spirit of the act of Congress of March 22, 1804, erecting Louisiana into two territories, whereby that principle was applied to us; and it was also in harmony with the spirit of the act of March 2, 1805, since this latter does not repeal anything of the former except what is contrary to itself, and this principle, far from having anything incompatible with a mere change of form of government, must inevitably have survived that change. This first measure of public assurance, this measure indispensable for preventing the executive power from encroaching on everything, has been struck by its absolute *veto*.

A law was then passed prescribing the *formalities to be observed in elections of the representatives of this Territory*. Its purpose was to prevent as far as possible the abuses which slip into that kind of proceedings, and to leave nothing to the arbitrary will of the executive power, in order to bring to naught intrigues and to assure to the present majority of the citizens the preponderance which is due to their number: this law also is encountering difficulties which will end by rendering it null, and the field remains open to intrigue.*

Finally an act *declaratory of the laws which continue to be in force in the Territory* was proposed as a measure to preserve our present laws in so far as the latter are not contrary to the Constitution of the United States. The Legislature attached great importance to this bill for the purpose of clarifying our present judicial system and doing away with its uncertainty, until it should have time to draw up a civil code. The Legislature considered this provision as a safeguard against dangerous innovations, and a measure necessary to the tranquillity of the citizens. This bill also has been rejected and we have returned to confusion.

Under this state of things, the Legislative Council had to consider it wise to think of putting an end to an expensive and useless session. Without doubt the executive holds his absolute *veto* from the special Constitution applied to this Territory, but if by means of that *veto* his will and nothing but his will is to constitute the supreme rule, if he is to reign alone, and openly, the Legislature ought not to be willing to serve as a plaything to amuse people. What difference does it make to the Territory that the executive should sanction laws regarding the Protestant Church, regarding hired persons and apprentices, and regarding drinking places if he stops by his *veto* the execution of a single law favorable to the happiness of the Territory? Was it necessary to cause the expenditure of twenty or thirty thousand dollars in the Territory for the purpose of presenting to it the spec-

* These two laws were later reproduced with the modifications which the executive power apparently desired. Will this sacrifice have been made uselessly? [Footnote on the original]

tacle of a scandalous struggle in which the minority finds means to mock the desires of the majority, in which struggle it has as its last resort the *veto* of the executive for the purpose of proscribing whatever it has not approved?

We do not know the sentiments which reading this will cause to be felt in the hearts of our fellow-citizens, but being strong in the witness of our conscience we are persuaded that if they do not approve entirely of the warmth which has dictated our conduct, our motives at least will preserve their esteem for us. We are, finally, persuaded that in spite of the odious views which some ill-disposed persons have seen fit to attribute to us, the general and local government, and even our antagonists, cannot but do us justice.

NEW ORLEANS, *May 28, 1806*, and the thirtieth year of the independence of the United States.

Names of the members of the Chamber of Representatives who have been of the same opinion as the Legislative Council, with relation to the declaratory act:

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

NEW ORLEANS *June 4, 1806.*

DEAR SIR M^r Roebelt, who has been appointed United States Factor for the Post of Nachetoches, is now in this City. He is awaiting at this place, his instructions, and seems at this time to be uninformed as to the duties which are expected of him. In his Commission he is named the Factor for the Post of Nachetoches, and it would seem therefrom that his agency would be confined solely to the management of the Indian Store; but from some private letters which have been addressed to M^r Roebelt by some members of Congress, he is under an impression that his Agency is to extend to the introduction of civilization among the Indians; and is therefore the more anxious to receive his general instructions.

My official letters to the Secretary of State will acquaint you with the state of things in this quarter.

The territorial Legislature will adjourn on Saturday next, and I shall really feel myself greatly relieved. A Territorial Legislature never fails to embarrass the Executive; but one composed like ours, of a majority of French members, will render unpleasant the time of any Governor who has opinions of his own, and firmness enough to adhere to them. I always thought that an early extension of the Representative system to this Territory was a hazardous experiment; and of this I am now convinced. It is indeed certain that the Executive and the two Houses of assembly do not harmonize.—But a stranger arriving in the Country would not probably hear of the

difference—unless indeed he should fall in with Daniel Clark, Evan Jones, or Peter Darbigny! These men, when not engaged in doing acts which may embarrass the American Government, and render my time unpleasant—are most pleased in talking of them;—but really the great body of Society here are apparently tranquil—and a great degree of political apathy prevails.

I have the honor to be, Sir, with great respect, Your faithful friend
WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE U S.

[Endorsed] Claiborne Gov^r N. O. June 4. 06. rec^d July 7.

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEPARTMENT OF STATE *June 9th 1806.*

GOV^r CLAIBORNE.

SIR. I have received your letters of 2 (two) ⁹¹ 4, ⁹² 7, 8, 9, ⁹³ 12, 13, 21, 23, 24, 28, 30 (two) Jan^r ⁹⁴ 1, ⁹⁵ 6 (two) 7, 12, 13, (two) ⁹⁶ 18, ⁹⁷ 19, 20 Feb. ⁹⁸ 13, 14, ⁹⁹ 15, ¹ 18, ² 28, ³ 29 March, ⁴ 1, ⁵ 3, 8, 16 April last.⁶

In consequence of the suggestion, that the City Council of New Orleans had imposed taxes, which were supposed to apply to the public property, the opinion of the Attorney General has been taken, who thinks there exists no power in any Department of the Government of Orleans to tax the property of the United States, within

⁹¹ Not found. Cf. Graham to the Secretary of State of this date, *ante*, pp. 552, 556.

⁹² NA (SD, Orleans Terr. Papers, VIII).

⁹³ *Ante*, pp. 557, 560, 562.

⁹⁴ Rowland(ed.), *Claiborne Let. Bk.*, III, 241–243, 246–248, 251–252, 253–254, 254–256.

⁹⁵ Not found.

⁹⁶ Rowland(ed.), *op. cit.*, pp. 260–261, 264, 266. Only one letter of each date has been found.

⁹⁷ Not found.

⁹⁸ *Ante*, pp. 603, 604.

⁹⁹ NA (SD, Orleans Terr. Papers, VIII).

¹ *Ante*, p. 611.

² Rowland (ed.), *op. cit.*, pp. 271–272.

³ Not found.

⁴ *Ante*, p. 618.

⁵ Not found.

⁶ Rowland(ed.), *op. cit.*, pp. 284–285, 289–291.

that territory, and that the exercise of such power has never been before attempted in any part of the United States.⁷

I am &°

JAMES MADISON.

JOHN WATKINS TO THE PRESIDENT

[NA:SD, Orleans Terr. Papers, VIII:LS]

[June 12, 1806]

TO THE PRESIDENT OF THE UNITED STATES,

SIR, I have the honor to transmit to you an extract from the journals of the House of Representatives of the Territory of Orleans of the 31st Ult^o, by which it will appear that James Mathers, Sen^r—Peter Foucher—François Livaudais, and Chevalier Dela Croix were duly nominated for the purpose of enabling you to fill the vacancies occasioned in the Legislative Council by the Resignations of Noël Destrehan, and Pierre Sauv ,

I pray you, Sir, to accept the homage of my profound Respect, & believe me to be with Sentiments of the highest Consideration Your Obed: humb: Servant.

JOHN WATKINS

Speaker of the house of Representatives—

NEW ORLEANS *June the 12th 1805*[6].

[Endorsed] Orleans Speaker House Rep. 12 June 1806 Watkins John. June 12. 06 rec^d June 12.

[Enclosure]

Extract from the Journal of the Territorial House of Representatives ⁸

Saturday May the 31st 1806

In the house of Representatives of the territory of Orleans.

The house proceeded to the choice of four persons whose names are to be sent to the President of the United States; and out of whom he is to nominate two to the Senate of the United States, to fill up in the legislative council the vacancies occasioned by the resignation

⁷ See Hall (ed.), *Opinions Attys. Gen.*, I, 157–158. The following letter, the Secretary of State to Claiborne, Feb. 14, 1807 (NA, SD, Dom. Letters, xv), is quoted in its entirety:

“Since my letter of the 9th of June last, claims have been preferred on the part of the corporation of New Orleans for paving the Streets before the public property, which being looked upon less in the light of a tax imposed, than as an expense incurred, for the improvement of the property, which ought to be reimbursed, you are authorised to make an arrangement with the corporation, whereby they may receive payment out of the rents of the property as they accrue; a course which it is understood will prove satisfactory to them.”

⁸ There are two copies present. A copy is also found in NA(SD, Appt. Office Files).

of Mess. Jean Noël Destréhan & Pierre Sauvé; & at the opening of the ballots it appeared that Mess. Chevalier Lacroix, François Livaudais junior, James Mather Senior, & Pierre Foucher had the plurality of votes, & the majority of the votes of all the members present.

Whereupon

Resolved that the names of Mess. Lacroix, Livaudais, Mather, & Foucher be sent to the President of the United States.

Resolved that the Speaker of the house do transmit to the President of the United States by triplicata an extract from the journal of this house of this day containing all that relates to the nomination by ballot of four persons out of whom the President of the United States is to appoint two, to fill up in the legislative council of the territory of Orleans the vacancies occasioned by the resignation of Mess. Sauvé & Destréhan.

Attest. ELIGIUS FROMENTIN Clerk of the
house of Representatives of the
territory of Orleans.

[*Endorsed*] James Mather senr and Pierre Foucher to be appointed members of the Legislative council of the territory of Orleans Th: Jefferson July 15. 06

DANIEL CLARK TO JAMES WILKINSON

[NA:WD, AGO, Old Recs. Div.:ALS]

NEW ORLEANS 16 *June* 1806

DEAR SIR I have within these 3 or 4 Weeks past found it necessary, in order to oppose Governor Claibornes Creatures and schemes with success, to accept the appointment of Delegate from this Country to Congress. You well know the burden I have undertaken; let me therefore beg your assistance and write me confidentially and as soon as possible such things as may serve the good Cause. If you could possibly favor me with a Copy of the Commissioners Correspondence and transactions at the period of the delivery of this Country with your remarks, it might be of great service, and I could without letting the Source be known make a precious use of the information. At any rate you have it in your power to serve the people you preside over essentially by giving me such information respecting the state of things with you as I can make use of; and I request you will indulge me in this particular by giving me an idea of the Country, its population generally, and that of the districts particularly, its Commerce, Agriculture, distance of one place from another, and such other particulars as you may think most necessary for me to know—If there is beside any thing which can be undertaken with a View to serve yourself, only hint it; you know my ardent disposition and that I do not easily abandon what I undertake—

I would likewise thank you for your advice respecting the part I ought to act in Washington, what People I should most see what use can be made of them, how they are to be acted on &ca and I count on your sending me a few Letters which will serve to introduce me to your Friends, so as to procure me on arrival some acquaintances who will take the trouble of giving me information—remember that by serving the Territory of Orleans you serve yourself and perhaps much more than you can now well conceive. Do not forget to mention to me the state of the Land Office in your Country and the state of titles to Lands with the amendments you think necessary to the Land Law, and a few Words on the Character and Views of those employed in your Country and any Conspicuous or meddling Persons there, that I may make them and their Views well known. I propose remaining here till the middle of October and shall then set out for the seat of Government via New York and Philadelphia—My nomination has been a severe shock to W. C. C. and his Gang, they are much chop-fallen, and all the first Character & best men here have united against them. If you have among your Books & Papers any Histories, Maps or Plans of your Country or this territory let me beg of you to send them and I promise you to take special Care to have them returned in safety after taking such Extracts and Copies as may be necessary. In return I shall shortly send you something interesting respecting the Countries I have lately visited. Let me hear from you I beg without delay and let me know in what I can be of Service to you

Yours sincerely

DANIEL CLARK

BRIGADIER GEN' WILKINSON

[*Endorsed*] 16th June 1806—D: Clark Esq New Orleans D. C. N° 3

RICHARD CLAIBORNE TO [THE SECRETARY OF STATE]

[NA:SD, Orleans Terr. Papers, VIII:ALS]

N O *June* 30. 1806.

SIR Acting for the Secretary of the Territory of Orleans, I have the honor to inclose to you the following Returns:

“Civil appointments by Governor Claiborne, from the 1. day of January 1806, to the 30. June 1806:”

“Pardons and Proclamations by Governor Claiborne from 1. Jan^r 1806, to 30. June 1806”:

“Return of the Officers of the Militia of the Territory of Orleans, since the return made the 8. of May 1806”: at the same time I cannot but remark that this document seems to me to incumber one department of the administration with a subject that belongs to another, namely the secretary at War.

The returns of the Governor's Executive Acts will be forwarded every 6 months, to wit on the last day of June, and the last day of December.

I tender you my highest respect, and have the honor to be, Sir,
Your mo. ob^t Servt.

R CLAIBORNE

[Endorsed] R. Claiborne 30 June 1806

[Enclosures]

Register of Civil Appointments

[January 1—June 30, 1806]

Names	Dates	Places	Remarks
<i>Judges.</i>			
Edward Turner	23 ^d January 1806 . . .	Nachitoches	
James M ^c Laughlin	13 th February d ^o . . .	Ouachitta	
Samuel S. Mahon	1 st June d ^o . . .	Concordia	
<i>Clerks.</i>			
Ebenezer Cooley	16 th January 1806 . . .	Point Coupee	District Court
William Hubbard	12 th June d ^o . . .	Lafourche	
James M ^c Intosh		Orleans	
<i>Justices of the Peace.</i>			
Duplissis	7 th January 1806 . . .	Orleans	
Frances O'Duhigg	19 th Feb ^y d ^o . . .	ditto	
Elephalet Fitch	5 th April d ^o . . .	ditto	
James Brown	6 th May d ^o . . .	Ouachita	
Louis Lamy	6 th d ^o . . .	ditto	
	9 th d ^o . . .	Lafourche	
John Hughes	3 ^d June d ^o . . .	Ouachita	
	1 st d ^o . . .	Concordia	
	1 st d ^o . . .	ditto	
Remon Braux	6 th d ^o . . .	Acadia	
Evan Baker	12 th d ^o . . .	Rapide	
Hall	12 th d ^o . . .	ditto	
Reason Boye	12 th d ^o . . .	ditto	
Hatch Dent	12 th d ^o . . .	ditto	
Lewis Kerr	27 th d ^o . . .	Orleans	
<i>Attornies.</i>			
Isaac Baldwin	23 ^d Jan ^y 1806 . . .	Nachitoches	
Benjamin P. Porter	4 th March d ^o . . .	Atacapas & Opelouses	
Isaac Baldwin	4 th d ^o . . .	Rapide & Nachitoches	
	1 st June d ^o . . .	Concordia	

Names	Dates	Places	Remarks
<i>Sheriffs.</i>			
Isaac Camp	16 th January 1806 . . .	Point Coupee	Dismissed .
Nathan Merion		Iberville	Resigned
Isaac Herbert		Lafourche	
John Nancarrow	21 st April d ^o	Nachitoches	
	9 th May d ^o	Lafourche	
	1 st June d ^o	Concordia	
Towls	19 th d ^o d ^o	Point Coupee	
<i>Auctioneers.</i>			
A. Planché	16 th Jan ^y 1806 . . .	Point Coupee	
Henry Molier	25 th d ^o d ^o	New Orleans	
Charles Patton	25 th d ^o d ^o . . . . .	. . . ditto	
Joseph Faurie	25 th d ^o d ^o . . . . .	. . . ditto	
Augustine D. Tureaud	19 th Feb ^y d ^o	Acadia	
John C. Carr	21 st April d ^o	Nachitoches	
Charles M. Audebert	23 ^d d ^o d ^o	German Coast	
	1 st June d ^o	Concordia	
<i>Treasurers.</i>			
A. Planché	16 th Jan ^y 1806 . . .	Point Coupee	
Thomas Elmer		Opelousas	
John Minor		Concordia	
Cabaret Junior		German Coast	
Villanueva		Lafourche	
F. Fabra		Acadia	
A. D. Mejire		Nachitoches	
Francis Duplessis		Orleans	Resigned 10 th June
George W. Morgan	25 th Jan ^y d ^o . . . . .	. . . ditto Territory	
Levi Wells	16 th June d ^o	Rapide	
John Chabaud	19 th d ^o d ^o	Orleans	
<i>Recorder.</i>			
Laveau Trudeau	20 th May 1806 . . .	New Orleans	
<i>Coroner.</i>			
William Weathersby	10 th Feb ^y 1806 . . .	Ouachita	
<i>Interpreter.</i>			
Joachim Lezano	16 th June 1806 . . .	County Court of Orleans.	
<i>Keeper of Records.</i>			
John Chabaud	27 th Feb ^y 1806 . . .	New Orleans	Resigned
<i>Keeper of Mortgages.</i>			
Peter Pedesclaux	2 ^d Jan ^y 1806 . . .	Orleans	

[Endorsed] Civil Appointments by William C C Claiborne Governor of the Territory of Orleans from 1st Jan^y 1806. to 30th June 1806. Rec^d with Gov^r Claiborne's 30 June 1806

Return of the officers of the Militia of the Territory of Orleans, since the Return made the 8. of May 1806.

[June 30, 1806]

Corps & Names	Rank	Date of Coms ^a	Remarks
CAVALRY			
Armedé Longer.....	Cornet.....	27. Nov ^r 1805.....	
1. REGIMENT			
Michel de Armas.....	2 ^d L ^t	26. June 1806.....	
5. REGIMENT			
Edmund Fortier.....	1 st L ^t	24. June 1806.....	Promoted.
Pierre S ^t Martin.....	2 ^d L ^t	24. June 1806.....	
Piere S ^t Martin.....	Ensign.....	27. Nov. 1805.....	
Severe S ^t Amand.....	Ensign.....	24. June 1806.....	
7. REGIMENT			
Armand Hebert.....	2 ^d L ^t	27. Nov. 1805.....	Resigned
8. REGIMENT			
Raphael Smith.....	Captain.....	27. Nov ^r 1805.....	Resigned.
9. REGIMENT			
William Nichols.....	Major.....	27. Sep. 1805.....	Dismissed.
John Minor.....	Major.....	7. June 1806.....	
10. REGIMENT			
John Bonaventure....	2 ^d L ^t	27. Nov. 1805.....	Resigned.
Joseph Pomet.....	2. L ^t	27. Nov. 1805.....	Resigned.
John Hughes.....	2. L ^t	26. May 1806.....	
ORLEANS VOLUNTEERS			
A L Duncan.....	1. L ^t.....	.....	Resigned.
Sam ^l D. Earle.....	Ensign.....	6. May 1806.....	

[Endorsed] Return of the Officers of the Militia of the Territory of Orleans, since the Return made the 8. of May 1806. June 30. 1806.
Rec^d with R. Claiborne's 30 June 1806

Executive Proceedings of the Territory
Safe-Conduct for Juan Ventura Morales

[January 27, 1806]

BY WILLIAM C. C. CLAIBORNE Governor of the Territory of Orleans.

These are to require, that the honorable John V. Moralis an officer in the service of his Catholic Majesty, (together with his family and suite) on a voyage to Pensacola, be permitted to pass without inter-

ruption thro' the Territory of Orleans; and I desire that such Citizens of the United States as may meet M^r Moralis on his said voyage, will extend to him evidences of their friendly attention.

Given under my hand & the Seal of the Territory, at New L.S. Orleans on the 27th day of January in the year 1806, and in the thirtieth year of American Independence.

Signed WILLIAM C. C. CLAIBORNE.

Safe-Conduct for Gilberto Leonard

[January 27, 1806]

BY WILLIAM C. C. CLAIBORNE Governor of the Territory of Orleans.

These are to require, that Don Gilberto Leonard an officer in service of his Catholic Majesty (together with those persons accompanying him) be permitted to pass thro' the Territory of Orleans on their route to Bâton Rouge.

Given under my hand and the seal of the Territory, at L.S. New Orleans on the 27th day of January in the year 1806, and in the thirtieth year of American Independence.

Signed WILLIAM C. C. CLAIBORNE.

Safe-Conduct for the Marquis of Casa Calvo

[February 12, 1806]

BY WILLIAM C. C. CLAIBORNE Governor of the Territory of Orleans, and Commander in chief of the Militia there of.

These are to require, that his Excellency the Marquis of Casa Calvo, together with his family and suite, who on their return to the Dominions of his Catholic Majesty, propose to pass by the Bayou S^t John be permitted to proceed without interruption thro' the Territory aforesaid; and I desire that such Citizens of the United States, as may meet with his Excellency the Marquis of Casa Calvo, on his voyage, would extend to him, evidences of their friendly attention.

Given under my hand and the Seal of the Territory, this L.S. 12th day of February 1806, an in the thirtieth year of American Independence.

Signed WILLIAM C. C. CLAIBORNE.

Pardon of Jean Biendras

[February 7, 1806]

BY HIS EXCELLENCY WILLIAM C. C. CLAIBORNE, Governor of Territory of Orleans.

To the Sheriff of the county of Orleans and all others concerned—
Greeting:

Whereas Jean Biendras of the County of Orleans, laborer, hath been lately convicted before the honorable the Superior Court of this Territory of an assault and Battery, and was there upon sentenced to Fine and Imprisonment, as will appear, reference being had to the records of the said superior Court: and

Whereas, it is represented to me, that the said Jean Biendras is a proper objet of Mercy I have thought proper to grant him a free pardon of the assault & Battery of which he stands convicted, and wolly to remit the fine and Imprisonment to which he was sentenced.

Given under my hand and the seal of the Territory this
L.S. 7th day of Febr^y 1806, and in the 30th year of the Independence
of the United States.

Signed WILLIAM C. C. CLAIBORNE.

[February 24, 1806]

BY WILLIAM C. C. CLAIBORNE, governor of the Territory of Orleans.

A PROCLAMATION.

An early session of the Legislature being essential to the interest of the Territory, I have thought proper to issue this my proclamation, hereby requiring the Members of the Legislative Council and of the house of Representatives to meet in general assembly at the city of New Orleans, on the fourth Monday of March next.

Given at New Orleans, the 24th day of February one thou-
L.S. sand eight hundred and Six, and the Independence of the
United States the thirtieth.

In testimony of which, I have undersigned my name, and caused the public to be here unto affixed.

Signed WILLIAM C. C. CLAIBORNE

By the Governor Signed JOHN GRAHAM Sec^y

Writ of Election

[March 10, 1806]

BY WILLIAM C. C. CLAIBORNE Governor of the Territory of Orleans.
To the Sheriff of the County of Orleans

Whereas John Baptist Macarty, who was elected a Representative for the first Election District, has notified me of his resignation of the aforesaid Representative trust, I have thought proper to issue this my Writ of Election, authorising and requiring you cause to be holden, on the first monday of the present month (March) and the two succeeding days, an election for a Representative, for the first Election District, to supply the vacancy occasioned by the resignation of the said Jn Baptist Macarty; on the first day the Election to be holden at the House of M^r Rivière; on the second day at the Hotel

de Ville, in the City of New Orleans; and on the third day at the House of Jn Baptist Macarty. The Polls on each day to remain open from the hour of ten in the morning untill three in the afternoon; — and you are to take special care that the persons voting at such election are qualified in manner prescribed by the laws and ordinances of congress for the Government of the Territory of Orleans; and you are further required to make a return in writing to the Governor of this Territory, on or before the first monday of April next, of the name of the person, who, to you, shall appear to have been duly elected.

Given under my hand, and the seal of the Territory of
L.S. Orleans, this 10th day of March 1806, and of the Independence
of the United States, the thirtieth.

Signed WILLIAM C. C. CLAIBORNE.

Pardon of Agricole Landry.

[May 24, 1806]

WILLIAM C. C. CLAIBORNE Governor of the Territory of Orleans.
*To the Sheriff of the County of Atakapas, and all others concerned,
Greeting:*

Whereas Agricole Landry of the County of Attakapas, hath lately been convicted before the honorable the County Court of Said County, of the crime of Assault and Battery; and was there upon sentenced to a fine of fifty dollars:

And Whereas the said Agricole Landry is represented to me to be a poor distressed man, and deserving of mercy: I have thought proper to grant him a free pardon of the Assault and Battery of which he Stands convicted, and wholly to remit the Fine of Fifty dollars to which he was sentenced.

Given under my hand and the seal of the Territory, at
L.S. New Orleans, this 24th day of May 1806, and in the 30th
year of the Independence of the United States.

Signed WILLIAM C. C. CLAIBORNE.

Pardon of John Loyd

[May 27, 1806]

BY WILLIAM C. C. CLAIBORNE Governor of the Territory of Orleans,—
and all others concerned: °

Whereas John Loyd a mulato man and bound servant has been convicted before the honorable the Superior Court of this Territory, of the crime of Theft, and was there upon sentenced to two years hard labor which time has not yet expired, as will appear, reference being had that the records of the second Superior Court:

° As on the original.

And Whereas it is represented to me that the said John Loyd is a proper objet of mercy: I have thought proper by these presents to remit the remainder of his sentence, and do order him to be released.

Given under my hand and the seal of the Territory this 27th L.S. day of May 1806, and in the 30th year of the Independence of the United States.

Signed WILLIAM C. C. CLAIBORNE,

Writ of Election

[June 15, 1806]

PROCLAMATION; or Writ of Election, on the resignation of JOSEPH LANDRY; to the Sheriff of Acadia County.

Whereas Joseph Landry has resigned his seat as a member of the House of Representatives of this Territory for the county of Acadia; I have thought proper to issue this my proclamation, hereby requiring that an Election be holden on the Second Monday in July next, and the two following days, to supply the vacancy occasioned by the resignation of the said Joseph Landry.

The Sheriff of the County of Acadia, with such two Justices of the Peace as may be named by the Judge of the County of Acadia Commissioners for the purpose, will conduct the Election, and cause it to be holden in conformity to the provisions of the Act entitled "An Act prescribing the formalities to be used in the Election of the Representatives. of the Territory of Orleans."

Given under my hand and the seal of the Territory at New L.S. Orleans, this 15th day of June in the year 1806, and of the Independence of the United States the thirtieth

Signed WILLIAM C. C. CLAIBORNE.

Pardon of Jean Louis Chesnaugh

[June 16, 1806]

BY WILLIAM C. C. CLAIBORNE Governor of the Territory of Orleans.—
*To the Sheriff of the County of Orleans, and others whom it may concern,
Greeting:*

Whereas Jean Louis Chesnaugh a free black man was tried and convicted before the honorable the Court of the County of Orleans of the crime of Larceny, and was there upon sentenced, as by the Records of the said Court will more fully appear, to receive twenty stripes:

And whereas it is represented to me that the said Jean Louis Chesnaugh is an object of mercy: I do hereby pardon the offence aforesaid, and remit the punishment to which the said Chesnaugh has been sentenced, and do order him to be discharged.

Given under my hand and the seal of the Territory at New L.S. Orleans this 16th day of June 1806, and 30th year of the Independence of the United States.

Signed WILLIAM C. C. CLAIBORNE.

Writ of Election

[June 20, 1806]

BY WILLIAM C. C. CLAIBORNE, Governor of the Territory of Orleans:
To the Sheriff of the County of Pointe Coupee; and all others concerned:

Whereas S. Croizet has resigned his seat as a Member of the house of Representatives of this Territory, For the County of Pointe Coupee: I have thought proper to issue this my Proclamation, hereby requiring that an Election be holden on the third Monday in July next, and the two following days, to supply the vacancy occasioned by the resignation of the said S. Croizet:

The Sheriff of Pointe Coupee with two such Justices of the Peace as may be named by the Judge of the County of Pointe Coupee Commissioners for the purpose, will conduct the Election, and cause it to be holden in conformity to the provisions of the Act entitled, "An Act prescribing the formalities to be used in the Election of the Representatives of the Territory of Orleans"—

Given under my hand and the seal of the Territory at New
 L.S. Orleans this 20th day of June 1806, and 30th year of the Independence of the United States.

Signed WILLIAM C. C. CLAIBORNE.

[June 20, 1806]

BY WILLIAM C. C. CLAIBORNE, Governor of the Territory of Orleans:

A PROCLAMATION:

To the Sheriff of the County of Opelousas; and others concerned:

Whereas Louis Fontaineau has resigned his seat as a member of the House of Representatives of this Territory, for the County of Opelousas: I have thought proper to issue this my Proclamation, hereby requiring that an Election be holden on the 3^d Monday in July next and the two following days, to supply the vacancy occasioned by the resignation of the said Louis Fontaineau:

The Sheriff of the County of Opelousas, with two such Justices of the Peace as may be named by the judge of the County of Opelousas commissioners for the purpose, will conduct the Election, and cause it to be holden in conformity to the provisions of the Act entitled "An Act prescribing the formalities to be observed in the Election of the Representatives of the Territory of Orleans"—

Given under my hand and the seal of the Territory at New
 L.S. Orleans this 20th day of June 1806 and 30th Year of the Independence of the United States.

Signed WILLIAM C. C. CLAIBORNE.

[Endorsed] Pardons & Proclamations By William C C Claiborne from 1st Jan^r 1806, to 30. June 1806. Rec^d with R. Claiborne's 30 June 1806

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

30 miles from N. ORLEANS *July 9^h 1806.*

DEAR SIR, I am now on my excursion to the several Counties, and hope to accomplish my Journey in a short time;—Unless indeed I should be arrested by Indisposition which is not improbable, for the Summer's Heat is oppressive, and dangerous to travellers.—

M^r Graham after a series of misfortune put into the Havanna', & from whence he sailed for the United States on the 15th Ultimo—I hope M^r Graham will be enabled to repair again to New-Orleans in October next, and that it will then be permitted me to return to the United States.—Among other objects of my visit to the Seat of Government, I am desirous of an opportunity of explaining in person, such parts of my official [conduct]¹⁰ as may be accepted to.

I have uniformly experienced in this quarter, the opposition of a violent & if you will pardon the expression, an unprincipled faction;—Of this faction, M^r D. Clarke is a conspicuous and zealous member; I am apprized of his Intention to injure me (if in his power) at the Seat of Government:—I know that he is collecting materials for his attack; he has written to Natchez, and gives it in charge to one of his Party in that place, to collect & to forward to him, at his (Clarke's) expense, all the Abusive pieces, which were published against me, during my administration in the Missisipi Territory; He also envited by Letter, a Gentleman of Natchez, who was in opposition to me, in the M. T. to resume his Pen, and has assured him, that great exertions would be made to obtain complaints against me, from every quarter of this Territory.—

This Gentleman rejected with disdain M^r Clarke's invitation, and thro' my Brother (Maj^r F. L. Claiborne) has communicated to me, the designs of my Enemies. I know not the various means which M^r Clarke may pursue to effect his purposes; but of this much I am convinced, that (whatever may have been said or written to the contrary) I shall be enabled to prove to the satisfaction of every just Man, that I have honestly zealously, incessantly, and not (altogether) unsuccessfully laboured to support in this Territory, the honor & Interest of my Country.—

M^r Clarke calculates on the support of M^r John Randolph, and to this Gentleman's late unprovoked and cruel Attack, I am indebted for the renewal of the opposition to me in this quarter.—

I owe you an apology for this Letter;—I rely on your Goodness for Indulgence, & I promise you faithfully that my next shall be more interesting.—

¹⁰ In Jefferson's hand.

I have the honor to be Sir, With great respect! Your faithful friend

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE U. STATES.—

[*Endorsed*] Claiborne Gov^r 30. mi from N O. July 9. 06 rec^d Sep. 8.

THE PRESIDENT TO GOVERNOR CLAIBORNE

[LC:Jefferson Papers:D]

WASHINGTON *July 10. 06.*

DEAR SIR I take the liberty of putting under your cover a letter to mr Reibelt,¹¹ and I leave it open for your perusal because you will judge from it the ground on which he really stands. after reading be so good as to stick a wafer in it, & let it be dry before delivery that he may not know it has been sent open to you. he is a very learned man, a sincere republican, & I believe a very honest & disinterested man; but I fear not calculated to make his way in this world. I have heard much of his wife as one of the most amiable women living.

We have at length got our direct post to N. Orleans established as far as Fort Stoddert in 13. days, along a tract which will make one of the finest roads in the world, & little embarrassed by water courses. for the present we are taking measures to pass it by water from F. Stoddert to N. O. and are exploring a way by land to cross Pascagoula a little above our line, Pearl river where we can to carry us to L. Pontchartrain opposite to Chef Menteur, there to cross & go on by land. this will be effected, but not till the next year, by which time we will reduce the whole line to a fortnight, or perhaps 12. days. by that time too I hope the whole country will be honestly ours. for notwithstanding a few members of Congress did what they could to render that negociation abortive in embryo, yet I am not without hopes that reason will prevail at Paris & Madrid over the passions attempted to be excited there, & effect a good settlement. I am happy to assure you that this schism of a few republicans has made not the smallest impression on the people from North to South. the doctrine of war with Spain & France & alliance with England does not entangle a single native American. with England we shall have a friendly arrangement. in fine I hope that this summer fixes the ground of long peace for this country with all nations. be assured of my friendship & accept my salutations

TH: JEFFERSON

GOV^r CLAIBORNE.

¹¹ July 10, 1806 (Jefferson Papers, LC), acknowledging Reibelt's letters of May 8, May 15, May 29 and June 5, 1806.

RICHARD CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:ALS]

N O *July 10. 1806*

SIR Governor Claiborne, as you will be informed by his communications, being absent from this City, I have thought it proper to acquaint you, that no dispatches, by the Mail of to-day, have arrived from either Branch of the Government of the United states; by which intimation, you will be able to ascertain whether there have been any delays by the way.

All is peace and comfort among us—and the City and Country are healthy,—but it is early in the Season yet.

I have the honor to be, With entire respect, Sir, your mo. ob^t Serv^t

R CLAIBORNE
Sec^r to the Governor.

THE SEC^r OF STATE.[*Endorsed*] Orleans M^r Claiborne 10 July 1806 Rec^d 12 Aug^t

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

At M^r Barrangers—62 Miles from NEW ORLEANS 15th *July 1806.*

DEAR SIR, I am now in the County of Acadia and my Indisposition having assumed a more serious aspect, I shall avail myself of the hospitality of M^r Barranger, and continue with him, until my fever (which is still slight) shall have left me.

M^r Barranger's farm is in a high state of cultivation, & his Improvements greatly surpass those of any other Citizen; his house is commodious; built of brick, and in conformity, (I am told) to the Italian mode; the Gardens are extensive, and handsomely arranged; M^r Barranger has heretofore Cultivated Cotton; but his Crops having for the last few years been considerably diminished by the ravages of the Chanells, he proposes for the future to raise the Cane, and is now busily engaged in erecting the necessary sugar works.—When I descended the River, in December 1803, I was delighted with the Farm & Improvements of M^r Barranger, and made enquiry, as to the sum, for which they could be obtained.—I was told, that they were for sale, & twenty five thousand Dollars were the consideration;—It so happened however that for want of funds, it was not in my power to become the purchaser; and M^r Barranger refused the other day an offer ¹² of fifty thousand Dollars.—What wonderful changes the

¹² The foregoing portion is combined with part of Claiborne's letter to the President, July 25, 1806, *post*, p. 677, and printed under date of July 15, 1806, in Rowland (ed.), *Claiborne Let. Bk.*, III, 369–371.

American Government has already effected in this Country?—It has given security to property, & augmented its value; It has given to the people an extensive commerce, & envited them to industrious pursuits; It has guarante'd their religious and civil Liberties; It has in truth, made the Territory free and prosperous; but altho' these changes are seen, they are unfortunately not acknowledged with gratitude; but I attach no blame to the Louisianians; a few men whose native Language is English, have by their Intrigues, f'omented all the discontents, which have and do yet exist in this Territory.—A certain speculator in the Florida Lands, who is as unprincipled, ambitious, avaricious and artful a Character, as ever infested a Community, had recourse to every means to keep the people dissatisfied; he no doubt supposed, that discontents in this quarter might embarrass our negotiation with Spain, & that the more difficulties, which were thrown in the way of a compromise, the greater the probability of his Florida purchase being ultimately confirmed. This speculator was joined by some disappointed & aspiring Americans, who have most egregiously imposed upon the unsuspecting, credulous, and good Louisianians;—These intriguers for the most part, still preserve their popularity; but it must soon pass away; a more virtuous people do not exist, than the great Body of the Louisianians, and it is impossible, that some men whom they now esteem as Patriots, can long retain their Confidence.

You will be pleased to pardon this digression; I cannot for a moment think of the discontents which have existed in this Country, and of the promoters of them, without discovering a Degree of feeling which a sincere Lover of his Country cannot Suppress.

From M^r Barranger's to the City, on each Side of the River, is a continued succession of farms, and many of them are in a high state of Cultivation;—Each and every Inhabitant reaps and enjoys without molestation the fruits of his labour; they are all industrious, and are all augmenting their wealth; the people here have indeed great cause to be content with their political destiny; but they certainly experience some Inconveniences; such as are Inseparable from the introduction of the American Laws & Government in a Country, where Men formerly ruled, & where from long habit, the Inhabitants were pleased with the calm of Despotism.

Wherever I go, I find the Judicial System of the Territory objected to; during the last week a County Court was holden in this vicinity; It was attended (for the first time) by two Lawyers, and their presence excited among the people much uneasiness;—they are considered as the harbingers of many vexatious Law-suits & seem really to be much feared by the old Inhabitants. During the session of the late County Court, a young Creole, a son in Law of the Judge, was indic'ted for an assault & battery; he was found guilty by the petit Jury, and was sen-

tenced by the Judge to one month's imprisonment, and a fine of five hundred Dollars.¹³

This occurrence has served to raise our Government in the estimation of the Citizens; it has shown them that Justice is distributed with an impartial hand; It was indeed a novel spectacle to a people, who were lately Spanish subjects, to hear a Judge pronouncing a sentence against the husband of his Daughter.—The County Judge (a M^r Cantrell) supports a most excellent Character; he is a native of the Province, and has for forty years been a favorite of the people; he is a just, and human man; in his Character as Judge of the County, he gives universal satisfaction; but is very uneasy, le'st his proceedings may be marked with some illegality, and the Lawyers may bring him into difficulties; this fear extends generally to all the Civil officers, and occasions frequent resignations.

On yesterday there commenced in this neighbourhood an election for a member of the house of Representatives; There are several Candidats, & of the number is a M^r Donaldson a highly respectable Citizen;—My hospitable Landlord, is a friend of M^r Donaldson, & is using all his influence in his favour;—His house is visited by many Citizens on their way to the election. M^r Barranger, commences his Eulogium on M^r Donaldson, with observing, that he is “a perfect honest man”;—this seems to be with the people, a necessary requisite; I pray God it may always continue so.—The Representative system is surely, the safest Bulwark for the rights of the People; but unfortunately the sacred right of suffrage is sometimes abused—but an inlightened and virtuous people cannot long be imposed upon; the Louisianians are sufficiently virtuous to govern themselves, & I trust that the time is not distant, when I can with sincerity add, “& sufficiently Inlightened”.—

With great respect—I have the honor to be Dear Sir, Your faithful friend

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the United States.

P.S. I have alluded only to one of the Speculators in florida Lands, as having been hostile to the Interest of the United States—there are some Citizens concerned in this Speculation, who have hitherto, & I trust will allways remain faithful to the honor & Interest of their Country. W.C.C.C

[*Endorsed*] Claiborne Gov^r July 15. 06. rec^d Oct. 4. Acadia.

¹³ For other references to the courts and the administration of the laws in the territory, see Claiborne to Gurley, July 29, the county judges, Aug. 4 and Aug. 18, the sheriffs, Aug. 4, 1806, and to the legislature, Jan. 13 and Feb. 10, 1807 (Rowland, ed., *op. cit.*, III, 373–374, 376–377; IV, 87–94, 116–117).

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

County of Iberville

110 Miles from NEW ORLEANS *July 20th 1806.*

DEAR SIR, I am now relieved from fever, but am so enfebled that I cannot complete the Journey, which I had contemplated;—Instead of visiting the country on the Mississippi, as high as Natchez which was originally my intention, I shall pass over to Atakapas & Opelousas, where I shall breathe a healthy air, & where probably my health will soon be restored.

The Route by water to Attakapas will be disagreeable; we have to navigate many small Bayou's, & cannot be well accommodated in the small Batteau's, which we must resort to; but the passage is generally performed in two Days.

I regret my Indisposition the more, since it has deprived me of attending in person, & assisting (with my advice) the Adjutant General in exercising the officers of the Militia;—but this duty will not be neglected; the Adjutant General will visit the several Counties, and will discharge with fidelity the service required of him.

I received on this evening Letters from the City; every thing was quiet, & the public service sustained no injury from my absence; the Mayor of the City, Doctor Watkins is a faithful, vigilant officer, and well deserves the confidence which I have placed on him. Several persons have died in the City, and one Case had the appearance of yellow fever; but the Physicians have not given an opinion upon the subject. I have thought myself fortunate in having retired to the Country; I am persuaded, that had I remained in the City, I should have experienced a long, & perhaps a dangerous attack of Fever.

I am, Dear Sir, With great respect your Faithful friend.

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the U. S.

[Endorsed] Claiborne Gov^r July 20. 06. rec^d Oct. 4. Acadia

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:LS]

120 Miles from NEW ORLEANS *July 21st 1806.*

DEAR SIR, I received on yesterday your private letter of the [blank] Ultimo.¹⁴

It affords me pleasure to learn, that our differences with England are likely to be brought to an amicable issue, and I persuade myself that we shall be equally fortunate in our negotiation with Spain.—

¹⁴ Not identified.

I must confess however, that on this point my hopes are not very strong; I greatly fear, that a knowledge of the proceedings of Congress will not be favorable to our views, nor can I otherwise think, than that the Sentiments and expressions of certain Members of Congress, will tend to irritate both the Rulers of France and Spain.—I do not understand, that the Spanish Agents in this quarter, calculate on a Speedy adjustment of our differences;—On the contrary, they seem to think that a Purchase of the Florida's will not be effected, and some have said, that the answer of the King of Spain to our Envoy's will be, that "it comports not with his dignity to dismember his Empire". A continuance of the war however, cannot fail to drain the Treasury of Bonaparte, and I trust his wants may be such, as to urge the Sale.

If the negotiation should fail, I cannot but suppose, that the people of America will support cordially, such measures as the Government shall then direct;—in this quarter, there is not that union in political sentiment which I could wish, nor are the principles and conduct of the American Government justly appreciated by all the Citizens. But I pray you to be assured, that we are by no means as much divided as has been represented, and my firm opinion is, that in the event of war, many of the Louisianians will be found faithful to the American Standard.—

I have been arrested on my Journey by an attack of fever;—It however has now abated, and I shall set out for Attackapas in the morning.

I have asked leave of absence from the President and if it is granted me, I promise myself the pleasure of paying my respects to you in person in November next.

I pray you to accept the best wishes of Dear Sir, Your faithful friend
WILLIAM C. C. CLAIBORNE

JAMES MADISON Esq^r Sec^y of State.

[Addressed] The Honorable James Madison Sec^y of State. Wash-
ington. [Postmarked] New Orleans Aug 14 Free

[Endorsed] Orleans Governor Claibourne July 26. ¹⁵ 1806

JOHN W. GURLEY TO THE SECRETARY OF THE TREASURY

[GLO: New Orleans, Reg. and Rec. Letters, xxii: ALS]

NEW ORLEANS *July 24. 1806*

SIR I have the honour to inform you that the several deputy Registers in this district have commenced the discharge of their duties in their several Counties. The persons appointed are James Mather for the County of La Fourche, William Wykoff Jn^r for the County of

¹⁵ Obviously an error.

Point Coupee and part of the County of Iberville and Mess Cantrelle and Trouard for the remainder of Iberville and the Counties of Acadia and German Coast. of the two first of these Gentlemen I wrote you in my last,¹⁶ and of the two latter I can only say that they have exercised the office of the Judges in their respective Counties under the American Government, that they are antient inhabitants and highly respected in their districts.

I mentioned in my last that it would perhaps be found unnecessary to appoint a Deputy for the County of German Coast adjoining that of Orleans in which my office is holden. But on reflection and and advise I have thought it expedient and more especially as I found it was much desired by the inhabitants.

I take the liberty of forwarding an account of the contingent expences of this office with the Vouchers for the different items.¹⁷ You will observe an account for printing the first law in the French language. The incurring of this expence was necessary at the time, although superceded at present by a provision of the last Legislature for printing in both the French and English languages all the laws of the United States extended to this Country, at the expence of the Territory.¹⁸

I have the honour to remain with the highest Respect Sir Your obt
hm^e Sev^t

J W GURLEY

HON^l ALBERT GALLATIN Sec^y of the Treasury

[*Endorsed*] New-Orleans July 24th 1806 John W. Gurley—Register &^e New Orleans File Acknowledged—29 July 07¹⁹ acc^{ts} sent to accounting officers—

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

COUNTY OF ATTAKAPAS 25th July 1806.

DEAR SIR, After a most disagreeable passage of near three days from the Mississippi, I arrived on yesterday morning at the County Town of Attackapas, much fatigued, very wet (for I was exposed for more than two hours to a heavy rain) and extremely unwell. I am now however at a most charming situation, and in comfortable quarters; where I have the benefit of a pure Country air, and the²⁰ most agree-

¹⁶ July 1, 1806 (GLO, New Orleans, Reg. and Rec. Let., xxii).

¹⁷ July 21, 1806, *loc. cit.*

¹⁸ Act approved May 22, 1806 (*Acts, First Session, First Legislature, Orleans, New Orleans, 1807*, pp. 56–63).

¹⁹ GLO (Div. C, Misc. Let. Bk. One).

²⁰ The remainder of the letter is combined with part of Claiborne's letter to the President, July 15, 1806, *ante*, p. 672, and printed under that date as one letter in Rowland (ed.), *op. cit.*, III, 369–371.

able Sea Breezes thro' out the Day. The Country of Attackapas and of Opeloussas which adjoins it, is the most beautiful I ever beheld; the Pra'aries are extensive; replenished with the richest Verdure, and affording Food for numerous stocks of Cattle.

Thro' the Pra'aries, ran many small streams of water, on each side of which (for about 10 acres) there are Groves of wood, and which in many places afford excellent Timber;—the River Tache (which communicates with the sea) passes thro' the two Counties; it may be navigated to a considerable distance by vessels of fifty Tons burthen, and I learn that at its mouth, the depth is from six to 7 & 1/2 feet.—On the Tache, the Citizens are for the most part settled, and I have observed many well improved Farms.—The inhabitants generally cultivate Cotton, Corn and Rice; several are preparing for the culture of the Sugar Cane, to which the Climate and Soil are said to be favorable, but I do not learn, that the Planters are in general, inclined to abandon the raising of Cotton.—

I am not now more than 10 Leagues distant from the sea, and there is not a Tree to interrupt the sea Breezes.—

Attackapas is a low, flat Country, and the frequent Rains (at this season of the year) render it disagreeable to the Traveller; but the Climate is certainly salubrious, and I shall be much disappointed, if my health is not soon restored.—The warmth of party spirit in this County, seems to be subsiding; but harmony in the society is not yet restored.—Here also, the Judicial system of the Territory is a source of complaint, and the Lawyers are much feared by the People.—It is probable, there will be a considerable emigration from Attackapas And Opperousas to the Spanish settlement on the Trinity; several families have already emigrated, and many are preparing to follow.

The season here, has been uncommonly wet, and I have noticed with regret, that the Crops are unpromising; the Citizens however will find a sure Resource in their stocks of cattle, which cannot fail to prosper in this beautiful grazing Country;—they feed in the Spring and Summer in the Praaries, and retire in winter, to the marshes near the Sea. they demand but little care from Man; Nature supplies them abundantly with Food, and they require no other Salt, than what they meet near the sea Board.—

I shall proceed, in a few Days to Oppalouzas, from whence, I shall again do myself the honor to write you.

I have the honor to be With great respect your Faithful Friend.

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the U. S.

[Addressed] Thomas Jefferson President of the United States.
Washington. [Postmarked] New Orleans Aug 14 Free

[Endorsed] Claiborne Gov^r Attackapas. July 25. 06 rec^d Oct. 4.

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEPARTMENT OF STATE *July 28th 1806.*GOV^r CLAIBORNE.

SIR. On monday last the President left this City for Monticello. Having taken into consideration your request to be absent from Orleans the ensuing winter, he gives his assent to it, provided the state and prospect of public affairs should urge no objection to it, of which you must of necessity be the judge, and provided that you do not leave the Territory, before the actual return of M^r Graham, to whom I shall intimate this arrangement. Since the last acknowledgment of your letters I have received those of 29 April,²¹ 3,²² 8, 16,²³ 20,²⁴ 21, 22, 26, 28, May,²⁵ and 3,²⁶ 8, & 15 of June.²⁷

I am &c

JAMES MADISON.

JUDGE PREVOST TO THE SECRETARY OF STATE

[SD:Appt. Office Files:ALS]

[August 8, 1806]

SIR May I pray you to communicate to the President my resignation of the office of Judge of the Superior Court of the territory of orleans to take place on the first day of October next—

I have the honor to be Sir with great respect your bt sert

J B PREVOST

NEW ORLEANS *August 8^t 1806.*

JAMES MADISON Secretary of State

[*Endorsed*] J. B. Prevost 8 Aug^t 1806 Rec^d 29 Sept^r Resignation 1806

GOVERNOR CLAIBORNE TO THE SECRETARY OF THE TREASURY

[SD:Appt. Office Files:ALS]

OPELOUSAS *August 11^h 1806.*

D^r SIR, I cannot omit giving you some information concerning the Land Business, which it is proper you should know. Most of the

²¹ Rowland (ed.), *Claiborne Let. Bk.*, III, 293-294.²² Not found.²³ Rowland (ed.), *op. cit.*, pp. 297-298, 299-300.²⁴ NA (SD, Orleans Terr. Papers, VIII).²⁵ Rowland (ed.), *op. cit.*, pp. 305-306, 309-311, 313 (under date of May 26), 319.²⁶ *Ante*, p. 642.²⁷ Rowland (ed.), *op. cit.*, pp. 323-324, 331-332.

good Land in the County of Ouachetta, is covered by two Grants; the one made to a Barron Bastrop for twelve hundred thousand Acres; the other to a French Count (whose name I Have forgotten) for one hundred thousand Acres: Bastrops claim has fallen into the hands of Mess^{rs} Moorhouse, Lynch & Livingston, & thro' them several Lawyers of eminence in New-Orleans, have obtained Titles for large Tracts;—The Grant to the french Count has fallen into the hands of Daniel Clarke.

Neither of these claims have been laid before the Board of Commissioners; I am not well acquainted with the nature of these claims; but many Citizens are of opinion, that they ought not at this time, to be considered as valid, either in Law or Equity—The Grants are said to contain Conditions, which neither Party complied with.—Having understood that the late Land Agent M^r M^cGruder was dismissed, I have esteemed it a duty, to suggest the expediency of employing a Lawyer to investigate before the Board, these particular claims. It is supposed by some, that these claims will not be presented to the Board; but that it is the intention of M^r Clarke, to have them confirmed (if in his power) by an Act of Congress;—But this I believe is all conjecture.—

I have heard it said, that the new Commissioner M^r Pamelly, was alike with M^r Vacher attached to drink;—if this be true, it is indeed most unfortunate.—Already an opinion prevails here, that the Americans are for the most part Drunkards.

In a conversation the other day, with a very interesting young Lady, I expressed an opinion, that she was not as partial to the American as the French Character;—she declared “that in many respects, the former was more amiable, than the latter Character; the French love with more Ardour; but the Americans with more constancy; the French make affectionate Husbands; but the Americans are the best Father's; the French love their Country; but the Americans are attached to their Government; the French act from feeling; But the Americans consult their Judg'ment;—to conclude—the French evidence much bravery and Enthusiasm; but the Americans display most firmness & perseverance.” I replied, that she justly appreciated the American Character;—But continued the young Lady, “You Americans will all take another Bottle.” This unexpected Accusation, so confounded me, that I could make no immediate Reply, and added the Lady, “You I observe, cannot deny it.”—Her goodness however was such, as to admit that there were some exceptions.

I am D^r Sir, With great Esteem! Your Mo: Ob^t serv^t—

WILLIAM C. C. CLAIBORNE

THE HON^{ble} ALBERT GALLATIN Sec^y of the Treasury.

[Endorsed] Parmelee Parmelee 1806

RICHARD CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:ALS]

NEW ORLEANS Aug^t 27. 1806.

SIR In the absence of Governor Claiborne, I forward to you a copy of the Laws of the 1st Session of the Legislature of the Territory of Orleans.²⁸

I have the honor to be, Sir, your mo. hble. Serv^t

R CLAIBORNE
Sec^y to the Governor.

THE HONBLE JAMES MADISON.

[Endorsed] Orleans Major Claiborne 27 Aug^t 1806

RICHARD CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:ALS]

NEW ORLEANS Aug^t 29. 1806

SIR It is now within a few minutes when letters must go to the Post Office, that I have waited to give you some information from Natchitoches, in case any should arrive; but no dispatches are received from Governor Claiborne, nor do we hear any thing more of the Governor of Tazus and his 900 men.²⁹

The City of New Orleans is in perfect tranquility; and the inhabitants thereof, and of the Country continue to enjoy entire good health. The Summer has been mild, and the rains frequent and refreshing.

²⁸ Enclosure not present.

²⁹ This refers to the movements of Herrera's troops near Natchitoches, of which Claiborne had been informed while at Attakapas (Claiborne to the Secretary of War, July 29, 1806, Rowland, ed., *op. cit.*, III, 374-375). The narrative of events from this point may be followed in the following letters: Turner to Claiborne, Aug. 8, 1806; Claiborne to Freeman, Aug. 17, R. Claiborne, Aug. 17, Watkins, Aug. 17 and Sept. 21, the Secretary of War, Aug. 18, Aug. 28, Sept. 4, Sept. 18, Sept. 21, Herrera, Aug. 26, Aug. 31, Sept. 2, the Secretary of State, Aug. 28, Mead, Aug. 28, Sept. 5, Sept. 9, Sept. 22, the Caddo Indians, Sept. 5, Sept. 28, Cushing, Sept. 9, Wilkinson, Sept. 19 (two), Sept. 24 (two), Collins, Sept. 24, Sept. 28, Luckett, Sept. 24, the Secretary of the Treasury, Sept. 28, 1806; Herrera to Claiborne, Aug. 28, Sept. 3, Sept. 14, 1806; Wilkinson to *id.*, Sept. 19 (two), 1806, *ibid.*, III, 377-399, IV, 1-23. Claiborne's letter to Herrera, Aug. 26, 1806, cited above, was answered by Salcedo, Sept. 18, 1806. This reply consists of a detailed defense against the charges brought by Claiborne (NA, WD, AGO, Old Recs. Div.).

I am happy to inform you that the public business here has not suffered in the absence either of the Governor, or of the Secretary; but we shall be happy to see them back again.³⁰

I have the honor to be, Sir, with entire respect, Your mo. ob^t serv^t

R CLAIBORNE
Sec^y to the Governor

THE SEC^y OF STATE.

[*Endorsed*] Orleans Major Claiborne 29 Aug^t 1806 Rec^d 30 Sept^r

ISAAC BRIGGS TO THE SECRETARY OF THE TREASURY

[GLO:Div. E, Miss. SG, vol. 52, 1803-1809:ALS]

WASHINGTON M. T. 27 of the 9 mo. 1806

MY DEAR FRIEND, Enclosed is a copy of my instructions to the Principal Deputy surveyor of the western land-district of the Territory of Orleans.³¹ I have issued the same instructions to the Principal Deputy of the Eastern district, omitting such parts only as are inapplicable.³²

Just as I had completed my arrangements for the organization of these departments, such accounts have been received of the movements and designs of a Spanish army on our frontiers and the almost universal disaffection of the ancient inhabitants of the Territory of Orleans, as put an inevitable stop to our surveying there: and the call on the militia for assistance has paralyzed our operations here.

Accept an assurance of my respect and esteem.

ISAAC BRIGGS.

ALBERT GALLATIN Esq^r Secretary of the Treasury of the United States.

³⁰ Nothing further had been learned at the writing of Claiborne's next letter, Sept. 5, 1806 (NA, SD, Orleans Terr. Papers, VIII).

³¹ Briggs to Fitz, Sept. 23, 1806, found with the above.

³² The following excerpt is from Briggs to the Secretary of the Treasury, Sept. 15, 1806 (GLO, Div. E, Miss. SG, vol. 52), a letter otherwise concerned with the difficulty of procuring accurate surveying instruments:

"I have been some time past industriously employed in organizing the departments of the two principal deputies for the Territory of Orleans. I have appointed Gideon Fitz for the Western district, and Walker Gilbert for the Eastern district. It appears to me impracticable for them to commence and push forward their Operations with that degree of activity which is very desirable without an advance of \$5000 for the Western district and \$2500 for the Eastern district, to be accounted for by them in their quarterly accounts. I shall therefore draw for \$7500 for these objects."

The Secretary replied Oct. 15, 1806 (GLO, Div. C, Misc. Let. Bk. One), reminding Briggs that he was responsible for all advances made to his deputies in Orleans. See also Briggs to the Secretary of the Treasury, Sept. 20, 1806 (*Terr. Papers*, Miss., v, 432-434), concerning the appointment of Gilbert and Fitz.

[*Endorsed*] Washington M. T. Septem. 27th 1806 Isaac Briggs—
Surveyor Gen^l transmitting copy of his instructions to Gideon Fitz
principal Deputy Surveyor in the Territory of Orleans. N^o 50.

ANTONIO CORDERO TO GOVERNOR CLAIBORNE

[NA:WD, AGO, Old Recs. Div.:C]

CAMP NACOGDOCHES *October 2nd 1806*—

EXCELLENT SIR—The Command^t Genl. Brigadier Nimesio Salcedo,
under whose orders I act, directed me on the 18th of last month—to
deliver all negro Slaves of that District who may appear in these
Dominions, provided your Excellency should submit to whatever
Resolution His Catholic Majesty might fix on, in consequence of the
Representations he has made respecting certain doubts, extant from
the Commencement of this affair—

Therefore, I hope your Excellency will deign to let me know your
Sentiment on the Subject, that I may proceed to the Restitution of
Slaves who have until this been detained here—

I acquaint your Excellency also, of my having ordered that, those
Citizens of the United States, whom your Excellency claimed of Lt.
Col^o Herrera, Should be restored to their Country agreeably to the
Result of the Said Commandant Genl. of these Provinces ³³—

I renew the respects, already offered your Excellency and am with
consideration—Your Excellency's most Humble & Obed^t Serv^t

Signed ANTONIO CORDERO—

N B. You have under cover a letter from ye Comd^t Genl. D^a Nimesio
Salcedo—

HIS EXCELLENCY W^m C. C. CLAIBORNE Gov^r of the T^y: of Orleans—

[*Endorsed*] Translation of D^a Antonio Cordero's letter To Gover^r
Claiborne—2nd Oct—1806—Including Genl. N. Salcedo's letter ³⁴

THE SECRETARY OF WAR TO CONSTANT FREEMAN

[NA:WD, AGO, Old Recs. Div., Mil. Book 3]

WAR DEPARTMENT *Oct. 27. 1806,*

CONST. FREEMAN

SIR, Although I have no reason to doubt your vigilance and zeal, in
whatever relates to your Military duties, or that the general has com-
municated to you the necessary directions for the government of your
conduct, in his absence on the frontiers: yet I deem it not improper,

³³ Cf. Claiborne's address to the territorial legislature, Jan. 13, 1807 (Rowland,
ed., *op. cit.*, IV, 87-94).

³⁴ Not present.

under existing circumstances, to caution you against any open or secret measures hostile to the important post confided to your care.—

In case of any alarm, or any strong ground of suspicion, that an attempt, to surprise your garrison, is contemplated, you will communicate freely with Governor Claiborne and with the General, and will pursue such measures, in concert with such of the militia as may rally round our standard, as will be most effectual for the defence of your Post, and for the safety of the well disposed inhabitation and their property.—

It may be expedient to pay some attention to the movements, and the conduct of suspicious characters, either Citizens, foreigners, or strangers; and to communicate to the Governor any information you may obtain deserving notice.—

You will have a watchful eye over all Military Stores under your charge, as well such, as belong to France, as the United States.

I am respectfully &c.—

COMMISSION OF JOSHUA LEWIS AS JUDGE

[SD:Temporary Comms., 1:C *]

[November 10, 1806]

THOMAS JEFFERSON, President of the United States of America

To all who shall see these presents, Greeting:

Know Ye, That reposing special Trust and Confidence in the Wisdom, Uprightness and Learning of JOSHUA LEWIS, of Kentucky I do appoint him One of the Judges in and Over the Territory of Orleans; and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and laws of the United States; and to Have and to Hold the said office with all the powers, privileges and Emoluments to the same of right appertaining during his good behaviour, and until the end of the next Session of the Senate of the United States and no longer.

In Testimony whereof, I have caused these Letters to be L.S made patent and the Seal of the United States to be hereunto affixed. Given under my hand at the City of Washington the Tenth day of November in the Year of our Lord one thousand Eight hundred and Six; and of the Independence of the United States of America the Thirty first.

TH: JEFFERSON

By the President

JAMES MADISON Sec^r of State.

* See permanent commission, Jan. 16, 1807, *post*, p. 703.

GOVERNOR CLAIBORNE TO THE SECRETARY OF THE
TREASURY

[NYHS:Gallatin Papers:ALS]

(Private)

NEW-ORLEANS Nov^r 10^h 1806

DEAR SIR, The remission on your part, of the forfeiture in the case of Garlande, has been a subject of discussion in this place;—It was much censured by some Gentlemen of the Bar, and (as I am informed) by M^r Livingston in particular;—I learn also, that M^r Daniel Clarke, the delegate from this Territory to Congress, thought the remission highly exceptionable, and that he left this City, with a determination to do you such Injury in this Affair, as might be in his Power.—M^r Clarke possessed himself of Copies of all the Documents which had been exhibited in the Court on the Trial of Garland's Case, & obtained from M^r L. a full view of the subject. I am not at liberty, or rather I am not authorised by my Informant to give you his Name; but I have no doubt, of the truth of his statement.

Altho I am well assured your Conduct when investigated, would be approved, I have nevertheless thought it might be useful to you, to know the designs of your Enemies, & have therefore taken the liberty to address you this Letter.

M^r Clarke obtained Letters of introduction to several of the Clerks in the Treasury Department, with whom he proposed to cultivate an Intimate Acquaintance,—with a view (as my Informant says) of obtaining thro' them, such fiscal Information as might be useful to him; But you will find M^r Clark a most skilful Intriguer, and I know of no man, that would be more apt to take an ungenerous advantage.—I however may be prejudiced against him, & do not perhaps see his Virtues—But in any event, you may be assured (unless I am greatly deceived, & by a Man too of Unquestionable veracity), he, M^r Clarke, left this City, very much disposed to lessen the public Confidence in the Secretary of the Treasury.—

I am D^r Sir, With respect Your friend

W^m C. C. CLAIBORNETHE HON^{ble} M^r GALLATIN

[Addressed] The Honorable Albert Gallatin Washington City
[Postmarked] New Orleans Nov 14 Free

[Endorsed] 10 Nov^{er} 1806 N. Orleans W. C. C. Claiborne de Clarke
& Guerlain Claiborne de Clark & Guerlain

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEPARTMENT OF STATE, *Nov*^r 12th 1806.GOV^r CLAIBORNE.

SIR. Several copies of a letter from M^r Portalis, the French Minister of Worship, to a Citizen of New Orleans, named Castillon, who is stiled President of the Fabrick of the Church of S^t Louis, have been received from New Orleans, and the sensations the letter appears to have excited will have attracted your notice on your return from Red River. [In strictness the letter of M^r Portalis suggests the remark, that as in an ecclesiastical sense the Roman Catholics of New Orleans, can have no relation whatever to the French Government, but a relation merely & directly to the See of Rome; and in a political sense no relation whatever to that Government, but a relation directly & exclusively to the Government of the United States, the interposition qualified as it is, must be viewed as a deviation from the regular course. On the other side, it is more than possible that the French Government may have been surprised into the stile and some of the sentiments expressed in the letter, by the strain of that to which it was an answer, and by a tenderness towards a people, once a part of the French Nation and severed from it not by their own Act, but by that of the French Government.]³⁶ The President has therefore directed this affair to be made the subject of a conversation at Paris, as far as may be necessary to place it in a just point of view to the French Government. Meanwhile it may be not amiss for you to endeavour to obtain the deficient parts of the correspondence, if Mr. Castillon, is willing to furnish them, and to hint that its continuance would not be consonant with his duty to his own Government.

I am &^c

JAMES MADISON

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS 12th *November* 1806.

DEAR SIR, Your friendly Letter of the 10th of July³⁷ reached New-Orleans, during my late Absence from that City, and was not received, by me, until my return from Nachitoches. This circumstance will I hope, plead my apology for the delay of my Answer.

³⁶ The bracketed portion (the brackets are editorial) is identical with the second paragraph of Madison's letter to Armstrong, Nov. 10, 1806 (NA, SD, U. S. Ministers, Instrs., VI), enclosing a copy of Portalis's letter to Castillon, and directing that the matter be brought to the attention of the French Government. See Claiborne to Castillon, Dec. 29, 1806 (Rowland, ed., *op. cit.*, IV, 72).

³⁷ *Ante*, p. 671.

Your Letter to M^r Reibelt has been delivered;³⁸ that Gentleman (with his family) is now in this City—I have not yet seen his Lady, but she is spoken of as a very interesting Female. I fear M^r Reibelt will not be pleased with his residence at Nachitoches; there are few objects to admire, and the Society is far from being agreeable;—he however will find ample leisure to continue his literary Researches, and his salary, with oeconomy, will furnish him a support.—I sincerely hope, you may succeed, in bringing our foreign Negotiations to an amicable conclusion, and that you may fix the ground of a long Peace for our Country; But the present aspect of affairs does not warrant the hope, of a result so favorable.—I however persuade myself, that the hostile movements towards Nachitoches are the Acts of certain Spanish Agents, and will not be approved by their Government.

The Schism among the Republicans is to be regret'ed, but I am happy to learn, that it has made no impression upon the American People.—Indeed on this score I never apprehended evil; but I did fear, that foreign Powers with whom we have concerns, woud form inaccurate opinions of the American Character, and that our Negotiations might be embarrassed;—I shall however be agreeably disappointed, if “Reason should have prevailed at Paris and Madrid over the passions attempted to be there excited.”

I had intended to have availed myself of your Goodness, & to have visited the United States during this Winter;—But the state of things here is not (at this time) such, as in my own judg'ment to justify my departure.

I will however embrace the earliest period (that my duties may permit) to visit the Seat of Government, as well with a view of settling my public Accounts, as to meet any exceptions which my Enemies may have taken to my official Conduct;—I could have wished, to have been at Washington during the Session of Congress—But my presence in the Territory is at this time indispensable.

On my visit to the U. States, I anticipate the pleasure of introducing to your Acquaintance M^{rs} Claiborne;—She is a native of Louisiana, born and educated in the Prairies of Opelousas, and unites to other qualities, which to me were interesting, those of a sincere Attachment to the Government of the United States, and to the American Character;—This little Stranger solicits that her most affectionate wishes for your health and happiness, may accompany those of

Your faithful friend

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the U. States.

[*Endorsed*] Claiborne Gov^r N. O. Nov. 12. 06. rec^d Dec. 29.

³⁸ July 10, 1806 (Jefferson Papers, LC).

THE SECRETARY OF STATE TO BISHOP CARROLL

[NA:SD, Dom. Letters, xv:C]

DEPARTMENT OF STATE, Nov^r 20th 1806.

BISHOP CARROLL.

R. R. SIR. I have had the honor to receive & lay before the President your letter of the 17th ins^t,³⁹ inclosing a duplicate of the commission which places under your care the Roman Catholic Church at New Orleans, and requesting the sentiments of the Executive on certain discretionary points affecting the situation of the functionaries to be named by you. The delecacy towards the public authority and the laudable object which led to the enquiries you are pleased to make, are apprecia ted by the President in the manner which they so justly merit. But as the case is intirely eccleseastical, it is deemed most congenial with the scrupulous policy of the Constitution in guarding against political interference with religious affairs, to decline the explanations which you have thought might enable you to accomodate the better the execution of your trust to the public advantage. I have the pleasure Sir, to add, that if that consideration had less influence, the President would find a motive to the same determination, in his perfect confidence in the purity of your views, and in the patriotism which guide you in the selection of eccleseastical individuals, to such as combine with their professional merits, a due attachment to the Constitution & prosperity of the U. States—I enclose the document⁴⁰ which you requested might be returned, and pray you to accept assurances of the perfect respect & esteem with which I remain &c —

JAMES MADISON

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, viii:LS]

NEW ORLEANS *November 25.* 1806.

SIR General Wilkinson has this moment arrived in New Orleans.
as confidential

My Letters of the 18.⁴¹ and 19. ins^t ⁴² you will consider 992. 1414. 1045.

³⁹ Not found.⁴⁰ Not identified.⁴¹ There are two letters of this date, Rowland (ed.), *Claiborne Let. Bk.*, iv, 36–37.⁴² Found in Letters in relation to Burr's Conspiracy, 1806–1808 (LC). In addition to this collection, see the following: Wilkinson to the Secretary of War, Dec. 4, Dec. 26, 1806, Jan. 8, Jan. 9, Jan. 15 (two), Jan. 22, Jan. 29, Jan. 30, Feb. 6, Feb. 13, Feb. 17, Feb. 20, Feb. 27, Mar. 3, Mar. 12, May 22, June 17, 1807 (NA, WD, AGO, Old Recs. Div.). A number of letters on this subject are printed, Rowland (ed.), *op. cit.*, iv, 36 *et seq.*

1060. 35.—I shall have a conference with the General on tomorrow, and will in a few days write you particularly

no doubt that a conspiracy is formed
 I have 1252. 899. 201. 261. 284. 1. 544. 1358. 814. 566. 136. 683.
 injurious interest U States
 1020 highly 126. 146. 101. 637 to the 130. 1372 of the 1179. 101. 273.
 characters of high standing concerned
 1364. 567 and that 1509. 567 of 1480. 1363. 1116. 129. are 1409. 1020—
 yet advised particulars
 but I am not 957. 15. 101. 575. 701 of 1301. 567.—

best judg-
 General Wilkinson and myself will, to the 228 of our 143. 701. 301.
 ments abilities honor welfare
 937. 567 and 2. 101. 780. 1060. 1371 support the 1493 and 467. 1213.
 our country.
 1001 of 634 550.

I am Sir, with great respect, Your mo. ob^t Serv^t

WILLIAM C. C. CLAIBORNE

THE SEC^y OF STATE.

[*Endorsed*] Orleans Gov^r Claiborne 25 Nov^r 1806

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:LS]

NEW ORLEANS *December 3^d 1806.*

SIR, To enable me to forward by express, to the department of State some public Dispatches, I have this day drawn upon you for five hundred Dollars, payable at 5 days sight to J. W. Gurley or order.

I am sir, very respectfully your hble serv^t

WILLIAM C. C. CLAIBORNE

THE HONBLE THE SEC^y OF STATE

[*Endorsed*] Gov^r Claiborne 3^d Dec^r 1806

GOVERNOR CLAIBORNE TO ANDREW JACKSON

[NA:WD, AGO, Old Recs. Div.:C]

N: OR: *December 5th 1806*

MY DEAR FRIEND I have this moment received your Letter of the 12th Ultimo.⁴³—I am prepared to lay down my life for my Country.—I recognize in your communication, the sentiments of Patriotism, Honor, Virtue, and friendship, & such sentiments will always insure you my warmest esteem—With all the means in my power, I will defend my Country, her Government and Laws —

⁴³ Rowland (ed.), *op. cit.*, IV, 53–54.

Present me affectionately to Mrs Jackson May God bless you
Your faithful friend

W. C. C. CLAIBORNE

GENL A. JACKSON—(a copy)

CIRCULAR TO POSTMASTERS ON THE ROUTE FROM
NEW ORLEANS TO WASHINGTON

[PO:P.M. Letter Book O]

Circular

Dec 22. 1806

(Sent to all the postmasters on Wheaton's route)

At this important crisis I feel it my duty to call the agents of this department, residing on the roads leading to and from any portion of the Western Country, to the most vigilant, prompt and energetic exercise of the functions of their several Offices, and to direct them, in case of any neglect or inattention of any of the contractors, or their riders, immediately to transmit the mail to this Office by Express. It cannot be permitted to lie by at any Office, but must be conveyed hither, at any expense, with the greatest dispatch. In case you have reasonable ground to believe there is a want of fidelity in any mail carrier, whether owing to a connection with any criminal party, or to any other cause, you will instantly suspend such agent, and employ some trusty person to bring forward the mail

G G

P.S. I pray you to inform me to what cause it is owing that the New Orleans Mail carried by M^r Wheaton so frequently fails of arriving in due season at this Office. Are his horses good and well foun'd? Are his riders vigilant, active and faithful men, exerting all their energies for the public Service? I pray you to give me full information by return Mail, and for the 3 coming months on each post Day to inform me of the order and condition of the line. G. G.

[*Marginal note*] Similar Letters to the above (without the post-script) sent to the postmasters on the Western routes

ADDRESS OF THE MERCHANTS OF THE CITY OF NEW
ORLEANS TO THE PRESIDENT

[LC:Jefferson Papers:ADS]

[Received December 30, 1806]

To the President of the United States

The Merchants of the City of New Orleans, having long suffered the most serious inconveniences from the irregularity of the Mails, and at length wearied with frequency of disappointed expectation;—by the Chamber of Commerce of that City, respectfully approach your Excellency with their grievance, in the hope of obtaining

thro'ugh you that relief which no representation by any other channel has yet been able to obtain.

Formerly in New Orleans the want of a Mail occasioned no particular mischief, for no mail was relied on. Nearly all commercial intercourse with the States was then carried on as from any other foreign port. But when Louisiana became annexed to the Union, and the mail was extended from the Natchez hither, with flattering promises from time to time of an improved establishment, the merchants of course had every reason to believe that such was really intended. They therefore confidently enlarged their commercial connections, particularly with the Atlantic ports; conceiving the Government to be as they still believe it, pledged for their security in having done so. The mail it is true from the commencement was by no means punctual; but the early irregularities were not much complained of. The interruptions necessarily incident to the infancy of the attempt were cheerfully admitted as a sufficient excuse

But it was little expected that a third year would draw toward a close without producing one real improvement; new distributions of stages & new contracts and new routes have occasionally since then confirmed the confidence or revived the hopes of the Merchants; but every change has in its turn only proved how vainly such hopes have been indulged. From the nature of modern commerce & of the rules by which it is governed, the injuries to which a commercial society is exposed from such neglect are almost incalculable. Bills of exchange are drawn on men long dead or bankrupt, other bills are protested for non acceptance months after the drawer believed them paid, and mutual distrusts & disagreements and even vexatious law suits ensue. The proceeds of consignments lie dead until the season of advantageous comittance is over, vessels sail empty while the instructions for loading them linger on the road, and above all valuable cargoes are shipped with the intention of effecting insurance at some northern port, but by the failure of the mail, the ship's loss has been public throughout the Union before the insurance can be applied for, & the fortunes of families thus fall victims to a misplaced confidence in the public faith

Against such gross & unpardonable neglect of this City & its commercial interests it is true the citizens have not till now remonstrated —

They have hitherto with respectful patience long waited the result of repeated representations which they have made upon the subject, sometimes individually by private communications, sometimes through the officers of the Post in this City and sometimes the officers of the Territorial Government. And they must believe that their situation has long been well known to the proper Department, they can not but feel both astonishment & disgust at the obstinacy with which their complaints still continue to be disregarded —

If from the unwarrantable inattention or the mistaken economy of the officers of the General Post Office the present contract system has proved inefficient, and a better tho' more expensive system be adopted, the citizens of New Orleans will heartily acquiesce in any augmentation of the rates of postage.

This the merchants of New Orleans most earnestly entreat that they may not be denied the benefit of an institution which every merchant in the Union enjoys without interruption, or at least that they may be no longer deceived by an illusive establishment which leads them only to Error & to Loss and may eventually betray them into Ruin —

R M^oSHANE Sec^r

PAUL LANUSSE
Présidente

[*Endorsed*] Address merch. New Orleans (Paul Lan [MS. torn] rec^d Dec. 30. 06.

RICHARD CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, VIII:ALS]

NEW ORLEANS Dec^r 31. 1806.

SIR The Secretary of the Territory not having returned from the U S, in his behalf I have the honor to inclose returns of the Governor's Official and Executive Acts for the Six months ending this day, to wit:

- N^o 1, Pardon of Mariano Rocha,
- 2, do of Lukin Knowle,
- 3, do of Anselm Roman,
- 4, do of Robert Armstrong,
- 5, Proclamation,
- 6, Writ of Election,
- 7, Contract with Cowles Mead,
- 8, Militia Appointments,
- 9, Civil Appointments; together with the Census of the Territory of Orleans.

I have the honor to be Sir, your mo. ob^t hble. Serv^t

R. CLAIBORNE

THE HONBLE THE SEC^r OF STATE.

[*Endorsed*] Secretary of the Orleans Territory 31st Dec^r 1806.

[Enclosures]

Pardon of Mariano Rocha

[November 27, 1806]

By HIS EXCELLENCY WILLIAM C. C. CLAIBORNE Governor of the Territory of Orleans.

To the Sheriff of the County of Orleans, and all others concerned Greeting:
Whereas Mariano Rocha of the County of Orleans, laborer, has been

lately convicted before the Honorable the County Court for the County of Orleans of Larceny and was there upon sentenced to receive twenty stripes as will appear reference being had to the records of the said County Court, and Whereas, it is represented to me that the said Mariano Rocha is a proper object of Mercy—I have thought proper to grant him a free pardon of the said offence of which he stands convicted—and wholly to remit the Said Sentence.

Given under my hand and the seal of the Territory, this
L.S. 27th day of November 1806, and 31st year of the Independence of the United States.—

Signed W^m C. C. CLAIBORNE—

[*Endorsed*] N° 1. Pardon of Mariano Rocha 27. Nov^r 1806.

Pardon of Lukin Knowle

[October 21, 1806]

By WILLIAM C. C. CLAIBORNE, Governor of the Territory of Orleans.
To the Sheriff of the County of Orleans, and all others who shall see these presents.—

Whereas Lukin Knowle, was lately convicted before the honorable the County Court for the County of Orleans, of the offence of Larceny, and was thereupon sentenced to receive twenty stripes; and whereas the said Lukin Knowle has been recommended to the undersigned as a fit object of Mercy, now therefore be it known,—That I William C. C. Claiborne Governor as aforesaid, do by virtue of the powers in me vested, pardon the offence of which the said Lukin Knowle was convicted, and do remit the punishment to which he was sentenced.—

Given under my hand and the seal of the Territory at
L.S. New Orleans, on the 21st day of October 1806.

Signed W^m C. C. CLAIBORNE.

[*Endorsed*] N° 2. Pardon of Lukin Knowle 21. Oc^r 1806.

Pardon of Anselm Roman

[July 13, 1806]

By WILLIAM C. C. CLAIBORNE Governor of the Territory of Orleans.
To the Sheriff of Acadia County.

Whereas Anselme Roman was lately convicted before the Honorable the County Court of Acadia, of an Assault and Battery, and was thereupon Sentenced to imprisonment for 1 month, to pay a fine of 500\$, and to give security to preserve the peace towards all good Citizens of this Territory for the period of 12 Calender months next ensuing: Now therefore be it known that I William C. C. Claiborne Governor as aforesaid by virtue of the powers in me vested, and for divers good reasons me thereunto moving, I have thought proper to

grant in part my pardon to the said Roman, and hereby wholly remit the fine of 500\$, to which the said Roman was sentenced; but the residue of said sentence to remain in Full Force and virtue.—

Given under my hand and the seal of the Territory at
L.S. New Orleans, this 13th day of July 1806, and 31st year of the Independence of the United States.

Signed W^m C. C. CLAIBORNE.

[*Endorsed*] N° 3. Pardon of Anselm Roman. 13. July 1806.

Pardon of Robert Armstrong

[*September 29, 1806*]

By WILLIAM C. C. CLAIBORNE Governor of the Territory of Orleans.—
To the Sheriff of the County of Attakapas.

Whereas a certain Robert Armstrong was lately convicted before the Honorable the County Court for the County of Attakapas of an assault, and was there upon sentenced to Imprisonment and to a fine of fifty Dollars, as will more fully appear, reference being had to the records of said Court; & whereas divers good Citizens of the County of Attakapas, have recommanded the said Armstrong to the mercy of the Executive;—now therefore be it known that I William C. C. Claiborne Governor as aforesaid, do by virtue of the powers in me vested, pardon the offence of which the said Armstrong has been convicted, and do wholly remit the fine aforesaid, and direct that he be forthwith released from his confinement.—

Given under my hand and seal, at the County of Attakapas on the 29th day of September in the year 1806.

Signed W^m C. C. CLAIBORNE

[*Endorsed*] N° 4. Pardon of Robert Armstrong 29. Sep^r 1806.

A PROCLAMATION.

[*December 16, 1806*]

By WILLIAM CHARLES COLE CLAIBORNE, Governor of the Territory of Orleans, and Commander in Chief of the Militia thereof.

Whereas I have received information that certain Persons are combining and confederating in a Traitorous Project to subvert the authority of the Government of the United States over a portion of the Territories thereof, and to invade the Dominions of the King of Spain, a Prince in amity with the United States; I have thought proper to issue this my Proclamation, hereby solemnly cautioning the Citizens of this Territory against entering into, or in any manner countenancing the conspiracy aforesaid; and that no one may remain

ignorant of the fatal consequences which may await the Parties concerned, I do now make it known, that the Law of the United States declares "That if any Person or Persons, owing Allegiance to the United States of America, shall levy war against them, or shall adhere to their enemies, giving them aid and comfort within the United States or elsewhere, and shall be thereof convicted, on confession in open Court, or on the testimony of two witnesses to the same overt act of the treason whereof he or they shall stand indicted, such person or persons, shall be adjudged guilty of Treason against the United States, and Shall suffer Death".—and that "If any Person or Persons having knowledge of the Commission of any of the Treasons aforesaid, shall conceal, and not as soon as may be, disclose and make known the same to the President of the United States, or Some one of the judges thereof, or to the President or Governor of a particular State, or some one of the judges or Justices thereof, such Person or Persons, on conviction, shall be adjudged guilty of misprision of Treason, and shall be imprisoned not exceeding Seven years, and fined not exceeding one thousand Dollars."

And I do further make it known, That the law of the "United States has also declared, that if any person shall, within the Territory or jurisdiction of the United States, begin, or set on foot, or provide, or prepare the means for any military expedition or enterprise, to be carried on from thence against the Territory or Dominions of any Foreign Prince or State, with whom the United States are at peace, every such person so offending shall, upon conviction, be adjudged guilty of High Misdemeanor, and shall suffer fine and imprisonment at the discretion of the Court in which the conviction shall be had, so as that such fine shall not exceed three thousand Dollars, nor the term of imprisonment be more than three years."

Given at New Orleans, on the 16th day of December, in the L.S. year one thousand eight hundred and six, and of the Sovereignty and Independence of the United States the thirty first.

In Testimony Whereof, I have undersigned my name, and caused the Public Seal to be hereunto affixed.

Signed WILLIAM CHARLES COLE CLAIBORNE.

By the Governor,

Signed RICHARD CLAIBORNE

Secretary Pro: Tem.

[Endorsed] N° 5. Proclamation Dec^r 16. 1806.

Writ of Election

[November 4, 1806]

By WILLIAM C. C. CLAIBORNE, Governor of the Territory of Orleans.
 To the Sheriff of Iberville County:

Whereas Joseph Le Blanc who was elected a Representative in the house of Representatives of the Territory, for the fifth Election district, has notified me, in writing, of his resignation of the aforesaid representative trust: I have thought proper to issue this my writ of Election, authorising and requiring you to cause to be holden at the place, the Judges or Commissioners of the Election shall think fit to appoint, on Monday the 1st of December next and the two following days, an Election for a Representative of the said fifth Election district, to supply the vacancy occasioned by the resignation of the said Joseph Le Blanc: The Polls on each day shall be kept open at such hours as the said Judges or Commissioners shall direct: and you are to take special care that the persons voting at such Election are qualified in manner prescribed by the Laws and Ordinance of Congress for the Territory of Orleans: and you are further required forthwith to make return to the Governor of this Territory, agreeably to the Act entitled "An Act prescribing the formalities to be observed in the Election of the Representatives of the Territory of Orleans," of the name of the person who shall appear to have been duly elected.—

Given und[er] my hand, and the seal of the Territory this
 L. S. 4th day of November 1806; and 31st year of the Independence
 of the United States.—

Signed WM C. C. CLAIBORNE

[Endorsed] N^o 6. writ of Election 4 Nov^r 1806.*Statement of Governor Claiborne and Cowles Mead*

[August 17, 1806]

The undersigned having learned, that a considerable Spanish Force had crossed the Sabine, for the avowed purpose of establishing a garrison at or near Bayou Pierre, within a short distance of Nachitoches, are of opinion.—

1st that unless the orders issued some time since by the Secretary at War to the officer Commanding at Nachitoches, not to permit an armed body of men to cross the Sabine, have been rescinded, it is advisable to dislodge the said armed force, and to cause them to retire to the West Bank of the Sabine.

2^d That if the regular troops at Nachitoches, should not be deemed sufficient to compel the Spaniards to retire, that a part of the Militia of the Territory of Orleans, should be called into service and ordered immediately to Nachitoches.

3^d That to encourage the Militia of the Territory of Orleans, to repair with promptitude to the scene of action, Governor Claiborne's presence may be necessary, and it is therefore deemed advisable that he repair without delay to the Counties of Rapide and Nachitoches.—

4th To provide for the better safety of the two Territories, and particularly for the security of New Orleans, it is deemed proper that the Militia of the Mississippi Territory should be placed on the best possible footing;—that with this view, orders are to be issued for Battalion and Company musters, and in the event, that any Spanish force should threaten an attack upon the City of New Orleans, and certain information thereof received, that the acting Governor of the Mississippi Territory, will immediately order to the said City such portion of the Militia as the safety of his own Territory may permit.—

5th That if the Spaniards should actually commence hostilities in the vicinity of Nachitoches, and assistance from the Mississippi Territory should be essential, that the acting Governor will detach to that post one hundred mounted Infantry.

The undersigned regret the absence of General Wilkinson at this crisis, but will on his arrival, in obedience to the instructions of the president of the United States detach for duty such portion of the Militia of their respective Territories as may be deemed advisable and will place the same under the orders of the said General.—

With a view of receiving accurate information of the State of things in New Orleans and its vicinity, it is proper that during the absence of Governor Claiborne from that City, the acting Governor of the Mississippi Territory, should maintain a Correspondance with Doctor Watkins Mayor of the said City, in whose discretion and patriotism the undersigned have much confidence.—

The Undersigned will communicate to each other all occurrences of importance.

Done at Natchez on the evening of the 17th of August, in the year 1806.

Signed { W^m C. C. CLAIBORNE.
 { COWLES MEADE.

[Endorsed] N^o 7. Contract between Gov^r Claiborne and Mead.
Aug^t 17. 1806.

Return of Appointments in the Militia of the Territory of Orleans, from the 1st day of July 1806, to the 31st day of December 1806, inclusive.

GENERAL STAFF.

Names	Rank	date of Coms ^a
Louis Duvillier	Aid de Camp to Col ^o Bellechasse	17. Oc ^r 1806.
Andre ^s Guebert	do	do.

CAVALRY.

Benjamin Poydrass	Captain	29. Dec ^r 1806.
William Haslet	do	
Hypolite Baron	1 st Lieutenant	
Benjamin P. Porter	do	
Zenon Le Doux	2 ^d Lieutenant	
John Thompson	do	
Augustin Le Blanc	Cornet	
Christopher Adams	do	
Samuel Crowdson	do	

1st REGIMENT.

Jean Mercier	Major	17. Oc ^r 1806.
Amant Hullen	Captain	13. Dec ^r do.
Jean Cannon	1 st L ^t & Adj ^t	do.
Ferdinand Percy	do do	do.
Nicholas Roche	do	do.
Tho ^s Hugh Ferguson	do	do.
John Thibaud	do	do.
Pierre J Tricou	2 ^d Lieu ^t	do.
J. Ernest	do	do.
Zenon Mombrun	Ensign	do.

2^d REGIMENT.

Bartholomew Lafon	Captain	29. Dec ^r 1806.
Jean B. Dejan	1 st Lieut.	do do
Louis Poiney	do	do do
George F. Favre	2 ^d L ^t & Adj ^t	26. Nov ^r do
Claudius Dejan	do	29. Dec ^r do
Joachin Lozano	do	do do.

3^d REGIMENT.

Names	Rank	date of Coms ^a
Enaul Livaudais.....	1 st Lieu ^t	13. Dec ^r 1806.
Norbert Boudousquere..	d ^o & Q ^r M ^r	do
Cadet Siguire.....	2 ^d Lieu ^t	do
Francois Bienvineu.....	do.....	do
Fontaine Beauregard....	do.....	do
Charles Garrol.....	do.....	do
Antoine S ^t Maxant.....	Ensign.....	do.

8th REGIMENT.

Edmond Thoulson.....	Captain.....	8. Aug ^t 1806.
John M ^e Leland.....	1. Lieu ^t	do
John Dorman.....	2. Lieu ^t	do
Joseph Richard.....	do.....	do
Chritien.....	do.....	do

9th REGIMENT.

Alexander Blanche.....	Captain.....	
Jaques Tarreau.....	do.....	
Vincent Ternant.....	do.....	
Gabriel Fusilier.....	do.....	
Baptiste Barra.....	1 st Lieu ^t	
Pierre Dispan.....	do.....	
Antoine Decuier.....	do.....	
Bernard Touinoir.....	do and Adj ^t	
Francis Chesse.....	do and Q ^r M ^r	
Nicholas Lacour.....	2 ^d Lieu ^t	
Louis Chenevert.....	do.....	
Francis Le Beau.....	do.....	
Baptiste Saisan.....	do.....	
Bersil Major.....	Ensign.....	

10th REGIMENT.

Josiah Slater.....	Captain.....	13. Sep ^r 1806
John Burney.....	do.....	do
Thomas Jones.....	1 st Lieu ^t	do
James H Tait.....	do.....	do
John Brow Lee.....	2 ^d Lieu ^t	do.
Joseph Walker.....	do.....	do.

ORLEANS VOLUNTEERS

Names	Rank	date of Coms ^a
Andrew Price.....	Captain.....	21. Oc ^r 1806
Vincent Nolte.....	do.....	21. Nov ^r do.
Falkner Philips.....	1 st L ^t & Adj ^t	15. Oc ^r do.
Martin Gordon.....	do.....	do
James Crawford.....	do.....	21. Oc ^r do
John H Ludeling.....	do.....	21. Nov. do
John M ^o Ilvaine.....	2 ^d Lieu ^t	21. Oc ^r do
Henry A Amelung.....	do.....	21. Nov do
Charles R. Hicks.....	Ensign.....	25. Dec ^r do

VOLUNTEER BLUES (extinct)

TOUT ENSEMBLE	
Aides de Camp.....	2.
Majors.....	1.
Captains.....	12.
1 st Lieutenants.....	23.
2 ^d Lieutenants.....	22.
Ensigns.....	4.
Cornets.....	3.
	67

For the Secretary of the Territory
R CLAIBORNE

NEW ORLEANS Dec^r 31. 1806.

[Endorsed] N^o 8. Return of Militia Appointments Dec^r 31. 1806.

Civil Appointments

JUSTICES OF THE PEACE.

Names	Dates	Places	Re- marks
William Dewees.....	5 th July 1806.....	Orleans.....	
Prene S ^t Amand.....	11 th d ^o d ^o	German Coast..	
Dominique Prevost...	26 th d ^o d ^o	Attakapas.....	
Cornelius Woorhies...	28 th d ^o d ^o	ditto.....	
Alexander De Clouet.	30 th d ^o d ^o	ditto.....	
Celestin Lavergne....	11 th Octob ^r d ^o	ditto.....	
Paul Darcantelle.....	31 st d ^o d ^o	Orleans.....	

SHERIFF.

Names	Dates	Places	Re- marks
Thomas F. Olivier	13 th September 1806.	Rapide.	

NOTARY PUBLIC.

Benedict F. Van Pra- delles.	29 th Nov ^r 1806	Orleans.	
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AUCTIONEERS.

William Wikoff.	24 th July 1806.	Iberville.	
Peter S ^t Martin.	27 th October d ^o	German Coast County.	

TREASURER.

Alex ^{der} Labranche	11 th July 1806.	German Coast.	
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CORONER.

Robert Nicholls.	26 th July 1806.	Attakapas.	
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CLERK.

Denis R ^d D. Des Es- sarts.	6 th Dec ^r 1806	German Coast.	
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JUDGE.

Bela Hubbard.	29 Dec ^r 1806	La Fourche.	
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For the Secretary of the Territory of Orleans.

R CLAIBORNE

NEW ORLEANS Dec^r 31. 1806.

[Endorsed] N^o 9 Return of Civil Appointments in the Territory of Orleans from the 1st day of July 1806, to the 31st day of Dec^r 1806, inclusive.

*A General return of the Census of the Territory of Orleans taken
for the year 1806.*

Names of the Counties	White men of 21 years and up- wards	White males below 21	White females of Every age	Free men, and women and children of Colour	Slaves of every age and Sex	Total
German Coast	555	647	972	229	3,285	5,688
Iberville	362	461	731	71	965	2,590
Lafourche	586	977	1,335	25	610	3,533
Point Coupee	267	258	443	115	2,251	3,334
Opelousas	584	771	1,104	239	1,091	3,789
Rapides	488	513	746	15	716	2,478
Nachitoches	407	270	410	121	1,209	2,417
Orleans	2,108	1,422	2,781	2,312	8,378	17,001
Attakapas	720	877	1,333	166	1,826	4,922
Ouachitta	200	148	256	4	122	730
Acadia	607	822	1,332	53	2,248	5,062
Concordia, supposed . . . . .	. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	3,990
	6,884	7,166	11,443	3,350	22,701	55,534

For the Secretary of the Territory
R. CLAIBORNE

NEW ORLEANS Dec^r 31. 1806.

[*Endorsed*] Census of the Territory of Orleans for the year 1806.
Inclosed in a letter from the Secretary of the Orleans Territory 31st
Dec^r 1806—

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEPARTMENT OF STATE, *January 12th 1807.*

GOVERNOR CLAIBORNE.

SIR. You will have observed in the Gazettes that a M^r Thomas Power, said to be now residing near New Orleans, was engaged by the Marquis of Carondelet, to carry certain propositions to Kentucky, of a tendency to alienate its inhabitants from the Union. As it may be important to establish by proof the part taken by Spain in that Affair, it is thought necessary that you should endeavor, by means, which are advisable & promise success to obtain from him, details & authentic proofs, particularly original documents, and for this purpose to incur a reasonable expense if necessary. It may not be useless at the same time to ascertain if possible whether Power is an Agent in the passing events and whether he may not be made instrumental to a disclosure of something important.

I am &^o

JAMES MADISON.

COMMISSION OF JUDGE LEWIS

[SD:Misc. Permanent Comms., C:C]

[January 16, 1807]

THOMAS JEFFERSON, President of the United States of America,
To all who shall see these presents, Greeting:

Know Ye, That reposing special Trust and Confidence in the Wisdom, Uprightness and Learning of JOSHUA LEWIS, of Kentucky, I have nominated, and by and with the advice and consent of the Senate do appoint him One of the Judges in and over the Territory of Orleans;⁴⁵ and do authorize and empower him to execute and fulfill the duties of that office according to the Constitution and laws of the said United States: and to Have and to Hold the said office with all the powers, privileges and Emoluments to the same of right appertaining during his good behaviour.

In Testimony whereof, I have caused these Letters to be
 L.S. made patent, and the Seal of the United States to be hereunto affixed.

Given under my hand at the City of Washington the Sixteenth day of January in the year of our Lord one thousand Eight hundred and Seven; and of the Independence of the United States of America the Thirty first.

TH: JEFFERSON

By the President
 JAMES MADISON
 Secretary of State

GOVERNOR CLAIBORNE TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div.:LS]

NEW ORLEANS *Jan^y 22^d 1807.*

SIR, Inclosed is an a/c & vouchers for—675 dollars, 575 being a balance due to me, which I beg may be admitted and passed to my Credit.—

My presence in the several Frontier Counties was necessary to the organization of the Militia, & my visit to Nachitoches was deemed essential to the public Service;—under these circumstances, it seems to me just, that my personal expenditures should be remunerated me.⁴⁶—

I am Sir, with great respect, your mo: ob^t Serv^t

WILLIAM C. C. CLAIBORNE

THE SEC^y OF WAR.

⁴⁵ Nominated Dec. 15 and confirmed Dec. 17, 1806, in succession to John B. Prevost, resigned (*Senate, Exec. Journal*, II, 45).

⁴⁶ Answered Apr. 6, 1807, allowing the expenses incurred (NA, WD, AGO, Old Recs. Div., Misc. Let. Bk. 3).

[Addressed] The Honorable The Secretary at War Washington City
 [Endorsed] New Orleans, Jan: 22—1807 Gov^r Claiborne—Inclos-
 ing an account for horses purchased by him for public service. Ac-
 count and vouchers returned—Ap. 6—1807 inadmissable Rec.
 Feb^r 24—1807

Sir, no expences incurred by a Gov^r of a Territory in the mere
 organisation of the Militi can be allowed by this Department, there
 being no provision for pay to any officers of the Militia except when
 in actual service, with a command according to his rank, and the
 organization of the Militi is considered as a part of the ordinary
 duties of the Gov^r—your actual expenses while at Natchatoches
 would in my opinion be an equitable charge against the public altho
 you had not a Military command, but I do not consider myself
 authorised to pay such a demand.

JUDGE HALL TO THE SECRETARY OF STATE

[SD:Appt. Office Files:ALS]

NEW ORLEANS 23. Jan: '07.

SIR Judge Mathews of this territory being desirous to change his
 situation from the bench of the Superior Court of this territory for
 that of the Mississippi is anxious that his wish should be communicated
 to you. He understands that a Seat on that bench is now vacant.
 I take the liberty, Sir, to state to you, that the Judge Since his arrival
 here has given general satisfaction—He possesses talents and learning—
 his knowledge of the civil law would render him a very useful officer in
 the Mississippi territory where many of their titles and contracts
 depend on that system. Permit me to add that M^r Mathews is a
 man of the strictest integrity. I am with the greatest respect and
 consideration Sir,

Your most obedient Servant

DOM: A: HALL.

[Endorsed] Hall Dominic A. N. Orleans Jan. 23. 07. recd Feb. 23.
 Matthews judge of N. O. to be judge Misipi 1807

THE SECRETARY OF THE TREASURY TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

[February 1, 1807]

DEAR SIR I believe that the section with the few alterations which
 I have introduced will answer for the present. Instructions to the
 Register, the President's proclamation therein contemplated and
 another law next session if necessary will supply the details omitted.
 I have preferred writing again the Section rather than to interline
 your's. If we can get a surveyor general in lieu of Briggs to be on the

spot in April, we may have enough of the land surveyed before the ensuing spring; which will be time enough to satisfy the volunteers who may move.⁴⁷

Your's respectfully

—ALBERT GALLATIN

Feb^y 1st 1807

As objections may be suggested in debate, the member of Senate to whom you will give the section, may be referred to me for any information respecting details which may be wanted—

[Addressed] The President of the United States

[Endorsed] Deptm^t Treas^y Feb. 1. 07. rec^d Feb. 2. 1^d bounty in Orleans

CIRCULAR TO POSTMASTERS ON THE ROUTE FROM NEW ORLEANS TO WASHINGTON

[PO:P.M. Letter Book O]

Circular

Feb. 4. 1807

To the Postmasters on the route from Washington by Fredericksburg Va.

Salisbury N. C & Athens G^a to New Orleans.

M^r John Miliken the bearer is charged with important dispatches

⁴⁷ This refers to the measure respecting donation of land to the militia proposed by the President for the defense of the western frontier of Orleans. A draft of "A Bill for the settlement of a part of the territory of Orleans" is found with the 1803 MSS. in the Jefferson Papers (LC). This provided for 160-acre donations to settlers in the area south of Red River and east of Natchitoches. Provision for obligatory military service was added to this plan in the proposal submitted by the President to the Cabinet, Feb. 28, 1806 (Ford, ed., *Writings Jefferson*, VIII, 425-427), and as submitted to Congress in the Senate resolution of Mar. 6, 1806. The resolution directed that a tract be surveyed between the Atchafalaya, the Red River, and the meridian of Natchitoches, and that grants be made to immigrants in return for a period of militia service. The bill reported was postponed after its third reading (*Annals*, 9 Cong., 1 sess., 164, 182, 191, 197, 206-207, 228). The President, however, continued to urge the adoption of the measure (the President to Claiborne, Apr. 27, 1806, and to Dickinson, Jan. 13, 1807, Ford, ed., *op. cit.*, VIII, 442-445; IX, 8-10). A House bill authorizing the raising of a volunteer militia force of 30,000 men was sent to the Senate Jan. 16, 1807 (*Annals*, 9 Cong., 2 sess., 35, 36, 205-215, 264, 328, 329). In a letter to the Secretary of the Treasury of Jan. 31, 1807, the President suggested that a land-donation measure be added to the bill for a volunteer militia (Washington, ed., *Writings Jefferson*, v, 36-37). Gallatin's reply is the letter here printed. The donation amendment was added as suggested but was rejected by the Senate (*Annals*, 9 Cong., 2 sess., 62, 65, 67, 67-68, 69), and the bill for volunteers was passed as the act approved Feb. 24, 1807 (2 STAT. 419-420). The President's notes on the latter bill, and his draft of a bill embodying his ideas, are printed, Ford (ed.), *op. cit.*, VIII, 425-427. He made another effort to secure adoption of his plan when he sent a draft bill to Gallatin, Nov. 22, 1807, asking for corrections in the light of recent surveys, *ibid.*, IX, 167. No further action was taken, however.

which are to be taken with the greatest expedition to New Orleans—he will have occasion for a frequent change of horses, and I request either of you to whom he may apply to procure them for him without delay: the amount which you may expend for the hire and compensation you may make for the injury any horse may sustain shall be duly reimbursed to you from this Office.

G. G.

THE POSTMASTER GENERAL TO DAVID PARMELEE

[PO:P.M. Letter Book O]

Feb. 6. 1807

DAVID PARMELEE Esq. Oppelusas O. T.

I have received yours of the 3rd of Dec^r.⁴⁸

By this days mail I transmit you Blank and every thing necessary for a new Office at Oppelusas, I pray you to fill up the blanks with such a name as will do honour to the Government, not rejecting your own. I have this day authorized the postmaster at Rapids to employ some person to carry the mail, the price in truth ought not to exceed \$280. and I have directed him to give, not exceeding four hundred. The mail is to leave Rapid every other Wednesday at 6 A M and to reach Oppelusas on the next Thursday at 8. P. M. Returning Leave Oppelusas every other Friday at 6 A M and reach Rapid on Saturday at 8. P. M.

If the postmaster at Rapid fails to contract with a rider for this route I authorize you to contract for the same at a price, however not exceeding as above. If you contract for a rider on your end of the Route it will be necessary for you to alter the Schedule so that he may devote his extra time to other business.

All is harmony & peace at this place.

G. G.

THE POSTMASTER GENERAL TO ALEXANDER FULTON

[PO:P. M. Letter Book O]

Feb. 6. 1807

ALEXANDER FULTON p m. Rapid O. T. otherwise Alexandria

I have to request you immediately to employ a post Rider who shall start from your Office every other Wednesday at 6 A M and reach Oppelusas on the next Thursday by 8 P. M. Leave Oppelusas the next morning at 6 A M and arrive at Rapid on Saturday by 8 P M. The contract must be made on the best terms possible, Three Hundred Dollars per annum is a liberal price, and the terms must not exceed four hundred Dollars.

I pray you to answer this letter immediately

G. G.

⁴⁸ Not found.

THE POSTMASTER GENERAL TO DAVID PARMELEE

[PO:P.M. Letter Book O]

Feb. 12. 1807

DAVID PAMERLEE Esq. Opelousas O. T.

Since the 7th Curr^t the date of my last,⁴⁹ requesting you to select a postmaster for Opelousas, I have discovered that M^r William Shields has returned his bond duly executed as postmaster at that place. It will therefore be unnecessary for you to take any order relative to the contents of that letter. The blanks then forwarded you may be delivered to M^r Shields.⁵⁰

G. G.

RESOLUTIONS BY THE LEGISLATIVE ASSEMBLY ⁵¹

[NA:SD, Orleans Terr. Papers, ix:DS]

[February 20, 1807 ⁵²]

A Resolution of Both Branches of the Legislature of the Territory of Orleans.

Assured of the attachment and Devotion of the Citizens of this Territory to the Government of the United States, to Which under the Auspices of Providence they are so highly indebted for their present prosperity and Happiness and desiring to give a solemn testimonial to the World of our firm Determination under all Circumstances and at all hazards to maintain and support that political connexion which has united our Destinies to those of one of the freest and most enlightened people on earth.

Be it Resolved by the Legislative Council and House of Representatives of the Territory of Orleans in General Assembly Convened that they have in common with their fellow Citizens of this Territory viewed with horror and indignation the Traiterous Conspiracy recently developed against the Union, peace, and Liberties of United America.

Be it further Resolved that this Legislature has been and will ever be ready to cooperate to the full extent of its Constitutional powers with the executive of this Territory, in the adoption of all such measures as may be necessary to assure the peace of this Territory, and to defeat as well the secret machinations of internal foes as all enter-

⁴⁹ Not found. But see Feb. 6, *ante*, p. 706.

⁵⁰ Concerning post routes and mail service to Opelousas, see Baylor to the Secretary of State, July 16 and Nov. 20, 1807 (Madison Papers, LC).

⁵¹ The English and French texts are on the same sheet in parallel columns. The covering letter, Claiborne to the Secretary of State, Feb. 20, 1807, is printed, Rowland (ed.), *Claiborne Let. Bk.*, IV, 121-122.

⁵² Dated for reference.

prises from without which may be hostile to this Territory or to the Laws, Government and Constitution of the United States./.

JOHN WATKINS

Speaker of the house of Representatives

J POYDRAS

president of the legislative Council

[French text]

[February 20, 1807]

Resolution des deux Chambres de la Législature du Territoire d'Orléans.

Assurés de l'attachement et du Dévouement des Citoyens de ce Territoire au Gouvernement des Etats Unis auquel, Sous les auspices de la Providence, ils sont redevables d'une manière Si particulière de leur prospérité et de leur Bonheur; et Désirant donner à l'Univers un temoignage Solemnel de notre ferme Détermination de Maintenir et de supporter dans toutes les Circonstances et à tout événement l'Union politique qui a lié nos Destinées à celles d'un des Peuples les plus libres et les plus éclairés de la Terre.

Il est Résolu par le Conseil Législatif et la Chambre des Representans du Territoire d'Orléans réunis en Assemblée Générale, qu'ils ont, comme leurs Concitoyens de ce Territoire, vu avec horreur et indignation la trahison et la conspiration recemment decouvertes contre l'union, la paix, et la Liberté de l'Amérique Unie.

Il est de plus Résolu, que cette Législature a été et Sera toujours prête à Coopérer avec l'Exécutif de ce Territoire, en adoptant toutes les mesures qui peuvent être necessaires pour assurer la paix de ce territoire, dans toute l'Etendue de ses pouvoirs Constitutionels, à déjouer les trames Secretes des ennemis intérieurs aussi bien que toutes les entreprises exterieures qui pourraient être dirigées contre ce Territoire, ou Contre les lois, le Gouvernement et la Constitution des Etats Unis./.

THE SECRETARY OF THE TREASURY TO THOMAS
WORTHINGTON

[TD:Secretary's Files, ser. E, vol. v, 1806-1812:C]

TREASURY DEPARTMENT *February 25th 1807.*

HON: THOMAS WORTHINGTON in Senate.

SIR, In conformity with your request I submit the following observations respecting the bill, "respecting claims to land in the territories of Orleans and Louisiana."⁵³

⁵³ The act approved Mar. 3, 1807 (2 STAT. 440-442), originated in the House Dec. 9, 1806, with a resolution directing the committee on public lands to investigate the necessity for altering the land acts for Orleans and Louisiana (*Annals*, 9 Cong., 2 sess., 130). For the principal alterations in the land laws introduced by this act, see notes to the act approved Mar. 2, 1805, *ante*, p. 408.

I perceive no objection to the three first sections: they are intended to remove some of the objections made by the inhabitants to the existing laws; and although the commons mentioned in the 3^d Section be of great value, yet it is not unreasonable to allow a certain extent to the town; and the measure will be considered as conciliatory. In addition to that, and on the same principle, I would suggest another provision which might come in as a new Section between the 3^d & 4th. A number of the planters on the Mississippi have neglected to apply for what is called double or back concessions, that is to say their grants extend only forty arpens (equal to about 460 perches) back so as to include all the tillable land, but not the swamp which supplies them with timber. A grant of a double, or rather additional concession extending forty arpens farther back was never refused when applied for: and those who had neglected to make such application fear that the U. States may sell the Land to speculators who will purchase only in order to sell again to the owners of the front part, as that back swamp is unfit for cultivation, and valuable only as it supplies timber. Without deciding at present whether that additional concession should be given or sold, or pretending to fix it's value, it would quiet the uneasiness of the people merely to secure them generally a right of pre-emption to such additional concessions, confining the right to owners of land heretofore granted on the banks of the Mississippi in the Territory of Orleans, the depth to forty acres, and the breadth to that of the front of the plantations; provided however that where, on account of the bends of the river the whole breadth could not be preserved to each owner the back land should be equitably divided amongst them.

The 4th Section is the most important of the bill, and establishes the principle that the decisions of the Commissioners shall be final for claims not exceeding one league square; which will embrace the great mass of claims in the country. I would have preferred some check in cases at least where the board might not be unanimous, and had accordingly written to the Committee of the House; but the House having admitted the principle without limitation, I have nothing new to add on that point. There is however, a point on which an amendment appears to me essential.

The object of the Section is only to give final jurisdiction to the Commissioners, and not to fix the rules by which they shall decide. But the words in the 4th 5th and 6th lines "according to the laws and established usages and customs of the French and Spanish Governments", establish a rule of decision contradictory to all the former principles established by the Acts of Congress on that subject, and to the first sections of the Act itself. For if it be intended that the Commissioners shall be governed, not by the laws of Congress establishing certain descriptions of claims, (and amongst others those embraced by the 2^d Section of this Act) but by the laws, usages, and

customs of the Spanish Government, those few words are in fact a repeal of all the former laws of Congress. If such be the intention, there is no need of the two first Sections of this Act; and the new provision should appear in a distinct section, expressly stating that those laws, usages, and customs shall be the rule of decision any act of Congress to the contrary notwithstanding; that is to say that all claims which in the opinion of the Board might have been completed had the Spanish Government continued shall be confirmed. If that be the object, there is very little use for the trouble and expense of a board, and Congress may as well say so at once, and declare that the parties producing any enchoate, concession, order of survey, requete, permission or application to settle, shall receive patents, although they have not settled the land. For it must be observed that the laws of Congress already embrace almost every case of settlement, and that the claims intended to be covered by this sideways provision are, commandants, permissions or orders of survey not settled. And that is also intended to cover cases where there was a condition to settle: for it is urged that the established usage was not to enforce the condition. The fact is that that Government had no fixed principle but favoritism. Land was often taken away if not settled and given to greater favorites; and very often the condition was not enforced. I have proofs of both in the Treasury; and I have also proofs of cases where commandants had granted thousands of acres, though restricted by written ordinances to eight hundred; and yet the grantee being a favorite, the grant confirmed by the very Governor or Intendant General who had issued the ordinance: so that the deviations from the laws is what is intended by the usages & customs. I am therefore, decidedly of opinion that those words from according in 4th to governments in 6th line (both inclusive) should be struck out.

Another amendment, though of less importance, would I think be useful in the same Section. The last provision makes expressly the decision final only against the United States. That may be the effect of the section itself; for it is probable that a court would not consider a claim forfeited because it had been rejected by the Commissioners.—But there is no necessity to proclaim the thing; and it would be more conformable with the course pursued in similar cases to add at the end of a section “and when against the claimant shall be submitted to Congress for their final determination in the manner heretofore provided by law”—or words to that effect.⁵⁴

The 5th Section extends with propriety the time; but it is much too long for Louisiana. Almost all the claims there have been entered; to

⁵⁴ On the question of the authority of the commissioners, see the President to the Secretary of the Treasury, Mar. 29, 1807 (*Writings Jefferson*, mem. ed., XI, 178).

give them till 1st January next would be sufficient, and hasten the decisions.

I also fear that the words "and the evidences of their claims never after admitted as evidence &c" are not sufficiently precise, because the word their may be considered as limited by the antecedent "so far as they are derived &c" on any act of Congress"—so that incomplete grants might be still received in evidence on the plea that they were not so derived. We have certainly a right to call on the owners of those inchoate titles to come and record them under penalty of their not being hereafter admitted as evidence. It will enforce a compliance with the law, and prevent new forgeries, of which we have already enough. This extension of time is in fact a privilege. The words of the act of March 2^d 1805⁵⁵ (7th vol: page 292.) are "Nor shall any incomplete grant, warrant, order of survey, deed of conveyance, or other written evidence, which shall not be recorded &c ever after be &c admitted as evidence &c against any grant derived from the U. States". The 3^d Section of the Act of April 21st last ⁵⁶ (Vol: 8th pages 114–115) refers to the same provision, and it would be best to repeat it here.

The remaining sections appear unobjectionable.⁵⁷

I am &c

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEPARTMENT OF STATE, Feb. 28th 1807.

GOVERNOR CLAIBORNE.

SIR: Your letter of the 22^d ult. enclosing your account for \$200 dollars, as extra expenses in a public service to Atacapas & Opelousas, has been received.⁵⁸ As it is without precedent & might prove inconvenient to allow to the Governors of Territories personal expenses within the limits of their government, I lose no time in intimating that the present charge cannot be passed to your credit.

I am &c

JAMES MADISON

⁵⁵ *Ante*, p. 410.

⁵⁶ 2 STAT. 391–395.

⁵⁷ The letter is followed by the text of the proposed amendments.

⁵⁸ Rowland (ed.), *op. cit.*, IV, 108–109. Concerning Claiborne's accounts, see his letters to the Secretary of the Treasury, Sept. 30 (two) and Dec. 31 (two), 1808, Mar. 31 (two) and Apr. 26, 1809, to Nourse, Oct. 1, 1808, and to the Secretary of War, Dec. 4, 1808, *ibid.*, pp. 219–220, 264, 281–282, 339, 346–347.

GOVERNOR CLAIBORNE TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div.:LS]

NEW ORLEANS *March 3^d 1807.*

SIR, I have the honor to inclose you a return which has been made to me, by the Adjutant General of the Militia of this Territory, as also copies of my General orders, subsequent to the 24th of November last.⁵⁹—

Previous to the receipt of this, I hope M^r Burr may have arrived (a Prisoner) at Washington; this arch Traitor was taken by Lieutenant Gains of Fort Stoddard, and immediately dispatched to the Federal City, where I trust, he will meet the punishment due his Crimes.

General Wilkinson and myself have been much censured here for our conduct;—It is therefore the more gratifying to us to find, that the Executive of the United States do not disapprove the measures, which were adopted.—For myself, I have little to claim;—my means of serving my Country, were indeed limited; they however were used with promptitude, and the best intentions:—But with respect to General Wilkinson, he has deserved well of the United States.—I find that some Members of Congress, seem to consider the machinations of Burr and his party as only a political intrigue, and attach much censure to the acts of the General; but to these Gentlemen and to every American Citizen, it ought to be a subject of great joy that this intrigue is defeated; the objects were, the destruction of our Government and the dismemberment of the union;—objects which perhaps were not communicated to all the partisans of Burr, but which would certainly have been attempted (and with a considerable force too) had not the agents of the Government acted with promptitude and Energy.—Perhaps some of the measures of the General may be considered as exceptionable; but I give it as my decided opinion, that the general policy he pursued, was the best, that could (under all circumstances) have been resorted to, and that to him, this City and Territory are in a great measure indebted for their present safety.⁶⁰—

I am Sir, with great respect & esteem yo: hble Serv^t

WILLIAM C. C. CLAIBORNE

THE SEC^y AT WAR.

[*Endorsed*] New Orleans March 3. 1807 W^m C. C. Claiborne—
Enclosing a Return of the Militia & the Gen^l Orders—Relative to the
measures pursued by Gen^l Wilkinson Rec^d Ap^l 27. 1807 rec^t to
be acknowledged⁶¹

⁵⁹ The general orders are found with this letter but not the militia returns.

⁶⁰ Claiborne to the Secretary of State, Mar. 3, 1807 (NA, SD, Orleans Terr. Papers, 1X), reporting the arrest of Burr, is similar in content to the above.

⁶¹ Apr. 27, 1807 (NA, WD, AGO, Old Recs. Div., Misc. Let. Bk. 3).

[Enclosures]

General Orders to the Territorial Militia

GENERAL ORDERS.

Head Quarters NEW ORLEANS *Decmr* 16, 1806.

It having been represented to the Commander in Chief, that in consequence of the frequent admission of Citizens into the several Volunteer Corps, the Numbers of the several Companies of the First, Second and Fourth Regiments, of the First Brigade of Militia, were Kept in such a state of fluctuation and uncertainty, that the Officers Commanding said Regiments, were greatly embarrassed in organizing the same agreeable to Law;—It is ordered, that no Citizen actually enrolled in any Regiment of Militia, shall hereafter without permission, specially given by the Comd^r in Chief, or the Officer commanding such Regiment, withdraw therefrom for the purpose of Joining any Volunteer Company.

The Commander in Chief impressed with the utility, and respectability of the Battalion of Orleans Volunteers, and sensible of their services and Patriotism, has no intention to offer any unnecessary obstacle to their increase, but will on the contrary consent to such new Levies to the Battalion, as shall not tend to defeat, or to empede the general Organization of the Militia:—An organization which it is no less the wish, than duty of the Commander in Chief to facilitate by all the means in his power; for at a Crisis like the present, when it may become necessary to call into Action the whole Military strength of the district, it is indeed desirable that the Militia should be so arranged, that the labour of service may be equally divided among the Citizens.

By Order of the Governor & Comd^r in Chief.

HENRY HOPKINS
Col^o & Adj^t Genl

GENERAL ORDERS.

Head Quarters NEW ORLEANS *Decmr* 24, 1806.

It is with regret that the Comd^r in Chief feels himself again under the necessity of urging the organization of the Militia in this City.

In consequence of the Indisposition of Col^o Bellechasse, the command of the 1st Brigade devolves temporarily on Colonel Dorsiere.

It being desirable that the First, & Second Regiments should be mustered for Inspection with all possible dispatch, the Officers Commanding those Regiments are directed under the Orders of Col^o Dorsiere, to Cause the officers commanding Companies to immediately report to them the Strength of their respective Companies, and that the same together with a return of the Field Officers, and officers of

the Regimental Staff be transmit'ed duly certified to the Office of the Adjutant General, on or before next Saturday at Ten o'clock in the Forenoon:—The most prompt and punctual obedience to this Order is peremptorily required.

Noncommissioned Officers as well as commissioned Officers are to be Reported; Absent Officers are to be Reported as such, as also all vacancies.

By Order of the Governor & Comd^r in Chief.

HENRY HOPKINS
Col^o & Adj^t Genl.

GENERAL ORDERS.

Head Quarters NEW ORLEANS *Decm^r 30, 1806.*

The First and Second Regts of Militia, and so much of the Fourth as is included in the Fauxbourg of S^t Mary, will be Reviewed by the Commander in Chief on Sunday next at Ten O'Clock in the Morning; Every Officer, Noncommissioned Officer and Private will be punctual in his attendance:—They will Rendezvous in the public Square in the Fauxbourg at Nine O'Clock, and will be formed for Review precisely at Ten A. M.

By Order of the Governor & Comd^r in Chief

HENRY HOPKINS
Col^o & Adj^t Genl

GENERAL ORDERS.

Head Quarters NEW ORLEANS *Jan^y 1, 1807.*

As preparatory to the Review which is to take place on Sunday next, the Commander in Chief invites the several Officers commanding Companies attached to the First and Second Regiments of Militia and the Battalion of the Fourth which is included in the Fauxbourg of S^t Mary, to take care that the arms of the Privates be put in the best possible Order:—The first duty of a Soldier is to have his Arms in good Order, and to keep them so, should constitute his greatest pride.

By Order of the Governor & Comd^r in Chief

HENRY HOPKINS
Col^o & Adj^t Genl

GENERAL ORDERS.

Head Quarters NEW ORLEANS *Jan^y 4, 1807.*

The Commander in Chief having understood, that all the Companies of Militia attached to the First & Second Regiments, did not on yesterday receive their Arms, does on that account postpone the Review until Wednesday next at Ten O'Clock. In the mean time he flatters himself, that each Noncommissioned Officer and private will put his Arms in complete Order.

The Review on Wednesday, will take place in the public Square in the Fauxbourg, and it is directed, that the several Captains or Officers Commanding Companies will previously assemble them in their respective districts, and March them to the parade.

By Order of the Governor & Comd^r in Chief

HENRY HOPKINS
Col^o & Adj^t Genl

GENERAL ORDERS.

Head Quarters NEW ORLEANS *Jan*y 5, 1807.

Captains or Officers Commanding Companies, attached to the Fifth and Sixth Regiments of Militia, and to the Iberville and Pointe Coupie Battalions, will until further Orders cause their Companies to be Mustered for Exercise twice in each week, at such time and place as the several Captains shall designate.—This Order must be punctually obeyed.

By order of the Governor & Comd^r in Chief

HENRY HOPKINS
Col^o & Adj^t Genl

GENERAL ORDERS.

Head Quarters NEW ORLEANS *Jan*y 5, 1807.

At the present interesting Crisis, when the safety of the Territory is Menaced, it becomes expedient that the Commander in Chief should establish a regular Chain of Communications as far as the Settlement of Pointe Coupie and that he should be immediately advised of every interesting Occurrence, it is therefore Ordered, that Couriers pass twice in each Week from Pointe Coupie to New Orleans. Colonel LBlanc shall dispatch a Courier on each Monday and thursday to Colonel Wykoff of Iberville, Col^o Wykoff shall forward on the dispatches to Colonel Armant of Acadia, Colonel Armant to Major S^t Armant of German Coast, Major S^t Armant to Colonel Fortier, and by him to the Commander in Chief.—This service to be rendered by the Militia; The Field Officers will make this duty fall as equally upon the Citizens as the local situation of the Country will permit. No Man when commanded must decline or delay the performance; such conduct will be deemed highly improper, and the Names of the persons so refusing or declining must be reported.

The Field Officers mentioned in this Order must write to the Comd^r in Chief by each Courier, and Keep him advised of whatever interests the public Service or safety.

By Order of the Governor & Comd^r in Chief.

HENRY HOPKINS
Col^o & Adj^t Genl

Head Quarters. NEW ORLEANS *Jan'y 6th* 1807.

SIR, You will receive from Captain Read of the Armed Schooner Revenge, Foty Horsemans Swords, which you will deliver to the Noncommissioned Officers and privates of your Troop, and take their Receipts for the same.

You will until further Orders, assemble your Troop for Exercise twice in each and every Week, at such time and place as you shall designate, and be in readiness for Actual service at a Moments warning.

Signed W. C. C. CLAIBORNE

CAPT POIDRASS Pointe Coupie

GENERAL ORDERS.

Head Quarters NEW ORLEANS *Jan'y 7, 1807.*

The Commander in Chief directs, that if the safety of the Citizens of Pointe Coupie, or of any other County on the Mississippi should be menaced by an Insurrection among the Slaves, or from any other Cause, the officer Commanding the Militia in such County, shall without delay call upon the officer Commanding the Militia in any adjoining County for Aid, and it shall be the duty of such Officer, to Order immediately into service a Detachment of Militia, and to render all the assistance in his power.

By Order of the Governor and Commander in Chief

HENRY HOPKINS
Col^o & Adj't Genl

GENERAL ORDERS.

Head Quarters NEW ORLEANS *Jan'y 8, 1807.*

Colonel Bellechass being restored to Health, will resume the Command of the First Brigade of Militia, and will continue his best exertions to introduce order and Discipline.

The Conduct of Colonel Dorcier, on whom the Command of the First Brigade temporarily devolved, is approved;—This Officer will assume the immediate Command of the Second Regiment.

Colonels or Officers Commanding the First, Second and Fourth Regiments of Militia, are directed (until further Orders) to cause the several Companies to be Mustered for Exercise twice each and every Week.

By Order of the Governor & Comd^r in Cheif

HENRY HOPKINS Col^o & Adj't Genl

GENERAL ORDERS.

Head Quarters NEW ORLEANS *Jan'y* 8, 1807.

The Commander in Chief will Review the Gentilly Battalion of Militia on Sunday next;—Major Darcantelle will designate a Central position for the parade, and will have the Battalion formed for the Review at 11 o'clock A. M.

By Order of the Governor & Comd^r in ChiefHENRY HOPKINS
Col^o & Adj^t Genl

GENERAL ORDERS.

Head Quarters NEW ORLEANS *Jan'y* 9, 1807.

Major Nott will take the necessary means to ascertain the number of Freemen of Colour now residing in New Orleans and its vicinity who formerly composed a separate Battalion of Militia;—He will report to the Commander in Chief the Names of the Officers formerly in Commission, as also the Names of the Noncommissioned officers attached to each Company, and will do every thing necessary for their immediate Organization in the event that the Legislature should by Law declare them a permanent Militia Corps.

By Order of the Governor & Comd^r in ChiefHENRY HOPKINS
Col^o & Adj^t Genl

GENERAL ORDERS.

Head Quarters NEW ORLEANS *Jan'y* 16, 1807.

The Commander in Chief will Review the First Second & Fourth Regiments of Militia on Wednesday next at Eleven o'clock A. M.

Colonel Bellechasse will designate the Ground for the Parade, and will Cause the Regiments to be duly warned:—Every Officer Noncommissioned Officer and private attached to these Regiments, will be punctual in his attendance.

By Order of the Governor & Comd^r in ChiefHENRY HOPKINS
Col^o & Adj^t Genl

GENERAL ORDERS.

Head Quarters NEW ORLEANS *Jan'y* 16, 1807.

As preparatory to the Review which is to take place on Wednesday next, the Commander in Chief directs, that the Companies attached to the First and Second Regiments of Militia, and those of the fourth which is included in the Fauxbourg of S^t Marys, be mustered for Exercise on Teusday, at such Hour and place as the Several Officers commanding Companies shall designate.

This Order will be faithfully obeyed;—disobedience thereof must and shall be noticed.

By Order of the Governor & Comd^r in Chief.

HENRY HOPKINS
Col^o & Adj^t Genl

GENERAL ORDERS.

Head Quarters NEW ORLEANS *Jan'y* 16, 1807.

Garrett Elliott Pendergrast, having been appointed Surgeon to the Battalion of Orleans Volunteers, is to be respected accordingly.

By order of the Governor & Comd^r in Chief

HENRY HOPKINS
Col^o & Adj^t Genl

GENERAL ORDERS.

Head Quarters NEW ORLEANS *Jan'y* 23, 1807

The enclosed Blank Commissions you will fill up with the names of suitable persons to fill the vacancies in your Regiment, and Report the same to the Adjutant General.

By Order of the Governor & Comd^r in Chief

HENRY HOPKINS
Col^o & Adj^t Genl

To the Colonel Commanding the 6th Regiment ⁶²—Note the Vacancies alluded to in this order, were an Adjutant, & two Subalterns—It was intended to have conveyed my Wishes to the Colonel, in the form of a Letter; but the Adjutant General (mistaking my instructions) prepared & immediately forwarded a General Order;—In doing so, he did wrong—But his Error originated in mistake; perhaps I was not sufficiently explicit in my instructions to the adjutant General

WILLIAM C. C. CLAIBORNE

THE SECRETARY OF THE TREASURY TO THE PRESIDENT

[LC:Jefferson Papers:ALS ⁶³]

[*March* 12, 1807]

DEAR SIR . . . M^r Lee the son of the former Gov^r of Maryland applies for the office of Commis^r of land claims at Opelousas. I do not know him; his religion & speaking French would be favorable. His being of a federal family and on intimate terms with Clark are against him.

To Lattimore the only objection is that wishing to have every old incomplete Spanish concession in the Mississippi territory confirmed, his bias would go the same way at Orleans.

⁶² This letter is in Claiborne's hand.

⁶³ Only that part of the letter relevant to Orleans is here printed.

There is a M^r or D^r Elzy or Elsy in Fauquier or Loudon, a very respectable & firm republican who would perhaps go if appointed. Would it be worth while to enquire?

I return the N. Orleans hospital papers.⁶⁴ I believe that we ought to have one there; the three we own are Boston, Norfolk, & Charleston. Twenty thousand dollars would be wanted for the building; but the fund can bear it as our surplus in hand is about 40,000 d^{rs}. If you approve, I will write to collector Brown, and give him authority to make an arrangement with the corporation, viz^t that they will give a convenient lot in the commons, & agree after the building is completed to take possession of it, keep it in repair & receive our seamen & boatmen at a certain fixed price a week. The arrangement to be of course subject to your final approbation.

I enclose some recommendations for the land office of Jeffersonville.⁶⁵

With respectful attachment Your obed^t Serv^t

ALBERT GALLATIN

March 12th 1807

THE PRESIDENT OF THE UNITED STATES

[*Endorsed*] Deptmt Treas^y Mar. 12. 07. rec^d Mar. 12. Bloodworth. Cochran. Dowlf. Otis. Lee. Lattimore. Elzy Orleans hospital.

⁶⁴ Not identified. Cf. Clark to the President, Feb. 6, 1807 (Jefferson Papers, LC), describing the inadequate accommodations afforded by the New Orleans Charity Hospital for the treatment of American seamen, and asking that the Government advance funds for a new building. Dr. William Barnwell was the physician employed by the Government at this time for the treatment of sick and disabled seamen. For letters concerning him, see Brown to the Secretary of the Treasury, Mar. 12, 1807, and the latter to Brown, Apr. 15, 1807 (TD, Secretary's Files, Collectors' Let., N. O., 1804-1833); Barnwell to the President, Nov. 10, 1807; the Secretary of the Treasury to *id.*, Dec. 18, 1807; and the President to the Secretary, Dec. 19, 1807 (Jefferson Papers, LC).

For an interesting report on the New Orleans Charity Hospital, by an unidentified person, see "The present state of the Charity Hospital of New Orleans. 1806", also in the Jefferson Papers. The Orleans legislature, by an act approved Mar. 8, 1808, took steps to correct the conditions here described. The act declared that since the cession of the Territory the hospital had fallen into the hands of improper persons, that the rightful trustees were the Governor and the local head of the Roman Catholic Church, and that the senior colonel of the Orleans militia should exercise the function of patron during the minority of the heir of the founder and patron. By an act approved Feb. 20, 1811, the New Orleans corporation was authorized to take steps to extinguish the charter of the hospital foundation. A supplementary act of Apr. 25, 1811, placed the administration of the hospital under a council of nine members, six to be appointed by the governor, and three by the city council. See *Acts, First Session, Second Legislature, Orleans* (New Orleans, 1808), pp. 16-21; *Acts, Second Session, Third Legislature, Orleans* (New Orleans, 1811), pp. 6-11, 134-143.

⁶⁵ Not present.

THE SECRETARY OF THE TREASURY TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

[March 14, 1807]

DEAR SIR I beg leave to call your attention to the act passed, during the last session, "respecting claims to lands in the territories of Orleans & Louisiana".⁶⁶

Two laws had already been enacted on that subject viz^t on 2^d March 1805⁶⁷ (7th Vol. page 288 & following) and on 21 April 1806⁶⁸ (1st Sess. 9th Cong. page 113 & fol.). Those several laws, exclusively of some detached provisions, have two general objects—1st the recognition of certain descriptions of claims—2^d the organisation of the several boards of commissioners appointed to investigate those claims.

The claims heretofore recognised consisted either of settlement rights considered by the law as a species of donation which would include the greater part of ordinary incomplete Spanish grants; or of certain descriptions of incomplete French or Spanish grants.

The settlement rights are embraced by the 2^d Section of the Act of 2^d March 1805 and by the 2^d Section of the act of last session, with a constructive explanation contained in the 1st section of the Act of 21 April 1806

The incomplete French or Spanish grants recognised as such are all embraced by the first section of the Act of 2^d March 1805; observing only that the exception in relation to grants made to minors was first modified by the 2^d Section of the Act of 21 April 1806, & then altogether repealed by the 1st Section of the Act of last session.

All the other sections of the several acts relate almost exclusively to the mode of filing claims, & to the organisation, powers & duties of the boards. By the former acts their decisions were to be submitted to Congress for the final determination of that body. By the act of last session their decision on claims for tracts not exceeding a league square is made final. But in the same section (the 4th) which gives that authority to the commissioners, words have been introduced which give rise to an important question.

It is by that section enacted that the Commissioners shall have full powers to decide "according to the laws & established usages and customs of the French and Spanish governments" upon all claims &c— And the question is whether by these expressions it be only meant that the commissioners shall, in investigating the merits of claims alledged to be within the description recognised by Congress, decide according to the Spanish laws & usages? or whether that sentence must be construed as recognising those claims not embraced or recognised

⁶⁶ Act approved Mar. 3, 1807 (2 STAT. 440-442).

⁶⁷ *Ante*, p. 408.

⁶⁸ 2 STAT. 391-395.

by any former law of Congress but which would have been confirmed according to the Spanish laws & usages had Spain continued in possession of the Country.

The two great classes (besides some subordinate ones) of claims which are not recognised by the laws of Congress, but which would have been confirmed under the Spanish government according to its laws & usages, are, 1st the grants made subsequent to the treaty of San Idelphonso in 1800 & prior to the cession of Louisiana to the United States—2^d the incomplete grants of various descriptions for lands on which no settlement had been made in December 1803. The question therefore is whether it be intended, by those words inserted in the manner in which they are, to confirm those two classes of claims heretofore excluded.

The opinion of the Attorney general may be taken on that subject & transmitted as an instruction to the Commissioners under the 8th Section of the Act of 21 April 1806. But it remains discretionary with the Executive to send instructions on that subject or not as may be thought proper. And the first question on which the decision of the President seems necessary is whether there be any reasons of policy arising from the situation of the Territory & from the present temper of the inhabitants, which may induce him to suffer the commissioners to give the construction they may think proper to that part of the law without binding them by any instructions.

I will only add that I think it probable that the claims above mentioned will be confirmed if no instructions are given. What might on due consideration be held the true construction of the law by the Attorney general I cannot pretend to say. If it be decided to give no instructions on that point, the reason to be assigned must be that the determination of the Commissioners being now made final invests them with a judicial character.⁶⁹

I have the honor to be with great respect & sincere attachment
Dear Sir Your obed^t Serv^t

—ALBERT GALLATIN

March 14th 1807

THE PRESIDENT OF THE UNITED STATES

[*Endorsed*] Departm^t Treas^y Mar. 14. 07. rec^d Mar. 16. 1st in Or. & Louis^a

⁶⁹ The report of the commissioners appointed under the act approved Mar. 3, 1807, was communicated to the Senate June 22, 1813, and is printed, with Tiffin's covering letter to the President of the Senate, June 9, 1813, in *A.S.P., Pub. Lands*, II, 745-766.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, IX:LS]

NEW ORLEANS *March 23^d 1807.*

SIR, I inclose you a Memorial to Congress, as reported by a Committee of the House of Representatives of this Territory, but which has been rejected by the House; there being fourteen Members in Favour of the rejection, and seven against it.⁷⁰—

This Memorial is founded in error, and it is greatly to be regretted, that any Citizens of this Territory, much less a Committee of the Legislature, could permit themselves to be so far deluded, as to give the sanction of their names to such a tissue of misrepresentation; the rejection however of this Memorial and by so large a majority will destroy the effect which it was intended to produce;—But lest the reading of it may make some unfavorable impressions on your mind, I will in my next communication, state the various errors, into which the committee have been betrayed; & endeavour to place the conduct of the public' Agents here in a just point of view.—

I am Sir, with great respect yo: hble serv^t

WILLIAM C. C. CLAIBORNE

THE SEC^y OF STATE.[*Endorsed*] March 23. Gov Claiborne Rec^d May 4th 1807

THE SECRETARY OF THE TREASURY TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

[*March 27, 1807*]

DEAR SIR Apprehending that the attorney general may have carried away my letter to you respecting the act of last session on the subject of the Orleans & Louisiana claims, I enclose a copy of it.⁷¹ It is necessary that the act should be transmitted to the several land officers: and if the state of your health will permit a few moments attention, not to the question of law which is not easy of solution, but to that of policy, viz^t whether we shall interfere or not, the sooner we put the boards in a state of activity, the better it will tend to quiet the people. There are still three vacancies which should be early filled—two land commissioners for Opelousas, and a receiver of public monies for Detroit vice Bates, as Taylor whom you had nominated to the Senate will be transferred to Jeffersonville.

⁷⁰ The enclosure is not present, and no copy of the memorial has been found.

⁷¹ Mar. 14, 1807, *ante*, p. 720.

With respectful attachment Your obed^t Serv^t

—ALBERT GALLATIN

March 27 1807

THE PRESIDENT OF THE UNITED STATES

[Endorsed] Departm^t Treas^y Mar. 27. 07. rec^d Mar. 28 1^d claims.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, ix:LS]

N O *March 27. 1807.*

SIR I have the honor to inclose you a copy of two Addresses signed by many respectable Citizens of this Territory, approving the late conduct of General Wilkinson and myself.⁷²

I am dear Sir, With great esteem and respect, your hble Serv^t

WILLIAM C. C. CLAIBORNE

THE SEC^y OF STATE.

[Endorsed] March 27. Gov Claiborne Rec^d May 4th 1807

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, ix:LS]

Private

N O *March 27. 1807.*

DEAR SIR. General Wilkinson continues to be much abused in this City, and nothing will be left undone, by a Party here, to effect his ruin. This faction are equally as inimical to me; but for purposes best known to themselves, they do not, for the present, manifest as openly their hostility.

During the late interesting Crisis, I resorted to a measure of precaution which I have not heretofore communicated to you; —Finding my situation somewhat embarrassing, I determined to solicit the Counsel and advice of men in whom the Government and myself could confide, —I therefore had recourse, from time to time to the five members of the legislative Council,—Mess^{rs} Poydrass, Mather, Bellechasse, Macarty, and Fouchet,—and I have the pleasure to add, that the general Conduct which I pursued was by them approved.

I have deemed it a duty to discontinue Doctor Watkins as Mayor of New Orleans—and have appointed, as his Successor, M^r James Mather, late of the legislative Council. This Gentleman is a native, I believe of England; but has resided 35 years in Louisiana, and is the head of a numerous and respectable family. M^r Mather is a man of

⁷² Enclosures not present.

great personal merit; is well qualified for the office of Mayor; and is I believe the most popular appointment I ever made. Some of the Americans who are here, call him a foreigner—and on that account censure the appointment—but when we consider that M^r Mather resided in this Territory before the man who commissioned him was born, and that his character in private and public life is irreproachable, I do not think the circumstance of his having drawn his first breath in England, ought to be stated to his injury.

I am Sir, with great respect and esteem, Your hble Serv^t

WILLIAM C. C. CLAIBORNE

THE HONBLE JAMES MADISON

[Addressed] The Honorable James Madison Washington City.
[Postmarked] New Orleans Mar 27 Free

[Endorsed] March 27. Gov^r Claiborne rec^d May 4^d 1807

THE POSTMASTER GENERAL TO BLAIZE CENAS

[PO:P.M. Letter Book O]

March 30. 1807

BLAIZE CENAS Esq. p m New Orleans O. T.

I inclose you papers for the appointment of a postmaster at the Balize, they are accompanied with every thing necessary for the Officer to commence business.⁷³ I also authorize and request you to employ some one person, or more, to carry a weekly mail between your City & the Balize, the mode of conveyance, and the times of arrival and departure are left for your decision, in conjunction with your Delegate in Congress. As soon as you shall receive information of permissions being granted by the Spanish Officers to this Government to make a post Road, and to run the mail from New Orleans to Fort Stoddert, through that portion of our Territory which is kept in possession of Spain, and by her claimd I have it in charge from the President of the U. S. to request you, acting with the advice and aid of M^r Clark your Delegate, to procure some intelligent and faithful Surveyor to lay out a Road, from near the mouth of the Boule Tehite, commencing at the place called the Cockles, which will be designated by M^r Clark, and running from thence by the best route untill it intersects the road cut by Judge Toulmin at or near the River Pascagoula.

You will perceive that the design is, to run the mail as soon as practicable by land from New Orleans to Lefours, thence by water to the Cockles and from thence by land to Fort Stoddert.

⁷³ Enclosures not present.

It will be necessary for you to keep a separate, and distinct Account of the expenditure of laying this Road as it[s] cost is to be drawn from a distinct fund.

The Surveyor will be allowed four Dollars per day for his services; his own expenses and the cost and expenses of his party, and it will be necessary for him to furnish you with two Charts of the route he establishes, and two Copies of his field-Notes and the description of the Country in which the difficulties to be encountered must be set forth, and an estimate of the probable expense of improving the route, so as to make it safe for the passage of the mail.

One set of which papers I pray you to forward immediately to this Office, and the other set to the postmaster at Fort Stoddert, who will be directed to cause the said Road to be rendered feasible. The postmaster at the Balize has a Salary, as you will see by the Act of Congress.

My Agents are now establishing a line of Expresses from here to Fort Stoddert, and that mail will in future be run by Agents devoted exclusively to the business. You may shortly expect a new Schedule for this route.⁷⁴

G. G.

THE SECRETARY OF THE TREASURY TO JOHN THOMPSON
AND TO JOHN W. GURLEY

[GLO:Div. C, Misc. Letter Book One]

TREASURY. DEPARTMENT. *April 2^d 1807.*

JOHN THOMPSON Esq^r Reg^r L. O. Opelousas, and
JOHN, W, GURLEY. Esq^r Reg^r &^{ca} New Orleans.

SIR. I have the honor to enclose the copy of An Act of Congress, passed during their last session, entitled, "An Act respecting claims to land in the Territory of Orleans & Louisiana,"⁷⁵ which I request may be communicated to the Board.

You will perceive that it is framed on the most liberal principles, and calculated to remove misapprehensions which had heretofore been entertained of the object of Government. It is hoped that the Inhabitants of the Territory will no longer hesitate to bring their claims before the Board, as the powers now vested in the Commissioners will enable them to decide finally on by far the greater number, and the peace and prosperity of the Territory equally requiring a speedy adjustment of existing claims, and a disposition of the lands which may be found vacant. I can only add, that the time having again been enlarged for a sufficient period, those who will refuse to avail

⁷⁴ See the Postmaster General to Gaines, Mar. 31, 1807 (*Terr. Papers, Miss.*, v, 541-542).

⁷⁵ Act approved Mar. 3, 1807 (2 STAT. 440-442).

themselves of the opportunity must naturally expect that their incomplete titles will thereafter be forever barred.

For this year the compensation of the Commissioners, Agents, & Translators remains as fixed by the law, of the preceding session of Congress; but from the 1st day of January 1808, the compensation of the Commissioners is made annual instead of being per diem; and you will also perceive that the services of the Deputy Registers being wanted for the eighteen months allowed for filing claims, an additional allowance of Five hundred dollars in full for their services is made by the law.⁷⁶—

To yourself and to the Clerk an additional compensation of One thousand dollars each, is made for the year 1806, but you will not forget that through a misapprehension of the former law, you had erroneously supposed him and yourself entitled to Two thousand dollars each for that year, a mistake which was explained in my letters of 12th Sept^r 1806, & 1st Jan^y 1807.⁷⁷—

The form of certificate to be issued by the Commissioners in favor of claimants may perhaps vary according to the nature of the claim, and must therefore be fixed by them, observing only, 1st That whether they adopt one or more forms, they should transmit a copy of each such species of form, to this Office, and deliver another duly attested to the Register; 2^{dly} That the Certificates must be numbered progressively from N^o 1. upwards according to the order in which they are issued; 3^{rdly} That each certificate should specify the names of the original claimant & present owner, the nature of the claim, (whether settlement right, Spanish order of Survey &c^o) and the situation of the tract granted, designating the county or district & the water courses; and should also either refer to the date & nature of survey if already executed, or direct with precision, where & how it is to be surveyed, stating in either case the contents in acres or arpens. As soon as they shall have commenced to issue certificates, it will be necessary as a Further check on any fraud, that a monthly list of the certificates issued during the preceding month, should be transmitted to this Office, and another delivered to the Board. That list of which the form A is enclosed must be signed by the Clerk of the Board, who will as the Certificates are issued, keep a Register of the same form with references to the books in which the decisions of the Board are recorded.

The patent certificates issued by the Register must be entered by him in a book to be kept for that purpose only, and a monthly return of the form B be made to this Office of the certificates issued during the preceding month. A form (C) of the certificates themselves is also

⁷⁶ The following paragraph was omitted in the letter to Gurley, according to a note by the copyist.

⁷⁷ GLO (Div. C, Misc. Let. Bk. One).

enclosed, in which the blank left for the boundaries must be a transcript of the Surveyor's return, and which as will appear by the form must designate whether the land has been surveyed by the Surveyor of the Public lands of the United States (or his Deputy) or by a former Spanish Surveyor.—

That every unfounded or fraudulent claim will be rejected, no doubt is entertained; but it may not be improper to observe, that as the decision of the Commissioners in the cases designated in the 4th section of the Act will be final only when against the United States, every doubtful case should receive the most serious investigation before it is confirmed.—

I am &^{ca}

THE POSTMASTER GENERAL TO BLAIZE CENAS

[PO:P.M. Letter Book O]

April 5, 1807

BLAIZE CENAS Esq. p m New Orleans O. T.

In my communication of the 30th Ult.⁷⁸ I pointed out to you the course to be pursued by you to procure the most judicious Route laid from the Cockles to the River Pasquagola, it is necessary for me now to give further instructions upon the same subject, and the running of the mail. M^r Clark assured the President and myself that he would procure some faithful and steady family to reside at the Cockles to take charge of, and forward the mails, this is all important, indeed, without it our object cannot be effected, You will therefore remind M^r Clark of his promise, and see that this thing is accomplished. When the proposed Road shall have been laid and fitted for our use you will consider yourself chargeable as the Agent of this Office, with the running of the mail between your Office and the Cockles, let it be run by Riders as far as practicable and then by some small Water-Craft, but great care must be taken that neither the boatmen nor the Rider shall depart from their Stations without actually receiving the pending or expected mail.⁷⁹

G. G.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, IX:LS]

NEW ORLEANS 24. April 1807.

SIR Governor Folch, accompanied by two or three Spanish Officers arrived in this City last Evening. I shall have a conference with him

⁷⁸ *Ante*, p. 724.

⁷⁹ On the subject of the mails, see the Postmaster General to Lewis, July 4, 1807, and to Darling, same date (PO, P.M. Letter Book O). See also the Postmaster General to Cenas, June 27, 1807 (*Terr. Papers*, Miss., v, 543-544).

on this day, and will endeavor to make some arrangements as to the difficulties referred to in my letter of the 21. instant.⁸⁰

I am Sir, very respectfully, Your hble Serv^t

WILLIAM C. C. CLAIBORNE

THE SEC^y OF STATE

[*Endorsed*] W^m C. C. Claiborne April 24. 1807. Rec^d June 3^d.

THE PRESIDENT TO GOVERNOR CLAIBORNE

[LC:Jefferson Papers:D]

MONTICELLO *May* 3. 07.

DEAR SIR I have been informed from different quarters that judge Sprigg intended to resign his seat on the bench of Orleans, which I learn with real regret, as I set high value both on his abilities and integrity. should he retire, I will ask the favor of you to propose to him the inclosed commission: but should he not retire, I would pray you not to mention that such a commission has been thought of; as I would by no means, if he has any dispositions to withdraw, fix them by offering any other appointment. I find the judiciary, of Orleans the most difficult to fill of any offices in the U S. in the event of mr Sprigg's purposing to continue on the bench I will pray you to inform me of it that I may supply another commissioner, & in the mean time to hold up the commission until called for by mr Cocke.⁸¹ I pray you to accept my friendly salutations & assurances of great esteem & respect.

TH: JEFFERSON

P.S. can any thing be done for Reibelt? I really feel for him and his family, and wish his information & talents could be made useful in some situation to which they are fitted.

H. E. GOV^r CLAIBORNE.

[*Endorsed*] Claiborne Gov^r May 3. 07.

THE PRESIDENT TO RICHARD COCKE

[LC:Jefferson Papers:D]

MONTICELLO *May* 3. 07

SIR I have this day forwarded to New Orleans under cover to Governor Claiborne, a commission appointing you one of the Com-

⁸⁰ Rowland (ed.), *Claiborne Let. Bk.*, iv, 124-125, concerning the restrictions placed by the Spanish on the navigation of the Mobile. See also statement by Thomas Lamb, Apr. 20, 1807; Folch to Claiborne, June 15, June 30, and Sept. 18, 1807; and Claiborne to Folch, July 26, and to the Secretary of State, Nov. 14, 1807, *ibid.*, pp. 126-129, 131-133, 138-140. Folch to Claiborne, Sept. 18, 1807, is printed under date of Feb. 18.

⁸¹ Answered June 28, 1807, *post*, p. 744.

missioners⁸² for the purpose of ascertaining the rights of persons to lands within the Appelousa district in the Orleans territory, claiming under French or Spanish grants, which I hope you will be willing to undertake, and that you may find it convenient to repair to the place with as little delay as possible. I believe the proceedings of the board are suspended for want of another Commissioner. I salute you with esteem

TH: JEFFERSON

RICHARD COCKE esq.

[*Endorsed*] Cocke Richard. May 3. 07.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW ORLEANS *May 3rd 1807.*

DEAR SIR, I now do myself the honor to acknowledge the receipt of your Letter of the 3rd of February last.⁸³ M^r Reibelt was illy fitted for the management of Indians, & he ought himself to be pleased with the change. I have recently appointed M^r Reibelt Parish Judge for the Parish of Avoyelle in this Territory; An office which is respectable, & which will give him six or seven hundred Dollars p^r Annum. The Parish of Avoyelle is on the Waters of Red River; It includes about 120 families, principally French, who are virtuous, & industrious—living in great harmony and enjoying in Abundance the necessaries of Life.—M^r Reibelt has purchased a Farm in this settlement, the produce of which, together with his little office will I hope make him comfortable.

My situation here has been difficult, and I fear, I have committed Errors; But I feel that I have done all in my power for the Welfare of my Country, and if my Conduct should meet your approbation, I am more than compensated for all the painful Anxiety I have experienced.

With respect to the late proceedings of General Wilkinson, I hesitate not to say, that he has deserved well of his Country; I have been an eye Witness to his Conduct—I have read his official & private Correspondence, and I do verily believe, he opposed Burr from principle & that his Acts, were directed by the purest motives of honest patriotism.

⁸² A recess appointment, replacing Parmelee. See the Secretary of the Treasury to Parmelee, Apr. 11, 1807, informing him of his dismissal, enclosed in *id.* to Thompson, same date (GLO, Div. C, Misc. Let. Bk. One). See also *id.* to the President, Mar. 13, 1807 (Jefferson Papers, LC), mentioning the difficulty of securing capable persons for Opelousas.

⁸³ Jefferson Papers(LC), enclosing a message to Wilkinson on the subject of the Burr conspiracy.

I pretend not to say, that the General has done no Wrong;—On the contrary, I fear his zeal betrayed him into some errors;—But his strong measures may all be justified “by the Magnitude of the danger, as it appeared to him”—And if indeed Burr had fulfilled his promises to his associates, and descended the River with the force he calculated on there is no honest Citizen but would then have applauded the measures of precaution which had been resorted to, and eulogised in grateful Language the promptitude and energy of the Commander in Chief.—

My approbation of the General’s Conduct is the result of conviction—I had no previous bias’ in his favour;—on the contrary, there had not heretofore existed between us, that mutual Confidence which I could have wished, and I must confess, that on the General’s arrival in this City, I was suspicious of his every movement;—But my distrust was soon removed, and notwithstanding the Clamours of certain prejudiced Politicians, and the illiberal reflections of a licentious Press, I do consider Wilkinson as having been an honest, zealous and Active Agent in the suppression of a Conspiracy, which had for its objects the subversion of our Government, and the dismemberment of the Union.—

You will have heard of the resignation of the Secretary, M^r Graham; I sincerely regret it; for he was a faithful Officer, and is an honest, amiable Man; ⁸⁴—I cannot take the liberty to recommend a Successor; perhaps it may be best, that this officer may be selected from among the Citizens of some one of the States.—M^r John W. Gurley of this Territory is a deserving Man, & possesses Talents; Since his residence in New-Orleans, he has uniformly supported the Government, and during the late interesting Crisis, he has evidenced firmness & patriotism; But I doubt whether he is sufficiently free’d from all those Indiscretions, which sometimes attend young Men, to be placed in the Executive Department of the Government—And I also doubt, whether his present offices (Register of the Land Office, & Atty General for the Territory) would not be more acceptable to him than the Appointment of Secretary.—Among the ancient Louisianians, there are none, who more merit your patronage, than Julian Poidrass and John Baptist Macarty; they are both members of the Legislative Council, possessing good information, & attached to the Government of the U. States; But I cannot certainly say, that either would accept the office of Secretary;—I presume however, that if tendered, it would not be declined. I deem it my duty to apprize you, that there are several persons now residing in this City, who lately (I believe) possessed your Confidence, that no longer deserve it—

⁸⁴ Graham had returned to New Orleans from Washington about Mar. 24, 1807. His letter to the Secretary of State, of that date, reporting his arrival and enclosing his expense account, is in NA (SD, Orleans Terr. Papers, IX). He was subsequently appointed chief clerk of the Department of State.

The Intrigues of Burr and his Partisans have made great divisions in our Society, and tended to estrange from the Interests of the Government, Men, who not long since were viewed as its best supporters. It perhaps would not be fair to mention Names; possibly I may be in error, & I should be sorry to implicate an innocent Individual—But I must take the liberty to entreat, that no Citizen of this Territory may be named Secretary, until you should have ascertained his present politicks. Among those who clamour most against the treatment observed towards Burr and his Associates, are certain emigrants from the States of New-York and Kentucky—

It is possible that some of the Agents of the principal Traitor have been treated rather rigorously; but when I see a Citizen disposed to make much Noise on the occasion, I cannot help thinking that he does not sufficiently detest the Treason.

I have been obliged to supercede my former friend Doctor John Watkins, as Mayor of this City—as also, a M^r Ross, late Sheriff of the County of Orleans—And several other inferior officers to avoid dismission, have resigned. Doctor Watkins was a member of the Mexican Association, & had of course forfeited all claim to any further patronage—M^r Ross had also taken an oath of Secrecy, relative to the invasion of Mexico, & for which, and some improper Conduct in the settlement of his public Accounts, I declined reappointing him—These Gentlemen are therefore added to the number of my enemies; but it is a matter of no consequence; I shall continue the course, which my duty suggests, and my Judg^{mt} approves.—

Burr's Conspiracy is at an end, and I congratulate you with all my heart, on the ease with which this dar'ing attempt to divide and ruin our beloved Country has been frustrated;—I congratulate also, on the friendly disposition of France & England towards the United States, & which I persuade myself, that our disputes with Spain may be drawn to a happy Conclusion. I supplicate Almighty God, that you may never see your Country, otherwise than free, happy and united.

I propose to leave this for the United States in two Weeks, & anticipate the happiness of paying my respects to you in person, about the last of June.

I have the honor to be Sir, With great respect
Your faithful friend
WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the U. States

[*Endorsed*] Claiborne Gov^r N. O. May 3. 07. rec^d June 15.

JAMES BROWN TO THE SECRETARY OF THE TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, xxii:ALS]

NEW ORLEANS *May* 8th 1807

SIR, Your letter of the 4th Ult^o ⁸⁵ has been received, & I shall immediately inform myself of the determination of the Corporation of this City upon the clause of the act which relates to their interests.

The just and liberal principles of this last act of Congress may be abused by the introduction of fraudulent and unjust claims. More than ordinary vigilance to prevent this will be necessary; and I pray you to rest assured that I shall bestow every possible degree of attention on that subject—

With real respect I am Sir Your most obed^t Servant,

JAMES BROWN

THE HON^{ble} ALBERT GALLATIN

[*Addressed*] The Honble Albert Gallatin Secretary of the Treasury
Washington-City Mail [*Postmarked*] New Orleans May 8 Free

[*Endorsed*] New-Orleans May 8th 1807. James Brown—Agent for
the U. States—

JOHN WATKINS TO THE PRESIDENT

[SD:Appt. Office Files:ALS⁹⁶]NEW ORLEANS *May* 10th 1807—

SIR Enclosed I have the honor of transmitting to you a transcript of the journal of the house of Representatives of the Territory of Orleans, of the seventh of April,⁸⁷ by which you will be informed that, Mathurin Guerin and J: F: Livandois were duly elected for the purpose of enabling you to supply the vacancy in the Legislative Council occasioned by the resignation of the honorable James Mathers. I

⁸⁵ Apr. 3, 1807 (GLO, Div. C, Misc. Let. Bk. One), enclosing a copy of the act approved Mar. 3, 1807, and requesting Brown to ascertain whether New Orleans proposed to relinquish its claim to the city commons, as provided by the act. Concerning the city's claims, see the Secretary of the Treasury to Lewis, Van Pradelles, and Gurley, Jan. 13, 1807, *loc. cit.*; Mather to Brown, Sept. 12, 1807; and Brown to the Secretary of the Treasury, Oct. 13, Nov. 11, Nov. 24, and Dec. 2, 1807 (GLO, New Orleans, Reg. and Rec. Let., xxii). The relevant portion of Brown to the Secretary of the Treasury, Oct. 13, 1807, is printed, Rowland (ed.), *op. cit.*, iv, 136–138.

⁸⁶ There is a duplicate of this letter, and of the enclosure mentioned, in NA(SD, Orleans Terr. Papers, ix).

⁸⁷ The transcript also includes the proceedings of Apr. 6. It is not reproduced as it adds little information not found in the covering letter.

have the honor to be with sentiments of the highest respect and consideration your very ob: and very humble Servant

JOHN WATKINS

Speaker of the house of Representatives.

TO THE PRESIDENT OF THE UNITED STATES

[Endorsed] Watkins John. N. O. May 10. 07. rec^d June 22. 1807

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEPARTMENT OF STATE, *May 16th 1807.*

HIS EXCELLENCY GOVERNOR CLAIBORNE,

SIR, I have rec^d a letter from Mess^{rs} Winter & Harman inclosing a copy of their Memorial to you of Oct. last, with your answer;⁸⁸ and claiming a permission to introduce into the Mississippi a ship with slaves which they expect from New Providence.

It being improper to discuss a claim of that sort with the Memorialists, if the grounds of it were less absurd and the stile less exceptionable—I request the favor of you to take occasion to repeat to them that the importation of slaves from a foreign port into the territory of Orleans is forbidden by law, and that if attempted, the penalties will be enforced.

I have the Honor &c.

THE SECRETARY OF THE TREASURY TO WILLIAM SPRIGG AND TO RICHARD COCKE

[GLO:Div. C, Misc. Letter Book One]

TREASURY DEPARTMENT, *May 16th 1807—*

WILLIAM SFRIGG Esquire New Orleans, and

RICHARD COCKE Esquire Kentucky

SIR. It has been just discovered, that a mistake has been made in filling the commission forwarded to you from this Department on the 11th ultimo.⁸⁹ You are therein designated as Commissioner for the Eastern, instead of the Western District of the Orleans Territory. This mistake will be immediately rectified, & a new Commission of the proper form forwarded to you as soon as it can be prepared. In

⁸⁸ Neither the letter nor the memorial has been found. See Claiborne's reply, Oct. 14, 1806 (Rowland, ed., *op. cit.*, IV, 30).

⁸⁹ GLO (Div. C, Misc. Let. Bk. One). Receipt was acknowledged in Brown to the Secretary of the Treasury, June 5, 1807 (GLO, New Orleans, Reg. and Rec. Let., XXII).

the mean time, I will thank you to return to this Office, the commission now in your possession.

I have &^{ca}

P.S. I understand that a first commission in your joint name with that of M^r Sprigg/Cocke, had been sent by the President, which was correctly expressed—

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

Private & confidential.

NEW ORLEANS *May* 19. 1807.

MY DEAR SIR Since my letter of the 3^d instant,⁹⁰ I am completely disappointed in my contemplated visit to the United States; I had made all the arrangements for my departure, and even taken my passage—when the unexpected summons for M^r Graham, as a witness in Burr's trial, rendered my continuance in the Territory indispensable. I regret the disappointment the more on account of the ill health of M^{rs} Claiborne, and the hope I had entertained that a voyage to sea and change of climate would tend to her speedy recovery; but I trust that a journey to Opelousas, which I contemplate, may produce the desired effect.

I anticipate very considerable opposition in the administering of this government; the intrigues of the Associates of Burr will be continued, and will principally be levelled against me. General Wilkinson having gone, I am perhaps the only officer of the general Government, now here, who supports the late proceedings in this Territory; proceedings which were influenced by the purest motives and of the propriety of which, taking them in the aggregate, I have now no doubt.

I inclose you the debate in the House of Representatives on a memorial to Congress.⁹¹—A greater tissue of falsehood I will be bold to say never before disgraced the deliberations of a legislative body; the rejection however of the memorial was grateful to those whose feelings it so unjustly lacerated, and whose conduct it so cruelly misrepresented.

I am much afflicted at the course which Doctor Watkins has taken; I had long entertained the best opinion of his Talents and intentions and given him a great share of my confidence and patronage; but the intrigues of designing men have, I fear made him abandon those principles which he once professed and practised.

Some of Burr's associates have lately been heard to say that the plan of Revolution was not at an end; nor can I disguise from you

⁹⁰ *Ante*, p. 729.

⁹¹ Not present.

my firm belief that this is true; I do not know nor do I believe that an open attempt at Rebellion will in any short time be made; but I am firmly persuaded that some restless, unprincipled men, whose native language is English, are now secretly employed in this and the adjoining Territory in alienating the affection of the people from the government.—Under this impression I deem it my sacred duty to suggest to you the expediency of selecting with caution the officers of this Territory; I earnestly intreat that the new Secretary may be decidedly devoted to the Government and union; and that he may detest, to the bottom of his heart, the designs of Burr, and approve the conduct observed towards him and his associates.

I am sorry to interfere with the wishes of any individual; but I deem it my duty to solicit that Colonel Freeman may not again be intrusted with the command at this Post; I long since gave an opinion to one of the Secretaries of the Government, that Freeman had neither energy of mind or body sufficient for this command; but there are other objections to him, of which General Wilkinson will advise you.

I believe M^r Brown the Collector an honest man and an attentive officer; but I fear he is greatly influenced in his opinions by men who hate both the Government and the Administration.

I inclose you an address signed by a number of respectable citizens of the County of Attakapas;⁹² it is approbatory of the conduct of General Wilkinson, and evinces a sincere attachment to the government.

Peter Pedesclaux, whose memorial I once inclosed to you,⁹³ continues to think that he had a right of property in certain offices and papers which he had formerly purchased under the former government of Spain; on account of which, and a distrust on my part of his fidellity in office, I lately removed him from the Office of Recorder of Mortgages; he refused to deliver the records to his Successor, and I have been obliged to apply to the supreme Judiciary for their interference; the question however is not decided, and I much doubt whether the decision will not be such as to humiliate the government. The Attorney General for the Territory, M^r Gurley, supports the authority of the Executive,—and Edward Livingston, R R Keene, Alexander, Workman and Kerr are Counsellors for Pedesclaux; they may perhaps be induced to defend Pedesclaux for a Fee; but I understand that he himself says that these Lawyers all volunteer in his favor.

General Wilkinson sails tomorrow; but I know not whither he will be enabled to take with him many witnesses.—Persons who are here, and who have been subpcenied—yielding to the advice of Lawyers, refuse to answer to interrogatories put to them by Judge Hall, or to

⁹² Not present.

⁹³ Pedesclaux to the President, April, 1804, *ante*, p. 236.

enter into a recognizance for their appearance at Richmond.—The Judge talks of sending them on board of the vessel per force—but I know not what his ultimate decision may be.

I informed Judge Hall, the other day, of my intention to request of him to cause to be called before him, all such persons who may have descended the river with Burr and shall remain in this city, for the purpose of binding them to their good behaviour; and immediately a Lawyer who was present, desired that he might be notified of the time when the application was to be considered; this measure of precaution therefore will be opposed, and I presume defeated.

Accept my best wishes. I am dear, Sir, your faithful friend.

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE UNITED STATES.

[*Endorsed*] Claiborne Gov^r N. O. May 19. 07. rec^d June 20.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[NA:SD, Batture Papers:LS]

NEW ORLEANS *May* 20th 1807.

DEAR SIR, When a Secretary for this Territory shall have been named, and entered on the duties of his office, I trust my temporary absence may be permitted;—I could wish to proceed direct to the U. States; but if M^r Claiborne's present state of health, should continue, it would be my desire, to call either at Pensacola, or the Havannah.—

If a Citizen of this Territory, should be appointed Secretary, I know of no one, with whom, I should be more pleased than Julian Poydras or John Baptist Macarty; they are both honest men; the former is a Frenchman by birth; the latter a Creole of the Country, and would on that account be more acceptable to the people.—

I understand that on this morning, an important cause has been determined by the Superior Court of this Territory; It was one, in which Edward Livingston was the real Plaintiff & the City of New Orleans defendant; it involved a question as to the right of property, to some Land in front of the Fauxbourg, of New Orleans; Land made by the River and over which the City has heretofore exercised a right of ownership:—The decision however is in favour of M^r Livingston,* and gives to him & those concerned with him, a property which is estimated by some at two hundred thousand Dollars.—I will obtain from M^r Gurley a statement of this case, and will transmit it

* M^r Livingston's Interest in the Land is said to be one third; I am myself of opinion that its value is over-rated—I do not suppose it can be worth more than 150 thousand dollars.—[Footnote in Claiborne's hand on the MS.]

to the Sec^y of the Treasury; my impression is, that the U. States are the legal claimants to the land in question.⁹⁴—

I am Sir, your faithful friend.

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE U. STATES

[*Endorsement*] Claiborne Gov^r N. O. May 20. 07. rec^d June 17.
Poydras or M^cCarty to be Sec^y

⁹⁴ The batture was a beach of the Mississippi at New Orleans, used by the citizens as a common wharf. Livingston acquired a claim to the batture and attempted to construct a canal through it. His workmen were driven off by the people of the city, who regarded the beach as common property, and the dispute was then placed before the President (Gayarré, *Louisiana*, iv, 185-190; Hunt, *Livingston*, pp. 135-183). The latter consulted the Attorney General, who declared Livingston subject to removal as an intruder under the act approved Mar. 3, 1807 (Hall, ed., *Opinions of the Attys. Gen.*, i, 164-165). This was done by the marshal of the Territory, and Livingston then turned to Congress for an adjudication of his claim. His petitions and depositions, together with the petitions and statements of the people of New Orleans, are printed, *A.S.P., Pub. Lands*, II, 5-9, 12-75. The President, in a message to Congress of Mar. 7, 1808, submitted the city's claim that title to the batture had passed with the cession to the United States, and asked that measures be taken to determine the rightful owner (Richardson, comp., *Messages and Papers*, I, 442-443). The question was frequently before Congress during the 10th and 11th Congresses, but no agreement could be reached, and on Apr. 21, 1810, the matter was indefinitely postponed (*Annals*, 11 Cong., 2 sess., 1935). Livingston then began suit against Jefferson on grounds of trespass. The suit was heard in the circuit court of the Virginia District, but was dismissed, Dec. 5, 1811, for want of jurisdiction (*Livingston v. Jefferson*, 15 Fed. Cas. 660-665).

Documents and correspondence utilized by Jefferson in preparation for the suit were bound in a volume entitled, *Examination of the Claim of the U. States and of the Pretensions of Edward Livingston to the Batture in front of the Suburb St Mary's 1808-1810* (NA). Part of this material was published by Jefferson as *Proceedings of the Government of the United States. . . against. . . Edward Livingston* (New York, 1812). The *Proceedings* were printed also in *A.S.P., Pub. Lands*, II, 76-102, and with Livingston's reply, "An Answer to Mr. Jefferson's Justification of his Conduct, in the Case of the New Orleans Batture", appeared in the *American Law Journal*, v, 1-91, 105-299. A "Review of the Cause of the New Orleans Batture", was published *ibid.*, iv, 517-562. The correspondence on this subject is too voluminous to permit of complete citation here. Much of it is found in the MS. volume cited above, and other letters are listed in the Jefferson and Madison calendars. A number of letters are printed in the various editions of Jefferson's correspondence, in Adams (ed.), *Writings Gallatin*, I, and in Rowland (ed.), *Claiborne Let. Bk.*, IV.

GOVERNOR CLAIBORNE TO DANIEL CLARK

[LC:Jefferson Papers:C]

NEW ORLEANS *May 23^d* 1807.

THE HONORABLE DANIEL CLARK

SIR There has been published in the Orleans Gazette, certain observations stated to have been made by you on the 24th of December last on the floor of the House of Representatives of the United States—among which I have noticed the following—“that the Militia of this Territory had been neglected; they were totally unorganized; they had seen a black Corps preferred to them and a Standard publicly given it, whilst their own repeated offers and wishes to be employed in their Country’s service has been rejected”.

The publication to which I allude will be shown to you by the Gentleman who bears this letter, and I request you to declare whether the above extract contains a true statement of what you have said.⁹⁵

I am Sir, very respectfully, Your Ob^t Serv^t

Signed W. C. C. CLAIBORNE

HENRY HOPKINS TO GOVERNOR CLAIBORNE

[LC:Jefferson Papers:C]

May 27th 1807

SIR, In reply to your enquiries of the morning,⁹⁶ I have the honor to state, that for more than twelve months past, I have considered the Militia of this Territory organized in such manner as the Law directs, that is to say: they have been divided into Regiments, Battalions & Companies & duly officered and enroled.—

I have witnessed the exertions of your Excellency to render the Militia an efficient Corps.—I accompanied you from New-Orleans, in the summer of 1805, on a visit to the several Counties on the Coast; the object of your journey I understood, was to assist in person in the

⁹⁵ Clark replied May 24, 1807 (Jefferson Papers, LC), acknowledging this statement, but the report of his speech in *Annals*, 9 Cong., 2 sess., 215, reads in part as follows:

“ . . . The people of the Territory had offered their services to the United States, and had been disregarded by the man put over them, and a preference given to another corps. The militia were in an unorganized state—there were, indeed, no militia in the Territory.”

When Clark refused to retract or explain his statement, Claiborne demanded satisfaction. Seconds were named, John W. Gurley for the Governor and Richard R. Keene for Clark, and a duel took place in which Claiborne was wounded (Claiborne to Clark, May 24, May 26, and May 29; Clark to Claiborne, May 25 and May 28; Gurley to Keene, May 31 and June 1; Keene to Gurley, May 31 and June 2, 1807, Jefferson Papers, LC).

⁹⁶ If a letter is meant, none has been found.

due organization of the Militia; but your illness at Natchez prevented your making the tour' of this Territory.—I also accompanied you on your journey during the summer of 1806, having in view for your principal object, as I understood, the promotion of the Militia service; —Your illness on this journey greatly retarded your progress, but you nevertheless visited the several Counties and did all in your power to render the Militia respectable.—

Among the various means which your Enemies have resorted to in order to detract from your meritorious services, I do consider a charge against you of neglect of the Militia as the most ungenerous and unfounded.—

I am Sir, with great respect & esteem you mo: hble Servant

Signed HENRY HOPKINS—
Col: & Adj' Gen'—

HIS EXCELLENCY GOVERNOR CLAIBORNE

[*Endorsed*] A Copy from the original Letter now on file in my office
W.C.C.C.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

NEW ORLEANS *May* 28. 1807.

DEAR SIR I have been honored with the receipt of your letter of the 21. of March,⁹⁷ inclosing a copy of an act of Congress which authorizes the President to accept of such Company or Companies of Volunteers, not exceeding 30,000, as shall make a tender of service.⁹⁸

The present state of things on the western side of the Mississippi, as far as I am advised, authorizes a hope that no difficulty will shortly arise in that quarter;⁹⁹ but nevertheless, the wise measures of precaution adopted by our National Councils cannot fail to add to the permanent security of the Territories of the United States, and I shall feel singularly happy to contribute to their execution.—With this view I have addressed to the Officers commanding the several militia Corps in this Territory a letter of which the inclosure is a copy, and shall take such other means as may be in my power to excite that degree of patriotism and military ardor which the occasion is calculated to inspire.

⁹⁷ Not found. Cf. the Secretary of War to the governors of the western states and territories, Mar. 21, 1807, regarding the organization of the militia (NA, WD, AGO, Old Recs. Div., Misc. Let. Bk. 3).

⁹⁸ Act approved Feb. 24, 1807 (2 STAT. 419-420).

⁹⁹ For the situation on the western frontier at this time, see Wilkinson to the Secretary of War, Mar. 27 and Apr. 16, 1807, Sibley to *id.*, Apr. 28, 1807 (NA, WD, AGO, Old Recs. Div.), and the Secretary of War to Wilkinson, Apr. 4, 1807, *ibid.*, Mil. Bk. 3.

I should have announced publicly in general orders the Act of Congress and the letter which you had done me the honor to address me, and invited the whole militia of the Territory to prove themselves worthy the appellation of Americans and to come forward in a Body with a tender of their services; but there are men in New Orleans whose primary object seems to be to embarrass every measure of the Government, at least such as it is my duty to execute,—and really Sir these men, from their Talents and address have acquired such influence that I thought it best to make my communications in a more private manner, or otherwise the good Citizens of this Territory might not be left free to act for themselves.

How far the battalion of Orleans Volunteers may on the present occasion manifest that patriotic ardor which has heretofore rendered them so respectable, I cannot undertake to say,—great exertion has been made to lessen their confidence in me and to impress them with an opinion that they experienced injustice the last winter;—it has been said that by placing that Corps temporarily under the command of General Wilkinson I had (cowardly) abandoned my authority and proved myself unworthy of the command which the Constitution of the Territory had given me;—absurd as this idea is, it nevertheless has been so artfully and vehemently pressed by the discontented party here, that it has evidently made an impression to my injury;—it has also been stated over and over again that the times did not justify the measures of precaution which were adopted, and that the late service required of the volunteers was more with a view to prevent a free expression of their sentiments as related to the conduct of public agents, by subjecting the Battalion to martial Law, than to oppose the Traitors.—This, and a thousand other suggestions have been made to disseminate distrust and discontent.—If therefore the offer of service from this Territory should not be as general as I could wish, I pray you not to attribute it to a want of exertion on my part, to accomplish the object of the Government.

I have the honor to be, Sir, with sentiments of great respect, Your faithful friend!

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the United States.

[*Endorsed*] Claiborne Gov^r N. O. May 25. 07. rec^d July 7.

[Enclosure : LS]

Governor Claiborne to the Militia officers

(Copy)

NEW ORLEANS *May* 25th 1807

SIR, I have the honor to inclose you a copy of an Act of Congress, authorising the President of the United States to accept, upon the

conditions therein mentioned, any Company or Companies of Artillery, Cavalry, or Infantry, who may associate and offer themselves for the service, not exceeding thirty thousand men—

In a communication which the President has made to me on this subject,¹ he observes, that, “altho’ the present state of things on the western Side of the Mississippi does not threaten any immediate collision with our neighbours in that quarter, and it is our wish that they should remain undisturbed until an amicable adjustment may take place; yet as this does not depend upon ourselves alone, it has been thought prudent to be prepared to meet any movements which may occur”; and he further informs me, that, “the persons who shall engage, will not be called from their homes until some aggression committed or intended, shall render it necessary.”

Persuaded of the patriotism of the officers and Corps to which you are attached, and of the promptitude with which, in the hour of danger they would repair to their Country’s standard I request you to lay before them this letter, together with its inclosure, and to express the pleasure it would afford me to convey to the President of the United States, a tender of their Service—

I am Sir, with great respect yo: mo: ob^t Serv^t

signed / W^m C. C. CLAIBORNE

JAMES BROWN TO THE SECRETARY OF THE TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, XXII:ALS]

NEW ORLEANS *May* 29th 1807

SIR, I had the honor of receiving by the last mail your letter covering instructions to the Commissioners,² and shall conform strictly to its directions. As Judge Lewis has arrived I hope the business of the board will go on with new life. Impressed with the belief that some remarks on the law, and an earnest admonition on the necessity of bringing forward the imperfect claims at as early a day as possible may have a good effect, I shall attempt something of the kind and procure it to be inserted in the French and English languages in our Gazettes.

I am gratified by the proof of your confidence manifested by requesting me to name a person in the Western District capable of discharging the duties of Agent. M^r Benjamin Porter a Native of Pennsylvania studied law in my office, and has always appeared to me to possess the qualities necessary to the discharge of the duties of that office. He does not own a foot of land (I believe) in that District, is intelligent, temperate, industrious, and firmly attached to the

¹ Not identified.

² Cf. the Secretary of the Treasury to Thompson and Gurley, Apr. 2, 1807, *ante*, p. 725.

General Government. He has practised with great success in the inferior courts, and has been lately engaged in making arrangements for establishing himself in New Orleans, but may be induced by the appointment to remain in Opelousas until the land claims are adjusted.

Judge Lewis and M^r Gurley having assured me that the officers appointed under the first law had drawn the full amount of the compensation allowed by that act, I ventured to draw on you in favor of the Collector for five hundred Doll^{rs} and also for three hundred and seventy five Dollars my first quarters Salary under the second act. Should there be any mistake in these drafts it has been owing to a misconception of the Subject, and indeed I hesitated as to the last of these drafts because in your instructions to M^r Brown under this law as to compensation to the officers of the board my name is omitted. He however after examining the state of the business advised me to draw, and leave it to your decision.

A M^r Robelot one of the Members of the Town Council makes great opposition to accepting the bounty of Congress in the grant of the Commons and endeavors to persuade that body to reject it and rely on their former title. He has delayed the decision but will fail in his opposition

I am Sir with real respect Your Most Ob^t

JAMES BROWN

HONBLE ALBERT GALLATIN

[Addressed] The Honble Albert Gallatin Secretary of the Treasury Washington City Mail [Postmarked] New Orleans May 29 Free

[Endorsed] Instruct Collector Brown to pay the Agent's compensation if that was omitted. —A. G. M^r Sheldon

The Collector written to for that purpose July. 18. 1807. D. S. James Brown File M^r Moore May 29th 1807 James Brown Esq^{re} U. S Agent for Land claims. New Orleans.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

June 1st 1807 at NEW-ORLEANS.

D^r SIR, M^r Clark has arrived, and every exertion is making to induce him, to take a violent part against the late proceedings here; a splendid Dinner has been given him, at which Edward Livingston presided as President, assisted by M^r Phil: Jones, and M^r Ross a dismissed sheriff.—Among the Guests were, the Judges of the Superior Court, and James Workman late Judge of the County of Orleans; The Collector of the Port (M^r Brown), the Ci-devant Mayor of New-

Orleans, and M^r Alexander, who was sent to Washington.—The Gentlemen not being content themselves with entertaining M^r Clark, propose that their Wives should do so likewise, and the Ladies I understand contemplate giving him a grand fete in a few Days. The Faction are spending very unnecessarily their Money, for I have no doubt, but M^r Clark would from choice, fall into their views.

It is reported and believed that Gen^l Adair is on his way to this City—if this be so, I shall on his arrival apply to Judge Hall to have him bound to his good behaviour;—but I do not know that, the Judge will deem it proper to do so, and if he should refuse, I have no doubt, but a public Dinner will be immediately given to Adair.—

I saw M^{rs} Trist the elder on yesterday; she enjoys good health & spirits; but is not pleased with the spirit of party which rages here;—I believe also, that the old Lady does not admire the Choice of a husband which M^{rs} Trist the younger, is about making;—M^r Phil: Jones I learn, is the favorite of the young Widow, & is shortly (it is said) to be married to her.

Accept my best wishes! I am D^r Sir, Your faithful friend

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the U. States.

[*Endorsed*] Claiborne Gov^r N. O. June 1. 07. rec^d June 26.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

Triplicate

NEW ORLEANS *June 17. 1807.*

MY DEAR SIR I continue confined to my room, and experience considerable pain—but the wound now suppurates profusely and my Surgeon gives me reason to believe that in 3 weeks I shall be enabled to walk—I fear however that the warmth of the weather will considerably retard my recovery.

The business of my office will meet with no derangement by my present confinement—My private Secretary makes out under my immediate directions the necessary dispatches and the Executive department will go on as usual.

Gen^l Adair is still here—but with what views I know not,—it is by some said that an attempt will be made by a certain party to introduce him into our assembly at the fall election and that in the mean time he will employ himself in obtaining and securing his Titles to a portion of the Ouachetta lands,—I understand however that Adair has himself said that his business here was to pay his respects to Gen^l Wilkinson and with the same view he should very soon proceed to Virginia.

The long and inveterate dispute between the Catholic Priests of this City has not yet subsided,—the Vicar General lately named by Bishop Carrol repaired on yesterday to the Cathedral Church and was denied admittance.—A mob which had collected on the occasion composed of low Spaniards, free Mulattos and negroes discovered a very riotous disposition—but by the timely interference of the Parish Judge and the Mayor of the City the crowd was dispersed & no mischief ensued,—I fear however that these refractory priests will so agitate and divide their congregation that the Civil Authority will be obliged to take the necessary measures to ensure the public peace.

The City of New Orleans continues to improve with rapidity, and even at this warm season of the year Commerce seems to be as flourishing as during the winter. The revenue from the Custom House here must greatly augment; in eight years it cannot be less than a million of dollars per annum.—In speaking of the revenue it reminds me of a letter ³ in which I expressed my fears that M^r Brown the Collector was under the influence of some men who were not friendly disposed to the administration. I have since had reason to change my opinion—he meddles not at all with the politics of the day—is a faithful and I believe a capable officer—and altho' he did not approve of the measures lately pursued here yet I do not find that he either said or did any thing which was calculated to injure the government or its officers.

I have the honor to be, Your faithful friend

WILLIAM C. C. CLAIBORNE

[Addressed] The President of the United States Washington City.
[Postmarked] Phi 20 Free

[Endorsed] Claiborne Gov^r W^m C. C. N. O. June 17. 07. rec^d
July 22.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

(Duplicate)

NEW ORLEANS *June 28th 1807.*

DEAR SIR, I have received your letter of the 3rd of May together with its inclosure.⁴—

Judge Sprigg departed from this City on the 23rd of May for New York; he had not then resigned, & was undetermined, whether or not he should return as Judge; he was at one period extremely obnoxious to a party here, (of Americans) who can render any Man's life disagreeable, & received of course a great share of their abuse; but a short time previous to his departure, he was taken in favour, and I

³ Claiborne to the President, May 19, 1807, *ante*, p. 734.

⁴ *Ante*, p. 728.

have some reason to believe, that the Country and the Society, were becoming pleasing to him.—I believe M^r Sprigg to be the ablest Judge on our Superior Court Bench, and he is certainly a Man of integrity;—But a great misfortune exists;—The Bar here is infinitely more enlightened than the Bench, & either have (or what is nearly as unfortunate) are supposed by many, to maintain a decided influence over the Court.—

M^r Cocke who is named a Land Commissioner, has not applied for his Commission, nor have I yet heard of his arrival in the Territory.⁵—

I am this day informed that the Trial of Col: Burr, commenced in Richmond, on the 22^d Ultimo, & I much fear, it will be concluded, previous to the arrival of General Wilkinson & M^r Graham; if so, I shall consider it as most unfortunate, because, an Individual, who meditated the blackest crimes against his Country, will probably be acquit'ed, and left at liberty to renew his wicked machinations.—

General Adair is still here, and daily in the receipt of the most pointed attentions from a portion of our American Society;—He abuses our Government and its officers, and denounces Wilkinson as a pensioner of Spain & a Traitor to his Country;—If Burr should be acquit'ed, it is probable, we shall see him here also in the Fall;—But I do not think it will be in his power, to induce the Louisianians to favour his views or plans;—It is a fact Sir, that the Louisianians, I mean the ancient Inhabitants of the Country, are now the best supporters of the American Government.—

I learn from Nachitoches, that a Tribe of Indians called the Conchatta's, have lately committed some depredations on our Frontiers, and threaten to renew them;—The Chactaws have offered their services, to punish those offenders; but I doubt for the present the expediency of accepting the tender; I however shall lose no time, in making every mild effort to impress this Tribe with a love of peace and Justice;—But if this should fail, and the occasion requires it, I shall take the necessary measures to defend the Frontier Settlements.⁶—

I am solicitous for the appointment of a Secretary; his assistance in my Department, is very desirable;—I sincerely hope however, that the appointment may not be given to a Citizen of New York, Kentucky, or this Territory, unless his present politicks should previously be known to you.—

My wound has proved infinitely more painful than I had anticipated;—I have been sufficiently punished for my imprudence;—I

⁵ The Secretary of the Treasury had informed Cocke, July 22, 1807, that he would not have to be at his post until December (GLO, Div. C, Misc. Let. Bk. One).

⁶ Cf. Sibley to the Secretary of War, July 3 and Aug. 6, 1807, reporting the murder of a man named O'Neal by either the Conchatta or the Caddo Indians (NA, WD, AGO, Old Recs. Div.).

am still confined to my Room, & unable to walk;—But the prospect of a speedy recovery is becoming every day more favorable.

The case of Peter Pedesclaux, which I mentioned to you some time since, is not yet decided by the Court, and in defiance of my authority, this man continues to act in an office, from which I had displaced him.—I certainly have reason to complain of not receiving a just & prompt support from the Judiciary; But for the sake of harmony, this is the first time, that a sentiment of the kind has escaped me.—

I continue desirous of visiting the United States, & if on the arrival of a Secretary, the State of things here, will admit of my absence, I shall avail myself of your former permission.

I am Dear Sir, your faithful friend,

WILLIAM C. C. CLAIBORNE

THO^s JEFFERSON President of the U. States.

P. S. M^r Reibelt is, I believe, in a situation, where his Talents may be useful to society & to himself;—the little Judg^{sh}ip, which I have given him, renders his standing respectable, & will go far, in furnishing a support for his family.—W.C.C.C.

[*Addressed*] Thomas Jefferson President of the U. States.

[*Endorsed*] Claiborne Gov^r N. O. June 28. 07. rec^d Aug. 16.

SETH PEASE TO THE SECRETARY OF THE TREASURY

[GLO:Div. E, Miss. SG, vol. 52, 1803–1809:ALS]

WASHINGTON M. T. *June* 30. 1807.

DEAR SIR, I take the liberty of laying before you the substance of a report made to me by M^r Walker Gilbrt my Principal Deputy for the Eastern district of the Territory of Orleans, relative to the business of his office.

He has received returns of surveys of private claims to the amount of about 400 from the deputies for the Counties of Iberville, La Fourch and German coast, and that none have been received from the other Counties Viz: Orleans, Acadia, and Pointe-coupee,—that the principal Part of the surveys received, on examination have been found correct—he informs that Mr Lafon (Deputy Surveyor for Orleans County) has made, or rather pretend to make surveys of private claims by measuring the front only, and taking the bearing of the side lines, from which data he makes his return and demands of the Claimant the full compensation which the law allows for an actual Survey—(this does not apply to any location of General La Fayette which he may have surveyed). and that he understands, that one or two of the other deputies Practice in the same way. He also states

that the surveys have been in so desultory manner that it is altogether impracticable to make from them a regular connected Plan of the County—he further observes that “It appears from the best information I can gather that there is a considerably body of Land, not subject to inundation; between the Chafalaya and pointe Coupee, the bayou Lafourche and Atacapas lake, the Mississippi and Lake Pontchartrain in all of those vains of high land; bayous run through where, settlements may be formed of considerable size. The land on those bayous are very valuable, being particularly adapted (from the soil and climate) for producing the sugar cane.”

The mode of Surveying practised by Mr Lafon is (I understand) similar to that pursued under the Spanish government; but not that contemplated by ours; nor can it answer the intention for which such surveys were made — I pray you to take the thing into consideration, and advise me what ought to be done under those circumstances.

Mr Gilbert is desirous that he may obtain liberty to keep his office in a more central position than that of New Orleans or at least that he may keep it a few miles from the City: his objection to New Orleans are the unhealthiness of the place during the summer months; that the extravagant prices of boarding, & office rent is such that his salary and fees will not cover the expenses.

[I find in your letters of the 27 of May and 2 of July 1805⁷ and in Mr Briggs’s letter of the 31 of the 8 Mo of the same year⁸ some remarks on the most eligible mode of surveying that Part of the alluvial Country between the Mississippi and the Fourche on the East and the Chafalaya on the West, and also West of the Chafalaya as may be considered at Present fit for cultivation. As this will become a matter of considerable importance, I take the liberty of making the following remarks.

1st That the mode you have pointed out appear to be the eligible of the two, as it divides the front of the tract more equally (than that propose by Mr Briggs) which in my opinion will greatly enhance the average value of the tracts.

2^d the remaining part will Probably remain unsurveyed and unsold for many years, and when sold it will probably be purchased by companies (possessed of large capital) in large tracts, in order to enable them to reclaim the land from the sea, or inundation of the Mississippi River; the timber however may soon become a sufficient object to individuals to induce them to purchais where it can be managed to advantage.

⁷ Not found.

⁸ No letter from Briggs to Pease of this date has been found. Cf. Briggs to the Secretary of the Treasury, Aug. 31, 1805, which concerns the surveys here mentioned (GLO, Div. E, Miss. SG, vol. 52).

I do not see that the Law authorises any other mode than the one advised by Mr Briggs, unless you have a discretionary power to order it otherwise.]⁹

I am Very respectfully Your Obed^t Hum^l Serv^t

SETH PEASE

ALBERT GALLATIN Esq^r Secretary of the Treasury U. S.

[*Addressed*] Albert Gallatin Esq^r Secretary of the Treasury U. S. Washington City [*Postmarked*] Washington M. T July 7. 1807 Free

[*Endorsed*] Washington M. T. June 30th 1807 Seth Pease—Surveyor Gen^l N^o 58

Answer That the mode of surveying pursued by Lafon appears improper & that he has full power to give general instructions to his principal Deputy there on that subject — that Orleans is not by law made the residence of the deputy for that district, altho, if practicable it would be eligible to keep it there. —A. G. M^r Moore M^r Moore will be pleased to examine the question relative to the mode of surveying between Mississippi & Chafalaya, recurring to the correspondence alluded to & to report to me his opinion both as to propriety & law. —A.G.¹⁰

⁹ The brackets are on the original.

¹⁰ The content of this endorsement was embodied in the Secretary of the Treasury to Pease, Oct. 23, 1807 (GLO, Div. E, SG, 1790–1816).

A REGISTER OF CIVIL APPOINTMENTS

[NA:SD, Orleans Terr. Papers, IX:C]

[June 30, 1807]

Return of the Executive acts of the Governor of the Territory of Orleans, from the 1st day of January 1807, to the 30th day of June 1807, inclusive.

Civil Appointments:

JUDGES—

Names.	Places.
James White	Parish of Attakapas.
James Ross	Concordia.
Peter Dermenon	Point Coupee.
Moreau Lislet	New Orleans.
Achilles Trouard	S ^t John Baptist
Peter B S ^t Martin	S ^t Charles
Michael Cantrell	S ^t James
John Landry	Ascension
William Wikoff	Baton Rouge
Bela Hubbard	Assumption
Thomas Dawson	Rapide
John C Carr	Nachetoches
Henry Brey	Ouachetta
Reibelt	Avoyelles
John Thompson	S ^t Landry in the Opelousas
Charles Latour	Plaquemines
Nathan Meriam	Iberville
Charles Fagot	S ^t Bernard.

CLERKS.

Thomas S. Kennedy	Parish Court of New Orleans
John W Smith	1 st Superior Court District.
Josiah Johnson	4 th do
James Ross	3 ^d do
George King	5 th do
Hubert Remy	2 ^d do.

JUSTICES OF THE PEACE.

Names.	Places.
John Hanes	New Orleans County
Pierre Jacob Goubier	Lafourche County
John Baptiste Dupuis	Iberville do
Philip Winfree	do
Blaize Cenas	Parish of New Orleans
Francis Dutillet	do
Paul D'Arcantel	do
William Dewees	do
Samuel D Earle	do
Eliphalet Fitch	do
John Lynd	do.
George Pollock	do
B Van Pradelles	do
Pierre Roger	do
Joseph Faurey	do
Charles Patton	do
Francis Deschamps	do
John Baptist Macarty	do
James Villeré	do
Eugine D'Orsiere	do
Hazure de L'Orme	do
Alexis Ceasar Bonamy	do
Dessale	do
Ch' La Croix	do
Solomon Prevost	do
Guichard	do
Duverger	do
Castanado	do
Alard jun'	do
Jaques Dreux	do
Dominique Bouligny	do
Stephen Boré	do
Peter Sauvé	do
Belthazar Dusnaw	do
Reuben de Logny	do
Dominique Prevost	Parish of Attakapas
David Rees	do
L C de Blanc	do
Alexander Decluet	do
Olivie Fils	do
Joseph Sorrel	do
Fusileer	do
John Minor	Parish of Concordia
James Brewster	do
Gabriel Winters	do
David Morgan	do.
Manuel Andry	S ^t John Baptist
Peter Marmillon	do

JUSTICES OF THE PEACE—Continued.

Names.	Places.
Leonard Perillon.....	S ^t John Baptist
John Communy.....	do
Barré.....	do.
John Arnould.....	S ^t Charles
Alex ^r Labranche.....	do
Chauvien Delery.....	do
Peter S ^t Amand.....	do
27 blank Commissions were sent out by a Special Agent, but no returns have yet been recd. of them.	(S ^t James Ascension Baton Rouge S ^t Landry in the Opelousas Rapide Ouachetta Avoyelles Nachetoches.
J J Paillett.....	Nachetoches.
4 blank Commissions were sent out for this Parish, but no returns have been received.	
William Diven.....	Plaquemines.

MAYORS

James Mather Sen ^r	New Orleans.
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SHERIFFS

William G. Garland.....	1 st Superior Court district.
G. Dupuys.....	2. do
Hatch Dent.....	4. do
James Still.....	5. do.

AUCTIONEERS

Henry Molier.....	New Orleans
Charles Patton.....	do
Joseph Faurie.....	do
Francis Dutillet.....	do.

RECORDERS

Laveaux Trudeau.....	New Orleans.
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TREASURERS

Names.	Places.
John Chabaud.....	Parish of New Orleans.

WARDENS OF THE PORT.

John West Leonard.....	New Orleans.
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KEEPER OF MORTGAGES

Peter L. B. Duplessiss.....	New Orleans.
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Proclamations

For an Election of a Representative to the Legislature in the room of
Dominique Bouligny resigned.

Offering a reward for the Incendiary, in the case of Bernard Marigny's
Mill, and the steam Engine therein, destroyed by fire.

Offering a reward for the murderer of Pierre Bertrand.

Offering a reward for Sam^l Watson for murdering an Indian.

Offering a reward for Sam^l Watson & Michael Barrier for Robbery.

Pardons.

In part, to Anastacio Campos, convicted of Perjury.

In whole, to ditto.

Larkin G. Nolen, convicted of Felony.

Militia Commissions issued.

FOURTH REGIMENT
2 Captains
1 First Lieutenant
1 Second do

TENTH REGIMENT
1 Colonel

R. CLAIBORNE
Sec^y of the Territory Pro Tem.

New ORLEANS June 30th 1807.

THE SECRETARY OF THE TREASURY TO JUDGE LEWIS

[GLO:Div. C, Misc. Letter Book One]

TREASURY DEPARTMENT *July 14th 1807.*JOSHUA LEWIS Esq^r• Comm^r on Land claims New Orleans.

SIR. I am this moment honored with your letter of 2^d ult^o.¹¹ Judge Sprigg having notified his intention to resign his seat on the bench, was appointed One of the Commissioners, for the Western or Opelousas District. Richard Cocke of Kentucky was appointed at same time to fill the other vacancy, M^r Thompson being the only Commissioner. Through some mistake the word Eastern, was inserted in the Commission, instead of Western, and the same error was inadvertently transcribed in the instructions. This was soon discovered and the two Gentlemen advised of it.¹² We have not yet seen Judge Sprigg, but on his arrival, he will make his election between the Offices of Judge & Western Commissioner.¹³

I am &^{ca}

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[LC:Madison Papers:LS]

(Private)

NEW ORLEANS *July 17th 1807.*

DEAR SIR, Designing Men here, have made the most of the imprudent conduct of the Navy officers;—they affect to attribute it to the influence of General Wilkinson's proceedings the last winter, and are desirous of making it the means of exciting the prejudices of the Louisianians, against both the Government and her agents;—But they will be disappointed; the Louisianians begin to distinguish between the real and pretended Patriots, & I persuade myself, that the hitherto great influence of certain unprincipled Americans, will very soon be at an end.

I declare to you, that the charge of the County Judge Moreau to the Jury is not suited to the occasion, nor is it justified by the actual State of the Country;—Except among the intriguing Americans in New Orleans, who can never be contented either with themselves or their neighbours, I see no where in this Territory a want of respect either for the Laws or its Ministers;—A few of the Planters were imprudent in their expressions, and evidenced too much warmth in the occasion; but a similar occurrence in any State of the Union, would have been deemed of no consequence.¹⁴

¹¹ Not found.¹² May 16, 1807, *ante*, p. 733.¹³ Sprigg's service as judge terminated Oct. 7, 1807, according to his salary account (GAO, Misc. Treas., Acct. No. 19953, 1807).¹⁴ The incident referred to was reported in Claiborne to the Secretary of State, July 16, 1807 (Rowland, ed., *op. cit.*, IV, 129–130). Moreau's charge to the jury, mentioned there as being enclosed, is not found with the original in NA (SD, Orleans Terr. Papers, IX).

Judge Moreau, is an honest, well informed Man; but I fear, his sentiments on this occasion, have in a measure been directed by the Gentlemen of the Bar, who with the exception of two or three are disaffected to the General and local administration, and who spare no pains, to render the people equally as much so;—The Lawyers and the Printers are the most restless, turbulent members of this Society, and if I had the same powers now, which I had in 1804, I believe I believe I should send them one & all to Washington.

I am d^r Sir, Very respectfully Yo: mo: hble Serv^t

WILLIAM C. C. CLAIBORNE

THE HONORABLE THE SEC^y OF STATE.

[Address] (Private) the Hon^{ble} James Madison City of Washington

[Endorsed] July 7, 1807 Claiborne W. C. C. July 17. 1807 Gov^r Claiborne

GOVERNOR CLAIBORNE TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div:LS]

NEW ORLEANS *July 23^d 1807.*

SIR, Doctor Sibley writes me under date of the 1st Instant,¹⁵ that the Conchatta' Tribe of Indians have killed two Americans, & threaten further mischief;—that the Road from Natchitoches is unsafe; & that the Frontier Citizens are alarmed, and claim the protection of Government;—He states also, that a settlement of Chactaws West of the Mississippi, who had one of their warriors killed the last winter, by a Citizen of the United States,—who has fled from Justice are becoming dissatisfied, & that he apprehends the shedding of some innocent Blood.—

Upon the subject of Indian affairs, I should be happy, if my Powers and duties were prescribed; at present I am ignorant of them.— Since the passage of the Act of Congress, which established here, the same kind of Government which exists in the Mississippi Territory,¹⁶ I have considered myself ex officio superintendant of Indian affairs; but I know not my powers in that Character, nor have I yet been advised of the duties which the Government would wish to require of me.—

I do not consider the preservation of a good understanding with the Indians West of the Mississippi a difficult undertaking—But as preliminary steps, I should advise, that conferences be held and Treaties of Peace and friendship be entered into with one & all the Tribes—whether this trust should be confided to the Governor of the Territory or to another Citizen, you can best determine; but if the

¹⁵ Not found.

¹⁶ Act approved Mar. 2, 1805, *ante*, p. 405.

Governor should continue the Superintendent, it would be desirable that some opportunity be afforded him to become personally known to the influential Indians within his Jurisdiction.—

These conferences need not be the grounds of any large expenditures;—the several nations might be assembled at Nachitoches, and some little presents to each Tribe, would be all that would be expected;—perhaps four Thousand Dollars, would cover all the expences.

The dissatisfaction of the Conchatta's has arisen from the murder of one of their People, the last winter, by an American of the name of Watson;—I sometime since, issued a Proclamation for the apprehension of Watson, but he has not yet been taken!—

Doctor Sibley further informs me, that the People of the Frontiers, threaten (unless the Government should take some prompt measures for their protection) to attack the village of the Conchatta's on the Sabine, and to destroy the nation, which is supposed to consist of about two hundred persons of all description.

An Act of violence of this kind, would lead probably to a general Indian War West of the Mississippi, & shall be prevented, if in my power;—I however will issue to the Commanding officers of Militia on the Frontiers, such orders as will intimidate the Indians from any hostile incursions, & will direct that force be resorted to if necessary for the prevention of Depredations.—With respect to the regular Troops in this Territory, I cannot venture to exact from them any service, because it is discretionary with the officer Commanding to conform to my wishes or not.

I however should think, that at so great a distance from the Seat of Government, & in a Territory exposed as this is, to so many perilous casualties, it would not be improper—(especially in the absence of the Commanding General) to instruct the officers commanding Posts, to render such Military services, as may be required of them by the Governor of the Territory for the time being.—

I have the honor to be Sir, with great respect & esteem yo: mo: ob^t Serv^t—

WILLIAM C. C. CLAIBORNE

THE HONBLE HENRY DEARBORN Sec^y at War

[*Endorsed*] New Orleans July 23—'07 Rec Sep 1st 1807 Gov^r Claiborne. Relative to the murder of two Americans by the Conchattas; the alarm on the frontier—and the want of instructions on the subject of his duties as Superintendent of Indian affairs.

GOVERNOR CLAIBORNE TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div:LS]

NEW ORLEANS *July 25th 1807.*

SIR, A letter to me from Doctor John Sibley, bearing date at Nachitoches, the 9th of June,¹⁷ contains the following paragraph.—“About four weeks ago, the Chiefs and Relations of the Indian who was killed by Watson, came into this place; I treated them with particular kindness; explained to them what I had done to have Watson apprehended and brought to justice; they went away expressing some signs of dissatisfaction, and I believe murdered an innocent traveller a few miles from this place, and we are daily receiving Reports that they intend further mischief.”—

In another letter from Doctor Sibley bearing date the 1st of the present month,¹⁸ I am advised, that a Traveller had been killed by Indians, about 40 miles from Nachitoches on the Opelousas Road, in satisfaction for the Indian killed by Watson, and that further mischief was threatened.—

“All the Tribe of Conchatta’s,” says Doctor Sibley, “have withdrawn to their Village on the Sabine, and the Inhabitants are in daily apprehension of further mischief being done by them; the Opelousas Road is considered unsafe for Travellers, and the Inhabitants expect something will be done by Government for their protection, and the murderer of an innocent unoffending Traveller punished.”—“I could,” continues Doctor S. send to the Chiefs of the Village and demand the murderer to be given up, & have him (if given up) committed for Trial; but Should they refuse, there will be an end of it, unless the Governor, would inforce the demand.—The Inhabitants of the upper part of Opelousas threaten to go and attack, burn and distroy the Conchatta Village, if Government do not do something about it.”—

In consequence of this information, I have written Letters to Colonels Thompson and Doctor Sibley and issued militia orders of which (letters & orders) the inclosures N^o 1. 2. 3. & 4 are copies.—But if I have done anything wrong, or omitted to do that, which ought to have been done, I pray your early instructions, and they shall regulate my future conduct.—

My own opinion is, that differences between the Frontier Settlers, and the Small tribes West of the Mississippi, will frequently arise,

¹⁷ Not found but mentioned in Sibley’s entry for June 8, 1807, wherein he records the events here referred to, in “An Abstract from the Records of John Sibley esqr. Indian Agent in the Territory of Orleans for the Year 1807 Relative to Indian Affairs”, found in NA (ID, Indian Office). This document, equal in length to about 65 pages of typescript, constitutes an important source for the history of Indian relations in the Territory for this period. The original from which the abstract was made has not been found. See also Sibley to the Secretary of War, Sept. 3 and Nov. 6, 1807 (NA, WD, AGO, Old Recs. Div.).

¹⁸ Not found.

until Treaties are intered into with them.—The Conchattas consider themselves a Separate Nation; they are not bound by Treaty to surrender a murderer, and was the demand made on the present occasion, it would no doubt be refused.—

I am Sir, Very respectfully, yo: mo: ob^t Serv^t

WILLIAM C. C. CLAIBORNE

THE HONBLE THE SEC^y AT WAR.

P. S The inclosure A. is a Copy of a Talk, to the Choctaws of the Bayou Chicho Village. W.C.C.C.

[*Endorsed*] New Orleans, July. 25—1807. Goy^r Claiborne—Relative to the murder of a traveller by the Conchattas—the insecurity of travelling the Opperousas road—Enclosing copies of his orders to the Militia & of a speech to the Choctaws of the Bayou Chicho, Village. Rec^d Sept. 8—'07

[Enclosures]

Governor Claiborne to John Thompson

Copy.

NEW ORLEANS July 25th 1807.

SIR, It having been (officially) announced to me, that the Conchatta Indians, a small Tribe living on the Sabine, had recently killed two Citizens of the United States in the vicinity of Nachitoches, and threatened further hostilities, it becomes my duty, to direct the necessary measures for the immediate protection and safety of the Frontiers:— with this view, I have ordered the officers Commanding the Opelousas and Nachitoches Cavalry to hold their respective Companies in readiness for active service, at a moments warning, & to obey such Instructions, as you may give them—

Offensive operations towards the Conchatta's are not to be undertaken, nor can they be authorised by me;—You are only to act on the defensive, & to give all necessary protection to the persons & property of our Citizens.—

If therefore you should hear of any meditated attack on the part of the Indians, and be possessed of just grounds to apprehend the same, you will make such disposition of the Cavalry as may in your Judgement be best calculated to cover and protect our Settlements; & should the threatened danger, be of magnitude, you will also put upon duty such portion of Militia Infantry, as the occasion may require.—

If the Indians should make predatory incursions, the aggressors are to be pursued, and force may be resorted to to arrest them, and to recover the property taken; But the Militia are in no event to Cross the Sabine.—

I sincerely hope, there may be no necessity for ordering the Militia on duty, and that no serious misunderstanding with the

Indians West of the Mississippi will arise;—An Indian War would at any time, be cause of regret; but at the present period, it would be peculiarly unfortunate;—I need not therefore I am sure, remind you of the necessity of exercising with discretion the powers with which you are invested;—Forbearance and moderation, under minor wrongs, are not unfrequently means of averting greater Evils.—

Doctor Sibley writes me, that some of the Frontier Inhabitants had talked of attacking and destroying the Conchatta Villages;—This must not (without orders to that effect from me) be attempted.—

I learn that the Chactaws of the Bayou Checko Village, one of whose people, was killed the last year, by a man of the name of Thomas, are becoming dissatisfied, and that unless something is done to appease them, the blood of some innocent Individual may soon be Shed!

What has become of Thomas?—I remember, that in September last, he surrendered himself to Judge Collins and was bound in a recognizance for his appearance.—Has Thomas fled?—If so, will you be good enough to inform me, who were his sureties & in what sum, were they bound.—In the meantime, will you send for the nearest relation of the deceased Indian and endeavour to impress him, with the cruel absurdity and wickedness of the Law of retaliation.—

I once appeased the Resentment of a Chactaw, who had lost his relation, with presents;—An Indian was killed at Natchez;—he was the nephew of a Chief called the Red Bird, who claimed satisfaction; I agreed to give him three hundred dollars in goods for the Blood, which after some hesitation being acceded to, the affair was at end.—Perhaps the nearest relation of the Indian killed by Thomas may also be disposed to commute Blood for goods;—If so, and Thomas has fled, I authorize you, to propose two hundred Dollars in Goods to the family of the deceased Indian;—his nearest relation by the Mother's side, is the only person, with whom you need to treat.—If he is satisfied, the rest of the family, cannot I believe, say or do anything.—This is the Law with the Chactaws who reside on the Mobile Waters, & I presume it is the same with the Chactaws on the Bayou Chicko.—

I am Sir, very respectfully, yo: hble Serv^t

WILLIAM C. C. CLAIBORNE

COLO: JOHN THOMPSON of the 8th Reg^t of Militia

[Endorsed] N^o—1

General Orders to the Militia

(Copy) GENERAL ORDERS

Head Quarters NEW ORLEANS July 25th 1807.

The officer commanding the Opelousas Volunteer Troop of Horse, will hold his Company in readiness for service, and obey the orders of Colonel John Thompson.

Signed / W. C. C. CLAIBORNE
Gov^r & Commander in Chief

[Endorsed] N^o 2.

Copy GENERAL ORDERS

Head Quarters NEW ORLEANS July 25th 1807.

Captain Sibley of the Nachitoches Troop of Horse, will hold his Company in readiness for actual service, and obey the orders of Colonel John Thompson of Opelousas.

Signed / W. C. C. CLAIBORNE
Gov^r & Commander in Chief.

[Endorsed] N^o 3.*Governor Claiborne to John Sibley*

(Copy)

NEW ORLEANS July 25th 1807.

SIR, In consequence of the information you have given me as to the conduct and disposition of the Conchatta's I have placed the Opelousas, as well as the Nachitoches Troop of Horse, under the orders of Col: John Thompson, & directed him, in case he should receive advice of any meditated attack of the Indians, and be possessed of just grounds to apprehend the same, to make such disposition of the Cavalry, as may in his Judg'ment be best calculated to cover and protect our Settlements, and should the threatened danger be of magnitude, the Colonel is also directed to place on duty, such portion of Militia Infantry, as the Occasion may require;—If the Indians should make any predatory incursions, the aggressors are to be pursued, and force may be resorted to, to arrest them & recover the property taken; but the Militia are in no event to cross the Sabine.—

I need not press upon you, Sir, how desirable it is, to preserve tranquillity on our Western Frontier, you are apprised of the Sentiments & wishes of the President on that subject, & I doubt not, but they will ensure a continuance of your Faithful exertions to accommodate all differences which have arisen, or may arise with our Indian neighbors.—

I issued a proclamation sometime since for the apprehension of Watson; but he has not yet been arrested.—Thomas who killed a Chactaw on the Bayou Chicko' Village delivered himself up in Septem-

ber last to Judge Collins, & was bound in a recognizance for his appearance—I have requested of Colo: Thompson particular information as to Thomas.—

The Bayou chicco Village, being near to Opelousas, I have solicited Colo: Thompson to send for the nearest relation of the deceased Indian by the Mother's side and endeavour to commute the Blood for money;—I once appeased in this way, the Resentment of a Chactaw Chief Called The Red Bird, whose nephew was killed at Natchez by a white man.—

I am Sir, Very respectfully, yo: hble serv^t

WILLIAM C. C. CLAIBORNE

DOCTOR JOHN SIBLEY

[Endorsed] N° 4

*A Talk from William C. C. Claiborne Governor of the Territory of Orleans,
& Commander in Chief of the Militia thereof,—*

(Copy)

[July 25, 1807]

*To the Family, and nearest Relation of the Choctaw Indian, who was
killed by a white man of the name of Thomas.—*

Mourn no longer for your deceased friend; your lamentations are not heard by him, nor can your tears restore the dead to life.—Had the deceased Warrior a wife and Children? If so, show your love of him, by your friendship for them.—

Thomas who did the mischief has, I am told fled;—but I shall give orders to my head men to have him arrested, for my wish is that he should be tried and punished according to the Laws of this Territory.—In the meantime, I beseech you, shed not the Blood of an innocent Individual; such conduct would give offence to your great Father the President of the United States—for he never has, and never will consent that the innocent should suffer.

I recommend to the whole Bayou Chicco Village the Wife and children of the deceased! If they are poor, I am disposed to assist them.—But I hope the family or the nearest Relation of the deceased warrior, will assure me, that no innocent person shall fall!—

I have authorized one of my Head Men Colonel John Thompson to talk over this matter, and you will consider his words as my own.—

WILLIAM C. C. CLAIBORNE

NEW-ORLEANS July 25th 1807

[Endorsed] A.

COMMISSION OF THOMAS BOLLING ROBERTSON¹⁹ AS
SECRETARY

[SD:Temporary Comms., 1:C]

[August 12, 1807]

THOMAS JEFFERSON, President of the United States of America,
To all who shall see these presents, Greeting:

Know Ye, That reposing special Trust and confidence in the Integrity, Diligence and Abilities of THOMAS BOLLING ROBERTSON, of Virginia, I do appoint him Secretary in and for the Territory of Orleans; and do authorize and empower him to execute and fulfil the duties of that Office according to law; and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining during the pleasure of the President of the United States for the time being, and until the end of the next Session of the Senate of the United States, and no longer.²⁰

In Testimony whereof, I have caused these letters to be
L.S. made patent and the seal of the United States to be hereunto
affixed.

Given under my hand at the City of Washington the Twelfth day of
August in the year of our Lord one thousand eight hundred and Seven,
and of the Independence of the said United States, the Thirty Second.

TH: JEFFERSON,

By the President,
JAMES MADISON, Sec^y of State.

¹⁹ A recess appointment; Robertson's permanent commission was dated Nov. 18, 1807 (SD, Misc. Perm. Comms., C).

²⁰ The following excerpt from John Page to the President, Aug. 20, 1807 (SD, Appt. Office Files), is relevant:

"Last-night your favor of the 17th instant from Monticello inclosing the commission for M^r Bolling Robinson came to Hand, which I immediately delivered to his Father—and to-day he presented it to his Son who had arrived here from Petersburg. I did not know, when I first mentioned this Gentleman to you, that his Name was Thomas Bolling Robertson—I mention this, because in your letter & Note you call him Bolling Robinson."

The letter referred to by Page has not been found. See the President to Page, July 17, 1807, Ford(ed.), *Writings Jefferson*, ix, 117-119.

BENJAMIN MORGAN TO THE PRESIDENT

[SD:Appt. Office Files:ALS]

[August 27, 1807]

THOMAS JEFFERSON President of the United States

SIR Your letter of the 18th Ult^o ²¹ enclosing me a Commission to Act as Secretary of this Territory reached me this morning ²²—The Communications from Governor Claiborne which must have reached you shortly After the date of your letter will relieve your Anxiety for the State of this Territory and render it unnecessary for me to Accept of the Appointment—

I am with much Respect your Most Ob^t Hble servantBENJ^a MORGANNEW ORLEANS Aug^t 27th 1807

duplicate Via Tennessee reached me by same mail

[Endorsed] Morgan Benj. N. O. Aug. 27. 07. rec^d Oct. 5. Benj. Morgan 1807

CHARLES MORGAN TO THE SECRETARY OF WAR

[NA:WD,AGO, Old Recs. Div.:ALS]

[September 1, 1807]

Si^r the Forte at this place was delivered in my care by Lieu^t John Cleves Symmes by the Special order of Gen^l Wilkison—sum time in Last year—Said forte Consisting of one magizien one Gard House & two other buildings together with about one hunderd paris arpons of Land attatched to Said property—which I all ways under Sood & believed belonged to the war department of U. S.—our Governor has thought proper to Issue an order to one of his petty Judges to take it and apply it to the use of the District, this order I have Refused to Comply with—so far as delivering the property to the Cival department, tho as the Judge tells me he is Cival & Miliary—& Knows no other orders Except from the Governor. he is determined to arrest Said public property from me—which I have Receipted for in a letter to Lieu^t J. C. Symmes belonging to the war department—Si^r I presume you will under Stand the facts Stated and if worth your attention you will direct me how to Act with out delay—Yours with Sentiments of due Regard—

CHARLES MORGAN

POINTE COUPEE Septembe^r 1^r 1807

²¹ Printed, Washington (ed.), *Writings Jefferson*, v, 137.

²² A copy of Morgan's commission, dated July 19, 1807, is in SD (Temporary Comms., 1).

[Addressed] Henry Dearborn Esq^r Secretary of War U S Mail
[Postmarked] Pinckneyville MT Sep 21 Free

[Endorsed] Point Coupee Sep^r 1. 1807 Cha^s Morgan relative to the
delivery of the Garrison &c at that place to the Civil authority Rec^d
Oct. 27, 1807 R. answer on the other side—

GOV^r CLAIBORNE, SIR, I have received information from an officer
at Pointe Coupee, that a Civil officer of the Territory had demand the
occupancy of the public buildings &c at that place taking it for granted
that the property belongs to the U. S. and has been occupied for a
Military post, It ought not to be taken from the Military Department,
without the authority of the Gen^l Government. I have therefore
directed the officer to decline giving it up previous to the rec^d of an
ordr from this Departm^t.

write to L^t Morgan or the Commanding officer at Pointe Coupee,
to the above effect

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

NEW ORLEANS *Sept^r 4th 1807.*

DEAR SIR, In a letter which I had the honor to address you from
Natchez, I inclosed an extract from the Journal of the House of Rep-
resentatives of this Territory,²³ in which Mess^{rs} Guerin & Levandeau
were recommended as Councillors in the Room of James Mather
Senior resigned.—I believe in the Letter alluded to, I took the liberty
to recommend M^r Levandeau, as best meriting your confidence;—But
since my return to this City, I have understood, from some sincere
supporters of the American Government, that M^r Guerin is better
qualified for a Seat in the Council than M^r Livandau; he (Guerin) is a
Frenchman by birth; but I learn that he has resided here more than
20 years, is the head of a respectable family; a peaceful, honest, indus-
trious Cultivator of the Soil, & supposed to be attached to the Govern-
ment of the United States.—Of M^r Livandeau, I had myself formed a
good opinion; he also is a wealthy farmer, & his Integrity I never ques-
tioned;—I have however recently understood by those, who know
him better than myself; that his Talents are far below mediocrity —

I am sorry to perceive from the Northern papers, that war with
England is an event so highly probable; but it affords me pleasure to
find, that the evidence of patriotism on the part of our Countrymen,
is so ardent and general.—The Louisianians partake of the sentiment
which is Felt, & expressed in the U. States; they sensibly Feel for the

²³ The letter has not been found. A copy of the proceedings here referred to
was forwarded to the President by Watkins, May 10, 1807, *ante*, p. 732.

honor of the Nation, & if war be resorted to, will I am persuaded cheerfully meet their share of its dangers & Burthens.—I believe myself, that New Orleans, is more secure from British aggression, than any other Commercial City in the U. States.—The River is a great obstacle to an attack from sea;—None but small Vessels of War, could pass the Barr & the Levee from Plaquemine to the City will (in time of danger) afford a Battery;—Our Gun Boats also, may be usefully employed in the Mississippi & on the Lake, & are in my opinion, the surest means of defence.—New-Orleans might indeed be attacked (with Lands forces) by the way of the Lakes; But the Troops employed on that service, to be successful, must be more numerous, than the British could probably well spare.—

M^r Benjamin Morgan who was named Secretary, having declined serving, I hope that another Gentleman may soon be selected, & that the state of things then may be such, as to permit my paying a short visite to the Seat of Government.—

I have the honor to be Dear Sir Your faithful friend

WILLIAM C. C. CLAIBORNE

THOMAS JEFFERSON President of the United States

[Addressed] Thomas Jefferson President of the U. States City of Washington [Postmarked] New Orleans Sep 4 Free

[Endorsed] Gov^r N. O. Livand. Sep. 4. 07. rec^d Oct. 12.

GOVERNOR CLAIBORNE TO GOVERNOR SALCEDO

[NA:SD,Orleans Terr. Papers,IX:C 25]

(Copy) United States TERRITORY OF ORLEANS *October 1st 1807.*

SIR, I learn with sincere regret, that slaves escaping from the service of Citizens of the United States, should continue to find an Asylum in that portion of his Catholic Majesty's Dominions, which is committed to the Government of your Excellency.

I need not I am sure press upon your Excellency the serious injury which such Asylum has, & is likely to produce to the Inhabitants of Louisiana, or to add, how inconsistent it is, with that friendship and good understanding which at present happily exists between our two Nations; but shall proceed to request your Excellency to give directions for the immediate delivery to the orders of their masters, of the several slaves who have fled from this Territory, and are now going at large in the Province of Taxus, and that for the future protection be not afforded to like fugitives; In return; I profess my readiness to cause to be surrendered such Negro slaves who have or may escape from the Provinces committed to the care of your Excellency, to the Territory, over which I have the honor to preside as Chief Magistrate.

²⁵ Entirely in Claiborne's hand.

Your Excellency will perceive in the arrangement which I propose, that just reciprocity which should always characterise the Intercourse between two neighbouring and friendly Governments.

I avail myself of the occasion, to offer to your Excellency the Assurances of my high & respectful Consideration.

Signed/ WILLIAM C. C. CLAIBORNE

HIS EXCELLENCY GOVERNOR SALCEDO—

[*Endorsed*] N° 2 Copy of a Letter from Gov^r Claiborne to Governor Salcedo.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Batture Papers:ALS]

CONCORDIA *October 5th 1807*

SIR, It is my duty to advise you that slaves escaping from the Territory of the United States to the Province of Taxus, receive the protection of the Spanish Agents, and to suggest the very serious injury which is likely to result therefrom to the Inhabitants of the Territory of Orleans.²⁶—

The enclosure N° 1²⁷ is a Copy of a Presentment of a Grand Jury upon this subject, and that No 2 of a Letter which I have addressed to Governor Salcedo.^{27a}—I am not assured that I have been Correct in the arrangement proposed to Governor Salcedo; perhaps my powers were not Commensurate;—But nevertheless, if the arrangement proposed be acceded to, it shall be observed on my part, unless the President shall direct to the Contrary.

I left New Orleans on the 19th Instant, at which time Order was restored, and the agitation with respect to the Batture much subsided; I however, perceived on my Journey thro' the several Parishes, but one sentiment with respect to the decision of the Court;—The long and uninterrupted use of the Batture by the City;—the sanction given by the Spanish Authorities to the public Claim, and the heavy public' expenditures in Maintaining the Leveé, which fronts the alluvion, seem to have given rise to a very general opinion, that the Court has been in error in deciding the Batture to be private property.—The enclosure (A) is an attested Copy of the Judg'ment of the Court,²⁸ and

²⁶ Another aspect of the situation on the frontier at this time, the disputes occurring with the Spanish over trespassers and outlaws, is discussed in Wilkinson to the Secretary of War, Dec. 18, 1807, enclosing Carr to Freeman, July 14, Viana to Freeman, Sept. 22, Freeman to Viana, Oct. 1, and to Wilkinson, Oct. 10, 1807 (NA, WD, AGO, Old Recs. Div.).

²⁷ Not present.

^{27a} *Supra.*

²⁸ *Gravier v. The Mayor, Aldermen, and Inhabitants of the City of New Orleans*, May 23, 1807, found with the above, and printed, *A.S.P., Pub. Lands*, II, 33–34.

that (B) of an incorrect translation of an address to me,²⁹ which appears to have been very hastily drawn;—The original of this Address, has not yet been presented.

I shall leave this in three Days for the settlement of Point Coupée; but do not propose returning to New-Orleans prior to November, unless my presence there should (earlier) become necessary.

Our territorial elections have terminated very much to my satisfaction; The Members very generally are ancient Louisianians, of honest reputations, and Supporters of the Government. Doctor Watkins & those of his Party, were but partially supported.³⁰

I have the honor to be Sir, very respectfully yo: Mo: Ob^t servt
WILLIAM C. C. CLAIBORNE

THE HON^{ble} M^r MADISON Sec^y of State.

[*Endorsed*] Govr Claiborne 5th Octr Red 9th Nov^r 1807 Subject of the Batture—Presentment of the Grand Jury of the County of Rapide against the Spaniards for protecting their slaves who run away—

JOHN W. GURLEY TO THE SECRETARY OF THE TREASURY

[GLO: New Orleans, Reg. and Rec. Letters, xxii:LS]

duplicate

NEW ORLEANS *November 3. 1807.*

SIR, You will perceive by the number of days for which during the last Quarter, I have done myself the honour to draw on you for compensation as Commissioner that, I have been absent from this City for about two months:—During this time in attending the superiour court in it's circuit through the Territory, I had the opportunity of ascertaining of the deputy registers in my district the progress

²⁹ Not present.

³⁰ Answered Nov. 20, 1807 (NA, SD, Dom. Letters, xv). Madison stated he had requested Foronda's interposition in stopping the Spanish practice of harboring escaped slaves. For other letters on this subject, see the following: Claiborne to the Secretary of State, Mar. 14, May 27, Nov. 6, Nov. 23, 1808, Jan. 8 and Jan. 15, 1809, to Salcedo, Mar. 9 and Nov. 22, 1808, to Carr, Nov. 6, Nov. 22, 1808, and Jan. 8, 1809, to parish judges, Nov. 22, 1808; Salcedo to Claiborne, Jan. 2, 1808, and to Cordero, same date; deposition by James Bludworth, Feb. 25, 1808 (Rowland, ed., *Claiborne Let. Bk.*, iv, 161–167, 175, 243–244, 254–256, 258–259, 285, 288, 299). Claiborne to the Secretary of State, Nov. 23, 1808, cited above, is printed under date of Nov. 24.

The originals of Claiborne's letters to the Secretary of State (NA, SD, Orleans Terr. Papers, ix, x) contain the following enclosures in addition to those cited as printed: depositions by Chamard, Aug. 29, by Rambin, Dec. 29, by Davion, Dec. 29, 1807, by Besson, Jan. 22, and by Roquier, Feb. 26, 1808 (in letter of Mar. 14, 1808); Salcedo to Claiborne, Apr. 19, 1808 (in May 27, 1808); Carr to Salcedo, Oct. 10, and to Claiborne, Oct. 21, 1808, and Salcedo to Carr, Nov. 13, 1808 (in Nov. 6, 1808); Carr to Claiborne, Dec. 8, 1808 (in Jan. 8, 1809); Salcedo to Claiborne, Nov. 18, 1808 (in Jan. 15, 1809). See also Sibley to the Secretary of War, Oct. 12, 1808 (Jefferson Papers, LC).

which they had made in the discharge of their duties, and it is with satisfaction that I am enabled to state to you that very nearly all the claims to land in this district are already enregistered.—I have also to add, that the people appear to be very universally satisfied under the existing operation of the laws of Congress upon this subject.

While in Opelousas I embraced the opportunity which was offered me of very particular communications with Colonel Thompson, the register and the sole commissioner there relative to our official duties. Sensible of the great importance of uniform decisions by the two boards in similar cases in relation as well to the various species of titles which will come before them, as to the different provisions of the Acts of Congress which must be construed and applied by them, we were at much pains to obtain a proper knowledge of each others opinions on the several points of law which must govern our decisions:—To the best of my knowledge they are in perfect correspondence.

Among other things Col. Thomson, stated to me as your opinion, which had been communicated to him³¹ that, the decision of the Commissioners was to be regarded, as not only conclusive against the United States, but between conflicting claimants under incomplete titles:—This he concluded would in his district render necessary a resurvey, and a connected Plat of all the lands claimed. In this district, I trust the expense of such an operation may be avoided, except perhaps in one or two settlements.—but on this subject I will endeavor to give you seasonable and more detailed information.

I have mentioned this communication of the Register of the other district, merely to observe that if this opinion of yours has not been correctly stated to me, I shall esteem it a favour to receive such directions and instructions on this subject as may appear to you proper.—

With sentiments of respect, I have the honour to remain Sir, Your very obedient and very humb. servant

J W GURLEY

HONORABLE ALBERT GALLATIN, Secretary of the Treasury.

[*Addressed*] Honourable Albert Gallatin Secretary of the Treasury Washington

[*Endorsed*] New-Orleans November 3^d 1807 J. W. Gurley—Register of the Land-Office

³¹ Cf. the Secretary of the Treasury to Thompson and Gurley, Apr. 2, 1807, *ante*, p. 725.

THE POSTMASTER GENERAL TO BLAIZE CENAS

[PO:P.M. Letter Book P]

Nov. 6. 1807

B. CENAS Esq. p m. New Orleans O. T.

Yours of the 7th Ult. is received.³²

We cannot contract with M^r Davidson for the conveyance of the mail for a longer period than to the 31st of March 180 nine, but if he carries the mail with punctuality he will have a strong claim upon this Office, for the contract which will follow that period. If he is disposed to contract for the period above mentioned, the necessary papers for him to execute shall be forwarded to your Office.

G. G.

GOVERNOR CLAIBORNE TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div.:LS]

(Private)

NEW-ORLEANS December 13th 1807.

DEAR SIR, The Militia Law of this Territory, creates the office of a Brigadier General;—But this officer, must under the Ordinance and acts of Congress be appointed & commissioned by the President.—

Colo: D. Bellechasse of the 1st Regiment, is now, and has been from the time of taking possession of Louisiana by the United States, the Senior Officer of the Militia; he is a Native of the Territory and much esteemed by the Citizens.—Colo: John B. Macarty of the 4th Regiment is also a Native of Louisiana, and possessing perhaps in a greater degree than Bellechasse the confidence of the Louisianians;—Bellechasse and Macarty are both very honest Men;—their want of accurate information, as to the principles of the Government, have on some occasions betrayed them into imprudence's, but I believe their fidelity to the U. States may in any event be relied on.—I do not consider it as absolutely essential, to Commission at this period, a Brigadier General, but if one should be named, it would be advisable to Commission either Bellechasse or Macarty.—

I recollect on a former occasion, stating some objections to Colo: Bellechasse and suggesting the expediency of appointing a Native American the General;—But I am now convinced that a Native Louisianian should be prefer'ed, nor do I know any who more deserve the confidence of the Government than Colonel's Bellechasse and Macarty.—

Indeed Sir, the Louisianians are now (in this Territory) the best supporters of the Government; I take a pride & pleasure in noticing the patriotic' disposition and conduct of many Citizens of the U. States, who are settled here; but there are others, (and the number unfor-

³² Not found.

tunately too considerable) who discover no attachment either to their Country or Government—

Among the Officers of the U. States army, who have served on this Station, I have noticed with pleasure, the firmness and patriotic' zeal of Lieutenant Wilson;—he loves his Country, is brave and emulous of Military fame;—If the army should be augmented, and any of the present officers be promoted in the New raised Corps, permit me to recommend Lieutenant Wilson to your patronage.

I am dear Sir, with great esteem and respect yo: hble Serv^t

WILLIAM C. C. CLAIBORNE

THE HON^{ble} THE SEC^y AT WAR.

[Addressed] The Hon^{ble} Henry Dearborn Sec^y at War

[Endorsed] New Orleans Dec^r 13—07 Gov^r Claiborn relative to the appointment of a Brig^r Gen^l for the The Ter of Louisian & ce

Gov^r Claiborn Decem^r 13th 1807 In relation to the appointment of a Brigad^r Gen^l

THE POSTMASTER GENERAL TO DANIEL CLARK

[PO:P.M. Letter Book P]

Dec. 18. 1807

HON^{ble} DANIEL CLARK In Congress

I take the liberty to inclose a letter containing proposals for carrying the mail up Red River which appear to me very unreasonable. I pray you to return it with such remarks as you think proper and also general information respecting the road and the ferries

G. G.

THE SECRETARY OF THE TREASURY TO JOHN BOYLE

[TD:Secretary's Files, ser. E, vol. v, 1806-1812:C]

TREASURY DEPARTMENT *December 19th 1807.*

HON: JOHN BOYLE in Congress. Chairman Land Committee.

SIR, I understand that there is a considerable quantity of valuable vacant land in the Territory of Orleans, lying in narrow strips along the margins of rivers and bayous, and surrounded by extensive tracts of inundated land, which cannot at present be sold. The laws have directed that the public lands of that Territory should be surveyed and divided, as nearly as the nature of the country will admit, in the same manner as is provided by law, in relation to the other public lands. And neither M^r Briggs or M^r Pease have thought themselves, under that clause at liberty to adopt a different mode of surveying;

that of regular townships & sections divided by North and South, and East and West lines, being practicable although inconvenient, and attended with the useless expense of dividing an unsaleable swamp into sections.

Permit me therefore to suggest the propriety of authorising the surveying of such lands within the alluvial country as may be now inhabited into tracts not exceeding a certain number of acres, but without restrictions of shape or obligation of surveying the adjacent lands.³³

I enclose copies of the correspondence on that subject.³⁴

I am &c

JAMES BROWN TO THE SECRETARY OF STATE

[SD:Appt. Office Files:ALS]

NEW ORLEANS, *December 23.* 1807

SIR, I have the honor to request your acceptance of my resignation of the office of District Attorney of the United States for the Orleans District.

In adopting this measure which a variety of private considerations render indispenable, I should do great injustice to my feelings should I omit expressing gratitude for the confidence in my character evinced by the manner in which that office was conferred; and I should do equal wrong to my real sentiments were I not to declare that the present administration has merited and enjoyed my highest confidence.

It gives me singular pleasure to inform you that not a single criminal case is now depending in this District Court, and that at the January term I shall obtain judgments on the only two or three bonds for duties which are now in suit. Until the end of that term I shall continue to attend to any business of the United States which may render the attention of a District Attorney necessary; and shall, until a Successor is qualified cheerfully advise the Collector in all cases where he may wish for legal advice.

With real respect and esteem I have the honor to be Sir Your Most Ob^t Servant

JAMES BROWN

THE HONB. JAMES MADISON

P.S. As vessels are daily expected from England against which it may be necessary to file libels under the non importation Act, and as

³³ A bill providing for the survey of such lands was introduced in the House by Boyle, Feb. 22, 1808, but did not proceed beyond a second reading (*Annals*, 10 Cong., 1 sess., 1658). However, provision for such surveys was made in the act approved Feb. 15, 1811 (2 STAT. 617-621).

³⁴ Enclosures not present.

the name of a District Attorney seems essential in these cases, I could wish that my resignation should be considered as taking place on the 1st of February next. J. Brown

[Endorsed] Brown James resigns as Atty for Orleans ³⁵

REPORT OF THE POSTMASTER GENERAL TO CONGRESS

[PO:P.M. Letter Book P:E ³⁶]

Jan. 4. 1808

The Postmaster General, in compliance with the 30th section of the act to establish the Post Office,³⁷ respectfully reports: That the thirty following post-roads have been established more than two years and have not in the last year produced one third part of the expense of carrying the mail on the same. Viz

N ^o	Roads	Pro-ceeds of Post Offices.	Amount Paid for transportation.	Remarks.
30	Washington City & New Orleans	00	\$17,166.00	Estimated at \$17,166
	Washington			Estimated on another Route
	Athens			Do " do
	New Orleans			Do " do

The expenses of this Office in Supporting the foregoing Routes exceed the Postage derived from them, more than Twenty eight Thousand Dollars; but it is proper to remark that the Route N^o 30 from this place by Athens to New Orleans was established for the accommodation of Government, and altho' we have experienced many embarrassments in carrying the Law into effect, they have been finally surmounted. The Road to Fort Stoddert nearly completed; and the mail is transported with Speed and very considerable regularity.

All which is respectfully submitted G. G.

³⁵ Brown continued to serve as district attorney until Mar. 31, 1808 (GAO, Misc. Treas., Acct. No. 31714, 1816).

³⁶ Only items relating to Orleans Territory are here printed.

³⁷ Act approved Mar. 2, 1799 (1 STAT. 733-741).

PHILIP GRYMES ³⁸ TO THE PRESIDENT

[SD:Appt. Office Files:ALS]

MADISON, COUNTY, *Jan^{ry} y^o 15th 1808*

It is my Intention to depart from the State of Virginia in a few weeks for the District of Orleans, there to fix my residence—If there be any Office, now at the disposal of the President, the Duties of which I may be considered capacitated to discharge; and which will not be incompatible with my professional Pursuits; the grant thereof will be gladly rec^d, and the Duties thereof discharged with Fidelity to his Country by ³⁹

PHILIP GRYMES

[Addressed] Tho^s Jefferson President of the United States[Endorsed] Grymes Philip. Madison c^{ry} Jan. 15. 08. rec^d Jan. 19. for office in Orleans.

THE SECRETARY OF THE TREASURY TO JOHN BOYLE

[TD:Secretary's Files, ser. E, vol. v, 1806-1812:C]

TREASURY DEPARTMENT. *January 23^d 1808.*HON^{ble} JOHN BOYLE Chairman Land Committee.

SIR, I had the honor to receive your letter of the 20th instant ⁴⁰ requesting such information as may be in the Treasury Department, relative to the quantity and quality of lands belonging to the United States in the Orleans territory.

It is understood that the eastern district of that territory, included between the Iberville and the Lakes, the sea, and the Chafalaya or western arm of the Mississippi, is every year overflowed, with the exception of a narrow strip on the banks of the Mississippi and the several creeks or bayous which intersect the country.

Although the greater and most valuable portion of the land bordering on the water courses and fit for cultivation belongs to individuals, it has been stated that there still remained on the Chafalaya and several of the bayous, many unappropriated and although narrow yet very valuable tracts.

The remainder is at present an immense swamp, the greater part of which cannot be recovered without much labour and capital.

It is well known that the western boundaries of the western district are not ascertained; and the President has for the present directed

³⁸ Nominated U. S. attorney for Orleans, Feb. 19, and appointment confirmed, Mar. 17, 1808; nominated register for the eastern district of Orleans, Feb. 17, and appointment confirmed, Feb. 18, 1809 (*Senate, Exec. Journal*, II, 69, 73, 110, 111).

³⁹ A letter from Grymes to the Secretary of State, May 21, 1808, reporting his readiness to leave for New Orleans, is in NA(SD, Orleans Terr. Papers, IX).

⁴⁰ Not found.

that the surveys should not be extended west of a Meridian passing by Natchitoches.

The Surveyor General has reported that the tract included between that Meridian and the Chafalaya, and bounded on the North by the Red river and on the South by the Sea would probably contain from 180 to 200 townships or about four millions and five hundred thousand acres: from which quantity must be deducted the settlements of Attacapas and Opelousas, and those bordering on Red river. It is probably that this will leave near four millions of acres of public lands. The returns of ten townships only have been received at the Treasury; and the enclosed memorandum extracted from the field notes, will shew the general quality of the land contained in them.

I have no information relative either to the quantity or quality of the lands north of Red river.⁴¹ But I beg leave to refer you to the papers which I put in your hands on the subject of Bastrop's and Grand Maison's grants.

I have &c

JOHN THOMPSON TO JAMES BROWN

[LC:James Brown Papers:ALS]

OPELOUSAS *January 26. 1808*—

SIR In a Letter which I wrote to you about eighteen Months ago,⁴² I informed you, that M^r Gallatin had directed me to make application to you for any Papers, for which the Board of Commissioners for this District might have Occasion from the Publick Offices at New-Orleans; or for any Information which they might want on the Subject of the Land Claims—The late Law of Congress,⁴³ by the 4th Section of which, the Commissioners are empowered to decide according to the Laws and established Usages and Customs of the French and Spanish Governments, has occasioned us considerable Embarrassment and rendered much Information necessary—We have lately obtained from the Judge's Office of Atacapas, an Ordinance of Morales dated in 1799;—the Preamble to which, refers to several other Documents, which I think will be necessary to enable the Board to form a correct Opinion on many of the Claims that will come before them. If those Papers can be obtained from any of the Publick Offices at

⁴¹ A letter from Fitz to Pease, June 9, 1807 (GLO, Div. E, Miss. SG, vol. 52) asking when the surveys north of the Red River would be begun, was answered by the latter July 14, 1807 (GLO, Div. E, SG, 1790-1816), stating that there was no immediate prospect of commencing the work. Surveys of private claims in this district, on the Mississippi, were not begun until the fall of 1811 (Freeman to the Secretary of the Treasury, Oct. 8, 1811, GLO, Div. E, Miss. SG, vol. 53).

⁴² Not found.

⁴³ Act approved Mar. 3, 1807 (2 STAT. 440-442).

New Orleans, we should be very much obliged to you to procure them for us—In the last Article of the abovementioned Ordinance, it is declared, that that Instrument shall have full and entire Effect, untill it shall please his Majesty to order otherwise;—it would therefore be satisfactory to know, whether any Instructions had been received from the Court of Spain respecting it; and whether the Intendant was authorised to make those Regulations respecting the Granting of Lands—

I am, Sir, respectfully, Your most obedient Servant

JOHN THOMPSON

Documents referred to in Morales Ordinance, and Copies of which, the Board of Commissioners for the Western District, wish M^r Brown to obtain for them—

Arret rendu a San Lorenzo le 22. Octobre 1798—

Ordre du 24 Aout 1770—

Ordonnance des Intendance de la Nouvelle Espagne—

Reglement de l'annee 1754—

Reglement par M. le Comte d'O'Reylly le 13. Fev^r 1770.

Reglement par M. le Gouverneur, Don Manuel Gayoso de Lemos, le 1. Janvier 1798—

[Addressed] James Brown Esquire New Orleans—M^r Chretien.

BENEDICT VAN PRADELLES TO THE SECRETARY OF THE TREASURY

[SD:Appt. Office Files:ALS]

NEW ORLEANS *March 8th 180:*

SIR! By the untimely death of John Ward Gurley Esquire, the United States & this Territory have to lament the loss of an Officer, preeminent in Wisdom & Patriotism, which the almost unanimous sentiments of deep regret, manifested by our Citizens around his Tomb do evince in the most honorable manner

This Territory, besides the advantages flowing from a correct discharge of important official duty, was greatly benefitted by the dissemination of genuine & practical principles of Liberty wherein the exertions of that meritorious Citizen were unremitted & extensively Successful: The United States on their part, have reaped & will, as long as the office of Register entrusted to his care, shall endure continue to reap considerable advantages, the offsprings of the perfect arrangement he has established & untill his end upheld in it.

Under such circumstances, to become a candidate for that office, is probably to incur the imputation of arrogance; to this however, I oppose with confidence, my Zeal & my devotion, to the interests of

my Country; And feeling encouraged to hope, that I have merited its approbation, and that, therefore, the tender of my Services, if not accepted will not prove derogatory to my humble portion of merit, I beg leave to request, that if not repugnant to your feelings, You may be pleased to mention my name to the President of the United States, as such candidate, adding thereby one more to the many claims you have long since obtained to my permanent gratitude.

With lively sentiments of high esteem and ardent Wishes for your preservation to your Country & welfare for my private gratification, I have the honor to be Sir! Your most Obed^t h^{bl}e Serv^t

B: VAN PRADELLES

THE HON^{bl}e ALBERT GALLATIN Sec^y of the Treas^y of the U:S:

[Endorsed] Van Pradelles B. to be Register N. O.⁴⁴

GOVERNOR CLAIBORNE TO THE SECRETARY OF WAR

[NA:WD,AGO,Old Recs. Div.:LS]

NEW ORLEANS, *March 9th 1808.*

SIR, Your letter of the 3rd Ultimo,⁴⁵ advising me that Charles Morgan was directed to decline delivering the public' Buildings and their Dependencies at Point-Coupee, to the Civil Officer who demanded them, has this moment been received.—

I am sorry, sincerely sorry that Charles Morgan has received so flattering an answer to his Communications, because it will tend to render still more imprudent the said Morgan and two or three other Americans at Point-Coupee who have recently manifested a very disorderly disposition.—The real contest is between Charles Morgan and myself.—I am the Civil officer to which I presume he alluded, and I have to reproach myself for not having heretofore submitted the Case for your consideration,—for had it been done, I am persuaded M^r Morgan would not have accomplished his object—

The public Buildings at Pointe-Coupee, consist of an old wooden Building with 4 or 5 apartments, a Garden & thirty or forty acres of

⁴⁴ Claiborne recommended Robertson for this office (the President to the Secretary of the Treasury, Apr. 2, 1808, Adams, ed., *Writings Gallatin*, I, 383). John Watkins and John M. Pintard of New Orleans were also applicants, according to their letters to the President, Mar. 8 and May 2, 1808, respectively (SD, Appt. Office Files). Van Pradelles was nominated Apr. 6, and his appointment confirmed Apr. 7, 1808 (*Senate, Exec. Journal*, II, 79).

⁴⁵ Not found. Cf. the Secretary of War to Claiborne, Feb. 4, 1808, stating that the public buildings at Pointe Coupee were not to be delivered to the civil government without the sanction of the War Department (NA, WD, AGO, Old Recs. Div., Misc. Let. Bk. 3).

ground with a good inclosure.—When the French possessed Louisiana a Military Post was established at this Spot;—on the accession of Louisiana by Spain a Garrison was maintained at Point-Coupee until the fall of Baton Rouge;—But from that period, until the delivery of the Province to the U. States, the Building in question was the residence of the Civil Commandant and was by my orders (in my character as Commissioner and Governor) delivered to M^r Julian Poydras who was named the Civil Commandant for Point-Coupee under the American Government—M^r Poydras having comfortable Buildings of his own, did not occupy those of the U. States, but they were considered under his care.—In the fall of 1804, the People of Point-Coupee, apprehending an insurrection among the Negro's solicited a Military Guard, and Colonel Butler at my request detached a subalterne and thirty Men to take post at Point-Coupee, and the officer by my order, was placed in possession of the public' Buildings;—The post was maintained until December 1806, when it was evacuated by orders of General Wilkinson, and the officer Commanding at the period of evacuation (Ensign Syms) placed the keys of the Buildings in the hands of a M^r Charles Morgan (as he says) a young man, who had been appointed a County Surveyor.—In the Course of last year, the Legislature established Courts in the several Parishes, and laid out the Territory into five superior Court Districts, directing that the Superior Court of the third district should hold its sessions at Point Coupee.—Knowing that the public' Buildings at Point Coupee were not in the use of the U States—(and there being no House for the accommodation of the Courts procured by the Territory) I authorised the Parish Judge to take the same (the public Buildings) in his Charge, and added, that they might temporarily be appropriated as well for the Sessions of the Superior as the Parish Courts;—The Parish Judge reported, that the Buildings were occupied by a Doctor Goforth who received possession from M^r Morgan—Goforth was then directed by me, to retire from the same, which he ultimately did, but not until Morgan had promised the Buildings to a M^r Cooley who I believe took immediate possession.—knowing that neither Morgan or Cooley were agents of the United States, and discovering that they were acting a part calculated and designed to bring the Executive of the Territory into contempt, I addressed a letter to each, advising and requesting them not to resist the authority of the Parish Judge, whom I had required to take possession of the Buildings and to hold the same subject to the orders of the President of the U. States, or the Governor of this Territory—and that in the mean time, the sessions of the Superior and Parish Courts might be holden thereat.—To this request and advice Morgan & Cooley yielded—But not until they had endeavoured to excite on the occasion much discontent.—

You will excuse me for the above long recital; —I hope you will

suppose, that it is better to commit the public' Buildings in question temporarily to the care of the Governor of the Territory, than to Charles Morgan, who if ever he possessed the Confidence of the Government deserves to loose it from his late conduct.—If it is designed again to establish a Military Post at Point Coupee, or if the United States should appropriate the Buildings for any other public' use, they will be immediately delivered to the Agent appointed to receive them; But in the mean time I solicit, that they may be committed to my Care.—

I suspect Morgan and Cooley have been in Correspondence with General Wilkinson on this subject, and that they have not given a correct statement of the affair.—

Is it not better that the Buildings should be appropriated temporarily for the Sessions of the Superior & Parish Courts, and to be kept in good repair, than to the convenience or private emolument of Charles Morgan, or some one of his friends?—

Will you be kind enough to favour me with an early reply to this letter.—

I have the honor to be Sir, With great respect Yo: Mo: Ob^t Srvt
WILLIAM C. C. CLAIBORNE

THE HON^{ble} H. DEARBORN Sec^y at War.—

P. S. The Citizens of Point-Coupee are desirous to purchase of the U. States the public' Buildings, and their dependencies above alluded to—for the purpose of building on the vacant ground, a Court house and Jail, and they have thro' the Parish Judge, requested me to communicate their wish to the Government.—I shall advise, that a Court House be elsewhere without delay erected—In the mean time, if Morgan should repossess himself of the public' Buildings, the Courts must for the present hold their sessions in the private Chambers of some Citizen much better disposed to promote the public' convenience and interest than Charles Morgan.—At Point Coupee there are two parties—the one headed by Julian Poydras President of the Legislative Council, and M^r Dormenon the Parish Judge, who have with them more than two thirds of the People; the other party is headed by a Colonel of Militia, to whom Morgan, a M^r Cooley and the other Americans there 5 or 6 in number have attached themselves.—The Colonel of Militia calculated (I believe) on being appointed the Parish Judge, and Cooley lately lost his election to the assembly—I do not know the particular cause of Morgans displeasure—But his conduct as relates to the public' Building proceeds from party Spirit.—W. C. C. C.

[*Endorsed*] N. Orleans 9 March—1808. W. C. C. Claiborne relative to the buildings &c at Point Coupee. Reced 4 April 1808. to be concedered.—

THE POSTMASTER GENERAL TO DAVID CASE

[PO:P.M. Letter Book P]

March 11. 1808

DAVID CASE Esq. p. m. Natchitoches O. T.

Yours of the 4th of Feb. is received.⁴⁶

The many impediments to the regular transmission of the mail between your Office and Natchez, has forced us to abandon that Road, and to send the mail that was intended to be sent on that road by the way of New Orleans to your Office.

G. G.

 THE SECRETARY OF THE TREASURY TO WILLIAM GARRARD

[GLO:Div. C, Misc. Letter Book One]

TREASURY DEPARTMENT, March 19th 1808.

WILLIAM GARRARD Esq^re Comm^r on Land claims Opelousas.—now at Middletown. Jefferson County. Kentucky.—

SIR. I have the honor to enclose to you a Commission from the President of the United States, appointing you to be One of the Commissioners for ascertaining the rights to lands within the Opelousa District, and Territory of Orleans.—

As it is important that the President should be immediately informed whether you intend to accept the appointment, I will thank you to communicate your intention as early as possible.⁴⁷—

I am &c^a

⁴⁶ Not found.

⁴⁷ The following letters in support of Garrard's candidacy are in SD (Appt. Office Files): Trimble to Johnson, Oct. 26, 1807, and to Howard, same date; Talbot to Boyle, Oct. 28, 1807; and Cosby to Pope, Nov. 5, 1807. Letters from the following persons, *loc. cit.*, on the same subject, but not addressed, are: Christopher Greenup, Nov. 1, 1807; Richard Taylor, Nov. 14, 1807; James Taylor, Jr., Nov. 15, 1807; John Boyle, Dec. 5, 1807; John Pope, Dec. 9, 1807; Thomas Posey, Feb. 23, 1808; Norbonne Beale, Feb. 25, 1808; William Burwell and Burwell Bassett, Mar. 28, 1808. Two letters of application from Garrard, both of Nov. 14, 1807, also unaddressed, are found with the above. A letter of instruction from the Secretary of the Treasury to Garrard, June 30, 1808, is in GLO (Div. C, Misc. Let. Bk. One).

GOVERNOR CLAIBORNE TO THE LEGISLATURE ⁴⁸

[NA:SD, Orleans Terr. Papers, IX:C]

[March 31, 1808]

MESSAGE

From his excellency the Governor, to the House of Representatives, delivered on Thursday morning:

Gentlemen of the Legislative Council and of the House of Representatives.

I have considered with respectful attention, the following bills—to wit: “An act regulating the admission of attornies at law, and for other purposes”⁴⁹—and “An act supplementary to the act entitled “an act to regulate the duties of the treasurer of the territory of Orleans,”⁵⁰ neither of which I can, (in their present shape) approve.

As to the first bill, I object to the last section only.—A tax of five dollars on each suit determined in the superior court, (for such would be the operation of the act) is in my opinion unjust;—the salaries of the *superior judges* are paid by the United States; their *travelling expences*,* in attending the different circuit courts, are defrayed by the territory;—One dollar on each suit commenced in the courts over which they preside would remunerate the territory, *the sum thus expended*, & to a tax to that amount, I should not object—But there is certainly no good reason why a tax of any kind † should be imposed on suits determined in the several parish courts. Parish judges, other than the judge of New Orleans, receive no salary from the government, and therefore I do not think it correct, that these courts should be made sources of revenue—In the parish of New-Orleans, the judge is allowed an annual compensation of 1800 dollars, and by way of indemnity, there already exists a *tax of two dollars* on each suit commenced in his court, and there is no necessity for an augmentation.

It certainly is a wise policy “to cause justice to be administered speedily and cheaply, according to the laws.” While therefore I should be happy to reduce the costs of judicial *proceedings* to a reasonable standard, (and there are really just grounds for a reduction) I cannot sanction a principle, which would make *them* sources of revenue

⁴⁸ From the *Orleans Gazette and Commercial Daily Advertiser*, Apr. 2, 1808; covering letter, Claiborne to the Secretary of State, Apr. 3, 1808, printed, Rowland (ed.), *Claiborne Let. Bk.*, IV, 168. A list of the acts passed by the territorial legislature during the session ending Mar. 31, 1808, also appeared in this issue.

⁴⁹ Cf. act approved Mar. 31, 1808, by which applicants for admission to the bar were required to present a certificate from the judge of their parish, or from the governor or superior judge of the State from which they had come (*Acts, First Session, Second Legislature, Orleans, New Orleans, 1808*, pp. 128–139).

⁵⁰ Cf. act approved Mar. 31, 1808, *ibid.*, pp. 94–113.

*For which two thousand dollars are appropriated. [Footnote on the original.]

†The bill proposed a tax of two and a half dollars on each suit determined in the parish courts. [Footnote on the original.]

to the government, at least beyond the sum which is actually paid by the territory for the support of judicial institutions.

The law regulating the duties of the treasurer, is in my view, exceptional in that part, which directs the taxes to be paid "on or before the last day December." In many of the counties, particularly those on our western frontier, the citizens cannot prepare and convey their crops to market, but in the months of January, February and March, and the collectors of taxes, have very generally assured me, that until the crops are sold, the taxes could not be collected, without subjecting the people to serious inconvenience.

The proposed law imposes on the treasurer a duty to cause the taxes to be duly accounted for, and to this effect, he is vested with authority to issue execution against all defaulting collectors and their securities.—Under an impression therefore, that the citizens, with the best dispositions to discharge the public dues, could not conveniently meet *them*, by the time proposed, and that the several collectors will not be enabled to avoid being proceeded against by the treasurer, without enforcing the collection with a degree of rigor which in some counties would prove oppressive, I am induced to withhold my approbation to the measure.

WILLIAM C. C. CLAIBORNE.

New-Orleans, March 31st, 1808.

GOVERNOR CLAIBORNE TO THE LEGISLATURE ⁵¹

[NA:SD, Orleans Terr. Papers, IX:C]

[March 31, 1808]

Gentlemen, I have nothing farther to submit for the consideration of the legislature, and therefore do not object to the proposed adjournment. Speedy publicity will be given to the several laws which have been enacted; nor shall anything be wanting on the part of the executive to insure their faithful execution. The "Digest of the Civil Laws now in force in the territory of Orleans," shall be printed with all convenient dispatch. The gentleman on whom that work principally devolved, has evidenced a great share of zeal, and has, I am persuaded, ably and faithfully discharged the trust reposed in him; I much fear, however, that the English copy will be found incorrect; the translation from the French seems to have been hastily prepared, and, in some instances may probably be at variance with the original; but as both texts are directed by the act of the legislature to be referred to, I trust no serious inconvenience will arise.

The civil code of the territory contains a number of excellent *principles*, which I trust will long be preserved: but there *are others*

⁵¹ Taken from the newspaper cited above.

which should yield to those changes in the science of jurisprudence, approved by experience and sanctioned by the wisdom of the most illustrious statesmen. These just innovations will be directed by succeeding legislators; they will have a view "of the whole ground," and can best determine what part is susceptible of improvement. In the mean time a want of information as to the laws in force, heretofore a source of such general embarrassment, will no longer exist;—the code will serve as a guide for the magistrate and the citizen; and, while every member of our society will possess the means of acquiring a knowledge of his civil rights, he will be the better enabled to judge in what manner they may be enlarged, or what farther measures are necessary for their security.

Receive, gentlemen, for yourselves, and be so good as to bear to the members of your respective houses, the assurances of my respect, accompanied with my best wishes.

WILLIAM C. C. CLAIBORNE.

New-Orleans, March 31, 1808.

THE POSTMASTER GENERAL TO JAMES STERRETT

[PO:P.M. Letter Book P]

April 4th. 1808

JAMES STERRETT Esq^r City of New Orleans

I have received yours relative to the Post Office at New Orleans,⁵² and can only reply that M^r Cenas has not resigned, and that I do not consider the two Offices incompatible.

G. G

THE SECRETARY OF THE TREASURY TO SECRETARY ROBERTSON

[GLO:Div. C, Misc. Letter Book One]

TREASURY DEPARTMENT *April. 15th 1808.*

THOMAS B. ROBERTSON Esq^r Commissioner &^{ca} New Orleans.

SIR. Enclosed I transmit to you a Commission from the President of the United States, appointing you to be "a Commissioner for the purpose of ascertaining the rights of persons to Lands, within the Eastern part of the Territory of Orleans."

As it is important that the President should be immediately informed, whether you intend to accept the appointment, I will thank you to signify your determination to this Department as early as possible.—

I am &^{ca}

⁵² Not found.

THE SECRETARY OF THE TREASURY TO BENEDICT VAN
PRADELLES

[GLO:Div. C, Misc. Letter Book One]

TREASURY DEPARTMENT *April*. 15th 1808

BENEDICT, VAN, PRADELLES. Esq^o Register &* New Orleans.

SIR. Enclosed I transmit to you a Commission from the President of the United States, appointing you to be Register of the Land Office of the U. S. in & for the Eastern part of the Territory of Orleans, and have to request that you will immediately qualify yourself by taking an Oath to support the Constitution of the United States and for fidelity in Office, with a bond executed by yourself & one or more good sureties, in the sum of ten thousand dollars. A form of the bond is enclosed.⁵³

I am &^{ca}

GOVERNOR CLAIBORNE TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div.:LS]

(Private)

NEW-ORLEANS, *April* 21st 1808.

DEAR SIR, I lately descended the Mississippi, as far as Fort S^t Phillip at Plaquemine; —The scite of that Fort is an eligible one; it commands the River, and covers the settlements, since below Plaquemine, there are no settlers, nor does the Land admit of cultivation.—The Engineer (Captain Armstead) contemplated making considerable improvements at Plaquemine; —His plan, as laid down on paper, seems to combine elegance with strength; but I am inclined to think, it is on too extensive a scale, & that its completion, would cost more money, than the Government would be willing to appropriate to that object.—Two or three days, previous to my visit to Plaquemine, a Colo: Foncin called at my office, & shewed me a correspondence with you, from which it appeared that, that Gentleman, had been selected to superintend the fortifications at or near New-Orleans, and that his instructions would be forwarded on to him.—I invited Colo: Foncin to accompany me down the River; which he promised to do, but was prevented by Indisposition; —On my return to the City, Mr. Foncin informed me of his intention to return immediately to Philadelphia, assigning for reason the unhealthiness of the Climate, the great expense of living, his advanced age, & incapability of undergoing labour either of mind or Body.—I endeavoured to prevail on him to continue in the Territory, at least until your instructions had arrived; —But his determination was fixed, & he has (I am told) taken his passage in a Vessel for Phila-

⁵³ Answered May 30, 1808 (GLO, New Orleans, Reg. and Rec. Let., xxii), stating that he had furnished the bond required.

delphia, which sails on tomorrow.—M^r Foncin may be an able Engineer, & has no doubt given proof of his Talents, or he would not have been honored with your confidence; —But it seems to me that his mind is, (at this time) in a very unsettled state; his conduct here, to say the least of it, has evidenced a great share of weakness.⁶⁴

Perhaps the fortification designed by Captain Armstead may not be unnecessarily large;—that officer appears to possess good Judgment, & considerable knowledge of his profession; But my impression is, that a much smaller work, would have commanded the River, & might be rendered impregnable to such force, as in the event of War, is likely to be brought against it;—in one thing however, I cannot be mistaken, & that is, the very great expense, which will attend the fortification at Plaquemine;—Calculate the expense of a similar work in any state of the Union, & then make an addition of fifty per cent, & you will fall far short of the real expenditure at Plaquemine.—But on this particular point, the military agent, can give you accurate information.—

A work at the English Turn, is desirable;—The Fort at Plaquemine, may with a leading breeze and under cover of the night, be passed—But under no circumstances, could a Vessel evade a Battery at the English Turn.—

I am enclined to think that the manufactory of Brick, established by the Military Agent, will not be found an economical arrangement;—the high price of labour, the great indolence of labourers in this climate, united to that want of exertion, which persons employed by the Public' by the month or day so often manifest, will tend to enhance the expense of the establishment—I mean no reflection on the Agent; I have noticed with pleasure, his zeal for the public' service—But while on my way to Plaquemine, I called at the U. States Brick yeard, and my impression is, that it would be the most economical plan to obtain a supply of brick by private contract.

The commandant of the Garrison at New-Orleans, Major M^cCrae, is certainly a very attentive officer; he has the Barracks, Hospital &c in excellent order & the arsenal seems to occupy much of his attention.—Arms in this Climate, very soon receive the Rust, and unless they are carefully & frequently handled, in a short time become unfit for use—of this Major M^cCrae is well aware; but his force (two small

⁶⁴ Concerning Foncin, see Abrahams to the Secretary of War, Apr. 26, 1808, enclosing Foncin to Abrahams, Apr. 11 and Apr. 14, and Abrahams to Foncin, Apr. 13, 1808; Foncin to the Secretary of War, Mar. 28, Apr. 23, 1809 (NA, WD, AGO, Old Recs. Div.); the Secretary to Foncin, May 22, 1808, Apr. 30, 1809, and to MacRae, May 25, 1807, May 22, and June 6, 1808, *ibid.*, Mil. Bks. 3 & 4. Concerning the New Orleans fortifications, see Claiborne to the Secretary of War, Mar. 17, and July 11, 1808; MacRae to *id.*, May 17, July 10, July 24, Aug. 14, Sept. 29, and Nov. 16, 1808 (NA, WD, AGO, Old Recs. Div.), and the Secretary of War to Claiborne, June 27, 1808, *ibid.*, Mil. Bk. 4.

companies only) is too inconsiderable to enable him to maintain the necessary Guards, & to pay all due care to the Arsenal, & indeed without the assistance of Armorers, many of the arms must remain in their present damaged state.—

The Territorial Legislature have adjourned without amending the Militia system;—the fines therefore continue so low, that general attendance at Musters cannot be enforced, & it will be impossible for me to place the militia on that respectable footing, I so ardently desire.

We have heard nothing lately of Burr;—many of his friends, are still in this Territory;—Alexander has left New-Orleans & Kerr it is said proposes to return to Ireland;—But Borkman [Workman?] continues here in the practice of the Law & Bolman of Physic';—There are Rumours that the conspirators have not yet abandoned their object—but I can learn of no movements, which merit attention;—I nevertheless, esteem it prudent, to keep a watchful Eye, over the conduct of these Parricides.

Governor Folch of Pensacola complains heavily of the Embargo; in a private letter from him,⁵⁵ he acknowledges to me a great scarcity of provisions;—I suspect he will very soon be amply supplied, for notwithstanding the vigilance of the Revenue officers, I have reason to believe that a quantity of provisions are conveyed to a Foreign Market—But by the way of Bâton Rouge, Pensacola can at any time receive supplies. Governor Folch (while he was in New-Orleans the last winter) informed me, that he had near 1500 Regular Troops at Pensacola, & that he could make a formidable resistance to an Attack by sea—A Rumor of a visit to Pensacola by the English gave rise to the conversation; but I suspect Gov^r Folch's force is not as great as he represented it—I have reason to believe, that there are not more than 600 Regulars, at Pensacola and the Militia must be inconsiderable—

I am D^r Sir, With great respect & Esteem Y^r hble Servt

WILLIAM C. C. CLAIBORNE

THE HON^{ble} THE SECRETARY OF WAR.

[*Endorsed*] Private New Orleans, April 21st 1808. William C. C. Claiborne,—relative to Fortifications at Plaquemine and English

⁵⁵ Cf. Folch to Claiborne, Feb. 11, and the latter's reply, Feb. 16, 1808, enclosed in Claiborne to the Secretary of State, Feb. 17, 1808 (Rowland, ed., *op. cit.*, iv, 156–160). Concerning the enforcement of the embargo and revenue laws in the Territory, see Brown to the Secretary of the Treasury, Jan. 4, Jan. 10, Jan. 25, Jan. 28, Feb. 6, Feb. 17, Mar. 14, Apr. 8, May 25, June 1, June 15, Aug. 8, Aug. 26, Sept. 9, Dec. 23, 1808, and the Secretary to Brown, Oct. 7, 1808 (TD, Secretary's Files, Collectors' Lets., N. O., 1804–1833), and to the President, Feb. 29, 1808 (Adams, ed., *Writings Gallatin*, i. 373–374).

Turn;—Col^o Foncin;—disapproves Brick manufactory there for Public account;—speaks of several characters who were implicated in “Burr’s conspiracy”, &c.—

J. MOREAU LISLET TO THE SECRETARY OF STATE ⁶⁶

[NA: SD, Orleans Terr. Papers, IX:ALS]

NEW ORLEANS *May* 1st 1808

JAMES MADISON Esq^r Secretary of State

SIR I have duly received your letter of the 18th of March last,⁶⁷ including the Commission of Judge of the Superior Court of the Territory of Orleans, which the President of the United States has been pleased to bestow on me. it is with sincere regret that I Feel under the necessity of Declining to accept that honourable station, my situation in life being such as to make it impossible for me to maintain my family with the salary attached to that office. I pray you to assure the President that I value, as I ought, that token of his Esteem and would have been happy to accept the Commission if so insuperable an obstacle had not forbidden it.

Permit me to avail myself of this opportunity to express the almost General wish of the inhabitants of this Territory and my own sanguine expectation that you may be the successor of our worthy President.

I am with Great respect Sir your most humble and obedient Servant
J. MOREAU LISLET

THE ORLEANS NAVIGATION COMPANY TO THE
PRESIDENT

[LC:Jefferson Papers:DS]

NEW ORLEANS *May* [blank] 1808.

SIR, We, the Orleans Navigation Company, with the most profound sentiments of respect, beg leave to approach you, to tender our grateful thanks for the munificent grant made us by Government, of the lands necessary to the Continuing the Canal Carondelet to the river Mississippi, through the City Commons; and also for the assurances Conveyed to us by the Honorable Dan^l Clark, that, when the

⁶⁶ Covering letter, Claiborne to the Secretary of State, May 13, 1808, printed, Rowland (ed.), *op. cit.*, IV, 173.

⁶⁷ Not found. Lislet was nominated Feb. 19, confirmed Mar. 10, 1808, to succeed William Sprigg, resigned (*Senate, Exec. Journal*, II, 69, 72). Lislet’s commission, Mar. 14, 1808, is in SD (Misc. Perm. Comms., C). Sprigg had recommended Adam Beatty, of Washington, D. C., as his successor (Chambers to Graham, Oct. 21, 1807, SD, Appt. Office Files).

Canal shall be so continued, Government will defray the Expences of the lock necessary to unite it with the River.⁵⁸

Such generous grants evince your unremitting attention to whatever may benefit the country happily placed under your administration; and particularly the interest you take in the prosperity of our Corporation. But if they encourage us to entreat a Continuance of your patronage, and protection, we hope in so doing we may not be thought importunate nor presuming.

Our Capital is limited by its Charter to the sum of Two hundred thousand dollars, divided into two thousand shares of one hundred dollars each: of these, fifteen hundred and eighty seven shares have been subscribed, but by reason of deaths, removals, failures, & other causes, but fourteen hundred and fifty eight shares remain effective; and the operation of similar causes may still farther diminish that number.

It was lately found necessary to convene a general assembly of the Stockholders, and the report made to them by the president of the Board of directors contains such a clear, and simple Statement of the receipts, expenditures and progress of the works; and of the causes which have hitherto retarded the deepening of the passage from the Bayou S^t John into the lake Pontchartrain, that we take the liberty to transmit it herewith for your inspection, as a most important document.⁵⁹

Our Charter restrains the imposition of Toll, untill the water shall be such at the Bar, or Pass of the Bayou, that vessels drawing three feet water french measure, may pass in and out at the lowest tides. The Company is now happily arrived at that moment and a Toll of sixty two and an half cents p^r Ton will be collected from and after

⁵⁸ Sec. 3 of the act approved Mar. 3, 1807 (2 STAT. 440-442), granted the claim of New Orleans to the city commons on condition that the canal company be given a right of way through them. The advantages to be derived from the completion of the Carondelet Canal were discussed in a report on roads and canals by the Secretary of the Treasury of Apr. 4, 1808, communicated to the Senate, Apr. 6, 1808 (*A.S.P., Misc.*, I, 724, 733, 737). The construction and financing of the canal were discussed in letters of the President to Fulton, Aug. 16, 1807, to the Secretary of War, May 12, July 18, and to Claiborne, July 9 and July 17, 1808 (*Writings Jefferson*, mem. ed., XI, 327-328; XII, 54-55, 80-81, 96-98, 101-102).

James Pitot's report to Claiborne on the progress of the construction of the canal, Sept. 4, 1808, was forwarded to the President by Claiborne in a letter dated Sept. 1, 1808 (NA, WD, AGO, Old Recs. Div.; the covering letter is printed, Rowland, ed., *op. cit.*, IV, 202-208). A letter from Pitot to Claiborne, Sept. 9, 1808, on behalf of the navigation company, asking for Claiborne's continued support of the project, is also in the Jefferson Papers (LC). The act approved Feb. 10, 1809 (2 STAT. 516-517), appropriated \$25,000 for the extension and deepening of the canal to permit the passage of gunboats from Lake Pontchartrain to the Mississippi.

⁵⁹ Not present.

the tenth—day of June next from all vessels navigating the Bayou from the drawbridge to the lake.

We also take the liberty to transmit herewith a plan,⁶⁰ which will serve to shew the actual State of the works projected into the lake, and what remains to be done to complete the Jetté on the East side. Altho the Charter requires no more than three feet water, yet it is the intention of the Company to keep the machines at work, untill there shall be four feet water french measure at the lowest tides, and to preserve that depth.

Our next efforts will be directed to the deepening and widening the Canal Carondelet and its Bason near the City Hospital; an operation which can be quickly and effectually done; and then it will be practicable for vessels drawing much more than four feet water to pass up to the city, as it very seldom happens that the waters are at, what we call, “the lowest tides.”

When it is fairly considered how short a time this Province has been permitted, or encouraged to exert itself in publick works; the difficulty of persuading some to embark in undertakings, which however useful to the community at large, give no immediate interest for the money disbursed; and to make others sensible of the utility of enterprises which they had never witnessed, and scarcely heard of: when alarms at home, and abroad, have rendered the cautious still more fearful, and repressed the spirit of the most enterprising citizens, it will be found more a matter of surprise, that so much has been done, than that more has not been accomplished.

We beg leave to state to you, that we have not the smallest hope of filling up the subscription among the immediate inhabitants of this Territory, we find the greatest difficulty in procuring payment of the instalments call'd for; and in many instances have been compelled to resort to the force of laws. It is a melancholy truth that nothing but the unwearied exertions of the directors has prevented the whole undertaking from falling to the ground.

But the Board is now certain of effectually accomplishing their first object, the unimpeded navigation, of vessels of considerable Burthen from the Ocean to the city by way of the lakes; and the consequent receipt of an ample revenue for the capital expended. From the talents and exertions of the Engineer, to whom has been confided the completion of the Eastern Mole, and the Consolidating the part already erected, it is confidently believed, that important work will be terminated in the month of September next at farthest.

The actual State of the Canal Carondelet, is such as to preclude all possibility of navigation; and vessels are compelled therefore to discharge their cargoes at the drawbridge of the Bayou, distant about

⁶⁰ Not present.

Two English Miles from the city rampart. the regulated price of a load transported by a cart from the bridge to Town is one Dollar and Twenty five cents; consequently the vessel whose cargo is to be conveyed, may be said to pay a Toll of Two Dollars and fifty cents p^r Ton, from the Bridge to the city, besides suffering great inconveniencies and delay. From the want of hard materials our Roads are liable to great injury by rain and for more than Two months during last winter, the Bayou road was in some places impassable even for light Carriages of pleasure. It is worth remarking also, that the chief articles imported from the lakes are of great weight and volume, but of little value, therefore ill calculated to bear a Tax so heavy. It is therefore no unfounded calculation that every vessel will gladly pay a Toll for permission to pass from the Bridge to the City by water. That Toll is limited by charter to one Dollar per Ton, but it is Supposed that a lesser rate will pay ample interest for the capital necessary for the improvement of the canal.

Nevertheless with this fair prospect of revenue before us, we have no hopes of being able to run a new canal from the Bason to the river, as laid out according to the plan herewith transmitted,⁶¹ without foreign aid, and we therefore respectfully pray that Government will grant us a loan of fifty thousand dollars, or take to itself the shares remaining unsubscribed for, under such precautions for its security, and under such regulations and restrictions as in its wisdom it may see fit. We also pray the Government to grant us the site of the now ruined Fort S^t Louis for the purpose of making a Bason, reckoning from the Top or Summit of the covered way all round. We are persuaded that oversight alone prevented this necessary object from having been included in liberal grant already made.

We also pray Government to grant us a Small tract of land on the East side of the Bayou S^t John opposite the Fort thereof, for the purpose of a deposit for Stores and materials necessary for the works, and for the residence of our collector, that is to say one acre or 180 feet fronting on the Bayou, and three Acres deep, being part of the land reserved by the former Government for its own purposes.

We beg leave to call your attention to the advantage the Government may derive from the facility of passing gun Boats, or other small national vessels, between the lake and the river. The Gun Boats as at present constructed, with their guns and all necessary Stores on board, draw from four to Six feet English measure and such, by taking advantage of High tides might be passed through in Two hours; and if it should even be found necessary to lighten in order to pass with more ease, we would always be happy to furnish whatever Craft, or other means we may have, to aid therein. The

⁶¹ Not present.

Mole too, when completed will furnish a safe and convenient Harbour in case of need to the Government vessels.

The Tides in the lake Pontchartrain are chiefly occasioned by the winds. In moderate weather they vary from four to Twelve inches, but in violent gales from the Eastward have risen to three feet from the level of the lowest tides; or low water mark.

We entreat you, Sir, to pardon this intrusion on your valuable Time. We are well aware how much your attention must be occupied by the weighty cares of Government at this moment of danger. But we still hope you will Find a moment of leisure to weigh the requests we now make, and if they be found to merit it, to recommend Them to the Congress of the United States; and we Conclude—

With our most ardent wishes for your personal Happiness
On Behalf of the president directors and company—

J^s PITOT
President

Attest^d JN^o GOURJON Secretary—

THOMAS JEFFERSON Esq^o president of the United States of America
Washington City

[*Endorsed*] Pitot James et al. N. O. May. 08. rec^d July 13.

MEMORIAL TO CONGRESS FROM INHABITANTS OF
POINTE COUPEE

[NA:SF, 10 Cong., 2 sess.:DS]

[June 9, 1808]

To the Honorable, the House of Representatives & Senate of the United States.

The Memorial of the Inhabitants of the Parish and County of Pointe Coupée in the Territory of Orleans most Respectfully and humbly Sheweth;

That

From time immemorial, untill about thirty years from this Period, a Quantity of Land Situate on the Great Bayou and Bayou Maringouin in the Said Parish has been annually inundated and unsuitable for Cultivation. That the Said Inhabitants did at great trouble and expence Levee the bank of the Mississippi River whereby they have rendered the Said Lands Suitable and fit for Pasture and Cultivation. That at the time the said Lands were subject to be inundated and before the making or erecting the said Levee Several of the Inhabitants owned and yet do own Small tracts of Land adjacent to the said Lands Reclaimed by their labor and industry &^o Each of which is not of Quantity or extent Sufficient for Cultivation to Support a Family. That at the Period when the said Inhabitants put them-

selves to the Trouble and expence to prevent the said Lands from future Inundations and to Render them fit for Cultivation they then and ever since that time hoped that Government would grant unto them the said Lands as a Compensation or an Indemnification for their Expences and Trouble and as an appendage to their Small Tracts of Land adjoining to the lands formerly Inundated. That in full faith and Confidence that the Government would reward their Care and Industry thus exerted and rendered for the General Benefit of the public; they have for the said thiry years kept the said Levee in Repair. The Quantity of Land thus Risqued from Inundation and made Valuable by the Industry Care and expence of the said Inhabitants, will, if divided between the Claiments give to Each of them but a Small portion or dividend; and, altho the share of each Claiment will be Small yet that addition will be of great importance to the propriators of small tracts, and will render their scanty Pittance sufficiently learge to Support their Famalies by Cultivation &^{ca}.

Your memorialists being warmly attached to the Constitution and Government of the United States by Principle, duty, inclination and Interest; and in full Confidence that their Just Claim to the said Lands will be Ratified by the United States in Congress Convened:

Therefore your Memorialists Pray that the said Lands may be Secured unto them by a Law of Congress to be passed or [L.S.] enacted for that purpose Either Granting to your Memorialists the said Lands as a Donation or Compensation for the Industry Care and expence they have been at in Rendering the Said Lands Suitable for Cultivation or that the honorable the house of Representatives and Senate will Grant to the said Inhabitants the Right of preemption to the said Land and Seting the price per Acre to a low and Reasonable Rate &^{ca} &^{ca} &^{ca}

And your memorialists in duty bounden will ever pray &^{ca}

POINTE COUPÉE *June the 9th 1808.*

J Poydras & others
 B Poydras De Laland ⁶²
 Vignes
 Vⁿ Allain
 A^{re} Le Blanc
 Joseph Le Blanc oncl
 C. Le Blanc oncle
 O. Le Blanc oncle
 Pilot hermite
 P^{re} Lauranc
 Leblanc fils
 De Villeneuve
 Le Blanc
 Térance le Blanc
 valerien le blanc

J Thibaut
 Amelie allain
 Octavine Leblanc
 Octave Leblanc
 J^{ph} Betrons
 Henry Lüdeling
 S Sabin
 Conr. Witman
 C. B. Hräfhe
 Pétromny
 Poiret
 Pre. fcis De L'Espenasse
 Jⁿ B^{te} Juge Jr 1
 M. Bourgeat
 secundus Pamias

⁶² Reading uncertain.

nicolas lacour	P. Dormenon
V ^{en} ledoux	Disjan
Le Doux	Pourciau pere
vallerien Ledoux	A. Planché
J ^p ledoux	V ^e Bourgeat
F ^r Chessé	Narcisse Bourgeat
B ^d La Biche	A ^{tin} Bourgeat
F Tounoir	V ^{ne} Lacour
F ^{ois} Legros	Lement Lacour
B ^t Tounoirs	Piere Lacour
Billon	Ch ^e Dufour
p ^{re} Décuir	C ^e Dufour fils
Saizan pere	Narcisse Carmouche
Jn Bte Décuir	hiacinthe Chitz
Char Saizan	Philippe Robillard
Jh Euetes	Charles le jeune fils
F ^{ois} Darnal fils	Josan Joffrian
hubert Le Jeunce	La Barthe De Lisle
J ⁿ B ^{te} Saizan fils	F ^{ois} Le Beau
Pour mon père.	D ^{is} Remondet
hélène gosserand	john mercier
J ^{on} Bourgeat	Guillotte
Vignes fils	P: Vincent Bouis
C ^{re} Bourcier	F. H. Vincent Bouis
J ⁿ B ^{te} porche	V ^t Bouis
Joseph Porche	A ^e V ^t Bouis
Louise Beauvais	J. B ^{te} V ^t Bouis
Barde	P ^r E. V ^t Bouis
A ^d Beauvais	

[*Endorsed*] 2 sess. 10 Cong. L. Memorial from inhabitants of Point Coupee praying a grant of certain lands &^e 1809 Feb. 13.⁶³
To lie.

=====

BENEDICT VAN PRADELLES TO THE SECRETARY OF
THE TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, XXII:LS]

NEW ORLEANS *June* 11th 1808

SIR: On the first of this month I did myself the honor of adressing to you my acceptance of the office of Register of the land office for the Eastern part of this Territory inclosing the bond of office required by law, & informing you that I had qualified myself before the Governor in conformity with your instructions.⁶⁴

This done I advertised that the Registers office was open for the reception of land claims, and addressed to the Deputy Registers a

⁶³ Communicated to the Senate by the President this date, and ordered to lie for consideration (*Annals*, 10 Cong., 2 sess., 347). Preemption rights were granted by sec. 5 of the act approved Mar. 3, 1811 (2 STAT. 662-666).

⁶⁴ May 30, 1808 (GLO, New Orleans, Reg. and Rec. Let., XXII).

circular letter, requesting them; if on account of the late vacancy in the Registers office, they had interrupted their operations, to resume them and to continue them in conformity with past instructions: to give me their opinion relative to the quantity & quality of the vacant lands in their respective districts: And also informing them that no authority existed at present to grant permissions, to settle on congress' land in this Territory which I was told had been done.

As, by the late vacancy of the Registers office, the period for filing land claims has been rendered shorter in this district than that of the other districts governed by the same land laws, I think it my duty to inform you of the duration of that vacancy: It began on the 4th march the day of the unfortunate loss of my worthy predecessor & finished on the 24th May the day of my qualification for that office.

About 700 claims have been filed in three out of the four Deputy Registers districts, of the claims filed for the County of Pointe Couppee & the upper part of that of Yberville, I have no information at present; In this office One hundred & Eighty three claims have been filed under the first law, One hundred & forty eight under the second law & fifty under the third.

It will soon be in my power to communicate to you an account of the number of taxed estates & tracts of land in my district whereby you will be enabled to Judge of the expediency of recommending any farther prolongation.

There is no doubt but the ridiculous belief of returning under the Dominion of Spain, has produced the popular reluctance of registering land claims and however diligent & skillful may have been & still be the friends of Government to dissipate that absurdity yet it seems only partially effected, & every political incidence which affords the smallest grounds to such a construction, revives for awhile the half destroyed opinion, which nothing but time will destroy.

Only Fourteen applications for permissions of settlement under the law of the 3rd March 1807, are in this office, and these are all from the county of Pointe Couppee & fronting on the Mississippi Whether or not these permissions have been granted, or any other applications made to the Deputy Registers I know not, but will enquire & communicate to you the result of my enquiries

I have the honor to be with the highest consideration & esteem.
Sir: Y^r most obed^t & h^{bl}e Serv^t

B. VAN PRADELLES

HON^{bl}e ALBERT GALLATIN Secretary of the Treasury of the United States

[Endorsed] New-Orleans June 11th 1808 B. Van Pradelles—Register, of the Land-Office—

GOVERNOR CLAIBORNE TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div.:LS]

NEW-ORLEANS, *June 16th 1808.*

SIR, The Militia of this Territory have relapsed into a state of great inactivity, and indiffer'ence:—To rouse them from this Apathy, and to inspire some Military Ardor, I have issued General orders of which the inclosed are Copies,⁶⁵ and addressed to the several officers commanding Regiments, Battalions & Companies, a letter a copy of which is also enclosed.⁶⁶

I am Sir, with great respect Yo: mo: ob^t serv^t

WILLIAM C. C. CLAIBORNE

THE HON'BLE THE SEC^y AT WAR.

[*Endorsed*] New Orleans 16 June 08 W^m C. C. Claiborne—Enclos^d
Copies of genl. Orders issued to the Militia Reced 23 July 08

[Enclosure]

General Order by Governor Claiborne

(Circular.)

New-Orleans, June 16th 1808.

SIR, The enclosed General Order^{66a} will I hope be faithfully executed.

The sentiment of the American nation is opposed to standing armies, nor will the wisdom of the government, permit a greater regular force, than is sufficient to garrison our frontier posts, and the most exposed of our sea-ports.—A well regulated militia has always been esteemed the best resource of a free people, and is relied upon by the United States as the *surest bulwark* of National defence.—That the Militia of this Territory should therefore be well organized and disciplined is at all times desirable, but more especially so at a period, when rights the most essential to our welfare have been violated, and “Maxims consecrated by time, by usage, and an universal sense of justice are trampled on by superior force.”—At this eventful crisis, when the *ravages of war and of revolution* are “desolating the works of ages,” and peaceful and unoffending nations in moments of the most fancied security, are assailed by the hand of violence, the strength of United America should be arrayed at every point, and each citizen

⁶⁵ In printed form, the English and French texts on facing pages. A copy was also sent to the Secretary of State, by Claiborne, June 21, 1808 (Rowland, ed., *Claiborne Let. Bk.*, iv, 179–181).

⁶⁶ Not present. Concerning the militia, see Claiborne to the President, Sept. 17, to King, Nov. 1, to Poydras, Nov. 2, to the U.S. Naval Officer at New Orleans, Nov. 10, to Mather, Dec. 6, and to Fouche, Dec. 9, 1808, *ibid.*, pp. 217–219, 236–237, 249–250, 265, 267.

^{66a} In the form of a printed handbill dated June 10, 1808, directing weekly exercise and inspection of companies of Orleans Volunteers.

prepared to cover with his shield our beloved country. The freemen of this Territory, subject to Militia Duty, will then I am persuaded repair with promptitude and pleasure to the field of exercise, for, without some previous military discipline and knowledge of tactics, a band of citizen soldiers however courageous and patriotic, are illy calculated to combat with success, veteran armies.—This Territory from its peculiar local situation is exposed on all sides to perilous casualties, and in the first moments of danger, whether from within or without, we must depend upon ourselves for the means of defence. Adequate succour would most unquestionably be promptly afforded from the Western and Atlantic States; but in our remote and isolated position, it behoves us to be prepared to resist the first onset—To enlarge further on this subject is unnecessary; it embraces the best interests of our society, and should unite the hand and heart of every good citizen.

I am Sir, very respectfully your humble servant,

WILLIAM C. C. CLAIBORNE

[French text]

(Circulaire.)

Nlle.-Orléans, le 16 Juin 1808.

MONSIEUR, Les Ordres Généraux ci-inclus seront, je l'espère, fidèlement exécutés.

Le sentiment de la Nation Américaine est contraire à l'établissement des armées de ligne, et la sagesse du Gouvernement ne permet pas une force régulière plus grande que celle qui est nécessaire à la garnison des postes de nos frontières et de nos ports-de-mer les plus exposés. Une Milice bien réglée a toujours été regardée comme la meilleure ressource d'un Peuple Libre, et les Etats-Unis y comptent comme sur le *boulevard le plus inexpugnable* offert à la défense nationale. Que la Milice de ce Territoire soit bien disciplinée et bien organisée, c'est ce qu'on doit désirer dans tous les tems, mais surtout à une époque où les droits les plus essentiels à notre prospérité sont ouvertement violés, et où "les maximes consacrées par le tems, par l'usage et par le sentiment universel de la justice, sont foulées aux pieds par le seul argument de la supériorité de la force." Dans cette crise, remplie d'événemens, lorsque les *ravages de la guerre et de la révolution* répandent au loin la désolation sur les ouvrages des siècles, et que, tombant sur elles à l'improviste, le bras de la violence attaque des nations paisibles et innocentes, jusqu'alors bercées par une sécurité imaginaire, la force des Etats-Unis d'Amérique devrait être prête à se porter sur tous les points et chaque citoyen devrait être préparé à couvrir notre chère patrie de son bouclier. Je suis donc persuadé que les hommes libres de ce Territoire se rendront à la place destinée à l'exercice, avec plaisir et avec empressement; car sans la discipline et sans une connaissance préalable de la tactique

militaire, une troupe composée de citoyens-soldats, quelque courageux et bons patriotes qu'ils puissent être, ne saurait combattre avec succès une armée de vétérans. Ce Territoire, par ses localités et par sa situation particulière, est exposé à différens coups-de-main, et dans les premiers momens du danger, soit de l'intérieur, soit de l'extérieur, nous ne devons, pour nos moyens de défense, compter que sur nous-mêmes. Nous recevrons indubitablement des pays de l'Ouest et des Etats de l'Atlantique des secours suffisans, mais dans notre position éloignée et isolée, il nous convient d'être prêts à résister à la première attaque. Il serait inutile de m'étendre d'avantage à ce sujet: il est étroitement lié aux intérêts les plus chers de la société et il doit unir les bras et les cœurs de tout ce qu'il y a de bons citoyens.

J'ai l'honneur d'être avec considération, Monsieur, Votre très-humble Serviteur,

WILLIAM C. C. CLAIBORNE

THE PRESIDENT TO J. POYDRAS AND THOMAS
URQUHART ⁶⁷

[LC:Jefferson Papers:D]

WASHINGTON *June* 18. 1808.

GENTLEMEN I ask the favor of you to communicate, in such way as you shall think most proper, the inclosed answer ⁶⁸ to the address of the legislative council and House of Representatives of the territory of Orleans of March 29.⁶⁹ and to accept for yourselves the assurances of my high consideration and respect.

TH: JEFFERSON

HONORABLE J. POYDRAS President of the legislative council and THOMAS URQUHART, Speaker of the H. of Representatives of the territory of Orleans

⁶⁷ Enclosed in the President to Claiborne, June 18, 1808 (Jefferson Papers, LC).

⁶⁸ June 18, 1808, found with the covering letter, printed, Washington (ed.), *Writings Jefferson*, VIII, 129-130. A copy of the *Louisiana Courier*, Jan. 18, 1809, containing the President's message, was enclosed in Claiborne to the Secretary of State, Jan. 19, 1809 (NA, SD, Orleans Terr. Papers, x; Claiborne's letter is printed, Rowland (ed.), *op. cit.*, IV, 303-305. The President's address was communicated to the legislature Jan. 14, 1809, according to the *Courier*.

⁶⁹ Not found.

RETURN OF PROCLAMATIONS, PARDONS, AND
APPOINTMENTS

[NA:SD, Orleans Terr. Papers, IX:C]

[June 30, 1808]

Proclamations.

Jan^y 24th 1808. For a Representative in the room of Joseph I. Hebert elected for the County of Lafourche & whose Election was set aside by a Resolution of the House of Representatives of this Territory.

March 2nd 1808. For a Representative in the room of Nicholas Sauve resigned, for the County of Nachitoches.

Pardons.

1808.

Feb^y 17th—of Henry P. Nugent, for publishing a Libel against a Civil Magistrate.

March 18—of the Negro' slave named Phillip—for shooting at a white man.

do 28. of Francis Matisdo, Joseph Cavaleros, Domingo Cavaleros, Lazeras Fernandez, André Sanches et Jean Falcon—for Riot.—

do. do. of Juan Portas, for swindling—

Ap^l 19.—of Domingo Gomez—for Larceny—

do. do.—of Mariano Sanchez—for do. —

do. 28. of Antoine Nicholas—for stoling & carrying away a Negro man—

June 11. of John Strange.—for do. . . . do.

Civil Appointments.

1808

JUDGES.

Jan ^y 1.	Richard Claiborne	Parish of Rapide.
Ap ^l 4.	Benjamin Tennell	do. Catahula.
do. 7.	Th ^s F. Oliver	do. Avoyelles.
June 4.	James Ross	do. Concordia.
do. 21.	William Goforth	do. Interior of Lafourche.

JUSTICES OF THE PEACE.

Ap ^l 4.	Mathew Stone	Parish of Catahula
Ap ^l 4.	Samuel Lightner	do. do.
Ap ^l 4.	Reasin Bowie	do. do.
Ap ^l 17.	Simon Ducournau	Orleans Parish.
do. 4.	Nicholas Rogers	do. Concordia.
do. 4.	“ Salson	do. do.
May 16.	Jean Berry	do. S ^t James.
June 6.	Barthelemew Shaumburg	do. Nachitoches.
Ap ^l 18.	Th ^s Baker Franklin	do. Ouachitta.
Ja ^y 22.	Lancelot Pearson	do. Plaquemines
M ^{ch} 15.	John Mary Cornen	do. do.
do. 17.	Martin Duplessis	do. do.

CLERKS.

March 15. William Taylor..... Sup^r Court for the 2nd District
 May 17. David Becket..... do. 4th do.

SHERIFFS.

Jan^y 18. William S. Watkins..... 2nd Sup^r Court District
 Feb^y 18. Robert Andrews..... 3rd ... do. ... do.
 do. 19. Blaise Cenas..... 1st . . do. . . do.

TREASURER.

Ap^l 16. George W. Morgan..... Orleans Territory.

MAYOR

March 7. James Mather..... New-Orleans.

RECORDER

March 7. Laveau Trudeau..... New-Orleans.

WARDEN OF THE PORT

May 27. William Colcock..... New-Orleans.

TRANSLATOR.

May 27. Samuel P. Moore..... 1st Sup^r C^t District.

PILOTS

June 20. William Allen..... New-Orleans.

ATTORNEY GENERAL.

March 8. Th^s B. Robertson..... Orleans Territory

CORONERS.

Feb^y 22. William Haughey..... 4th Sup^r C^t District
 M^{ch} 19. Augustin Macarty..... 1st do.

SPECIAL ADMINISTRATOR.

Feb^y 1st Joseph Saul..... New-Orleans

[*Endorsed*] Return of Civil appointments Pardons & Proclamations for the 1st Six months of 1808. Recd Aug: 8.

Return of Appointments in the Militia of the Territory of Orleans, from the 1st day of Jan^y 1808, to the 30th day of June of the same year inclusive.—

GENERAL STAFF.

1808.

March 22. Francis Dutillet..... Brigade Major.
 do. Barth^m Macarty..... Aid du Camp
 do. Charles Tessier..... do.

2nd REGIMENT.

March 22. John Clay..... Colonel
 do. Felix Arnaud..... Major
 do. John B. Labatut..... do.

10th REGIMENT.

Jan ^y 1.	Hatch Dent.....	Major.
M ^{ch} 30.	Louis Cavet.....	2 nd Lieutenant.

ORLEANS VOLUNTEERS.

Feb ^y 10.	Charles Patton	Captain.
do.	Samuel D. Earle	1 st Lieut.
do.	John Mowry.....	2 nd do.
do.	Charles R. Hicks	2 nd do.

[*Endorsed*] Return of Militia appointments from the 1st Jan^y 1808, to the 30th of June of the same year, inclusive—Rec^d in Thos. B. Robertsons July 1st 08.⁷⁰

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[SD:Appt. Office Files:ALS]

TERRITORY OF ORLEANS OPELOUSAS *August 8th 1808*

SIR, My Letters to the Secretary at War, will advise the President, of the Conviction of four Alabama's of the Crime of Murder; of the execution of two of those unfortunate Men;—the considerations which induced the pardon of the others, and of the good Understanding which promises to exist between the Citizens of this Frontier and the neighboring Indians.⁷¹

The Office of Attorney General for this Territory, which became vacant on the death of my much esteemed friend J. W. Gurley, I have lately confer'ed on William Thomson late of Virginia. This Young Man possesses Talents of a superior Cast, and under an impression, that nothing was wanting to insure his future usefulness to his Country, but an evidence of public' Confidence, and to place him in a situation, calculated to excite a laudable spirit of Emulation, I assure' you Sir, that I feel for the present well satisfied with my selection.—The M^r Thomson of whom I speak, you probably possess some knowledge of—He is a younger Brother of M^r John Thomson deceased of Pertersburg Virginia, and is the Author of a Pamphlet, entitled "A Compendious view of the Trial of Aaron Burr".—

⁷⁰ Printed Rowland (ed.), *Claiborne Let. Bk.*, iv, 181. For militia appointments for the period July 1 to Dec. 31, 1807, see *id.* to *id.*, Jan. 12, 1808, *ibid.*, pp. 143-147.

For letters of the year 1808 concerning the appointment of judges and sheriffs, the removal of officers, the codification of the laws, and the administration of justice, see Claiborne to the following: the Secretary of State, Apr. 3, Apr. 5, May 13, Dormenon, Aug. 30, Brent, Sept. 4, F. L. Claiborne, Sept. 11, Oct. 14, the President, Sept. 17, Porter, Sept. 20, Lislet, Sept. 20, the parish judges, Oct. 4, Oct. 22, Becket, Oct. 4, Lattimore, Oct. 10, Oct. 30, and one of no date, 1808, White, Oct. 11, Thomson, Nov. 5, and Duncan, Nov. 12, *ibid.*, pp. 168-169, 173, 196, 216-219, 220-222, 224, 225-227, 228, 230-231, 234-235, 239-241, 248.

⁷¹ See Claiborne to the Secretary of State, July 10, 1808, to the Secretary of War, Aug. 8, 1808, and to the President, Oct. 5, 1808, *ibid.*, pp. 183-187, 222-224.

The Secretary of the Territory (M^r Robertson) has been very unwell for two Weeks past, and is still confined to his Chamber;—But I trust his Indisposition will not prove so serious, as to oblige me to postpone my contemplated visit to the Seat of Government.

If a vacancy in the Supreme Judiciary of this Territory still exists, permit me to name Colonel John Thompson late of Kentucky, but at present a Resident of Opelousas, as meriting the confidence of the President. Colo: Thompson devoted some years to the study of the Law, and altho' he never practised, yet having served for some time in Kentucky as an Associate Judge, he had an opportunity to acquire a knowledge of the practise;—This Gentleman in his Character as Register of the Land office and Commissioner ex officio has acquired the Confidence of the People,—particularly of the ancient Louisianians;—He has made much progress in the acquirement of the french Language, and unites to a good Judg'ment, much general Information.

I received on yesterday Letters from John C. Carr Esquire, Judge of the Parish of Nachitochis, under date of the 12th and 14th of July ⁷³ containing intelligence which is proper to communicate to you. In his Letter of the 12th of May, M^r Carr says “About a Week ago an expedition was fitted out from this place (Nachitoches) of I think rather a suspicious and extraordinary nature. A M^r Anthony Glass (who formerly resided at the Walnut Hills) accompanied by some 25 or 30 people, left this place on as they say, a trading voyage to the Panis Nation of Indians. M^r Glass informed Lieut^t Duparet, who communicated the same to me, that he had in his pocket a Commis-sion from Government, and had therefore no fear of being taken by the Spaniards, or if he should, he would certainly be reclaimed by the United States whose Officer he was. Mr D. further informed me, he had understood, the real object of the party was to visit a Silver mine. Glass stiles himself Captain and procured from Lieut^t D. an Epaulet;—A Sword and Belt from another Officer, and an undress military Coat &c—. It is certainly improper, that the impression should obtain, that this party was fitted out, and will be protected by Government; and yet one Circumstance was well calculated to induce general belief to that effect, which is, that M^r Glass purchased Merchandize in a Store in this place, to the amount of 500 Dollars, for which Doctor Sibley gave his Note. It is also said, that Sibley furnished him with a Flag”. On the 14th of July, M^r Carr writes as follows—“In my Letter of the 12th Ins^t, I informed you of Glass's Silver mine expedition, and stated that his Company consisted of 25 or 30 Men;—I have this day been informed, that he has at least four times that number, and that he expects a reinforcement from Natchez and Rapides. An Officer of the Army who has lately returned from

⁷³ Neither has been found.

Command at Fort Adams, informs me, that the Flag I mentioned in my last, was made by Soldiers of his Company at this post (Nachitoches) during his absence".—

I do not know what may be the Object of these Adventurers;—Probably it may be nothing more, than a plundering or Silver mine expedition set on foot by Glass—But it may possibly be a prelude to a project of greater moment;—It has a squinting towards Burrism—I however will endeavour to obtain more information upon the subject, and will take (with promptitude) such measures as may be in my power, to put down all improper Combinations, and to prevent all unauthorised expeditions.—It is a subject of regret, that the Parish Judge had not caused Glass to be arrested, and (if necessary) called upon Colo: Freeman who commands at Nachitoches to support the civil Authority.—

The Letters of M^r Carr, conveyed to me the first information received of Glass's expedition, & I sincerely regret, that these Letters had not sooner reached me.⁷³

I have the honor to be Sir, Very respectfully Your hble serv

WILLIAM C. C. CLAIBORNE

THE HON^{ble} THE SECRETARY OF STATE of the U. States

[*Endorsed*] Governor Claiborne 8th Aug^t 1808 Thompson John to be judge Orleans Glass's expedⁿ

GOVERNOR CLAIBORNE TO COL. RICHARD SPARKS

[NA:WD, AGO, Old Recs. Div.:C]

NEW ORLEANS August 26th 1808.

SIR, I feel it my duty to solicit, that two additional Companies of Regular Troops may without delay be ordered to this City; I am aware Sir, that an order from the Secretary of War, or your Commanding General, would be to you the most satisfactory Authority—But when I add, that in my opinion, an immediate Augmentation of the Regular Force at this Post, might prove the means of preventing some serious commotion, I am Persuaded you will feel no hesitation in complying with my request.

I have the honor to be Sir, Very respectfully Your Humb^o Serv^t
(signed) WILLIAM C. C. CLAIBORNE

COL^o SPARKS or Officer Commanding the U. States Troops in the M^y Territory Fort Adams.—

⁷³ Concerning the Glass expedition, see Claiborne to the Secretary of State, Aug. 31, 1808, enclosing Claiborne to Carr, Aug. 8, 1808, Carr to Claiborne, Aug. 15, 1808, and Sibley to *id.*, Aug. 15, 1808 (NA, SD, Orleans Terr. Papers, IX; the covering letter and the first enclosure are printed, Rowland, ed., *op. cit.*, iv, 187–188, 199–202).

[Endorsed] Copy of a letter from Governor Claiborne to Lieu^t Col^o Sparks dated August 26th 1808.

PHILIP GRYMES TO [THE PRESIDENT]

[SD:Appt. Office Files:ALS]

NEW ORLEANS 27th Aug^t 1808

SIR—I arrived here with my Family on the 18th and immediately entered upon the Duties of my Office. The Evasions of the Embargo Laws have been numerous and most flagrant in this District: there are also some other Cases of important political Consideration; to all of which my attention is particularly turned; and in no case shall my most Zealous exertions be wanting to advance the Views of Government—Many of the Violations of the Embargo Laws have been committed by Entries into the Havannah of Cargoes of Flour Rice &c. cleared out from this Port—I have rec^d intimation of a Circumstance which if true may furnish protection to most of those Offenders, unless it can be obviated; it is this; The late American Consul⁷⁴ at the Havannah, who was displaced for some cause or other by Government is the Partner in trade of the present Consul⁷⁵—the present Consul has been absent from his Station for some time and in his absence hath appointed this late Consul his Deputy, who is represented to me to be very inimical to the American Government, and not to be of the best moral Character—and in addition to this it is confidently asserted here, that he has been entrusted with the disposal of several American Cargoes sent to the Havannah It is my wish to be furnished with any Documents of which Government may be in the possession and which the Attorney Gen^l may think ought to have influence in destroying the effect of any Certificate, Protest, or other Consular Act issued by this Vice Consul with a view of discharging any Persons from the penalties of the Law—

Before my arrival here I had not given myself any trouble to make Enquiries into the Emoluments of my office—The honourable Confidence reposed by the President in my Talents and Integrity was in itself a sufficient Consideration to induce my acceptance of the Appointment—I had hoped and expected however that the Emoluments afforded an adequate compensation for the services rendered; but I find it very much to the contrary—And one Cause of that Inadequacy I find to be, that the Agency for the U. States before the Court of Comm^{rs} of Lands, which yealds a Salary of \$1500 p^r Annum, and which has heretofore been considered as an Appendage of the Attorneyship;

⁷⁴ Henry C. Hill, Jr. (NA, SD, Consular Officers of the United States, 1775–1893)

⁷⁵ James Hill, *loc. cit.*

is withheld from me and rests with M^r James Brown, my Predecessor or some Friend of his—The Duties of the Office of Attorney are at this time notoriously much greater than they have ever heretofore been; I have two Brothers besides a necessarily expensive Family of my own to advance & maintain in this most extravagant of all places—I shall make no professions to you, sir—who know my Character of my Attachment to Government; but I believe I sho^{ld} be warranted by M^r Brown himself in saying that he is inimical to the present Administration; to the Government of this Territory he certainly is—with this Statement I shall leave it to the heads of Departments to say who has the better Title to this Agency—If it is decided against me it shall not lessen my Interest in the support of the Government—pecuniary considerations can have no influence on my official Conduct—As I understand that this Agency emanates from the Office of the Secretary of the Treasury, I have addressed a Letter to him also on the subject ⁷⁶—

I am Sir with Considerations of high respect Y^r Ob^t Serv^t

P GRYMES

[*Endorsed*] Grymes P. to be Agent with land Comm^{rs} 1808

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, IX:LS]

NEW-ORLEANS, *October 7th* 1808.

SIR The Secretary of the Territory, will transmit you a Copy of the "Civil Code", adopted at the last Session of the Legislature.⁷⁷ You will find the English Text extremely incorrect;—This is attributable to the circumstance of the Work having been written in French, and the translation prepared by persons who were not well acquainted with the English Language;—So erroneous does the translation appear to be, that it will probably be necessary to declare by Law, that the French shall (solely) be considered the legal text.—It having been understood by our Courts of Justice that the principles of the Civil law, (except in criminal cases) were in force in this Territory, it became desirable to place them before the Public;—Heretofore, few Citizens had any knowledge of the existng Laws; not even the Magistrates, whose duty it was to execute them.—Under these circumstance's, I could not do otherwise than sanction the Code. My first object has been to render the Laws certain;—my next shall be

⁷⁶ Not found. See Claiborne to the President, Sept. 1, 1808, in support of Grymes's request (Rowland, ed., *op. cit.*, IV, 202-208).

⁷⁷ *A Digest of the Civil Laws now in force in the Territory of Orleans with alterations and amendments adapted to its present system of Government* (New Orleans, 1808). This was prepared by James Brown and Moreau Lislet under authority of the Orleans Legislature.

to render them just, and to assimilate our system of Jurisprudence as much as possible, to that of the several States of the Union.—

You will perceive by the papers enclosed ⁷⁸ (if indeed you should deem them worthy your perusal) that our Society is still divided into parties.—M^r Mather the Mayor of New-Orleans, who has endured the displeasure of M^r Clark, has resided thirty odd years in this vicinity, supports the Character of a most amiable Man, and appears to be very generally esteemed;—He has probably erred, in not stating in writing to the Joaler, the offences, with which the persons (in whose favour M^r Clark has taken so lively an interest) were charged;—But it is not believed here, that M^r Mather, has on these Occasions, been guilty of oppression, or that he was influenced by improper motives.—

From considerations, for the most part of a private nature, I have necessarily postponed for the present my visit to the U. States, nor do I suppose, I shall have it in my power to leave the Territory, previous to the ensuing Spring—

I am Sir, with great respect your humble servant—

WILLIAM C. C. CLAIBORNE

THE HONORABLE THE SEC^y OF STATE

[Endorsed] Governor Claiborne 7th Oct^r 1808 Civil Code

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[SD:Appt. Office Files:ALS ⁷⁹]

(Duplicate)

NEW-ORLEANS *October 9th 1808.*

SIR, The Legislature of the Territory commences its Session, on the 9th of January next, and in eight days thereafter my Commission as Governor, which bears date on the 17th of January 1806.⁸⁰ (to continue in force for three years from the date thereof) will expire.—

In case “of the death, removal, resignation or necessary absence of the Governor, the Secretary shall be, and he is authorised and required to execute all the powers and perform all the duties of the Governor, during the Vacancy, occasioned by the death, removal, resignation, or necessary absence of the Governor” :—But as provision is not made, to meet the case of the Governor’s commission expiring & no Successor named, it would be unfortunate, if a Vacancy of that kind should arise. Will you do me the favour Sir, to mention this subject to the President of the United States, and to add, that if on this occasion,

⁷⁸ Only one enclosure is found with this letter, a copy of the *Louisiana Courier*, Sept. 30, 1808, in which is printed a letter from Grymes to Mather, Sept. 25, 1808, on the subject of the batture.

⁷⁹ Duplicates in NA (SD, Orleans Terr. Papers, IX).

⁸⁰ *Ante*, p. 571.

I should be honored with another proof of his confidence it will be gratefully appreciated, and merited if in my power.—

As my Commission will expire pending a session of the Legislature, it may perhaps be conducive to the public' convenience, and will certainly relieve me from some embarrassment, if the Appointment of Governor for the ensuing three years, should be made in time to apprise me thereof, early in month of January.⁸¹—

My Letter of the 7th Instant, informed you of my having (necessarily) postponed for the present, my visit to the United States.—

I have the honor to be Sir, With great respect Your hble serv^t

WILLIAM C. C. CLAIBORNE

THE HON^{ble} M^r MADISON Sec^y of State.

[*Endorsed*] Claiborne W. C. C. to be renominated 1808

THE MOTHER SUPERIOR OF THE URSULINE CONVENT
TO GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, IX:C]

(translation)

NEW ORLEANS *October 30th 1808.*

HIS EXCELLENCY GOV^r CLAIBORNE.

SIR, The marks of esteem which you have always testified to our Community, entirely devoted to the education of young Ladies, encourages me to apply myself to your Excellency in order to make you acquainted with the project we have formed sometime since, to procure ourselves from France some assistant Sisters, whereas the smallness of our number, obliges us to refuse the admittances of the children of some respectable family's into our House. We had addressed ourselves to Montpellier, a town in France, in Languedoc two years ago; We had the good luck to find in it two ancient respectable nuns, who had made choice of Six Demoiselles quite disposed to come and incorporate themselves to our community of New Orleans; in consequence of which we sent 900 dollars to M^r Philatus Havens our Correspondent in New York with a request that he would have them forwarded to M^r Peter Walsh agent general for the U. States at Montpellier, two leagues from the port of that City, in order that he might have the goodness to deliver them to M^{rs} ⁸² S^t Michel Gensout which is charged with the execution of that good deed, which she will likely accompany together with M^{rs} Séraphine, both of them heretofore professed Ursulines, & residing at Montpellier. Our Correspondent in New York wrote to us that it was not in his power to send on that

⁸¹ See Claiborne's commission, Nov. 14, 1808, *post*, p. 823.

⁸² As in the contemporary translation. Presumably, the original French read "madame", a correct title for an abbess, etc.

small sum, without the approbation of the Government, the Embargo is also an obstacle to their shipping.—

We do therefore beg of your Excellency to represent to the president of the U. States, the need we have of that assistance, in order that he may empower M^r Walsh to procure a convenient vessel for those Ladies,—

M^{rs} S^t Michel Gensout has our obligation by which our community obliges itself to pay their passage immediately after their arrival, at New York, New-Orleans or at any other port.

That new mark of protection from the Government, will be for us Sir, a new motive for addressing our vows to heaven for the prosperity of the U. States, and for the person of the president of the U. States & your's⁸³—

I have the honor to be very respectfully Sir Your Mst h.b.le Serv^t
S^r DE S^t XAVIER FARJON
Superieure

[*Endorsed*] inclosed in Gov^r Claiborne's 18th Nov^r 1808⁸⁴—

COMMISSION OF JOHN THOMPSON AS JUDGE

[SD:Misc. Permanent Comms., C:C]

[November 14, 1808]

THOMAS JEFFERSON, President of the United States of America

To all who shall see these presents, Greeting:

Know Ye, That reposing special Trust and Confidence in the Wisdom, Uprightness and Learning of JOHN THOMPSON, of the Orleans Territory, I have nominated, and by and with the advice and consent of the Senate do appoint him One of the Judges in and over the said Territory of Orleans,⁸⁵ and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and laws of the United States; and to Have and to Hold the said office with all the power, privileges and Emoluments to the same of right appertaining during his good behaviour.

In Testimony whereof, I have caused these Letters to be LS made patent, and the Seal of the United States to be hereunto affixed. Given under my hand at the City of Washington the fourteenth day of November in the year of our Lord one thousand Eight

⁸³ For other correspondence relating to the Ursuline nuns, see Claiborne to the abess, Dec. 28, 1808, Mar. 8 and Mar. 14, 1809, and to the President, Mar. 20, 1809 (Rowland, ed., *op. cit.*, iv, 279, 324, 329, 334).

⁸⁴ Error for Nov. 8, 1808, *ibid.*, pp. 245-246.

⁸⁵ Nominated Nov. 11 and confirmed Nov. 14, 1808 (*Senate, Exec. Journal*, II, 83, 84).

hundred & Eight; and of the Independence of the United States of America, the Thirty Third.

TH: JEFFERSON

By the President
JAMES MADISON Secy of State

PETITION TO CONGRESS BY THE INHABITANTS OF
THE TERRITORY

[NA:SD, Batture Papers:C]

[December 6, 1808]

To the Honorable The Senate and House of Representatives of the United States of America, in Congress assembled.

The Undersigned, Citizens of the Territory of Orleans, beg leave to approach your Honorable Body with the greatest respect, and to represent that in the City of New Orleans "and adjacent to the Bank of the Suburbs S^t Mary is a Shoal or elevation of the bottom of the river commonly called the Batture, produced by the Successive deposition of Mud during the annual inundation of the river, and covered with water only during those inundations," which generally continue from three to four months in each year. "At all other seasons, it has been used by the City, immemorially to furnish earth for raising their streets and court yards, for Mortar and other necessary purposes, and as a landing or quay for unloading fire wood, lumber and other articles brought by water."

Your petitioners verily believe that the title to the batture "originally in the former Sovereigns of the Country, was never parted with by them, but was retained in them for the use of the City and Province, and consequently has now passed over to the United States."

It is within the knowledge of many of your petitioners that the Spanish government prevented all intrusions upon the Batture by private individuals and carefully preserved the same as a public common for the purposes already mentioned. On the 20th of December 1803 the sovereignty of Louisiana passed to the United States, but the Batture was still considered as a common and resorted to as formerly by the Citizens: they were however not permitted without interruption to enjoy this ancient right, a right which the former authorities had Sanctioned, and time had consecrated. Mr. Edward Livingston, shortly after his arrival in this city, exhibited and supported the claim of an individual to the property in question. "The City opposed the claim upon a supposed legal title in itself; but it has been adjudged that the legal title was not in the City"—The effect of this decision was the taking possession of the Batture some time in the month of August 1807 as your petitioners are informed by Edward

Livingston and the heirs of a certain Delabigare, claiming under a certain John Gravier.

Your petitioners witnessed with inexpressible regret a property so long held as a Common, and the use of which is so essential to the present and future convenience of New Orleans and to every citizen who brings his produce to this market, thus possessed (and as your petitioners believe so unjustly) by an individual. But in proportion to their regret, was the pleasure which ensued on finding that the President of the United States had caused the claim of the United States to the aforesaid property to be asserted. and in conformity to the power vested in him by the act of Congress of the 3^d of March 1807, and ordered the marshal to remove from the Batture all persons who had entered thereon subsequent to the passage of the said act, and to prevent future intrusions.

Grateful for the kind and friendly dispositions of the general government towards the Territory of Orleans, and calculating with certainty that the fostering care of Congress will be extended to every part of the American Union, your petitioners are emboldened to supplicate "that the right of the United States to the Batture adjacent to the Bank of the Suburbs S' Mary may forever be vested in the Corporation of the City of New Orleans", upon condition that the same remain open and unbuilt upon forever, and be preserved as a common as well for the use of the inhabitants of New Orleans as for that of our Western fellow citizens who descend the river annually with their surplus productions. It is deemed unnecessary to point out in detail the many inconveniences which would result if the Batture be reclaimed, improved and holden as private property: Suffice it to say that the chanel of the Mississippi in front of New Orleans will probably change its course and the port be irreparably injured;—that the citizens who convey their produce to this market may be subjected to an oppressive tax for wharfage; and that the expenses of the city in procuring dirt for the necessary repairs to the levee and streets and of individuals for mortar & for raising their court yards would be incalculable. We also fear if the Batture be built upon that a great calamity will ensue. Experience has shewn that disease generally generates on the water side where there is so much matter for putrefaction and if a considerable space is not left between the buildings and the water's edge (as is now the case) for the free circulation of air New Orleans will probably be often visited by that dreadful scourge The Yellow fever.

CLERKS office of the House of
Representatives of the UNITED STATES

August 14. 1810.

[L.S.] I certify that the foregoing is a true copy from the Original petition of sundry inhabitants of the territory of Orleans, presented to the House of Representatives of the United States on the 6th of December 1808, and containing the proper signatures of four hundred and Sixty two inhabitants of that territory.

SAM^l BURCH for
PATRICK MAGRUDER Clk
H. R U States

[*Endorsed*] Petition of citizens of N. O. to Congress. 1808.
Dec. 6.⁸⁶

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS December 8^h 1808

D^r SIR, Your Letter of the 29^h of October ⁸⁷ has been received, and its enclosure delivered to the Gentleman to whom it was directed.—M^r Reibelt is certainly a very learned man, and as far as I know a very honest one;—But he is illy calculated to fill an office under a Republican Government, nor indeed do I know any situation, in which he could be so useful to Society, as in Character of an Instructor of youth;—But in that pursuit, altho' earnestly solicited by me, M^r R has hitherto refused to engage.

The Spanish paper I enclosed you, and others of a like Cast,⁸⁸ (originally printed in this City) have been republished not only in Havannah, but in the City of Mexico, and made I am told, an unfortunate impression—I have communicated (verbally) to a few Spaniards of respectability, the wishes of the Administration, as relate to the affairs of their Nation, and I beg you to be assured, that nothing shall be wanting on my part, to counteract the views of those base Men, who would wish to render Spain hostile to our Country.—

On the 9th of January next, the Legislature of this Territory will

⁸⁶ Presented to the House this date and referred to the Attorney General for a report (*Annals*, 10 Cong., 2 sess., 702). See Claiborne to the President, May 20, 1807, *ante*, p. 736.

⁸⁷ Found in the Jefferson Papers (LC).

⁸⁸ No such enclosures have been found. .

be in session,⁸⁹ & in eight days thereafter, my Commission as Governor will expire;—If on this occasion, it should meet the views of the Administration, to continue to me the trust, with which I am at present honored, such further proof of Confidence will be gratefully received, and merited if in my power.—

I regret very sincer'ly the peculiar difficulties, which Governor Williams has had to encounter; several of my political friends of the Mississippi Territory, and among the number, my elder Brother Colonel Claiborne, early became the enemies of Governor Williams;—Without enquiring into the cause of difference, I used every effort to dissuade my Brother (with whom I could alone take the liberty) from engaging in or countenancing the opposition to the Governor; But he did not think proper to yield to my advice.—I owe it to myself, to acquaint you of this fact, because I learn, that it has been suggested to the Heads of Departments, that the party's in the Mississippi Territory were encouraged by me.—I declare to you Sir, that the imputation is most unjust, and that the suggestion is without the smallest foundation;—I never entertained a Design or a wish hostile to the political fame or Advancement of Gov^r Williams; on the contrary I sincerely wished him a long and honorable Career in Life.—

I am D^r Sir, With great respect Your faithful friend

WILLIAM C. C. CLAIBORNE

THO^s JEFFERSON President of the U. States

[*Endorsed*] Claiborne [MS. torn]. O. Dec. 8. 09. rec^d Feb. 18.

THE POSTMASTER GENERAL TO J. D. WINDHAM

[PO:P.M. Letter Book P]

Dec. 12th 1808

LIEUT. J D WINDHAM New Orleans City

I have received yours of November ⁹⁰ If we can ascertain that any

⁸⁹ The following list of the members of the Legislature is from the *Louisiana Courier*, Jan. 18, 1809, enclosed in Claiborne to the Secretary of State, Jan. 19, 1809 (NA, SD, Orleans Terr. Papers, X). The covering letter is printed, Rowland (ed.), *op. cit.*, v, 303–305. Legislative Council: Julien Poydras (President), J. D. D. Bellechasse, Peter Foucher, M. Guérin, Peter Derbigny (Secretary); House of Representatives: *County of Orleans*, Thos. Urquhart (Speaker), D. Bouigny, John Blaque, F. Delacroix, M. Guichard, F. Duplessis; *German Coast*, Manuel Andry, Alexandre Labranche; *Acadia*, Joseph L. Favre, Samuel Ker; *La Fourche*, P. Aucoin, Henry S. Thibodeaux; *Iberville*, Felix Bernard, Amant Hebert; *Pointe Coupee*, Arnaud Bauvais, Eugene D'Orsier; *Attakapas*, Alexandre Declouet, F. Gonfoulin; *Opelousas*, Joachim Orthege, Francis Robin; *Rapides*, Alexandre Fulton; *Natchitoches*, John Nancarrow; *Ouachita*, John Hugues; *Concordia*, David B. Morgan; E. Fromentin (Clerk).

⁹⁰ Not found.

postmasters or other person suppresses or attempts to suppress the regular transmission of any News-paper whatever between this office and New Orleans, he or they shall be immediately prosecuted, in conformity to law and if a postmaster, he shall in addition be discharged instantly

G G

BENJAMIN MORGAN TO THE PRESIDENT

[SD:Appt. Office Files:ALS]

NEW ORLEANS Dec^r 12th 1808

TO THOMAS JEFFERSON President of the United States

SIR The office of Register for Land claims in this part of our Territory has become vacant by the death of M^r Van Pradelles and I take the liberty of recommending Philip Grymes Esq^r our present District Attorney as a suitable Person to fill the vacancy

My acquaintance with this Gentleman is not of long standing but his conduct since his arrival among us has been so independant and patriotic that I think him justly entitled to all the support his Government can give him—I presume several applications will be made for this Appointment and some of the Applicants will most likely be recommended by Persons better known to you than I am but I can with confidence Assure you that in my Opinion few Men are to be found here who will fill the Office with the same Industry Independence & strict adherence to the Principles of our Government as the Gentleman I recommend—Your having Once honored me with high token of Confidence together with an Ardent desire to see our Offices filled by Firm Men who love their Country and will support its rights has induced me to Address you on this subject—

I am with great respect your most Ob^t Servant

BENJⁿ MORGAN

[*Endorsed*] Morgan Benj. N. O Dec. 12. 09. rec^d Feb. 18. Grymes to be Register.

WILLIAM BLACKLEDGE TO THE SECRETARY OF STATE

[SD:Appt. Office Files:ALS]

CITY OF WASHINGTON Dec^r 12th 1808*To the Honorable The Secretary of State/*

Should the government in any short time stand in need of a person to fill the office of Judge in the Orleans or Mississippi Territory, I would beg leave to recommend to their Notice Francis X Martin Esquire an Attorney of very good standing at the Bar both of the

Federal & Superior Courts of N^o Carolina.⁹¹ M^r Martin is a Frenchman by birth, between forty five and fifty years of Age, has been upwards of twenty years in the United States and uniformly Republican, tho never busying himself much with pollitics; and is remarkable both for his industry & Sobriety, in addition to being master of both the English & French languages, he has a pretty good acquaintance with the Spanish language. He is a man in easy circumstances though not to be called wealthy & has no family—He was elected two years to represent the town of Newbern in the State Legislature, and for my own part should have no doubt of his attachment to the Country—M^r Martin does not know of this Recommendation, nor should I have given it but that I have thought such a man might be perhaps useful to the government, & dont doubt that should he be appointed he would feel a pride at having it in his power to serve the Country

With the highest Respect I have the honor to be Sir Your Obed^t Serv^t

W^m BLACKLEDGE

[Endorsed] Martin Francis X. to be judge of Misipi. 12 Dec^r 1808.

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEPARTMENT OF STATE, Dec^r 14, 1808.

GOV^r CLAIBORNE.

SIR. As the publications of the laws of the present Session of Congress should now commence, and be continued as they pass, I have thought it proper to inclose a letter authorizing their publication at New Orleans,⁹² with a blank for the name of such Editor as you may decide on, which blank you will please to fill and have the letter handed to him with the National Intelligencer from time to time as you shall receive it, until a knowledge of your decision shall enable us to save you that trouble.

I am &^c

JAMES MADISON.

⁹¹ Martin was nominated judge of Orleans, Mar. 19, and his appointment confirmed, Mar. 21, 1810 (*Senate, Exec. Journal*, II, 142). For other letters in support of his candidacy, see the following: Potter to the Secretary of State, Feb. 11, 1809, Blackledge to *id.*, Feb. 20, 1809, Macon to the President, Mar. 18, 1810 (SD, Appt. Office Files), and Jefferson to *id.*, Apr. 16, 1810 (Madison Papers, LC).

⁹² Enclosure not present.

GOVERNOR CLAIBORNE TO THE SECRETARY OF THE
TREASURY

[SD:Appt. Office Files:LS]

NEW-ORLEANS, Dec. 14th 1808.

DEAR SIR, The death of M^r Van Pradelles has left the office of Register of the Land Office for this District, vacant;—On this occasion, I am told, that Judge Lewis, and M^r Grymes the District Attorney will both be recommended to the President; of these two Gentlemen, I cannot but think M^r Grymes has the Strongest Claims for preference—M^r Lewis is already a Commissioner and a Judge of the Superior Court;—his duties as Judge require him to visit twice in each year, the Several Districts of the Territory, and if such duties be continued and faithfully discharged, those of Register (which I understood to be a permanent appointment) must necessarily be neglected.—M^r Grymes on the Contrary is stationary in New-Orleans, and seems to me to merit the farther patronage of the Government;—the salary and perquisites of his present office are not equal to his support; formerly the appointment of Agent for Land Claims, with an allowance of fifteen hundred dollars per annum, was united to that of District Attorney—But the Agency is retained by M^r Brown the late District Attorney, and M^r Grymes is left with a salary of six hundred dollars per annum, and the perquisites of office, which are very inconsiderable.—Should however, it be considered as a respect due the present Board to select for Register one of its present members, I in that case, will recommend M^r Robertson, whose duties as secretary will not interfere with those of Register, & in case, of his nomination, I should recommend M^r Grymes as the third Commissioner;—In the event however, that it be deemed improper, or incompatible to appoint the District Attorney Commissioner, permit me to mention M^r Thomas B. Johnson formerly of the City of Washington, as deserving the President's confidence;—The conduct of M^r Johnson, since 10 months, that he has resided in New-Orleans has been exemplary; he is attentive to business, and extremely correct in his deportment.—So great is my confidence in the prudence and discretion of M^r Johnson, I at one time designed to recommend M^r Johnson for the office of Register;—But I have since learned, that the Register takes Precedency at the Board, and it might be a source of some mortification to the elder commissioners, that so young a man should preside; But it is not believed, that any exception would be taken to his being named a Commissioner.—

I am Dear Sir, With great respect & Esteem Your hble svrt

WILLIAM C. C. CLAIBORNE

THE HON^{ble} ALBERT GALLATIN Sec^y of the Treasury.—

[Endorsed] Grymes Philip to be register of 1st office in Eastern part of Orleans v. Van-Pradelles dec^d. Philip Grymes 1808.

Van Pradelles register is dead Persons recommended Grymes dist. att^y with 600 dollars only Robertson Sec^y 2000 dollars & Comm^r Johnson—Lewis Judge & Commis^r I think that Grymes is entitled to the preference; for if Robertson be appointed & Grymes made Comm^r in his place, it will be a mere temporary appointm^t and Robertson would have two better permanent offices. The Register & Dist. Att^y united offices will be only 1100 dollars.⁹³ —A. G.

GOVERNOR CLAIBORNE TO THE TERRITORIAL
MILITIA ⁹⁴

[NA:SD, Orleans Terr. Papers, IX ⁹⁵]

GENERAL ORDERS.

HEAD QUARTERS. *New-Orleans, December 23d, 1808.*

The President of the United States, in the exercise of the power vested in him, "by an act of Congress, passed on the 30th day of March 1808, entitled "an act authorising a detachment from the Militia of the United States" has directed the executives of the several states and territories to take effectual measures to organize, arm and equip according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included."—

The Governor of the Territory of Orleans therefore, in obedience to the express commands of the President's orders, "that eight hundred and seventy-three of the Militia of this Territory (being her quota) be detached, and organized into Companies and Battalions."— The detachment shall consist of fifty Artillery, fifty Cavalry, fifty

⁹³ Grymes was nominated Feb. 17, 1809, and his appointment confirmed Feb. 18, 1809 (*Senate, Exec. Journal*, II, 110, 111). Robert H. Nicholls, of New Orleans, was also an applicant for the office, according to his letter to the President, Apr. 20, 1809 (SD, Appt. Office Files). Other letters having to do with the administration of the land laws in Orleans are as follows: the Secretary of the Treasury to Van Pradelles and Gurley, Feb. 10, 1807, to Gurley, Feb. 11, July 12, 1807, Ibanez, Mar. 3, 1807, Thompson, Apr. 15, July 13, Nov. 18, 1807, Dec. 30, 1808, Parmelee, Apr. 21, Nov. 24, 1807, registers and receivers, Jan. 13, 1807, Cocke, Mar. 5, Oct. 12, Oct. 21, 1808, Lewis and Van Pradelles, June 1, 1808, Van Pradelles, Oct. 12, Oct. 27, 1808 (GLO, Div. C, Misc. Let. Bk. One), Pease, Oct. 16, Nov. 17, 1807, Feb. 10, Mar. 11, July 12, 1808 (GLO, Div. E, SG, 1790-1816); Fitz to the Secretary of the Treasury, May 5, 1807 (GLO, Ohio-Miss. SG, vol. 65); Gurley to *id.*, June 1, June 6, June 12, 1807, Feb. 29, 1808 (GLO, New Orleans, Reg. and Rec. Let., xxii); Pease to *id.*, July 14, July 21, July 28, Aug. 18, Sept. 16, Oct. 12, Oct. 20, Nov. 5 (two), 1807, and Apr. 2, 1808 (GLO, Div. E, Miss. SG, vol. 52).

⁹⁴ Covering letter, Claiborne to the Secretary of State, Dec. 27, 1808, printed, Rowland (ed.), *Claiborne Let. Bk.*, IV, 278.

⁹⁵ This is a printed broadside with French and English versions in parallel columns.

Riflemen "and the residue of Infantry, the whole to be completely equiped with arms and accoutrements fit for actual service; including Blankets and Knapsacks."—Any corps of volunteers, who previous to orders for taking the field may tender their services conformably to the second section of the above mentioned act, will be considered a part of the quota of this territory, according to their respective numbers;—and I am further authorised to accept as a part thereof "any Company or Companies of Volunteers, either of Artillery, Cavalry or Infantry, who may associate and offer themselves for the service agreeably to an act of Congress, passed on the 24th of February 1808, entitled "an act authorising the President of the United States to accept the service of a number of volunteer companies not exceeding thirty thousand men."—If under this act, a greater number should volunteer their services than the quota of the Territory requires, those whose tender of services shall have been first made will be accepted, and the residue shall be specially reported.

The President having commanded me to have the detachment completed, "within the shortest period that circumstances may permit," I shall make immediate arrangements for such drafts from the several Regiments and Corps, throughout the Territory as may be found necessary.

Volunteer Companies at present organized will be commanded by their own officers; those which may hereafter be organized, by the officers they may recommend, if approved; and the drafts by such as the Governor shall select.—The field officers and staff will be appointed in due time

When the detachment and organization shall have been completed, the respective corps will be exercised by their officers; "But will not remain embodied, or be considered in actual service, until by subsequent orders, they shall be directed to take the field."

The American government has most earnestly endeavoured to preserve for its country, the great blessing of peace. During the wars which have so long afflicted Europe, the United States have faithfully adhered to the principles of an impartial neutrality;—But in this age of European revolution and phrensy, neither justice, nor moderation, nor wisdom can arrest the hand of violence, or avert aggression from an unoffending people.—The U. States have experienced *many* and *atrocious wrongs*; our fellow-citizens have been murdered, our vessels burnt, our property plundered, and our seamen carried into captivity; of all this has our government complained, and complained in vain.—Under a pressure then of such accumulated injuries, our dearest interests admonish us to be prepared for war.

The Governor persuades himself, that the quota required from this district of the United States will be supplied by voluntary enlistments;—He invokes on the occasion the patriotism of the territory, and

invites the aid of every faithful citizen in giving to *this mandate of the nation*, the most immediate and effectual execution.—The people of the Territory of Orleans will never permit a rude invader to violate with impunity, “their peaceful abode,” nor in the hour of danger, will they be found elsewhere, than in the first ranks.—Rally then fellow-citizens at your country’s call;—Add discipline to your native courage, and be ready at a moment’s warning to receive with your bayonets the enemies of our rights and independence.⁹⁶

WILLIAM C. C. CLAIBORNE

[French text]

ORDRES GENEREAUX.

QUARTIERS-GENEREAUX. *Nouvelle-Orléans, 23 Décembre 1808.*

Le Président des Etats-Unis conformément au pouvoir dont il est revêtu, en vertu d’un décret du Congrès passé le 30 Mars 1808, intitulé “acte autorisant un détachement de la milice des Etats-Unis,” a enjoint aux gouverneurs des différens Etats et Territoires, de prendre les mesures nécessaires pour organiser, armer et équiper conformément à la loi et pour être prêts à marcher au premier avertissement, leurs contingents respectifs pour former une levée de cent mille hommes de milice y compris les officiers.

C’est pourquoi le gouverneur du Territoire d’Orléans, en exécution du commandement exprès qu’il en a reçu du Président, ordonne “que huit cent soixante treize hommes de la milice de ce territoire, formant son contingent, seront détachés et organisés en compagnies et bataillons.” Le détachement sera composé de cinquante artilleurs, cinquante cavaliers et cinquante carabiniers, le surplus consistera en infanterie. Tout ce contingent devra être complètement équipé et armé avec tout le fourniment propre au service actif y compris les capotes et les havresacs. Tous les corps de volontaires qui pourraient offrir leurs services avant l’ordre d’entrer en campagne, seront considérés comme faisant partie du contingent de ce Territoire, conformément au nombre d’hommes qu’ils fourniront, et je suis même autorisé à accepter comme partie de ce contingent chaque compagnie de volontaires, d’artillerie de cavalerie ou d’infanterie, qui pourra se former et offrir ses services conformément à un décret du Congrès du 24 Février 1808 intitulé: acte autorisant le President des Etats-Unis à accepter le service d’un nombre de compagnies de volontaires qui

⁹⁶ Copies of this order were sent by Claiborne to White, Dec. 26, to “sundry inhabitants”, Dec. 26, and to the Secretary of War, Dec. 29, 1808 (Rowland, ed., *op. cit.*, iv, 276–278, 280–281). See the Secretary of War to Wilkinson, Dec. 2, 1808, ordering transportation to be prepared for the movement of regular troops and militia to New Orleans, and Jan. 7, 1809, authorizing Wilkinson to call on the governors of Mississippi and Orleans for militia (NA, WD, AGO, Old Recs. Div., Mil. Bks. 3, 4).

n'excédera pas 30000 hommes. Si en vertu de cet acte, le nombre de volontaires qui offriraient leurs services, excédait le contingent demandé pour ce Territoire, on accepterait les services de ceux qui se seraient offerts les premiers, et on ferait un rapport spécial du surplus.

Le Président m'ayant ordonné que ce détachement fût complet dans le plus court délai que les circonstances pourraient permettre, je prendrai immédiatement des arrangemens pour faire dans les régimens et dans les corps de milice de tout ce Territoire, les levées qui seront jugées nécessaires.

Les volontaires maintenant organisés en compagnies seront commandés par leurs propres officiers; ceux qui s'organiseront dans la suite le seront par des officiers qu'ils pourront recommander, si leur nomination est approuvée; et les officiers qui commanderont les levées seront au choix du gouverneur. Les officiers d'état-major ainsi que les autres officiers nécessaires à une armée seront nommés lorsque les circonstances l'exigeront.

Lors que le détachement sera complet et lors qu'il aura été organisé, les différens corps qui le composent seront exercés par leurs officiers mais ils ne seront point enrégimentés ni considérés comme faisant un service actif, jusqu'à ce que par des dispositions ultérieures il leur ait été ordonné d'entrer en campagne.

Le Gouvernement Américain a fait les plus grands efforts pour que son pays continuât à jouir des bienfaits de la paix. Pendant les guerres qui si long-tems ont affligé l'Europe, les Etats Unis se sont montrés fidèlement attachés aux principes d'une impartiale neutralité. Mais dans ce siècle de révolutions et de phrénésie auxquelles l'Europe se trouve maintenant en proie, ni la justice, ni la modération, ni la sagesse n'ont été capables d'arrêter le bras de la violence ni de garantir un peuple paisible des plus outrageantes agressions. Les Etats-Unis en ont éprouvé les effets les plus atroces. Nos citoyens ont été égorgés, nos bâtimens ont été brûlés, nos propriétés pillées et nos matelots menées en captivité. Notre gouvernement s'est plaint de toutes ces atrocités, mais il s'en est plaint endain. Sous le poids de tant d'injures accumulées, nos plus chers intérêts nous avertissent de nous préparer à la guerre.

Le gouverneur se persuade que des enrôlemens volontaires compléteront le contingent demandé pour ce district des Etats-Unis. Il invoque dans cette occasion le patriotisme du territoire; il appelle avec confiance le secours de tout citoyen fidèle pour que ce *mandat de la nation* reçoive l'exécution la plus immédiate et la plus efficace.

Le peuple du territoire d'Orléans ne permettra jamais qu'un usurpateur farouche envahisse, viole avec impunité ses paisibles foyers, et dans l'heure du danger, on ne verra jamais ses guerriers qu'au premier rang. Ralliez-vous donc, citoyens, à l'appel de la patrie; que la discipline ajoute à votre valeur naturelle; et au premier signal soyez

prêts à opposer vos bayonnettes aux ennemis de vos droits et de votre indépendance.

Signé WM. C. C. CLAIBORNE.

[*Endorsed*] Recd in Gov' Claiborne's Letter of — 1809—

THE POSTMASTER GENERAL TO WILLIAM M. JOHNSON

[PO:P.M. Letter Book P]

December 27th. 1808.

W^m M. JOHNSON, Esqr P. M. Balize, Orleans Terr.

I have received yours of Novem. 10th.⁹⁷ I know not whom to select as your successor—I hope that you will find it convenient to act as Postmaster at Balize, untill we can find some suitable person to succeed you.

G. G.

JAMES MATHER TO GOVERNOR CLAIBORNE ⁹⁸

[NA:WD, AGO, Old Recs. Div.:C]

(Copy)

NEW-ORLEANS, *Jan^y 8th 1809.*

SIR, When I wrote to your Excellency on the 25th Dec. last,⁹⁹ mentioning the existence in this City of a Plot against the peace & sovereignty of the United States, I promised to communicate to you every additional information I should get relative to the manœuvres of the conspirators.—I have therefore to acquaint you of a late conversation between my principal Informant & a trusty person I had appointed to have a conference with him so as to avoid suspicions of his having the least connexion with me.—In that conversation, my informant related what had passed about a month since between M^r L. (one of the Leaders) and himself, on the subject of a Regiment of Cavalry the party intended to raise, and equip.—M^r L. was very particular in his enquiries as to the Composition of the Companies of Horse, & the disbursements requisite for their Equipment & pay.—My Informant whom they (the Leaders) have frequently engaged to

⁹⁷ Not found.

⁹⁸ Covering letter, Claiborne to the Secretary of War, Jan. 10, 1809, printed, Rowland (ed.), *Claiborne Let. Bk.*, iv, 288–299. The original, as found in NA (WD, AGO, Old Recs. Div.), has the following additional paragraph in Claiborne's hand:

"If I can obtain testimony sufficient as to the project alluded to by the Mayor, the persons concerned will be immediately noticed by the Civil Authority:—But I suspect the Plot is not matured, and that when traced, there will be found no legal ground for the interference of the Civil Authority—I shall nevertheless not be wanting in measures of precaution.—W.C.C.C."

⁹⁹ Enclosed in Claiborne to the Secretary of War, Dec. 29, 1808 (NA, WD, AGO, Old Recs. Div.; the covering letter is printed, Rowland, ed., *op. cit.*, iv, 280–281).

consent being appointed the Commanding officer of that Regiment, went so far as to give M^r L. at his request, a statement in writing of the whole expense for this part of the undertaking.—Its amount for a Company is of thirty thousand Dollars, and one hundred thousand for the whole Corps. The Statement my informant delivered in a hand writing unknown to M^r L. who asked why he did so.—To which he replied that he did it because it was proper that he should act with prudence in regard to the party, as they had not done anything yet that could assure him of what he should expect from them.—M^r L. was very friendly, and open during this, & other conversations with my informant.—The latter made several objections, to which L. answered, that the party were already Certain of a number of men who would, when called fill the ranks in the Companies of Horse, & therefore that my Informant should take no trouble to enlist men; that they were also nearly certain of having at their disposal such Cannon & c^a as there is in the place, but they wanted more, & would wish him to give his opinion respecting the means of procuring it, and to form a Memorandum—My Informant thinks their first object will be to take possession of the Park of Artillery, of Fort S^t Charles, and of the Powder Magazine, as also to secure the banks.—That the possession of the Fort will be attempted to be had thro' the Cooperation of a few Military characters, who will furnish liquor to their soldiers, & either put them on the side of the Conspirators, or render them unable from a State of drunkenness, to oppose resistance. M^r L. has no Idea of fighting. He hopes the whole will be accomplished by surprise, & like parading.—He wished not to draw his head from under the curtain; But my informant expects that he will soon be pressed upon by the Leaders to accept formally conditions for being employed on their Side.—

A German, named Wey[blank] has been on the 6th Instant, (as my Informant thinks) sent to him with a view to try his dispositions, & how far he might be relied upon.—My Informant hopes that the report of Wey[blank] will greatly induce, L. & the other Leaders to come forward & offer to conclude a reciprocal agreement, wherein my Informant will endeavour to get his salary & other recompenses fully Specified.—He has no doubt that he may succeed in bringing L. to subscribe that agreement which will be in writing; & he thinks it not improbable that for his own safety, L. will insist upon the names of the other Leaders being subscribed to it in Conjunction with his own.—As soon as this written Document can be obtained, my Informant promised me to lodge it in my hands.—

My Informant's character is not personally known to me, But I have one of my most faithful officers of Police who as served in Europe in Armies, where my Informant held a distinguished Situation. Besides his conversation shows a man of understanding and accustomed

to live in the fashionable world;—& his situation in this Country is such, as to raise him above the suspicion of acting from views of interest.—

I am with high respect Sir, your Excellency's mo: ob' Hble Serv^t

Signed, JA^s MATHER, Mayor

HIS EXC^t W^m C. C. CLAIBORNE Gov. of the T^y of Orleans—

THOMAS H. CUSHING TO GOVERNOR CLAIBORNE ¹

[NA:WD, AGO, Old Recs. Div.:C]

Cantonment COLUMBIAN SPRING *January 10th 1809.*

SIR, Your Excellency's letter of the 29th of December ² reached me on the 5th instant, but not in season for the mail of that day.

If it be true that nightly meetings are held in the City of New Orleans by persons inimical to the Government of the United States, and that Arms &c are deposited throughout the City, under circumstances which justify a suspicion that they are intended to be employed against the Country, I should presume that the Civil Authority is alone Competent to investigate the subject, and punish the offenders, and that the sooner it commences its operations, the greater will be the probability of a speedy and successful issue. Your Excellency must be sensible that the clamours which have heretofore been raised against the Army, and the Government, for the part it took in suppressing and putting down an actual Rebellion, would be renewed with increased violence, and probably with much greater effect, if it should now interfere in a case, where the only evidence of intended hostility to the Government is, in the suspicions of an Individual, who, (tho' highly Respectable for talents and Character) does not communicate the Sources from whence his suspicions are derived.

¹ Enclosed in Cushing to the Secretary of War, Jan. 11, 1809 (NA, WD, AGO, Old Recs. Div.), the relevant portion of which reads:

"I have never understood that it was the intention of the President that the Troops in this department should be removed from one place to another at the discretion of the Territorial Governors, nor have I been furnished with any instruction on this subject; and I have therefore considered it my duty to decide on all such applications, from such views as I have been able to take of the Circumstances urged in their support. In the present case the suspicions of M^r Mather may be well founded, and there may be a party of desperadoes in New Orleans, Organizing themselves to act against the Government; but it is equally probable that he is the dupe of some unprincipled men in that city who are amusing themselves at the expence of his credulity, as they have often done with that of Governor Claiborne."

² Rowland (ed.), *op. cit.*, IV, 279–280, requesting Cushing to send three or four additional companies to New Orleans. A copy was enclosed in Cushing's letter to the Secretary of War cited above. Cf. Claiborne to the Secretary of War, Jan. 24 and 29, 1809, *ibid.*, pp. 308–311.

The small detachment of troops under my immediate Command is held in Constant readiness for action, and if an actual insurrection should brake out, or any other Circumstance occur, which in my judgement should render it necessary or proper for me to remove it to New Orleans, not a moment should be lost in descending with it to that place. But in the mean time, and under existing Circumstances, I deem it more consonent to the interest and safety of the Country at large, that this little force should be kept together, than that it should be broken up in the manner proposed by your Excellency. A sufficient number of men to Complete the three Companies at New Orleans and Fort S^t Philip, have been transferred, and will be immediately sent to Major MacRea, in charge of Captain Armistead, and this is all the additional force which can be sent to New Orleans with propriety at this time.

It may not be amiss to remark, that my whole force at this Cantonment and Fort Adams does not exceed four hundred effective men—that all the Officers are now engaged on a General Court Martial which will probably be several weeks in Session, and that I have received orders from the Commander in Chief, to send a Company to Fort Stoddert.

I shall transmit Copy's of your Communication, and of this letter, to the Honorable Secretary of War.

I am Sir Your Excellency's Most Obed^t Serv^t

HIS EXCELLENCY GOVERNOR CLAIBORNE.

[*Endorsed!*] Copy of a letter from Col^o Cushing to Governor Claiborne dated January 10th 1809—

PART SIX
Papers relating to the Fifth Administration
of Governor Claiborne
1809-1811

PART SIX

COMMISSION OF GOVERNOR CLAIBORNE

[SD:Misc. Permanent Comms., C:C]

[November 14, 1808 ¹]

THOMAS JEFFERSON, President of the United States of America,
To all who shall see these presents, Greeting:

Know Ye, That reposing special Trust and Confidence in the Patriotism, Integrity, and Abilities of WILLIAM C. C. CLAIBORNE, of Orleans, I have nominated, and by and with the advice and consent of the Senate do appoint him Governor in and over the Territory of Orleans; ² and do authorize and empower him to execute and fulfil the duties of that office according to Law; and to Have and to Hold the said office with all the powers, privileges and Emoluments to the same of right appertaining for the term of three years from the 17th day of January next ensuing the date hereof, unless the President of the United States for the time being should be pleased sooner to revoke this Commission.

In Testimony whereof, I have caused these Letters to be
L S made patent and the Seal of the United States to be hereunto
affixed.

Given under my hand at the City of Washington the fourteenth day of November in the year of our Lord one thousand Eight hundred & Eight, and of the Independence of the U States of America the Thirty third.

TH: JEFFERSON

By the President
JAMES MADISON Secy of State

¹ This document did not become effective until Jan. 17, 1809; it is placed at this point, out of its chronological order, as an introduction to Part Six.

² Nominated Nov. 11 and confirmed Nov. 14, 1808 (*Senate Exec. Journal*, II, 83, 84).

SECRETARY ROBERTSON TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, x:ALS]

NEW ORLEANS 17 Jan^r 09

SIR I have the honor to transmit to you a correct statement of the Executive acts of the Governor of the Territory of Orleans from the 1st of July to the 31st December 1808

I am Sir very respectfully your ob^t S^t

TH. B. ROBERTSON

TO THE HONORABLE JAMES MADISON Secretary of State

[Endorsed] Mr Robinson 17th Jan^r 1809 Rec^d 11th Feby

[Enclosure]

The Executive Acts of Governor Claiborne

Proclamations.

1808.
 Oct. 18. For a Representative in the Room of J. Villars resigned, for the County of Orleans.—
 Dec. 3. For a Representative in the room of John Burney resigned, for the County of Rapide.—

Pardons.

- Aug. 2. of two Alabama Indians, called Shenpoke & Shenopke, convicted of wilful murder on white persons, & condemn'd to be hanged, by Jugd'ment rendered against them by the 5th Superior Court District—
 Dec. 20. of James Wade, for Manslaughter—
 “ of Henry Prevos, for Horse Stealing—
 “ of John Smith, for forgery—

Civil Appointments.

PARISH JUDGE.

- Oct. 30 David Latimore. Parish of Concordia—

JUSTICES OF THE PEACE

- Dec. 16. Claude F^{ois} Buhourd Dargy Orleans Parish
 July 17 Louis Blanchard. S^t Charles. . . . do.
 Sept. 19 Salomon Lamb. Ascension do.
 Nov. 1. Daniel J. Sutton. S^t Landry in the Opelousas. . . do. . .
 Oct. 30 Henry S. Thibodeau. Lafourche Interior. . . do. . .
 July 27 Hatch Dent. Rapide. do.
 do . . . 8 W^m Wilson. Plaquemine . . . do.
 Sept. 16 Augustin Duprès. do.
 Louis Joseph Wilce. do.
 Oct. 15 W^m M. Johnson. do.
 18 W^m Allen. do.

CLERKS.

1808.
 Sept. 10 W^m Haughey. Superior Court, for the 3rd District.
 Nov. 12 Martin Gordon. do. 1st do.

SHERIFFS.

July 13 Cornelius Woorhies. . . . Superior Court for the 5th District.
 Aug^t 31 James Petronny. do. 3rd do.

AUCTIONEER.

July —13 Bailly Blanchard. New-Orleans.

NOTARY PUBLIC.

Dec. 16 P. F. Simon Godefroy. New Orleans.

WARDEN OF THE PORT.

Nov. 1 Andrew Price. New-Orleans—

PILOTS.

July —12 Benjamin Swinson. New-Orleans—
 Sept. 3. Henry Hopkins. do.
 “ Joseph de Torris. do.

ATTORNEY GENERAL.

“ William Thomson. Orleans Territory.

KEEPER OF MORTGAGE.

Oct. 8 P. L. B. Duplessis. Orleans T^y—

I certify this statement of the Proclamations, Pardons and Civil Appointments to be a true extract from the official Journal of the Governor of the Territory of Orleans—

TH B ROBERTSON

3 Jan^y 09

[Endorsed] Return of Civil Appointments, Pardons & Proclamations for the last 6 months of 1808.—Territory of Orleans—

Return of Appointments in the Militia of the Territory of Orleans, from the 1st day of July 1808, to the 31st day of December 1808, inclusive

1808 CAVALRY.

Oct. 1 Daniel Shortridge. 1st Lieut.

1st REGIMENT.

Dec. 17 J. B. Labatut. Colonel
 Paul Lanusse. Major—

2nd REGIMENT.

July 4 François Alpointe. Captain
 J. B. Dejan. do.
 8 Antoine Marmillion. do.
 Joachim Lozany. do.
 4 Claude Dejan. 1st Lieut.

1808.		
July	4	Louis Landraux..... 1 st Lieut.
		Pierre Fauchier..... do.
	8	J. B. Durel Junior..... do.
		Pierre Hardy..... do.
		Pierre Peyroux..... do.
		George F. Favre..... do.
	4	Joseph Litiere..... 2 nd do.
	8	J. D. Gaunard..... do.
		Etienne Perez..... do.
		Joseph Aucard..... do.
		J. J. Chesse..... do.
		J. Laund..... do.
Sept	7	Docqmenil Moran..... Ensign
4 th REGIMENT.		
Dec.	9	Peter Fouché..... Colonel
July	1	Andrew Willamil..... Captain
		Louis Avart..... do.
		François Lachestiere..... 1 st Lieut.
		Edward Ducros..... do.
		Louis Durian..... do.
		J. B. F. Lebreton..... 2 do.
		Joseph Vosin..... do.
		Edward Robin..... do.
		François Verbois..... do.
		J. B. E. Lebreton..... Ensign.
5 th REGIMENT.		
Sept.	20	Augustin Massicot..... Captain
		L. M. S ^t Martin..... do.
		André Deslonde..... do.
		Guilbert Andry..... do.
Oct.	7	Michel Carentin..... 1 st Lieut.
		Severe St Armand..... do.
		P. S ^t Martin..... do.
		Jean J. Haydelle..... do.
		J. E. Destrehan..... do.
		Jean Folse..... do.
		Alex. Chenet..... do.
		. . . Labattut fils..... 2 nd do.
		Joseph Lamora..... do.
		Maximilien Baenal..... do.
		Maurice Chanette..... do.
Sept.	20	" Bertin..... Surgeon.
Oct.	1	Jean L. Maillard..... Ensign.
7 th REGIMENT.		
Oct.	1	John B. Hebert..... Captain.
		Victor Hebert..... 1 st Lieut.
		Alexis Trudeau..... do.
		Soneteur Babin..... 2 nd do.
		Bart Hamilton..... do.
		Louis Farrot..... Ensign.
10. REGIMENT		
		Samuel Glass..... 1 st Lieut.

I certify the above to be a true extract from the Records of the Official Acts of the Governor of the Territory of Orleans.—

TH. B. ROBERTSON

3 Jan^y 09

[Endorsed] Return of Militia Appointments from the 1st July 1808, to the 31st Dec. 1808—inclusive Territory of Orleans ³—

REPORT OF THE POSTMASTER GENERAL TO CONGRESS

[PO:P.M. Letter Book P:E ']

January 28th 1809

The Postmaster General in Compliance with the 30th section of the Act to establish the Post Office,⁵ respectfully reports: That the fifty following Post roads have been established more than two years, and have not in the last year produce^d one third part of the expense of carrying the Mail on the Same: Viz

N ^o	Roads	Proceeds of Post offices Octo. 1. 1807 to Octo. 1. 1808	Am ^t paid for transportation of mail Octob. 1. 1807 to October 1. 1808	Remarks
50	Washington City C ^a & New Orleans Washington City Athens New Orleans Estimated at \$17.166		17,166	This route was established for the accommodation of Government, and the Mail is transported with Speed and very Considerable regularity. Estimated on another route do do

All which is respectfully submitted

G GRANGER

³ For other references to the militia, see Claiborne to the legislature, Jan. 14, Mar. 15, to the Secretary of State, Jan. 19, Apr. 2, Piseros, Jan. 22, the Secretary of War, Jan. 24, Jan. 29, Feb. 5, Feb. 14, Mar. 16, Goforth, Feb. 10, Clay, Feb. 14, Carr, Mar. 26, Sibley, Mar. 26, 1809; the Legislative Council to Claiborne, Jan. 17, 1809; and the House of Representatives to *id.*, Jan. 19, 1809 (Rowland, ed., *Claiborne Let. Bk.*, iv, 290–299, 299–300, 301–305, 308–311, 314–316, 317–318, 322–324, 331–332, 336–337, 341). See also Claiborne to the Secretary of War, Mar. 3, and to Foucher, Mar. 2, *post*, p. 829.

⁴ Only items relating to Orleans Territory are here printed.

⁵ Approved Mar. 2, 1799 (2 STAT. 733–741).

THE POSTMASTER GENERAL TO BLAIZE CENAS

[PO:P.M. Letter Book P]

Feb. 20th 1809

BLAIZE CENAS p.m. New Orleans

I inclose you the Copy of a letter just received ⁶ in which you are Charged with gross misconduct as postmaster of New Orleans. To enable you to make such reply as the truth of the case may admit.

G G

THE POSTMASTER GENERAL TO JOHN SIBLEY

[PO:P.M. Letter Book P]

March 2. 1809

DOC. JOHN SIBLEY Natchitoches O. T.

I have received yours of Jany 7th,⁷ and I shall endeavor to regulate the post route that leads to the office at Natchitoches in the best possible manner

G G

THE SECRETARY OF THE TREASURY TO PHILIP GRYMES

[GLO:Div. C, Misc. Letter Book One]

TREASURY. DEPARTMENT. *March 3rd 1809.*PHILIP GRYMES. Esq^r Reg^r L^d Office. E. part. Terr^o of Orleans.

SIR. Enclosed I transmit to you a Commission from the President of the United States, appointing you to the office of Reg^r of the Land Office, for the Eastern part of the Territory of Orleans, and have to request that you will immediately qualify yourself, by taking an Oath to support the Constitution of the United States, and for fidelity in Office, with a bond executed by yourself and One or more good Sureties in the sum of Ten thousand dollars.—

A form of the Bond is enclosed.⁸

For the manner in which the public business confided to you by this appointment is to be conducted, I beg leave to refer you to the forms and instructions, now in the Office of your Predecessor.⁹—

I am &^{ca}

⁶ Not present.

⁷ Not found.

⁸ Enclosures not present.

⁹ Answered May 5, 1809, stating he had taken the oaths required, and enclosing his certificate of qualification and a copy of his bond (GLO, New Orleans, Reg. and Rec. Let., xxii).

GOVERNOR CLAIBORNE TO THE SECRETARY OF WAR

[NA;WD, AGO, Old Recs. Div.:LS *a]

NEW ORLEANS *March 3^d 1809.*

SIR, In compliance with the request of the President of the U. States as communicated to me, in your letter of the 18th of January last ¹⁰ I have selected, Colonel Foucher of the 4th Regiment of Militia, as a proper Officer to cause the provisions of the Embargo Laws to be enforced in this Territory & have addressed him, a letter of instruction of which the enclosure is a copy.

I should be unjust to the great Body of the people of this Territory, were I not to avail myself of this occasion, to assure you, "that the pressure of the Embargo has been chearfully borne by them, under a conviction that it was a temporary evil, and a necessary one to save us from greater and more permanent evils, the loss of property & the surrender of Rights."

I should be wanting also in candour, were I not further to add, that if unfortunately there should be found in this Territory individuals, so regardless of their characters & allegiance, as to attempt to resist the Laws by force, there is no part of the U. States, where the Militia would more readily suppress so "scandalous an insubordination."

I have the honor to be Sir, With great respect Your mo: Ob^t Serv^t

WILLIAM C. C. CLAIBORNE

THE HON^{ble} THE SECRETARY AT WAR of the U States.

[*Endorsed*] New Orleans 3 March 09 W^m C. C. Claiborne Enclo^r
Copy of his Letter app^o Col. Foucher to assist in enforc^e the Embargo
Laws Reced 8 April 09

[Enclosure]

Governor Claiborne to Peter Foucher

(Copy)

[*March 2, 1809*]TO COLONEL FOUCHER of the 4th Regiment of Militia.—

SIR, I am requested by the President of the U. States, to appoint some officer of the Militia of this Territory "of known respect for the Laws, in or near to each port of Entry in this Territory, with orders when applied to by the Collector of the District, to assemble immediately a sufficient force of his Militia, and to employ them efficiently to maintain the authority of the Laws, respecting, the Embargo".—

Confiding in your fidelity to your Country, Government & Laws, I have selected you Sir, for this command, and enclosed for your

^{9a} Printed, Rowland (ed.), *Claiborne Let. Bk.*, iv, 322–324.

¹⁰ A circular letter of instructions for the better enforcement of the embargo addressed to the governors of the seaboard states and territories (NA, WD, AGO, Old Recs. Div., Misc. Let. Bk. 3).

instruction, a copy of a letter, addressed to me, by the Honorable the Secretary at war, explanatory of the views of the president upon this subject, & which you will carefully bear in mind.—

I trust there will be no necessity, for the use of the force, hereby ordered.—The good Citizens of this Territory will I am persuaded never loose sight of that respect for the Laws which have hitherto marked their characters;—But if unfortunately, there should be found individuals so unworthy the title of American Citizens as to oppose a measure which the general interest suggested & the Government has prescribed, I am proud in the beleif, that there is no part of the American Union, where the Militia would more readily suppress a conduct so dishonorable, & bring to punishment men so unprincipled.—

Such Detachments as you may under these orders find it necessary to call into service, you will draw from the 4th and 1st Regiments and you will cause correct muster and pay Rolls to be made out and transmitted to the Department of war.—

I am sir, &c
signed / WILLIAM C. C. CLAIBORNE
NEW-ORLEANS *March 2nd 1809.*

THOMAS URQUHART TO THE PRESIDENT

[NA:SD, Orleans Terr. Papers, x:ALS]

NEW ORLEANS 18th *March 1809*

SIR In conformity with a resolution of the House of Representatives, I have the honor to inclose you their proceedings, wherein you will find that Mess^{rs} Martin Duralde & Thomas Urquhart are the candidates to fill the vacancy in the Legislative Council of the Territory owing to the resignation of Julian Poydras Esq^r.¹¹

I am with high consideration & Respect Sir Your Most obedient humble Servant

THO^s URQUHART Speaker
of the House of Representatives

HIS EXCELL^y JAMES MADISON President of the United States

[*Endorsed*] New Orleans 18th March 1809 Th:Urquhart

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEPARTMENT OF STATE, *March 20th 1809.*

GOVERNOR CLAIBORNE.

SIR. I had the honor a few days since to receive your Letter of the

¹¹ The proceedings, present with the covering letter, are not printed here as they add little to the information given above.

13th of February ¹² giving the information of M^r Poydras's Election.

It is satisfactory to learn that a Gentleman so deeply interested in the prosperity of the Territory, and one "who is avowedly friendly to the general & local administration" has been chosen its Representative in Congress.¹³

It is more to be regretted than wondered at that Publications calculated to disturb the peace & quiet of the City of New Orleans, should at this time make their appearance there. It is to be hoped however that the decided & public approbation which the Territorial Legislature has given to the measures of the General Government, will more than counteract any evil tendency which these Publications might otherwise have had.

I am &c

R. SMITH.

PETITION TO GOVERNOR CLAIBORNE BY THE INHABITANTS OF POINTE COUPEE ¹⁴

[NA:SD, Orleans Terr. Papers, x:DS]

POINTE COUPÉE *Le 24 mars 1809*—

MONSIEUR LE GOUVERNEUR—Les Soussignés Membre du jury Composé de tous Les juges de paix et de vingt quatre habitans des plus notable de Cette paroisse, pour pendre aux noms de La Majorité des habitans, Les meures les plus urgentes pour assurer Le bon ordre, nos propriétés et nos Existances; que menaces Une faction vraiment Inquiétante, dont Les Menées ourdis dabord dans Le Secrét viennent d'être poussé a un Excés Si allarmant pour des Citoyens dévoué a Leurs Gouvernement, et qui ne voudroit rien faire qui ne fut parfaitement Légal, juste, et raisonnable; quil ne peuvent San péché dans Cette Situation dangéreuse de Sadresser a Votre Excellence; en Sa qualité de chef du pouvoir Executif, et qui possède toutes Leurs Confiençé pour vous Supplier de vouloir bien venir a Leurs Secours et Leurs dictér La Conduite quil doivent tenir pour obvier aux Calamités que Leurs ennemies Leurs préparent.

Votre Excellence peut Etre Convaincu, quelle trouvera dans La majorité des habitans, des hommes, justes, raisonnable, vrai républi-

¹² Rowland (ed.), *Claiborne Let. Bk.*, iv, 316-317.

¹³ The following excerpt is from Claiborne to Jefferson, May 1, 1809 (Jefferson Papers, LC):

"M^r Poidrass possesses a great share of the esteem and confidence of his fellow Citizens, and has uniformly used his influence in support of the measures of the General Government.

As relates to this Territory, there is no one more interested in its welfare than M^r Poidrass, nor is there an Individual who enjoys a fairer private character, or whose public Conduct could be directed by purer motives of honest patriotism".

¹⁴ Covering letter, Claiborne to the Secretary of State, Apr. 21, 1809, printed. Rowland(ed.), *op. cit.*, iv, 344-346.

cain, ferme, inébranlable et prêt a Exécuté tous Ce que vous Leurs
diré Etre de Leurs devoirs—

Nous avons L'honneur d'être avec Le plus profond respect Vos très
humbles—Serveur

Poiret juge de paix	M Bourgeat
riché	p ^{re} Lauran
Malop Juge de paix	j ^{de} lejeune
guillame andré juge de paix	Ant ^{no} Beauvais
Le Doux	Bellou B
Dispan	Forgite & C
Vignes	B ^{ts} Beauvais
J. Vitrae	B Poydrass de Laland
Poydrass Pous et ^{ci} Carmouche	G ⁿ Gossrion pere
J ⁿ Legros	Etiene ardoin
p. proen jr	Grémillion
jn. Bt. porche	V ^{rs} Legros
john meveill	

[*Endorsed*] From certain Inhabitants of Point Coupee to Gov^r
Claiborne

[Translation]

POINTE COUPEE, *March 24, 1809.*

MR. GOVERNOR:

The undersigned members of the committee composed of all the justices of the peace and twenty-four of the most prominent inhabitants of this parish, to take in the names of the majority of the inhabitants, the most urgent measures to assure good order, our property, and our existence; which are menaced by a truly disturbing faction, the threats of which concocted at first in secret have just been carried to an excess so alarming to citizens devoted to their Government, and who would not want to do anything that was not perfectly legal, just and reasonable; that they cannot keep from applying to Your Excellency in this dangerous situation; in your capacity as head of the Executive power, and one who has their full confidence to beg you to be good enough to come to their aid and lay down for them the conduct they should follow to obviate the calamities which their enemies are preparing for them.

Your Excellency may be certain that you will find the majority of the inhabitants, to be upright, reasonable, true republican, staunch, resolute men, ready to do everything that you tell them to be their duty.

We have the honor to be with the deepest respect, Your very humble servants

GOVERNOR CLAIBORNE TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div.:LS]

NEW-ORLEANS, *April 2nd* 1809.—

DEAR SIR, There have arrived here, about two thousand Troops and several hundred more are daily expected;—the public' Barracks not being sufficient for their accomodation, many of the Companies are comfortably but (necessarily) expensively quartered in the different parts of the City.—

Captain Abrahams the Military Agent whose services are now so essential, has tendered his resignation and is solicitous to return to Georgia;—He complains of the multiplicity of his business, & the inadequacy of his compensation, to a comfortable support.—It appears to me, that M^r Abrahams, has just cause to complain;—his duties (to which so much responsibility attaches) employ his whole time, & his compensation is only Seventy six Dollars per month;—A lesser sum than is usually given here to a Merchant's Clerk, and cannot possibly support a family in this expensive City.—

Of M^r Abrahams's fidelity in office and sincere attachment to the welfare of the Government, I feel fully persuaded.—He has moreover a knowledge of this Country, of its inhabitants and their mode of transacting business;—His habits are industrious,—His arrangements are economical, and he seems to be as careful of the public' purse as if it were his own.—I really think Sir, a continuance of M^r Abrahams' Services so desirable, that to ensure them, a considerable encrease of his pay and emoluments would be advisable.

You will excuse the liberty I take in addressing you this letter; I have no other motives than to promote the interest of the Government, and to render justice to a meritorious officer.¹⁵—

¹⁵ Claiborne had previously come to Abraham's defense when Wilkinson had complained of the agent's incompetency (Wilkinson to the Secretary of War, Dec. 25, 1806; Claiborne to *id.*, Sept. 11, 1807, NA, WD, AGO, Old Recs. Div.; the Secretary of War to Claiborne, Oct. 20, 1807, *ibid.*, Misc. Let. Bk. 3). Abrahams resigned as military agent Oct. 20, 1808, but continued to act until June, 1809 (Abrahams to Claiborne, Oct. 20, 1808, NA, WD, AGO, Old Recs. Div.; Claiborne to the Secretary of State, Oct. 29, 1808, Rowland, ed., *op. cit.*, iv, 234). His letters to the Secretary of War for this period, dealing with the transportation and housing of troops, fortifications, and accounts, are as follows: Jan. 2, Jan. 9, Jan. 23, Jan. 30, Mar. 20, Apr. 3, Apr. 24, May 1, May 2, May 5, May 31, and June 5, 1809 (NA, WD, AGO, Old Recs. Div.).

John W. Guion was appointed to succeed Abrahams but he refused the office. Andrew McCulloch, appointed May 3, 1809, died before the end of the year and was succeeded by William Swan, appointed Dec. 19, 1809 (*Senate, Exec. Journal*, II, 111, 112, 125, 127, 131; Smith to Guion, Feb. 27, 1809, to Abrahams, Feb. 27 and May 4, 1809, and to McCulloch, May 4, 1809, NA, WD, AGO, Old Recs. Div., Mil. Bk. 4). Zebulon Pike acted as agent in the interval preceding Swan's appointment (the Secretary of War to Swan, Dec. 20, 1809, *loc. cit.*).

I am D^r Sir, With great respect Your hble Servt

WILLIAM C. C. CLAIBORNE

THE HON^{ble} WILLIAM EUSTICE Secretary at War.

[*Addressed*] The Honorable William Eustis Secretary at War City of Washington, [*Postmarked*] New Orleans Apr 3 Free

[*Endorsed*] New Orleans 2 April 09 C. C. Claiborne States the arrival of Troops there. Relative to M^r Abrahams services & Salary. to lay. Reced 29 April 09.

THE SECRETARY OF THE TREASURY TO GOVERNOR
CLAIBORNE

[GLO:Div. C, Misc. Letter Book One]

TREASURY DEPARTMENT. *April*. 5th 1809—

HIS EXCELL^y W. C. C. CLAIBORNE. Gov^r &^a New Orleans.

SIR. I have the honor to enclose a printed copy of An Act for the relief of certain Alibama & Wyandott Indians,¹⁶ and of a letter written this day on that subject, to the Surveyor of the public Lands. S^o of Tennessee.¹⁷

The President of the United States requests, that you will cause the tract intended for the Alibama Indians to be located in a convenient situation, and free of any prior claims. You will perceive that the Surveyor is instructed to have it surveyed in conformity with your directions.

I am &^{ca}

For other letters concerning the New Orleans defenses and the situation of the military forces there, see MacRea to the Secretary of War, May 14, 1809 (enclosing MacRea to Claiborne, May 9, and the latter's reply, May 11, 1809), Oct. 8, 1809 (enclosing MacRea to Wilkinson, Oct. 4, 1809), Feb. 18, Mar. 18, June 4, June 30, July 18, 1810, and Aug. 31, 1811 (NA, WD, AGO, Old Recs. Div.); the Secretary of War to Hampton, Mar. 9 and Mar. 12, 1810, to Swan, Apr. 3, 1810, July 1 and Sept. 9, 1811, and to MacRea, May 18, 1810, *ibid.*, Mil. Bks. 4 and 5.

¹⁶ Act approved Feb. 23, 1809 (2 STAT. 527). On this subject see Sibley to the Secretary of War, May 8, 1809 (NA, WD, AGO, Old Recs. Div.).

¹⁷ The Secretary of the Treasury to Pease, Apr. 5, 1809 (GLO, Div. E, SG, 1790-1816).

LIST OF CIVIL AND MILITARY OFFICERS

[NA:SD, Orleans Terr. Papers, x:C]

[April 21, 1809]

A List of the more important Civil & Military officers of the Territory of Orleans, shewing their several places of Nativity.—

PARISH JUDGES

Names	What Parish	Place of nativity—
James White	Attakapas	Pennsylvania
Peter Dormenon . . .	Point Coupee	France, but last from Maryland.—
L. Moreau Lislet . . .	New-Orleans	France, but for several years an Inhabitant of New-Orleans.
Achille Trouard . . .	S ^t John Baptist	France, but for 20 years past, an Inhabitant of Louisiana
Peter B. S ^t Martin. . .	S ^t Charles	Louisiana.
Michel Cantrelle. . .	S ^t James	do.
William Wykoff. . . .	Bâton Rouge	Pennsylvania
George King	S ^t Landry in the Opelousas	Virginia
Bela Hubbard.	Assumption	Connecticut
John C. Carr	Nachitoches	England, last from Kentucky
Charles De Latour. . .	Plaquemine	Louisiana
Nathan Meriam. . . .	Iberville	Massachusetts
Charles Fagot	S ^t Bernard	Louisiana
Edward D. Turner . . .	Ascension	Massachusetts
Richard Claiborne . .	Rapide	Virginia
Benjamin Tennell. . .	Cathahula	North Carolina
Thomas F. Oliver . . .	Avoyelles	Massachusetts
William Goforth . . .	Interior of La-fourche	Connecticut, last from Ohio.
David Latimore	Concordia	Virginia
Thomas C. Lewis . . .	Ouachitta	Kentucky—

CLERKS OF CIRCUIT COURTS.

Martin Gordon	Sup ^r Court for the 1 st District	Virginia
William Taylor	2 nd	do.
William Haughey . . .	3 rd	Dellaware
John Scott	4 th	Virginia
John Thompson j ^r . . .	5 th	Kentucky

SHERIFFS OF DISTRICTS—

Names	What Parish	Place of nativity—
Blaise Cenas	Sup' Court for the 1 st District	Louisiana
William S. Watkins .	2 nd	South Carolina
James Petronny . . .	3 rd	France
Hatch Dent	4 th	Maryland
Cornelius Voorhies .	5 th	Virginia

MAYOR—OF—

James Mather	—New Orleans	England—but 36 years a Citizen of Louisi- ana—
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RECORDER OF—

Laveau Trudeau . . .	—New Orleans	Louisiana—
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CLERK OF THE CITY COURT OF

Thomas S. Kennedy .	New-Orleans	Maryland
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PHYSICIAN OF THE PORT OF

William Flood	—New-Orleans	Virginia—
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HARBOUR MASTER OF

Samuel B. Davis . . .	New Orleans	Pennsylvania
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MASTER WARDEN

William Colcock . . .	New Orleans	England
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WARDENS.

Michel Fortier	New Orleans	Louisiana
George Pollock	do.	Ireland—last from New York
Andrew Price	do.	Virginia—

ATTORNEY GENERAL—

Names		Place of nativity
William Thomson	Orleans Territory	Virginia

RECORDER OF MORTGAGES.

Peter L. B. Duplessis .	Orleans Territory .	Pennsylvania
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REGISTER OF WILLS—

Philip L. Jones—	Orleans Territory	New York
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NOTARIES PUBLIC.

Peter Pedesclaux	New Orleans	France—many years a Resident in Louisiana.
Narcissus Broutin	do.	Louisiana—
John Lynd	do.	Ireland—Many years Resident in Louisiana.
Eliphalet Fitch . . .	do.	Massachusetts
Stephen Quinones . .	do.	Spain—Many years a resident in Louisiana
Peter F. S. Godefroy—	do.	France—many years a Resident in Louisiana

VENDUE MASTER.

Charles Patton	New Orleans	Ireland—last from Pennsylvania
Francis Dutillet	do.	Louisiana
Bailly Blanchard	do.	France—last from Pennsylvania

SPECIAL ADMINISTRATOR—

Joseph Saul	New Orleans—	England—But for many years a citizen of Virginia.
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MILITIA OFFICERS.

Names	Rank	Place of nativity
Henry Hopkins	Adjutant General	Maryland
John B. Labatut	Colonel 1 st Regiment	France, but near 30 years a Resident in Louisiana
John Clay	do. 2 nd do.	Virginia
James Villere	do. 3 rd do.	Louisiana
Peter Fouché	do. 4 th do.	do.
Manuel Andry	do. 5 th do.	do.
John B. Armant	do. 6 th do.	do.
William Wykoff Jun ^r	do. 7 th do.	Pennsylvania—
John Thompson	do. 8 th do.	Virginia
Alexander Le Blanc	do. 9 th do.	Louisiana
B. Shaumburgh	do. 10 th do.	Germany, but for many years an officer in the Army of the U. S.
William Wykoff Sen ^r	Brigade Major	Pennsylvania—
Francis Dutillet . . .	do.	Louisiana—

[*Endorsed*] List of the Principal Officers in the Territory of Orleans—
inclosed in Gov^r Claiborne's 21st April 1809 ¹⁸ D.

THE SECRETARY OF WAR TO JAMES WILKINSON

[NA:WD, AGO, Old Recs. Div., Mil. Book 4]

WAR DEPARTMENT 30 April 09

JA^o WILKINSON

SIR In my letter of the 27th Inst.¹⁹ a concern was expressed for the health of the Troops together with a confidence in your experience, knowledge of Country and entire competency and disposition, to adopt every necessary measure respecting that very important object—

On inspecting the general instructions given by this Department 2nd Dec^r 1808 ²⁰ it appears that the Troops were to be assembled at New Orleans. An Apprehension that the letter of this Instruction may be construed to limit any measures which your own judgement might suggest respecting a change of position, induces me to remove any such obstacle, if it shall have had an Influence—By the returns of the 24th of March ¹⁹ it appears that more than one fourth part of the Troops were sick. Without a knowledge of this fact, the removal of

¹⁸ Rowland (ed.), *op. cit.*, IV, 344–346.

¹⁹ Not found.

²⁰ The Secretary of War to Wilkinson (NA, WD, AGO, Old Recs. Div., Mil. Bk. 3).

the Army from N. Orleans during the summer & autumnal Months is suggested by every consideration of prudence and Experience—

If therefore such removal shall not, on receipt of this Letter, have been already commenced—You will be pleased to give the necessary orders to have it effected immediately. After leaving the necessary Garrison consisting of Old Troops at New Orleans, it will be desirable that all the others should be transported either to the high Ground in the rear of Fort Adams, or a part of them in the rear of the Natchez—Perhaps both these stations should be occupied. A division of the Troops being more (probably) favorable to their Health, than quartering the whole together in one body. Of this you will judge—The primary objects will be to preserve the Health and lives of the Men—next to have them so quartered as will best admit of a regular system of order, government and discipline, with as much economy as is practicable ²²

Having received returns from Col. Smyth ²³ the last Evening I hasten to communicate by this Post, without time to be more particular, and am with respect ²⁴ Dear Sir &c.

P S. The wants of the Army in hospital Stores & other Articles as reported by Col. Smyth, will be immediately attended to—

PHILIP GRYMES TO THE SECRETARY OF THE TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, XXII:LS]

(Duplicate)

NEW ORLEANS *May* 22^d 1809.

SIR, The Board of Commissioners for this district deem it to be necessary that some report should be made to you at this time

²² Wilkinson's failure to follow the Secretary of War's instructions regarding the location of the camp resulted in his being relieved of his command by Hampton, Sept. 10, 1809 (the Secretary of War to Hampton, Sept. 10, and to Wilkinson, Sept. 10 and Nov. 24, 1809, NA, WD, AGO, Old Recs. Div., Mil. Bk. 4). See Eppes to the President, Jan. 18, 1810 (Madison Papers, LC), commenting on the hostile public sentiment against Wilkinson because of his neglect of the health of the troops at New Orleans.

Other letters on this subject and on military matters in general for this period are as follows: Wilkinson to the Secretary of War, May 14, 1809 (enclosing Wilkinson to Folch, May 3, and the latter's reply, May 4, 1809), June 18, June 25, July 2, July 9, July 16, July 23, July 24, July 31, 1809 (enclosing letters from Porter, July 26, from Carroll, July 27, from Claiborne, July 28, to Claiborne, July 27), and report of the troops at Terre au Boeuf, Aug. 27, 1809 (NA, WD, AGO, Old Recs. Div.); the Secretary of War to Wilkinson, June 22, July 15, Aug. 5, Aug. 12, Aug. 30, 1809, to Daniel, July 12, July 17, 1809, and Jan. 19, 1810, to Hampton, Nov. 7, 1809, Mar. 9, Mar. 12, 1810 (NA, WD, AGO, Old Recs. Div., Mil. Bk. 4).

²³ Not found.

²⁴ Acknowledged June 18, 1809 (NA, WD, AGO, Old Recs. Div.).

as to the state of the business pending before them; and at their instance I have consented to become the organ of that communication, notwithstanding the short period for which I have been a member, can not have afforded me an opportunity of becoming well enough acquainted with the subject, to do compleat justice to it.

This communication is made principally with a view to the approaching period of dissolution of the board, and to furnishing Congress with such matter as may be necessary for their consideration, should they think proper to act upon the subject during the present session.

It is now reduced to a certainty that the business before us can not be finished by the first of July next, when it is contemplated by law that the Board shall be dissolved. It is questioned by the Commissioners whether they have authority to act after the expiration of that time; and if they have authority to act, it seems to be decided by the law that all compensation to the officers shall cease, consequently there will be but little probability of obtaining their services. The failure to finish the business assigned to the Board within the limited time, is attributable, as I understand from the Commissioners to the death of M^r Gurley in the first instance, and of M^r Van-Pradelles in the second. They held the office of Register in succession to each other; And during the intervals between their deaths and the vacancies being filed, the office was closed, and the Board ceased to act definitively upon any claim; And the Deputy Registers with whom many claims had been entered, conceived themselves authorised to make a return of them only to the principal Register, and not to the Commissioners.

From a computation of the time elapsing in those intervals it would seem upon the hypothesis that the reason assigned by the Commissioners for the business not having been finished is the true and only one, that an extention of the time for twelve months, would be sufficient to compleat the investigation of claims now before the Board—But it is a fact, that many claims have been presented to the Register and his Deputies since the expiration of the time limited by law for their reception, and which, therefore, can not be acted upon by the Commissioners—Amongst these are some very important claims—the much talked of case of the Batture, claimed by M^r Edward Livingston is one: besides it is the opinion of the Commissioners that there are many claims, within this district, uncertain and unsettled in their nature, which have not yet been presented to the Register. The cause of this delay is to be traced to, the jealousies and suspicions which at first existed with some as to the motives and objects of this enquiry into title—to the ignorance of others, and to the want of general notice—It is, therefore, respectfully submitted to you, whether it would not be advisable to open again

the office of Register for the reception of claims, as well as to continue the Board of Commissioners for twelve months longer.

I am sir—with considerations of high respect—Y^r ob^t Serv^t

P GRYMES

[*Endorsed*] N^o 2—New Orleans May 22. 1809. rec^d P. Grymes Reg^r Land-office—de extension of time for receiving and deciding on land-claims Livingston's claim to the Batture not presented till the time limited by law had expired. Answ^d—June 28th ²⁵—Answ^d

SECRETARY ROBERTSON TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, x:ALS]

NEW ORLEANS 24 *May* [1809]

SIR I have the honor to enclose you a copy of the Laws of the last Session of the Legislature of this Territory ²⁶—few of them are general or of much importance, the time of the house was taken up for the most part in discussing political questions, on all which and in indeed on most other questions the French and American members divided—the truth is that for all the purposes of Government there is here a more obvious unfitness a more deplorable destitution of talents than in any other part of our Country—The Idea of making this Territory an independent State, is opposed by every intelligent American—the Creoles form no opinion on the subject—but it is ardently wished and strenuously advocated by enterprising and dissatisfied foreigners from Europe and the West Indies the voice of New Orleans alone is heard and composed as is its population of adventurers from all parts of the World there is no place whose voice should be less attended to—The principles and habits which prevail in this country instead of approximating towards those of the U States are becoming every day more and more dissimilar

At this moment an event occurs which will be attended with moral and political consequences much to be deprecated, which will rivet upon us a decided and irresistible preponderance of French influence—and thus prevent us for many years to come from considering this in heart and in sentiment as an American country—Many of the unfortunate French are arriving daily from Cuba about two thousand

²⁵ GLO (Div. C, Misc. Let. Bk. One), stating that the information sent had been received too late for submission to Congress. Other letters found in the GLO for 1809, mostly concerning salaries and accounts, are as follows: the Secretary of the Treasury to Parmelee, Jan. 10, Lewis, Mar. 20, Thompson, May 9 and Sept. 6, Robertson, June 10, Cocke, June 19, Grymes, July 31, Saul, July 31, *loc. cit.*; Wikoff to Grymes, June 17 and Oct. 20; Grymes to the Secretary of the Treasury, Sept. 11; and Saul to *id.*, Sept. 11, 1809 (GLO, New Orleans, Reg. and Rec. Let., xxii).

²⁶ Not present. See *Acts, Second Session, Second Legislature, Orleans, 1809* (New Orleans, 1809).

are expected they bring with them negro slaves & free people of Colour I pity their distresses and would relieve them to the utmost of my ability but I sincerely wish that they had gone to some other part of our extensive Continent—I am pleased that our differences with Britain are about to be happily terminated—it may relieve us from the necessity of keeping up in this country so large and expensive a military establishment it is unnecessary except to guard against External attack and the ravages which may be made upon the soldiery may be a reason for removing them to some more healthy climate—

Be pleased to accept the enclosed Almanack ²⁷ it contains a valuable Essay on the limits of Louisiana, although I apprehend that it is written more in the Spirit of a Spaniard than an American

I am entirely cut off from [MS. torn] correct intelligence from the [MS. torn] May I request you to send me [MS. torn] your office by the Fort Stoddart Mail the National Intelligencer upon receiving it I will write to M^r Poydrass to pay the subscription

I have the honor to be with great respect your ob S^t

TH B ROBERTSON

THE HONORABLE ROBERT SMITH Secretary of State 1809

[Addressed] The Honorable Robert Smith Sec^y of State Washington City

[Endorsed] New Orleans 24 May 1809. Th. R. Robertson

THOMAS URQUHART TO THE PRESIDENT

[NA:SD, Orleans Terr. Papers, x:ALS]

NEW ORLEANS 4th June 1809

SIR I had the honor of addressing the late President M^r Jefferson in the month of January last ²⁸ the proceedings of the territorial Legislature relative to the election of two Candidates to fill the vacancy, in the Legislative Council, owing to the death of Col^l Macarty, and no appointment having yet come on presuming my communication to the President might have miscarried, I inclose you a duplicate of the same ²⁹ I remain with high consideration & Respect.

Sir Your most obed^t Servant

THO^s URQUHART Speaker of the
House of Representatives, T. Orleans

HIS EXCELL^y JAMES MADISON President of the U. S

[Endorsed] M^r Urquhart 4th June 1809—

²⁷ Enclosure not present.

²⁸ Not found.

²⁹ Enclosure not present. Copies of the proceedings of Jan. 23 and Jan. 25, 1809, to which Urquhart referred, were forwarded by Claiborne to the Secretary of State, June 1, 1809 (Rowland, ed., *Claiborne Let. Bk.*, iv, 375–376, 378–379).

GOVERNOR CLAIBORNE TO JULIEN POYDRAS

[NA:SF, 11 Cong., 1 sess.:LS]

NEW-ORLEANS, June 4th 1809.

D^r SIR, I have nothing new to communicate;—near one thousand people from Cuba, have reached this City, and from two to three hundred more have passed the Balize.—Some of those arrived are in great distress; But the Inhabitants of New-Orleans are very benevolent, and have contributed liberally to the relief of those unfortunate Strangers.—The negro's are still detained on Board the Vessels in which they came.—I should myself, be well pleased, if Congress would relax the Law forbidding the importation of Slaves, as relates to these miserable exiles;³⁰—I witness their distress, and would most readily alleviate it, if in my powers—The vessels having negro's on board are not permitted to entry, & the consequence is, that the Passengers cannot land other than their personal Baggage, leaving on board their furniture, & (occasionally) small parcels of merchandize, Sugar & Coffee, which they had saved from the wreck of their property.—

I believe every thing is now tranquil at Point-Coupee—The Vicar General informs me, that he has recalled M^r Lespinasse.—

Mr Dorgeny the Marshal of the District of Orleans, has resigned,³¹ and I have recommended as his Successor Fortier fils;—You know Fortier to be an honest, capable, excellent Citizen, and will I hope speak a good word for him, to the President, the Sec^y of State, and some of the Senators.—

The Batture is still covered with water, and is in truth a part of the Bed of the Mississippi.—The Parliament of Great Britain in the year 1771, passed a Special Act “for enabling certain Persons to enclose & imbank part of the River Thames, adjoining to Durham yard”, but not without considerable opposition, upon the ground that it was an invasion of the property of the City of London, in the Bed or Soil of the River.—But should the “shoal” in front of the Suburb S^t Mary be enclosed or imbanked, it will not only be an invasion of the rights of the City of New-Orleans, but of every Individual, who may descend the river to this Port—for as I stated in a former letter, this Batture or Shoal, being covered with water from four to Six months in each

³⁰ The act approved June 28, 1809 (2 STAT. 549-550), authorized the President to remit penalties imposed under the exclusion act in cases where the owners of slaves had been expelled from Cuba. U. S. district attorneys were informed of the passage of the act in a letter of the Secretary of State, July 12, 1809 (NA, SD, Dom. Letters, xv).

³¹ Dorgeny's letter of resignation to the Secretary of State, May 30, 1809, is in SD (Appt. Office Files). Cf. Claiborne to the Secretary of State, May 30, 1809 (Rowland, ed., *op. cit.*, IV, 373).

year, has during that period, been used time immemorially, as a Common high-way.—

I am D^r Sir, your friend,

WILLIAM C. C. CLAIBORNE

M^r JULIAN POYDRAS.

[*Endorsed*] L. 11th Cong. 1 Sess. Letter from Governor Claiburn of Orleans to M^r Julian Poydras delegate to Congress respecting exiles from Cuba.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[NA:SD, Orleans Terr. Papers, x:ALS]

NEW-ORLEANS *June 12th 1809*

SIR, Your favour of the 24th April has been duly received.³² The Letter which you addressed to the Lady Abbess of the Ursulines,³³ was immediately transmitted, and in a Note to me acknowledging its receipt, the Abbess expresses “the great pleasure, which the assurance of your protection, has afforded herself, & the Community,” and offers a prayer to Heaven, “for the prosperity of a Government, which extends to them the most ample security.³⁴—

At the request of the Mayor and Council of New-Orleans, I now have the honor to lay before you, certain Resolutions which they have unanimously adopted. The Compliment paid the Troops by the City Council is well merited; I can also, bear testimony to their orderly Conduct, and to their great respect for the Citizens and the Laws.—

With great respect & Esteem I am D^r Sir, Your Mo: obt sert

WILLIAM C. C. CLAIBORNE

JAMES MADISON President of the U. States.

[*Endorsed*] New Orleans 12 June 1809. Gov^r Claiborne

[Enclosure]

Resolution of the City Council of New Orleans

City Council of NEW-ORLEANS. [*June 10, 1809*]

Whereas the troops under the Command of General James Wilkinson, are about to leave this City to repair to their cantonments at the English turn;

It is declared by the City Council, that the greatest order and the best discipline have marked the conduct of the troops of the United

³² Madison Papers (LC), on the subject of foreign affairs.

³³ Not found.

³⁴ Not found. Cf. the New Orleans city council to the President, June 10, 1809, congratulating him on his election, and the President's reply, July 23, 1809 (Madison Papers, LC).

States during their residence of several months at New Orleans; That the officers and soldiers manifested the greatest respect for the Citizens and the Civil authority; And that not a single complaint against the said troops has reached the Council;

Resolved that the Mayor be requested to transmit to his Excellency W^m C. C. Claiborne, Governor of this Territory, a Copy of the present declaration, requesting his Excellency to forward the same to the President of the United-states.

Resolved moreover that a similar copy be transmitted by the Mayor to General J^s Wilkinson, assuring him of the esteem and acknowledgments of the Corporation of New Orleans, and presenting to him their best Wishes for the health of himself; of the Officers and the brave troops under his command.

Signed: CHARLES TRUDEAU, President. By the President, M^{co} BOURGEOIS, City Clerk.

Approved: NEW ORLEANS, June 10, 1809. Signed: JA^s MATHER, Mayor.

True Copy. Ja^s Mather Mayor

[*Endorsed*] Rec^d in Gov^r Claiborne's letter of 12 June 1809.

[French text]

Conseil de Ville de la N^o11^e ORLÉANS. [June 10, 1809]

Vu que les troupes sous le commandement du Général Ja^s Wilkinson, sont à la veille de quitter cette Ville pour se rendre à leur cantonnement au détour des Anglais;

Il est déclaré par le Conseil de Ville, que le plus grand ordre et la plus parfaite discipline ont caractérisé la conduite des troupes des Etats-Unis, durant leur séjour à la N^o11^e Orléans depuis plusieurs mois; Que les officiers et soldats ont manifesté le plus grand respect pour les Citoyens et les autorités civiles; et que pas une seule plainte contre les dites troupes n'est parvenue au Conseil de Ville;

Résolu en conséquence, que M. le Maire sera prié d'adresser à son Excellence W^m C. C. Claiborne, Gouverneur de ce Territoire, une copie de la présente déclaration, avec prière de la transmettre à son Excellence le Président des Etats-Unis;

Résolu aussi que le Maire transmettra pareille copie au Général Wilkinson, en l'assurant de l'estime et de la reconnaissance de la Corporation de la N^o11^e Orléans; et en lui offrant en même temps, ses Vœux sincères pour sa santé, Celle des Officiers et des braves troupes qu'il commande.

GOVERNOR CLAIBORNE TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div.:LS]

NEW-ORLEANS, *June 16th 1809.*

SIR, I had the honor to receive on the 14th Instant, your Circular Letter of the 29th of April last,³⁵ and in compliance with the instructions of the President of the U. States, I have issued on this day, a General order, of which the enclosed is a Copy.

I have the honor to be Sir, very respectfully, yo: hble Serv^t.

WILLIAM C. C. CLAIBORNE

THE HONORABLE WILLIAM EUSTIS Sec^y at War.—

[*Endorsed*] New Orleans, June 16th 1809. William C. C. Claiborne,—acknowledging the receipt of Circular from the War Department under date 29th April ult^o—and inclosing a printed Copy of his General Orders issued on that occasion.—Rece^d July 17th 1809.

[Enclosure]

Louisiana Courier, *New-Orleans: Saturday, June 17, 1809* ³⁶

HEAD QUARTERS.

New-Orleans, June 16th, 1809.

The Commander in Chief congratulates the Militia of the Territory, on the happy change which has been effected in our foreign relations, and in conformity to the instructions of the President of the United States, directs, that the Detachment of 873 men, including officers, non-commissioned officers, & privates, detailed in obedience to a general order of the 23d of December last, "*be no longer held in readiness for actual service;*"—he also, has it in charge, to present the thanks of the President "*to those Corps whose patriotism had induced them to volunteer their services to the United States.*"

The Commander in Chief avails himself of this occasion to express also his approbation of the conduct of those faithful citizens, who at the call of the Government, stood forth to avenge their country's wrongs, and to assure them of his confidence and esteem.

WILLIAM C. C. CLAIBORNE.

GOVERNOR CLAIBORNE TO THE SECRETARY OF THE
TREASURY

[NYHS:Gallatin Papers:ALS]

(Private)

Near NEW ORLEANS *June 21st 1809.*

D^r SIR, In my official Letter of this morning,³⁷ enclosing my Contingent Account for the quarter ending on the 30th Instant, I forgot to

³⁵ NA (WD, AGO, Old Recs. Div., Mil. Bk. 4).³⁶ A newspaper clipping.³⁷ Not found.

state the reason, why you have not been furnished for some time past with an Account of the proceeds of the Rents of Public Buildings: These which amount only to sixty Dollars p^r month, have for, (I believe,) near twelve months past, been received by the Mayor of New-Orleans, and appropriated to the discharge of a claim this City has exhibited against the U. States for improving the Side Walks, in front of the Public' Lots.

I persuade myself, that my general Accounts stand well on the Books of the Treasury;—From my own Books it appears that I am in advance for the government, two or three hundred Dollars.—There is certainly nothing I should more regret than that it should for a moment be supposed, I had not faithfully accounted for the public' monies placed in my hands;—Hence it is, that I have for some time, been so solicitous to visit the Seat of government, in order that my public' Accounts may be fully closed—But which visit I have heretofore been compelled to postpone;—I hope however, to be enabled to leave the Territory, without inconvenience to the public service October next.

From the Resolutions submitted by M^r Randolph,³⁸ I suspect the Table expences of General Wilkinson and myself, on taking possession of Louisiana, will again be a subject for severe an' imadversion. I am aware, it will be difficult to make many Members of Congress believe, that the Commissioners were not highly extravagant.—But in truth, the most prudent œconomy was practised;—The Wine, as well as the Segars were used by the Sovereign People; for the Commissioners could not avoid receiving with hospitable attentions, the many respectable strangers, which political events had, (at that time) drawn to New-Orleans;—There were many other expenditures necessarily incur'ed by the Commissioners which were not exhibited as a Charge against the U. States; they were paid for out of my own funds;—I once had intended to apply for remuneration—But the idea is now given up, & my only wish is, to have as few Accounts as possible to adjust with the government.

About two thousand persons (including Slaves) have arrived at New Orleans from Cuba, & more are expected.—The Negro's have been placed temporarily in possession of their masters, upon their giving security, that they shall be forth coming when thereunto

³⁸ A resolution submitted to the House by Randolph on Feb. 3, 1809, provided for the appointment of a committee to inquire whether any advances of money had been made to Wilkinson by the War Department, contrary to law. On Mar. 3, 1809, Randolph, as chairman of the committee appointed, charged Wilkinson with having received advances of rations in excess of his legal allowance, and offered a resolution to that effect. This resolution was tabled after lengthy debate. A second resolution was then offered by Randolph, charging Wilkinson with having received illegal advances in pay, but a motion that it be printed was denied (*Annals*, 10 Cong., 2 sess., 1330–1331, 1503, 1564–1575).

requir'd. The reasons which induced this measure have been fully detailed in a Letter to the Secretary of State,³⁹ & I hope my Conduct may be approved—

I am D^r Sir, with great respect & Esteem Your obt servt

WILLIAM C. C. CLAIBORNE

THE HON^{ble} M^r GALLATIN.

[*Endorsed*] New Orleans June 21. 1809 Clayborn

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, x:ALS]

TERRITORY OF ORLEANS

(Private)

County of Ibberville *June 30th 1809.*

DEAR SIR, I left New-Orleans on the 21st Instant, and have accompanied M^{rs} Claiborne, thus far, on her way to Attackapas, where she designs to pass the Summer.—Being now within three days ride from Natchez, I contemplate proceeding to that place.—My stay

³⁹ June 20, 1809 (NA, SD, Orleans Terr. Papers, x), enclosing Mather's report, June 14, 1809, of the number of Cuban refugees and their slaves that had arrived in New Orleans. Claiborne had ordered the slaves delivered to their owners provided bonds were posted to insure their delivery, should they be declared subject to forfeiture. Rogers, U. S. Consul at Santiago, Cuba, had previously requested that all possible consideration be extended the French refugees (Rogers to Claiborne, Apr. 19, enclosed in Claiborne to the Secretary of State, May 20, 1809, *loc. cit.*; the covering letter is printed, Rowland, ed., *op. cit.*, iv, 363-366).

The following letters and documents on this subject were enclosed in Robertson to the Secretary of State, July 8, 1809: an extract from Mather's report of the number of refugees arrived from Cuba, not dated; George Davis and others to the President, not dated, asking for remission of penalties incurred for bringing in slaves; Wilkinson to the "Mes^{rs} Francois", Apr. 2, 1809, in reply to a request for aid from certain unnamed persons; note of Governor Kindelan, May 20, 1809, asking that French inhabitants of Cuba be given passage on American ships; and an affidavit by William Dewees, July 7, 1809, certifying the authenticity of the above-mentioned documents (NA, SD, Orleans Terr. Papers, x; the covering letter and Mather's report are printed, Rowland, ed., *op. cit.*, iv, 379-380). A continuation of Mather's report, July 18, 1809, and Mather to Claiborne, same date, were enclosed in Claiborne to the Secretary of State, July 29, 1809 (NA, SD, *op. cit.*; printed, Rowland (ed.), *op. cit.*, iv, 382, 387-389, 391-393). See also Claiborne to Walsh, May 12, the Secretary of State, May 14, May 15, May 18, Aug. 9, Nov. 12, Many, May 16, May 18 (four), May 22 (four), June 3, Jefferson, May 17, Wilkinson, May 20, Poydras, May 22, May 28, Graham, July 19, Mather, Aug. 4, Savage, Nov. 10, Gray, Nov. 10, and Porter, Nov. 10, 1809; Mather to Claiborne, Aug. 7, and the latter's reports of Aug. 21, Aug. 23, and Aug. 29, 1809; affidavits of persons posting bond for the delivery of slaves; and petition of certain French refugees in St. Domingo to the President, Sept. 5, 1809, *ibid.*, pp. 351, 351-355, 356-363, 366-367, 371-372, 378, 390-391, 402-408, 410-418; v, 1-7.

there, will not exceed four days, and [I] propose to return to New-Orleans on or about the 15th of July.—

Will you be pleased Sir, to solicit for me the President's permission to visit the City of Washington in October next.—Under the late Administration, leave of Absence was accorded me, "whenever in my own Judg'ment, my presence in the Territory could be dispensed with, without injury to the public' Service, and provided there should be a Secretary in the Territory at the period of my departure:— If the President would be good enough to extend to me, a like Indulgence, I trust no Considerations will intervene to prevent my availing myself thereof.—In the event, that leave of Absence be granted me, and either of the Boomb-Ketches now on this station, should in the Month of October be returning to any one of the Atlantic States, I shall feel much obliged, if the President would direct a passage to be afforded me.—

I have several reasons for preferring a Conveyance in a Public' Vessel;—But not of a Nature to induce me to desire it, if attended with the smallest inconvenience to the Service.

I must beg the favour of you to answer this Letter, whenever your Leisure may permit.

I am D^r Sir, With great respect & Esteem Your hble Sev^t

WILLIAM C. C. CLAIBORNE

THE HON^{ble} M^r R. SMITH Sec^y of State.

[Addressed] The Hon^{ble} Robert Smith Sec^y of State Washington
[Postmarked] New Orleans Jul 7 Free

[Endorsed] (private) Gov^r Claiborne 30th June 1809.

STEPHEN PLEASANTON TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEPARTMENT OF STATE, August 16th 1809.

GOVERNOR CLAIBORNE. New Orleans.

SIR. In appointing the Printers of the Laws of the United States in the several States and Territories, which is done by the Secretary of State, at the commencement of every Session, he omitted at the last Session making any appointment for the Orleans Territory. About that time some publications fell into his hands, ascribed to M^r Thierry, whom you had appointed to print the laws a Session or two preceeding, as having been written soon after taking possession of that Territory, of so violent and disorganizing a character, as rendered him in the opinion of the Secretary of State, unworthy of the patronage and an unfit Agent of any kind of this Government. Under this impression with respect to M^r Thierry, and an expectation

that few laws would be passed during the Session, and moreover knowing little of the character of any other paper at Orleans, he declined making an appointment. He has now, however directed me to enclose a pamphlet containing all the Laws of the late Extra Session,⁴⁰ with a request that with your better knowledge of M^r Thierry and other Printers there than he can possess, you will again make the appointment from among them, being yourself responsible for the choice.

I am &c

S. PLEASANTON.

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEP^t OF STATE, *September 12, 1809.*

HIS EXCELLENCY, W^m C. C. CLAIBORNE, Governor of Orleans.

SIR, I have received your Letter of the 9th of August,⁴¹ covering a Correspondence between the Mayor of New Orleans and yourself in relation to the french Emigrants who have arrived in that City from the Island of Cuba. These Papers have been sent to the President, who is now at his seat in Virginia.

As you anticipate the arrival of Emigrants with their slaves from other Spanish Colonies than Cuba, it is the opinion of the President that you will do well to endeavor to prevent their coming to New Orleans, by availing yourself of opportunities to apprise our Agents and others every where in the Spanish Colonies, that the late act of Congress for the remission of certain penalties &^a &^a applies only to Emigrants from Cuba, and that consequently those who come from other Spanish Colonies bringing Slaves with them, will subject themselves to the penalties of the general law prohibiting the Introduction of Slaves.

I have the Honor to be, &^a &^a

R. SMITH.

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEP^t OF STATE, *October 12, 1809.*

GOVERNOR CLAIBORNE,

SIR I received by the last mail your Letter of the 3rd Sep^r covering a Copy of a Communication made to you by M^r Missonet, a Justice of the Peace at New Orleans,⁴²—This has been laid before the Presi-

⁴⁰ Enclosure not present.

⁴¹ Printed, Rowland (ed.), *Claiborne Let. Bk.*, iv, 402–403, enclosing Claiborne to Mather, Aug. 4, and the latter's reply, Aug. 7, 1809, *ibid.*, pp. 403–408.

⁴² NA (SD, Orleans Terr. Papers, x), concerning reports of a revolutionary

dent, and has engaged his serious attention—the more so, as something like it has been recently received from another source.⁴³

As the Letters signed “Francis Newman” are not altogether intelligible. They speak of a Plot—the object of which is Independence—but whether this is to be extended both to Mexico, and what was formerly Louisiana, or confined to one or the other of these Countries, is not distinctly stated. If our Territories are the [blank] at, the object is treasonable, if those of Spain, it is contrary to Law. In either Case it is your Duty to use every effort in your Power to defeat it.

To judge from some expressions in Newman’s Letters, this is probably the Revival of Burr’s plans, under different Circumstances. It therefore becomes important that we should be upon our guard and the President charges you immediately on receipt of this Letter, which it is confidently expected will find you at your Post in New Orleans, to take every legal and proper measure to arrest and bring to Justice as well those who may be about to attack the Territories of a friendly nation as those who may be preparing to attack our own.

That the Civil and military authority of the United States may be made to act in Unison in this Business, if it becomes necessary for them to act at all, you will communicate with the District Attorney and General Hampton, who supercedes General Wilkinson in the Command of the Troops on the Mississippi—and with them concert such measures as may be best calculated legally and effectually to suppress any Combinations against the Peace or Dignity of the Country.

I have the satisfaction to inform you that the President approves of your Communication to the Governor General of the Province of Ukatan,⁴⁴ and authorises you to avail yourself of any fit occasions to assure the Spanish Officers and all others concerned, that this Government will continue to adhere to that fair and honest Neutrality which has for so many years marked its Conduct, and which has ever kept it from interfering with the internal affairs of any foreign nation.

It is confidently expected that you have taken the necessary movement having its origin in New Orleans. Missonet’s letter, which was not dated, covered copies of three letters from Francis Newman to Joseph Solis, May 1, May 19, and July 20, 1809, communicating details of the conspiracy. A second statement by Missonet, Nov. 10, was enclosed in Claiborne to the Secretary of State, Nov. 12, 1809, *loc. cit.*; the covering letter is printed, Rowland (ed.), *op. cit.*, v, 1–3. See also Claiborne to Hopkins, Nov. 10, 1809, to the Secretary of State, Nov. 16, Nov. 26, and Dec. 31, 1809; Freeman to Newman, Nov. 5, 1809; and statement by Newman, Nov. 24, 1809, *ibid.*, pp. 7–10, 17–21, 22–24. A letter from the Secretary of State to Claiborne, Dec. 2, 1809, enclosing an extract of a letter from an unnamed Spanish consul, not dated, reporting the existence of a revolutionary association in New Orleans, is in NA (SD, Dom. Letters, xv).

⁴³ Wilkinson to the Secretary of War, Sept. 3, 1809, also enclosing copies of the Newman letters cited above (NA, WD, AGO, Old Recs. Div.).

⁴⁴ Not found.

ures to ascertain whether Lieu^t Newman is (as you suppose) the writer of the Letters you have sent on—and if so, to get from him what further information he possesses on the subject to which they relate. Should you however not have done this, you will obtain from General Hampton, or any other officer who has the Power to issue it, an order for him immediately to repair to New Orleans, that you may have an opportunity of conversing with him, yourself, and finding out when he does know. If it is important, let it be reduced to writing, and forwarded to this Department.

It is desirable also that other sources of Information should be sought after. You will therefore do well to set on foot enquiries in various parts of the Territory, and, from time to time, communicate the Result to this Dep^t

I am &^a &^a

R SMITH.

SAMUEL S. SMITH TO THE PRESIDENT

[SD:Appt. Office Files:ALS]

CAPITOL HILL Oct^r 23—[1809]

D^r SIR, Permit me to represent to you that at the first organization of the New Orleans territory, my son, at the particular invitation of two Judges, left the city of New York for that territory, under the assurance of being appointed clerk of the supreme court; those gentlemen believing it part of their powers to make the appointment. The Governour after a considerable time, perceiving the office to be lucrative, desired it for one of his relations, & required my son to deliver the papers of the office to the new clerk. He refused, & brought the case before the court, who, at two solemn hearings at considerable intervals, confirmed him in an appointment for which he had left his first residence, & his friends, believing it would be permanent during his good behaviour. Young M^r Claibourne despairing of the office, left the territory. But the governour now considering it as a dispute of power between himself & the court, waited an appointment of a new judge, when renewing his attempt in favour of another person, he obtained the voice of a majority of the court, determining the power to be vested in the governour.—

I have thought it proper to put you in possession of these circumstances, not with any view to remonstrate against any exercise of the governour's power, in whatever way he has exercised it, but as introductory to a further representation which I request permission to make.—

The confidence of my son in the permance of his office, the profits of which satisfied his desires, induced him, in a great degree, to relinquish that attention, which I could have wished he had still paid to

the practice of his profession. He is now therefore to commence it anew; & consequently, under some disadvantages in the beginning. That he may not be obliged to depart too far from that stile of living, not extravagant, I believe, but such as his situation at that time seemed to justify, if not to require, it would be peculiarly gratifying to me, since he has removed so far from my assistance, & protection, if he could, without injury to others, receive some appointment in that country, not interfering with his professional duties, which would promote his interests there.—

I shall do myself the honor of calling to take my leave of you & M^{rs} Madison, but do not solicit any answer personally to this application. I have simply made this short statement, & suggested the request founded upon it, & desire to leave it entirely to your own convenience, to the particular views of government, & the occurrence of events, when, & how far, you may think it proper to comply with it ⁴⁵— And I am ever, with the greatest regard, & the most sincere respect, Y^r M^o ob^{dt} & M^o h^{ble} serv^t

SAM^l S SMITH—

[*Endorsed*] Smith Sam^l S. Oct. 23^d 1809 Applies for an Office in the New Orleans Territory for his Son—

GOVERNOR CLAIBORNE TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div.:LS]

NEW-ORLEANS, *November 16th 1809.*

SIR, I have the honor to enclose you a copy of a Letter lately addressed to me by Colo: H. Hopkins adjutant General to the Militia of this Territory;—It will acquaint you with their present state and the difficulties which have and will attend the introduction of order and discipline.—If a paper called the Orleans Gazette, should have attracted your notice, you must have observed the solicitude of some of my political Enemies to impress the President with an opinion, that I neither possess the Talent or feel the inclination to render the Militia of the Territory an effective force.—Of my military Capacity, I entertain myself a great distrust;—At no period however have I been wanting in attention to the militia, nor have I had any object more at heart, than to place the Territory in the best possible state of defence—But a perusal of the adjutant General's letter, will give you some Idia of the difficulties in my way.—

⁴⁵ The question of the territorial governor's power of appointment, as it arose here and in connection with a similar instance in Mississippi Territory, was submitted to the Attorney General by the Secretary of State in a letter of Apr. 28, 1809 (NA, SD, Dom. Letters, xv).

I have the honor to be, Sir, with great respect yo: mo: ob^t serv^t
 WILLIAM C. C. CLAIBORNE

THE HONORABLE WILLIAM EUSTIS Sec^y at War.

[Endorsed] New Orleans, Nov^r 16th 1809. · Gov^r C. C. Claiborne,—
 relative to the present State of the Militia of that Territory:—enclos-
 ing a Report of Adj: Gen^l H. Hopkins upon the same Subject.—
 Rece^d Dece^r 26th 1809.

[Enclosure]

Henry Hopkins to Governor Claiborne

(Copy)

NEW-ORLEANS, October 28th 1809—

SIR, By the Official Return to include the year 1808, the aggregate of the Militia of this Territory was 6,193, composing 10 Regiments of Infantry, 5 troops of Cavalry and the Battalion of Orleans Volunteers, all organized and officered as the Law directs. Since the rendering the last Return, your Excellency has deemed proper in consequence of the disorganized state of the Battalion of Orleans Volunteers, and the Orleans Volunteer Troop of Cavalry, to dissolve those corps, and order them to be inrolled in the regular Militia:—A measure in my opinion calculated to benefit the service.—

Many obstacles have, and will present themselves to the rendering the Militia of this Territory an efficient force, of which the Geography of the country, the dispersed situation of the settlements, and the various descriptions of the Inhabitants are not the least difficult to surmount. The land susceptible of cultivation from Batton Rouge to the Balize, is a narrow strip on each side of the Mississippi from a mile to a mile and a half in width,—Hence to form a company, a considerable district must be imbraced, and a Regiment for instance the 3rd includes the settlements on both sides the River, from the suburb Marigny to the Balize;—a distance of 110 Miles.—In the western counties also, in consequence of the dispersed situation of the settlements a company district is often of considerable extent, and a Regimental circle, for instance that of the 10th Regiment includes the Counties of Nachitoches, Rapide and Ouachita,—Your Excellency will therefore readily perceive the inconveniences which attend regular company, Battalion and regimental Musters, and unless such be frequent, it is impossible to introduce order and discipline —Those obstacles will in the western Counties, diminish with our increase of population, but in the Counties on the Mississippi, it will probably augment every year;—The Sugar planters will purchase the Lands of their poorer neighbours, (the cultivation of the cane requiring extensive fields) and the period perhaps is not far distant, when the whole tract of country from Batton Rouge to the Balize, will be monopolized by rich Sugar planters, who no doubt will be excellent Citizens in every respect, except that of submitting to Military discipline.—

I have stated Sir, that the various descriptions of our Inhabitants, was an obstacle to the rendering the Militia an effective force;—Throughout the Territory, generally this is in some degree experienced, but in New-Orleans it is sensibly felt.—Make a tour throughout that city, and in every street you will encounter native Americans, native Louisianians, Frenchmen, Spaniards, Englishmen, Germans, Italians &° &°. Let a company of Militia be assembled, & there is no one language in which the word of command can be given that will be intelligible to all.—Besides the officers are generally strangers to their Men, and the Men to each other; their manners are as discordant as their Language, and their prejudices are often as various, as the Governments and Laws of the Country which gave them Birth.—Hence there exists not, that mutual confidence and friendship so essential to a well organized Militia.—It is these circumstances which have operated to the injury of the Militia service, and which have damped the ardor of the Officers,—An Ardor which you sir, have endeavoured to inspire and preserve;—But in truth neither your Excellency or any human being can, with such powers only as are conceded by the existing laws, render the Militia of this Territory an efficient force.

The Militia remote from the city of New-Orleans, until lately have shewn a degree of zeal;—they had not yet learned that they could disobey the Law with impunity;—Their decline may be attributed to the laxness of the Law,—To its ill judged limity,—To the circumstance that the inconsiderable fine of one dollar can alone be imposed on a private for absenting himself from parade,—to the delay and trouble which attend the assessing and collecting fines, & to the fact that the defects of the Law and want of authority in the officers, being generally known.—Your various General orders, and frequent circular letters (of which the orderly Book is filled) have been forwarded with punctuality to the proper officers;—But they serve only to convince them of the defects of the Law, and to heighten their regret for the neglect of a service so essential to the security of the Territory.

The aggregate of the Volunteer Cavalry now attached to the Militia is 154.—They are generally well armed, well Mounted; and Handsomely dressed, but they are deficient in discipline.

Your Excellency is well acquainted with the general Character of the Inhabitants of this Territory, and will agree with me in opinion that they are not wanting in activity, enterprize and courage, qualities essential to the soldier.—Of their fidelity also to the United States, and their readiness to rally at the call of the Government and repair to “the tented field” in support of the nations rights, they have given the most satisfactory proof.—This disposition was evinced when in 1806 a spanish army having crossed the Sabine, several hundred Volunteered and in obedience to your Excellency’s orders, repaired with

promptitude to the Head quarters of the regular army.—This disposition was also witnessed last year, when your Excellency having announced in general Orders the commands of the President of the United states, that 873 of the Militia of this Territory, be held in readiness for actual service, upwards of 700 Volunteered, as appears from the returns of the proper Officers now on file in my Office.—

Of the general character of the emigrants daily arriving among us, and many of whom will doubtless become permanent Settlers and of course will be inrolled in the Militia, I am not well advised;—Considerations of Gratitude however, must insure their fidelity to a Country which has received them in its bosom.—

Having made those preliminary observations with a freedom and candour which the occasion demands, I will proceed to state such amendments to the existing Militia Law as appear to me essentially necessary.

1st Let it be enacted that the Militia of the Territory be Mustered and Inspected in the following manner. Each regiment once every year, the commander in chief to appoint the time and place, and the adjutant General to Inspect.—Each Battalion to be Mustered and Inspected in the last days of January and June in each year, the commanding officer of the Battalion to appoint the hour and place, Inspect and report to the commanding Officer of the Regiment to which he belongs. Each company to be mustered & inspected on the last days of every month not herein appropriated to Battalion Musters, the commanding officer of the company to appoint the hour and place, Inspect and report to the commanding officer of the Battalion to which he belongs.—

2nd If any commissioned officer, shall without a Lawful excuse neglect or refuse to attend on any of the days appointed for Muster and Inspection, or on the day appointed by the commander in chief for the Regimental Muster and Inspection, such commissioned officer shall forfeit and pay the sum of twenty dollars: and every non commissioned officer or private so neglecting or refusing to attend shall forfeit and pay the sum of 5 dollars.

3rd When any commissioned officer, noncommissioned or private shall forfeit any sum of Money for any fault or offence, the same shall be recovered in a summary way before any justice of the peace in the Parish wherein such offender resides. If the offender be a field officer, the commanding officer of the Regiment to which he belongs shall sue for, and recover the fine: If a commissioned officer of inferior grade, the commanding officer of the Battalion to which he belongs shall sue for and recover the fine: If a non commissioned officer or private, the officer commanding the company to which he belongs, shall sue for and recover the fine.—

4th The fines recovered by the commanding officers of companies, to be transmitted by them to the commanding officer of the Battalion to which they belong, on the last day of each and every month. The fines received by the commanding officers of Battalions, to be transmitted by them to the commanding officer of the regiment to which they belong, on the last day of January and June in each year. The fines received by the commanding officers of Regiments, to be transmitted by them to the treasurer of the Territory on the last day of each year.—

5th The amount arising from the fines and forfeitures of the Militia, to be expended by the commander in chief for the furnishing of Music and colours for the several regiments.

These Sir, are the amendments which I have thought indispensable to our Militia System; no doubt others will occur to your Excellency:—all I wish is, that such power may be vested in the officers and such fines imposed as will insure a due degree of Military subordination.—

Before I conclude I must inform your Excellency, that the convenience, and good of service requires an augmentation of the number of Regiments:—I therefore recommend that each Battalion of the 7th and 8th Regiments be formed into a Regiment,—The situation of the rapide Battalion renders it also necessary to be organised as a regiment.—If these arrangements are approved of by your Excellency; it will require some time to organise those new Corps, and I shall not be able to Inspect the Militia generally as early as I could wish.—

I hold myself in readiness and await your Excellency's Orders to proceed on my Annual tour throughout the Territory, for the purpose of Inspecting the Militia:—The journey is only rendered disagreeable from the reflection that I shall find the Militia in a deranged and feeble state, and that under the existing Laws no efforts of mine can better their situation.

I have omitted an object of great moment, the arming of the Militia:—In the year 1806 several hundred stand of arms (mostly damaged, were issued to the Militia in and near New-Orleans, but they remain unrepaired, and are now generally unfit for service. In the interior Counties most of the Militia have Rifles or shot guns; But the common safety would be greatly promoted, were the Militia to be armed with Muskets and bayonets:—This might probably be effected if the Legislature would furnish them to the Militia at a Moderate price,—High fines might then be imposed with justice on all neglecting to arm as the Law directs.

I have the honor to be, with great respect.—your Exc^{ts} obt. hble Serv^t

Signed HENRY HOPKINS
Col: & Adj: Genl.

TO HIS EXCELLENCY GOVERNOR CLAIBORNE.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[SD:Appt. Office Files:ALS]

NEW-ORLEANS Nov^r 19^h 1809.

MY D^r SIR, My official Letters to the Secretary of the Treasury, will acquaint you of the infamous Conduct of William Brown collector of this District—of his elopement, and of his having carried off with him a considerable sum of the public' money.

It is greatly to be desired Sir, that the Successor of William Brown, may be a Citizen of high Standing, and whose Integrity and Love of Country, have been well attested.—I have thought Sir, that if the present Comptroller of the Treasury Mr Duval, or the Treasurer Mr Tucker, or Mr John Graham, or some other Citizen alike with those Gentlemen, entitled to your Confidence, was appointed Collector of this District, that the Public' Interest would be greatly promoted;— In a lucrative point of view, this Office is one of the most desirable in the United States, and if the Collector during the Summer Months, would reside only one mile without the City of New-orleans, he may calculate on enjoying health.—

Mr Benjamin Morgan of this City is a Man of great worth;—I have asked him, whether he would accept the Office of Collector, and he answered in the Negative;—I know not another Citizen of this Territory, whom I would willingly recommend. You will probably have several Applicants from New-Orleans; among the number will be Mr Crowdson the Naval Officer of the Port;⁴⁶—He is, I believe a very honest Man, and well fitted for that office—I mean the one he now holds.—The Collector will have great influence in this Society, and if the Person appointed to that Office, should unite to sterling Integrity, pure Republicanism, and be entitled to that respect which long and faithful public services command, he may and will render great and essential services to the Government.—

Excuse I pray you Sir, the Liberty I have taken in addressing you this Letter;—The first wish of my heart is, to see the Government of the United States respected and beloved by the People of this Territory.

I am D^r Sir, With great respect Your faithful friend

WILLIAM C. C. CLAIBORNE

JAMES MADISON President of the U. States. Washington.

[*Endorsed*] New Orleans—Collector rec^d Claiborne W^m C. C.
Nov^r 19th 1809

⁴⁶ Samuel Croudson had been nominated naval officer Nov. 9, and his appointment confirmed, Nov. 18, 1807 (*Senate, Exec. Journal*, II, 57, 59). The collectorship was given to Thomas H. Williams, nominated Jan. 3, confirmed, Jan. 4, 1810, *ibid.*, pp. 135, 136.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Madison Papers:LS]

(Duplicate)

Near NEW-ORLEANS, *December 17th 1809.*—

DEAR SIR, My residence in New-Orleans has been attended with many and heavy afflictions.—On the 29th of last month, it pleased Almighty God to take from me my beloved wife, than which a greater calamity, could not have befallen me,—She was in the Bloom of life, and uniting to a graceful person, the sweetest disposition and the most enlightened understanding, her Smiles relieved anxiety & Sweetened every care.—I am not conscious Sir, of unbecoming weakness; but this misfortune has nearly undone me.—I have however one great source of consolation; it consists in a sweet little son about 18 months old whom providence in its mercy, has thought proper to spare me.—I could wish to live to rear him up in the paths of virtue & patriotism; & my prayer to heaven, will be granted if at some future day, his virtues, talents & attachment to civil & Religious freedom should recommend him to the patronage of his Country.—

In taking the liberty of addressing this Letter to you Sir, my primary object is, to obtain your permission to be absent from the Territory from May next until the month of November or December following.—A variety of considerations induce me to wish, to visit the U. States.—I am desirous to have a final settlement of all my public accounts;—from my own Books, which I believe to be correct, there appears a small balance in my favour, but until I shall know that my accounts are closed on the Books of the Treasury, I shall always feel a solicitude concerning them.—I am persuaded also Sir, that a visit to the United States, will be of great service to my health; It has for some time past been on the decline, and of late my feelings admonish me, that my constitution will not last much longer, unless I should seek the ensuing summer a change of climate.—

I know of nothing Sir, that will necessarily detain me in the Territory, longer than May next—Should however events arise, which would render my presence necessary for a longer period, I would certainly remain at my post, or if absent, should hasten my return.—The Legislature of the Territory, will be in Session on the 2nd Monday in January; during their session I must necessarily remain in the City—But I hope all the public Business will be dispatched in about two months.—The House (commonly called the Government House) which has been set apart for the accommodation of the Governor, I should for the future be sorry to see occupied by any person, with a family;—It has proved fatal to mine, & would probably be alike so, to any other family, who shall reside there—The Government House is in the center of the City & fronting on the River;—The ship'ing load & unload immediately before the Door, & the filth and various matter for putrefaction which accumulate near the waters edge have

often proved offensive to me, even when in my chambers;—Hence you will believe me when I say, that the Government Lot, is perhaps amongst the most unhealthy in New-Orleans, and that those who occupy it, will be very subject to the yellow Fever.—Governor Carondelet lost a Brother at the Government House of the yellow fever, & Governor Gayoso died there of the same disease.—In 1804, nearly my whole family was attacked with yellow fever, myself & two others escaped, but my first wife, my little Daughter, and my private Secretary (M^r Briggs) fell victims, & recently the late M^{rs} Claiborne died of the Same dreadful malady.—

In an official Letter, which I shall address shortly to the Secretary of the Treasury,⁴⁷ I shall advise the sale of the Government House, or that it may be exchanged with the Territorial Legislature for suitable accommodations for the Executive of the Territory & an office for the Secretary.—

The last disposition will I think be most expedient; the Government House, with some repairs, would well accommodate the Legislative Council & House of Representatives, and at the period the assembly would be in session, (the months of January & February) there would be no danger of yellow Fever.—The Territorial Legislature, would I believe be pleased with this disposition, and in return would furnish to the Governor Some comfortable Building, about a half a mile or a mile from the City, where he might rationally calculate that himself & family would enjoy some portion of Health

I have the honor to be D^r Sir, with great respect, your faithful friend—

WILLIAM C. C. CLAIBORNE

JAMES MADISON President of the U. States.—

[Endorsed] Claiborne W. C. C. Dec. 17th 1809 Dec. 17 1809

THE POSTMASTER GENERAL TO HENRY CRIST

[PO:P.M. Letter Book Q]

Dec^r 18. '09

HON^{ble} HENRY CRIST M Congress

I have the honor to acknowledge the rece^t of your letter of the 14 instant, covering M^r Ficklin's and M^r Hynes letter, it appears that he has mistaken our arrangement. The New Orleans mail goes direct from Russellville to Bairdstown or will do so if the contracts are complied with, but some delay will unavoidably take place in the mails connexion, in going Southwardly from Russellville. I have now written to M^r Ficklin on the subject of his error, and I trust that he will immediately correct⁴⁸

G G

⁴⁷ No such letter has been found.

⁴⁸ None of the letters mentioned in this letter have been found.

PHILIP GRYMES, JUDGE LEWIS, AND SECRETARY
ROBERTSON TO THE SECRETARY OF THE TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, XXII:LS]

Commissioners Office NEW ORLEANS 8th January 1810.

SIR, We are well convinced that it is the wish of Government that the Commission with which we are charged, should be closed as speedily as possible; and we have reason to believe it was their expectation, at the time the Board was established, that a final report, upon the subject of land claims, would have been made long anterior to this period.

It is therefore a duty we owe to ourselves, and to the Government, to state the situation of land claims, within this district, and the causes which have so much retarded their adjustment

There have been filed with the Register, at this place, three hundred and ninety four notices of claims, all of which have been examined;—two hundred and seventy four Confirmed; some rejected, and on the balance having no written evidence of title we have suspended our decision, untill the claimants shall have furnished their proof. Of these claims 125. have been confirmed by Gurley, Lewis and Van Pradelles;—23 by Van Pradelles and Lewis; 12 by Van Pradelles Lewis and Robertson;—86 by Lewis and Robertson, during the interval between the death of Van Pradelles and the appointment of Grymes, and 30 by Grymes Lewis and Robertson—The claims laid over for further proof have been examined chiefly by Lewis and Robertson.

By the act of 1805.⁴⁹ Claimants were allowed untill the first of March 1806. to file notices of their claims with the Register. The Board met on the first of December following, at which time but few claims were filed, and continued their session untill some time in March following, when they finished all the business before them. Nothing more could be done untill Congress should give further time for receiving notices of claims, which was done at their next session, and a considerable time necessarily elapsed before the Board could again commence it's operations. Apprized of the inconvenience to claimants in sending their title papers to the City of New Orleans to be recorded, Congress in 1806. Authorized the Register to appoint a Deputy in each County, and accordingly four deputies were appointed by M^r Gurley under that act.⁵⁰ He died early in March 1808. M^r Van Pradelles, his successor qualified as Register, and M^r Robertson as Commissioner in the latter end of May following—The former died in December following, and his successor, M^r Grymes, qualified to his commission on the first day of May following, which vacancies have occasioned considerable delay. The law seems to contemplate the

⁴⁹ Act approved Mar. 2, 1805, *ante*, p. 408.

⁵⁰ Act approved Apr. 21, 1806 (2 STAT. 391-395).

Register, an essential officer to the Board, as the title papers are to be presented by him, and the Commissioners have no control over his office—

The further time for registering land claims expired the last day of June 1808. and the Deputy Registers were not called upon to make their returns before that date, as they had not recorded all the Claims within their respective Counties. The Register has been repeatedly urged to call upon his Deputies for the records in their possession, and has as often promised so to do;—But it has so turned out, that but one of them has been received previous to the appointment of M^r Grymes, and that one, about the time his predecessor died. M^r Grymes has since called upon the other deputies, and received, as yet, a return but from two of them.

It requires more pains and labor to examine and adjust land claims in this Country than was anticipated; a single claim will some time employ us several days. Titles are so multifarious, and depend upon principles so variant that we are obliged to examine each with the same care and attention as if it were to form a rule of decision. A large majority of the Claims in this Country are founded upon incomplete titles, and such as the Board cannot confirm without further evidence, and it would be doing great injustice to reject them as they stand. Generally speaking, the people seem to think that by filing notice of their Claims, they have done all that is necessary, and Consider their titles thereby secure. when called upon for proof, they are not only ignorant that proof was necessary, but have not the least idea what kind of evidence is wanting, nor can they obtain information except from the Board; And we find that general notice in the different Counties to take testimony has no effect, each claimant considering it made for some other. From the great defect of testimony in this distinction of claims and the difficulty in obtaining it we apprehend will result the principal cause of delay; —And as the most effectual, and perhaps the only mode by which they can be properly adjusted, we have concluded, first to examine all the claims filed and decide upon such as depend upon written evidence of title, and go through the different counties, and give personal notice to each claimant whose title is incomplete, and take the depositions of his most ancient and respectable neighbours. This seems to be the only effectual means of ascertaining the truth and justice of the claim.

Some of the Books received from the deputy Registers, contain a very imperfect record of Claims, and in most instances furnish little or no matter for the Board to decide on. A large proportion of them have no plat, and in every such case it will be necessary that there be a Survey before a decision can be had thereon. The former Registers did not consider themselves authorized, by the Act of Congress, to retain the original title papers, and such have been their instructions

to their Deputies; so that, instead of deciding upon originals, we shall have to rely entirely upon the transcript furnished us by the Deputy Registers.

Should it be the wish of Government to sell the Public lands immediately, we think the best plan would be, to order so much of them to be sold, as are known to be vacant. The information we possess on the subject of lands within this district, will enable us to mark out the greater part of such as are vacant; And while the Board are adjusting the Claims the sales of these might be going on. Should Congress order the public lands to be sold, our opinion is that from their great inequality of value it will not be advisable to fix the same minimum as has been heretofore established in the sale of public lands; some are worth from five hundred to a thousand dollars the front acre, with the ordinary depth, and a great proportion not worth as many Cents.

We learn that some memorials have been sent from this district to Government, one from Point Coupée,⁵¹ which has for its object the obtaining a grant to a certain portion of land back of that settlement. The lands between that part of the Mississippi, and the Atchafalia are perhaps the most valuable which belong to the United States within this district, and it is our wish, that if any importance should be given to that memorial, we might be permitted to give some information upon the subject we can clearly shew that such a demand is wholly without merit:—Another memorial from this place calculated to produce an impression upon Government that the Commissioners were giving away the Public lands at the Balize;—this, no doubt resulting from an ignorance of the facts, is wholly incorrect. The land referred to in this memorial has not been confirmed to any individual, nor under our present impressions will it be.

We feel an anxious solicitude to close the commission as speedily as the nature of the business will permit. Having embarked in it, we feel it our duty to complete it; and wish you to be assured that in this we are influenced by duty alone.

With high Consideration We have the honor to be Very Respectfully
Your most ob. hum Servants

P GRYMES R. E. D.
JOSHUA LEWIS
TH B ROBERTSON

HONORABLE ALBERT GALLATIN, Secretary of the Treasury

[Addressed] Honorable Albert Gallatin Secretary of the Treasury
United States. [Postmarked] New Orleans Jan 22 Free

⁵¹ The petition from this district of June 9, 1808, *ante*, p. 789, is the only one on this subject that has been found.

[*Endorsed*] Duplicate rec^d Feb. 19, New Orleans Jan. 8. 1810, Grymes Lewis Robertson Land Commiss^r—progress made towards completing their business—petitions for grants of land &c^a

GOVERNOR CLAIBORNE TO THOMAS JEFFERSON

[LC:Jefferson Papers:ALS]

NEW-ORLEANS *Jan^y 12^h 1810*

MY D^r SIR, I received your friendly note of the 30th of November, enclosing a Letter to a Gentleman at the Arkansaw, which I immediately transmitted.⁵²—

The Legislature of this Territory is now in session, and I have the honor to enclose for your perusal an address which I made to them a few days since.⁵³—You will excuse I hope Sir, the Liberty I propose to take with a Letter you did me the favour to address me in the year 1804.⁵⁴ I have no doubt, but your opinions as to the precautions necessary, to prevent the prevalence of Yellow Fever in New-Orleans, will have great weight with the Legislature, nor is there any thing I more desire, than to see all such precautions immediately resorted to.⁵⁵ That dreadful Malady has made a great Inroad upon my happiness—My beloved Companion fell its victim on the 29th of November last.—

M^{rs} Claiborne was in the Bloom of Life; she united to a lovely person, the sweetest disposition and the most accomplished understanding; her smiles relieved anxiety & in her virtuous affections I found a Balm for all the Common Ills of Life! But alas! This beloved female is no more.—I am not conscious of unbecoming Weakness;—but this misfortune has nearly undone me.—It has pleased God to spare me a sweet little Son about 18 months old, who is now the object of my fondest attention.—I could wish to live to rear this little Boy up in the paths of Integrity & patriotism, & my prayer to Heaven, will be granted, if at some future day his virtues, talents and attachments to civil and religious freedom should recommend him to the patronage of his Country.—

You must have heard of the Conduct of William Brown with great surprise; I did [MS. torn] for some time past, admire his course;—his purchase of a sugar Plantation & of so many negro's, I was [MS. torn] would involve him, and I thought it probable, that he would ulti-

⁵² Neither the letter nor the enclosure has been found.

⁵³ Enclosure not present.

⁵⁴ Probably that of July 7, 1804 (*Writings Jefferson*, mem. ed., xi, 36–38).

⁵⁵ Cf. report on health conditions existing in New Orleans in the summer of 1809, by Montegut, Spencer, and Robelot, Aug. 9, 1809, addressed to Mather, enclosed in Claiborne to the Secretary of State, Aug. 18, 1809 (NA, SD, Orleans Terr. Papers, x). The covering letter is printed, Rowland (ed.), *Claiborne Let. Bk.*, iv, 410.

mately become a public Defaulter—But I never supposed that a man who had given no previous symptoms of Depravity would at once have covered himself with Infamy.—But W^m Brown was unfortunate in the selection of his most intimate Associates—they were enemies to the Government, & some of them Bankrupts in fortune as well as Reputation, & their Example & precept made I am persuaded an unfortunate Impression.—

Receive I pray you the best wishes of Dear Sir, With great respect
Your faithful friend!

WILLIAM C. C. CLAIBORNE

M^r THOMAS JEFFERSON Monticello Virginia.

[*Endorsed*] Claiborne Gov^r W^m C. C. New O. Jan. 12. 10. rec^d Feb. 15.⁵⁶

RESOLUTIONS BY THE TERRITORIAL LEGISLATURE ⁶⁷

[LC: Jefferson Papers: ADS]

TERRITORY OF ORLEANS In the house of Representatives

Friday January the 19th 1810

Resolved by the Legislative council & house of Representatives of the territory of Orleans that the long, important & faithful services of Thomas Jefferson late President of the United States entitle him to the thanks of a grateful people.

Resolved that the good inhabitants of this territory never felt in a more sensible manner the effects of the paternal protection of Thomas Jefferson late President of the United States, than when by virtue of the power vested in him by law, he restored to the public use a valuable public common, & caused to be removed certain intruders from the batture in front of the Suburb S^t Mary of New Orleans, a batture, or rather a shoal of the Mississippi which during the annual rise of the river forms a part of the bed thereof, and at all other times has been used time immemorial as a public common, as well for the use of the inhabitants of New-Orleans, as for all persons descending the Mississippi to New Orleans.

Resolved that Governor Claiborne be furnished with a copy of these resolutions, & that he be requested to transmit the same to Thomas Jefferson late President of the United States, accompanied with the best wishes of the Legislative council, and house of Representatives of the territory of Orleans for a continuance of his life, his health, & happiness.

⁵⁶ Answered May 3, 1810 (Washington, ed., *Writings Jefferson*, v, 519–520).

⁶⁷ Probably enclosed in Claiborne to Jefferson, Feb. 1, 1810, not found, but acknowledged in Jefferson to Claiborne, May 3, 1810, *ibid.*, pp. 518–519, discussing the batture case.

Agreed to in the house of Representatives on Friday January the 19th 1810.

ELIGIUS FROMENTIN Clerk to the
house of Representatives of the
territory of Orleans.

Agreed to in the Legislative Council on Friday the 19th of January 1810.

P DERBIGNY Secretary to the Legislative
Council of the Territory of Orleans.

GOVERNOR CLAIBORNE TO THOMAS JEFFERSON

[LC:Jefferson Papers:ALS]

NEW-ORLEANS 24th Jan^y 1810

MY D^r SIR, I have the honor to enclose you a paper containing a late Report of the Adjutant General of this Territory upon the subject of the Militia;⁵⁸ It will shew you the great difficulty which will attend the rendering of that force efficient.—

Assured as I am, that in your retirement the welfare of your Country will be most dear to you, I shall do myself the pleasure from time to time, to acquaint you with such events, as shall most concern the Territory of Orleans.

The Gun Vessel I sent to Jamaica in pursuit of Brown, has returned, without accomplishing the object for which she was dispatched;— The enclosed Account furnished by the Captain of the Vessel to a Printer, will acquaint you of the particulars.⁵⁸—

I am D^r Sir, With great respect Your faithful friend

WILLIAM C. C. CLAIBORNE

M^r THO^s JEFFERSON Monticello Virginia.—

[*Endorsed*] Claiborne Gov^r N.O. Jan. 24. 10. rec^d Feb. 22

JUDGE HALL AND JUDGE LEWIS TO [THE SECRETARY
OF STATE]

[SD:Appt. Office Files:ALS 59]

NEW-ORLEANS Feb. 10. 1810.

SIR The district attorney having some time since accepted the office of Attorney General of the territory has we understand expressed an intention (of which he will no doubt notify the Secretary of State) to resign that of district attorney.

⁵⁸ Not present.

⁵⁹ This letter is in Hall's hand.

We take the liberty of offering to your consideration M^r Tully Robinson as a proper person to succeed him. Maj. Robinson came here with the army. He shortly afterwards resigned & has since industriously applied himself to the study and practice of the law. He is in our opinion well qualified to discharge the duties of the office, being a very good lawyer, a gentleman of education & of amiable Manners.⁶⁰

We have the honor to be with the greatest respect and consideration
Your most obedient Servants.

DOM: A: HALL.

JOSHUA LEWIS

[*Endorsed*] Lewis J. & A Hall D April⁶¹ 10th 1810 Robinson T.
recomm⁶² Tully Robinson 1810

FRANCIS X. MARTIN TO THE SECRETARY OF STATE

[SD:Appt. Office Files:ALS]

[*February 15, 1810*]

SIR, When I was Spoken to, on the Subject of the Judgeship, which I since accepted, it was pressed on me by my friends as a circumstance which influenced my determination that M^r Jefferson had mentioned to M^r Blackledge, my friend, his regret that the vacancy was not in the Orleans territory, in which from my education & other circumstances, my Services could be more useful than in the Mississippi Territory—and M^r Jefferson added that if I was desirous to be removed to the territory of Orleans, government would soon have it in their power to gratify that wish, as there was a gentleman on the bench of Orleans desirous of an exchange, but circumstances, he said, did not allow government to favour the exchange for the present.

In referring to the files in your office the recommendation which produced in your predecessor the determination of nominating me, you may perhaps be induced to consider me in so favourable a light, as to place my name before the President, amongst those of such Citizens who you may deem proper to be considered in making choice of a Successor for the late Judge Thompson of the territory of New Orleans. Should that be the case, I will gladly consent to my removal.

I am, Sir, very respectfully Your obed^t humble Serv

F. X. MARTIN

NEW-ORLEANS *Feb^y* 15. 1810.

THE HON^{ble} R SMITH, Secretary of State

[*Endorsed*] F. X. Martin—the judgeship of Orleans

⁶⁰ Robinson was nominated district attorney for Orleans Apr. 17, and his appointment was confirmed Apr. 18, 1810 (*Senate, Exec. Journal*, II, 145, 146).

⁶¹ As on the original.

REPORT OF THE POSTMASTER GENERAL TO CONGRESS

[PO:P.M. Letter Book Q:E²³]March 1st 1810.

The Post Master General in compliance with the 30th section of the act to establish the Post Office, respectfully reports: That the forty five following Post Roads have been established more than two years, and have not in the last year produced one third part of the Expense of Carrying the Mail on the same; viz

N ^o	Road		Proceeds of Post Offices Oct ^r 1. 1808 to Oct. 1. 1809	Am ^t Paid for transport ⁿ of the Mail Oct ^r 1 st 07 to Oct. 1. 08.	Remarks—
44	Washington City & New Orleans			13,805 14	This route was established for the accommodation of Governm ^t & the Mail is transported with Speed & very considerable regularity— Estimated on another route
45	Washington City Athens New Orleans New Orleans & Balize New Orleans Balize			1 887 95	do do do do
	The Expense to the public of the Post Office at Balize including an allowance to the Post Master in addition to the usual commission on Postage of \$400 P ^r Annum is The yearly expense of carrying the Mail from N. Orleans to Balize is	\$387 95 387 95 1500 \$1887 95			

GENERAL POST OFFICE March 1—1810.

^a Printed also in *House Exec. Docs.*, 11 Cong., 1-2 sess. Only the parts of the reports pertaining to Orleans are printed here. Cf. the figures given in similar reports, *ante*, pp. 771, 827.

In obedience to the Act of Congress of the 21st April 1808 concerning public Contracts; The Post Master General has the honor of laying before Congress, the following Statement of all the Contracts which have been made in his Department, during the preceding Year. Viz—

N ^o	Routes for carrying the Mail	Number of Times y ^e mail is carried p ^r Week	Names of Contractors	date of Contracts	Duration of Contracts	Sum to be paid P ^r Year.
	Big Sarah ⁶² & New Orleans	Once	Francis Abrahams	Jan ^{ry} 16	April 1 st 09 to April 1 st 1811	650
	New Orleans, Balize Donaldson & Natchitoches	Once a fortnight	Moses Davis		Nov ^r 1 st 09. to 1 Ap ^l 1812	2100

⁶² Bayou Sara?

All which is respectfully submitted—
GEN^l P. OFFICE 1 *March* 1810—

GOVERNOR CLAIBORNE TO THE PRESIDENT

[SD:Appt. Office Files:LS]

NEW ORLEANS *March* 4th 1810.

DEAR SIR, I take the liberty to enclose you the Names of the ten Citizens, nominated by the House of Representatives of this Territory, for the ensuing Legislative Council, and to furnish you with some information respecting them.—

Mess^{rs} Thomas Urquhart, Etienne Boré, Jean Noel Destrehan, Manuel Andry & Arnaud Beauvais, are natives of Louisiana;— Mess^{rs} Jean Blanque, Maturin Guérin, Magloire Guishard & Felix Bernard are natives of France, and Henry Bry is a native of Switzerland.⁶³—

M^r Thomas Urquhart resides in New-Orleans;—He is a well informed Merchant, in high Credit, & enjoying an independent fortune;— He is president of the Louisiana Bank, & of the New-Orleans Insurance Company; he is also a Member of the House of Representatives of the Territory, & is now, & has been for the last three years, Speaker of that branch of the Legislature.—M^r Urquhart supports a most amiable Character in private life, & discharges with great fidelity the

⁶³ Urquhart, Guérin, Andry, Beauvais, and Destréhan were nominated Apr. 17 and confirmed Apr. 18, 1810 (*Senate, Exec. Journal*, II, 145, 146).

public Trusts reposed in him:—M^r Urquhart considers the English as his native language, but the french seems alike familiar to him.—

M^r Etienne Boré resides about six miles above New Orleans;—He is a wealthy Sugar Planter, and esteemed a very honest Man. Immediately after the Cession of Louisiana to the United States, M^r Boré was a strenuous advocate for a State authority; and was much dissatisfied with the Government which Congress thought proper to prescribe for this Territory.—But he has of late years, seemed to be better contented with the state of things, & acted the part of an excellent Citizen. M^r Boré is a man in years, perhaps 67, and is held in high estimation by his neighbours:—He speaks french only.—

M^r Jean N. Destrehan resides about twenty five miles above New Orleans, & is also a wealthy Sugar Planter. Alike with M^r Boré he was once a great advocate for a State authority, but seems now to be very friendly to the existing Government.—M^r Destrehan supports a very fair reputation and possesses handsome Talents: He speaks a little English.—Manuel Andry is also a wealthy Sugar Planter, & resides thirty six miles above New Orleans; he has for the last four years been a member of the House of Representatives, & is at this time Colonel Commandant of the Militia of his County.—M^r Andry is a man of integrity; has receiv'd a good education, & is much esteemed by his neighbours.—M^r A. speaks french only. M^r Arnaud Beauvais is a Cotton Planter & resides at Pointe Coupée; He is at present a member of the House of Representatives; is a young man of great Integrity, & I believe much esteemed in his County;—he speaks french & English.—

M^r Jean Blanque came to Louisiana with the Colonial Prefect M^r Laussat, & was attached to his family.—On the departure of M^r Laussat M^r Blanque was named by him as Consul or Commercial Agent for france at New-Orleans, but was never recognized as such, either by the General or local Government.—M^r Blanque resides near New Orleans, & is a merchant in high Credit;—About three years ago he married a very beautiful Creole Lady, possessing a large estate, & connected with one of the most numerous & respectable family's in the County of Orleans.—M^r Blanque is a man of Genius & Education, & possesses considerable influence in the City & vicinity of New Orleans; he is a member of the City Council, a Director of the Louisiana Bank, & has been for the last three years a member of the House of Representatives of the Territory.—M^r Blanque is much disliked by most of the native Americans residing in & near New Orleans;—His attachments are supposed to be wholly foreign, & they consider him a dangerous man.—M^r Blanque has, I am persuaded strong partialities for his native Country, France:—But I should be wanting in Candour, were I not to add, that his conduct

has not (in my opinion) been such, as to justify the fears & the prejudices, which some of my Countrymen here, feel of & towards him.—

M^r Mathurin Guérin, resides on a little Farm about two miles below New Orleans; he has passed, the last twenty years in Louisiana, & is esteemed an honest man & an excellent Citizen;—He is a Member of the present Council, & the only one that has been renominated.—

M^r Guishard is a farmer & resides about twelve miles below New-Orleans; He has passed the last twelve or thirteen years in Louisiana, and has been for three years past a member of the House of Representatives;—he is a man of excellent understanding, & esteemed a worthy member of Society.—

M^r Felix Bernard came to Louisiana about twenty or twenty five years ago; he is a farmer and resides nearly opposite to Baton Rouge. M^r Bernard has been a Member of the House of Representatives for the last five years, & is esteemed an honest man.—

M^r Henry Bry is a Farmer & resides in the County of Ouachitta. For some time he acted as Judge of his Parish & his conduct was correct. M^r Bry is at present a member of the House of Representatives;—M^r Bry is a man of information and esteemed a worthy Citizen; He Speaks french & English—

You will have observed, that there are five natives of Louisiana & five Foreigners in nomination.—I have thought Sir, that it might not be proper wholly to exclude the foreigners from the Council; but that it would be politic to give the natives a decided preference.—

The Characters of the Foreigners in nomination are alike respectable; but the former services of M^r Guerin, & the proof which his renomination affords, that those services are approved, give him the strongest claim for patronage.—I will therefore take the liberty to recommend Mess^{rs} “Thomas Urquhart, Mathurin Guerin, Manuel Andry, Arnaud Beauvais, & Etienne Boré”.—M^r Destrehan & M^r Boré are Brothers in Laws; it might perhaps be best not to Commission both;—The appointment of M^r Boré, would I beleive, be most satisfactory.—

The period of service of the members of the present Legislative Council expires (I beleive) in January next.—

I have the honor to be Sir, With great respect & esteem Yo: Mo: ob^t Serv^t

WILLIAM C. C. CLAIBORNE

JAMES MADISON President of the U. States.—

[*Endorsed*] New Orleans 4 March 1810. Gov^r Claiborne—Nomination of Members for the Legislative Council. Claiborne W^m C. C. March 4th 1810

[Enclosure]

Report of election ⁶⁴

In the house of REPRESENTATIVES of the territory
of ORLÉANS. *Monday february the 12th 1810*

The house proceeded to the election by ballot of ten persons whose names are to be sent to the President of United States, five of whom are to be by him nominated to the Hon^{ble} The Senate of the United States, to be, when approved by the Senate, commissioned by him as members of the legislative council of the territory of Orleans, to serve during the five years next ensuing the term of service of the present legislative council.

Mess. Sutton & Beauvais were appointed tellers & at the opening of the ballots, it appeared that out of twenty four votes

Messieurs

Arnaud Beauvais had obtained	twenty four votes
Thomas Urquhart	twenty three id
Jean Blanque	eighteen . . id
Manuel Andry	sixteen . . id
Felix Bernard	fifteen . . . id
Jean Noël Destréhan	fifteen . . . id
Étienne Boré	thirteen . . id
Mathurin Guérin	thirteen . . id
Magloire Guichard	fifteen . . . id
Henry Bry	thirteen . . id

Whereupon Resolved that the above named ten persons be recommended to the President of the United States as candidates for the legislative council of the territory of Orleans; & that the Speaker of this house do send their names to the President of the United States with an extract of the journals of this house containing all the proceedings relative to their election.

A true copy Attest:

ELIGIUS FROMENTIN

Clerk of the house of Representatives
of the territory of Orleans

[*Endorsed*] Rec^d in Gov^r Claiborne's Letter of 4 March 1810.

⁶⁴ Another copy of this report is found in NA (SD, Terr. Papers, Orleans, XI)

MEMORIAL TO CONGRESS BY THE LEGISLATURE ⁶⁵

[NA:SF, 11 Cong., 2 sess.:DS]

[March 12, 1810]

To the honorable the Senate and House of Representatives of the United States, in Congress assembled,

The inhabitants of the territory of Orleans, become your Country men by a Combination of political events, but as satisfied with the title of Citizens of the United States, as if they had acquired it from choice, raise up to you, through the organ of their Representatives, their respectful remonstrances on the inconveniencies which, no doubt against your intentions have been the inevitable consequences of the system of Government which you have given them. They appear before your honorable assembly, full of confidence in your Justice, not to vent any complaints, but to claim their rights. They Bring you not testimony of their Discontent, but the expression of their wishes and of their hopes; and they pray you, before you listen to their representations, to accept the homage of the fidelity which they again swear to the Constitution of the United States and the tribute of admiration which they pay to that Sacred Charter, where the true principles of liberty are recorded in indelible characters. After this Solemn protestation of their sentiments they intreat you to lend an attentive ear to the object which they are going to submit to your consideration. Its importance claims that it interests the fate of a great number of men, whose happiness you have contracted the obligation to procure, when you adopted them for your fellow Citizens.

A Considerable portion of the inhabitants of this territory thought Some years ago that they had a right to solicit the incorporation of this Country into the Union. They founded their claims on the Stipulations of the treaty of April 1803, and demanded that this territory should be erected into a state, not so much because of the Utility of the measure, than because they considered it as secured by the treaty.

Things are now materially altered. The Legislature of this territory come forward, several years after, to Sollicit that incorporation, not so much as a right than as a favor. Whatever may have been the political considerations which induced your honorable body to reject the application which was made to you in 1804, those reasons exist no longer. The loyalty of the whole population of this Territory has since then been put to the trial in circumstances sufficiently critical for you to be Now convinced that the inhabitants of Lower Louisiana are not undeserving the Confidence of the federal Government. The

⁶⁵ A copy of this petition, not dated, and printed in French and English, was enclosed in Claiborne to the Secretary of State, May 18, 1809 (NA, SD, Orleans Terr. Papers, x; covering letter printed, Rowland, ed., *Claiborne Let. Bk.*, IV, 360-363). The petition is printed also in *Annals*, 11 Cong., 2 sess., 2269-2273, and in *A.S.P., Misc.*, II, 51-52.

devoted spirit of our militia, when war with Spain was on the eve of breaking out. Our unshaken fidelity in the midst of treasons and conspiracies, are irrefragable proofs of the incorruptibility of our honor and of the sincerity of our affection to our common Country.

But not only there is no longer any reason to oppose the wish of the citizens of this territory, there exists powerful motives to induce to your honorable assembly to see it in a favorable point of view. The System of Government which you have given them, because you thought it would be convenient, does not suit either their physical nor their political situation. To use the expressions of the person who is at the head of our executive, when speaking of a particular branch of our government: "The ordinance of 1787 Originally intended for a small agricultural Society was of hazardous experiment in a territory like ours, populous, wealthy and commercial, where the landed property is holden by titles so various and complex, and where the principles of the common and Civil law, the Statutes of the United States and the municipal regulations of France and of Spain" mingle together to render the administration of our affairs more complicated and more embarrassing. Since the introduction of that ordinance a sad experience has shewn us its imperfection and its insufficiency. As we have been endeavouring to conciliate it with our wants and our localities, the difficulties multiplied themselves so much that we now think it impossible to establish harmony amidst the incoherent materials of which our present government is composed.

We live, however at the distance of six hundred leagues from your honorable assembly who gave us those laws, and who alone has the right of remedying the evils which they may have created. Convened, moreover for the general good of the Union, occupied with great political subjects, on which depends the safety of the whole nation, you cannot, nay you ought not to stop to the details of our local administration; and although you should consent to enter into the examination of those details; you are not sufficiently acquainted with our situation to have in your power to ameliorate it.

Such were undoubtedly the reasons which determined your honorable Body to give us an elective Legislature. You thought that by granting us the privilege of making our own laws, you furnished us with the means of securing our Happiness. No doubts, Legislators, such were your benevolent intentions. But how far that institution fell short of the end for which it was established! From the bosom of that ordinance, which you had given us as a favor, inconveniencies and difficulties have sprung which made our situation worse than it was before.

In almost all the measures which we attempt to take for the amelioration of the Government of the territory, the provisions of the ordinance shackle our efforts. It would be preposterous to entertain

your honorable assembly with the particulars that form the mass of our grievances, and to conduct you through the windings of the labyrinth of our administration. Higher objects call your attention, and bid us to spare the precious time which you are bound to employ for the general good of the nation. But without tiring your patience with useless details, if you will deign to cast an eye on the most striking inconveniencies of our present situation, you will be forced to acknowledge the necessity of granting to us more extensive powers, wherewith to clear our way amidst the innumerable difficulties which reiterated changes of Government have heaped around us.

The absolute veto of the executive; a Judiciary placed above the authority of the Legislature; provisions only obscure sometimes contradictory, which furnish individuals, whose private interests is in opposition to the public welfare, with the means of creating doubts upon the most important subjects; powers and functions imperfectly defined; a complicated Jurisprudence; an entangled chicane, in the vortex of which our business and fortunes are precipitated; public officers, who often, have no idea of our municipal laws, and do not understand the language of the great majority of our population; no voice in their election; no check on their conduct; no confidence, no harmony; such is, Legislators, the present state of Government in the Territory of Orleans. It would even be more grievous, if the chief of our executive, to whom we owe this public testimony of our acknowledgment, had not united his efforts to ours, to better our situation.

But the palliative measures to which we recur, offer little resistance to the torrent of disorder which flows from our Constitution it self. The only efficacious means to employ is to drain the source of the evil, by changing entirely the actual system of our government.

That remedy, Legislators, is in your hands. No constitutional obstacle prevents you from using it. The condition which you have put to our admission into the Union, that of waiting until the territory should possess sixty thousands inhabitants, can be repealed by the same authority which has imposed it. It does not emanate from the constitution of the United States: it emanates from your will. If you think the emancipation of this territory to be a necessary measure, because of the Physical and of the political situation of this Country, because of its remotness from the seat of the federal Government, where we are now obliged to apply even for the details of our Local administration, because of the Confusion into which that administration has been plunged by the successive changes which it has experienced, if you think that emancipation to be a salutary measure, as tending to bind more closely to the interests of the Union a population already known by their loyalty: if you think that emancipation to be a Just measure as the recompense of the irreproachable conduct which that population has pursued in critical and tempestuous times; nothing

can, nay nothing ought to prevent you from pronouncing the decree which we solicit.

In vain would it be objected that our demand is premature, that our population does not yet amount to sixty thousand free inhabitants, as is required by the ordinance of 1787 Originally made for the Territory north west of the Ohio. The Articles of Compact which are included in that ordinance cannot be considered as obligatory on us, since we stipulated, approved, accepted nothing; and the Ordinance with regard to us is a law like the others, emanating solely from your will. If those articles are obligatory on your part, they can be so only as containing an engagement not to retard our incorporation into the union beyond the epoch when our population shall amount to sixty thousand inhabitants; but by contracting the obligation not to deprive us of certain advantages, you did not part with your right of granting to us further favors.

Such was your consideration of the subject, even with respect to those who were considered as contracting parties in the ordinance of 1787, when you erected in 1802, the territory of Ohio into a State, long before it possessed the number of inhabitants required by the ordinance.

But Although the law which you have established over us can be revoked by the same power that has dictated it, if through respect for ancient institutions, if through attachment for a plan of Government, which was successively applied to your several territories, you should persist in requiring, as a condition of our incorporation, that our population should amount to sixty thousand free inhabitants, then we might abandon the hope ever to see the change which is the object of our wishes. Our territory, though vast cannot admit of any large increase of population. Nearly all the lands conveniently situated are occupied; immense swamps cover a great proportion of the remaining part of the Country; and such uninhabited lands as are cultivable are chiefly to be found towards the limits of our territory. Such a situation threatens therefore at least the present generation, never to see the epoch of their emancipation if your honorable Assembly should not yield to the powerful reasons which now make it convenient, or rather necessary.

Must we add to what has been above represented, that we are capable of appreciating the advantages of the government which we pray you to extend to us? Do you suppose it possible that we should have enjoyed during several years a portion of that precious liberty which you alone have preserved amidst the subjection of all the Civilized nations, and that we should not wish to possess it entirely? Do you doubt that we would receive with transport the favor which we solicit from your liberality and your Justice? And do you hesitate to believe that, once in possession of our independence, it shall not be

wrested from us, but with our lives? No, Legislators, your reason must persuade you that the emancipation of the territory of Orleans is ardently desired by its inhabitants; and your heart must tell you that by extending independence to them, you will for ever secure their friendship and their devotion./.

THO^s URQUHART Speaker of
the House of Representatives
J. D DEGOUTIN BELLECHASSE
President of the Legislative
Council

Attest Eligius Fromentin Clerk to the House of Representatives.
Attest: P Derbigny secretary to the Legislative Council.

[*Endorsed*] N^o 296 11 Cong: 2 Sess L Memorial of the Legislature of the territory of Orleans, praying to be admitted as a member of the Union. Read 13 March 1810⁶⁶ 17th Decem^r 1810. Ref^d to Mr. Macon, [Mr.] Clay, [Mr.] Heister, [Mr.] Nicholson, [Mr.] Barry, [Mr.] Bigelow, and [Mr.] Winn—27 Dec^r 1810 Bill reported. ref^d selec: Commee T. March 12th 1810 original—Usual number for both Houses

PHILIP GRYMES TO THE SECRETARY OF STATE

[SD:Appt. Office Files:ALS]

NEW ORLEANS *March* 18th 1810

SIR—I beg leave, tho. you, to tender to the President of the U. States, my resignation of the Office of District Att^y for the Orleans District—Until my Successor shall be appointed, and shall have qualified to his Commission I shall continue to discharge the Duties of the Office so as that the U. States may not sustain any Injury for the want of a prosecuting Att^y in this District—

I have the hon^r to be Sir with great respect Y^r Ob^t Serv^t

P GRYMES

[*Addressed*] The Hon^lo Robert Smith Secretary of State Washington City [*Postmarked*] New Orleans Mar 19 Free

[*Endorsed*] M^r Grymes 18th March 1810— Resigns his Office

GOVERNOR CLAIBORNE AND SECRETARY ROBERTSON
TO THE PRESIDENT

[SD:Appt. Office Files:ALS]

NEW-ORLEANS *March* 19th 1810.

SIR, The office of the United States Attorney for the Orleans District, becoming vacant by the Resignation of M^r Grymes, and it

⁶⁶ According to *Senate Journal*, iv, 458, the memorial was read Mar. 12. For the action taken, see the Secretary of State to Claiborne, May 9, 1811, *post*, p. 933, n. 62.

being of the greatest importance to the Public Interest, that the appointment Should be bestowed on a Citizen of competent talents, and correct principles, we take the liberty to recommend to your favorable attention M^r Tully Robinson (late of Virginia) who has resided in this Territory about twelve months—

M^r Robinson possesses a highly improved mind; his legal Talents are respectable, his political Sentiments republican, and his private Character fair and honorable—

We have the honor to be, Sir, with the greatest respect yo: mo: ob' Hble Serv^t

WILLIAM C. C. CLAIBORNE
TH. B. ROBERTSON

JAMES MADISON President of the U States

[*Endorsed*] Claiborne W. C. C. & T. B. Robertson March 19th 1810
Recom^d Tully Robinson for the Attorneyship of the Orleans Territory

JOHN SIBLEY TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div.:ALS]

NATCHITOCHEs *March* 20th 1810.

SIR About Thirty miles above this Town by land & Sixty or Seventy by water or by the Course of the River is the village or Town of the Natchitoches Indians, their Corn fields extend up & down the River for some Leagues, they used to live where this Town is now Situate, & the Town preserves its Antient Name & when the white People first Came here in the year 1717 all the Country belonged to them for some hundreds of Miles, & they were a powerfull Nation. they are now much reduced in Numbers, and a number of the French families are Mixed with them; they have lived where they Now do for Many years & no one enchroached upon the Lands they Claimed; till Lately, a Number of Americans have been taking up places and Commencing Settlements about them; the Chief Came to me a few days ago with a Complaint; I have seen some of these Settlers who seposed (as they say) they were on Lands belonging to the United States, and intended to risque purchasing, If government would not give them, whenever an office for the sale of Public Lands was opened. they have agreed to suspend their improvements for a short time, Untill I Can ascertain the Clam of the Indians & I have Concluded unless the rising of the River prevents it, to go with a Surveyor & Lay off their Lands, within whose Boundaries no one will presume to encroach; I shall have a platt of their Lands made and the lines distinctly Marked, as I had the Lands of the Appelaches below Some years ago & for the same cause, & send you a duplicate of the Survey, when that is done the Indians will sighn an abandonment to the

United States to all their Claim to Any more, as they will be Content with a small quantity of Lands, Notwithstanding their equitable right to a great extent, we must suffer them to Carry their lines pretty much as they please, but they will be very reasonable. As there is a Necessity in order to tranquilise the Indians to Act upon this business immediately. I shall be obliged to do it without waiting for your particular Instructions, and with as Small an expence as I can with Economy and shall forward to you the Survey with the Account of the expence, which I hope will meet your approbation; my having done the same in the Case of the Appelaches Lands, which met the entire approbation of general Dearborn prevents all hesitation relative to the propriety of this Measure for the Natchitoches whose claim is a much stronger one than that of the Appelaches.

I should feel particularly gratified should government think proper to appropriate some Lands for those Indians in this quarter who have none; in their present Situation they are a great nuisance to the white Inhabitants, & ungovernable—and Instead of improving in the Arts of Civilization are growing Worse.—

I am Sir Most respectfully Your Ob^t Servant

JOHN SIBLEY

HON^{ble} WILLIAM EUSTIS Secretary of War

[Addressed] The Hon^{ble} William Eustis Secretary of War Washington City

[Endorsed] Natchitoches, Mar: 20th 1810. Doctor John Sibley. Relative to the Claim of the Natchitoches nation of Indians to a certain Tract of Territory in that quarter;—and Representing that Citizens of the U. S. are Intruding thereabouts:—He is preparing to survey and mark the Indian Boundary; —&c. &c.—Rece^d April 26th 1810.⁶⁷—

⁶⁷ See also Sibley to the Secretary of War, Jan. 30 and Nov. 30, 1810, on the subject of Indian affairs (NA, WD, AGO, Old Recs. Div.). For letters concerning Indian trade, and Indian affairs in general, mostly routine in nature, for 1810 and the remainder of the territorial period, see the following: Linnard to Mason, Jan. 2, Jan. 6, Mar. 14 (two), Mar. 31, Apr. 3, May 9 (two), June 30, July 3, Sept. 30, Oct. 3, Nov. 8, Nov. 17, Dec. 5, Dec. 31, 1810, Jan. 4, Jan. 11 (two), Jan. 31, Feb. 6, Feb. 14, Feb. 27, Mar. 31 (two), Apr. 5, Apr. 10, July 3, July 17, Aug. 6, Aug. 12, Sept. 30, Oct. 4, Oct. 19, Oct. 24, Dec. 19, Dec. 31, 1811, Jan. 3, Jan. 9, Jan. 28, Mar. 25, Mar. 31, Apr. 11, 1812, to Saul, Jan. 8, Jan. 11, Feb. 5, Feb. 14, Feb. 28, June 7, 1810, Jan. 11, Feb. 6, Feb. 23, July 3, Oct. 19, 1811, Jan. 25, Jan. 28, May 1, 1812, and to Woolstonecraft, Nov. 29, Dec. 2, 1810 (NA, ID, Indian Office, Natchitoches Let. Bk., 1809–1821); Mason to the Secretary of War, Feb. 3, Feb. 12, Mar. 9, Aug. 8, Dec. 13 and Dec. 24, 1810 (NA, WD, AGO, Old Recs. Div.), to Saul, Mar. 3, Mar. 10, Mar. 17, Sept. 8, Nov. 6, Nov. 9, Dec. 12, Dec. 27, Dec. 28, 1810, Apr. 8, June 19, Aug. 14, Aug. 21, Nov. 14, Nov. 19, 1811, and Feb. 5, 1812, to Linnard, Mar. 20, Sept. 15, 1810, Feb. 12, June 12, Aug. 14, Oct. 30, 1811, Feb. 5, 1812, to Indian factors (circulars), July 20, Aug. 31, and Nov. 28, 1810 (NA, ID, Indian Office, Supt. Let. Bk. B).

COMMISSION OF FRANCIS X. MARTIN AS JUDGE

[SD:Misc. Permanent Comms., C:C]

[March 21, 1810]

JAMES MADISON, President of the United States of America,

To all who shall see these presents, Greeting:

Know Ye, That reposing special Trust and Confidence in the Wisdom, Uprightness and Learning of FRANCIS XAVIER MARTIN, of North Carolina, I have nominated, and by and with the advice and consent of the Senate, do appoint him One of the Judges in and over the Territory of Orleans;⁶⁸ and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and Laws of the United States; and to Have and to Hold the said office with all the powers, Privileges and Emoluments to the same of right appertaining during his good behaviour.

In Testimony whereof, I have caused these Letters to be
 L S made patent and the Seal of the United States to be hereunto
 affixed. Given under my hand at the City of Washington
 the Twenty first day of March A D. 1810; and of the Independence
 of the U States the Thirty fourth.

JAMES MADISON

By the President.

R. SMITH Secy of State

SECRETARY ROBERTSON TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, XI:ALS]

NEW ORLEANS April 8 1810

SIR Three Vessels sailing under the Flag of France have been seized at the balize and will be libeled for a violation of the third section of the non-intercourse Law

One of them the Duc de Montebello will be also libeled for having fitted out as a Privateer in a port of the U. S. From affidavits which have been taken it appears that this Vessel was built at Baltimore sailed to Charlestown & Savannah where she was armed and equiped changed her name from the Amiable and commenced a Cruize during which she plundered Vessels of all nations took from an American Brig bound from New York to this place eight Casks of Wine and meeting with another off the Coast of Cuba set her on fire and landed the Crew on that Island

Among the papers found on board were blank commissions signed by Gen^l Ernouff intended in all probability for privateers suspected to be secretly fitting out in this harbour It is difficult to detect

⁶⁸ Nominated Mar. 19, and confirmed Mar. 21, 1810 (*Senate, Exec. Journal*, II, 142).

these improprieties—New Orleans is filled with desperadoes from S^t Yago de Cuba accustomed to piracies and connected with the parties who furnish them with every facility to escape forfeitures or punishment Two other privateers are now cruising in the Gulf which there are strong reasons to believe sailed from this port—Since S^t Domingo and Guadeloupe have fallen and perhaps by this time St Martins & Eustacia it probable that many armed French Vessels after freighting themselves with plunder will resort to the Mississipi as they avoid bringing in with them, the crews or the vessels captured it is difficult to distinguish the course they pursue from unqualified piracy—Commodore Porter and M^r Williams the Collector will doubtless communicate fully on these subjects and during the Absence of the Governor I will apprise you of whatever may [be] interesting to the Gov^t ⁶⁹

I have the honor to be with great respect yo ob S^t

TH B ROBERTSON

HON^{bl} ROBERT SMITH Sec^y of State Washington

[Addressed] The Hon^{bl} Robert Smith Sec^y of State Washington City [Postmarked] New Orleans Apr 9 Free

[Endorsed] 8 April 1811 [1810]. New Orleans Thomas B. Robertson. French Privateers

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEPARTMENT OF STATE, April 14, 1810.

HIS EXCELLENCY, GOVERNOR CLAIBORNE,

SIR, I have received your Letter of the 12th feb^y, covering a Copy of

⁶⁹ The following letters are also concerned with questions of maritime and neutral law. Those cited as being printed are also found as originals in NA (SD, Orleans Terr. Papers, IX and X):

Claiborne to the Secretary of State, June 18, 1808 (Rowland, ed., *op. cit.*, iv, 177-179), enclosing Reeve to Claiborne, June 4, 1808, and copies of court records, warrants, and affidavits in the case of the schooner *Guadeloupe*; *id. to id.*, Dec. 9, 1808, enclosing Claiborne to Folch, Nov. 30, 1808, *ibid.*, pp. 261-262, 267-268, Folch to Claiborne, Oct. 29 and Nov. 15, 1808, Porter to Read, Nov. 30, and to Claiborne, Dec. 13, 1808, statement by Pollock, Dec. 1, 1808, and Read to Porter, Dec. 11, 1808; *id. to id.*, Mar. 24, 1809, enclosing Claiborne to Folch, Mar. 13 and Mar. 15, 1809, *ibid.*, pp. 330-331, 335, Folch to Claiborne, Feb. 16 and Mar. 6, 1809; *id. to id.*, July 29, 1809, enclosing Claiborne to Deforgues, July 27, 1809, court records in the cases of Arbaud and Bouchette, not dated, *ibid.*, pp. 391-399, and Deforgues to Claiborne, July 27; *id. to id.*, Nov. 12, 1809, *ibid.*, v, 1-2, enclosing Deforgues to Claiborne, Nov. 4 and Nov. 9, 1809, DeVaisseau to Deforgues, Nov. 9, and to Porter, Nov. 9 (two), 1809, and statement by Missonet, Nov. 10, 1809; *id. to id.*, Mar. 30, 1810, enclosing petition of Ange Michel Brouard, Mar. 26, 1810, Claiborne to Deforgues, Mar. 30, and to Mather, Jan. [Mar.] 27, 1810, Mather to Claiborne, Mar. 28, 1810, *ibid.*, pp. 24-31, and Deforgues to Claiborne, Mar. 29, 1810.

your message of the 9th ⁷⁰ to the Territorial Legislature in relation to certain Slaves brought into the Port of New Orleans from St Iago de Cuba via Jamaica—and thro' another Channel I have learnt that the Legislature either have or are about to pass a Law to restore these Slaves to the Persons who brought them into the Territory.⁷¹

However desirable it might be in this particular Case to restore the Slaves to their original owners, it is considered not to be within the Powers of the Territorial Legislature to do it; as it would expressly contravene the Provisions of the Act of Congress, of the 2nd March 1807,⁷² as you will see by a Reference to the 4th section of that act, which I fear has escaped the attention of the Legislature, and must invalidate any Law which they may have passed in violation of it.

I am &^a &^a

R SMITH.

THE SECRETARY OF THE TREASURY TO GIDEON FITZ ⁷³

[GLO:Div. C, Misc. Letter Book One]

(private)

TREASURY DEPARTMENT *May* 11th 1810

GIDEON FITZ Esq^r Opelousas

SIR Your letters to M^r Jefferson ⁷⁴ respecting the situation of unsettled land Claims in the Western district of the Orleans Territory having been transmitted to me for information & laid before the President, he has appointed you one of the Commissioners for ascertaining those Claims & you will herewith receive a Commission to that effect. The Board, on your accepting the appointment will consist of Levin Wailes Register,⁷⁵ Mr Garrard & yourself—You will however perceive from the enclosed Copy of a Letter written to M^r Wailes 5th ins^t ⁷⁶ that Congress did not at their last Session provide any compensation, & that the Commission^rs must trust for remuneration to such provision as may hereafter be made by law—Still I

⁷⁰ Neither has been found.

⁷¹ The territorial act approved Mar. 16, 1810, directed that slaves imported into Orleans in violation of the law should be sold and the proceeds turned over to the Territory, but that the act was not to apply to slaves imported from Cuba in 1809 for whose appearance security had been given (*Acts, First Session, Third Legislature, Orleans, New Orleans, 1810, pp. 18-23*).

⁷² 2 STAT. 426-430.

⁷³ There is a copy of this letter in the Jefferson Papers (LC).

⁷⁴ Cf. Fitz to Jefferson, Aug. 12, 1809 (GLO, Div. E, Ohio-Miss. SG, vol. 65).

⁷⁵ See the Secretary of the Treasury to Wailes, May 4, 1810 (GLO, Div. C, Misc. Let. Bk. One), enclosing a duplicate commission and requesting his oath and bond. The register's office had been vacated by the resignation of John Thompson. Magruder and Garrard had recommended John Thompson, Jr., for the vacancy (Magruder and Garrard to the Secretary of State, both of Jan. 29, 1810, NA, SD, Misc. Letters).

⁷⁶ Enclosure not present. Cf. the Secretary of the Treasury to Grymes, May 5, 1810, and to Wailes, same date (GLO, Div. C, Misc. Let. Bk. One).

hope that, sensible as you are of the necessity of speedily completing that business, you will not on account of the want of certainty in respect to pay, decline entering on the duties of the Office. On that subject I will only add that it was intended to make the allowance not by the year, but in proportion to the number of claims decided on, whether in favor of or against Claimants, & as it appears probable that this mode will be finally adopted, there can be no inducement hereafter, & therefore no improper suspicion will attach that the Business is unnecessarily protracted. Both from your letters and from other information, it seems that there can be very little difficulty in deciding on those Claims not exceeding one league square, of which the Commiss^{rs} are made the final and absolute Judges. For it is generally understood that there are but few, if any, fraudulent or doubtful claims of that size in the district; those which are considered as of a doubtful nature being the large provisional grants to Bastrop, Maison rouge, the parish of Atakapas &c & perhaps some purchases of Indian Villages & vacheries.

I cannot therefore but hope that, with your aid the Commissioners may be able to decide on all those claims during the Course of this year, & to transmit their transcript in time for the next Session of Congress which will enable them to open the Land Office and will in every respect be attended with beneficial effects.

I am &c

THE POSTMASTER GENERAL TO DAVID CASE

[PO:P.M. Letter Book Q]

16 *May* 1810

DAVID CASE P M. Natchitoches O T^y

I have received yours of 29th March.⁷⁷ by the late alteration the carrier is to arrive at your office on Wednesdays by 6 P M. & to depart on Thursdays, by 11 A M. which allows sufficient time to answer letters.

G. G.

THE SECRETARY OF STATE TO WILLIAM WYKOFF ⁷⁸

[NA:SD, Orleans Terr. Papers, XI:C]

DEPARTMENT OF STATE *June* 20th 1810

SIR, As a Crisis is at hand which must produce great changes in the situation of Spanish America, and may dissolve altogether its Colonial

⁷⁷ Not found.

⁷⁸ Enclosed in Graham to Robertson, July 30, 1810 (NA, SD, Orleans Terr. Papers, XI).

relations to Europe, and as the geographical position of the United States and other obvious considerations give them an intimate interest in whatever may affect the destiny of that part of this Hemisphere and particularly the Floridas, it is our duty to turn our attention to this important subject, and to take such steps, not incompatible with the neutral character and honest policy of the United States, as the occasion renders proper. Besides the interest resulting from local considerations, the United States consider themselves as holding a legal title to the greater part of West Florida under the purchase made by the Convention with France in the year 1803.

Under these circumstances it has been deemed proper to select you for the confidential purpose of proceeding without delay into East Florida, and also into West Florida, as far as pensacola for the purpose of diffusing the impression that the United States cherish the sincerest good will towards the people of the Floridas as neighbours, and as having in so many respects a common interest, and that in the event of a political separation from the parent Country, their incorporation into our Union would coincide with the sentiments and policy of the United States. And it will be particularly proper to draw their minds to a contemplation of the obvious and very disagreeable consequences, as well to them as to us, should the dissolution of their ties to the parent Country be followed by a connection with any of the European powers instead of the natural one suggested by their geographical and maritime relations to the United States.

In expressing these as the sentiments and views of the United States you will be led to opportunities of ascertaining those of the people of the Floridas, not only towards the United States but in reference to the great nations of Europe, and to the Commercial and other connections with them respectively, and generally of enquiring into the state, the characteristics and the proportions as to numbers, intelligence and wealth, of the several parties in the Country; all which you will communicate confidentially to this Department.

It will be expected that your enquiries as far as opportunities may occur, be extended to the residue of West Florida. It is however not intended that you are, without further instructions, actually to visit that Country.

As a compensation you will be allowed at the rate of [blank] p day and your reasonable expences. And you will not fail to keep a regular account of the expences incurred by you in the prosecution of this business, and also the vouchers for the same, and when vouchers cannot be obtained you will exhibit a statement of the details.

I have the honor to be &c.

(Signed) R. SMITH

THE SECRETARY OF STATE TO WILLIAM H. CRAWFORD

[NA:SD, Dom. Letters, xv:C]

for Record—Confidential—

W^m H. CRAWFORD Esq^r

June 20. 1810

SIR The enclosed letter of instruction ⁷⁹ will afford you a view of the policy of the Pred^t in relation to the Floridas. It is his wish to have the advantage of your Co-Operation so far at least as in selecting a gentleman of honor & discretion qualified to execute a trust of such interest & delicacy. The rate of compensation you will consider yourself empowered to fix and to fill in [MS. illegible] accordingly. Too much time would be lost in waiting for the previous sanction of the Executive; and [MS. illegible] the fullest confidence in your judgment. It is believed that in addition to expences three four or five dollars pr. day, according to the talent & the standing in Society of the person, would be considered an adequate compensation.

A letter has just been transmitted to a respectable gentleman of the Orleans Territory with instructions to proceed into the district of Baton Rouge and thence as far as the Perdido for the purpose of communicating the principles & dispositions of the U. S. and of ascertaining those of the people of that Country.

In the Blank in the enclosed letter you will be pleased to insert the name of the person whom you may have selected to execute this business; and then to have the same delivered to him.

[Endorsed] Confidential to M^r Crawford—

HENRY HOPKINS TO SECRETARY ROBERTSON

[NA:SD, Orleans Terr. Papers, xi:C]

POINT-COUPEE June. 30th 1810.

SIR, I have the honor to inclose you a Return of the Militia of the Territory of Orleans, together with a Return of their arms, accoutrements and ammunition.—

In consequence of the neglect of the proper officers to report to me agreeably to Law, I have been under the necessity to search as far back as 1807 & 1808 (the periods when the Militia was last inspected) in order to procure documents from which I could consolidate correct Returns:—Nevertheless I am of opinion that those Returns will give a correct idea of the Militia at the present period.—At all events no amelioration has taken place since they were last inspected.—

I have the honor to be, with great respect, yo: ob^t Serv^t

Signed, HENRY HOPKINS.

THO^s B. ROBERTSON Esq^r

[Endorsed] Henry Hopkins to Th. B. Robertson June 30. 1810

⁷⁹ Not present.

[Endorsed] Return of Militia of the Territory of Orleans June 30th 1810

[Enclosure]

Return of arms, accoutrements and ammunition of the Militia of the Territory of Orleans

[June 30, 1810]

		CAVALRY								
		Horses	Saddles & Bridles	Valises	Breast Plates	Swords	Pistols	Cartridge Boxes	Cartridges	
In use.....	215	215	"	"	150	200	50	"	"	
Unfit for service.....	"	"	215	215	65	230	165	2580	"	
Wanting to complete.....	"	"								
		INFANTRY—								
		Muskets	Rifles	Guns	Cartridge Boxes	Cartridges	Flints	Knapsacks	Drums	Files
In use.....	126	456	1887	220	"	3469	"	6	"	"
Unfit for service.....	"	"	1887	"	"	"	"	"	"	"
Wanting to complete.....	4845	"	"	5525	137,880	9690	5427	84	100	"

I certify this Return to be consolidated from Reports made to me when Inspecting the Militia of the Territory of Orleans in the months of October, November & December 1807, & January & February 1808, aided by other information within my knowledge.—

Signed, HENRY HOPKINS—
 Colo. & Adj^t Gen^o

TERRITORY OF ORLEANS, June 30th 1810—

[Endorsed] Return of Arms &c of the Militia of Orleans Territory, June 30, 1810

SECRETARY ROBERTSON TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, XI:C]

(Copy.)

NEW ORLEANS, *July 6th 1810.*

SIR, Since my last communication, a duplicate of which I transmit by the present mail,⁸⁰—the letters, copies of which are enclosed, have passed between Lieut. Carrol and myself⁸¹—The French Privateer has on Board fifteen Slaves, taken out of the Spanish Prize-Ship the Alberta. It is for that reason that I have stated that she is liable to be captured under the Slave Act.

I have directed the proper officers to make every exertion to discover, and seize upon the Negroes smuggled into the Territory by the captors of the Mosoveto and their unprincipled accomplices;—but for reasons which I forbear to mention, it is difficult, indeed, almost impossible, to detect and punish frauds of this nature, when practiced by a certain description of People in this Country.

The Capt. of the French privateer, Guillaume, the captor of the Mossoveto, escaped from New-Orleans a few days ago after having received [blank] dollars, the price of the Slaves; but through the vigilance of Lieut. Carter, of the Navy, who was deputed by the Marshal for that purpose, he has been seized at the Balize and is now on his unwilling return to the City.⁸²

On the night of the 1st of July a fire broke out in New-Orleans, and according to a report made to me by the Mayor, there were burnt and destroyed twenty-four houses, many of them small shops, amounting in value to about 20.000.—

The people of West Florida, particularly in the District of Feliciana, appear to be preparing to throw off their dependence on Spain. Rumor relates that meetings are held and resolutions adopted—that a Constitution is already formed on free and republican principles, and that the fourth of July has been selected as the Birth-Day of their national Independence. These Reports are generally believed to be true, and it is probable that the News from the Province of Venezuela which has just arrived, will have a tendency to hasten the event.

⁸⁰ July 1, 1810, on the subject of the smuggling of slaves, and enclosing Fram to Robertson, not dated, on the same subject (NA, SD, Orleans Terr. Papers, XI). The duplicate mentioned is not present.

⁸¹ Not present.

⁸² For a lengthy report on the difficulties attending the enforcement of the slave act, see Williams to the Secretary of the Treasury, Aug. 12, 1810 (TD, Secretary's Files, Collectors' Lets., N.O., 1804-1833). For letters concerning the administration of the revenue laws, the revenue service, the non-intercourse act, and the lighthouse system in Orleans, see the Secretary of the Treasury to Williams, Jan. 29, May 5, May 21, May 30, 1810, Mar. 3, 1812, and Williams to the Secretary, Mar. 24, Apr. 7, Apr. 27, June 4, July 10, Aug. 4, 1810, Apr. 17, Apr. 18, Apr. 24, Aug. 5, Dec. 11, 1811, and Mar. 15, 1812, *loc. cit.*

The only Information of an authentic nature which I have received, is contained in the enclosed extracts of two letters to the Mayor.⁸³

I have the honor to be, Sir, very respectfully, Yo. obt. Serv^t
(signed) THO^s B. ROBERTSON.

THE HONORABLE M^r SMITH Sec^{ry} of State

[*Endorsed*] Copy—New Orleans, M^r Robinson. 6th July 1810.

MEMBERSHIP OF THE WEST FLORIDA CONVENTION

[NA:SD, Miss. Terr. Papers, 1⁸⁴]

[*July 26, 1810*]

WEST-FLORIDA.

Just as our paper was going to press we received a letter from St. John's Plains, (the seat of the West Florida Convention) dated July 26, from which we make the following extracts—

“The Convention assembled yesterday, appointed John Rhea Esq. Chairman, and Doct. Andrew Steel Secretary, with two Clerks, viz George Mather and Samuel Crocker Esqrs

“There is great diversity of opinion amongst them, some being for independence, and others for supporting the old Spanish laws. Their situation is difficult, and it is expected they will close their first meeting without doing much that is decisive.

“As the Convention sits with closed doors, and the members are not very communicative, I cannot inform you whether any thing has been done. I send you a list of the members, as perfect as I can collect.”

For New-Feliciana—William Barrow, John H. Johnson, John Mills and John Rhea.

For Baton Rouge—Thomas Lilly, Philip Hickey Edmund Hause,
. . . Lopas.

St. Helena—Joseph Thomas, John W. Leonard, . . . Williams,
William Morgan.

Tanchipaho— . . Cooper, and one, name unknown.

THE GOVERNOR OF MISSISSIPPI TERRITORY TO THE
SECRETARY OF STATE

[NA:SD, Miss. Terr. Papers, 1:ALS]

TOWN OF WASHINGTON M T 31st *July 1810*

SIR / The occurrences now passing in West Florida appear to me in a light so important to the Government of the United States, that I

⁸³ Not present.

⁸⁴ A newspaper clipping enclosed in a letter from Holmes to Smith, Nov. 14, 1810 (NA, SD, Miss. Terr. Papers, 1).

cannot omit using all the means within my reach to procure and transmit to you the best information relative thereto, The convention met on the 25th Inst: at S^t Johns Plains. The number of members vary something from the statement made in my last letter.⁸⁶ You will see in the enclosed Paper as correct a list as could be obtained, The latest information I have received is contained in a letter dated the 26th Inst: written by a Gentleman at the seat of the Convention to his friend in Natchez.⁸⁶ The following is an extract of so much as relates to the affairs of Florida—

“They fear that if they make application to the United States for protection that they cannot get an answer before it is known to the Capⁿ Gen^l of Havanna and that he will of course consider them as rebels and probably send into Florida a regular force sufficient to subdue them, confiscate their property and produce anarchy and bloodshed—

“A letter was received yesterday from Natchez which produced a considerable buz—It says something about a partys being ready at a moments warning to descend from our Territory to assist them in case of Independence. I have been applied to to know whether I had heard of any such force—I replied that I had not, neither did I believe any such thing had been though of

“The charges against Gov^r Lassus and his party are of a Very Serious Nature—Lassus trembles for his situation—He has sent two spies to the convention one of them is a member and the other is in charactor of translator)⁸⁷—

As yet we are not possessed of any facts upon which an opinion can be formed of the course that will be ultimately taken by the Convention, Of their disposition and that of a large Majority of their constituents to become a part of the United States no doubt is entertained. The cause assigned in the Extract and their not knowing how an overture from them would be received by our Government, is what alone restrains an open declaration of their true Sentiments, A report was in circulation some days ago that a party was forming in this Territory for the purpose of assisting the Inhabitants below the Line in bringing about the revolution, I believe it arose entirely from sole conversation and that no real design to interfere ever existed.

From information I have lately received from the county of Washington on the Tombigbee it appears that an opinion was entertained by some of the Good citizens there, that a party was forming for the purpose of attacking Mobile, There is no evidence however that goes to establish the fact, and at present I believe that if any project

⁸⁶ July 11, 1810 (NA, SD, Miss. Terr. Papers, 1), stating that there were about five hundred persons present at the meeting.

⁸⁶ Not identified.

⁸⁷ The parenthesis is apparently intended for closing quotation marks.

of the kind was really in contemplation it has been abandoned, You may rest assured Sir that my best exertions shall be applied towards discovering and repressing any Combination that may be formed with the View to Violate (in this respect) the Laws of the United States⁸⁸

I have the honor to be Sir your ob^t S^t

DAVID HOLMES

[Endorsed] Copied for the President Gov^r Holmes 31st July 1810—
Rec^d 23^d Augt: affairs of West Florida Copy taken for the President

THE GOVERNOR OF MISSISSIPPI TERRITORY TO THE
SECRETARY OF STATE

[NA:SD, Miss. Terr. Papers, 1:ALS]

TOWN OF WASHINGTON 8th Aug^t 1810

SIR I have the honor to acknowledge the receipt of your letter of the 12th ult^o⁸⁹ in answer to mine of the 20th of June,⁹⁰ I wrote to you on the 18th⁹¹ and 31st of July, The intelligence contained in my last letter was received from a Gentleman who attended at S^t John,s Plains during the session of the convention, He returned here a few days ago and communicated to me some additional information relating chiefly to the views and wishes of the representatives, I believe his representations may be relied upon as they are corroborated by others who had the same opportunity of acquiring similar knowledge—

The inclosed Paper contains a copy of an address to the Governor and of two resolutions entered into by the convention, From the

⁸⁸ For a detailed account of the West Florida revolution, with citations to the principal sources, see Cox, *West Florida Controversy*, pp. 312 *et seq.* For convenience, the more important letters and documents in the West Florida Papers (LC), other than those cited by Cox, are noted at this point: Audibert to Skipwith, Sept. 27, 1810; Grymes to *id.*, Oct. 6, 1810; constitution of the state of West Florida, Oct. 24, 1810; Rhea to Ballinger, Oct. 29, and Oct. 30, 1810; Dupree to Kemper, Nov. 12, 1810; Kemper to Dupree, Nov. 15, 1810, to Rhea, Nov. 23 and Dec. 20, 1810; Duncan to Johnson, Nov. 23, 1810; Innerarity to Sanderson, Nov. 23, 1810; Steele to Skipwith, Nov. 26, 1810; Skipwith to the West Florida Legislature, Nov. 29, 1810, to Claiborne, Dec. 10, 1810, to the people of West Florida, Dec. 23, 1810, and Apr. 1, 1811, and to Graham, Jan. 14, 1811. For correspondence on this subject previously published in this series, consult the index to volume VI, under "West Florida" and "Mobile".

⁸⁹ NA (SD, Dom. Letters, xv), asking Holmes to keep the State Department informed on the course of events.

⁹⁰ NA (SD, Miss. Terr. Papers, 1), discussing the aims and activities of the various factions in West Florida.

⁹¹ July 11 is meant here, according to Holmes to the Secretary of State, Aug. 21, 1810. Both are found in NA, *loc. cit.* The second letter discussed the activities of the convention and enclosed De Lassus to the deputies of the convention, July 30, 1810, Johnson to Holmes, Aug. 14, 1810, and a declaration by the convention, not dated.

style and tenor of these Documents we might be led to believe that nothing more was desired than to redress Grievances, and to strengthen and support the administration of the present Governor, The fact is stated to be otherwise, It is said (and I believe with truth) that a correct Opinion cannot be formed of the real Views and Wishes of either the Governor or the Convention from their public and official Acts, The first lent his sanction to the election of the Members and their subsequent assemblage from a conviction that resistance on his part could not be effectual and that to make the attempt might prove more hazardous to his authority and person than to yield to the popular current, The Convention acted under a considerable degree of alarm, created by the novelty of the Business in which they were engaged, and that dread of consequences which people generally feel in the incipient State of resistance to absolute power, There fears were increased by a rumour industriously circulated during the session that Gov^r Folch had returned from Havana and that in all probability the Military force at Pensacola would be employed to put an end to their deliberations, Under such impressions a frank declaration of sentiment could not be expected—

The best information I have been able to collect strengthens the Opinion I expressed to you in a former communication: that the convention and a large Majority of the People were disposed to come under the protection of the United States, It is however doubtful whether they will adopt any direct means to bring about this event before they receive an intimation that a correspondent disposition exists on the part of our Government, How far the true policy of the United States would warrant such a course those only who have a full knowledge of our Foreign relations are Competent to determine, That the country can at this moment be obtained without incurring an additional expense worthy of consideration or the loss of a single man I am confident, Events however may take place that would change this state of things, The invasion of the country by a powerful Nation or the seduction of the people from their true Interests by intriguing emissaries would greatly alter the aspect of affairs,

It will give me great satisfaction to receive the Instructions of the President, He may rest assured that they shall be faithfully and strictly observed

I have the honor to be with Great respect Sir Your most ob^t s^t

DAVID HOLMES

HONB^l R. SMITH

P S Duplicates of my two last letters are herewith forwarded D H
 [Addressed] Honb^l Rob^t Smith Secretary of State Washington City
 [Endorsed] 8th Aug^t 1810. Gov^r Holmes 8th Aug^t 1810

[Enclosure]

*Proceedings of the First Convention of West Florida*⁹²

WEST-FLORIDA.

[July 27, 1810]

We have received the subjoined address from our correspondent in West-Florida, as the result of the first meeting of the Convention. From this address it will appear that West-Florida still acknowledges dependance on the government of Spain, and is firm in her allegiance to Ferdinand VII. It will so appear, that there is to be a second meeting of the Convention, on Monday the 13th inst. which it is believed will be much more interesting than the last. What will be the result of the deliberations of this honorable body, is yet impossible to divine—However, as far as we are capable of judging, their proceedings augur well. A degree of prudential wisdom marks the first meeting, that does honor to the deputies, and we sincerely hope that nothing may occur to disturb the tranquility, or endanger the peace and prosperity of the people.

Idle demagogues and declaimers may endeavor to alarm the fears of the people, and may threaten them with French vengeance; but if the deputies are faithful to Florida, adhere firmly to principle, and pursue a wise and just policy, they will acquire for themselves immortal honor, and secure a free and equitable government to their posterity.

As far as we have seen an expression of publick sentiment, there is not an American heart that does not beat in unison with the people of Florida; and the prayers of seven millions of freemen are daily offered up to the fountain of all good, for the civil and political freedom, and universal prosperity of our enlightened neighbors. The people of the United States and of Florida have the same feeling, the same object in view, the same end to accomplish—They are all natives of this soil, and they must preserve it inviolate—Never must they permit this hallowed haunt of liberty to be polluted by the followers of the Corsican. Let the Florida Convention cast a retrospective eye over the miseries of Spain, and remember that these evils have been brought upon her by the intrigues of French tories, and that torrents of blood, similar to those which have flowed in the mother country, will deluge this happy land, the moment they are led astray by the syren songs of toryism. Let the American Congress and Florida Convention perfectly understand each other, unite in measures of defence, and plant on the shores of the Atlantic and the Gulph of Mexico, a barrier that will secure us forever against the corrupting influence of French politics. By this means they will not only preserve liberty to themselves, but will transmit it unimpaired, to the latest posterity.

⁹² Taken from the *Weekly Chronicle*, Natchez, Mississippi Territory, Aug. 6, 1810.

St. John's Plains, 27th July, 1810.

To his Excellency *Don Carlos Dehault Delassus*, Col. of the Royal Armies and Governor, Civil and Military, of the place and jurisdiction of Baton Rouge, &c.

SIR, THE Delegates representing the inhabitants of the several Districts of the jurisdiction under your command, in Convention, assembled at this place, respectfully to represent to your excellency, that in entering upon the discharge of the duties enjoined upon us by our constituents, we derive great satisfaction from the consideration that our meeting is sanctioned by your approbation, and we consider it one of our first duties to thank your excellency in the name of all the good people of this Jurisdiction, for your attention to the wishes of the inhabitants, and for your generous efforts to preserve the publick tranquility, in a time of general anxiety and alarm. We have considered it as the immediate object of our deliberations, to promote the safety, honor and happiness of our beloved king, Ferdinand the seventh, to guard against his enemies foreign and domestic, to punish wrongs and correct abuses dangerous to the existence and prosperity of the province, and trust that the measures that may be adopted will be received with indulgence by your excellency, and meet with your approbation and concurrence.

In taking into consideration the existing grievances, and the danger to which the people and their property are exposed, a variety of subjects have been suggested as evils, which require redress, but we think it unnecessary to trouble your excellency with a detail of our proceedings, or the result of our deliberations on these subjects, in all which the greatest unanimity prevailed, as it is our intention to wait upon your excellency in a body, so soon as the subjects shall be arranged in such a form as may be proper to submit for your consideration. One of our resolutions, however, we think it our duty at this early stage of our meeting to communicate as it stands recorded on our journal, in the following words.

Resolved, That it is the unanimous wish of this convention to proceed in all our deliberations for the publick welfare with the entire approbation of his Excellency Chas. Dehault Delassus, our present Governor, and that we become responsible with him to the superior authorities for the expediency of the measures which may be adopted with his concurrence that we engage to support him as our Governor, with the emoluments appertaining to his present office, and to give him all the aid in our power in the execution of the duties thereof.

It is proper to inform your excellency, that having entrusted to a select committee, to form a plan for the redress of the existing grievances, and for the defence and safety of the country, we propose to adjourn the convention until the second Monday in August next, when it is intended to meet again at this place to receive the report of

said committee, and to proceed in the discharge of the other duties enjoined by our constituents. In the mean time the said Committee consisting of Messrs. John H. Johnson, Thomas Lilley, John W. Leonard, Philip Hicky and John Mills, remaining in session at this place, will receive any communications which your Excellency may be pleased to make.

We have appointed three of our members, Mssrs. Philip Hicky, Manuel Lopez and Joseph Thomas a committee to wait on you with this address.

We pray God to preserve your Excellency many years.

Resolved, That this convention created by the whole body of the people of the government of Baton Rouge, and by the previous consent of the Governor, is therefore legally constituted to act in all cases of national concern which relate to this province, to provide for the publick safety, to create a revenue, and with the consent of the Governor, to create tribunals, civil and criminal, and to define their own powers relating to other concerns of the government, when to adjourn, when to meet again, and how long to continue their sessions.

—

Correct List of the Florida Convention.

For New-Feliciania—William Barrow, John F. Johnson, John Mills John Rhea.

Baton Rouge—Philip Hicky, Thomas Lilley, Manuel Lopez, Edmund Hause, John Morgan.

St. Helena—Joseph Thomas, John W. Leonard William Spiller Benjamin O. Williams.

Tanchipaho—William Cooper.

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J. MICHAEL FORTIER TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, XI:LS]

NEW ORLEANS August 11th 1810

SIR I have the honor to inform you, that wishing to resign the Commission I hold of Marshal for the district of Orleans I Beg, you will be so good as to let the President Know of my intention. I have no other motives in tendering to you my resignation but that I find it rather inconvenient for my own private avocations.⁹³

I have the honor to be with the greatest respect. Your most humble & obd^t Serv^t

J. M. FORTIER

Marshal for the Orleans District

THE HONORABLE ROBERT SMITH Secretary of State.

⁹³ Answered Sept. 27, 1810 (NA, SD, Dom. Letters, xv), asking Fortier to continue in office until a successor was appointed.

THE POSTMASTER GENERAL TO T. B. JOHNSON

[PO: P.M. Letter Book Q]

22 August 1810

T. B. JOHNSON P M. New Orleans

Yours of the 12th May ⁹⁴ is before me. There is no law authorizing me to establish a post route at public expense to the County of Ouchita as requested by M^r Bry—if any person will convey the Mail for what it will produce; I have authority to act, & will with pleasure establish a post route & such offices as may be thought advisable

G. G.

SECRETARY ROBERTSON TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, XI:ALS]

NEW ORLEANS 26 Augth 10

SIR I have the honor to inclose you a copy of an address to the Gov of West Florida which I received from Bayou Sarah by the last mail—The Letter which accompanied it ⁹⁴ states “that it was probable the Governor would accede to nothing without consulting higher authority and that his refusal might be attended with serious consequences that the English who held most of the offices in the province were the chief obstacle to their adopting measures leading to independence and that unless the United States shewed some disposition to countenance them a messenger would be sent to England to propose an alliance with that Gov^t. How far all or any of these assertions and surmises are true or otherwise I cannot undertake to say—You Sir who are doubtless well informed on this subject well know how to estimate their importance—

I have the honor to be very respectfully yo. ob. St

TH. B. ROBERTSON

HONB¹⁰ ROBERT SMITH Sec^r of State Washington City

[Enclosure]

Address of representatives of the people of Baton Rouge to Governor Charles de Hault de Lassus

S^t JOHN PLAINS, August 15th 1810.

To His Excellency Charles Dehault Delassus, Colonel of the Royal Armies, and Governor Civil and Military of the Place and Jurisdiction of Baton-Rouge, &c, &c.

SIR, The Representatives of the people of this Jurisdiction, have received the communication which your Excellency was pleased to make to their Committee, of the date of the 30th ultimo,⁹⁵ and have

⁹⁴ Not found.⁹⁵ Enclosed in Holmes to the Secretary of State, Aug. 21, 1810 (NA, SD, Miss. Terr. Papers, 1).

given due attention to its contents. In obedience to the injunctions of our constituents, who are prepared to rally round the Standard of their country, and provide some efficient remedy for the evils which indanger its existence and prosperity, we have directed our attention to some of the existing grievances, which require to be remedied without delay, and after mature deliberation, we have reduced them to the number and form exhibited* in the Statement inclosed herewith.*

The plan proposed to be adopted for their redress; will also be submitted for your consideration, by our committee, appointed for that purpose, consisting of Mess John W^m Leonard, Manuel Lopez, W^m Spiller, Joseph Thomas and Benjamin D Williams, as soon as a faithful translation can be obtained, that your Excellency having all the subjects of our deliberations before you in the same order as they have presented themselves to us, may discern their connexion, and give to each the consideration which its importance may seem to deserve. We have thought it our duty to lay before you all our proceedings in this manner, that you may have sufficient time for deliberation on subjects so essential to the public welfare, before making any final decision thereon, and on Wednesday next the 22nd Instant, we will do ourselves the honor to wait on your Excellency in a Body, to know your determination. You will observe that it is the wish of the convention, with your concurrence, to make the the Bill "providing for the public Safety, and for the better administration of Justice, within the Jurisdiction of Bâton-Rouge, in West-Florida," as an ordinance, to have the force of Law, from the time of our next meeting; and we trust that you will not withhold your concurrence from a measure evidently calculated to preserve the peace, and promote the prosperity of the Province.—

The critical Situation of the country, pointed out to the Representatives the necessity of prompt & efficient measures, and urges them to solicit your Excellency for a speedy approbation. The dangers of delay, must be apparent to your discerning mind—hence the necessity for a decision here, without reference to higher authority. The desire ever manifested by his Majesty's Government, for meeting the wishes of the people, is a pledge to you of the approbation of your conduct in this instance; and the assurance formerly given by the convention, of sharing with you all responsibility, is again pledged in the most solemn manner, in case of your approbation in the only maximes which appear to us calculated to save our Country the dreadful Scenes of anarchy and tumult.—

We cannot close this address, without recommending strongly to your Excellency, as a measure of necessary precaution, to arm the

*this alludes to the five resolutions on the following subjects viz 1 general grievances 2nd of the Judiciary 3rd of the Militia 4 of Public Lands 5 of Revenue [Footnote on the MS.]

whole body of the people, to defend the country against its enemies, as we are authorized to assure you that no sentiment prevails among the Inhabitants, hostile to the wise Laws and Government, under which they have lived so happy—

God preserve your Excellency many years

[*Endorsed*] inclosed in Mr Robinson's 26th Aug^t 1810

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, XI:ALS]

(Private)

NEW-YORK Augst 28^h 1810

DEAR SIR, I have the honor to inform you of my arrival in this City, and to add that I shall on Tomorrow continue my route to Boston, by the way of Albany.—

Since the date of my Letter to you from Philadelphia,⁹⁷ I have heard nothing further from West Florida;—But should the President think that my presence in that quarter, might be useful, I beg you to have the goodness to intimate the same to me, and in one hour after the receipt of your Letter, I will take my departure for New-Orleans.

The form of Government said to have been proposed for West Florida, has (I suspect) originated with some Individual not very friendly to the U. States;—It has been attributed to M^r Skipworth;—But I can trace in the Instrument the hand of Daniel Clark, and his object, (I presume) is, to strengthen his Title to several hundred thousand Acres of Land in West Florida, which, subsequent to the Cession of Louisiana to the U. States, he purchased of the Spanish Intendant Moralis.—

I shall proceed to Boston with great expedition, & my stay there will not exceed five days—My present design is to return to Washington about the 26th of September.—

With great respect & Sincere esteem I am D^r Sir, Your Mo: obt
Svt

WILLIAM C. C. CLAIBORNE

THE HON^{ble} M^r SMITH Sec^y of State.

[*Addressed*] The Hon^{ble} M^r Smith Sec^y of State City of Washington.
[*Postmarked*] New York 31 Aug Free

[*Endorsed*] August 28. 1810. Claiborne W. C. Gov.

⁹⁷ Not found.

JUDGE LEWIS AND SECRETARY ROBERTSON TO THE
SECRETARY OF THE TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, XXII:ALS]

NEW ORLEANS *Sept*^r 1st 1810

SIR We have now examined all the claims which have been filed with the principal and different deputy Registers of this District; and have confirmed or rejected so many of them as the evidence furnished would, in our opinion, justify.

A great proportion of the claims have no other evidence of title than deeds of sale made by one individual to another, and a great many no other than a simple notice. Of this description are the claims generally on the La fourche Fausse Riviere. Point Coupée the Racourci settlement, the settlements on the different Bayous between the the Mississippi and the Atchaffalia, also the settlements near Galvez Town and on the Amite. To justify a confirmation of this description of claims the evidence must bring them within the provisions of the 2^d Sec. of the first Act of Congress upon this subject⁹⁸ or the first or second Sections of the Act supplementary thereto.⁹⁹ And as it is probable that most of these claims will be embraced by some one of the sections referred to, but the evidence furnished not being sufficient to authorise us to confirm them; we have postponed making any decision on them for the present, and propose to set out, both of us, this month, and go to the neighbourhood of each claimant and take the depositions of his most respectable neighbours respecting his title: by this means we shall arrive more effectually at the truth as regards the claim.

This will be to us, especially at this season of the year, a very laborious and painful undertaking, but we find it impossible that the business can be finished unless this measure be adopted; and we flatter ourselves it will enable us to close the Commission and make a final report to the next Session of Congress.—The business of the Board has been much retarded by the vacancies which have happened in the office of Register and in all probability there will be another vacancy in a short time; the present Register was wounded in a duel in West Florida on the 25th Ult^o where he still is, and where he must be for a considerable time should he recover, but from the information Received there is left but little hope.

The death of M^r Dean the Clerk of the Board which happened on the 29th Ultm^o has left us in an embarrassed situation M^r Dean for a long time previous to his death had been in very ill health, and has not kept pace with the Commissioners in recording their decisions, so that he is very much behind in his business And the compensation

⁹⁸ Act approved Mar. 2, 1805, *ante*, p. 409.

⁹⁹ Act approved Apr. 21, 1806 (2 STAT. 391-395).

having ceased no person who is qualified to execute the duties of that office will undertake it when there is no certainty of compensation. The great labour of the clerk is yet to come, towit making out two transcripts of our decisions And if we finish as soon as we expect, the whole of his time would be occupied in a laborious work, and the compensation as formerly allowed, if it was extended, would for the short time that he will be employed be very inadequate to the labour and trouble

We will employ a clerk and engage to compensate him ourselves in case the Government should not.¹

We have the honor to be Sir, your Obt Servts

JOSHUA LEWIS
TH. B. ROBERTSON

HON^{ble} ALBERT GALATIN Sec^y of the Treasury Washington City

FRANCIS DUPLESSIS AND OTHERS TO JOHN GRAHAM

[SD:Appt. Office Files:LS]

[October 3, 1810]

To JOHN GRAHAM Esq^r in the Department of State.

DEAR SIR Having understood, that Major Fortier had resigned the office of Marshal of the Orleans District, the undersigned Citizens of New Orleans, (who have the honor of your acquaintance)—intreat of you the Goodness to mention to the President of the united States, M^r Martin Duralde Junior, as a Citizen, who in the opinion of the undersigned, would discharge the duties of Marshal, with usefulness to the public & satisfaction to the People.—

M^r Duralde is about twenty six years of age, he was educated at Princeton College in New Jersey he unites to handsome talents, & great integrity of Character, that amiable & modest Deportment, which command the respect & Esteem of every Good Man.

We have the honor to be Sir, With Great respect Your Hbl^e Ser^t

F. DUPLESSIS	W ^m SIMPSON
W ^m KENNER	FRAN ^s DUPLESSIS Jur
M ^{ew} BUJAC	

PHILADELPHIA Oct^r 3^d 1810

[Addressed] John Graham Esq^{re} in the Department of State Washington [Postmarked] Phi Oc 12 12½

[Endorsed] Duralde M. recomm^d Duplessis F. and others Oct. 3^d 1810

¹ Other land-office letters for 1810, not previously cited, are: Grymes to the Secretary of the Treasury, Mar. 26 and July 8 (GLO, New Orleans, Reg. and Rec. Let., XXII); Fitz to *id.*, Nov. 6, 1810 (GLO, Ohio-Miss. SG, vol. 65); and the Secretary of the Treasury to Saul, May 7 (GLO, Div. C, Misc. Let. Bk. One).

The Gentleman mentioned in this Letter is Brother in Law to Governor Claiborne and it is understood that M^r Poydrass is well acquainted with him & anxious for his appointment ³

THE POSTMASTER GENERAL TO WILLIAM L. BRENT

[PO:P.M. Letter Book Q]

5 Oct^r 1810

W^m L. BRENT Opelousas O. T^y

I have to acknowledge the receipt of your favor of 25th August last.³

I regret that there should exist cause of Complaint against this Department, but the great distance of your Terr^y from the seat of Government & the want of Information as to proper Characters, together with the difficulty of getting persons to act, who are faithful & capable, owing to the trifling emoluments, accruing from most of the Offices in your Country, & the great extent of Terr^y thinly settled, thro which the mail has to pass, sufficiently account, for the Evils & irregularities of which you complain.

If you will favor me with a further communication giving all the information you possess on the subject, stating particularly the Officers who fail to perform their duty; the Charges against each the alterations you may deem essential & the names & residence of such persons, as you think better qualified to act, this Department will endeavour to extend to your Citizens all the benefits of this Institution

G. G.

THE SECRETARY OF STATE TO THE GOVERNOR OF
MISSISSIPPI TERRITORY

[NA:SD, Dom. Letters, xv:C]

DEP^t OF STATE Oct. 30, 1810.

DAVID HOLMES. Esq^o

SIR, Your Letter of the 26 Sept^r with its several inclosures I have had the satisfaction to receive.⁴

Governor Claiborne set out from this City on the evening of the 28th instant for Washington in the Mississippi Territory with instruc-

³ Another person recommended for the position referred to was Columbus Lawson, of Virginia, endorsed by Hall, Robertson, and Robinson (Hall to the Secretary of State, Aug. 17, 1810, SD, Appt. Office Files).

³ Not found.

⁴ There are two copies of this letter in NA (SD, Miss. Terr. Papers, 1). The enclosures, Rhea to Holmes, Sept. 26, 1810, and the declaration of independence of the West Florida Convention, Sept. 26, 1810, are not present with Holmes's letter of this date. The original of Rhea's letter is found with Holmes to the Secretary of State, Oct. 3, 1810, *loc. cit.*, and is printed, with the declaration, in *A.S.P., For. Rels.*, III, 396.

tions to proceed thence into the Territory of West Florida and to take possession of the same as far as the Perdido. He will upon his arrival have every necessary communication with you & it is expected that you will cordially cooperate with him as far as may be deemed necessary. It will be obvious to you that this intention of the President ought not to transpire before the arrival of Governor Claiborne who is to occupy the Country in question as part of the Orleans Territory ⁶
I am &c. R. SMITH.

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEP^t OF STATE *Nov*^r 5, 1810.

HIS EX^y W^m C C CLAIBORNE Governor of Orleans Territory

SIR, I have received your Letter dated on the 30th ult^o⁶ at Winchester and agreeably to your suggestion forward to you the Presidents Proclamation pardoning deserters ⁷—It would seem proper that this Proclamation should be made public at the same time with the other heretofore given to you, but as I am not aware what instructions may be given from the war & Navy Departments in relation to that subject it is deemed expedient that you should confer with the commanding Officer of the Troops, before you decide—you will then act as circumstances may seem to you to require.

I am &c

R SMITH.

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xv:C]

DEP^t OF STATE *Nov*^r 15, 1810.

W^m C C CLAIBORNE Governor of Orleans T^y

I enclose herewith for your information, the Copy of a memorial from the Florida convention to the Secretary of State, and likewise the Copy of a Letter to Governor Holmes on the propositions which the memorial contains.⁸ This last will put you in possession of the Presidents sentiments on the subject, and enable you to act in

⁵ These instructions were modified in the Secretary of War to Hampton, Nov. 2, 1810 (NA, WD, AGO, Old Recs. Div., Mil. Bk. 4). Hampton was told to consult with Governor Holmes if Claiborne had not arrived by the time of the receipt of the above letter, and if the Governor considered it advisable, Baton Rouge should be immediately occupied. Further instructions were sent by the Secretary of War to Hampton, Dec. 21, 1810, *ibid.*, Mil. Bk. 5.

⁶ Rowland (ed.), *Claiborne Let. Bk.*, v, 34.

⁷ Enclosure not present.

⁸ The enclosures are not present. The communications referred to, dated Oct. 10 and Nov. 15, 1810, respectively, are printed, *A.S.P., For. Rels.*, III, 395-396, 398.

the business consistently with Governor Holmes, and in a manner corresponding with the views of this Government.

I have &c.

R SMITH.

THE POSTMASTER GENERAL TO MATTHEW NEMINO

[PO:P.M. Letter Book Q]

29 Nov^r 1810

MATTHEW NEMINO Carlin Settlement O. T.

Yours of the 26 Oct. has been duly received ⁹—I regret there should exist cause of complaint against any branch of this Department and if you will favor me with a further communication stating particularly the Cause & the office where it takes place I will endeavor to remedy the Evil

G. G.

THE POSTMASTER GENERAL TO LLOYD POSEY

[PO:P.M. Letter Book Q]

29 Nov^r 1810

LLOYD POSEY Oppolousas O. T.

Yours of the 23 Oct. is reced.⁹ I will thank you to name a proper person to fill the office at La Fourche

G. G.

GOVERNOR CLAIBORNE TO THE SECRETARY OF THE
TREASURY

[NYHS:Gallatin Papers:LS]

(Private)

BATON ROUGE Dec^r 24. 1810

MY DEAR SIR, My official letters to the Secretary of State, of the tenor of which you no doubt are advised, furnish information as to the aspect of affairs in this quarter.¹⁰ Hitherto everything has happily

⁹ Not found.

¹⁰ Dec. 1, Dec. 2, Dec. 3 (two), Dec. 5, Dec. 7, Dec. 12, Dec. 17, Dec. 23 and Dec. 24, 1810 (Rowland, ed., *op. cit.*, v, 34–36, 37–38, 39–40, 43–44, 46–50, 53–60, 62–63). For other letters descriptive of the situation in West Florida at this time, see Claiborne to Covington, Dec. 1, Dec. 2, and Dec. 3, to Cushing, Dec. 3, to Osborne, Dec. 5, to King, Dec. 5, and to the Captain-General of Cuba, Dec. 20, 1810; Covington to Claiborne, Dec. 2, 1810; Osborne to *id.*, Dec. 6, 1810; Sparks to *id.*, Dec. 16, Dec. 21, 1810; Skipwith to Johnson, Dec. 6, 1810; and Folch to Sparks, Dec. 14, 1810, *ibid.*, pp. 36–37, 38–39, 40–42, 44–46, 50–53, 71–72, 78–80. Claiborne's letter to the Captain-General of Cuba, cited above, is printed also under date of Dec. 26, 1810, *ibid.*, pp. 60–61, but the date of the copy as found enclosed in Claiborne to the Secretary of State, Dec. 23, 1810 (NA, SD, Orleans Terr. Papers, XI), is Dec. 20. In Folch to Sparks, also cited above, the name "Wau" should read Ware, and "Lowenulos" should read Someruelos, according to the copy enclosed in Claiborne to the Secretary of State, Dec. 28, 1810, *loc. cit.*

eventuated. There was at first a show of opposition at Baton Rouge, and I was prepared to meet it; but no resistance was in the end offered, and peaceable possession has been taken of all the Country to which the authority of the Florida convention had extended—

The last accounts left the Spaniards in possession of Mobile, the mouth of pascagola, and the pass of Christian and there is nothing I more desire than authority to remove them.¹²

The people here generally, feel no interest in Moralis' titles; on the contrary they seem to wish that those titles may not attain. The land speculators at New Orleans it is said, are greatly uneasy; and are already taking means to procure title papers, whose dates shall be prior to the Treaty of Cession. Private messengers (I am told) are frequently passing from Natchez and New Orleans to Pensacola; and I much fear that by the time a board of Commissioners, to decide on the Land Claims in this District can be organized, innumerable titles will be prepared at Pensacola bearing the Signature of some one of the former Spanish Governors of Louisiana. The board of Commissioners at Opelousas, it is reported, have determined that a permission in writing by a Spanish Commandant to survey and settle a piece of lands, commonly called here a "Ricket" gives a title. If such a decision has been made, it is to be feared the United states will find very little land of any value vacant in the Western District—

I am solicitous to learn the state of my public accounts and to pay any balance that may be found against me, other than the draft in favor of M^r Granger on the Secretary at War which (notwithstanding my very just explanation) M^r Simmonds did not think proper to pass to my credit. My expences in taking possession of this District have been kept within the bounds of a prudent œconomy. They do not for the present exceed eighteen hundred dollars. Not a "segar" has been smoked at the public expence; and no "capers" can be had here. I hope an appropriation may be made to meet the contingent expences of my department, for the ensuing year, in conformity to the estimate I had the honor to send you from South West point. In that estimate the postage of letters was not included, it will in truth be a serious charge to me—I think in justice the privilege of Franking ought to be extended to Territorial Governors.

¹² Claiborne had requested such authority in his letter to the Secretary of War, Dec. 14, 1810 (NA, WD, AGO, Old Recs. Div.). For citations to sources on the Mobile situation at this time, see *Terr. Papers* (Miss.), vi, 168, n. 56.

I have nearly completed the organization of the Parish Courts, and the Militia is in a train also to be well organized.¹³ Every thing is quiet, and I set out for New-Orleans on the 26th Instant to encounter the ensuing winter, all the intrigues and all the abuse of Clarke, Livingston and C^o. I cherish a fond remembrance of the very agreeable Society of Washington; and I sincerely wish things may be so situated in this Territory, as to admit of my absence in the Month of May next—

Present my best Wishes to M^{rs} Gallatin—I am D^r sir, With great respect & Esteem Y^r Ob: Servant

WILLIAM C. C. CLAIBORNE

THE HON^{ble} M^r GALLATIN Secretary of the Treasury

[*Endorsed*] Baton Rouge 24 decemb 1810 Clayborn

GOVERNOR CLAIBORNE TO THOMAS JEFFERSON

[LC: Jefferson Papers :LS]

BATON ROUGE Dec: 24th 1810.

DEAR SIR, You will no doubt have seen the Proclamation by the President, which made it my duty to take possession of the Country extending from the Mississipi to the Perdido, in the name & in behalf

¹³ For correspondence concerned with the establishment of the civil government in West Florida, see the following: Claiborne to the Secretary of State, Jan. 5, Jan. 20, Jan. 22, Jan. 25, and Feb. 7, 1811, the Secretary of War, Jan. 5, 1811, Flood, Jan. 5, 1811, Hampton, Jan. 6 and Feb. 8, 1811, Osborne, Jan. 14 and Feb. 6, 1811, Mather, Jan. 19, 1811, Dufossat, Jan. 19, 1811, Rhea, Jan. 19 and Feb. 8, 1811, Jefferson, Jan. 20, 1811, the Orleans Legislature, Jan. 29 and Jan. 31, 1811, Thomas, Jan. 30, 1811, Skipwith and Steele, Jan. 31, 1811, Rhea and Johnson, Jan. 31, 1811, the Secretary of the Treasury, Feb. 7, 1811, Johnson, Feb. 8, 1811; and Flood to Claiborne, Jan. 25 and Jan. 31, 1811 (Rowland, ed., *op. cit.*, v, 81–84, 88–89, 91–92, 98, 105–106, 111, 113–114, 115, 119, 121–126, 132–134, 135–136, 137–138, 139–140, 144–146, 147–148, 149–150).

See also Claiborne's ordinances of the following dates: Dec. 7, 1810, establishing Feliciana County; Dec. 22, 1810, creating four parishes in Feliciana; Jan. 26, 1811, extending the boundaries of Pascagoula (*Acts, Second Session, Third Legislature, Orleans, New Orleans, 1811*, pp. 210–217); and Jan. 4, 1811, establishing Biloxi and Pascagoula parishes, *post*, p. 914. Three acts of the territorial legislature completed the organization of the newly acquired country. The act approved Feb. 5, 1811, provided for the election of representatives from Feliciana County; that approved Apr. 10, 1811, established Feliciana County as the seventh superior court district; that approved Apr. 24, 1811, divided it into the parishes of Feliciana, East Baton Rouge, St. Helena, St. Tammany, Biloxi, and Pascagoula, *ibid.*, pp. 2–5, 80–85, 120–125. The narrative of events may be followed in Cox, *West Fla. Controversy*, pp. 487 *et seq.*

of the United States.¹⁴—In the discharge of that duty I now occupy the Fort of Baton Rouge, its dependencies & the several adjoining Districts.—On my arrival at Baton Rouge, I had reason to apprehend opposition & was prepared to meet it:—But fortunately none was offered, and peaceable possession was taken on the tenth of the present month, since which the most perfect good order has been maintained, and much satisfaction on the occasion, manifested by a majority of the Inhabitants.

Mobile is yet in possession of the Spaniards, as are also two other ports, one at the mouth of Pascagola, & the other near the pass of Christiana;—Under my present instructions I am not authorised to remove them by force;—But am daily, in expectation of receiving orders to that effect.—

The Proclamation of the President has in the Territories of Orleans & Mississippi afforded great satisfaction;—I am persuaded it will be received with like approbation thro'out the whole western Country,

¹⁴ The proclamation of Oct. 27, 1810, was forwarded to Claiborne by the Secretary of State in a letter of the same date, both printed, *A.S.P., For. Rels.*, III, 396–398; *Annals*, 11 Cong., 3 sess., 1257–1258. The proclamation is printed also in Richardson (comp.), *Messages and Papers*, I, 480–481. It was forwarded to Holmes by the Secretary of State, Nov. 5, 1810 (NA, SD, Dom. Letters, XV). The President submitted the proclamation to Congress Dec. 5, 1810, and asked that it be made effective. A bill was accordingly introduced into the Senate Dec. 18, 1810, providing for the incorporation of West Florida in Orleans Territory. After lengthy debate, the bill was put aside when the President's confidential message of Jan. 3, 1811, indicated that more direct measures were necessary. A new bill was introduced in secret session of the Senate on Jan. 7 and passed as the act approved Jan. 15, 1811 (3 STAT. 471–472). This authorized the occupation of West Florida, appropriated funds, and provided for a temporary government with officials appointed by the President. A joint resolution, approved the same date (3 STAT. 471), declared that the United States would oppose the transfer of West Florida to any foreign power, that safety demanded its occupation, but that the disposition of the region should remain subject to future negotiation (*Annals*, 11 Cong., 3 sess., 11–15, 16, 17, 25–26, 27, 28, 37–43, 43–64, 65–66, 84, 369–372, 373–374, 374–375, 376–380, 387–388, 1117–1148).

With his message of Jan. 3, 1811, the President submitted correspondence in explanation of the measures then requested: Rhea to Holmes, Sept. 26, 1810, enclosing the declaration of the West Florida Convention, Sept. 26, and to the Secretary of State, Oct. 10, 1810; the Secretary of State to Claiborne, Oct. 27, enclosing the proclamation of that date, and to Holmes, Nov. 15, 1810; McKee to the Secretary of War, Dec. 5, enclosing Folch to McKee, and Folch to the Secretary of State, both of Dec. 2, 1810; Morier to *id.*, Dec. 15 and Dec. 22, 1810; and the latter's reply, Dec. 28, 1810 (NA, Senate Files; printed, *A.S.P., For. Rels.*, III, 395–400; *Annals*, 11 Cong., 3 sess., 1251–1263). Copies of McKee to the Secretary of War, and the enclosures as cited above, are in NA (SD, Orleans Terr. Papers, XI). The act approved Mar. 3, 1811 (3 STAT. 472), directed that the act approved Jan. 15, 1811, remain secret until the President should authorize its publication. Both these acts, and the resolution approved Jan. 15, 1811, were first published with the acts of the Fifteenth Congress (3 STAT. 471–472).

and I pray God to incline the Atlantic states to support the measure with firmness and unanimity.—

It is reported that the people of Cuba are in a state of Revolution, and that the Captain General is imprisoned;—But what party has prevailed is not stated.—In the progress of events, there is nothing I so much desire as to see the Flag of my Country wave on the Moro Castle.—Cuba is the real mouth of the Mississippi, and the nation possessing it, may possibly at a future day command the western Country.—But let that Island be ours, and the American Union is placed beyond the reach of change.—

Livingston has again laboured to disturb the good people of New Orleans;—In his suit against the late Marshal (notwithstanding, he had so intrigued as to induce the defendant to favour his views) he failed of success;—he afterwards in the presence of witnesses took final possession of the Batture, announced the proceeding in the Gazettes, forbid the Citizens to remove Dirt from the premises, under penalty of being prosecuted, but gave permission to flat Boats to Land, & for Water Carts to fill their casks;—It seems however that the intruder has again been despossessed by the present Marshal, against whom an action is now brought, & thus rests the Business.—

Having nearly organized the Parish Courts & the Militia in this District, I shall set out for New-Orleans on the 20th Instant, to encounter the ensuing winter, all the intrigues & all the malice of Clarke, Livingston & Company.—

With great respect I am D^r Sir, Your faithful friend & grateful fellow citizen

WILLIAM C. C. CLAIBORNE

M^r THOMAS JEFFERSON Monticello Virginia.—

[Addressed] Mr Thomas Jefferson Monticello Virginia

[Endorsed] Claiborne Gov^r Baton Rouge Dec. 24. 11. rec^d Mar. 2.

GOVERNOR CLAIBORNE TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div.:LS]

BATON ROUGE Dec^r 28. 1810.

SIR, In my last communication,¹⁵ the expediency of establishing a military post some where on the Lake Ponchartrain or its waters was suggested;—I now have the honor to enclose you a copy of my letter to Col: Covington on that subject, and to add, that the number of men required (100) departed on this day under the Command of Major Milton.—A position on the Margin of the Bay S^t Louis, or the Pass of Christian will most probably be occupied; and my impression is that

¹⁵ Dec. 24, 1810 (NA, WD, AGO, Old Recs. Div.).

a permanent garrison at one of these places, perhaps the pass of Christian, would be advisable.—The Country on the Lake Ponchartrain will at all times be exposed to danger from without; but at the present crisis a small force in that quarter is deemed requisite to enable the Civil authorities to maintain good order—

Kemper's party continues in arms in the vicinity of Mobile, and I am not without apprehensions, that a military expedition against Pensacola is now in agitation in this District:—But my information is not yet such as to warrant the interposition of the Civil authority—

I have the honor to be Sir, with great respect yr ob: hum: Ser:

WILLIAM C. C. CLAIBORNE

THE HON^{ble} M^r EUSTISE Secretary at War.

[*Endorsed*] Baton-Rouge Dec^r 28. 1810—Gov^r W. C. C. Claiborne—relative to the establishment of a Military Post at the "Pass of Christian"—Kemper's party still in Arms—enclosing a Copy of his letter to Col^o Covington of 25th Dec^r—file Rec^d 14th Feb^y 1811

[Enclosure]

Governor Claiborne to Colonel Covington

Copy

BATON ROUGE Dec^r 25. 1810.

SIR, From information received as to the very exposed situation of our newly acquired settlements on the Lake Ponchartrain, and of the description of Inhabitants, I am impressed with the expediency of establishing a military post somewhere on that Lake or its waters. I must therefore Sir request of you to detail for duty under the command of a proper officer about one hundred men with orders to the commanding officer, to proceed from hence by the way of New Orleans to the Fort on the Bayou St. John, and there to await my instructions as to the Position he is to occupy. A point on Pearl River not distant from its Mouth; one on the Margin of the Bay St. Louis; and another at the Pass of Christian have been thought of:—But the ultimate choice depends upon certain information as to the positions at present occupied by Spanish Troops, which will probably reach me at New-Orleans where I expect to be on the Evening of the 2. or 3 of January.

Several Gun boats under the orders of Commodore Shaw will very soon be cruising on the Lake Ponchartrain, and should the occasion require will cooperate with the military force in defence of the Settlements; and instructions to the same effect shall be given to the Commanding Officer of the neighbouring Militia.

It is wished that a few artillerists (with three or four peices of cannon, six pounders would be prefered) should compose a part of the detachment—

I need not suggest to you how desirable it is to impress upon the officer selected for this command the propriety of observing towards the Citizens the most conciliatory deportment—

I am Sir, & &c (signed) W. C. C. CLAIBORNE

COL: COVINGTON

[*Endorsed*] Copy of a Letter from Gov^r Claiborne to Colonel Covington.¹⁶

THE GOVERNOR OF MISSISSIPPI TERRITORY TO THE
SECRETARY OF STATE

[NA:SD, Miss. Terr. Papers, II:LS]

TOWN OF WASHINGTON *January* 1. 1811.

SIR, Your letter of the 30th of October ¹⁷ I had the honor to receive on the first of the last month, The same day Governor Claiborne arrived in this place, and we immediately proceeded to concert measures for taking possession of West Florida conformable to the instructions of the President of the United States. The business having been completed so far as my co-operation was deemed necessary, I shall now relate to you such details of the transaction as I suppose may be interesting to the government.

So soon as the requisite preparations could be made it was concluded, that Governor Claiborne should proceed down the river in advance of a detachment of the army consisting of about four hundred men under the command of Col. Covington. The remainder of the army was to follow under the immediate command of Col. Pike, whenever the necessary arrangements for moving were completed. In the mean time it was thought advisable that I should proceed by land to S^t Francis Ville, a Village on the Mississippi, about twenty miles below the line of demarcation, where The Legislature of West Florida was then in session. The object of my journey was to reconcile the people to the measure, by making to them candid explanations of the views of the Government, and thereby to avert any unpleasant contest, in taking possession of the Country.

¹⁶ A copy was also forwarded in Hampton to the Secretary of War, Jan. 3, 1811, with copies of Claiborne to Covington, Dec. 3, Dec. 9, Dec. 15, and Dec. 21, 1810 (NA, WD, AGO, Old Recs. Div.). Hampton severely criticized what he regarded as Claiborne's usurpation of authority over the military forces, and the enclosures were transmitted in substantiation of his charges. Further details concerning this dispute may be found in Claiborne to Pike, Feb. 8, Hampton, Feb. 14, the Secretary of State, Feb. 15, and Covington, Mar. 13, 1811 (Rowland, ed., *op. cit.*, v, 148-149, 153-154, 155-157, 179-180).

¹⁷ *Ante*, p. 901.

The Legislature of this Territory being in session at the time of Governor Claibornes arrival, and believing that a prorogation under existing circumstances might occasion unnecessary and injurious alarm, I suggested informally to the members, that I should be compelled to absent myself from the seat of government for some days, and that I believed it would advance the public interest, if they could bring the business to a close and adjourn the next day—that I was not then at liberty to say more to them upon the subject. They immediately determined to acquiesce in this suggestion; proceeded without delay to act upon the most important subjects before them and adjourned on Tuesday the fourth Ultimo. The same evening I left this place for West Florida accompanied by Major Freeman the Surveyor General, and on the Thursday following about twelve o'clock we arrived at S^t Francisville. Here I found that the proclamation ¹⁹ which had been distributed the preceding evening conformable to the arrangement, had occasioned a considerable degree of excitement: many seemed to think, that the public officers, and through them the citizens had been treated with indignity by the United States, in taking possession of the Country without shewing to them the respect due to a people in the exercise of self government; while others considering the protection of the United States as all important to their security and happiness; were contented peaceably to yield to the authority of the Government, notwithstanding the mode that had been adopted of extending to them the rights and privileges of American citizens.

I immediately entered into free conversations with the citizens, who happened to be at the public house where I alighted, among them were some of the members of the Legislature. I declared that the object of my visit was to prevent as far as was within my power any unpleasant occurrence in consequence of the measure that had been taken in relation to West Florida—that I then considered them as American Citizens, and that nothing could prove more injurious to themselves than an opposition to the determination of the government of the United States. I entered into an explanation of the grounds upon which the President had acted, and stated that as the Treaty of Louisiana was the authority by which he was governed, that it was not within his power to acknowledge or recognize any authority like the government of Florida, and therefore could enter into no stipulations whatever upon taking possession of the country. That as the President exercised the executive powers only of the government, it was not within his province to have taken any other course than the one sanctioned by the Treaty and the acts of Congress. So far as I was capable the

¹⁹ The President's proclamation of Oct. 27, 1810, printed, Richardson (comp.), *Messages*, I, 480-481.

subject was placed in every point of view calculated to give a fair and candid exposition of the measure. The principal causes of complaint that were urged related to the debt that had been contracted by the government of Florida—the lands claimed by individuals and the situation of the deserters, particularly those who had been enlisted and were then doing duty at Baton Rouge: one of the terms of enlistment was, that these people should not in any event be molested for the offence which they had committed against the United States, in which stipulation the whole community felt bound to protect them. I declared with respect to the public debt as it was termed, and the lands claimed by individuals I could say nothing—that congress had heretofore been liberal to actual settlers upon public lands in their Territories and that I did not doubt but that the same degree of liberality would be extended to the citizens of West Florida. With respect to the deserters I stated that they would not be molested until the opinion of the President was known, and that I believed they would be ultimately pardoned—The expression in the proclamation declaring that the Territory in question; will not cease to be a subject of fair and friendly negotiation, was also made a subject of complaint, as it seemed to convey an idea of the possibility, that the country might again be governed by Spanish authority: To this I replied, that no reasonable doubt could be entertained, as to the right of the United States, and that I was convinced that whatever mode of adjustment might ultimately be adopted the nation never would surrender a foot of the Territory described in the Proclamation—that the expression went to shew to the world the honorable motives, by which the government was actuated. I was engaged the whole day in conversations upon the subject, and in representing to all who were interested in the prosperity of the country, the injurious consequences that would attend resistance to the measure; and it gave me much satisfaction to find, that with but few exceptions the people were persuaded a cheerful acquiescence on their part, was the course most consistent with their best interest. Upon being requested to call on Gov. Skipwith I declined, declaring at the same time, that I would willingly see and converse with any gentleman upon the subject, that then occupied the public attention: but as governor of Florida I could not wait on M^r Skipwith. In a short time this gentleman called at my lodgings, we had a conversation, in which I endeavored to impress upon his mind how unavailing resistance would be, and what mischievous consequences might result from it. He declared to me, it had always been his wish that the country should come under the government of the United States, but complained heavily of the manner adopted by the executive. He contended that the right of the United States had been abandoned, and intimated that an unconditional surrender would not be submitted to. Finding that our interview was not to be productive

of much benefit, we seperated, and in a few hours M^r Skipwith, with some of the gentlemen of the Legislature set out for Baton Rouge, where the next session was to be held.

In the evening the army that had been ordered to Mobile and were at the rendezvous about fifteen miles from S^t Francis Ville consisting, as I was informed of one hundred dragoons, and a corps of rifle-men, came into the Town, in consequence I presume, of orders from Gov^r Skipwith. I had an opportunity of conversing with most of the officers and a number of the privates, they were chiefly from the Bayou Sara settlement. In the course of the evening they became generally satisfied that it was consistent with both their honor and duty under existing circumstances to support the authority of the United States. Thus Sir, this respectable part of the country willingly exchanged a system of government which peculiar circumstances had induced them to adopt, for that of the United States, in fact it was an event most desirable to the great body of the citizens.

The next day conformable to a previous arrangement I crossed the river, to Point Coupee in company with M^r Johnson the bearer of a message from M^r Skipwith to Governor Claiborne, who had arrived in his Barge at this place the same morning. I informed the Governor what had passed at S^t Francisville, and that the citizens were disposed there, to receive and acknowledge the government of the United States. When the Governor landed in the Territory he was treated with great respect and escorted to the Town by the Volunteer Troops of cavalry. He instantly entered upon the duties of his office, erected a county, and appointed such officers as appeared to be immediately requisite. In the evening it was concluded between Governor Claiborne and myself that I should proceed on to Baton Rouge by land, and that he would descend the river with the detachment of Troops as soon as they arrived at Point Coupee. Accordingly on the next day I set out accompanied by a few gentlemen of respectability from the Bayou Sara settlement—the officers of the Florida Troop of cavalry, and twenty of the privates. I thought it proper to accept of the services of these gentlemen, as their being with me would evidence to the citizens in the lower part of the Territory, the disposition of the inhabitants in the upper district; and thereby shew to any who were disposed to resist the authority of the United States, how futile such resistance would prove. We proceeded this day to within twenty miles of Baton Rouge; here I received certain information that one of the messengers employed to distribute the Proclamation, had been arrested—his papers taken from him, and himself imprisoned in the Fort: It was als represented as a general opinion, that the Troops in the Fort were determined not to surrender the place without conditions. The next day when we had arrived within a few miles of the Town, two of the gentlemen who were with me, and who had filled respectable offices

under the Florida government, went forward, for the purpose of stating the object of my visit and to ascertain whether I would be permitted to pass: In the meantime we proceed until we came within about two hundred yards of the Fort: here we were ordered to halt. The object of this conduct was not at first comprehended as the gentlemen who had had gone forward to ascertain whether I would be permitted to pass had not returned. We soon however received a signal to move on and immediately entered the Town. Here I found the Legislature again in Session. In the evening I had a conversation with M^r Skipwith in which he declared that he had abandoned any intention of resistance, and repeated that it had always been his wish to see the country under the protection of the United States. I found however from his conversation, that he was not certain what course would be adopted by the people in the Fort, and seemed seriously to think that the deserters might become desperate on the occasion. The next morning he came to my lodgings and requested me to walk with him to the Fort, of the propriety of this step I was not at first perfectly satisfied, but upon further reflection thought it would be better to comply with his request, I accordingly walked with M^r Skipwith to the Fort accompanied by Major Freeman, Upon entering the gate we were conducted to the quarters of Col. Ballanger, the officer commanding. I immediately entered into conversation with this gentleman on the subject of my visit, in the course of which I informed him that we had no authority to enter into any stipulations whatever, but that I was authorized to say that the deserters would not be molested, and that I believed they would be ultimately pardoned by the President, if no resistance was made to the authority of the United States. Col. Ballanger appeared well disposed to adopt any course that would secure an amicable issue, and as we were not authorized to grant conditions he concluded upon what I had stated respecting the deserters to surrender the Fort to the Troops of the United States. After leaving the Fort I was informed that the gun-boats had been seen about two miles above the Town. I immediately rode up the river and found that the Troops were landing. Col. Covington having taken every necessary precaution to cover their debarkation. I informed Governor Claiborne that there would be no opposition to taking possession of the Fort, and that Col. Ballanger was ready to make with him, the usual arrangements. The Fort was accordingly possessed by the Troops of the United States about two o'clock in the afternoon.

I delayed two or three days in Baton Rouge and its vicinity after the object of my visit was completed, and did not arrive until the 19th Ultimo, when I had the honor to receive your letters of the 5th 8th and 15th of November.²⁰

²⁰ NA (SD, Dom. Letters, xv).

By the detail which has been given the President will see, that in no instance have the people of West Florida been misled, and that no promises whatever have been made through me, on the part of the United States. I assure you Sir I am truly sensible of the honor which the President has done me by committing to me a share in the arrangement of this important business and I declare to you, that my greatest anxiety has been that it should be accomplished conformable to his views and of course consistent with the honor of the nation ²¹—

I have the honor to be with Great respect Your ob^d S^t

DAVID HOLMES

HONB^l ROB^t SMITH

[*Endorsed*] Gov^r Holmes 1st Jan^y 1811. Rec^d 8th Feb^y details the incidents which took place during his visits to S^t Francisville & Baton Rouge—

ORDINANCE OF GOVERNOR CLAIBORNE ²²

[NA:SD, Orleans Terr. Papers, XII ²³]

[January 4, 1811]

BY William Charles Cole Claiborne, Governor of the Territory of Orleans.

BE it known that for the "execution of process civil and criminal" I do by virtue of the powers in me vested, under the ordinance of Congress, for the government of the Territory of Orleans, Ordain and decree, that in addition to the parishes established within the county of Feliciana, by my ordinance of the twenty-second of December last,²⁴ there be established within the county aforesaid two other parishes whose limits shall be as follow, to wit: All that tract of country which extends from the eastern bank of Pearl river to the river Viloxi, and below the boundary of the Mississippi Territory, shall form the fifth parish and be called the parish of Viloxi: and all that tract of country which extends from the eastern bank of the Viloxi river to the Bayou Batrie (including all the settlements on the Bayou Batrie and the Pascagoula) and which lies between [below]²⁵ the boundary of the Mississippi Territory shall form the sixth parish to be called the parish of Pascagoula:—within the residue of the county of Feliciana, there shall be formed such other parishes as may hereafter be deemed expedient.

²¹ Answered Jan. 11, 1811, *post*, p. 915.

²² Covering letter, Claiborne to the Secretary of State, Jan. 5, 1811, printed, Rowland (ed.), *op. cit.*, v, 81. The ordinance was submitted to the legislature with Claiborne's message of Jan. 31, 1811, *ibid*, pp. 137-138.

²³ This ordinance was printed as a broadside, with English, French, and Spanish versions in parallel columns. It is printed also in *Acts, Second Session, Third Legislature, Orleans* (New Orleans, 1811), pp. 214-215.

²⁴ Printed *ibid.*, pp. 211-215.

²⁵ A contemporary correction in ink.

Given under my hand and seal of the Territory, at the city of New Orleans, this fourth day of January in the year of our lord one thousand eight hundred and eleven, and of the Independence of the United States of America the thirty-fifth.

(L.S.) WM. C. C. CLAIBORNE.

[*Endorsed*] enclosed in Gov^r Claibornes letter of Jan. 5, 1811

THE SECRETARY OF STATE TO THE GOVERNOR OF
MISSISSIPPI TERRITORY

[NA:SD, Dom. Letters, xv:C]

DEP^t OF STATE *Jan.* 11. 1811.

DAVID HOLMES Esq^o Governor of Mississippi T^y

SIR, On the 7th instant I had the honor to receive two Letters from you dated on the 1st Jan^y the one covering certain Official returns ²⁶—the other stating the manner in which you had cooperated with Governor Claiborne under the instructions of the 30th Oct^r last.²⁷

It gives me great pleasure to inform you that the President entirely approves of your conduct in the execution of the important and delicate trust confided to you by those instructions and permit me to add, that I consider your exertions as having materially contributed to the ready & quiet submission of the People at S^t Francisville & Baton Rouge to the authority of the United States.

I have &c.

R. SMITH.

Ex^d TLLB

MANUEL ANDRY TO GOVERNOR CLAIBORNE ²⁸

[NA:SD, Orleans Terr. Papers, XII ²⁹]

[*January* 11, 1811]

We lay before our readers the following letter, addressed by the brave and respectable Mr. Andry, father, to his Excellency Governor Claiborne. It contains the most positive and latest intelligence from above.

To His Excellency Governor Claiborne.

SIR,

I have only time to inform you in the shortest way, of the unfortunate events which have lately happened, and of which I am one of

²⁶ NA (SD, Exec. Procs. Miss. Terr.).

²⁷ *Ante*, p. 909.

²⁸ Covering letter, Claiborne to the Secretary of State, Jan. 12, 1811, printed, Rowland (ed.), *op. cit.*, v, 97.

²⁹ Comprising, with the French text, a special issue of the *Louisiana Courier*, Jan. 12, 1811.

the principal sufferers. An attempt was made to assassinate me by the stroke of an axe, and my poor son has been ferociously murdered by a hord of brigands who from my plantation to that of Mr. Fortier have committed every kind of mischief and excesses, which can be expected from a gang of atrocious bandittis of that nature. But at last notwithstanding all their nefarious deeds, their plot has been completely frustrated, and seeing that they were unable to perform it, they have come up to pursue their criminal course. With unremitting exertions and exhortations, I have been able to collect a detachment of about eighty men, and although wounded, I have taken the command of my brave fellow planters. We have been so happy as to meet the brigands, who were in the neighbourhood of the plantation of Mr. Bernoudi, colors displayed and full of arrogance. As soon as we perceived them we rushed upon their troops, of whom we made considerable slaughter. The spot was unfortunately unpropitious to cut off their retreat, so that many have been able to take to the woods, and the chiefs principally being on horseback, have made their escape with greater facility. I have immediately ordered several strong detachments to pursue them through the woods, and at every moment our men bring them in or kill them. I hope we are now free from any fear of this plot, because it does not appear to be general. But we must make a GREAT EXAMFLE. I think a detachment of regular troops would be very useful for the tranquility of our coast, because I am obliged to order many detachments of militia to meet and destroy the remaining of those brigands. If we can take alive the chiefs, whom I perfectly know, I consider the affair as entirely finished. I have several other informations to give you, but for the present I am too harrassed and pressed by sorrow, and I will very soon transmit you further communications.

Accept, Sir, the assurances of the profound respect, of your most devoted servant.

ANDRY.

*German coast, January 11th, 1811.*³⁰

WADE HAMPTON TO GOVERNOR CLAIBORNE ³¹

[NA:SD, Orleans Terr. Papers, XII:C]

Copy

at M^r Detrehans 12 Jan^r 1811

DEAR SIR Having yesterday formed a Junction With Major Milton's Command which has Discended far beyond the Commencement of this shocking insurrection, and having Posted him in this

³⁰ Answered Jan. 13, 1811 (Rowland, ed., *op. cit.*, v, 97).

³¹ Covering letter, Claiborne to the Secretary of State, Jan. 12, 1811, printed *loc. cit.*

Neighbourhood, to protect & Give Countenance to the Various Companies of the Citizens that are Scouring the Country in Every direction, I shall permit the detachment; that Came With me from the City, to return. the Garrison has been Much Weakened, and We have a detachment of the Marine Whose presence are also required in the City. the planters & Citizens are all in Motion, & have had an Opportunity of feeling their Physical force. they are equal to the protection of their own property. But I have Judged it expedient to Order down a Company of L^t Artillery & one of Dragons to Descend from Baton Rouge & to touch at Every Settlement of Consequence, and to Crush any disturbances that May have taken place higher Up—the plan is unquestionably of Spanish Origin, & has had an extensive Combination. the Chiefs of the party that took the field are both taken, but there is Without doubt Others behind the Curtain Still More formidable. I Shall have the pleasure of Seeing you this Evening & of Giving you more particulars—

I have Written these in Much haste & have Used the first impliments that I have been able to get into my hand, With Which I Could have Written Even So Much

Very respectfully Yours

(signed) W HAMPTON

HIS EXCELLENCY THE GOVERNOR

WADE HAMPTON TO THE SECRETARY OF WAR

[NA:WD, AGO, Old Recs. Div.:ALS ^{31*}]

NEW ORLEANS, 16th Jan^y 1811

SIR. Referring to my letters of the 3^d ³² & 5th ³³ from Baton Rouge, I have the honor to add that I arrived at this place on the Morning of the 7th. About 12 O'Clock on the Morning of the 9th the governor came to me with the unpleasant information that a formidable insurrection had commenced among the blacks, on the left bank of the river, about 40 Miles above this city, which was rapidly advancing towards it, and carrying in it's train fire, Murder, & pillage. The regular force in the City was inconsiderable, and as there was nothing like an organized Militia, the confusion was great beyond description.

So soon as two companies of Volunteer Militia could be paraded, I joined to them 30 Regulars & marched at their head, about 6 o'clock, to meet the Brigands. It was all the force, except a small garrison left in the Fort, which at that time appeared susceptible of command. On our March we overtook a company of Seamen which commodore Shaw had sent forward, of which I also took the command. This

^{31*} A copy of this letter received Mar. 8, 1811, is also present.

³² NA (WD, AGO, Old Recs. Div.).

³³ Not found.

little force reached the Plantation of Colonel Fortier, Six Leagues from the City, about half after 4 o'clock on the Morning of the 10th through roads half leg deep in Mud.

Here the Brigands had Posted themselves within a strong picket fence, having also the advantage of two strong brick buildings belonging to Colonel Fortier's Sugar works—I had been joined near this place by a party of Volunteer Horse, who had come forward destitute of command, but agreed to join in the attack. The order of attack was formed the moment the troops reached the ground, and the Infantry & Seamen so disposed as to enclose by a forward movement three Sides of the small enclosure which embraced the buildings, and the Horse at the first Signal was to charge the other. The Brigands had been alarmed in the night by a few young men who had advanced so near as to discharge their pieces at them,—they were therefore upon the alert, and as the line advanced to encompass them, retired in great silence. They had retreated five leagues with the utmost precipitation when about 9 o'clock of the same Morning they were fallen in with by a spirited party of Young Men from the opposite side of the river, who fired upon & dispersed them, Killing some 15, or 20, & wounding a great many more.

Major Milton at the commencement of this unpleasant affair, was with a company of L^t Artillery & one of Dragoons about five or six leagues above, ascending the river to Baton Rouge—so soon as he heard the news he fell down the river affording his aid to the inhabitants. I had sent Several expresses to him to the same effect, & therefore continued advancing until we met—

After ordering the two additional companies of L^t troops from Baton Rouge, & establishing a post in the Midst of the district which had thus been exposed to the greatest of all human calamities, I returned to the city with the little detachment with which I marched out. My means were Slender, but I have the satisfaction of believing that the Movement had the effect of giving the first check to a flame which might have inflicted more human misery than ever has been felt within the United States.

The prompt display & exhibition of a regular Military force all along the Coast (the river) by land & water, has had a most happy effect, as well upon the blacks, as the Citizens, who by this countenance have been enabled to use & feel their own strength, & to rely upon that which the Government can at all times from Baton Rouge or this City send to their aid. The Governor of the territory has forwarded details of the extent of the calamity—To those I beg leave

to refer.³⁴ I shall write again in a day or two—and have the honor to be Sir,

very respectfully Y^r most ob^t Ser^t

W. HAMPTON

THE HONBLE WILLIAM EUSTIS Sec^y of War.

[Endorsed] New-Orleans, 16th Jan^y 1811. Gen^l Hampton Account of the insurrection of the Blacks in that quarter—Rec^d 22^d feb^y 1811—

JUDGE LEWIS AND SECRETARY ROBERTSON TO THE
SECRETARY OF THE TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, XXII:LS]

NEW ORLEANS *Jany* 25th 1811

SIR At the time of making to you our last communication,³⁵ we had every reason to hope that we should have been able to transmit you a complete report on Land claims within this District in time, to be laid before the present Congress: but a variety of unforeseen circumstances have disappointed this expectation.—The late Clerk of the Board died in August last; and his ill health for a long time previous thereto rendered him unable to keep pace with the Commissioners in recording their decisions, so that the burthen of the business has fallen on his successor who has been since that period assiduously employed in recording our decisions and in making out the two transcripts required by law.—We have decided upon a great majority of the claims in this District, and should have reported as

³⁴ Concerning the insurrection, see the following: Claiborne to the Secretary of State, Jan. 7, Jan. 9, Jan. 11, Jan. 12, Jan. 14, and Jan. 18, Hampton, Jan. 7 and Jan. 9, St. Amand, Jan. 9 and Jan. 20, Bullingney, Jan. 9, militia colonels and parish judges, Jan. 10, St. Amand and André, Jan. 14, Dubourg, Jan. 14 and Jan. 21, Destréhan, Jan. 16 and Jan. 19, Vileræ, Jan. 16, St. Martin, Jan. 19, Ballinger, the Secretary of War, Lislet, Steele, and Jefferson, all of Jan. 20, the legislature, Jan. 29, and Thomas, Jan. 30, 1811; the Orleans Council to Claiborne, Jan. 31, and the house of representatives to *id.*, no date, 1811 (Rowland, ed., *Claiborne Let. Bk.*, v, 93–97, 99–101, 103, 104, 107–111, 112–114, 121–131, 135–136). Claiborne to the Secretary of State, Jan. 18, cited above, is printed under date of Jan. 17, 1811, *ibid.*, p. 103.

Final reference to the revolt is found in several acts of the territorial legislature. A resolution of Feb. 5, 1811, directed that an inquiry be made to discover the slaves who had distinguished themselves by aiding their masters. The acts approved Apr. 25 and Apr. 30, 1811, authorized the territory to compensate owners for slaves killed in the insurrection (*Acts, Second Session, Third Legislature, Orleans, New Orleans, 1811*, pp. 132–133, 190–191, 196–197). In connection with these enactments, see Claiborne to the legislature, Feb. 25, Mar. 12, Apr. 19 and 25, 1811, proclamation, Feb. 12, 1811, and pardon, Apr. 1, 1811 (Rowland, ed., *op. cit.*, v, 150, 163, 179, 198–199, 214, 218–219).

³⁵ Sept. 1, 1810, *ante*, p. 899.

far as we have decided had the transcripts been made in time. The only claims that we have not finally decided or specially reported on are those in which the claimants have not yet been able to furnish the whole of their evidence and to obtain which further time has been allowed them.—The Commission will certainly be closed some time in the month of March or April next, and the report transmitted to you without delay under the care of one of the members of the Board—It may have been conceived that there would be much less difficulty in adjusting the claims in this District than in the Western but the fact certainly is otherwise.—There are at least as many claims in this as in the other District,—and nearly eight tenths of them founded on incomplete titles and require proof to support them—As the claimants generally either from ignorance or neglect failed to furnish the Board that evidence of their claims which the law required, rather than reject them we have taken great pains to ascertain the true state of their titles, and we shall in a short time be furnished with the whole evidence of the remaining claims—the correct situation of which we have not yet been able to ascertain.

Our decisions have been formed upon principles of liberality towards the claimants, and a due regard of justice as respects the Government.—Claims founded upon a grant or complete title we consider as containing sufficient evidence in themselves where there is no fraud; claims founded upon orders or warrants of survey accompanied by actual settlement according to the provisions of the act of Congress we confirm—without such actual settlement we reject them.—Claims founded on actual settlement and cultivation of the land on the 20th December 1803 & for ten consecutive years next preceeding we confirm to the extent of 2,000 acres—provided the party originally claimed to that extent. Claims founded on an actual settlement & cultivation of the land on the 20th December 1803 and not continued for ten years next preceeding, we confirm to the extent of one mile Square, presuming permission of the proper Spanish officer if made prior to the first day of Oct. 1800, and requiring proof of permission if made subsequent to that time—and provided the party intended to claim that quantity.—Claims founded upon purchases made of the Indians without the concurrence of the Spanish Government, we reject as being unauthorised, except where the land has been settled we confirm them only as settlement rights—

Claims founded upon what are called requêtes unless accompanied with actual settlement we reject—

Claims founded upon grants or orders of survey made by the Intendant subsequent to the first of October 1800, we have been cautious not to confirm, but have reported specially on or rejected being aware that West Florida abounds with this description of claims, and unwilling to establish a precedent.—

When there has been an actual and bona fide settlement on & prior to the 20 Dec. 1803—we have been less scrupulous in exacting proof of all the conditions required by the Act of Congress. Beleiving it to be the wish & policy of Government to favour those kind of claims—

We propose to accompany our report with the most correct chart that can be obtained of this District & endeavour to shew the extent situation & probable value of the public lands lying within it.—

Altho' it may be supposed that the public lands in this District are of minor importance compared with the public lands in the Western District, yet it will be found that when sold they will bring a much greater sum than the land situated within the inhabited limits of the other District.—There are comparatively few claims on the River that have a second depth—and scarcely an inhabitant who would not cheerfully pay from two to three Dollars the superficial acre for the second depth.

The city corporation has filed a claim to all the public lands within the city and suburbs & we are at loss to know whether we are to act upon their claim or not: They have recently sold Lots both within & without the fortifications.—If it be understood that they have accepted the six hundred yards according to the terms of the Act of Congress³⁶—& released their claims to the remainder it will be of course unnecessary for us to act upon their claim.—

We have the honor to be, Sir Your M^o obt Servts

JOSHUA LEWIS
TH B ROBERTSON

[Endorsed] N. Orleans Jan^r 1811 Land Com^{rs}

PHILIP GRYMES TO THE SECRETARY OF THE TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, xxii:ALS]

NEW ORLEANS, Jan^r 26th 1811

SIR. The late disturbances in this Territory occasioned by the Insurrection of the Blacks which took place on the 9th Ins^t together with some other causes of Minor Consideration will have the effect to delay the completion of the business of the Board of Comm^{rs} for the E. D. of the T. of Orleans until after the rising of the present session of Congress

It is beleived we shall be able to report to you in all the month of March next, unless some unexpected occurrence sho'l'd prevent it

The taking possession of West Florida by the U, States has opened a new field for Enquiry & investigation into legal Titles to Land in this Territory—the business of the Board for this District being nearly finished and that which remains to be completed being very simple

³⁶ Act approved Mar. 3, 1807 (2 STAT. 440-443).

in its Nature, I shall devote my attention from this Period until my Departure for Washington which will be in the month of March or April next—to the Acquirement of Information relative to the state of Land Titles in that section of the Territory, expecting that I shall be able to afford some useful information to Congress on that Subject at its next Session

I have the hon^r to be Sir. With great Respect Y^r Ob^t Serv^t

P GRYMES

THE HON^{ble} ALBERT GALLATIN Secretary of Treasury.

[Addressed] The Hon^{le} Albert Gallatin Secretary of Treasury
Washington City [Postmarked] New York 4 Mar Free

[Endorsed] New-Orleans Jan^y 26th 1811 P. Grymes Register of the
Land-Office—de causes which have impeded the completion of the
business of the Board.

THE SECRETARY OF STATE TO THE GOVERNOR OF
WEST FLORIDA

[NA:SD, Dom. Letters, XVI:C]

DEP^t OF STATE 28 Jan^y 1811.

GOVERNOR FOLCH.

SIR, I have recently received from the hands of Col. John M^oKee the Letter which your Excellency did me the honor to write to me on the second of the last month³⁷ and have submitted the same to the President of the United States—I have it now in charge from the President to inform your Exc^y that he is fully persuaded that such an arrangement as you have intimated for the delivery of the Country, now under your jurisdiction, to the United States will be advantageous to all parties concerned.—He has accordingly appointed General George Matthews and Col. John M^oKee to enter into the same with your Excellency & to receive from you possession of the Country in the name of the United States.³⁸

I avail myself with much pleasure of this occasion to assure your exc^y of the great respect & consideration with which I have the honor to be &c—

R SMITH.

Ex^d TLLB

³⁷ McKee to the Secretary of War, Dec. 5, 1810, enclosing Folch's letter, is printed, *A.S.P., For. Rels.*, III, 398, 399.

³⁸ See the Secretary of State to Mathews and McKee, Jan. 26, 1811, transmitting the instructions here referred to (Richardson, comp., *Messages and Papers*, I, 506-507). McKee's authority under these instructions was terminated by the letter of the Secretary of State to him of Jan. 2, 1812 (NA, SD, Dom. Letters. XVI).

THE SECRETARY OF STATE TO THE PRESIDENT

[NA:SF, 11 Cong., 3 sess.:LS]

DEP^t OF STATE. 4th Feb^y 1811.

SIR, In pursuance of a resolution of the Senate of the 1st Inst^t,³⁹ I have the honor to lay before you a Copy of the Census, or latest enumeration of the People, in the Territory of Orleans, which has been returned to this Department; and also a Copy of the latest Militia return from the said Territory.⁴⁰

I have the honor to be, With high consideration, Sir, Your Ob^t H^{ble} Serv^t

R SMITH

TO THE PRESIDENT.

[Endorsed] 11 Cong 3 Sess L. Letter From the Secretary of State, to the President of the U. S.. transmitting the latest enumeration of the people in the territory of Orleans, and the latest Militia return from the said territory. 1811 Feb^y 8. Read.

[Enclosure]

A General return of the Census of the Territory of Orleans taken for the Year 1806.

[December 31, 1806]

Names of the Counties.	White men of 21 years & upwards	white males below 21.	white females of every age.	free-men & women & children of colour	Slaves of every age & sex.	Total
German Coast.....	555	647	972	229	3285	5,688
Iberville.....	362	461	731	71	965	2,590
Lafourche.....	586	977	1335	25	610	3 533
Point Coupee.....	267	258	443	115	2251	3 334
Opelousas.....	584	771	1104	239	1091	3 789
Rapides.....	488	513	746	15	716	2 478
Nachitoches.....	407	270	410	121	1209	2 417
Orleans.....	2108	1422	2781	2312	8378	17 001
Attakapas.....	720	877	1333	166	1826	4 922
Ouachitta.....	200	148	256	4	122	730
Acadia.....	607	822	1332	53	2248	5 062
Concordia.....	... supposed ...	.....	.....	.....	.....	3 990
	6884	7166	11443	3350	22701	55,534

³⁹ *Annals*, 11 Cong., 3 sess., 114.

⁴⁰ The militia return is dated June 30, 1810; *ante*, p. 886. Further references to the militia are found in the following: Claiborne to the territorial legislature, Jan. 29 and Apr. 24, to Wykoff, Mar. 26, Hopkins, Mar. 28, King, Mar. 28, the Secretary of War, May 31, 1811; the council to Claiborne, Jan. 31, and the house of representatives to *id.*, no date, 1811 (Rowland, ed., *op. cit.*, v, 121-131, 189-190, 193-194, 194-195, 216, 259-260). The territorial act under discussion in the above communications, regulating musters, duties of officers, and discipline, was approved Apr. 29, 1811 (*Acts, Second Session, Third Legislature, Orleans, New Orleans, 1811*, pp. 148-165).

NEW ORLEANS Dec^r 31, 1806.⁴¹

[*Endorsed*] Census for the Year 1806 Orleans Territory.

JUDGE MARTIN TO THE SECRETARY OF STATE

[SD:Appt. Office Files:ALS]

NEW-ORLEANS Feb^r 7 1811

SIR, My friend Major Robinson having apprised me that his resignation of the office of Attorney of the U S for this district is forwarded to you by this mail ⁴²—I pray that my name may be placed before the President, as one of those who are desirous of the appointment, in case you should deem me a Suitable person.

The Salary of a Judge in this territory tho equal to what affords a decent Support in the United States, owing to the high price of every thing in this Quarter, the necessity I am under of residing in the City & the Consequent impossibility of attending to my farm or persuing any other means of Subsistence, every thing render it impossible for me to maintain myself in my present office without incurring debts—While the very tempting opportunity which the bar affords for the employment of my industry disallows a waste of time, in an office which entails poverty & dependence upon its holder—while it condemns it to a Style of living beneath the dignity of his Station—Of my two Colleagues, none can afford to reside in the City—altho' one of them holds the office of Commissioner of lands, which yields a Salary equal to that of a Judge

Let me therefore, Sir, be pardoned if I beg of you to consider, whether I might not be as useful to the public, as attorney of the U. S. in this district. There seems to be a necessity that this officer should be able to address the French part of the jury in their own language. It is true I am by birth a Frenchman, but I came to America twenty seven years ago, before I reached my years of manhood & have practiced law for twenty years past.

I am, Sir, respectfully Your Obed^t Servant

F X MARTIN

HON. ROBERT SMITH Secretary of State

[*Endorsed*] F. X. Martin—asks to be appointed Dis. Att^r at N. O.

⁴¹ Census returns of the Orleans counties for 1810 are printed in Niles, *Weekly Register*, I, 388.

⁴² Robinson's letter of resignation has not been found. He was succeeded by John R. Grymes, of Orleans Territory, nominated Nov. 13, 1811, appointment confirmed Nov. 29, 1811 (*Senate, Exec. Journal*, II, 187, 193). The following letters on the subject of this appointment are found in SD (Appt. Office Files): T. H. Williams to the Secretary of State, Feb. 14, 1811, recommending Grymes; Pope to *id.*, Mar. 9, and Clay to *id.*, Mar. 9, 1811, recommending Robert Breckinridge; and Rhea to the President, Mar. 2, 1811, recommending John Rogers, and enclosing Rogers to Rhea, Jan. 27, 1811, soliciting the appointment.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[SD:Appt. Office Files:LS]

NEW ORLEANS *Feb*: 15. 1811.

SIR, A few days since I stated to you a report that had reached me of the resignation of M^r Tully Robinson the Attorney of this District; and took the liberty to add that if a Successor to M^r Robinson was selected from among the Citizens of this Territory, M^r John R Grymes was in my opinion, best entitled to the confidence of the President—

I have now the pleasure to enclose you a high testimonial of M^r Grymes's merit; the Signatures to the letter addressed to me are those of the most respectable Citizens—M^r Tho: H. Williams is the Collector of the District, and M^r Crowdson the Naval Officer. M^r Urquhart was late Speaker of the House of Representatives, and is now a member of the Legislative Council. M^r Mather is Mayor of the City; and M^r Trudeau a Representative in the General Assembly of the Territory. M^r Dunkan is a distinguished Lawyer & Mess^{rs} Morgan, Saul, and the other Signers are worthy members of Society, whose favourable impressions of M^r Grymes, tend to confirm me in the good opinion I have formed of him—

I am sir, with great respect Y^r most Ob: Servant

WILLIAM C. C. CLAIBORNE

THE HON^{ble} M^r SMITH Sec: State[*Endorsed*] W. C. C. Clayborne fav. of John R. Grymes as Dis. Att^y

[Enclosure:LS]

NEW ORLEANS 14 *Feb*^y 1811

SIR Having understood that the present District Attorney has resign'd his Office, We beg leave to recommend to your notice M^r John R Grymes, by an intimate acquaintance with him Since his residence in this Territory (a term of three Years) we are convinced of his patriotism and attachment to the present Administration, and should our Opinions coincide with yours, it wo'd give us particular Satisfaction & in our opinion promote the Public good, if by your interference with the Executive he should be appointed to fill the Vacancy occasioned by the Resignation of M^r Tully Robinson.—

We have the honor to be sir—Your Mo. Obd Ser—

THO^s URQUHARTSAM^l CROUDSONJA^s MATHER Mayor

R D SHEPHERD

BENJ^s MORGAN

JOHN TAYLOR

JOS SAUL

A L. DUNCAN

P L B DUPLESSIS J

GEORGE. W. MORGAN

J K SMITH

RENÉ TRUDEAU

THO H WILLIAMS

HIS EXCELLENCY W C C CLAIBORNE

[*Endorsed*] Urquhart & others in fav. of John Grymes as Dis. Att^y

JOSEPH CARSON TO GOVERNOR CLAIBORNE

[NA:SD, Orleans Terr. Papers, XII:C]

Copy BALDWIN COUNTY M. T. Feb: 16. 1811.

HIS EXCELLENCY WILLIAM C. C. CLAIBORNE,

SIR, I have just been informed that the prisoners taken by Gov^r Folch some time since, are sent from Pensacola to the Havannah, and with them a M^r Cyrus Sibley, who some short time since went to Pensacola on business; and was by the Governor imprisoned on a charge of being one of Kemper's men, altho' it is a fact well known, by every person engaged in the cause of the Convention in this quarter, that Sibley never did take any part with them, but on the contrary refused to subscribed the declaration of Independence, or even an article of neutrality, presented to him by Col: Kemper, for which he was imprisoned by Col: Kemper and kept some time, and liberated on condition that he would carry a letter from Kemper, to Gov^r Folch then in Mobile, which he did. After the Presidents proclamation reached this place (in which no man more sincerely rejoiced, than did Sibley) Col: Kemper prevailed on Sibley to carry some dispatches from him (at Fort Stoddart) to Baton Rouge. Of this Gov^r Folch was informed, which was the cause of his imprisonment. M^r Sibley is a young man of respectable character, born and educated in the State of Massachusetts, he came to this Country upwards of two years ago, and obtained permission from Gov^r Folch, to live in that part of W. Florida lately made a part of your Territory, where he has resided ever since, and by his industry acquired some property. It may be doubtful whether the Government of the U. S. ought to demand the Prisoners first taken; but in Sibley's case I think there can be no doubt, every fact I have stated can be proved, and the friends of M^r Sibley anxiously hope and expect, that your Excellency will as soon as possible demand his release as a Citizen of the U. S. and of the Orleans Territory, or take some other measure for his liberation ⁴³—

I have the honor to be very respectfully Sir, Y^r Excellency's Ob: Servant

(Signed) JOSEPH CARSON

[Endorsed] N^o 1 inclosed in Gov^r Claibornes 8th March ⁴⁴

⁴³ Answered Mar. 7, 1811 (Rowland, ed., *Claiborne Let. Bk.*, v, 172).

⁴⁴ Printed, *ibid.*, pp. 173-175. Also enclosed were Claiborne to Someruelos, Feb. 27 and Mar. 3, 1811, *ibid.*, pp. 165, 166-168. A fourth enclosure, Buford to Claiborne, Feb. 8, 1811, mentioned in the covering letter, and answered by Claiborne, Mar. 7, 1811, *ibid.*, p. 173, has not been found.

For other references to this incident, see Claiborne to the following: the Secretary of State, Jan. 20, Feb. 25, Mar. 26, Apr. 16, June 7, and Aug. 27, 1811, Johnson, Feb. 13, 1811, Folch, Feb. 21, 1811, Shaler, Mar. 3 and no date, 1811, Gray, Mar. 3, and Mar. 7, 1811, Shaw, Mar. 3, 1811, the Secretary of the Navy,

GOVERNOR CLAIBORNE TO THE SECRETARY OF THE
TREASURY

[NYHS:Gallatin Papers:LS]

(Private)

NEW ORLEANS *Feb.* 18. 1811.

DEAR SIR, I sincerely hope previous to the rising of Congress authority may be given the President to remove by force the Spanish Garrison at Mobile. If indeed there be a foreign power disposed to resent the taking possession of Florida by the United states, enough has already been done, to serve as a pretext for the commencement of hostilities.⁴⁶—

I am happy to find that this Territory is likely to be admitted into the Union as a sister State; I do not believe Sir, that the Government has any thing to apprehend from the population of this District— On the contrary I shall be greatly disappointed if the politicks of the new State, are not found to be in unison with the principles of the present Administration. I could have wished that our Eastern Limits, could have extended to the Perdido; but it is probable that under existing circumstances, Congress will deem it most expedient, to annex Florida to the Mississippi Territory; or to erect it into a separate Territorial Government. In this latter event there will be no doubt several Applicants, for the Office of Governor. But permit me Sir to mention to you the name of a Gentleman of talents and merit,

Mar. 8, Mar. 27, and Apr. 16, 1811, Sibley, Mar. 10, Apr. 18, June 15, and Nov. 28, 1811, Shaler and Gray, Mar. 11, and Mar. 13, 1811, Pollard, Apr. 27, 1812, Toulmin, Sept 16, 1813, and Someruelos, no date, *ibid.*, pp. 111, 151–152, 160–161, 164–165, 168–171, 171–172, 175–176, 177–179, 190–191, 192–193, 211–212, 213, 268–269, 276, 343–345, 370–371, 389; vi, 90, 112–113, 267. Sibley and some of the other prisoners were ultimately released (Cox, *West Fla. Controversy*, pp. 484–485).

⁴⁶ For the situation arising from the Spanish possession of Mobile, see the Secretary of State to the President, Feb. 8, 1810 (NA, SD, Dom. Letters, xv), and Claiborne to the Secretary of State, July 9, 1811, enclosing Bainbridge to Claiborne, July 7, and Maxent to *id.*, July 7 and July 8, 1811 (NA, SD, Orleans Terr. Papers, XII; the covering letter is printed, Rowland, ed., *op. cit.*, v, 300–304).

See also the following letters dated 1811: Claiborne to the Secretary of State, Apr. 2, June 7, June 11, June 16, June 29, July 5, July 18, July 24, Aug. 14, and Oct. 27, Hampton, Apr. 3, the Secretary of the Navy, Apr. 4, June 11, June 29 (two), July 2, July 6, July 9, Aug. 3, Aug. 14, Sept. 9 (two), Sept. 14, Oct. 8, and Oct. 28, Maxent, June 9, July 6, July 7, July 8, July 9, and Oct. 27, Swan, June 10, Shaw, June 10, July 3, July 20, Sept. 9, Oct. 9, and Oct. 27, Covington, June 15, July 8, July 18, and July 28, the squadron commander at Pascagoula, June 28, Bainbridge, June 29, Folch, June 29, the commander at Mobile station, June 29, July 5, and July 8, the commander at Fort Stoddard, July 5, Toulmin, July 8 and July 19, Hawkins, July 26, Pike, July 28, Gaines, Aug. 15, the Secretary of the Treasury, Aug. 18, Johnson, Sept. 28; and Maxent to Claiborne, July 28, *ibid.*, pp. 199–201, 201–202, 268–271, 271–273, 279–300, 304–307, 309, 310, 312–314, 315–316, 317–318, 326–328, 331–336, 340–342, 356–357, 358–361, 365–369.

who would discharge with credit to himself, and fidelity to the Country the duties of that Office—I allude to Colonel Zebulon Pike, of the Army, now in Command at Baton Rouge; he is a Native of the State of New Jersey; the Son of an old Revolutionary Officer, whose integrity, valor and seventy six principles, he has inherited—

I heard two days since that the Attorney for this District M^r Tully Robinson, had resigned: M^r John R. Grymes, late of Virginia, but for the last three years an Inhabitant of New Orleans, has been recommended as his successor. M^r Grymes talents are highly respectable; and such has been his political course here as to interest in his favor, such of the Citizens of New Orleans, as are in my opinion the best supporters of the present administration—

I am D^r Sir, With great respect and esteem Your most Obt sevt
WILLIAM C. C. CLAIBORNE

THE HON^{ble} M^r GALLATIN Sec^y of the Treasury.

[Addressed] The Hon^{ble} M^r Gallatin Secretary of the Treasury
Washington City [Postmarked] Baltimore Md Mar 20 Free

[Endorsed] New Orleans 18 february 1811 W^m Clayborn
Orleans John R. Grymes rec^d dist. att^y Z. Pike to command, at
Baton Rouge.

[Readdressed] The President of the United States ⁴⁷

=====
THE POSTMASTER GENERAL TO JOSEPH SAUL

[PO:P.M. Letter Book Q]

7 March 1811

JOS. SAUL Cashier O. D. D. N. Orleans City

Your favor of the 8th Ult^o is before me ⁴⁸ it would be highly gratifying to me to be able in any manner to detect the Villain who has committed the Trespasses mentioned by you—but no course presents itself to my view, that will effect that object

G G.

=====
THE POSTMASTER GENERAL TO MARTIN NEMINO

[PO:P.M. Letter Book Q]

23 March 1811

MARTIN NEMINO Carlin Settlement Orleans Terr^y

I have reced yours of the 31st Jan^r ⁴⁸ in which I find you do not name any suitable person to discharge the Duties of P M. at La

⁴⁷ This address, and the second paragraph of the endorsement preceding, are in Gallatin's hand.

⁴⁸ Not found.

Fourché of course, if disposed, I am incapable of acting, at what distance are you from the P. O. kept by Philo Norton?

G. G.

THE POSTMASTER GENERAL TO THOMAS B. JOHNSON
[PO:P.M. Letter Book Q]

26 March 1811

THO^s B. JOHNSON P M. N. Orleans

I enclose you a letter for perusal which I have answered as follows.⁴⁹

26 March 1811

J. Daiqueny Editor of a Newspaper New Orleans

Yours of the 28th Ult^o is before me ⁵⁰—This office invariably leaves it to the local P M. to decide in what paper he will make his publications. I have no objection to your publishing the list of letters, it may be useful & I see no difficulty in your extracting it from the official publication

G.G.

THE SECRETARY OF WAR TO GOVERNOR CLAIBORNE

[NA:WD, AGO, Old Recs. Div., Mil. Book 5]

WAR-DEPARTMENT, March 30th 1811.

Gov^r W. C. C. CLAIBORNE

SIR, I have the honor to acknowledge the receipt of your Excellency's letter of the 20th of January ⁵¹ with its duplicate of the 18th ⁵⁰ of February as also that of the 13 Feb^y ⁵² advising of your dft on this Department for \$2500 on account of the Militia lately called into service.

Without enquiring whether expenses incurred in calling out the Militia for the purpose of suppressing an insurrection of the Blacks, is properly chargeable to the United States, it is sufficient for me to inform your Excellency, that there being no appropriation for the payment of Militia called out for any purpose whatever, I am under the necessity of returning the Bills unsatisfied.

Is it not adviseable that the Legislature of the Territory should provide for the payment, and that application be made to Congress for an appropriation, in case it shall be deemed a proper charge against the United States? ⁵³

With sentiments of respect &c

⁴⁹ Enclosure not present.

⁵⁰ Not found.

⁵¹ Printed, Rowland (ed.), *op. cit.*, v, 110-111.

⁵² *Ibid.*, pp. 152-153.

⁵³ On this subject, see Claiborne to the Secretary of War, Feb. 8, 1811, Poultney, Mar. 21, 1811, Milton, Mar. 28, 1811, and to the territorial legislature, Apr. 29, 1811, *ibid.*, pp. 146-147, 186-187, 196, 227.

THE SECRETARY OF WAR TO GOVERNOR CLAIBORNE

[NA:WD, AGO, Old Recs. Div., Mil. Book 5]

WAR-DEPARTMENT, *April 1st 1811.*GOV^r W. C. C. CLAIBORNE

SIR, As some difference of opinion, relative to the requisitions made on the Commanding Officer by virtue of instructions from this Department, appears to have subsisted between your Excellency and General Hampton, (from which however no serious inconvenience has arisen) and as duties may devolve on the Commanding Officer, other than those which he was required to perform under your requisitions; I have thought it due to the conciliatory disposition which has been manifested by your Excellency on this occasion, to enclose herewith a transcript of the further instructions and explanation, which have been given to Gen^l Hampton,⁵⁵

And have the honor to remain &c

THE SECRETARY OF THE TREASURY TO THE BOARDS OF COMMISSIONERS AT ST. LOUIS, NEW ORLEANS, AND OPELOUSAS

[GLO:Div. C, Misc. Letter Book 2]

TREASURY DEPT^t, *April 24th 1811*

GENTLEMEN, I enclose for the use of your board a copy of the land laws collected pursuant to the act of Congress of 27th April 1810,⁵⁶ to which the land laws passed during the last session of Congress have been added. Amongst these you will perceive one which provides for your compensation & that of the Clerk & translator. So far as relates to the claims rejected, it does not appear that the allowance made for these can be paid until your report thereon shall have been received. But the allowance for claims confirmed and on which you have issued certificates may be paid from time to time; and each of the Commissioners, as well as the Clerk is authorized to draw on the Secretary of the Treasury for the amount respectively due on account of such confirmed claims. It will be necessary that the number of certificates for which the draft is made should be expressed on its face; that a transcript or abstract of the certificates designating the N^o, name of grantee & number of acres respectively granted to each, should be previously, or at the same time, transmitted by the Clerk; and that the certificate of attendance as required by the Act should accompany or precede the draft.

I have &c

TO THE BOARDS OF COMMISSIONERS of S^t Louis, & New Orleans.

⁵⁵ Enclosure not present. Cf. the Secretary of War to Hampton, Mar. 22, 1811, which is probably the communication referred to (NA, WD, AGO, Old Recs. Div., Mil. Bk. 5).

⁵⁶ 2 STAT. 589.

N.B. The above letter has also been addressed to the Board of Commissioners of Opelousas, with the following addition.

You will perceive that the same act contemplates the opening of two land offices in the territory of Orleans west of the Mississippi and—Atchafalaya, by the first of January next; which cannot be effected without such diligence on the part of the board as will permit at least a partial discrimination of the public lands from the private claims. It is hoped that there is in each of those two Districts, some tract or tracts sufficiently clear of private claims, or in which the decisions shall have been so far completed as to enable us to open the sales and carry the intentions of Congress into effect. On that subject your opinion is requested, particularly as relates to the tracts & parts of tracts which may be thus offered for sale without danger of interfering with private claims.

I had the honor to receive your letter of 16th Dec^r ⁵⁷ last, stating the principles on which you ground your decisions. This is a subject which has by the law been left to yourselves and on which I am not authorised to give any instructions. But since you have been pleased to make the communication; you will permit me to express my opinion that you have adopted some rules not sufficiently strict, & calculated to confirm many unfounded claims. Nor can I better show in what respect it appears to me that you have relaxed too far, than by enclosing a copy of the rules adopted by the New Orleans board.⁵⁷ It is in every point of view a matter of regret that there should be such difference between the decisions of the two boards.

TO THE BOARD OF COMMISSIONERS OF Opelousas.

THE SECRETARY OF WAR TO GOVERNOR CLAIBORNE

[NA:WD, AGO, Old Recs. Div., Mil. Book 5]

WAR DEPARTMENT April 25th 1811

Gov^r W. C. C. CLAIBORN. New Orleans.

SIR. I have the honor to acknowledge the receipt, by the President of the United States, of your Excellency's Letter of the 8th of March last,⁵⁸ inclosing the memorial of the Legislative Council & House of Representatives of the Territory of Orleans,⁵⁷ on the subject of stationing an additional military force within that Territory; and to inform you, that the matter thereof will receive a due attention.

This proposal brings to view, and induces me to invite your attention to, a conversation which I had the honor to hold with your

⁵⁷ Not found.

⁵⁸ Not present. Cf. Lewis and Robertson to Gallatin, Jan. 25, 1811, *ante*, p. 919.

⁵⁹ Printed, Rowland (ed.), *op. cit.*, v, 173.

Excellency when you were last at the seat of Government, on the subject of embodying a corps from the Inhabitants of the city of New Orleans. May not this be effected under existing Laws and under Officers of the Army of the U. States, on a basis like the following? Let the men be inlisted to serve for five years unless sooner discharged.—To receive, without bounty, the pay, rations or money in lieu thereof, clothing, and other emoluments allowed by Law, on condition:

1st That they shall not be marched beyond the limits of the Territory without their consent.

2nd That a bona fide removal and settlement beyond the limits of the Territory for a satisfactory reason, shall entitle to a discharge.

3rd That in lieu of quarters, the noncommissioned Officers and privates receiving an equivalent in money for them as nearly as can be ascertained, have permission to remain in their dwellings.

4th That they shall not be subjected to corporal punishment.—In other respects to be under martial Law.

What description of persons, either native or adopted citizens, could be procured under such or similar conditions? Could those who might be so engaged be relied on for security against internal insurrection or resistance to the Laws? and could implicit confidence be placed in their Loyalty in case of invasion by any power in Europe

From the difficulty in procuring recruits in the Northern States to serve in Southern climates and from the fatality which generally attends so great a change, it is very desirable that the additional force which the Legislature wish to obtain, should be drawn from a population already seasoned to the region in which they are to serve. The slow process, together with the uncertainty which might attend a Legislative provision, render it adviseable, if it be at all practicable, that the arrangement should be made under existing Laws: I have therefore suggested the foregoing ideas for your consideration, with a wish that such objections as occur may be pointed out; or such other proposal as may be deemed preferable, may be suggested.⁶¹

With sentiments &c

THE SECRETARY OF STATE TO GOVERNOR CLAIBORNE

[NA:SD, Dom. Letters, xvi:C]

DEP^t OF STATE *May* 9. 1811.

GOVERNOR CLAIBORNE

SIR, Since I came into this affair I have read with attention your Letters communicating the manner in which you have executed the

⁶¹ Acknowledged May 23, and answered Aug. 31, 1811 (Rowland, ed., *op. cit.*, v, 348-350).

orders of the President, for taking possession of West Florida and extending over it the Government and laws of the United States.

I have laid your correspondence on this interesting subject before the President, and am instructed to inform you that your conduct in that important transaction is very satisfactory to him.

I have the honor to transmit you a copy of the Act of Congress passed at its last session for the erection of the territory of New Orleans into an independent state.⁶² The delay which occurred in communicating to you this important event, is imputable to the change which recently took place in this Department. I am happy to find by your Letter of 2nd ult^o,⁶³ that it has been productive of no inconvenience.

⁶² Approved Feb. 20, 1811 (2 STAT. 641-643). The petition of the Orleans Legislature, *ante*, p. 873, was presented to the Senate Mar. 12, 1810, and referred to committee. A bill for the admission of Orleans as a State was passed by the Senate Apr. 27, 1810, and sent to the House. Here no action was taken until the presentation of the petition mentioned above, Dec. 17, 1810. A bill was then reported Dec. 27, 1810, which was attacked on constitutional grounds, chiefly because of a provision which would have included West Florida, to the Perdido, in the new State. The bill was altered to make the Iberville the boundary, and with this change it was passed by the House Jan. 15, 1811.

Other changes made by the Senate were agreed to by the House Feb. 13, 1811 (*Annals*, 11 Cong., 1 sess., 596, 646, 647, 663-664, 669, 670, 674; 2 sess., 1197, 2007; 3 sess., 97-98, 98, 103-104, 104-105, 107-108, 110, 111, 127, 131, 151-152, 413, 466, 482-485, 486, 493-507, 512-514, 516, 518-542, 555-579; *Senate Journal*, iv, 458, 481, 482, 495, 497, 497-498, 501, 502-503, 505-506, 545-546, 551, 552, 553-554, 555, 556, 564, 576, 578; *House Journal*, vii, 404, 446, 464, 471, 474, 478, 479, 481, 483-484, 537, 540, 547-549, 560, 563, 564). Copies of the Senate bill as reported Apr. 9, 1810, and as amended Apr. 25, 1810, are in Senate Files (NA). A copy of the House bill, as reported Dec. 27, 1810, is in House Files (LC).

The act approved Feb. 20, 1811, in addition to establishing the boundaries of the new State, merely prescribed the manner in which the constitutional convention should be held, and directed that 5 per cent of the proceeds from the sale of public lands should be used for building roads and levees. The act approved Apr. 8, 1812 (2 STAT. 701-704), admitted Orleans as the State of Louisiana; the act approved Apr. 14, 1812 (2 STAT. 708-709), extended the eastern boundary to Pearl River.

For Claiborne's references to the legislation, see his letters to Gray, Mar. 3, the Secretary of the Navy, Mar. 15 and Apr. 4, the Secretary of State, Mar. 22, Apr. 2 and Apr. 9, Wykoff, Mar. 26, King, Mar. 28, and the Secretary of the Treasury, Apr. 26, 1811 (Rowland, ed., *op. cit.*, v, 169-170, 181-182, 187-188, 189-190, 194-195, 199-200, 201-202, 207-208, 221). The act approved Feb. 20, 1811, was published in a New Orleans newspaper of Apr. 9, 1811. This copy was submitted by Claiborne to the legislature with his message of Apr. 10, 1811, *ibid.*, pp. 209-210. The legislature then enacted the law approved Apr. 24, 1811, providing for the election of delegates and the holding of a constitutional convention, the former to be held on the third Monday in September, the latter on the third Monday in November, 1811 (*Acts, Second Session, Third Legislature, Orleans, New Orleans, 1811*, pp. 124-131). Claiborne's proclamation of May 30, 1811, directing the holding of the election, was forwarded to the Secretary of State, May 31, 1811 (Rowland, ed., *op. cit.*, v, 258-259, 261-262).

⁶³ *Ibid.*, pp. 199-200.

It is much to be desired that your application to the Commandant at Havana for the discharge of M^r Sibly and of the other Men, who were made prisoners in West Florida by Governor Folch, should be attended with success. I have to request that you will continue your exertions in their favor, by every suitable opportunity which presents itself

I have &c

JAMES MONROE.

THE SECRETARY OF THE TREASURY TO LEVIN WAILES,
WILLIAM GARRARD, AND GIDEON FITZ

[GLO:Div. C, Misc. Letter Book 2]

TREASURY DEPM^t *May 24th 1811.*

GENTLEMEN, In my letter of 24th ult^o,⁶⁴ it was stated that altho' the Secretary of the Treasury had not controul over your decisions, yet your communication of the principles on which they were founded rendered it proper that I should express my disapprobation of them; and, for further explanation I referred you to the principles adopted by the Commissioners of the Eastern District of the Orleans Territory. The subject has since been laid before the President of the United States⁶⁵ by whose direction I now address you.

The acts for adjusting claims to lands in the Territories of Orleans & Louisiana have, where the parties had not obtained complete titles, recognised only three species of claims as valid, viz^t 1, Orders of survey — 2^d, permission to settle — 3^d Possession for ten consecutive years prior to the 20th Dec^r 1803.

1. *Act of 2^d March 1805.*⁶⁶ *1st sect.*⁶⁷ Orders of survey must have been dated prior to the 1st day of October 1800: the land must have been cultivated and inhabited, and the parties residing in the province on that day: and the conditions attached to the concession must have been fulfilled.

2^d *2^d March 1805.* *2^d sect.* The permission to settle must have been granted prior to the 20th Dec^r 1803; and the land must have been cultivated and inhabited on that day. *21st Ap^r 1806*⁶⁸ *1st sect.* But a settlement commenced prior to the 1st Oct^r 1800, and continued for three years is declared by the act to be sufficient proof of a permission. *2^d Mar. 1805* *2^d sect.* Only one tract and no tract greater than 640. acres to be allowed under this species of claims, (with such further quantity as by the spanish usages was allowed to the wife and family

⁶⁴ *Ante*, p. 930.

⁶⁵ The Secretary of the Treasury to the President, May 17, 1811 (GLO, Div. C, Misc. Let. Bk. 2), containing the information here sent the commissioners.

⁶⁶ *Ante*, p. 408.

⁶⁷ This and the four following phrases in italics represent marginal notes in the letter book.

⁶⁸ 2 STAT. 391-395.

of a settler) and only provided that no other tract is claimed in the territories under any french or spanish grant.

3^d 3^d Mar. 1807 ⁶⁹ 2^d Sect. The possession for ten years is in favor only of persons residing in the territory on 20th Dec^r 1803, & cannot confer a right to more than 2000 Acres.

With the exception of the last species of claims, actual Settlement on the 1st Oct^r 1800, or on the 20th Dec^r 1803 is the essential requisite. If founded on an order of survey the quantity of land is not limited; but the conditions on which the completion of the grant might depend must have been fulfilled. If founded only on an actual presumed permission to settle, the quantity of land is limited to a quantity which it is understood could never exceed 960 arpens.

It is evident that in your "general principles of decision" you have altogether set aside that essential principle. For you have not only admitted in addition to the order of survey a new species of title, viz^t the requête or petition of the party signed by the Commandant which is nothing else than the permission to settle contemplated by the act; but you have in the face of the law declared that no fulfillment of conditions was necessary, & expressly that no proof of settlement would in either case be required.

It is presumed that you have supposed that the 4th section of the act of 3^d March 1807 has given you the right to make decisions on that principle.

It is thereby enacted that "the Commissioners shall have full powers to decide according to the laws and established usages and customs of the french and spanish Governments upon all claims to lands within their respective districts for tracts not exceeding one league square, where the claim is by or for persons who were inhabitants of Louisiana on the 20th Dec^r 1803; and that their decisions when in favor of the claimants shall be final against the United States, any act of Congress to the contrary notwithstanding." The last words apply only to the provisions by which it had been enacted that all the Commissioner's decisions should be transmitted to Congress for approbation or rejection: and it is evident by the last mentioned act itself that the power to decide according to french and spanish laws and usages was not intended to recognize new species of claims or to repeal the essential principles enacted by preceding acts. For the first section actually repeals one of those principles, viz^t the rejection of orders of survey in favor of Minors; and the 8th section provides that the commissioners shall in their report of claims not confirmed by themselves make two classes of such as ought in their opinion to be confirmed, viz^t, 1st such as ought to be confirmed in conformity with the acts of congress "by which are meant those of more than one league square. 2nd such as

⁶⁹ 2 STAT. 440-442.

though not embraced by the acts of congress ought to be confirmed in conformity with the laws & usages of the spanish government;" which last class could include no claims whatever, if according to your construction the Commissioners had the power to confirm claims not embraced by the acts of Congress, when in their opinion they were in conformity with the laws & usages of the Spanish Government.

With this view of the subject and being informed that not only the construction which you have assumed opens a door to numerous frauds, but that it is altogether different from that adopted in the other districts, & that it has created in one of them considerable uneasiness & dissatisfaction at the proceedings of their own board, the President of the United States requests that you will on receipt of this letter immediately suspend any decisions in favor of claimants under orders of survey or requêtes not accompanied by settlement, that you will cease to issue Certificates (even in cases where you have already decided) in favor of such claimants, and that you will in every respect conform in your decisions with the rules & limitations prescribed by the laws. You will be pleased without delay to acknowledge the receipt of this letter by duplicate, one addressed to this Office, and the other left open for his perusal to Governor Claiborne. And in your answer you will explicitly state whether you intend fully to comply with the President's request.

All the claims, in favor of which you would have decided & which will be excluded by your compliance, may in that case be embraced in your report under the head of claims rejected, but for which in your opinion provision ought to be made in conformity with the laws & usages of the spanish Government. At all events, it is expected that even if you should feel a reluctance to a full compliance, you cannot hesitate to suspend for the present your decisions & the issuing of certificates in the cases above stated & others of a doubtful nature, or on which the New Orleans Commissioners have adopted different principles. This will not delay the other proceedings of the board and will give time to hear again from you on the subject. I can only add that the subject in itself & in its consequences viewed by the President as of such vital importance, that a conviction of the purity of your motives, the great confidence placed in you, and a sense of your usefulness in other respects have alone prevented a more efficient prevention of the evil.

I have &ca.

LEVIN WAILES, W^m GARRARD & GIDEON FITZ, Esq^s Commissioners
Opelousas.

THE POSTMASTER GENERAL TO JOHN V. DROUILLARD

[PO:P.M. Letter Book Q]

5 June 1811

JOHN V. DROUILLARD A P M. New Orleans City

I have just received yours of the 26th April ⁷⁰ in which you intimate you have to take on yourself at an immense expense the carriage of the Mail on account of Abrahams failure. I cannot readily conceive how this can be Abrahams contract expired on the 31st of March last & Moses Davis on that day became the Contractor & from him we learn that he has regularly transported the Mail—I wish further information on the subject

G G.

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COLUMBUS LAWSON TO THE SECRETARY OF THE
TREASURY

[GLO:New Orleans, Reg. and Rec. Letters, XXII:ALS]

NEW ORLEANS June 21st 1811.

SIR, I have no doubt that long before this reaches you, you will have received by M^r Robertson (who left this place on the 20th of May last) the Books containing a Transcript of the Decisions & Reports of the Board of Commissioners on claims to lands lying within the Eastern District of the Territory of Orleans.⁷¹ I have (as you will see by the enclosed certificate of two of the Commissioners ⁷²) been appointed & acted as clerk to the Board since the decease of M^r Dean the former clerk. Indeed I was engaged by the Commissioners in recording their decisions since July 1810. which was a short

⁷⁰ Not found.

⁷¹ Found in GLO (Div. K, vols. 80, 81, 82, 83); printed, *A.S.P., Pub. Lands*, II, 258-439. See also the following: report on claims in Concordia County, submitted Oct. 16, 1812, *ibid.*, pp. 745-767; report on claims in Ouachita County submitted Dec. 14, 1812, *ibid.*, pp. 767-774; report on claims in Rapides County Mar. 9, 1813, *ibid.*, pp. 774-803; abstracts of certificates issued by the commissioners for the western district, Jan. 1, 1811, to May 9, 1815, *ibid.*, pp. 804-871 (found in GLO, Div. K, as vol. 72); report on claims in Natchitoches County, May 14, 1815 (*A. S. P., op. cit.*, III, 77-91); report on claims in Opelousas County, Apr. 6, 1815, *ibid.*, pp. 91-119; report on claims in Attakapas County, May 1, 1815, *ibid.*, pp. 119-150; supplementary report on claims in the western district, May 11, 1815, *ibid.*, pp. 151-162; report on claims in the western district, under the acts approved Mar. 10, 1812, and Feb. 27, 1813, submitted Dec. 30, 1815, *ibid.*, pp. 172-251.

The following MS. volumes of abstracts and reports are also in GLO (Div. K): vol. 73, Abstract of the Certificates of Confirmation issued by the Old Board of Commissioners for the Eastern District of Orleans on file in the Office of the Surveyor General, Donaldsonville, La.; vol. 74, duplicate of the preceding; vol. 75, Abstract of Certificates issued by the Commissioners for the Western District of Orleans Territory under the act of Mar. 2, 1805.

⁷² Not present.

time previous to the death of M^r Dean whom the Board judged not to be able himself to prepare the Books as early as they wished. There have been enregistered by the Register of this District & by the different Deputy Registers two thousand & two claims to land, of these the Decisions of the Board on 267 claims have been recorded in the Books to be deposited with the Register, by the two former clerks Mess^{rs} Still & Dean. The Decisions & Reports on the remaining 1735 claims have been recorded by myself in the Books to be deposited with the Register. And the whole of the Transcript containing the Decisions & Reports on 2002 claims which has been forwarded on to you I have had made out. The other Transcript directed by the act of congress to be made out for the principal Surveyor of the District I will have completed now in a short time. Supposing (in which I hope I have been correct) that I was entitled to 50 cents for the Decisions & Reports on each claim appearing on the Transcript & having recorded the whole of the Decisions on the original Books except 267. I have on the 15th of this month drawn on you in favor of Alexander Welch or order for one thousand & one dollars the allowance for the 2002 Decisions & Reports which appear on the Transcript. I trust that I have not acted incorrectly in drawing the allowance for that number of Decisions & also that you will not consider it premature in case I should draw for the further allowance of 500 dollars as I expect the second Transcript will be made out before my draft will reach you & which from my view of the subject concludes the business of the Clerk in which however you will rectify me if I am incorrect.

I earnestly hope that the measures I have taken in drawing for compensation may meet your approbation, if they should not I shall much regret that I have been so hasty. I am impressed with the belief that having received no compensation since I have been in office to this period together with another consideration which I shall mention will justify the haste (if such it may be deemed) of my drawing, which other consideration is that in order to facilitate the business I have been obliged to procure assistants in making out the two Transcripts & for whose pay to be deducted out of my own I am responsible. Had this not been done the business must necessarily have been considerably retarded for it would have taken me at least eighteen months to have performed what has been done since I came in to office & I can I believe with truth say that I have not been idle.

I am Sir with the Highest Respect Your Ob^t Sevt

COLUMBUS LAWSON

THE HON^{ble} ALBERT GALLATIN,

[Addressed] The Hon^{ble} Albert Gallatin Secretary of the Treasury.
Mail [Postmarked] New Orleans Jun 21 Free

[*Endorsed*] N. Orleans June 21, 1811 rec^d Columbus Lawson Clerk to Land Commiss^r respect^r his compensation—advice of a bill for \$1,001.—encloses certif^e of Commiss^r—This account should be settled when the bill comes. —A.G. Answ^d Aug^t 6th 1811 ⁷³—

THOMAS FREEMAN TO THE SECRETARY OF THE
TREASURY

[GLO: Div. E, Miss. SG, vol. 53, 1810–1816:ALS]

Surveyor's Office WASHINGTON M TERRY *June 29th 1811*—

SIR I take the liberty of inclosing you for your inspection a copy of my Instructions to my two principal Deputy Surveyors in Orleans Territory—for Surveying the Public Lands on watercourses &c. in that Terr^y under the 2nd Section of the Act of the 3rd of March 1811⁷⁴—And also a copy of a letter to one of them,⁷⁵ in answer to a complaint he made to me of the difficulties he met with in completing the Survey of his district—in his own words he “Despairs of being able to prepare the public lands for sale for years to come.”—The other Deputy makes Similar complaints—

It is my intention to visit these two districts as early as the fall of the waters will admit of travelling in that country—for the purpose of removing any difficulties that may be found in the way of Our public Surveying & to become acquainted with the face of the country Generally in that Territory—

The whole of the Choctaw Purchase East of the Basis Meridian with the exception of a few Townships will be prepared for sale on the first Monday in Septemb^r next—

I shall send off upwards of an hundred Townships of that Tract of country to the Register at Fort S^t Stephens in the course of this week. a General plan of the whole with a few remaining Townships shall follow before the sales commence.

I have the Honor to be Most Respectfully Sir, Your Ob^{at} Servant
THO^s FREEMAN

THE HON^{bl}e ALBERT GALLATIN Esq^r

[*Addressed*] The Hon^{bl}e Albert Gallatin Esquire Secretary of the Treasury, U. S. Washington City

[*Endorsed*] Washington M. T. June 29, 1811, rec^d July 20. Th. Freeman Surveyor &c.—with copy of his instructions to Dep. Surv^r in Orleans Terr^y. de surveys on rivers, bayous &c^a difficulties attending the business. N^o 145. File M^r Moore

⁷³ GLO (Div. C, Misc. Let. Bk. 2).

⁷⁴ 2 STAT. 662–666.

⁷⁵ Freeman to Fitz, June 25, 1811 (GLO, Div. E, Miss. SG, vol. 53).

[Enclosure: ALS]

Instructions to Deputy Surveyors

[June 15, 1811]

Instructions to Deputy Surveyors for Surveying the Public lands adjoining Navigable streams, Lakes, Bayous, &c. in Orleans Territory under the 2nd Section of the Act of the 3rd of March 1811—

The Surveyor should first take an accurate Survey of the margin of the watercourse so far as Surveys of Tracts are to be extended thereon— Then lay down his Survey on a large Scale, and draw thereon right lines in direction of the general course of the watercourse—and on these lines lay off the lengths of fronts of Tracts 58. Rods or 14.50 Chains and thro' these points draw right lines at right angles to the line first drawn which shall extend back from the margin of the watercourse 465, Rods, or 116.25 Chains, and close his tract by drawing a back line at right angles to his side lines or parallel to his first line— When the watercourse happens to be straight or nearly so the back line of one tract may be extended so as to become the back line to several adjoining tracts. The side lines of the same tract will frequently be of different lengths, and indeed the Dimensions & contents of these tracts will frequently differ from each other, but that cannot be avoided The law in this case can very rarely be accurately complied with in consequence of the very great irregularities of the watercourses—Any unavoidable & unimportant deviations from the Law should be in favor of the neatness & convenience of the Survey—

On large curves or bends of the watercourse, the side lines of Tracts should be drawn converging or diverging as the case may require— converging on the concave side to prevent the tracts from interfering with each other and diverging on the convex side to avoid the inconvenience of small angular vacancies which would remain between the tracts if the side lines were drawn parallel to each other—in these instances the back lines may be drawn at right angles to one of the side lines and at 465, rods from the margin of the watercourse or front, which will necessarily make all the tracts having diverging side lines something larger than required—The tracts having Converging sides would contain less, but the fronts of these should be extended so that the lines may include the quantity required or nearly so. It appears to be the object of the government to attach to the fronts on the watercourses all the lands from thence within the distance prescribed, 465, rods

In short, we may suppose any Lake Bayou, Watercourse, &c to be circumscribed by lines drawn at 465, rods from the general course of its margin, and that the space included between these lines and the watercourse is to be divided into Tracts of 58, Rods front & 465, Rods

in depth—It should be the first object of the artist whose duty it becomes to designate those tracts—to take an accurate survey of the watercourse, to lay that Survey down on a large scale, and to divide the space as above into Tracts as nearly conformable to the law as possible, to draw his lines on his map, both side and back lines, noting their respective courses & distances—Thus prepared the Surveyor can with great ease & accuracy transfer these lines of Tracts from his plan to the ground and complete his Survey agreeably to the intention of the Law & wish of the government—

The first and principal object of the Surveyor should be, to have his lines accurately run—Distinctly marked, and the contents of his survey correctly ascertained—It is much more desirable both to the government & purchaser that the Lines of a Tract of land should be plainly designated and its contents correctly determined than that its dimensions should be precisely a given number of chains & Links—should one tract occupy a larger or better front on a watercourse than another, it will be more valuable & consequently sell for more than the other—

The Surveys contemplated by the 5th section of the Act above mentioned will be so very few in N^o if any for 2. years to come that it appears almost unnecessary to say anything on that subject at this time—Should application be made by any of the Owners of front Tracts to have a back Tract survey'd adjoining him and only on application of proprietors of front Tracts are these surveys to be made—The law is very plain on that subject—The front Tract should not exceed 40—Arpants in in Depth to entitle its owner to an adjoining back tract—The back tract is not to exceed 40. Arpants in depth nor to contain a quantity greater than the front Tract neither shall the back Tract in any instance extend so far in depth as to include lands fit for cultivation on another Watercourse &c—The only difficulty that can arise in making these surveys is when by reason of bends in the River, Lakes &c bordering on and in the rear of front & adjoining Tracts, each claimant cannot obtain a Tract equal in quantity to his front Tract—in that case—the vacant land in the rear is to be divided between the claimants in the direct ratio of the quantity contained in their respective front Tracts—Should the parties not consent to abide by the divis[ion] you may deem proper to make—you will send me a correct statement of the case & I will make a division of the Lands which shall be carried into effect—

Remarks

The law does not point out any mode of marking or numbering the tracts to be surveyed under the 2nd Section of the act, so that they may be distinctly known from each other—this appears to be a defect which if not remedied will be productive of great trouble and incon-

venience both to the Register & purchaser—The following manner of marking those Tracts is recommended.

Let the Tracts be numerically numbered from some well known point or land mark—Such as a Bluff—the Junction of some other Bayou or watercourse—or the Intersection of some of the Meridians or parallels already run, Thus Lot N^o 1. 2. 3 &c as it may be—below or above the land mark (naming it) and on the right or left of the watercourse as it may be situate—The Surveyor should set a strong squared picket in the side line of each tract near the margin of the watercourse noting its distance therefrom these pickets should be set firmly in the ground and numbered on each side with a marking Iron, the number of the adjacent tract—The course & distance from this picket should be taken to a tree if convenient on each tract which tree is to be N^{od} with the number of the tract on which it stands A picket should in like manner be set in the ground at the termination of the side lines and the bearing and distance taken to two trees which shall be marked & N^{od} as above The whole is to be carefully noted in his field book

When the Surveyor shall find it impracticable from the interposition of Lakes or impenetrable Swamps &c to extend his side lines the full extent required, and to complete his tract by running the back line, he should set a picket at the termination of his side line—which Picket is to be marked with the N^o of the adjoining lots, and courses & distances taken from it to two trees which shall also be marked & N^{od} as in the first instance—

Should the depth required (465. Rods) extend so near another watercourse as to interfere with or include lands fit for cultivation on it—Fronts of Tracts should be laid off on both watercourses and the land between these watercourses should be equally divided between the fronts on each—Provided the distance between the fronts or watercourses be two Miles or nearly so—

These surveys will frequently lie between private claims or tracts already survey'd, in that case the fronts or tracts may be numbered from one of those former surveys to the other and should a fraction remain, it should be annexed to the adjoining tract without running the side line between them—

I must here repeat a request I made when I first wrote to you on the subject—To report to this office, as early as possible, the number of Tracts that can and ought to be Surveyed either under the 2nd Sect^a of the Act above mentioned—or in the usual way into Townships & sections—and what n^o of the latter description are already prepared for sale—Taking it as a positive Order that no new surveys of either description shall be Made this year but such as are immediately saleable or will be certain to be sold in a reasonable time—

The inclosed Diagram exhibits the mode recommended of laying off Tracts on watercourses &c under the 2nd section of the Act above mentioned—The red line represents the general course of the River &c—on which the fronts of Tracts are laid down—The courses and distances of the side & back lines can very readily be ascertained on the map—and from thence with ease and accuracy be transfer'd to the ground—

Any difficulty that may arise to you in the execution of this, or any other part of your duty, as connected with this office, you will from time to time communicate to me and I shall with pleasure give you my advice & assistance thereon—

I am Respectfully Your Ob^{de} Serv^t

THO^s FREEMAN

SURVEYORS OFFICE *June 15th 1811*

GIDEON FITZ Esq^r P. D. Surveyor S W. District Orleans Terr^y

[*Endorsed*] Instructions to Deputy surveyors—June 15th 1811

JOHN C. CARR TO GOVERNOR CLAIBORNE ⁷⁶

[NA:SD, Orleans Terr. Papers, XII:C]

Extract of a Letter from John C. Carr Judge of the Parish of Nachitoches to Governor Claiborne, dated Nachitoches July 4th 1811,

“Some three or four weeks ago a party of Spaniards about seventeen in number arrived here with from 15 to 20,000 dollars in specia, with which they purchased merchandize; and on or about the 24th ult^o as they were crossing the Sabine on their way home, they were attacked by a party of Americans, consisting of about 30 persons who took from them the whole of their merchandize mules &c. The Spaniards who had fled on the first alarm, rallied, recrossed the Sabine, and retook their property, together, it is said, with all that belonged to the Robbers. Several lives have been lost on both sides, and the Spaniards have taken some Prisoners.”—

“I expect momentarily, the arrival of two hirelings who were with the Spaniards, when they were attacked, and who will give me information that may be relied upon.—Should it appear that the Robbery was committed on the west side of the Sabine, it will be your affair; but should it have taken place on the neutral ground, how shall I act in case of an official information—Will the District Court take Cognizance of it!—If something be not speedily done, it will be a death stroke to the Commerce and prosperity of Nachitoches. I am informed that some of the Scoundrels have declared since their return from the Sabine, that they will raise a force of 2 or 300 men and

⁷⁶ Covering letter, Claiborne to the Secretary of State, Aug. 4, 1811, printed, Rowland (ed.), *Claiborne Let. Bk.*, v, 328–329.

take Nacogdoches.—This they will find rather difficult; I shall be on the alert, and their first movement will be the signal of their capture.”

[*Endorsed*] (A.) Letter from Judge Carr to Gov^r Claiborne ⁷⁷

GOVERNOR CLAIBORNE TO THE SECRETARY OF THE
TREASURY

[NYHS:Gallatin Papers:ALS]

(Private) TERRITORY OF ORLEANS GERMAN COAST Augst 19^h 1811

DEAR SIR, I am now on my way to Baton Rouge, as well with a view to the better organization of the Civil Authority, as to avoid the Fevers of New-Orleans, which have already Commenced, and with Symptoms which forebode much mortality.—I have myself been indisposed, but the attack was slight, and by moderate exercise, and a change of Scene and Climate, I hope to enjoy thro’ the Summer, a tolerable share of health.—

I left Mr Poidrass in New-Orleans, where he had received a very friendly and flattering welcome;—He speaks in the most exalted Terms of the Government and Administration, and will I am sure, greatly contribute in this quarter, to the prevalence of correct political principles.—The proposed change of Government will meet with opposition;—But I continue of opinion, that a majority of the convention, will deem it expedient to form a Constitution, and to accede to the Conditions prescribed.—Some of my Enemies thro’ the medium of the news-papers, have stated that I was opposed to a State authority;—But they misrepresent my sentiments.—No one is more favorable to the measure, than myself;—Not from any personal Considerations, but from an impression that it will produce National Benefits;—that it will place beyond the reach of Change the political Destiny of Louisiana—that it will tend to check the growth of opinions and parties unfavorable to the Union of the States, and to give permanency to our Republican Institutions.—I much fear, that for want of political experience, the State Authorities will at first be somewhat embarrassed, nor is it at all improbable, but some unprincipled Intriguers may be brought into power:—But in a year or two, the first Inconvenience will be remedied, and the virtuous part of Society will very soon find it their Interest to put down the factions.—It is very uncertain, whether or not under the New-Order of things I shall receive any evidence of public’ Confidence;—Were the election of Governor to take place at this time, and to depend upon the public’ Voice, my

⁷⁷ Answered by Claiborne July 30, 1811 (Rowland, ed., *op. cit.*, v, 319–321). See also Claiborne to Shaumburg, and to the commanding officer at Fort Claiborne, both of July 30, 1811, *ibid.*, pp. 321–322. Sibley reported this affair to the Secretary of War, July 17, 1811 (NA, WD, AGO, Old Recs. Div.).

friends are much deceived, (for I will not believe they designedly deceive me) if it did not prove favorable to my pretensions;—But I have many Enemies, who (with Mess^{rs} Robertson and Prevost now at Washington) are labouring incessantly to effect my political Ruin.—Private Letters from Washington have induced me to think it probable, that my late correspondence with the Spanish Agents relative to the Navigation of the Mobile, would not be approved;—But as yet, I have on this point no official Information.—It will be a source of sincere regret, if my conduct on this occasion has not been in unison with the views of the administration;—I however am exempt from the greatest of all Censure Self Reproach;—Since my best Judgment directed me, and my motives were pure and honest.—The Mobile being within the Territory committed to my Charge, I thought it as much my duty to have resisted aggression in that quarter, as it would have been to have opposed a Violence on the Mississippi;—Perhaps I was in error;—The Affair however has happily terminated, & I hope it may be attended with the most salutary Results.—

Remember me with respect & affection to your Amiable Lady, and believe me to be—With great consideration Your sincere friend

WILLIAM C. C. CLAIBORNE

THE HON^{ble} M^r GALLATIN Sec^y of the Treasury.

P.S. The young Gentleman in whose Welfare, you feel an Interest, finding that his Contemplated establishment at the English Turn required a larger sum of money, than had been advanced him has declined it; and I have named him sheriff of a Parish, & if he acts with prudence, he shall be promoted.—W.C.C.C.

GOVERNOR CLAIBORNE TO THE GOVERNOR OF WEST
FLORIDA ⁷⁸

[NA:SD, Orleans Terr. Papers, XII:C]

(Copy)

[September 9, 1811]

TO HIS EXCELLENCY GOVERNOR FOLCH, or the officer commanding the Spanish force at Mobile.

SIR, A Report having reached me, that you had recently occupied Dolphin Island, and was engaged in fortifying the same, it becomes my duty to ask you, whether or not such be the fact.

Your Excellency will readily account for my solicitude upon this subject, since it cannot but have occurred to you, that the assumption under your orders of any new military position, within the Tract of

⁷⁸ This copy, in Claiborne's hand, is enclosed in Claiborne to the Secretary of State, Oct. 27, 1811 (NA, Orleans Terr. Papers, XII; printed, Rowland, ed., *op. cit.*, v, 365-366).

Country, declared by my Government to form a part of the Territory committed to my care, would be seen with displeasure, and that some Correspondent Dispositions must on my part be promptly taken.

I avail myself of this occasion, to renew to your Excellency the assurances of my great respect & high consideration.⁷⁹

Signed/WILLIAM C. C. CLAIBORNE

TERRITORY OF ORLEANS Parish of Concordia *September 9th 1811*

[*Endorsed*] (N^o 1.) Gov^r Claiborne Sep. 9. 1811

JAMES MATHER TO GOVERNOR CLAIBORNE ⁸⁰

[NA:SD, Orleans Terr. Papers, XII:ALS]

NEW ORLEANS *the 9th September. 1811.*

D^r SIR, I have paid due attention to the Contents of your much esteemed favor of the 16th august,⁸¹ dated at M^r Dufossat's. I have availed myself of the very first opportunity to recommend to the City Council the measures you advise, which would, in my opinion, greatly Contribute to the Salubrity of New Orleans.

Various Sorts of fever have made their appearance in Town Since the beginning of August, and have proved dreadful in their effects on the lives of our fellow Citizens. It is not without much Regret and Concern that I have Seen by the Report of the Protestant Church's Sexton, that of father Antoine, and of the Manager of the Charity Hospital that the number of deaths in the month last past amounted to 210. persons, recorded in their books respectively, as follows:

Report of the Sexton 100. deaths

to wit.

16. Seamen—

40. Soldiers—

38. residents of whom eight are lately Come to Town—

6. Slaves.

100.

Report of Father Antoine—deaths—90.—

to wit.

33. whites of whom 6 are infant Children—

⁷⁹ Answered by St. Maxent, Sept. 30, 1811 (also enclosed in the letter cited above), defending the Spanish claim to Dauphin Island. Claiborne replied Oct. 27, 1811 (Rowland, ed., *op. cit.*, v, 366-368). See also Claiborne to the Secretary of the Navy, Sept. 9, Sept. 14, Oct. 8, Oct. 28, 1811, and to Shaw, Oct. 9 and Oct. 27, 1811, *ibid.*, pp. 356, 358-359, 360-361, 368-369, and Cox, *West Fla. Controversy*, pp. 594, 610, 617, 619.

⁸⁰ Covering letter, Claiborne to the Secretary of State, Oct. 12, 1811, printed, Rowland (ed.), *op. cit.*, v, 363-364.

⁸¹ *Ibid.*, pp. 337-338.

57. People of Color—20 of whom are infant Child.

90.

Report of the Manager of Hosp^al

20.—forty eight Sick remain in the hospital at this date, and thirty who recovered, have left it in the Course of August last.

According to the opinion of the french Physician Whom I have Consulted on the Subject of the present State of the health in the City, It appears that there is no Contagious disease now prevailing and that the fevers are generally owing to the Season, to the extreme hot weather which we have experincing during the last Summer; That these fevers become dangerous in Certain individuals from their mode of living, the fears which they entertain of the Malignancy of the disease, then from the mode of Curing the same which is attempted by Strong and irritating medicins.

It is however generally believed that fevers are less numerous this month, and of a more benign nature from the prevalency of high Northerly winds which have refreshed, the air considerably—

I have the honor to be with high respect—D^r Sir, your very obed^t hble Serv^t

JA^s MATHER Mayor

TO HIS EXCELLENCY WILL^m C. C. CLAIBORNE, Governor of the Territory of Orleans,

[*Endorsed*] James Mather, Mayor, to W^m C. C. Claiborne Sept^r 9. 1811

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Madison Papers:ALS]

Near NEW-ORLEANS *October 8^h 1811*

DEAR SIR As my Commission as Governor of Orleans, will expire on the 17th of January next, I take the liberty to request you to consider me a Candidate for honor of a reappointment.—I am very grateful for the many proofs of Confidence you have already given me, and If I know myself, the favorite wish of my heart has always been, to merit by a faithful discharge of my duties, a Continuance of your good opinion.—

As the Ordinance for the Government of this Territory, makes no provision for the exercise of the powers of Governor, in Case of Vacancy, except when arising from death, removal, or resignation, or in case of necessary Absence, it has heretofore been customary to make the Nomination, some time previous to the term of service expiring.—If this Rule should be observed on the present Occasion, it would relieve me from some embarrassment, and prevent the public' service from sustaining Inconvenience.—Among the Measures, I con-

template directing, in the event of my continuance in office, is an early Session of the Territorial Legislature, & which will become the more necessary, should the Convention, which is to Assemble in November, deem it expedient to form a Constitution, since it is probable, that some Legislative provisions Adapted to the contemplated Change, will be indispensable.—

On the question as to a State Authority, there is some division of sentiment;—But a majority of the Citizens seem favorable to the Change, and my impression is, that the Convention will readily accede to the terms proposed by Congress.—I presume however, it will not be possible to make such arrangements as to bring the State Officers into Power, at an earlier period, than one year from this date; And in the mean time, it will be essential to the preservation of good Order, & the public' surety, that the Territorial Authorities should be operative and in ful force.

I learn with sincere regret, (thro' the medium of the News-papers) that your exertions to secure for the U. States, the great Blessing of Peace are not likely to be successful.—The pulse of the English Government seems high for War, and instead of receiving reparations for the Many Wrongs offered our Country, We hear daily of further Aggressions.—An honorable Peace is certainly the wish of every faithful Citizen;—that it is the wish also of our Rulers, I do not believe, a Man in America (whatever some party Writers may state) doubts;—But I fear Sir, a Crisis will soon arrive, when we must make War, or abandon our Rights as a Nation.—At such a Crisis, our Nation will unquestionably be united, & the Government firmly & bravely supported.

The City of New-Orleans is again Visited by that dreadful Scourge, the Yellow Fever, and many Good Citizens have fallen Victims. The Mortality is greatest among Strangers; but the old Settlers are not exempt.

The Members of the Convention are to Assemble by Law, at New-Orleans on the first Monday in November;—But I suspect many of them will be so apprehensive of the Fever, that a quorum will not be formed until about the last of that Month.—

I ask the favour of you to present my most respectful and friendly Wishes to M^{rs} Madison, and to permit me to Subscribe myself Your faithful friend And Most Ob^t servt

WILLIAM C. C. CLAIBORNE

JAMES MADISON President of the U. States Washington City.

[Endorsed] Oct, 8, 1811 Claibourne Gov^t Oc^t 8. 1811

JAMES MATHER TO GOVERNOR CLAIBORNE ⁸³

[NA:SD, Orleans Terr. Papers, XII:ALS ⁸³]

NEW ORLEANS *October 12th 1811.*

Dr SIR, I have just now received from the rever^d D^a Ant^o de Sedella, the Acting Curate of the Rom. Cath. Church of S^t Louis of this City a list of the deaths in September last. This Completes the information your Excellency was desirous to obtain on this subject, and shews the State of our losses during that Month to be as follows, Roman Catholics

whites, (of whom 22. are children)	62.
People of Color (25. children)	45.
	107

Belonging to the Protestant Church

Residents	23. pers ^s
Children of d ^o	7.
Soldiers	29.
Seafaring pers ^s	23.
travellers, or non residents	36.
Black people	10.
	128.

Deaths in the Charity Hospital 27.

total of Deaths Ps. . 262.

We have had Constantly during the said M^o from fifty to fifty four Sick, which we have been at a great expence to Support, the funds belonging to the Hospital being altogether insufficient, as your Excellency knows, and not extending above one hundred dollars per M^o. It is worthy of remark that of the persons in the hospital during September 36 have gone out fairly recovered. and of the 27 that died there were ten carried to that house of Charity in So wretched and desperate Condition as to die within one and two hours after their admission.

Would it not be agreeable to the speculative Views of our Govern- ment respecting our Country, to suggest to Congress, or any other branch of the administration the propriety of assisting the poor hos- pital at New Orleans with an yearly Compensation, which would enable the future Managers of that hospital to give a Comfortable reception to the Sick, Consisting generally of Persons from the western Country, or discharged Seamen, and Soldiers, to whom their Country is indebted so far for their past Services: I do not hesitate to assure

⁸³ Covering letter, Claiborne to the Secretary of State, Oct. 12, 1811, printed, Rowland (ed.), *op. cit.*, v, 363-364.

⁸⁴ In the hand of G. Chabauds, secretary.

Your Excellency that the Town & even the Territory of Orleans does not furnish the tenth part of the poor who are admitted in the hospital, during the whole year.

You will receive with this letter your papers, and Eleven letters to your address from the Post office—I have great pleasure to State to your Excellency the recovery of M^r Vassant who now enjoys his health, and will Shortly write to you—

I have the honor to be with high respect D^r Sir your very obed^t hble Servant.

By order of the hon^{ble} JA^s MATHER
G. CHABAUDS, Secret^y

TO HIS EXCELLENCY W^m C. C. CLAIBORNE, Gov^{or} of the Territory of Orleans

[*Endorsed*] James Mather to Gov Claiborne Oct. 12. 1811 Gov^r Claiborne

THOMAS FREEMAN TO THE SECRETARY OF THE
TREASURY

[GLO:Div. E, Miss. SG, vol. 53, 1810–1816:ALS]

Surveyor's Office WASHINGTON M TERR^y Oct^r 20th 1811

SIR I have the honor to send you by this Mail a General plan of part of Orleans Territory ⁸⁴ shewing thereon all the Surveys made and Lines run in that Terr^y under the directions of the U State—It is very disagreeable to observe, the most unpardonable inaccuracies in the public surveys laid down on this Map—even on the Basis, or standards of the work—Those inaccuracies cannot be corrected without rejecting the whole work, which is now impracticable —

The great number of private claims remaining yet to be decided on & survey'd in Orleans Territory—and these claims generally covering the valuable lands on the Rivers Lakes. Bayous &c—will prevent us from preparing in time for the sales on the 1st of Feb^y next any considerable Number of Surveys in that Territory, under the 2nd Sectⁿ of the Act of the 3rd of March last ⁸⁵ —One other serious interruption to us, is the extreme difficulty in making these Surveys. The rich lands on the Lakes Bayous &c. being wholly covered with an almost impenetrable undergrowth of Cane, Briers, & Vines, so that our best Surveyors can seldom run more than one side line of a Tract in a day—whilst their unavoidable expences will average 7. or 8. dollars P day I would suggest the propriety of allowing \$5. dollars P Miles for Runⁿ the lines of these Surveys, & all lines in Cane Brakes — whilst there should be allowed only three dollars P Miles for all Lines

⁸⁴ Not present.

⁸⁵ 2 STAT. 662–666.

run in Open woods, this arrangement would reduce the whole expence of Surveying the public land in these Territories to less than four Dollars P Mile—the sum now allowed—

Indisposition of my clerks prevent me from sending on my surveying acc^t it shall be sent on by next mail—

I have the honor to be Sir. your most ob^{dt} serv^t

THO^s FREEMAN

THE HON^{ble} ALBERT GALLATIN

[Enclosure]

Townships for Sale in the Western District of the Territory of Orleans

The following Townships in the Western District of Orleans Territory will be prepared for sale on the first of Jan^y next—

	Townships	Ranges	Townships	Ranges	
North of 31° Lat ^d and West of the Basis Meridian	12.3.4 5 & 6	1	..5.&6.....	North of 31° of Latitude and East of the Basis Meridian
	2	.....3. 5 & 6	2	..5.6.7.&8.
	3	.....4.5 & 6	3	..5. 7.&8.
	4	.....5 & 6	4	..5 & 6.....
	5	.....5 & 6		
South of the 31° of Lat ^d & West of the Basis Meridian	1	...1.2.3.4.5.&6.	15.6 & 7	South of 31° of Latitude & East of the Basis Meridian
	2	...1.2.3.4.5.&6.	2	....5.6 & 7
	3	.....3.4.5.&6.	3	....5.6 & 7
	4	.....3.4.5.&6.	4	.....6 & 7
	5	.....4.5.&6.	5	.....6 & 7
	6	.....4.5.&6	6	.....7
	7	.....4.5 & 6		
	8	.....4.5 & 6		
	9	.....4.5 & 6		
	10	.....6		
	11	.....6		
	12	.....3 & 4....		

Total 79. Townships and fractional Townships

T FREEMAN

[Addressed] Albert Gallatin Esq^r Secretary of the Treasury

[Endorsed] Washington M. T. Oct. 20. 1811. rec^d Nov. 20. Th. Freeman Surveyor &c^s with general plat of western dist. of terr^y of Orleans—designation of townships which may be sold—proposes that 5 Doll^s a mile be allowed for surveying cane-brakes & 3 Doll^s only for open grounds. N^o 154.

THE POSTMASTER GENERAL TO MOSES DAVIS

[PO:P.M. Letter Book R]

October 31st 1811M^r MOSES DAVIS Natchez M, Ter,

I wish you to furnish M^r Nicholls, postmaster of La Fourche with the mail on your return from New Orleans, for so doing you shall be allowed fifty dollars P^r Ann: which will fully compensate you I trust for expense & trouble

G. GR

THE POSTMASTER GENERAL TO THOMAS NICHOLLS

[PO:P.M. Letter Book R]

October 31st 1811THOMAS NICHOLLS Esq^r P. M La Fourche Or; Ter.

I have requested M^r Davis to call at your office on his way from New Orleans, with the mail, as he must necessarily pass & repass the Mississippi river, to accommodate your office, I cannot consistently require more of him—

G GR—

ROBERT WILLIAMS TO THE PRESIDENT

[LC:Madison Papers:ALS]

Confidential

WASHINGTON M T. No^r 2^d 1811—

SIR / The Vacancy Occasioned, in the Judicial department, in the orleans Territory, by the death of Judge Matthews I will consent to fill, in case you should think proper to Confer on me that appointment—

I hope you will excuse this direct & unofficial application—The Reasons why I am thus disposed are, that a Number of My Most Respectable Neighbours & acquaintances in this quarter are about to Remove and Settle in the Opelousas & attacapas, and are desirous that I should make one of their Number, & fill this appointment. The article of Cotton failing to bear any price for some time past & likely to get worse, and that of Sugar the Reverse is the principal Reason for this Removal—

As to Myself in Connection with this application, permit me to suggest, that My whole Servitude in public life, has been in Situations which Not only produced No emolument, but were expensive, and that the last four years Whilst I administered this government, it Really cost me about \$3,000 more than My Salary p year

This being a Situation which would not Require Much official expenditure, I have Concluded that if you should think proper to honor me with the appointment, that I Might Serve My Country,

and recover partially some of my heretofore Sacrifices in the public Service—

I know you are too well acquainted with Myself and the Nature of the Subjects which I have herein treated of, to Render it Necessary for me to add any thing farther—

May I request the favour to be informed simply, whether this Comes to hand, as some times letters fail by Mail ⁸⁰—

I am with great respect you M^o Ob^t & Hum^l S^t

ROBERT WILLIAMS

JAMES MADISON President of the U. States

[Addressed] James Madison President of the U States Washington City

[Endorsed] Williams Robert Nov. 2^d 1811

RICHARD CLAIBORNE TO JOHN GRAHAM

[NA:SD, Misc. Letters:ALS]

RAPIDES Nov^r 10. 1811.

MY DEAR SIR Learning from the printer of the Newspaper here, that he sends his paper to the City of Washington and one of them addressed to the President of the United States, and as in these papers it will be seen that I have, for some time been the subject of censure, & as I am solicitous that this aspersion should have no effect upon the minds of those who may be disposed to think favorably of me in Washington, I am led to say a few words to you on the subject.

It is now nearly four years since I was Commissioned and sent here as the Judge of the Parish of Rapides by His Excellency Governor Claiborne. I met with a party of Citizens unfriendly to the administration of the United States, and of course unfriendly to every republican character, who might be appointed, in any grade whatsoever, under its authority. In this party was a man bearing the name of Alexander Fulton, formerly an inhabitant of the Town of Washington in the State of Pennsylvania —and if report be true belonged to the “whiskey Insurrection” in that state, and absconded from the laws of his country. This fellow and another of the party by the name of Levi Wells (whose name you will see as a member of the approaching State Convention) early began with their malevolence against me,

⁸⁰ A letter from Williams to Jesse Franklin and James Turner, Nov. 2, 1811, asking their support of his application, is in SD (Appt. Office Files). On Nov. 11, 1811, Williams again wrote to the President:

“I took the liberty of addressing you, p last Mail, in the event of the death of Judge Matthews, which was at that time, reported here to be a fact, but which report I am happy to inform you has been Since Contradicted” (Madison Papers, LC).

and forwarded a memorial to the Territorial legislature to get me dismissed from office, but in this they failed and I was continued—these adversaries then took a stronger ground by having recourse to the Laws, and under their testimony I was presented by the Grand Jury for three several crimes, namely “oppression, extortion, & altering and mutilating records—and I was indited and tried before the Superior Court, and was honorably acquitted—not a single fact appeared against me.—This then is the said Alexander Fulton who still publishes against me.

On this occasion I have recurred to your letter to me dated at Washington the 18th of July 1806,⁸⁷ wherein you are good enough to express your friendly sentiments towards me, and wherein also you mention the favorable opinion entertained of me by M^r Jefferson and M^r Gallatin. I have likewise to inform you that I have lately received a letter from His Excellency Governor Claiborne ⁸⁸ assuring me of his confidence, and that he shall reappoint me Judge of the Parish of Rapide when my present commission shall expire which will be on the 1st day of January next Contrasting these things with the opinions and with the treatment I meet with here, is it not a little mortifying that I should have to undergo the latter?

May I sir charge you with my humble respects to M^r Madison and to M^r Gallatin—and say how [pr]oud I shall be to be thought of by them as a faithful laborer in the public service, and how Much I glory in the national policy of the administration whose wisdom and prudence discovers itself every day.

I see by the papers that a certain admiral York has come into our Seas. I would, if I could have the honor of conversing with him, advise him to steer clear of Virginia lest he should meet with a Town there of his own name.

I pray God Sir to preserve you a long time.

Your faithful friend

R. CLAIBORNE

[Addressed] John Graham Esquire Washington City. [Postmarked]
New Orleans Dec 6 25

PETITION TO CONGRESS BY PHYSICIANS AND
SURGEONS OF NEW ORLEANS

[HF:12 Cong., 3 sess.:DS]

[November 19, 1811]

Nous soussignes médecins et chirurgiens reçus et exerçant à la N^o 11^e orléans déclarons avec toute l'impartialité qui Caractérise l'homme

⁸⁷ Not found.

⁸⁸ Not identified.

probe, que d'après l'expérience que nous avons acquise par l'exercice de notre profession, nous avons de tout tems reconnu ainsi que l'ont fait depuis nombre d'années tous les écrivains et tous les magistrats intéressés au bonheur de leurs Concitoyens, que rien n'est plus pernicieux ni plus Contraire à la Salubrité de l'air que de Souffrir dans l'intérieur des villes des cimetières & des hôpitaux d'où S'exhalent des miasmes putrides et pestilentiels; que le couvent des ursulines Se trouve adjacent & Sous levent de l'hôpital militaire dans la direction de Sud et du Sud-ouest, de Sorte que dans la Saison des maladies, les exhalaisons que en Sortent Sont non Seulement d'une odeur désagréable, mais encore cadavereuse & malsaine; enfin que depuis quelques années nous avons remarqué qu'en raison du grand nombre de malades que renferme cet hôpital, les fièvres intermittentes pernicieuses étaient devenues dans l'automne plus communes et plus permanentes au Couvent des Ursulines.

Comme il est plus facile de prévenir les maladies que de les guérir, sur tout dans une enceinte destinée à recevoir un certain nombre de personnes, il est de la plus haute importance de procurer au Couvent le plus grand degré de Salubrité, et les dames religieuses ne peuvent obtenir ce précieux avantage que lorsque leur Communauté ne Sera plus exposée aux miasmes qu'y répand le voisinage de l'hôpital militaire & aux impressions sinistres que doivent naturellement produire les Cris des mourans & la vue des morts, impressions—que l'on peut considérer comme une cause des mortalités nombreuses qui ont affligé cet azyle respectable également utile à l'éducation des Jeunes demoiselles & à celle des pauvres orphelines.

C'est pourquoi, nous sommes d'opinion que la Situation actuelle de l'hôpital militaire est contraire à la Salubrité de l'air & Sur tout à la prospérité de la Communauté des dames Ursulines.⁸⁹

N^e11^e ORLÉANS le 19. 9^{bre} 1811.

JH MONTEGUT	FORTIER	GRIZE	MICHEL
DURY pr		PR MARLIN	

[Contemporary translation]

translation/

[November 19, 1811]

We, the subscribers, doctors of physic and Surgeons, living and practising in New Orleans, declare, with all the impartiality which characterises honest men, that from the experience which we have acquired in the exercise of our profession we have allways remark'd, that nothing is more pernicious or more contrary to the salubrity of the air than the placing burial grounds in the interior of towns, and cities, from whence exhale continually putrid and pestilential va-

⁸⁹ By the act approved Apr. 23, 1812 (6 STAT. 107), the Secretary of War was authorized to exchange the lot occupied by the military hospital for other property owned by the Ursuline Nuns.

pours—that the convent of the Ursulines in this place is situated adjacent and to the leeward of the military hospital in the direction of South and S. West—thus in the sickly season the exhalations which proceed therefrom towards the aforesaid Convent are not only of a disagreeable smell, but of a pestilential and epidemic nature.

In short we have since a few years remarked that in consequence of the great number of sick contained in the hospital intermitting and pernicious fevers have become more common and more pernicious, especially in the fall, in the convent of the Ursulines.

As it is easier to prevent sickness, by proper precautions, than to cure especially in establishments of this nature, and destined to receive a great number of persons, it is of the highest importance to obtain for the Convent of the Ursulines the greatest possible degree of salubrity, and this precious advantage cannot be attained untill their residence shall no longer be exposed to the vapours which are spread in the vicinity of the military hospital and the impressions which naturally produced by the cries of the dying and the sight of the dead—impressions which may be regarded as the cause of the numerous deaths, which have of late years afflicted this truly respectable asylum, equally usefull for the education of young ladies, & poor orphans—

Wherefore we are of opinion that the present situation of the military hospital is contrary to the salubrity of the air and especially to the prosperity of the establishment of the Convent of the Ursulines

NEW ORLEANS. 19. Nov: 1811

(Signatures)

GOVERNOR CLAIBORNE TO THE SECRETARY OF THE TREASURY

[NYHS:Gallatin Papers:ALS]

(Private)

NEW-ORLEANS Nov^r 21st 1811

DEAR SIR, The Convention of the Territory is now in Session, & our mutual friend Mr Poidrass is their President:—On taking the Chair he made a speech in which, he denounced the principles of Territorial Governments;—spoke of the oppression to which the people were subjected, under our present Judicial System;—pronounced a Philippic against the whole Tribe of Lawyers, and warmly advocated a State Authority. A Resolution is now under discussion, declaring it expedient at this time, to form a Constitution or state Government, and to accede to the Conditions required by Congress.—This Resolution meets with opposition; But its ultimate adoption, and by a considerable majority is confidently expected.—

I do not know what kind of a Constitution will be adopted.—Many Members seem enclined to take for their model the Constitu-

tion, of the U. States, & others that of South Carolina; I think the first will be preferred—But I apprehend, it will be some time in January, before a Constitution will be agreed on, nor do I think it probable, the State Authorities will be organised previous to the Month of October 1812.—

My Commission as Governor of this Territory will expire in January next;—but having understood, that exceptions had been taken to my Conduct, I have calculated on the Honor of a Reappointment;—An Honor I have endeavoured to merit by an honest and zealous discharge of my duties. Heretofore, it has been customary to make the Nominations, some time previous to the Commission's expiring, and to give information of the same to the Officer.—

If this Custom was observed on the present occasion, it would relieve me from some embarrassment, and might prevent the public' service from sustaining Inconvenience.—

Present me respectfully to M^{rs} Gallatin—and believe me to be D^r Sir, With sincere esteem Your Mo^t obt servt

WILLIAM C. C. CLAIBORNE

THE HON^{ble} MR GALLATIN Sec^y of the Treasury Washington City.

P.S.—The Resoluition alluded to above, has passed; thirty five Members voting in the Affirmative, and seven only in the Negative;—Mess^{rs} J. N. Detrehan, Thibbodeau, Hubbart, Gorforth, Dunlap, Morgan & Porter were the gentlemen voting in the Negative.—M^r Detrehan is a Creole of Louisiana, & one of the three gentlemen who went on to Congress, seven years ago' as delegates.—The rest of the Minority are Native Americans.—W.C.C.C.

[Addressed] The Hon^{ble} Albert Gallatin Sec^y of the Treasury Washington City.— [Postmarked] New Orleans Nov 22 Free

[Endorsed] N Orleans Novemb 21 1811 Claiborne

THE POSTMASTER GENERAL TO MOSES DAVIS

[PO:P.M. Letter Book R]

November 21st 1811

M^r MOSES DAVIS near Natchez Miss Ter

You can in conformity to your request, Leave Natchez every Tuesday at 2 P. M, Arrive at Baton Rouge on Thursday by 7 P. M, Leave Baton Rouge in an hour and return to Natchez on Sunday by 11 A, M, Leave New Orleans every Tuesday at 8 A, M, & return to Baton Rouge on Thursday by 7 P. M, Leave there at 8 P. M & return to Natchez on Sunday by 11 A, M,—this arrangement to continue from Nov^r 1. to May 1st of each year during your contract ⁹⁰

G. GR.

⁹⁰ A statement of Davis's contract for this route is printed in *Terr. Papers* (Miss.), VI, 261.

THE SECRETARY OF THE TREASURY TO THOMAS
FREEMAN

[GLO:Div. E, SG, 1790-1816:C]

TREASURY DEPM^e 27th Nov^r 1811

SIR, Your letter of 4th instant ⁹¹ has been received. No instruction had been given to you to advertise for sale the lands in the Orleans Territory which might be ready for 1st Jan^r next: and a bill has passed both houses to postpone the sales.⁹²

I approve your suggestion to the Receiver respecting pre-emption claims, the contents of which are not yet precisely ascertained.⁹³

I have &ca.

THO^s FREEMAN Esq^e

THE POSTMASTER GENERAL TO DAVID L. TODD

[PO:P.M. Letter Book R]

November 30th 1811

DAVID L. TODD Esq^r Opelousas O. T.

Yours of August 12th never was before me till this day.⁹⁴ It is true that some complaint (I know not what or by whom) has been exhibited against you to the executive, I however presume from the tenor of the information I received there was a suspicion of your being associated with some mal-contents against the government—

On this account I declined giving you the contracts: as your letter treats of some expected representation I presume you can & wish you to explain at large

G GR

COMMISSION OF SECRETARY ROBERTSON

[SD:Misc. Permanent Comms., C:C]

[December 5, 1811]

JAMES MADISON, President of the United States of America,
To all who shall see these presents, Greeting

Know Ye, That reposing special Trust and Confidence in the Integrity, Diligence and Abilities of THOMAS BOLLING ROBERTSON, of Virginia, I have nominated, and by and with the advice and consent of the Senate do appoint him Secretary in and for the Territory of Orleans; ⁹⁵ and do authorize and empower him to execute and fulfil

⁹¹ GLO (Div. E, Miss. SG, vol. 53).

⁹² Act approved Dec. 12, 1811 (2 STAT. 668).

⁹³ Acknowledged Jan. 25, 1812, *post*, p. 993.

⁹⁴ Not found.

⁹⁵ Nominated Dec. 3 and confirmed Dec. 4, 1811 (*Senate, Exec. Journal*, II, 194). Robertson acknowledged receipt of his temporary commission in a letter to the Secretary of State of Sept. 20, 1811 (NA, SD, Orleans Terr. Papers, XII).

the duties of that office according to Law; and to Have and to Hold the said office with all the powers, privileges and Emoluments to the same of right appertaining for the term of four years from the 18th day of November last, unless the President of the United States for the time being should be pleased sooner to revoke and determine this Commission.

In Testimony whereof, I have caused these Letters to be L.S. made patent and the Seal of the U States to be hereunto affixed.

Given under my hand at the City of Washington the 5th day of December A. D 1811; and of the Independence of the U States the Thirty Sixth.

JAMES MADISON

By the President

JAMES MONROE, Secy of State

PETITION TO CONGRESS BY CLAIMANTS TO LANDS IN
THE WESTERN DISTRICT

[HF:12 Cong., 1 sess.: AD]

[December 15, 1811]

To The Honorable the Senate and House of Representatives of the United States, in Congress Assembled,

Respectfully Represent,

Your petitioners whose names appear in the Annexed List,⁹⁶ as claimants of Land;

That, they are the lawful proprietors of Said Lands, which lie within the Western district of the Territory of Orleans;

That, from a variety of Causes, over which your petitioners cou'd but have had little or no Controul, they remained unentered in the Land Registry of the said District, when the time Expired for entering Lands agreeably to the act of Congress;

That, Among these Causes for their non Entry, some of your petitioners state, that they are Ignorant natives of the Country, and Unacquainted with the views of the Government, and Consequently, were frequently advised by the Enemies of that Government, not to make an Entry of their Claims, as their Titles wou'd be lost;

That, others of your petitioners, were discouraged from Enregistering their Claims, under the defects of the first Land Laws, that were passed. When they resorted to the office for that purpose, they were told, that these claims wou'd ultimately prove to be invalid under the Law; so that your petitioners, to save Expense, did not make the Entries—These discouragements operated on others of their neigh-

⁹⁶ Not present.

bours, who also, deemed it Unnecessary to Enter their Claims—By this means, the claims of your petitioners who live retired, were never entered under successive changes of Laws that were more favorable.—

That, another class of your petitioners, were prevented from entering their claims in time, by their papers being either mislaid, or in the spanish Country; others, from the retired habits of their lives and great distance from the Land office, which precluded them from a knowledge of the necessity of the Measure; and others again, from misconceiving the intention of the Requisition to Enter, which they have Since found to be just—

Your petitioners further State to your Honorable Body, that in presenting their claims agreeably to the Annexed list to the View of Congress, it is not to request that any special Legislative provision might be made in their favour, further than by Exhibiting them, to Shew their Existance and the grounds on which they stand as to Titles, date &^c thereby, to prevail on your Honorable Body to authorize the Land officers in this District to receive And take them into Consideration, so as either to have them rejected or Confirmed, in the Ordinary way—

Your petitioners beg leave respectfully to remind your Honorable Body, that the people of the Mississippi Territory were repeatedly Indulged in the adjustment of their Land Claims, by extending the time for Making their Entries—It is true, that the same clemency has been experienced by the people of this Country—The Land office was Several times opened for Enregistering their claims—But, your petitioners appeal to your Honorable Body, whether a difference of Condition here, as to language, a Knowledge of the views of the Government, and the Greater liability of the Inhabitants to be imposed on as to its Motives, do not intitle them to a more extended Indulgence in this respect?—

They, therefore, pray that Some legislative provision may be made, authorizing the land officers in this Country to receive in the Claims of your petitioners, and to act on them in the Ordinary Way—By this means, your petitioners will be exonerated from the ruinous necessity of resorting to the Courts of law to defend t[heir] just Rights held under the long established Usages & Customs of the former Government of this County—

WESTERN LAND DISTRICT—of the Orleans Territory Dec^r 15th 1811—

[*Endorsed*] Petition of sundry claimants to lands within the Western land district in the territory of Orleans. Ref^d to the Com^o on the Public Lands. 17th February, 1812. Bill reported.⁹⁷

⁹⁷ This petition was presented to the House Jan. 14, 1812, and referred to the

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, XII:LS]

NEW ORLEANS 19th December 1811.

SIR The Convention formed a quorum on yesterday and elected M^r Julian Poydras their President.—

A Resolution has been offered, declaring it expedient to form a Constitution or State Government and to accede to the Conditions required by Congress.—Such of the Members as have spoken, supported the resolutions; —It is probable however, that on tomorrow, there will be some opposition; But its ultimate adoption, & by a considerable Majority is confidently expected.—

It is reported, “that a Number of Armed Men, principally Americans, had moved from Nachitoches with a view of subverting the present Spanish Government of the province of Tehus; —That they advanced as far as the Sabine, where their Leader (a Captain Man-shac’) deserted them, and sought the protection of the Royalists.—That in Consequence, the expedition was abandoned, and the Men for the most part had returned to Nachitoches.”—

I do not know, what credit is due to this Report; —No official information has reached me upon the Subject, and indeed after the very positive orders, which I had given to the Parish Judge of Nachitoches and to the Commanding officer of the Militia, to put down any enterprise of that nature, and the request I made of the Commanding Officer of the Troops of the United States at Nachitoches, to aid the Civil authority, if called upon, I really know not how to accredit the Intelligence.—But from private information, it would seem that there has been some movements, which our Laws do not sanction.

I continue in a State of Convalescence; —But the return of my former health is very much impeded by a debility of the body, which very generally follows the fevers of this Climate.—

The Secretary, M^r Robertson has not yet reached this City;—His friends (I learn) are informed, that he had set out on his Journey hither, & by them his arrival is daily expected.—

committee on public lands. The bill reported by this committee was passed by the House Feb. 21 and by the Senate Mar. 5, 1812 (*Annals*, 12 Cong., 1 sess., 127, 127–128, 162, 163, 1049, 1078, 1083; *Senate Journal*, v, 61, 62, 68, 69; *House Journal*, VIII, 124, 180, 193, 196, 233). A copy of the bill as read in the House Feb. 17, 1812, is in House Files (LC), and a copy as read in the Senate, Mar. 20, 1812, is in Senate Files (NA). As approved Mar. 10, 1812 (2 STAT. 692–693), the act allowed actual settlers in the western district of Orleans, whose claims had not been previously filed, until Nov. 1, 1812, to present their claims.

I have the honor to be, Sir, Very respectfully Your mo: ob: Serv^t
 WILLIAM C. C. CLAIBORNE

THE HONORABLE JAMES MONROE Secretary of State Washington
 City

[*Endorsed*] W. C. C. Claiborne to the Secretary of State Dec^r 19.
 1811. 19 dec—11—gov^r Claiborn.

SECRETARY ROBERTSON TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, XII:ALS]

NEW ORLEANS 20 Dec. 11

SIR At Washington, and in Virginia, I had frequent conversations with you, on the subject of the hostility manifested towards me by Governor Claiborne—I stated a variety of circumstances establishing the fact; and shewing on his part, a degree of rancour, incompatible with the duties which he owes to society as well as to my self I have no reason to believe that his feelings have changed—my absence has not had the effect to remove his jealousy nor to soften the vindictiveness of his temper. I am about to make to you a relation, which however irregular is sacredly true. I can have no inducement to exaggerate.

A few days ago, immediately after my arrival in the territory, on the adjournment of the convention, where we had attended to hear the debates, I observed to the Governor, that I wished for a few moments to speak with him—I stated to him that I wished to be informed where the records of the Government were kept, and by whom, that a view of them was necessary to enable me to make my report, agreeably to the provisions of the ordinance—he replied, with a degree of rage which drove the blood from his cheek, you shall be furnished with such as you have been in the habit of possessing—speak to me sir in my office—I felt no other emotion than one of mingled pity & surprise, w[ith] an unaltered tone and manner, I said to him, that it was not my intention, to give rise to irritation—far from it, that in compliance with a duty which I owed to the public, I was about to express my willingness to unite with him, in any measures that the public interests might require—that I had proposed to write to him—do as you please was his reply.—there this shameful scene concluded I had no intention of making any personal advance towards the Governor—the evening before, in private society, he had addressed himself to me in conversation, and had been met with usual

civility—I had a right, it was my duty, as a public man, on public business, to approach his Excellency—

His Excellency has said during my absence and I have proof of the fact, that if I were continued in office, he would not serve as Governor, this declaration furnishes a Key to his otherwise inexplicable conduct—he produces a state of things over which I have no controul, which he supposes will render the removal of one of us necessary—and calculating on his imagined influence, sees nothing in the event but my destruction

The Ordinance makes it ~~my duty~~ the duty of the Secretary, keep and preserve the acts and Laws passed by the Legislature—the public records of the district—and the proceedings of the Governor in his executive department—in the Secretarys office, in the care of the Clerk, who stays there, and who receives his salary out of an appropriation made by Congress, I found on my arrival, as formerly, the Laws, and some of the proceedings of the Governor, such as his appointments, other executive acts there were none—nor was there a vestige of his correspondence with the officers, of either the general, or territorial government, for the last twelve months—the latter description of papers, perhaps, I am not entitled to possess—but surely they might be suffered to remain as heretofore, where I could get access to them, if it be proper, that I should understand, the public acts, & general interests, of a Government of which I am an officer—

On the conduct of the Governor it is not necessary that I should comment—the reflexions to which it gives rise present themselves at once, and alike to every mind, it is impossible not to perceive in it a disregard of the interests of the public—a forgetfulness of what was due to his own station—an insulting iracibility, the more inexcuseable on account of the circumstances which attended it, and an indignity offered through me to the Government under which I hold my appointment—I do not wish this communication to be considered as confidential—I prefer that his Excellency be furnished with a copy—I attack no mans character in the dark—I hope at the same time altho I do not make it a condition—that I shall receive his statement of this affair, or of any other in which my reputation may be concerned

I have the honor to be with great respect yo. ob. St

THO^s B. ROBERTSON

HON^{ble} JAMES MONROE Secretary of State Washington City

THE POSTMASTER GENERAL TO GOVERNOR CLAIBORNE

[PO:P.M. Letter Book R]

December 24th 1811

HIS EXCELLENCY [W.] C. C. CLAIBORNE New Orleans

I have to acknowledge yours of the 23rd of Nov^r,⁹⁸ and to inform you that previous to the receipt of it, I had established a Post Office at S^t Francisville and thereto appointed Amos Webb—

G. G^r

THE POSTMASTER GENERAL TO HUDSON TABOR

[PO:P.M. Letter Book R]

December 24th 1811HUDSON TABOR Esq^r S^t Francisville Or T^y

Before the receipt of yours of the 27th Nov^r ⁹⁹ I had appointed Amos Webb P. M. at S^t Francisville, On the advice of Gov: Holmes

G G^r

JOHN BALLINGER TO THE SECRETARY OF STATE

[NA:SD, Misc. Letters:ALS]

WASHINGTON Dec^r 26th 1811

SIR The refusal of the Legislature of the Territory of Orleans, at their late session to elect a Representative to Congress, has deprived the people of Feliciana of any legitimate organ of the public Will on that floor, and feeling as they do both their honor and interest involved in the Radical & Successive political changes, which have recently taken place in that Country, they have appointed the undersigned their Special agent to lay before this Government their wishes & wants (see N^o 1

Your Excellency will readily perceive that some of the points made in my Instructions require only executive interference, but others Congressional, where ever it may appear necessary to call in Congressional aid the President is requested to make such communications to that body, as he may conceive our situation merits,

It is not my object to trespass on the indulgence granted me of making a written communication by wandering from the subject; but it becomes necessary to detail some of the causes which produced, and the motives which Supported the Revolution in 1810 in order to place our situation in a clear point of view

As soon as New Orleans and other places in Louisiana were delivered to the United States. The old Spanish policy was abandoned & a new

⁹⁸ Rowland (ed.), *Claiborne Let. Bk.*, v, 385-386.⁹⁹ Not found.

one different both in principle and practice adopted, in that unfortunate part which Still remained under the dominion of Spain

Those in Authority well aware of the uncertain Tenure by which they held that Province, thought only of Making fortunes, and the rights of the King and the Subject were alike assailable by money, and they enriched themselves & their favourites from the public domain and the Pockets of the people

In this state of things the people could only turn their attention to this Government. The establishment of a port of Entry at Mobile and the correspondence of the United States ministers abroad, inspired a hope of a speedy deliverance from their oppressors, nor did the complete recognition by the United States of the Spanish authorities in that province, by giving due faith and credit to all the Official Acts of their officers, or suffering it to become a refuge for their deserters & Fugitives from Justice, or subjecting it to the provisions of the Embargo laws, intirely extinguish that hope, It was not till the United States declined accrediting a minister from Spain, that they lost sight of the interference of this Government, The door to negotiation appeared then to be closed, and as the Mother country Weakened at home, the Demands of her officers on the people increased abroad.

A redress of grievances was then sought for, in the most humble & humiliating manner. That was the sole object. However desirable the anihilation of the Spanish power might be to the great majority of the people, they had no disposition to attempt it themselves but were willing to wait till the great existing causes should produce the desired effect

But the gleam of liberty that commenced with the Convention, was Matter of anxiety & distrust to the royalist, some of them had witnessed the Revolution in America and others that of France: no time was allowed to see whether the conventionalists, would abuse the priviledges about to be extended to them or not; the Governor refused carrying into effect the ordinances of Redress which he had previously Sanctioned, and the attitude of the Royalist were such as to afford the people two only alternatives resistance or unconditional submission this was the cause of the subversion of the Spanish authorities in Florida, it was not the effect of previous Concert but hurried into action by the Jealousies & incincerity of the Royalist

During our struggles for our existence as it were several Popular prints in the united States were busily engaged in ascribing impure Motives and applying opprobrious Epithets to us that they should in some degree succeed in poisoning the minds of the People was to be expected as we had no press through which to defend. And whether they were urged on by gross & inconcievable Ignorance or Willfull and corrupt Wickedness, I shall not at present enquire, but if any of them published one paragraph of truth, I have never had the

pleasure of seeing it, and I assert without any fear of Contradiction, that the land Jobbers old American Tories & Royalist were in the opposition, they were the favorites of the Government and fattened on the corruption and abuses of the old system, and that the virtue talents and patriotism of the Country were on our side, and I presume no stronger evidence can be given of our attachment to republican principles, or respect for this Government, than the Constitution formed by the Convention & the memorial sent by them to Governor Holmes. And if the course pursued was not the least exceptionable that human intelligence might have conceived, it was such as the spirit of the times our peculiar situation, and our views of the subject appeared to Warrant.

I am expressly charged to disavow any act or acts of any of the agents or officers of the Convention or state of Florida tending to disturb the tranquility of the Territories of the united States (See N^o 2 ¹

I can make sundry exhibits if necessary having copies of all the principal documents of the period to which I allude

I will now beg leave to call your attention to the points made by the people in their Instructions to me.

1st after the explanations that you have been so good as to give me relative to the Foreign troops in our Territory I have no comment to make, only to observe that their Speedy removal would be desirable to every friend of Order as trivial conflicts of Authority might produce unpleasant Occurrences not now to be foreseen

and waving the 2nd point I proceed to the third touching the final disposition of the Country

I have not wished to urge Conventional stipulations, but if the 3rd Article of the Treaty of the 30th April 1803. means any thing at all, the conclusion follows, that the people should be admitted into the Union on the same footing with the original states, so soon as their population within proper geographical limits would Justify it. The Course the subject has taken seems to Warrant that construction. The act dividing Louisiana into two Territories included West Florida in that of Orleans and altho immediate possession was not taken the act continuing in force, the Laws of that Territory was extended to Florida by the presidents proclamation of the 27th Oct^r 1810 Thus far there appears to be a chain of consistency and our exclusion from the rest of the Territory was probably an oversight in Congress.

But as the evil is too far advanced to be remedied without the consent of the new state, we request a Temporary Government untill that consent can be obtained in a Constitutional Way

We have the most Cogent reasons for wishing to be attached to the new State The Territory of Orleans as it now stands forms a political

¹ Not present.

family living in the same neighbourhood whose laws, Usages & Customs are the same, and bound by such ties as would produce harmony and cooperation in all its members.

We protest against being attached to the Mississippi Territory, or to the State should it become one. The petition that has been presented to Congress on that subject from Feliciana ² is from the eastern part of the County, and they perfectly correct in stating that they are late Emigrants, and they might have stated that they were but a small part of the Population or wealth of the County with the same correctness.

We earnestly contend for the Treaty limits But if this Government is disposed to cut up Louisiana into patches to administer to the convenience of other parts of the Union, by making pearle river the line you can give to the Mississippi the whole Sea Coast of Feliciana and the great mass of the petitioners with it

4th With respect to land claims As to the large purchases made of the intendant Marales since the year 1803 I have no Instructions whatever, Those with whom I have acted & for whom I now act are not at all intersted.

It is the actual and Boni fide settler, the planting Interst of the Country which I wish to lay before your excellency

The late Governor de Grand pre granted Requettes for small quantities of land (generally from 200 to 1000 Arpents) on different principles some to actual Settlers, some for services rendered the Government, and others for money. The price it appears varied from two dollars p arpent to a much less sum, two thirds of the population of the country at the least are interested in those claims, either by grant or purchase Considerable Confidence has always been attached to them, without much regard to the principles on which they were bottomed. the quantities granted being such as accorded with the Established usages of Spain, they have been sold & resold and if not Confirmed by this Government it will be a serious stroke upon the Happiness & prosperity of that Country.

And the pity is the greater when we reflect that the forbearance of this Government placed the spanish officers in a situation to deceive themselves or the people.

I have never felt myself at liberty to admit the doctrine that the people did know or might have known that the united States would assert her claim to that country, and that she would not confirm any of the acts of the Spanish officers. I admit that a man of only ordinary capacity, who had read the acts of Congress on that subject. the correspondence of the U. S. Ministers abroad and the different Trea-

² Presented to the House of Representatives Nov. 20, 1811; printed, *A.S.P., Misc., II, 155.*

ties between Great Britain France and Spain for near fifty years back, would scarcely doubt the title but it might still have been a question, with him, whether in the existing state of the world it would be her policy to assert it, and if she did, it might still be a question. How far she would be disposed to nullify rights acquired from the party in possession.

But the great mass of the people are not Capable of taking those views Especially in a Spanish province where there is no Legitimate channel of information but through the officers of Government who was always ready to construe every act of forbearance in this Government into an abandonment of their claim

Suppose that this Government had declined Occupying that Country for 20. 50. or 100 years (being in a condition to have done so at any time,) and should have then disregarded rights obtained from the party in possession. It would have been thought a hard case, and as seven years is less than Twenty. the evil is the less in the same proportion. but the principle appears to me to be the same

It is not my Wish to make any improper insinuations, as to the motives or acts of this Government, on the contrary those for whom I act have ever been the zealous supporters and admirers of the late & present administration, and when I speak of the acts of Government, I wish it to be understood only as endeavouring to shew the unfavorable bearing they have had on us at the same time duly appreciating that enlightened and philanthropic policy that urbanity and moderation which has done the nation so much honor.

But as a delay on the part of this Government to effeciently assert her right to that country has produced an evil there that will shake property to its Center, and if it be really the fact that this Government can not confirm the requettes Granted by de Grand pre without departing from a matured principle. A liberal policy towards actual settlers, would in a degree mitigate the evil. A donation of a small quantity of land to every actual settler who has not heretofore obtained a Legal grant from the Spanish Government, would materially lessen the difficulties incident to land affairs

5^{thly} as to the expences of the Revolution yet unpaid I cannot with precision state the amount of the debt but am quite certain it does not exceed forty Thousand Dollars this is principally owing to persons in Kentucky and Tennessee for Horses provisions &c. for the use of the conventions troops, and small as the sum is the difficulty growing out of its detension is great, the Western traders being generally men of Small Capitol

Those creditors have certainly some claim on this Government for remuneration. It was their act that put it out of the power of the other contracting party to comply. for illustration suppose one or more American Merchants should furnish the Governor of St. Au-

gustine with property to a certain amount, payable in sixty or ninety days, and that previous to the expiration of that time, the United States should find it expedient to take that post, and possess themselves of the Magazines domain & Revenues, of the Country, and thereby put it completely out of the power of the Governor to pay. The traffic being Legal at the time of making the Contract and the Governor, rendered unable to comply, by the act of this Government, would not the Merchants have a claim on the Justice of the nation.

Had American Citizens trusted the convention or state of Florida after the promulgation of the presidents proclamation, they ought not to be pitied, but previous to that, the trade was a legal one, & I am not able to draw a distinction between our case & the one stated,

But should I be mistaken in these premises I am still of opinion that it would be good policy to discharge this debt. There has been much cause of irritation and distrust in that country and such is the state of the public mind, as to require some little attention from Government in order to unite them heart & hand in its support, in that event they would avail themselves of the first opportunity to prove their respect for, & attachment to this government. We ardently wish to be united to this Country by the most indissoluble ties to see Confidence restored, and republicans in every part of the union placed in a Condition to exert their usefulness

But should all their expectations fail or be unnecessarily retarded which amounts to the same in effect, and after Eight years of oppression Anxiety Revolution & Loss, (with no other immediate alternative but a temporary Government or an unnatural and inconvenient connection with the Mississippi Territory) should our Inhabitants be driven from their homes for the want of the Means of paying for them a second time, and a few individuals who have made great pecuniary sacrifices, and, risked their all for the Emancipation of that Country, be compelled to pay the expences alluded to. you palsy the Energies of the Country. stifle its patriotism and sink it into its original nothingness

I shall only name two acts of General Hampton which are complained of, the one affecting private property, the other religion it is not intended to exhibit charges against that officer, he may have acted with strict propriety and consistent with his duty. if so a bare statement of facts will do him no injury. If he has acted otherwise, the government will be enabled to apply the proper Corrective.

He has turned about one third of the inhabitants of Baton Rouge out of their Houses, on a pretext of its being public land and attached to the fort—some of the people were living there previous to the year 1800 and nearly all previous to 1803, the Houses were built by the owners & not by the public

He has also used the Catholic burying ground for the purpose of burying his dead on the same Pretext altho it has been Consecrated & used as such by the Church for upwards of Twenty years

Your excellency will pardon me if my zeal has led me to transgress any of the ordinary Rules of decorum, and I avail myself of this opportunity to tender you my unfeigned thanks for the patient and polite attention I have received from your Excellency and to assure you of my highest consideration

I am Sir very respectfully Yr obt Servt

J. BALLINGER

HIS EXCELLENCY JAMES MONROE Sec^y of State

[Endorsed] Ja[nua]ry 26 1811 Mr Ballinger

[Enclosure]

Inhabitants of the County of Feliciana to John Ballinger

[No date, 1811]

TO COL^o JOHN BALLINGER

SIR The undersigned inhabitants of the County of Feliciana in the Territory of Orleans, in behalf of themselves and of a respectable number of the people inhabiting the different Parishes of the said County, authorise you as our Agent to represent to the general Government of the United States in such manner as you may find eligible and convenient, our situation and wants, our attachment to the Government of our Country and the grievances which we wish and hope may be redressed, consistently with the honor and Interest, as well as the Policy of that Government.—We depend much on your Judgment both as to the subjects and manner of this representation; and will only request that we may neither be exhibited as refractory and turbulent, or so abject as to be insensible of our rights as American Citizens.—

In the list of our grievances we wish nothing of a trivial Nature to be included; but those which affect our most essential rights, we wish to be stated in the plain language of truth and Independence.—of this kind we consider the admitting foreign troops peaceably to occupy the Country which belongs to the United States, and making us still the subjects of negociation with a foreign Government, when the faith of the Nation has been pledged for our protection as American Citizens;—The admission of the Territory of Orleans into the Union with the limi[ts and] boundaries, under the late Act of Congress; Great Political Considerations may have required the division of Louisiana but the faith of Government stands too seriously pledged to Admit of subdivision without our consent;—The subjecting the

land Claims of the honest Cultivators of the soil, who settled here since the Year 1803. to the same laws which have been provided for that part of Louisiana which has been in possession of the United States since that Year;—And leaving many of our Citizens who made large advances of money property and personal service to effect our emancipation from foreign oppression, without any hope of remuneration.—

Relying on your prudence and perseverance in the discharge of this Trust we are your fellow Citizens.³—

Phil ^a Thomas	Sutar Gusdre
David M ^c Colough	Evan Le jardin
Elias Russ	Batiest Le jardin
M ^{rs} Barnette	Franswor Gusdre
John Devenport	Paul Sharp
Abraham Philips	Daniel Provansise
A Harbor	J ^{rs} Martun
Richard Parrish	Michel Basillson
John M Holden	Georg Klinepeter
Jacob Drake	William Roddy
David Davis	Joseph Sharp
John Draughan	Jack Herde
Nath ^l Baker	Paul Baron
James Adams	Samuel Glascock
John Ferdge	Samuel Skofield
Jessey Suelfield	Cotté D ^e chevalier.
John Ryan	charles cousinard
Alexander Bend	Peter Serlott
John Grahan	Jn ^o A Irland
Franswor Grahan	Joshua Ammons
Joseph Richard	Jean Baptiste Daigre
Jacob Taylor	William Webb
Simone Trager	ambroise thériot
Isaac Lathrop	John M ^c Arthur
[MS. illegible] Fredge	James M ^c arthur
[MS. torn]	Henry Thomes
John Klinepeter	George Garig
Ferd Toulon	J Fulton
James Cheavs	John, Thomas
W ^m Haday	Silvest, Russ
Joseph Pernell	Joseph Thomas
Franswor Forbas	Alexander Philips
Peter Besin	George Garnhart
Anthony Son	John Dortch
Conrad Son	Wilk Brownin
Dasstuntig	Andrew Swann
John Towle	John Brownin
Zedore Tulie	William Shaw
Jacob Banthin	Jacob Krumbhull
John B ^l Durgso	John Rollins

³ In the list of names that follows, a group of forty or more names appears to be in one hand, and there are other groups in one handwriting.

John Skinner
 Joshua Alexander
 Tho^o Lisle
 John Dortch
 Carson Carter
 Garland Chiles
 John Greasee
 Joseph A Harris
 Jacque Burch
 courtois
 Malo X Guedris
 Frahan
 James Tobin
 Thomas Bellse
 Chs Dabney
 G. J. Pense
 Jn^o A. Ireland—
 Robert Ireland
 Chals Duval
 Geo^o Esmand
 Dudley Avery
 Philip Hicky
 George Mather Jun^r
 And. Steele
 William parker
 Jhon fijael
 A. MNathan
 James Neelson

John Neilson
 John Keiser
 Joseph Berry
 Rubin Jones
 Edmund Hawes
 George Jackson
 Thomas Jackson
 David Jackson
 James Jackson
 Geo Mather
 William Conner
 James Crane
 Philip Inglehart
 Benjⁿ P. Thomas
 Henry Collins
 W R Dodge
 Fulwar Skipwith
 Lewis piborn
 L. V. Sachtzel
 Peter Sims
 W^m Stark
 G M Olliphant
 Ramenard
 Jeremiah Draughan
 Elijah Ambrose
 William Sharplie
 Cornelius Baldwin

THOMAS FREEMAN TO THE SECRETARY OF THE
 TREASURY

[GLO: Div. E, Miss. SG, vol. 53, 1810-1816:ALS]

Surveyor's Office WASHINGTON Dec^r 30th 1811—

SIR I have the honor to inform you that I have just arrived here from a tour thro' Orleans Territory which I have taken for the purpose of visiting the Offices of my two principal Deputies and advertizing such lands as they had prepared for the public sales on the first of Jan^r & Feb^r next agreeably to your instructions to me of the 20th March last ⁴—I advertized for sale on the first of Jan^r all the lands that have been prepared in the usual way in Townships & Sections, in the South West District—amounting to 79. Townships as you will see by the enclosed advertisement ⁵—These are the only sales that can take place in that Territory for nearly a year to come—owing principally to the interruption of private claims—and the extreme difficulty of performing surveys on watercources under the 2nd Sect^a of the Act of 3rd of March—Three or four Deputies have been

⁴ GLO (Div. E, SG, 1790-1816).

⁵ Not present.

employed for some time past in the South East district surveying tracts on watercourses, but the few Tracts they had completed would not justify a public sale—

No surveys of public lands have yet been made in the North western district above Red River Two Deputies are employed in that District surveying private claims on Red River & the Mississippi—

By next mail I shall write more fully on the subject of the Survey of Orleans Terr^y ⁶

I have the honor to be most respectfully Sir. your Ob^d Serv^t

THO^s FREEMAN

THE HON^{bl} ALBERT GALLATIN Esq^r

M^r Dangerfield Secretary of this Territory informs me that you express'd some doubt of the certainty or accuracy of the position of the Township selected for the use of Jefferson College in this Territory

It is Township N^o 10, in Range N^o 2, West of the basis Meridian in the Land District East of Pearl River

To further Identify it—The Tombigbee River runs thro it and a small reservation extends over its southern bound^y Thos Freeman A.G.

[Addressed] Albert Gallatin Esq^r Secretary of the Treasury Washington City [Postmarked] Wash^a M T Jan 1 Free

[Endorsed] Washington M. T. Decem^r 30th 1811 Tho^s Freeman Surv^r & N^o 156 Wanted that part of my letter of 20th March to which he refers A.G. M^r Moore Answ^d

[Enclosure]

Monies Advanced and not brought into the accompt ending the 31st of December 1811.

To Gideon Fitz Principal Deputy Surveyor of the Western Land district in the Orleans Terr ^y	\$1806. 27
To Walker Gilbert Principal Deputy Surveyor in the Eastern Land district in the Orleans Terr ^y	621. 23
To Gabriel Winter Deputy Surveyor for the County of Concordia, Orleans Territory	100. 00
To Hains & Carson Deputy Surveyors in the Mississippi Territory	5723. 00

⁶ Other letters for 1811 concerning the administration of the land laws in Orleans, salary accounts of officers, and surveys are: Grymes to the Secretary of the Treasury, Feb. 1; Brown to *id.*, Mar. 29 (GLO, New Orleans, Reg. and Rec. Let., xxii), Wailes to *id.*, Apr. 10 (GLO, Opelousas, Reg. and Rec. Let., xxiii); Freeman to *id.*, May 7 (GLO, Div. E, Miss. SG, vol. 53); the Secretary of the Treasury to Grymes, Mar. 7, to Cocke, May 20, to Brown, July 19, Aug. 5, to Lewis, Aug. 6, Oct. 22 (GLO, Div. C, Misc. Let. Bk. 2).

To John Gilmore Deputy Surveyor in the Mississippi Territory 50. 00

\$8300. 50

Clerk Hire

Advanced on account of Clerk Hire 750. 00

\$9050. 50

[*Endorsed*] Statement

SECRETARY ROBERTSON TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, XIII:ALS]

NEW ORLEANS *Jan*^v 2 12

SIR I have the honor to enclose you the projet of a constitution which has been submitted to the convention ⁷—A memorial to Congress, praying that West Florida as far as the perdido, may be annexed to this country, has also been reported ⁸—Should the adoption of the constitution, and the annexation of Florida prevail, perhaps all fair objections to our becoming an independent State, may be considered as obviated —

M^r Poindexter urges the propriety of uniting that country to the Mississippi Territory —but unless it shall appear to be generally wished by the inhabitants —Congress will not, I conceive, be either inclined, or authorised to do so from my own observation I can venture to assert, that three fourths of the people would prefer to be incorporated with this Governmen[t] the nature of its population, & its Geographical position, both require it —In any other than a political point of view, the Western portion of the province, is that alone, which can be considered of much value —all its products, all its interests, center in New Orleans it is in every respect as independent of Natchez, as of Lexington, or Nashville —all that part of the Country, lying between the Amite, & the perdido is poor, and thinly settled, except immediately on the Rivers —there the plan of a junction with the Mississippi Territory may find some advocates, as an Idea has been industriously circulated among them, that in such event, the seat of Gov^t would be moved from Washington to pearl river

⁷ A printed draft, in French, present with the above. It is not reproduced because it falls outside the scope of this volume. A MS. copy of the constitution as adopted was forwarded to the Secretary of State by Claiborne, Jan. 31, 1812 (NA, SD, Orleans Terr. Papers, XIII; covering letter printed, Rowland, ed., *Claiborne Let. Bk.*, vi, 42–43). The constitution is printed, Thorpe(ed.), *Federal and State Constitutions*, III, 1380–1392.

⁸ Jan. 23, 1812, *post*, p. 990.

But Sir the inducements to annex Florida to Louisiana are many and important—without dwelling on its Gographical position—on the principle for which we contend, that it is of right already a part of Louisiana—that it has heretofore been governed by the same Laws—suffice it to say that, on this single circumstance, will chiefly depend the future Character of this State

I have the honor to be with great respect yr. ob. st

TH B ROBERTSON

HONORABLE JAMES MONROE Secretary of State Washington City
 [Endorsed] M^r Robinson 2^d Jan^r 1812 Covering a projet of a Constitution for the New State of Louisiana

THE POSTMASTER GENERAL TO JOHN RHEA

[PO:P.M. Letter Book R:E⁹]

January 6. 1812

THE HONB. JOHN RHEA Chairman of the Committee of Post Offices & Post Roads

I now return to you such memorials for Post routes, and resolutions respecting the Same, as remain in this office.¹⁰

No 8 The Route from Baton Rouge by Mobile to Fort Stoddert As this goes through what has been called West Florida and as Mobile is now in the Possession of the Spanish Government the decision of the question necessarily involves questions of policy in which the Post Master General has no right to interfere—The utility of Such a route for the convenience of the Citizens of that Country cannot be doubted.

G. G

JOHN C. CARR TO GOVERNOR CLAIBORNE ¹¹

[NA:SD, Orleans Terr. Papers, XIII:C]

Copy

NACHITOCES 7th *January* 1812.

SIR, The memorial which will be handed you by the express who will deliver you this, was drafted by me, at the instance of a number of Merchants of this place The robbery and murder therein mentioned has filled them with consternation.—They see their commerce menaced with entire destruction, and have no other hopes of averting the evil, than those that they cherish of the Speedy interference of Government.—

⁹ Only items relating to Orleans Territory are here printed.

¹⁰ Enclosures not present.

¹¹ Covering letter, Claiborne to the Secretary of State, Jan. 24, 1812, printed, Rowland(ed.), *op. cit.*, vi, 39.

I have mentioned in a former Letter, that the Settlements between the Arroya Honda and the Sabine, which were destroyed by order of the General Government in 1809, have been reestablished by the same persons who were driven therefrom; and have now considerably increased in number.—These settlements serve as places of rendezvous, for the Robbers who there find entertainment for themselves and horses, the difficulty of doing which, from the nature of the Country, would Otherwise, in a great measure, prevent their encreasing. It is to be wished that Government would a Second time destroy those pernicious Settlements.—

As the Government of the United States have legislated on the Country as far as the Sabine, there would be no inconsistency in establishing a Military post on the Banks of that River, and one or two guards, at intervals, on the great road leading from thence to this place.—This measure would laying the axe to the root of the evil which threatens to crush us, restore commerce to its ancient and secure channels, and could it be effected by your agency, would furnish you, with an additional claim to the gratitude of that portion of the Citizens of this Territory who reside between the Mississippi and Sabine rivers.—

I have the honor to be Sir, very respectfully, your ob^t Serv^t

Signed, JOHN C. CARR—

HIS EXCELLENCY GOV^r CLAIBORNE—

[Endorsed] Copy of a Letter from Judge Carr to Gov^r Claiborne.
7 January 1812

[Enclosure]

The Memorial of Natchitoches Merchants to Governor Claiborne
(Copy) NACHITOCHEs 4th January 1812.

The Memorial of Sundry Merchants of the Parish of Natchitoches, to his Excellency William C. C. Claiborne Governor of the Territory of Orleans, respectfully represents That,

The commission of robbers on the Territory West of the Arroya Honda, and East of the Sabine River, and as your Memorialists believe within the limits of your Excellency's Government, has become so frequent, that it is no longer save to travel on the high ways & roads through which the commerce of this Parish with the adjoining Mexican provinces have hitherto been carried on.—

Your Memorialists will not now enter into an enumeration of the many depredations which have been for some time past, committed on the Territory aforesaid, by a number of desperate banditti, who have assembled in that quarter, allured by the prospect of plunder, & the hopes of impunity; your Memorialists will content themselves with stating to your Excellency that on the 2nd of January Inst. a Company of Spaniards, whilst travelling on the high way leading from

the Sabine to Bayou Pierre, were attacked by a party of Said Banditti about thirty in number, with their faces blacked, and otherwise disfigured, who fired upon them, killed one man, wounded several, one it is supposed mortally so, and robbed them of all their horses, mules, baggage and about six thousand dollars in specie.—

Your Memorialists state that although every exertion has been used by the Judge of this Parish to suppress these disorders, and to bring to Justice the perpetrators, the civil power alone will not be sufficient to effectuate this desirable objet—First, the unwillingness of the Militia (who do not feel themselves immediately interested) to leave their houses and risque their lives for as they conceive, the exclusive interests of the Merchants; Secondly, the want of power on the part of the Civil authority to coerce their services for the length of time that would be necessary in order to apprehend or expel the Banditti from the almost uninhabited Country which the infest, and lastely from the insufficiency of the public prison of this Parish to hold prisoners, several of whom, who stood committed for similar offences, having effected their escape therefrom, and thus rendered bolder, and more hardy in the Commission of fresh crimes.—

It is not for your Memorialists to point out to your Excellency the remedy that ought to be applied to the very great evil, an evil which if not speedily checked will annihilate the most valuable part of the Commerce of this Parish, and will eventually operate no Small diminution of the whole circulating medium of the Territory: were it permitted them, however, they would suggest to your Excellency the necessity of having stationed at this place a Company of Cavalry, and your Memorialists are informed that there is such a Company now at Baton Rouge, and which forms a part of the Standing army of the United States.

Your Memorialists would suggest that the Commanding officer of Fort Claiborne be instructed to receive and keep in confinement all such prisoners, as may be to him directed by the Civil authority, and who may be committed for offences exclusively cognizable by the Superior Court, until shall be disposed by the said Court:—They would also suggest but with great deference the good effects that would result from an arrangement that might be made with the Spanish authorities, on our frontier, the preservation of good order in the Territory beyond the limits assigned by the Act of Congress to this Territory when it shall have become a State, but East of the Sabine River, by a mutually concerted plan of operations or System of patrole to be continued until the question of limits shall have been definitively adjusted.—

Your Memorialists feel confident that your Excellency will with your accustomed promptitude, afford all the relief which their Situa-

tion requires, and which may be within the limits of your Excellency's power—

we have the honor to be, your Excellency's most ob^t & very hble Serv^t

Signed, COMPERE & HERTZOG, VIENNE & LANDRAY C. PAVIE &
C^o JOS. TAUZIN, A, SAMPAYRAE Jⁿ CORTES, AMB^{ro} DUVAL &
E^{to} LAUVE—

HIS EXCELLENCY GOV^r CLAIBORNE.—

[*Endorsed*] Memorial of Merchants of Nachitoches to Gov^r Claiborne 14 January 1812

PART SEVEN
Papers relating to the Sixth Administration
of Governor Claiborne

1812

PART SEVEN

COMMISSION OF GOVERNOR CLAIBORNE

[SD:Misc. Permanent Comms., C:C]

[November 26, 1811¹]

JAMES MADISON, President of the United States of America

To all who shall see these presents, Greeting:

Know Ye, That reposing special Trust and Confidence in the Patriotism, Integrity and Abilities of WILLIAM C. C. CLAIBORNE,² of the Orleans Territory, I have nominated, and by and with the advice and Consent of the Senate do appoint him Governor in and over the Territory of Orleans; and do authorize and empower him to execute and fulfil the duties of that office according to Law: and to Have and to Hold the said office with all the powers, privileges and Emoluments to the same of right appertaining for the term of three years from the 17th day of January next ensuing the date hereof, unless the President of the United States for the time being should be pleased sooner to revoke this Commission.

In Testimony where of I have caused these Letters to be L S made patent and the Seal of the United States to be here unto affixed. Given under my hand at the City of Washington the 26th day of November A D 1811, and of the Independence of the United States of America the Thirty Sixth

JAMES MADISON

By the President

JAMES MONROE Secy of State

SECRETARY ROBERTSON TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, XIII:ALS]

NEW ORLEANS Jan^y 18 1812

SIR I have the honor to enclose a return of the acts of the Governor in his Executive department for the year 1811 The Ordinance requires that this should be done every six months My absence from

¹ Although dated Nov. 26, 1811, the commission did not become effective until Jan. 17, 1812. It is placed at this point, out of its formal chronological sequence, as an introduction to Part Seven.

² Nominated Nov. 25 and confirmed Nov. 26, 1811 (*Senate, Exec. Journal*, II, 192).

the Territory prevented a strict compliance with its provisions Among the appointments which amount to upwards of one hundred some of the most important have been bestowed on individuals who are not Citizens of the United States I have not been enabled to make a return of his Excellencys military appointments there being no record of them in the Office but to give you all the information on that head in my possession I beg leave to refer you to the Letter and return herewith enclosed

If the militia is at present on a better footing than at the date of the adj^t Generals communication the fact has entirely escaped my observation

I have the honor to be with great respect y^o ob S^t

THO^s B ROBERTSON

THE HON^{ble} JAMES MONROE Secretary of State Washington City
[Endorsed] T. B. Robertson to Secty of State Jan^y 18, 1812

[Enclosures]

Returns of Ordinances, Pardons, Proclamations &c^a issued by the Executive of the Territory of Orleans, during the year 1811.

Jan^y 4 An Ordinance establishing the Parishes of Biloxi & Pascagoula in West Florida.

14 A Proclamation proroguing the Territorial Legislature to the 4th Monday of this present month (Jan^y)

26 An Ordinance extending the Parish of Pascagoula from the Bayou Batrie to the Rio Perro or Dog River.

24 A Proclamation reprieving till the 5th day of Feb^y next a Negro Slave named Theodore Sentenced for insurrection and rebellion—

Feb^y 1 A writ of Election for three Representatives to the Territorial Legislature for the County of Feliciana in West Florida—

12 A Proclamation reprieving the Negro Theodore mentioned above, till the 1st Friday in March next

30 A Pardon in favour of Absolum Richardson, sentenced by the Sup^r Court of the 1st Sup^r Court District to 3 months imprisonment and a fine of \$100 for "An assault & Battery"—

M^{ch} 1 A Proclamation reprieving the negro slave Theodore mentioned above, till the 1st Friday in April next.

March 11 A Pardon in favour of Bernard Brun confined in the Jail of the Parish of the City of New-Orleans "for Forgery"—

14 A writ of Election to elect a Representative to the Territorial Assembly in the Parishes of East Baton Rouge and Feliciana (W. Florida) in the room of Fulwar Skipwith resigned—

April 1 A Pardon in favour of the Negro man Slave Theodore

Augt 9 A Pardon in favour of a Negro man named Pierrot sentenced to death by the Judge of the Parish of Point Coupee & a Jury of the said Parish for having administered Poison—

10 A Pardon in favour of R^d M^cFerland convicted before the H^{ble} the Sup^r C^t of the 1st Sup^r C^t District “of the crime of Murder in the 2nd Degree” & thereupon sentenced to imprisonment for 5 years.

Ap^l 25 A Proclamation to convene the Legislative Council & House of Rep^{tes}

May 3 A Proclamation in virtue of an Act of the Legislature of the Territory of Orleans to incorporate the Bank of Orleans—

9 A writ to the Sheriff of the 1st Sup^r C^t District to deliver up W^m Bradford now in the City Jail “charged with Felony committed within the Mississippi Territory” the said Bradford having been demanded by the Gov^r of the Mississippi Territory who transmitted at the same time an affidavit going to prove the guilt of the accused—

30 A Proclamation authorising the People of the Territory of Orleans to elect Members to a Convention to meet at New-Orleans on the 1st Monday in Nov. next.

Oct 25 A writ to the Sheriff of the 1st Superior Court District suspending until the 1st friday of Jan^y 1812, the sentence of death pronounced by the Parish Judge & a Jury of the Inhabitants of New-Orleans, on a Negro man named Henry.—

Dec. 4 A Pardon in favour of James Graham of the Parish of S^t Tammany—convicted before a Justice of the Peace of having sold without license spiritous liquors to travellers contrary to the Territorial Law.—

Nov. 13 A Proclamation appointing Joseph Montegut Sen^r a Member to the Council of Administration of the Charity Hospital of New-Orleans.—

Aug^t 1 A Proclamation for the Biennial Election of Representatives to the general assembly for the 1st Session of the 4th Territorial Legislature to take place on the 1st Monday in Oct next—

Dec. 24 A Proclamation remitting the fines imposed on the inhabitants of the Parish of Plaquemines for their having neglected the repairing & opening the Roads in their respective parish, according to the Regulations prescribed by the Judge & Parish Jury of said Parish—

THO^s B ROBERTSON

[*Endorsed*] Return of ordinances &c published by the Ex of Orleans Territory—1811

*Return of Civil appointments made in the Territory of Orleans from the
1st Jan^y 1811 to the 31st Dec. of the same year.*

Dates	Names	Places	Remarks
14 Jan ^y 1811.....	Audley S. Osborne.	Parish Judge of S ^t Helena.	In West Florida
19. do.....	John Rhea.....	do Feliciana.....	do
25. do.....	W ^m D. Nicholson..	do East Baton Rouge	Resigned 8 Aug ^t
23 Feb ^y	Andrew Steele.....	do	In West Florida
27 March	William Lindsey...	do Warren.....	
9 April.....	L. Moreau Lislet..	do " New-Orleans	
16. do.....	Achille Trouard...	S ^t J ^a Baptiste.....	
do.....	Peter B. S ^t Martin.	S ^t Charles.....	Res ^d 16 May
20. do.....	Mich ^l Cantrelle...	S ^t James.....	
do.....	George King.....	S ^t Landry in the Opellousas	
do.....	Bela Hubbard.....	Assumption.....	
do.....	J ^a C. Carr.....	Nachitoches.....	
27. do.....	Ch ^a de Latour.....	Plaquemines.....	
1 May.....	Henry Johnson.....	S ^t Mary.....	
12. do.	Nathan Meriam.....	Iberville.....	
16. do.....	Andrew Latour.....	S ^t Charles.....	
27 June.....	Ed ^d D. Turner.....	Ascension.....	Dec ^d
18 July.....	Thomas Warner.....	S ^t Tammany.....	In W. Florida
9 Aug ^t	J ^a Vermonet.....	Biloxi.....	Res ^d 4 Dec
15. do.....	Edmund P. Gaines.	Pascagoula.....	In W. Florida
13 Sept.....	James Dunlap.....	Concordia.....	
11 Nov.....	Cartier D'Outre- mer.	Ascension.....	
8. do.....	J ^a H ^y Lüdeling....	Point-Coupee	
4 Dec.	Noël Jourdan.....	Biloxi.....	In W. Florida

JUSTICES OF THE PEACE—

Dates	Names	Places	Remarks
4 April 1811	John Gourjon.....	Parish of New Orleans	
13. do.....	F ^e t ^a Le Breton D'- Orgenoy	do	
7 Nov.....	Henry M. Dobbs.....	do	
11. do.....	Florentius Basile..	do	
21 May.....	Sam. M ^c Cutcheon..	S ^t Charles	
21 Aug ^t	A. D. Tureaud.....	S ^t James	
2 Nov.....	Abraham Arce- neau	do	
29 May.....	Gabriel Fontenau..	S ^t J ^a Baptist.....	
9 April.....	John Hull.....	Ascension.....	
do.....	Auguste Sampey- rae	do	
12. do.....	William S. Wat- kins	do	
22 Nov.....	Martin Allen.....	Oppellousas	
30 May.....	Francis B. Cor- voisier.	Assumption	
21. do.....	Ch ^a Stewart.....	Rapides.....	
4 Dec.....	Heritage Hower- ton	do	

JUSTICES OF THE PEACE—Continued

Dates	Names	Places	Remarks
13. do	Sam ^l D. Forsythe.	Rapides	
do	W ^m P. Cannon	do	
18 Feb ^r	Bagwell Bailey	Ouachitta	
21 Nov	John Lewis Bush	Iberville	
do	P ^r Jos. Landry	do	
21 May	Zachus Shane	Plaquemines	
2 Dec.	W ^m R. Willis	do	
11 Aug ^t	Martin Bourgeat	Point-Coupee	
3 Dec.	" " Grand-Maison	do	
6 Aug ^t	Philip Cadwell	Catahula	
18 Jan ^r	Tho ^s Lawson	Feliciana	In W. Florida
28 Sep ^t	Henry H. Gurley	do	do
9 April	Benj. P. Thomas	East Baton Rouge	do
1 Feb ^r 1811	Fortescue Coming	S ^t Helena	In W. Florida
19 M ^{ch}	Joseph Thomas	do	do
1 Feb ^r	Joseph Spell	S ^t Tammany	do
2 M ^{ch}	Baptist Baham	do	do
1 Feb ^r	John Vernon	Biloxi	do
do	Simon Favre	do	do
3 do	Lawrence Cruise	do	do
do	Philip Saucier	do	do
do	Jacques L. Adner	do	do
"	Geo: Farragut	Pascagoula	do
"	Benj. Goodin	do	do
11 Aug ^t	Theophilus Powell	do	do
do	Zenon Orso	do	do
do	Nicholas Cook	do	do
do	Theophilus Brightwell	do	do
1 May	P. F. Regnier	S ^t Mary	
do	Samuel Cook	do	
do	John Wilkinson	do	
9 do	" Olivier	do	
15 June	Joshua Baker	do	
22 July	William Biggs	do	
5 Aug ^t	Samuel Dorsey	Warren	
do	Thomas Gibson	do	
do	John Mellikin	do	
do	Thomas Tomkins	do	

CLERKS

Dates	Names	Places	Remarks—
10 April 1811	Geo: Mather Jun ^r	7 th Sup. C ^t District	
13 do	Lloyd Posey	6 th do	
10 May	Tho ^s C. Nicholls	2 nd	

DISTRICT SHERIFFS

Dates	Names	Places	Remarks
10 Ap ^l 1811 13..do	J ⁿ H. Johnson John Hughes	7 th Sup ^r C ^t D ^t 6 th do.....	

PARISH SHERIFFS

1 Aug ^t 1811	Alb ^t Gallatin Jun ^r	Plaquemines	In W. Florida do
24 May.....	Henry Kar.....	Int ^r of Lafourche	
21 Nov.....	Daniel D. Brown	Iberville.....	
2 Sept.....	Denis Remondet	Point Coupee	
13 do.....	William Willis.....	Concordia	
19 Jan ^r	Geo: Kavinaugh	Feliciana.....	
1 Feb ^r	Fortesque Coming.	S ^t Helena.....	
20 April.....	John Patterson	Warren.....	
1 May.....Bryant	S ^t Mary.....	

AUCTIONEER.

12 Feb ^r 1811	Amand Morin	New Orleans	
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MAYOR.

7 March "	James Mather	New-Orleans	
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RECORDER.

7 March	Lavau Trudeau	N. Orleans	
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THO^o B ROBERTSON

PILOTS

Dates	Names	Places	Remarks
1 June 1811.....	Antonio Silva.....	N. Orleans	

REGISTER OF MORTGAGES FOR THE T^y OF ORLEANS.

18 Dec	Martin Duralde Jur ^r	Territ ^y of Orleans.	
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CORONERS.

15 Jan ^r Nov.....	John Conway Fred. R. Browder	2 ^d Sup. C ^t D ^t 7 th do.....	
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REGISTER OF BIRTHS AND DEATHS

Dates	Names	Places	Remarks.
10 May.....	Joseph Montegut Jun ^r	Parish of N. O.	

MEMBERS OF THE COUNCIL OF ADMINISTRATION OF THE CHARITY HOSPITAL OF NEW-ORLEANS FOR 12 MONTHS.

1 May 1811	Robert Dow.....	..... N. O.	
do.	Michael Fortier	..... do.....	
do.....	F ^{ois} Caisergues	..... do.....	
do.....	Rich ^d Butler	..... do.....	
do.....	J. D. Bellechasse	..... do.....	
do.....	Felix Arnaud	..... do.....	

THO^e B ROBERTSON

[Endorsed] Return of Civil Appointments from 1st June 1811 Dec. 31 of same year, in the Orleans Territory.

WILLIAM GARRARD TO THE PRESIDENT

[LC:Madison Papers:ALS]

OPELOUSAS: ORLEANS TERRITORY Jan^y 20th 1812

SIR Perhaps no Man in the U. States was better pleas'd on y^r Promotion to the Presidency than myself. I have always admir'd yr Talents y^r Virtues and Political character and I Rejoic'd for my Country. Because I thought her prospect for peace and prosperity well securd under an Administration celebrated for its wisdom and political fame, And I candidly acknowledge as yet I have not been disappointed in my expectations. And without flattery Sir I can assure you that in this Quarter yr Administration has the confidence of the great Majority of the American People As to the Creoles of Louisana they are ignorant of the characters of our most distinguish'd Men and of course of our Government and its policy. Under yr predecessor Mr Jefferson a short time before yr elevation to Office. I receiv^d the appointment of Commissioner for adjusting Land claims in the Western District of this Territory. Having enterd into a compact with the Government in a salary of Two thousand dollars a year. To be receiv^d during the pleasure of the President I arrived at this, the place of my destination and commenced my official duties on the 7th of November in 1808. but a few Months before the expiration of an appropriation made by Congress some time before for the payment of the Commiss^{rs} thus employ^d which ceased on the last day of the following June after my arrival Having a large Family to support.

Sons whose education required the fostering care of a Parent. debts of some magnitude in Kentucky to pay. other debts I was obliged to incur rendered unavoidable in perhaps the most expensive part of the American Dominion. Immediately on my arrival my Colleagues and 'self had a consultation on the most speedy method of bringing the Land claims to a final adjustment and the result of this conference was that Mr Cocke should go to the County of Concordia and Mr Thompson should repair To the Attaccapas for the purpose of calling the People together that they might bring forward the necessary proofs in their Claims Myself remained here. M^r Cocke returned from the County of Concordia in the following April and Judge Thompson from his appointment in the Superior Court was called to N Orleans where he remained until the following March and on his return it was to go on with his judicial duties. and from this he went on to the Natchitoches District to fulfill the same functions where he remained untill the last of the succeeding August Mr Cocke and myself by consent adjourned the Board to the Attaccapas Church in June and July 1809 thinking to effect something conducive to the Government and the parties interested. which however did not answer our expectations as fully as we wish'd and early in September M^r Cocke resigned his appointment and left the Country, and in the following January My unfortunate Friend Judge Thompson shot himself Then Sir my situation was highly delicate and responsible; in a strange Country in the midst of a People already too suspicious of the American character and of the views of the Government towards them rendered thus odious and unpopular by wretches disaffected to it. Having in my care and answerable to the Government and Claimants papers to an immense value. And I do declare to you Sir upon the word of a Man of honour that during this my solitary situation for upwards of Six Months I never was out of sight of the Office containing those important papers, but daily employ'd in usefulness to the parties interested. And at this unfortunate crisis. My character for honourable integrity and sobriety of maners only prevented the Claimants from forcibly seizing on their Tittle papers. kept from them by long detention. and as they suppos'd from improper motives by the Governments Agents. I felt pleas'd and shall during the remainder of my Life. when those strangers to my Countrys Laws came forward and assur'd me of their entire confidence when I informed them of my determination to remain in Office. for they had observed my anxiety and wish to Promote theirs and the Nations interests. Few subordinate Officers of the American Government Sir can boast of more attention better intentions, or greater anxiety for the honour and interest of their Country than myself. This is not the boasting of vanity to give myself reputation I am not entitled to, or to give my claim against the Government a better colouring of justice. it is a circumstance well known throughout the

whole Western Land District. and which has accompanied my petition to Congress in the approbatory certificates of the People as well as numbers of individual Letters from Men of the best standing in the Country address'd to my Friends Mess^{rs} Clay. Bibb Brent and other distinguishd characters in the City of Washington. If after this fair and honest exposition of facts. more fully detaild in my Petition to Congress for remuneration and honourably supported by the People of the Country you should find them correct, And it should not be incompatible with yr elevated stand. I solicit yr Countenance to my fair. honest and just claim. I feel the less diffident in making this request as you have been generally celebrated for a disposition to promote justice And I trust also you will not think me intrusive in this communication to the Executive of a Free People. Before I close this Letter I shall merely observe that we are progressing to a final adjustment of the Land claims of this District, as much so as the complex nature of their Titles and the tardy disposition of the Claimants will admit of. And I have further pleasure in assuring you Sir of the great worth and honourable integrity of those Gentlemen with whom I am associated in Office and that the People have great confidence in their Merit and Talents, And Believe me Sir When I assure you of My most profound Respect. And am Yr M O h Ser^t

W^m GARRARD

[Addressed] To the President of the U. States City of Washington

[Endorsed] Garrard W^m Jan. 20th 1812

WADE HAMPTON TO GOVERNOR CLAIBORNE ³

[NA:SD, Orleans Terr. Papers, XIII: C]

(Copy)

Head Q^{rs} HAUMAS 23rd Jan—1812

SIR, Your dispatch ⁴ was put into my hands, to day about 3 o'clock, and I hasten to send away your express agreeably to your request. I am sorry, Sir, my ideas of duty will not permit a compliance with the requisition it contains, at least not before I can derive authority for so doing from our Government. The subject is not a new one to our Executive; it is a subject upon which I have received instructions heretofore, and acted; and the course pointed to in 1810, I must adhere to until otherwise ordered.

The convention entered into between Gen^l Wilkinson and Col^o Herrera stipulated, that "pending the negotiations between Spain and the United States, the Troops of Spain should not cross the Sabine, nor those of the U. S. the Aroyo Hondo." This compact

³ Covering letter, Claiborne to the Secretary of State, Jan. 24, 1812, printed, Rowland (ed.), *Claiborne Let. Bk.*, VI, 39.

⁴ Jan. 20, 1812, *ibid.*, pp. 34-36.

has been so scrupulously observed by both Governments, that in 1810 in order to remove the Intruders from this slip of neutral ground a joint operation of the Troops of both Governments, was ordered. Perhaps changes in our foreign relations since 1810, may warrant the one you suggest, but it is unquestionably more proper for the president of the U. S. to determine a point of so much political delicacy, than that a Military commander should take upon himself that authority. And besides, if the observation with which your letter closes be correct, as I believe it to be, surely the establishment of three Military Posts on a slip of land restricted as neutral by both nations, is a measure not the best adapted to the end. I will make one other observation which is warranted by a conversation I had the honor of having with the President last July; "that every measure calculated to excite the jealousy of our Western neighbours ought as much as possible to be avoided."

With respect to the evil of which you complain, believe me, my good Sir, it requires no such violent remedy as you propose—nor is it necessary for your militia to cross our borders. The disorders beyond them have at one time been removed by our Military under an amicable arrangement, and I doubt not but it can as easily be again effected.

I have the honor to be Sir, very respectfully your obed^t Serv^t
(signed) W. HAMPTON

HIS EXCELL^y W^m C. C. CLAIBORNE—

PETITION TO CONGRESS BY THE TERRITORIAL CON-
VENTION

[HF:12 Cong., 1 sess.:DS]

[January 23, 1812]

To the Hon: the Congress of the United States.

Respectfully Represent.

Your Memorialists, The Representatives of the People of the Territory of Orleans, in Convention assembled.

That in the Act of assuming to themselves an independent Rank in the Sovereignty of the American Union, they have taken a Survey of the Map of this Country; and find from the Vast extent of its uncultivable Lands, that an Extention of their Territory and Augmentation of their population are Subjects of the first importance;—That, under this Convention they have turned their eyes towards that Portion of Country South of the Mississippi Territory and eastward of the River Mississippi, and extending to the River Perdido, of which Possession was Not delivered to the United States in pursuance of the Treaty concluded at Paris on the 30th of April 1803.

That your Memorialists, fully persuaded that it will equally promote the real interests of its inhabitants, and comport with the best Views of the United States, to annex that Country permanently to the Territory of Orleans; most earnestly solicit from your honourable Body Such annexation, agreeably to the above described Limits, as soon as the Arrangements of the Government in relation to it will permit;

That they are aware of the re-iterated Attempts that have been made to induce the Government to attach the Country to the Mississippi Territory; but Your Memorialists are induced to believe that these have never been done with the privity and Sincere approbation of the respectable part of the Inhabitants in general, who, Your Memorialists have reason to believe, are Now waiting with anxious Solicitude to assume a New and decided Character by being for ever annexed to the Territory of Orleans.

That, as an important Consideration, the Localities of the Country alluded to, and those of the Territory of Orleans, possess a common Similitude derived from the Principles and the Practice of the Government which formerly extended on both Sides of the river; the civil Law was equally the Law of the land in each division of the Country, and in each the Custom and Usages regulating landed Property & constituting its foundation, were analogous:—

That this Country, from the extent of its Sterile open Savannahs and unreclaimable low Grounds Subject in most Parts to annual Inundations, will never be able to maintain a Population Sufficiently ample on its own Soil; and [the]refore is in Need of Such a Necessary Auxiliary to its Strength and Prosperity, as the Country whose Annexation is Solicited presents to the View; and

That this Annexation will add a wealthy and industrious Population of between fifteen and twenty thousand Persons to a Section of the Country rendered vulnerable by its frontier exposed Situation, and act as a guard against foreign encroachment to this great National Acquisition.

That the Addition Solicited by your Memorialists is a Subject of high political importance when considered in relation to our Southern, Northern & western boundaries; the first being exposed to maritime Invasion and the others to the hostile incursions of Nations either Savage or revolutionary;

That to Secure an efficient Co-operation in the defense of those exposed points from the resources and Population of Florida Should it hereafter become necessary to require them, it is expedient that the Inhabitants be admitted to a Share in the enactment of the laws and the Administration of the future Government of this Country.

That considering in a general Point of view the importance of this National Acquisition to the interests & Security of the whole western Country; considering it as forming especially an out guard to the

Commerce of a most extensive & valuable part of the Union and Viewing it as constituting the grand Ligament that binds the western Republics to the general Confederacy of the States, Your Memorialists cannot Suppose that the Government will hesitate a Moment in the disposition of the means Now presented in the Country of Florida of giving to this Section of the Empire that Strength and political respectability which the Annexation of the Territory Solicited from Your honorable Body, will So eminently contribute to produce.

That the Attachment of Florida to the Mississippi Territory, would be equally unnatural, unnecessary and impolitic; Unnatural, as the connection would present a Multitude of dissimilarities in the laws and Usages of the respective Countries and the fundamental Rules regulating landed Property and the rights of Persons in each; Unnecessary, as the Mississippi Territory, from its Situation, contains within itself all the Capacities for future prosperity and Security in the fertility and extent of its Lands & other interior relations; and impolitic, as it would be a Misapplication of the Means for rendering this Country important in its National connections and leaving it exposed, as a frontier Section of the general Territory, at a Most critical period; to the Attacks of foreign Ambition.

Your Memorialists State however that altho' they consider the Annexation of Florida to this Territory, as a Subject of the first importance to its future Security and Prosperity; yet they are by No Means desirous of making it a Condition for delaying the Admission of this Country into the Union, but that they are prepared to assume that rank without Such Annexation as Speedly as possible: Provided it Should Not conflict with the Views of the Government of the United States, to make it.

Done in Convention at New-Orleans [t]his twenty third day of January One Thousand eight hundred and twelve, and of the Independence of the United States of America the thirty Sixth

By order of the Convention

J POYDRAS

President of the Convention

Attest: ELIGIUS FROMENTIN Secretary to The Convention

[*Endorsed*] Petition of the Convention of the Inhabitants of the territory of Orleans, praying the annexation of West Florida to the said territory. 19 March 1812 Referred to the Committee of the whole House on the Bill for the admission of the State of Louisiana into the Union ⁵ Petition of the representatives of the People of the territory of Orleans. 19th March 1812 Referred to the Committee appointed to enquire into the state and situation of West Florida.

⁵ *House Journal*, VIII, 255.

THOMAS FREEMAN TO THE SECRETARY OF THE
TREASURY

[GLO:Div. E, Miss. SG, vol. 53, 1810-1816:ALS]

Surveyor's Office WASHINGTON M. TER^y Jan^y 25th 1812

SIR, I had the honor of acknowledging the rec^t of your letter of Nov^r 27th⁶ and of inclosing you a copy of your letter of the 20th of March 1811⁷ on the 6th Inst:⁸

Immediately on rec^t of your letter of the 20th of March 1811. I issued the necessary instructions to my two principal Deputies in the southern districts of Orleans Territory to carry into effect the surveys contemplated in that letter I also answered it without delay so far as my knowledge of the country enabled me at that time to do—

A recent journey I have taken thro' Orleans Territory for the purpose of visiting the offices of the two principal Deputies, and of viewing the face of the country generally enables me at this time to give the information required in that letter more satisfactorily—

The Surveys of the back Tracts under the 5th Sectⁿ of the Act of the 3rd of March last were directed to be made only on the application of the Owners of front Tracts who having a right of preemption for these Tracts until the 3rd of March 1814, it is not probable that many applications for those Surveys will be made for two years to come—I know of none yet—These preemptions are very much in our way and render it impracticable to close the Survey of a District without having them laid off first—The valuable and saleable lands of Orleans Territory, lie adjoining the watercourses the private claims—and the back preemptions—and we cannot prepare those lands for sale—neither can we complete a General Survey of the country nor any particular district thereof previous to a Survey of all the private claims & their back tracts—Many of the back tracts would be immediately applied for, and all of them that are worth having would be taken by the owners of front Tracts within the time limited if Surveyed—It therefore appears to me very desirable that the Survey of all the claims and their back Tracts should be made without delay particularly in the two southern districts—

Your letter of the 20th of March last above mention^d directs me to communicate to the Treasury Department my Opinion on the following subjects—

1st The mode of Surveying the back tracts under the 5th Section of the Act of the 3rd of March 1811—and also of Surveying the front Tracts on Water courses &c, under the 2nd Section of the same act?—

⁶ *Ante*, p. 958.

⁷ GLO (Div. C, Misc. Let. Bk. 2), containing instructions for the surveys in light of the act approved Mar. 3, 1811 (2 STAT. 662-666).

⁸ Not found.

2nd What lands in the different Districts of Orleans Terr^y are susceptible of a General Survey into Townships and Sections?

3rd How far these surveys should at present be extended &c?

The first of these Subjects has been sufficiently answer^d by a copy of my Instructions to my two principal Deputies in the Southern Districts of O. Terr^y which I had the honor of transmitting to your departm^t shortly after I rec^d your letter ⁹—

I beg leave here to refer you to a Map of Orleans Territory which I had the honor of forwarding to your Departm^t the 20th of October last ¹⁰—

The South Eastern District—of Orleans Territory, lies chiefly on the west side of the Mississippi River Bounded on the west by the Chaffalia Bayou, and divided a considerable portion of its length by two Bayous running nearly parallel to each other and to the Mississippⁱ both these bayous and the Chaffalia I am informed have on their margins large portions of very valuable public lands. They extend from Point Coupie, as low as Manchac. From thence to the Ocean the country is divided in like manner by Bayous Lakes & salt-marshes, on which there is said to be valuable public lands also. —I am informed by my principal Deputy for this District that the Rich planters on the Mississippi are anxiously awaiting the sales of those lands—having already divided & subdivided their original Tracts on the River amongst their children, until in many instances those tracts do not contain more than 2. or 3. arpans front. —

From the situation of this tract of country and the disposition of the planters on the Mississippⁱ to procure lands in it for their families, I have thought it adviseable to make some preparatory arrangements for the completion of the Survey of this district, to this end I have directed the principal Deputy himself, to extend 3. or 4. Township lines from the Western District thro' thro his District to the Mississippⁱ, and to cross them with two or three Meridional Township lines to be run in the most convenient places to ascertain a knowledge of the country and to connect & identify the tracts that may be surveyed therein, either under the 2nd Sectⁿ of the Act of the 3rd of March last—Original Tracts—or back Tracts—The present Basis Meridian in the Western District to be considered as the Basis from whence the Ranges are to be numbered.—Two or three Deputies have been employed for a considerable time past in Surveying Tracts on Water-courses in this district—but their progress is very slow owing to the extreme difficulty of run^g lines thro' an Almost impenetrable growth of Cane—Briers—& Vines, that cover these rich lands—

⁹ June 29, 1811, *ante*, p. 939.

¹⁰ Freeman's letter of Oct. 20 is printed, *ante*, p. 950. The map has not been found.

South Western District—

The Townships of this district not incumbered with private claims, have already been Surveyed (with few exceptions) under former Orders from the President—

The surveys of the private claims in this District, as in the Eastern, have progressed very slowly from a variety of causes and until they are first surveyed, we cannot complete the Survey of the most valuable part of the public Lands and of course they cannot be prepared for sale—

The North District—West of the Mississippi and North of Red River

That portion of this District lying between the Mississip^l & Washita is low and the greater portion of its surface annually Overflown by the Inundations of the Mississippi—It is not at this time very interesting the banks of the Mississ^l and a few Bayous excepted, and the chief part of the Valuable lands on the margin of the River is occupied by private claims—The last Springs flood has cooled the ardour of adventurers in this quarter—The Survey of the private claims should however by all means go on in it and at a future day when it may be deemed proper to extend Surveys further a few Township lines should be run thro' it to ascertain more distinctly its character and to enable us to Survey to advantage the Valuable parts thereof—One Deputy has been employed for some time past in Surveying private claims on the bank of the Mississippi—Lake Concordia &c.—

That part of the Northern District situate West of Washita & North of Red River, is generally, high land, Wavy Surface, Thin Soil. Timber chiefly pine in some places mixed with Oak.—When the Survey of this portion of the Northern District shall be determined on, I recommend that the Township lines onely should be run, and then, such parts of these Townships as appear valuable may be surveyed into Sections—All the valuable lands on the Washita—Black River and their branches up to the 33° deg^r of Lat^a that may be found clear of private claims should also be surveyed—One deputy is employed in Surveying the private claims on Red River at Natchitochez.—

From the above view of the country West of the Mississippi & in Orleans Territory—and under the impression that it is the Wish and Interest of the Government to have the public lands which are valuable & saleable, prepared so that they may at convenient and proper times be offered for Sale.—I take the liberty of recommending the Survey of the two Southern districts to be completed within the present year—The unsaleable parts & Salt Marshes excepted—A partial survey of the District North of Red River, can at the same time take place—such as the Survey of the private claims, and run^e a

few Township Lines thro' it for the purpose of acquiring a more accurate knowledge of its surface

I have postponed the sending this letter on for two weeks past to procure an Estimate from the two principal Deputies in the Southern Districts—of the probable expence of completing the survey of their Districts—I have not yet rec^d those Estimates but presume the Survey here recommended will amount to as much as the governm^t will be disposed to appropriate for the Surveying Department in this quarter the present year.—

The Survey of that portion of the Land District East of Pearl River in the Mississippi Territory lying East of the Tombigbee River unto which the Indian claim has been extinguished is completed—The Maps & descriptions thereof amounting to upwards of 30. in N^o are in hands & shall be prepared for your departm^t without delay—This Survey together with those in hands in Orleans Territory will require more funds than we have command of at present—A small draft or further credit on the receiver here of 4. or 5. Thousand dollars will be necessary to cover the demands of the Deputies within the present quarter.—

I fear that this Letter is already extended to too great a length—I shall reserve for a future communication remarks on the Surveys of private claims which I am anxious to have your advice on—The small fees payable by individuals under particular circumstances for resurveying their claims is a source of extreme interruption and embarrassment to our deputies, it is very much to be wished that those fees should fall somewhere else—on the patent, or be removed all together and paid by the public—I shall explain this subject fully in my next communⁿ ¹¹

I have the honor to be Most respectfully Sir. Your Obed^t humb^lo
Serv^t

THO^s FREEMAN

THE HON^{bl}o ALBERT GALLATIN Esquire

[Endorsed] Washington M. T. Jan. 25, 1812, rec^d Feb. 22. Tho^s Freeman Surveyor &^a—surveys of back-tracts in Orleans Terr^y what lands are susceptible of survey—surveys proposed for this year—surveys completed in Mis^t Terr^y E. of Tombigbee—wants credit for 4 or 5000 D^a—embarrassm^{ts} from private claims—Answ^d ¹² N^o 159

¹¹ Feb. 27, 1812, *post*, p. 1002.

¹² Answered Mar. 12, 1812 (GLO, Div. E, SG, 1790–1816), directing Freeman to proceed with the surveys.

GOVERNOR CLAIBORNE TO THE SECRETARY OF THE
TREASURY

[NYHS:Gallatin Papers:ALS]

Private/

N^w ORLEANS Jan^y 26^h 1812.

D^r SIR, Your private Letter of the 16^h Ultimo ¹³ has been received. It furnished me with the first, and to this moment, the sole information which has reached me of my reappointment as Governor of this Territory.—My former Commission expired on the 17th Instant, & not being informed officially of its renewal, I felt some delicacy in exercising any Executive Authority; But upon mature reflection, and after taking the Council of the Territorial Att^y general, it seemed to me a duty to continue in the exercise of my functions, until advised of a successor.

The Constitution of the New-State is finally agreed upon—And Mess^{rs} Fromentin and Magruder are elected by the Convention to bear it to the President. The Convention will probably close its sessions on Tomorrow, the several Members carrying to their respective Homes, a great degree of anxiety for the speedy approval of their Work by Congress;—An Anxiety of which I strongly participate, being firmly persuaded that under existing circumstances, it is essential to the general Welfare, that the Territorial Government should cease as soon as possible.

I communicated your Letter to our Mutual friend Mr Poidrass, who requests me to send with mine his best wishes to yourself and to M^{rs} Gallatin.

I am D^r Sir, With great respect Your faithful friend

WILLIAM C. C. CLAIBORNE

THE HON^{ble} M^r GALLATIN Sec^y of the Treasury

P.S.—I shall write you particularly by M^r Magruder.—You are doubtless advised of the former unfortunate attachment of this gentleman to drink;—But of late he has given great proof of Reformation, & promises to be useful to his Country; You will find him intelligent, and well informed on the subject of Land Claims;—He is influenced by very pure Motives, and is in principle a true American.—W.C.C.C.

[*Endorsed*] N Orlean Janu 26. 1812 W^m Clayborn

¹³ Not found.

JULIEN POYDRAS TO THE PRESIDENT

[NA:SF, 12 Cong., 1 sess.:LS]

In Convention N. ORLEANS *January 28th 1812*

SIR The Representatives of the People of the Territory of Orleans in Convention assembled have now the honour to submit to the consideration of Congress, the Constitution or form of Government the result of their joint deliberations,¹⁴ under the act providing for the admission of this Country into the Union of the States.

Motives of peculiar urgency connected with the repose and security of the People of this Territory have induced them to solicit of the Executive, that the Constitution herewith transmitted may be immediately laid before Congress, so as to be acted on, without delay at their present session. The anticipated change in the Government of this Territory has had a tendency to produce a considerable relaxation in some of the most important departments thereof. Provided the adoption of the new form should be delayed to a distant period, serious injuries and inconveniencies to the People are apprehended.

The Convention therefore beg leave to express to Congress, through the Executive their most earnest sollicitudes, for as speedy a provision against such a state of things as may comport with the other national duties of that Body.

By the unanimous order of the Convention With great respect, we have the honor to be Sir Your Excellency's most obedient servants

J POYDRAS

President of the Convention

Attest: ELIGIUS FROMENTIN Secretary to the Convention

THE PRESIDENT OF THE UNITED STATES.

 WADE HAMPTON TO ZEBULON M. PIKE ¹⁵

[NA:SD, Orleans Terr. Papers, XIII:C]

(Copy)

Head Q^r BATON ROUGE 6th *February 1812*

SIR, The object of your command is, to remove the Intruders and Banditti from the slip of neutral ground lying between the Aroyo Hondo, and the Sabine.

The correspondence which I have put into your hands, dated in 1810, between the Commanding Officer at the Post of Natchitoches and the Spanish authorities, together with the decision of the Government, as communicated upon that occasion by the Hon^{ble} the Secretary of War, will point very clearly to the course then adopted, and

¹⁴ Present with the covering letter.

¹⁵ Covering letter, Claiborne to the Secretary of State, Apr. 13, 1812, printed. Rowland(ed.), *Claiborne Let. Bk.*, v, 80.

indicate to you that the one Imposed by the letter of his Excellency the Governor, of the 20th of Jan^y ult^o ¹⁶ could not be met to the extent he suggests without departing from the principle which was admitted by our Government in 1810. It is true the Governor speaks of the law subsequently passed for admitting the Territory of Orleans to become a State, in which our Western extent of boundary is asserted; it, however, strikes me, that law was merely conditional; and since our government has given the Commanding Officer of the Troops in this department, no instructions to deviate from the course it once adopted—it would be transcending his duty, to depart from what it had laid down in a former case.

But as the evil complained of, seems to demand an immediate remedy,—when you shall have arrived at the post of Natchitoches, and taken command of the whole force, you will employ it, as your judgment shall suggest to be best, without violating the understanding which has so far received the sanction of both governments, and that to which the instructions of our own seem to point.—After commencing a correspondence with the nearest Spanish Commandant (of any considerable rank) and pointing to the evil complained of, and the disposition of our Government to respect a military understanding, which has been mutually sanctioned, regardless of all legal claims as to the ultimate question of boundary;—should he fail to meet your invitation to joint operation, either from motives of weakness, or disinclination, I conceive you will be justified, from considerations which respect our own tranquility, in effecting the object with the forces confided to you.—In doing this, you will exercise your own discretion—bearing in mind, that so far as the instructions of our Government have been disclosed to us, it has no desire to commit aggression, nor to excite suspicion, with our Western neighbours. The necessity of the case, and a regard to self preservation must justify us:—and retiring from the ground, and declining to make on it any permanent military establishment, can but afford sufficient proof of the motives which have alone led to the measure.

The object accomplished—(the progress toward which, you will, from time report to me)—you will return with all expedition to this post, with the command with which you departed, leaving that before attached to the post at Natchitoches, and such instructions with

¹⁶ Claiborne to Hampton, of this date, enclosed in Hampton to the Secretary of War, Apr. 1, 1812 (NA, WD, AGO, Old Recs. Div.).

Capt. Overton as you may judge best suited to the state of things at your departure ¹⁸—

[*Endorsed*] (Copy) To Lt. Col^o Pike Feb. 6 1812 C

GOVERNOR CLAIBORNE TO THE SECRETARY OF THE
TREASURY

[NYHS:Gallatin Papers:LS]

NEW ORLEANS Feb^y 7th 1812.

DEAR SIR, This letter will be delivered to you by M^r E. Fromentin, who bears to the President, the Constitution proposed for the New State, & who is appointed by the Orleans Convention, one of their Agents to represent generally to Congress, the Interests of this Section of the Union.—

M^r E. Fromentin deserves & possesses a great share of the Public['] Confidence;—He is a Man of education;—of strict moral rectitude, & is, I am persuaded, Ardently attached to his adopted country.—

The Convention, having acceded to all the conditions required by Congress, & the Constitution being republican, I sincerely hope it may be approved.—A change is Confidently calculated upon, and I beleive sincerely desired.—A delay will greatly disappoint the expectations of the people, & Augment the embarrassments which already attend the administration of the temporary Government.—I have no doubt myself as to the expediency at the present Moment of admitting this Territory, as a Member State of the Union.—There are among us, Individuals from whose principles Political & Private, a virtuous Government can look for no support;—The Intrigues of these Individuals, will certainly be productive of some temporary Inconvenience;—But the great Majority of the Inhabitants, are well affected to the United States, nor could any thing tend more to confirm them in their allegiance and attachment, than an early reception into the Bosom of the American Family.

I am, Dear Sir, With great respect Your mo. ob: Serv^t

WILLIAM C. C. CLAIBORNE

THE HON^{bl} M^r GALLATIN

[*Addressed*] The Honorable Albert Gallatin Sec^y of the Treasury Washington City—

[*Endorsed*] N Orleans february 7. 1812 C. C. Clayborn recomm^d
M^r Fromentin

¹⁸ The military situation at this time is described in the following letters, enclosed in Hampton to the Secretary of War, Apr. 1, 1812 (NA, WD, AGO, Old Recs. Div.): Claiborne to Hampton, Jan. 20; Pike to King, Feb. 26, Montero, Feb. 26, Herrera, Feb. 26 and Mar. 16, Montgomery, Mar. 3, Magee, Mar. 3, Overton, Mar. 16, and to Hampton, Mar. 26, 1812.

SECRETARY ROBERTSON TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, XIII:ALS]

NEW ORLEANS *Feb* 7. 1812

D^r SIR I introduce to you M Fromentin he has been unanimously appointed by the convention of this Territory to be one of the bearers of their constitution to the congress of the U States few men have received a better education possess more extensive information or enjoy more of the confidence of the public than M Fromentin His long residence in this country his habits of remark and observation render him particularly on all that relates to our situation an interesting and valuable acquaintance Be pleased to present my respects to M^r Monroe and believe me to be very sincerely¹⁹

Yo ob St

TH B ROBERTSON

[*Endorsed*] Tho^s B Roberson. New Orleans *Feb* 7. 1812JOHN NANCARROW TO ZEBULON M. PIKE ²⁰

[NA:WD, AGO, Old. Recs. Div.:C]

(Copy)

NATCHITOCHEs 25th *Feb* 1812

COL^o ZEBULON PIKE SIR, I take the liberty of informing you that the land on which the Fort at this post is placed is my property. for six years past I have been endeavouring to procure an adjustment with the Government for it, all the progress I have made is the obtaining the Certificate of the Commissioners appointed by the General government to decide on land claims in this Territory. I have waited with patience. it is eight years since the land was taken possession of by the Government, although notified of it's being private property—they cannot take private property without proper compensation to the owner. I am anxious to have this affair brought to a close, either to receive pay for the property, rent or possession—If, sir, it is in your power to expedite the final arrangement of this business for me, you will oblige

Your most obed^t very humble Serv^t

(signed) JOHN NANCARROW

[*Endorsed*] M^r Nancarrow's letter N^o 8.

¹⁹ A similar letter of introduction apparently in Robertson's hand, from Livingston to the Secretary of State, Feb. 12, 1812, is in NA (SD, Misc. Letters).

²⁰ Enclosed in Hampton to the Secretary of War, Apr. 1, 1812 (NA, WD, AGO, Old Recs. Div.).

THOMAS FREEMAN TO THE SECRETARY OF THE
TREASURY

[GLO:Div. E, Miss. SG, vol. 53, 1810-1816:ALS]

Surveyor's Office WASHINGTON, M. T. *Feb*^y 27th 1812.

SIR I have the honor to acknowledge the rec^t of your letter of the 24th of Jan^y—Your two former notes of the 27th of Nov^r & 19th of Dec^r ²¹ with the copy of the Act of the 12th of Dec^r 1811. extending the time for opening the several Land Offices established in the Territory of Orleans have also been received—I have not yet had any Official information from the Land Office in the South West, District of Orleans Territory, respecting the Sales of the public lands that had been advertized for the 1st of Jan^y by private information from that District I have learned that the lands advertized were offered for sale by the Register & Principal Deputy Surveyor as Commissioners of the Sales—That none had been purchased at the public sale tho', some quarters would be taken immediately after by private sale—

The copy of the act you enclosed me arrived too late to prevent the sales in Jan^y and under the impression that you had at the same time, inclosed to the Register of the Land Office a copy of the same Act I did not write to him on that subject—but immediately on the rec^t of your letter of the 24th of Jan^y I wrote to the Register ²² inclosed him a copy of the Act of the 12th of Dec^r 1811—extending the time of sales &c—& Informed him it was your positive order, that the sales of public lands in his District should immediately be stoped—I requested him to let me know as early as possible whether, the sales were opened in Jan^y or not and what had been done in that business—As soon as I hear from the Register on this subject I shall transmit the information I may receive to your Department—

The Principal Deputies in Orleans Terr^y are allowed a fee of 25. cents P mile for Recording the plats & surveys of private claims—it frequently occurs that two or more of these claims, or tracts, adjoin each other—but, the deputy has in all cases to record them separately, so that he has as much trouble in making the record of each Tract, as if they were all separate—and thinks himself entitled to 25, cents P mile for the length of the lines of each survey he records, as if they were separate surveys—I take the liberty of submitting this subject for your decision, and beg the favor of your answer as early as convenient—

I have the Hon^r to be very respectfully Sir your ob^{dt} servant

THO^s FREEMAN

THE HON^{ble} ALBERT GALLATIN

²¹ The letters mentioned are found in GLO (Div. E, SG, 1790-1816).

²² Not found.

[*Addressed*] The Hon^{ble} Albert Gallatin Esq^r Secretary of the Treasury Washington City [*Postmarked*] Wash^a M T Mar 3 Free

[*Endorsed*] Washington M. T. Feb. 27th 1812 rec^d Mar. 21. Th. Freeman Surveyor &c^a acknowledg^e—receipt of sundry letters & act of Dec. 12. 1811—fee of 25 cents a mile charged for recording plats of surveys in the Orleans Terr^y N^o 161.

Answer That the construction contended for by principal deputy Surveyors in Orleans respecting the fees for examining & recording plats of survey is correct, as each survey must be recorded separately.—A.G. Mr Moore—Answ^d 21 March 1812.²³

THE POSTMASTER GENERAL TO CHARLES TAIT

[PO:P.M. Letter Book R]

March 6th 1812

HON^{ble} C, TAIT M Senate

I regret that we cannot consistently with the public service alter the period of delivering the mail at New Orleans agreeably to the request of your friend M^r Stackhouse

G, GR,

WALTER OVERTON TO ZEBULON M. PIKE ²⁴

[NA:WD, AGO, Old Recs. Div.: C]

(Copy)

FORT CLAIBORNE March 6th 1812

SIR, I must beg leave to make a short statement to you relative to objects wherein the public interest May be concerned and which in the Multiplicity of your business and in viewing more important points, may have escaped your observation.

First the Commissioners appointed to examine the land claims west of the Mississippi, and in this Territory have decided that the land on which this garrison now stands is the property of a Citizen, thereby yielding the claim of the United States to one more valid. This citizen e'er long may demand his rights, and although possession may be kept by force for a short time, yet the laws by which we are all governed will not suffer them long to be trampled on.

Second, the situation of the Garrison is much to be lamented, an' is productive of a train of disadvantages easily foreseen by military men and alone to be remedied by one more eligible when speaking in a military point of view it is commanded on the south and west by

²³ GLO (Div. E, SG, 1790-1816), embodying the content of the above endorsement.

²⁴ Enclosed in Hampton to the Secretary of War, Apr. 1, 1812 (NA, WD, AGO, Old Recs. Div.).

Hills within Musket shot—It is nearly surrounded by a lagoon of Water which stands three fourths of the year productive of poisonous effluvia, and a host of musketoos—this lagoon alone separates it from the village, its proximity to which gives the soldier free scope to indulge himself in all the vices of the age, which is every way calculated to seduce him from his duty & ruins his health and dissipates his morality.—I now, Sir, approach the publick purse—The Buildings in toto want repairing—this will be productive of much labor and expense to the publick—and it must be done this summer, for the comfort and health of the Troops, it no longer can be delayed.

I would suggest the idea, Sir, whether it would not be better and more to the interest of Government when taking every thing into view—it being the property of an individual, the labor necessary to make it comfortable—the want of eligibility, &c. to purchase a situation which will be high, healthy, a command of the river, remote from the Village, nearer to wood and water, all of which are highly essential in promoting, as I view it, the publick good, and the individual happiness of the troops at this post such a one can be procured within a few hundred yards of this, say 600, for a trifle.

That it is somewhat to the interest of our Government to maintain a position somewhere in this quarter, I have no doubt, should we only take into view the Spanish trade of the adjoining provinces & new Spain—which under the existing circumstances of that nondescript Government, cannot fall short of \$300,000 in specie, and an innumerable sum in Horses and Mules—should this trade not be illegal, it certainly is profitable and moreover is calculated to keep up a good understanding between the people of the United States, and those of his once Catholic Majesty in South America; who I am of the opinion will one day or other be our subjects or allies.

Thus, Sir, I have hazarded my opinion on subjects which no doubt you have viewed on a larger scale, yet, Sir, I feel assured that the detail of minutizè herein aimed at, will serve to strengthen your memory when ruminating on those points and at most can effect no evil—

I am, Sir, very respectfully

(signed) W. H. OVERTON

Cap^t 7th Inf^y

L^t COL^o PIKE.

[*Endorsed*] Capt Overton's letter N^o 9.

THE SECRETARY OF THE TREASURY TO THOMAS
GHOLSON

[TD:Secretary's Files, ser. E, vol. v, 1806-1812:C]

TREASURY DEPARTMENT, *March* 10, 1812.HON: THOMAS GHOLSON, Chairman Com^o of Claims.

SIR, In answer to your letter of the 17th ult^o inclosing William Garrard's petition,²⁵ I have the honor to state, that by the ninth section of the act of 3^d March, 1807,²⁶ each of the land commissioners in the territory of Orleans, was allowed at the rate of 2000 dollars a year, to commence from the 1st January, 1808, for the term of 18 months, and ending therefore on the 1st July, 1809; that M^r Garrard arrived at Opelousas only on the 6th November, 1808, and has received under the act above mentioned, 1500 dollars, which is more, it is believed, than he was legally entitled to: that by the first section of the act of 3^d March, 1811,²⁷ each of the Commissioners was allowed at the rate of fifty cents for each claim which remained undecided on the 1st July, 1809, and a further sum of five hundred dollars, to be paid after the completion of the business of the board, (which allowances are by the said section expressly declared to be in full for all the services of the Commissioners, including those rendered since their salaries ceased); and that M^r Garrard had on the 19th ult^o received \$772. 50/100, on account of the last mentioned allowances, and will, in course, and as the same becomes due, receive the full amount allowed him by the last mentioned act.

But altho' M^r Garrard has received all which he is legally entitled to, it is not less true, that for his services during more than three years, he has received only 2272 dollars, whilst the two other former Commissioners, (M^r Cook and M^r Thompson) received the full amount of 3000 dollars, allowed by the act of 3^d March, 1807, and then both ceased to act: so that M^r Garrard happened to be left alone during the period subsequent to 1st July, 1809, to which no salary was affixed. With that view of the subject, and considering that in fact, nearly the whole business of the board has been done since that date, it would seem equitable to allow him the balance of 1500 dollars of the allowance made by the act of 3^d March, 1807, and which he has not received on account of his not having entered on the duties of the office 'till Nov^r 1808.

I have, &c.

²⁵ Neither has been found.

²⁶ 2 STAT. 440-442.

²⁷ 2 STAT. 662-666.

THE SECRETARY OF THE TREASURY TO JEREMIAH MORROW

[TD:Secretary's Files, ser. E, vol. v, 1806-1812:C]

TREASURY DEPARTMENT, *March 12, 1812.*

HON: JEREMIAH MORROW, Chairman of the land Com^{ee} in Congress.

SIR, It appears that the register of the land office and principal deputy surveyor of the western district of Orleans, being two of the Superintendants of the public sales of land in that district, thought themselves obliged under the act of 3^d March, 1811 to offer for sale, at public sale, such of the lands in said district as had been surveyed and returned to the register. This they did before the act of November last, suspending the operation of the first mentioned act, had been received by them. Permit me to suggest the propriety of sanctioning, by law, the sales which have thus taken place. It is stated that only four quarter sections have actually been sold.²⁸

I have, &c.

REPRESENTATIONS TO CONGRESS OF ELIGIUS FROMENTIN AND ALLAN B. MAGRUDER

[NA: SF, 12 Cong., 1 sess.:ADS 29]

[Referred *March 13, 1812*]

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled,

Respectfully Represent,

The Undersigned, deligates from the convention of the Territory of Orleans, to Congress;

That, being duly authorized and instructed by a resolution of the said Convention, to communicate with the Government on the subject of certain Territorial Rights of the Inhabitants of the Territory of Orleans, they beg leave to call the attention of your Honorable body to the situation of a large number of the said Inhabitants, whose claims to Land within the Eastern District of said Territory, remained Unenrigestered, at the expiration of the time for Entering claims, agreeably to the act of Congress;

That, the causes in general, for the Non-Entry of those claims, as the Undersigned are informed, are in part to be attributed to the remote situation of many of the claimants from the Land Registry, the discouragements held out to others, under the defects of the first

²⁸ The Secretary of the Treasury informed Wailes of the suggestion here made to Morrow in a letter of Mar. 12, 1812 (GLO, Div. C, Misc. Let. Bk. 2). He again wrote to Morrow, Mar. 18, 1812 (TD, Secretary's Files, ser. E, vol. v), reminding him that the tracts embraced in the report of rejected claims in the eastern district could not be sold until Congress so decided.

²⁹ The document is in Magruder's hand.

Land Laws, the expectation that the Commissioners wou'd hold their sittings within, or adjacent to the Districts where they resided, in which, they were disappointed, and the ~~Extreme~~ Ignorance of the greater part, as to the motives of the Government in the requisition to Enter their Lands;

That, the Undersigned have reasons to believe, that many of the aforesaid claim are of good title, and very valuable to their proprietors; but agreeably to the existing Laws, they must Merge in the General mass of the national domain, unless saved by the intervention of Congress, and be accordingly, sold out as public Lands, in contravention of the Treaty ceding the Country of Louisiana to the United States, under which, the property of the Inhabitants is guarranteed.

The Undersigned beg leave, therefore, to express to Congress their earnest solicitations for some suitable provision, by which the aforesaid claimants may be secured in their property; and they respectfully suggest the enaction of a Law, similar to the Act giving further time for the Entry of Land claims in the Western District of the Territory of Orleans, as most conducive to the object desired.—

ELIGIUS FROMENTIN
ALLAN B. MAGRUDER

[*Endorsed*] 12 Cong 1 Sess L Representation, of the delegates to Congress from the territory of Orleans, praying further time for entering claims to land in that territory. 1812 March 13. Referred to M^r Worthington, [Mr.] Condit. & [Mr.] Crawford. Reported a bill ³⁰

MEMORIAL TO CONGRESS FROM INHABITANTS OF
FELICIANA COUNTY

[HF:12 Cong., 1 sess.:DS ^{30a}]

[Referred *March 17*, 1812]

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled,

THE MEMORIAL of the undersigned Inhabitants of the County of Feliciana, in the Territory of Orleans, Respectfully Sheweth:

That your memerialists having been lately incorporated into the American Union, as is well known to your honorable body, and at the same time attached to the said territory as a part of Louisiana, have viewed with much regret the provisions of a late act of Congress

³⁰ The bill reported by this committee was passed as the act approved Apr. 14, 1812 (2 STAT. 709-710). This extended the time for registering land claims in the eastern district of Orleans until Nov. 1, 1812. For the course of the legislation, see *Senate Journal*, v, 74, 81, 83, 89, 91, 102, 103, 104-105; *House Journal*, VIII, 273, 279, 284, 289, 290, 291, 293.

^{30a} The text of the memorial is in printed form.

authorising a state government to be formed within the said territory of Orleans, with such limits and boundaries as will exclude your memorialists, and separate them entirely from the state so about to be formed. While we declare our entire confidence in the upright intentions of your honorable body, we beg leave to remonstrate in the strongest terms, against a measure which we humbly conceive to be not only an infringement of our rights, but injurious to our fellow citizens of the said territory of Orleans, and to the interests of the United States.

In support of this, which we conceive our just remonstrance, we respectfully represent, that by the ordinance of Congress dividing Louisiana into two territories, it is provided that neither of those territories shall be so subdivided as to retard the admission of any part thereof into the union, a stipulation which you will readily perceive to have been infringed by the aforesaid act of the last session, inasmuch as the proposed division of the territory of Orleans, must of course deprive your memorialists of any hope of a participation in the national councils, and of the full enjoyment of the rights of American citizens, for many years—But on the subject of this memorial, we do not confine our views to considerations of self interest; we are warranted by a memorial addressed to your honorable body from the convention of the territory of Orleans, to represent that they consider our union with them as an object of importance to the state which is to be formed, and our concurrence with them in the prayer for our perpetual union, will, we hope, be considered by congress as a strong argument that this union will contribute to our mutual advantage.

Our laws & customs respecting the descent of property, and other important subjects, having been similar, our union with them will be easy and natural, whereas the difference existing betwixt our laws and those of any other territory of the United States, offers an insuperable objection to our being incorporated with the other adjoining territory.

So far as the general interests of the government are concerned, notwithstanding any misrepresentation which may have been made on this subject, we humbly conceive that your honorable body being informed that we are native Americans, and attached to our country by the ties of consanguinity, as well as by education, will give due weight to this consideration, if any change may yet be made in the limits of the state of Louisiana.

Your memorialists therefore pray, that the act of the last session of Congress authorising the people of Orleans to form a constitution and state government, may be so [ame]nded as that the said county of Feliciana may be included within the state so to be formed and admitted into the union—and your memorialists will ever pray.³¹

³¹ Presented to the House Mar. 17, 1812, and referred to the committee appointed "to inquire into the state and situation of West Florida" (*House Journal*, VIII, 252).

James H. Ficklin	Fed. Cobb
Alex ^r Crawford	James P. D. Gray
Bry ⁿ M ^c Donnold	J. M ^c D. Kavenagh
James M ^c Cauley	Jn ^o Ewing
W M ^c Clellan	Alex ^r Pickard
Clark Woodruff	R ^t Perey
F. A. Browder	Benjamin Collins
Heny How	John Dutton
H. Peirce	Henry Harrison—
Josiah Lawton	Rukins Jelks
Thomas Butler	Thomas M. Collins
Reuben Kemper	Hudson Tabor
Michael Williams	Roderick Perry
Gilbert Piper	William Beauchamp
Joseph Book	J ^o s Arnold
C. G. Johnson	Silas Cook
Ephraim Connelly	John Hughes
John Gayle	Caleb Weeks
Lewis N Gardner	Isaac Johnson
Joseph Love	James Turner
T. W. Garnhart	H. W. Gurley
James Kerr	James M Bradford.
John Brown	D H Brunson
Rowland Keown	W Kavenagh
Rober Wingate	James M ^c Kie
Malachia Burns	Lewis P. Dunn
Samuel P. Leek	Geo. Maguire
D. B. Stuart	Robert Young
Friend M ^c Mahon	Francis Keller
Donald M ^c Quien	G. B. Cotten
T G Clark	Thomas M ^c Donnold
Christ ^r Strong Stewart	David Davis
Amos Webb	John Browder
Aaron Gorham	William Williams—
Will Jones	

[Section 2 of Subscribers to Memorial]

Robert Barrow	S. B Herring
Jos. E. Johnson	William Bridges
David Lane	P. Choubert
Adam Joyce	G. B. Gren
William Ratliff	Peter Shewmin
Thomas Thorp	W ^m Brown
Jesse Ratliff	Elded Barker
James Bullock	Samuel Barker
George Row	Philip Bundick
J. B. Bixler	George Bundick
George Smith	W ^m Carson
Fred Lauman	Joseph Holling
Briton Barker	Page Ballew
William Barker	J Royall
John Brinton	Lewis Crosson
Eli Barker	Dossey Spregg
Frederick Forth	W ^m Coleman

Pharoah Cobb
 A* Bingaman
 William Mulhelen
 Delafayette Karr
 Fredrick Kimball Sen'
 John Nelson
 Jeanet Pollock
 Charles Pollock
 James M°watters
 Noah B Salisbury
 James Stewart

Clement Stewart
 E H White
 James Clayton
 Jer Davis
 Wili P Gay
 Young L. Abbott
 John Robinson
 Robert Russel
 Robert Culbertson
 Chris' Backus

MEMORIAL TO CONGRESS FROM INHABITANTS OF
 FELICIANA COUNTY

[HF:12 Cong., 1 sess.:DS 22]

[Referred *March 17, 1812*]

To the Honorable the Senate and House of Representatives of the
 United States of America, in Congress assembled,

THE MEMORIAL of *the undersigned Inhabitants of the County of Feliciana,
 in the Territory of Orleans, Respectfully Sheweth:*

That the subjugation of the monarch of Spain by the emperor of
 the French nation, threw the provinces of the Spanish government in
 confusion, and threatened to their inhabitants a state of anarchy.
 That your memorialists were at that time, of the province of West
 Florida, of the Spanish government. That the state of the govern-
 ment rendered their lives and property unsafe, and compelled them to
 take measures to adopt a government, which would secure to them-
 selves the important objects of self preservation, and the protection
 of their property. That at the moment when they were at rest, under
 a form of government which they had adopted, it was discovered that
 that first form was not efficient to the important objects proposed to
 be secured—Wherefore it became necessary that they should adopt
 another, more sure and efficient. In order to do this, it became neces-
 sary to raise troops, to provide arms and amunition, and do what was
 essential as a nation to govern themselves. This they had to ac-
 complish without previous funds, whereupon a debt was necessarily
 incurred to an amount of about thirty-five thousand dollars, and the
 means for paying it were about to be adopted, when the troops of the
 United States arrived, and took possession of the country, of the arms
 and amunition, to much greater amount in value than would dis-
 charge this debt if appropriated to that use. Thus by the disolution
 of our government, and the establishment of that of the United States
 over us, your memorialists were prevented from using the means

²² The text of the memorial is in printed form. As will be noted there are
 some typographical errors.

which they had in their power, to pay the debt which they had necessarily contracted. That this debt, which under their own government would have been borne by all its citizens, now falls on but few. That therefore some of our best citizens; now citizens of the United States, will be reduced from ease to the most deplorable indigence.

Your memorialists believing as they did, that the government of the United States either had no right to West Florida, or that they had relinquished that right when they delayed to take possession of it when they possessed Louisiana, were compelled to the measure of governing themselves, without the shadow of a hope that they could call upon your honorable body for the extension of your protecting wing over them. As they have therefore incurred this debt, which must under the circumstances before mentioned, necessarily be of considerable importance to us, and as they were prevented by the United States from paying it; & as congress had not relinquished their right to this country, but only delayed to protect and govern it as they of right should have done. Your memorialists conceive that some means will be used, and some steps taken to relieve those within this territory, who will otherwise be brought to penury and want. That congress in equity and justice ought to pay the creditor of the government of Florida, and relieve the unhappy debtor, is evident, when they advert to circumstances before stated.

Wherefore your memorialists pray that congress will adopt such means for the payment of said debt, as in their goodness and wisdom they may prefer, and your memorialist will ever pray.

Robert Barrow
 Jos. E. Johnson
 David Lane
 Adam Joyce
 William Ratliff
 Thomas Thorp
 Jesse Ratliff
 James Bullock
 George Row
 J B Bixler
 George Smith
 Briton Barker
 Fred Lauman
 Frederick Forth
 S. B. Herring
 William Bridges
 G B, Gren
 P: Choubert
 Jn^o W. Graham
 Peter Shewmin
 Noah B, Salisbury
 Charles Mead

William Barker
 Eli Barker—
 John Brinton
 Eldded Barker
 Samuel Barker
 Philip Bundick
 George Bundick
 W^m Carson
 Joseph Holling
 Page Ballew
 William Mulhelen
 J Royall
 Lewis Crosson
 Dossey Spreng
 W^m Coleman
 Delafayette Karr
 Pharoah Cobb
 A^d Bingaman
 Frederick Kimball Sen^r
 John Nelson
 Jeanet Pollock
 Charles Pollock

Jamee M^cwatters
James Clayton
James Stewart
Clement Stewart
E H White
Jer Davis

Wili P Gay
young L Abbot
John Robinson
Robert Russel
Robert Culbertson
Chris^r Backus

[Section 2 of Subscribers to Memorial]

James H. Ficklin
Alexander Crawford
Bryⁿ M^cDonnold
James M^cCauley
W M^cClellan
Clark Woodruff
F. A. Browder
Alex^r Pickard
Henry How
H. Peirce
Thomas Butler
Gilbert Piper
Joseph Book
C G Johnson
Ephraim Connelly
John Gayle
Lewis N Gardner
Joseph Love
Jemes Kerr
T W Garnhart
John Brown
Rowland Keown
Robert Wingate
Malachia Burns
D. B. Stuart
Donald M^cQuien
T G Clark
Rukins Jelks
Christ^r Strong Stewart
Jn^o Ewing
Thomas MDonnold
David Davis
John Browder
Aaron Gorham
Will Jones
Amos Webb

Fed Cobb
James P. D. Gray
J. M^cD. Kavenagh
Michael Williams
John Cammack
Samuel P Leek
R^r Perey
Friend M^cMahon
John Dutton
Henry Harrison
Thomas M. Collins
Hudson Tabor
John Hughes
Caleb Weeks
Isaac Johnson
James Turner
H. W. Gurley
James M. Bradford
D. H. Brunson
W Kavenagh
John H, Johnson
Geo Maguire
Lewis P Dunn
Robert Young
James M^cKie
Francis Keller
G. B. Cotten
Benjamin Collins
Henry Q Spier
Roderick Perry
William Beauchamp
J^{es} Arnold
William Williams
Silas Cook
Josiah Lawton

[*Endorsed*] Petitions of sundry inhabitants of the County of Feliciana in Orleans Territory. 17th March, 1812. Ref^d to the Committee appointed on the 6th ins^t to enquire the situation of that part of Florida West of the Perdido, the possession of which was taken under a proclamation of the President of the U. S. of 27th Oct^r 1810. M^r Johnson, Chairman ³³

³³ *House Journal*, VIII, 252.

ALLAN B. MAGRUDER TO THE SECRETARY OF STATE

[NA:SD, Misc. Letters:ALS]

WASHINGTON, *March 19th 1812*—

The Undersigned, a delegate to Congress from the Convention of the Territory of Orleans, has the honor to state to Col Monroe, that he has recently presented at the Treasury department, for payment, certain claims arising from Services performed by the clerk and Auctioneer of the Superintendants of the public Sales of Land at Opelousas; that, a communication has been, Consequently, made to the Undersigned by the Secretary of the Treasury, dated the 18th of March 1812,³⁴ stating, that from an examination of the law, under which, the Sales had taken place, and the Act of November last suspending the operation of the first, he did not think himself Authorized to pay the said claims; but that he had suggested to the Secretary of State, the propriety of Confirming by Law, the few Sales that were effected.—

The Undersigned, respectfully solicits to be informed by Col Monroe, whether it is Contemplated to submit to Congress the Subject respecting the Confirmation of such Sales; and, whether provision will be recommended at the Same time, for the payment of the Contingent expences which have accrued from those Auctions of public Lands.

ALLAN B. MAGRUDER.

[*Addressed*] Hon^{ble} James Monroe, Secretary of State, Washington City.

[*Endorsed*] M^r Magruder 19th March 1812

 THE POSTMASTER GENERAL TO BENJAMIN MORGAN AND OTHERS

[PO:P.M. Letter Book R]

*March 28—1812*MESS^{rs} BEN^{JA} MORGAN & others merchants New Orleans City—

Your memorial post marked at New Orleans on the 3rd inst³⁴ is before me, I need not express to you the extreme regret and mortification that I feel my agents have given you such just cause of complaint, our object has been to give you speedy and regular intelligence, we made our arrangements so as to effect that object, and entered into contracts with persons reputed to be honest punctual & energetic, in some of them we have been disappointed, we had previous to the receipt of your memorial taken measures to correct the errors of our agents, and we cannot but believe that before this letter reaches you,

³⁴ Not found.

that your mails will become regular if the numerous watercourses are passable, I pray you gentlemen to be assured that we have and shall adopt such a course as will ensure punctuality so far as it is practicable to do so

G GR

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

[NA:SD, Orleans Terr. Papers, XIII:ALS]

NEW ORLEANS *April 2^d 1812*

DEAR SIR, Permit me to introduce to your Acquaintance, the Bearer Mr John Francis Merriult, a gentleman of great respectability, and who previous and subsequent to the change of Government, was a Merchant in this City of the highest standing.

Mr. Merriult is on his way to France (where his family has been for several years, with a view to the education of his Children) and wishes to obtain from the Department of State, a passport as a Citizen of the United States

To such passport, Mr Merriult is Certainly entitled, in as much as he was an Inhabitant of Louisiana before & subsequent to the Cession, & is the owner of much valuable real Estate in this Territory.—

I am D^r Sir, With great respect & sincere Esteem your hble serv^t

WILLIAM C. C. CLAIBORNE

THE HON^{ble} MR MONROE Sec^y of State.

[*Addressed*] The Hon^{ble} Mr Monroe Secy of State Washington City—

[*Endorsed*] Gov^r Claiborne 2^d April Mr Merreult is entitled to a Passport as an American Citizen

MEMORIAL TO CONGRESS FROM THE REGENTS OF
THE UNIVERSITY OF ORLEANS

[HF:12 Cong., 1 sess.:DS]

[*April 20, 1812*]

To the Honorable the Senate and House of Representatives of the United States in Congress assembled.—

The Memorial of William C. C. Claiborne, Jam: Pitot, Joshua Lewis, F. X. Martin, George Mathews, Dom. A. Hall, Jam: Mather, Ch^{es} Trudeau, J. N. Destréhan, Paul Lanusse, Joseph Saul, P. Derbigny, D. Fortin, D. Robelot, D. Montegut Sen^r, F^{cl} Duplessis Sen^r, Robert Dow, Jam: Brown, Evan Jones, Eligius Fromentin, D. Gros, Jⁿ B. Labatut, John Watkins & Moreau Lislet, Regents of the University of Orleans, humbly Sheweth:—That as early as the year 1805, the Legislature of the Territory of Orleans instituted and incorporated the “University of Orleans” of which your Memorialists are Trustees:

but their means at that time were too small to make an adequate endowment—That in the year 1811, the Legislature convinced of the high importance to the Country of giving immediate vigor and activity to the institution, appropriated the sum of fifteen thousand dollars with an annuity of three thousand dollars. This sum added to a donation made by the City Council, has enabled your Memorialists to purchase a convenient site for the University with buildings thereon suitable only for its present infant State—That in consequence of the unfinished State of the buildings, the Institution did not go into operation until the 4th day of November last.—That the Institution has already received Seventy Students and there is every prospect of a rapid and great augmentation of the number—That in order to accommodate the number of Students, which the public zeal for the success of the Institution warrants us in anticipating, and in order to carry into effect the design of the Legislature, and the plan we have marked out in conformity therewith; it will be necessary to erect extensive buildings combined with other improvements which may be deemed best calculated for the conservation of the health of the Students, and furnishing at the same time the means of useful recreation.—We have already employed the greater part of the means of which we were possessed, and what remains is inadequate to accomplish this great object so indispensable to the moral & political prosperity of this Country.—

Being charged with this important trust, and zealous to cherish and keep alive the laudable ardour for the education of youth which, at this time, pervades the Country; and in order to give immediate and full effect to the Institution, your Memorialists encouraged by the lively interest which the general Government has never ceased to manifest in whatever regarded the interest and prosperity of this Country—Pray, that Congress will aid them in fostering this infant Institution, by adding to their present means all that lot of ground on which the Government House is situated, or so much thereof as they in their wisdom may deem meet.—

Independant of their firm reliance on the munificence of Congress, your Memorialists feel a strong recommendation to their request, in this, Viz: that during the Spanish Government, a house was erected at the expence of the Crown for the sole purpose of a public School, and continued to be occupied as such until the change of domination—That its permanent destination was a public school House for the benefit not only of the City, but of the whole province; but that the purpose of its original destination, has been changed by the Government in assigning it as a Court-house for the holding of the District-Court.

We are furthermore prompted to make this application to the General Government by the fullest confidence in its parental solicitude for the happiness and prosperity of the people of Louisiana.

United to a Government which both their interest and inclination will induce them ever to cherish and maintain, they rejoice to see their destinies permanently identified with those of the people of the United States.—

It is highly important that notions of civil polity should be, as much as possible, assimilated in every portion of the United States, as far as local policy will allow: This desirable end can only be attained, in this section of our Country, by affording the means (at least to the rising generation) of understanding the laws and maxims that govern the people of the United States, in the language in which they are written.—

This institution will not only have the happy effect of diffusing general knowledge throughout our Community, but also of facilitating the means of acquiring a knowledge of the English language, the only medium by which can be understood the laws and principles that govern the different States.—

The maxim cannot be too strongly impressed, that the tranquility the permanency and vigor of a Government composed of Free States, depend essentially upon the virtue of the Citizens—or, in other words, upon the general diffusion of knowledge throughout the Community.—Vice & ignorance are the hand-maids of despotism: To withhold the means of understanding rights, is to make them insecure: But to enlighten the understanding is to give energy to the Judgment & enable man to strip misrepresentation and falsehood of their specious plausibilities, and in the surest means of promoting his happiness and perpetuating his freedom.—

The people of this Territory are not unmindful of the multiplied acts of favour they have already received from the parental hand of the general Government.—

They feel grateful that their wants have been listened to with patience and relieved with promptitude and alacrity.—It is in their name and for their benefit that your Memorialists ask a donation of the property before mentioned; and for which favour your Memorialists as in duty bound will ever pray &^a

WILLIAM C. C. CLAIBORNE

Chancellor of the University of Orleans.—

NEW-ORLEANS April 20th 1812.—

[*Endorsed*] Memorial of W^m C. C. Claiborne Chancellor of the University at Orleans. 29 May, 1812. ref^d to the committee on the Public Lands. M^r Dawson refd lands³⁵

³⁵ *House Journal*, VIII, 355. Apparently no action was taken on the petition.

THE POSTMASTER GENERAL TO GEORGE WILLIAM,
A. BIRD, & OTHERS

[PO:P.M. Letter Book R]

April 27—1812

GEO: WILLIAM, A BIRD & other[s]. Cedar Creek, O, T,

Yours of the 20th Feby ³⁶ is recd, If the post passes the place where
you wish an office it shall be established

G GR

THE POSTMASTER GENERAL TO JAMES NELSON

[PO:P.M. Letter Book R]

April 27, 1812

JAMES NELSON Esq^r P. M, Manshac O, T,

Yours of the 19th ³⁶ is before me, I have so often endeavoured to keep
the mails covered with bear skin that I despair, The new offices estab-
lished in your Territory are "Webbsville Amos Webb

Doyleville Joshua Fuller Doyle"

It is probable the blanks are for these offices

G G

THE POSTMASTER GENERAL TO URIEL KING

[PO:P.M. Letter Book R]

April 28,—1812

M^r URIEL KING, S^t Helena O. T,

Through you I have received an expression of the wishes of the
citizens of S^t Helena for a post route and I feel great pleasure in
informing you that I had previously recommended the desired road,
which there is reason to expect will be established.—I reciprocate my
best wishes for the happiness of the People of S^t Helena and of yourself
personally—

G. GR.

THOMAS FREEMAN TO THE SECRETARY OF THE
TREASURY

[GLO:Div. E, Miss. SG, vol. 53, 1810–1816:ALS]

Surveyor's Office WASHINGTON *May 1st 1812*

SIR. I had the honor to receive your letter of the 12th of March,³⁷
acknowledging the rec^t of mine of the 25th of Jan^r ³⁸ & informing me
that you had approved generally my suggestions relative to the sur-
veying necessary to be executed in Orleans Terr^y the present year—

³⁶ Not found.

³⁷ GLO (Div. E, SG, 1790–1816).

³⁸ *Ante*, p. 993.

I have endeavoured to procure from the two principal Deputies in Orleans Terr^y the estimates requisite to complete the Survey of their respective Districts, but have not been able to procure any satisfactory answer from them on that subject. The most convenient time for Surveying in Orleans Terr^y is from about the 15th of September to the 15th of April or May. The appropriation should cover all expences to that time, when I think we could have the whole survey contemplated in my former letter completed—I will risk the conjecture that, Forty Thousand Dollars, will cover these expences—By having a liberal appropriation we will be enabled to take the advantage of the difficulties of surveying in this country, by so dividing the work between the Deputies so that each will have a portion of the most convenient with the most difficult part to execute—The Surveys to be made on the Margins of Watercourses under a late law—cannot be effected alone for \$4. p mile, but when joined with other surveys of a different kind the whole may probably be conducted without interruption.—

The appropriation will only be drawn on as required to defray expences of the Surveys as they progress so that no inconvenience can possible arise to the public by the appropriation of the above sum of \$40,000—

I have the honor to be Sir. your most ob^d serv^t

THO^s FREEMAN

THE HON^{ble} ALBERT GALLATIN Esq^r

N—Should the survey of Orleans Terr^y be put in progression this year as contemplated, It is my intention to spend a few weeks in that Terr^y to give a proper direction to, and general superintendance of the work

Your letter of the 28th of March ⁴⁰ is also received I shall make known to the Trustees of Jefferson College your wish to locate two Sections for the use of the College in lieu of the two sections of Turkey Town contained in Township N^o 10—of Range 2 W—selected for the use of that College—T F—

[Addressed] The Hon^{ble} Albert Gallatin Esquire Secretary of the Treasury U States Washington City

[Endorsed] Washington M. T. May 1. 1812, rec^d May 29. Th. Freeman Surveyor &c^a de surveys to be made this year in Orl^a Terr^y—estimates 40,000 D^s for expense—two addit^l sections for Jefferson College. N^o 162.

⁴⁰ GLO (Div. E, SG, 1790-1816)

GOVERNOR CLAIBORNE TO THE SECRETARY OF THE
TREASURY

[NYHS:Gallatin Papers:ALS]

(Private)

NEW-ORLEANS *May 3rd 1812*

DEAR SIR, During the last Week, we had reports of an Embargo, & great exertions were made to hasten the departure of Vessels.—Having understood, that an Individual in this City, was authorised to purchase Supplies for the Garrisons of Pensacola and Mobile, I addressed a Letter on yesterday to Commodore Shaw, & requested him to detain all Vessels bound to Mobile or Pensacola, and charged with provisions; But the Mail of this Morning having brought to the Collector official Information of the Embargo, I am relieved from further responsibility.—

We learn that a Bill for the admission of Louisiana into the Union, has passed both Houses of Congress, & I persuade myself, a Copy as approved by the President, will be received by the ensuing Mail. I am greatly solicitous for the Close of my present powers. The Territorial Government was al'ways difficult to administer—But at the present crisis, it is indeed, vastly arduous & disagreeable;—It is viewed in the light of a Merchant on the eve of Bankruptcy;—distrusted by its former friends—abused by Enemies, and slighted by all.—The Office of Chief Magistrate of the New State, is deemed desirable by some of the most Influential of the Louisianians.—My Name also is with the People; But with what probability of success, I know not.—Much Wealth, and considerable Intrigue are enlisted against me. My old Batture acquaintance, Livingston, after having had, (as is believed) a principal hand in pointing out the mode of electing a Governor, has undertaken to direct all the Machinery, which can be brought to bear against me.

I observe that some War Taxes are about being imposed;—If an officer for the Collection of the Quota allotted to this State, has not been selected, permit me to name Mr Peter L. B. Duplissis of this City, as deserving the Confidence of the government.—I can vouch Sir, for his Talents, his Zeal, industry & Integrity. Mr Duplessis is the Marshal of the District, and his Conduct is marked with great propriety.—I am sorry to add that his Perquisites as Marshal, are not equal to his support.—

Present me, with very sincere Regard to M^r Gallatin—and believe me to be Dear Sir, With great respect & esteem Your Most Obt servt

WILLIAM C. C. CLAIBORNE

THE HON^{ble} Mr GALLATIN Sec^y of the Treasury.—

[Addressed] The Honorable Albert Gallatin Secretary of the Treasury Washington City

[Endorsed] N. Orleans May 3^d 1812 W. C. C. Claiborne Claiborne

PETITION TO CONGRESS OF ELIGIUS FROMENTIN AND
ALLAN B. MAGRUDER

[HF:12 Cong., 1 sess.:DS]

[Referred May 7, 1812]

To the Hon^{ble} the Senate and House of Representatives of the United
States, in Congress, Assembled,

Respectfully Represent,

the Undersigned, Deligates from the Convention of the Territory
of Orleans, to Congress;

That by a resolution of the said Convention, they were authorized
and Instructed to Solicit of your Honorable Body, in behalf of the
City of New Orleans, and for its benefit and Use,

1st A Grant in perpetuo to the Corporation of the Said City, of
the Lots where formerly Stood the Forts S^t Louis, S^t John, S^t Ferdi-
nand and Burgundy, which have been Abandoned as Military Posi-
tions by the General Government: the Said Lots to be Converted
into Public Walks, or squares, or applied to other purposes of General
Utility or improvement;

2^d An Authorization to Demolish Fort S^t Charles, which from the
recent Aggrandizements of the City, can no longer be Considered as
a Military position; as also in favour of the Corporation of said City,
the right of laying out to public advantage, the Lots now occupied
by the Said Fort;

3^d The Confirmation of the Right of the Said Corporation to that
small tract of Common, besi[de] the former ditches of the fortifications
of New Orleans.—

The Undersigned, by virtue of the aforesaid Resolution, do accord-
ingly, solicit of your Honorable Body, the Ennaction of a Law for
the purposes aforementioned; and that the Surveyor General of the
United States south of Tennesse, be Authorized to have the Said
premises Correctly Surveyed and designated, that the Said Corpora-
tion may take possession of the Same.—

ELIGIUS FROMENTIN
ALLAN B. MAGRUDER

[Endorsed] Louisiana Petition of Eligius Fromentin and Allan B.
Magruder, delegates from the Convention of the territory of Orleans.
7th May, 1812. Ref^d to the Committee on the Public Lands. Petion.
M^r Johnson refd lands ⁴¹

⁴¹ *House Journal*, VIII, 331. No action was taken on the petition.

THE SECRETARY OF THE TREASURY TO THOMAS H.
WILLIAMS

[TD:Secretary's Files, Collectors' Letters, N.O., 1804-1833:C]

TREASURY DEPARTMENT *May* 25. 1812

SIR By the act for the admission of the State of Louisiana into the Union, passed on the 8 April 1812 the Territory of Orleans became a state on the first day of the present month—The officers administering the Civil government of that Territory ceased to be officers of the United States from & after the 30 April 1812; their Salaries therefore are to be paid only to that day.—You will be pleased therefore to advance on the drafts of the Governor, Secretary, Territorial & District Judges the amount only of these Salaries to the 30 April last inclusive.—

The district court is continued by the act above alluded to, and by a Supplementary one which has been passed;⁴² and the Salary of the District Judge increased to three thousand dollars a year.—Although it is probable that the present district Judge will be continued in that office, yet as a reappointment is necessary & that has not yet been made, you will advance nothing for his salary beyond the 30 April until you shall receive further instructions to that effect.⁴³

I am respectfully S^r Yr Ob^t Sert

ALBERT GALLATIN

THOS H WILLIAMS Esq Collector New Orleans

⁴² Act approved May 22, 1812 (2 STAT. 743).

⁴³ Judges Lewis and Martin, in a joint letter to the Secretary of State, July 7, 1812 (NA, SD, Orleans Terr. Papers, XIII), stated they would continue their judicial duties in the West Florida area until July 28, 1812. Judge Mathews requested the Secretary of State in a letter of July 11, 1812 (SD, Appt. Office files), to consider his resignation effective as of July 27, 1812.

INDEX

INDEX NOTE

In compiling the list of names of persons for this index deficiencies in spelling found in the text have been corrected, in so far as sources now available permit, and variants found throughout the text have been assembled in parentheses. The nearly illegible character of the handwriting in some instances, which leaves the reader in doubt as to the writer's intent, and the obvious ignorance, or carelessness, often displayed by the signatories account for many variations in orthography. With respect to the signers of petitions, like names, with identical spelling, are also frequently attached to successive documents on related subjects from the same locality; yet a comparison of the handwriting discloses occasional important differences. In such instances separate entries have been made in the index, though the reader is warned that names were often written in by hands other than the subscribers'; finality in this regard cannot therefore be established in every case. On the other hand the fact that the same name is variously spelled in sequential documents does not argue against identity of person, which is likewise disclosed by a comparison of handwriting as well as by such other tests as documents of legal record, genealogical data, and whatever knowledge of the various residences of a given person may be derived from the papers embodied in the present volume. But whenever there is doubt as to such identity a separate entry has been made.

INDEX

- Abbot, Young L., s. memorial, 1010, 1012.
- Ablanedo, Joachim, 484.
- Abogado consultor, *see* Counselor.
- Abrahams, A. D., mil. agent, 833.
- Abrahams (Abraham, Abrams), Francis, charged with failure as mail contractor, 937; mail contract of, 869, possible accident to, 473, 475; rept. of, *re* post route, ment., 474; to estab. N. O.—Washington postal service, 418.
- Acadia Parish (County), *appts. in*: attys., 602, auctioneers, 663, clk. of ct., 598, dep. reg., 677, judges, 598, justices, 599, 600, 662, treasurers, 601, 663; assault case in, 673-674; census, 702, 923; convictions in ct. of, 693; courier service to be estabd. with, 715; ct. held in, 673; elec. in, 668; farms in, descr., 673; forms elec. dist., 479; in second militia dist., 586; rept. of private surveys in, 746; to furnish militia, 584; visit of Claiborne to, 672.
- Acadian Coast, 255, 283.
- Acadians, in militia, 33; mfrs. of, 46.
- Adair, John, activities of, in N. O., 743; denounces Wilkinson, 745.
- Adais (Adaiés, Adaize, Izard I.), 536; loc. of, 30; removal of Sp. from, 535 n.; rept. *re* Sp. designs on, 76, 271 n.; site of Sp. fort, 68; Sp. troops near, 272; visit of Casa Calvo to, 558.
- Adam, F., s. petition, 296.
- Adams, Christopher, appd. cornet, 698.
- Adams, James, s. address, 971.
- Adams, John Quincy, 532.
- Adams County (Miss.), 26.
- Administrator, Sp. customs official, 100; functions of, exercised by Trist, 106.
- Adner, Jacques L., appd. justice, 985.
- Africa, slave trade with, 148, 222, 503.
- African*, Fr. slave ship, 172.
- Agriculture, Fr. and Sp. policy *re*, 185, 527; import. of slave trade to, 265; in Acadia, 672; in Attakapas and Opelousas, 678; petition *re* injuries to, 157-159; reps. of, in Orleans govt., 291, 343; sugar planters, threatened with bankruptcy, 188.
- Aish Indians, threaten Casada, 292-293.
- Alabama Indians, act for relief of, ment., 834; convicted of murder, 798; in Opelousas, 63; land to be loc. for, 834; pardoned for murder, 824.
- Alabama River, 166.
- Alard, —, Jr., appd. justice, 750.
- Alava, —, 30.
- Albany (N. Y.), Claiborne to visit, 898.
- Alberta*, Sp. prize ship, 888.
- Alcaldes, advised by assessors and auditors, 39; appd. by King, 22; juris. of, 20, 36, 37.
- Alcaldes de barrio, 37.
- Alexander, James, attends Clark dinner, 743; atty. for Pedesclaux, 735; leaves N. O., 784; s. petition, 540.
- Alexander, Joshua, s. address, 972.
- Alexander, J., appd. judge, 598.
- Alexander, J. W., s. petition, 540.
- Alexandria, *see* Rapides.
- Alguazil mayor, 270, 393, 394.
- Alin, V., s. address, 174.
- Allain, Amelie, s. memorial, 790; s. petition, 327.
- Allain, François, s. petition, 327.
- Allain, Pierre, appd. maj., 636.
- Allain, Polain, appd. lt., 637.
- Allain, V., s. memorial, 790.
- Allain, Vallerian, appd. capt., 636.
- Allain, Zenon, appd. maj., 638; s. petition, 327.
- Allard, Louis, 257; appd. capt., 633; characterized, 250.
- Allard, Louis, Sr., 257; characterized, 253.
- Alleghany Mountains, 132.
- Allen, Frances, appd. parish treas., 601; death of, 601.
- Allen, Martin, appd. justice, 984.
- Allen, William, appd.: justice, 824, pilot, 797.
- Alpoite, F. Ruis, appd. lt., 634.
- Alpoite, François, appd. capt., 825.
- Alpuente (Alpoite, Alpuinte), Jean L., appd. lt., 633; clk., N. O. elec., 399.
- Ambrose, Elijah, s. address, 972.
- Amelung, F. L. E., s. memorial, 158.
- Amelung, Henry A., appd. lt., 700.
- Americans, accused of drunkenness, 181-182; attack Sp. traders, 943; compared with Fr., 680; dispute of, with Fr., 178; rep. in Orleans govt., 291; spread discontent, 262; to have majority in council, 343; wish Amer. jurisp., 390.
- Amiable*, *see* *Duc de Montebello*.
- Amite River, country e. of, described, 974; land claims on, discussed, 899.
- Ammons, Joshua, s. address, 971.
- Amory & Callender, s. recommend., 337.
- Amsterdam (Netherlands), 279.

- Anderson, Joseph, 532, 624.
 Andes, *see* Rocky Mountains.
 André, Guillaume, s. petition, 832.
 André, —, elected to ter. h. of r., 511.
 André, *see* Armesto.
 Andrés, Joseph, s. petition, 327.
 Andrews, John, appd. justice, 599.
 Andrews, Robert, appd. sheriff, 797.
 Andries, Michael, appd.: justice, 599, parish treas., 601.
 Andry, Guilbert, appd. capt., 826.
 Andry (Andrie), Manuel, appd.: col., 838, justice, 750, maj., 635; blog. of, 870; letter to Claiborne, 915-916; nom. to council, 869, 872; recommended for council, 871; repts. murder of son, 915-916; s. manifesto, 650; suptd. levees and roads, 435.
 Andry, Michael, appd. capt., 635.
 Andry, Pelbert, appd. lt., 635.
 Angelina River (Snow River), 73.
 Antoine, Father, denies auth. of Father Walsh, 426; mortality rept. of, 946-947.
 Opelousas, *see* Opelousas.
 Appalaches Indians, survey of lands of, 878, 879.
 Aranjuez (Spain), 172.
 Arceneaux, François, appd. lt., 632.
 Arceneau, Abraham, appd. justice, 984.
 Ardoin, Etienne, s. petition, 832.
 Arellery, Joseph, s. petition, 327.
 Argo, Fr. brig, 178, 179.
 Argoti, Antonio, 257; characterized, 251; pres. N. O. municipality, 254.
 Aricara Indians, on Mo. R., 65.
 Arkansas, census of militia in, 33; commander at, to aid Dunbar exped., 217; dist. of Sp. La., 17, 32; estab. of garrison at, recommended, 154.
 Arkansas Indians, loc. of, 63-64.
 Arkansas River, 15; Arkansas Indians on, 63-64; explor. of, 217, 451; Indians w. of, 18; rept. *re* Indians s. of, requested, 353.
 Armant, John B., appd. col., 636, 838; to estab. courier service, 715.
 Armas, Christoval de, s. petition, 579.
 Armas, Michel de, appd. lt., 664.
 Armesto, André (Andrew) Lopez, 486, 487; holds Sp. land records, 517, 546, 550; land records obtained from, 615; sec., Sp. bound. comm., 484, 485; sec. to Casa Calvo, 377.
 Armirez (Armirer), Manuel, Sp. prov. treas., 577; treas., Sp. army, 485.
 Armistead (Armstead), Capt. Addison Bowles, fortif. designed by, 782, 783; in charge of N. O. reinforcements, 820.
 Armstrong, Robert, convicted of assault, 694; pardon of, 692, 694.
 Arnaud, Felix, appd.: capt., 633, maj., 797, to board, Charity Hosp., 987; commissary, N. O. elec., 399.
 Arnauld, J., s. manifesto, 650.
 Arnold, Joseph, s. memorial, 1009, 1012.
 Arnould, John, appd. justice, 751.
 Arroyo, Francisco de, leaves with Morales, 577; transfd. to Puerto Rico, 485.
 Arroyo Honda, memorial *re* robberies w. of, 976-978; neutral ground on, to be cleared of banditti, 998-1000; outlaw settlements near, 976; Sp. troops not to cross, 989.
 Ascension Parish (County), appts. in: judges, 749, 835, 984, justices, 824, 984; justices comms. sent to, 751.
 Assessor, Sp. officer, 36, 39.
 Assumption Parish (County), appts. in: judges, 749, 835, 984, justices, 984.
 Atchafalaya River (Bayou), 31, 497; extent of pub. land w. of, 773; land claims near, 530-531, 899; land office to be opened w. of, 931; lands on, described, 240, 747, 772, 994; survey of, 461, 631; surveys near, 460-461, 747, 748; value of lands near, 863.
 Athens (Ga.), on N. O.—Washington post road, 417, 418, 705, 771, 827, 868.
 Attacapa (Atacapa) Indians, on Bayou Vermillion, 63.
 Attakapas, 29, 256, 283, 308, 495, 543, 550, 560, 581, 675, 676, 677-678, 711, 848; cattle-raising in, 678; census of, discussed, 13-14; commandant of, appd., 422, 602; described, 14, 550, 678; disorders in, 547, 550; dispute between priests of, 260; dist. of Sp. La., 17, 32; emig. from, to Trinity R., 678; estab. of Amer. govt. in, 83; immig. from Miss. Ter., 952; Indian tribes in, 63; Indians of, to be prepared for surveys, 450; land records in, 773; lands in, available for Lafayette, 360; map of, discussed, 79; part of Sp. militia dist., 33; pub. records of, ment., 440; questionable land claim in, 883; remote from N. O., 497; residents of, recommended for council, 278, 281, 285; settlements of, 773; to be deliv. to U. S., 149; to be occupied by U. S., 152; tp. surveys in, 461; value of lands in, 79.
 Attakapas Church, 988.
 Attakapas Lake, land on, descr., 747.
 Attakapas Parish (County), 667; appts. in: attys., 602, 662, auctioneers, 601, clk. of ct., 598, judges, 598, 749, 835, justices, 700, 750, sheriffs, 600, treasurers, 601, 701; census, 702, 923; confirm. of claims in, 988; convictions in ct. of, 694; disposition of, *re* land dists., 427, 429-430; factions in, 540-541; forms elec. dist., 479; in second militia dist., 586; politics in, 678; pub. opinion in, *re*: Amer. judicial sys., 678, Wilkinson, 735; settlements in, 530; to furn. militia regt., 586.
 Attakapas River, surveys on, 461.

- Attorney General, office of, vacant, 496; opinions ment. *re*: Orleans land claims, 624-625, ter. taxing power, 658-659; to be consulted *re* land act, 721.
- Attorney General, *Lincoln*, letter to Pres., 227-229; opinion *re*: auth. of Pres. in La., 227-228, expul. of squatters, 228-229, La. govt. act, 227-229, La. land claims, 229, rts. of Louisianians, 227-229, U. S. auth. in La., 227-228; opinion requested *re* appellate auth. of Pres. in La., 200-201; rel. of, to Claiborne, 357.
- Attorney General, *Rodney*, opinion requested from, *re* slave trade, 548.
- Attornies, act *re*, vetoed, 779-780.
- Attornies, parish, appt. of, 602, 662. *See also* Territorial Attorney General.
- Attornies (Sp.), tax on sale of office of, 42.
- Aubert, Pierre, appd. lt., 637.
- Aucard, Joseph, appd. lt., 826.
- Auctioneers, appt. of, 601, 663, 701, 751, 825, 986.
- Audibert (Audebert), Charles M., appd.: auctioneer, 663, clk. of ct., 598.
- Audiencia of Santo Domingo, 36.
- Auditor (Sp.), counsellor to govr., 39; function of, 20, 36; salary of, 23.
- Augusta (Ga.), 515.
- Auguste, Jacque, s. address, 175.
- Auguste, Philippe, s. address, 175.
- Auguste, Voltaire, s. address, 175.
- Aurit, Louis, s. address, 175.
- Austria, relations of, to Fr., 536.
- Aux Cayes (Haiti), 234.
- Avart, Louis, appd.: capt., 826, lt., 635.
- Avart, Robert, resig. of, from ter. h. of r., 574.
- Avart, Robert, Jr., appd. lt., 635.
- Avery, Dudley, s. address, 972.
- Avoyelles, Biloxi Indians in, 63; census of militia in, 33; dist. of Sp. La., 32; tp. surveys in, 461.
- Avoyelles Parish (County), appts. in, judges, 729, 749, 796, 835; described, 729; justices comms. sent to, 751.
- Ayoa Indians, 66.
- Baamonde, Capt. Joseph, 486.
- Babo, Pierre, s. petition, 327.
- Bache, Dr. William F., 10.
- Backus, Christopher, s. memorial, 1010, 1012.
- Badins, Louis, appd. maj., 634.
- Baenal, Maximilien, appd. capt., 826.
- Baham, Baptiste, appd. justice, 985.
- Bailey, Bagwell, appd. justice, 985.
- Bailey (Belly), Pierre, appd: commandant, 417, judge, 598; to take charge of Iberville records, 417-418.
- Baillis, P., appd. justice, 599.
- Bailly, Pierre, s. address, 175.
- Bailly, Pierre, Jr., s. address, 175.
- Bairdstown (Ga.), 860.
- Baker, Evan, appd. justice, 662.
- Baker, Hilary, acting p.m., N. O., 267; justice, 599; s. recommend., 290.
- Baker, Joshua, appd. justice, 985.
- Baker, Nathaniel, s. address, 971.
- Baldwin, Abraham, 532.
- Baldwin, Cornelius, s. address, 972.
- Baldwin, Isaac, appd. parish atty., 662.
- Balize, The, 19, 29, 35, 72; bounds militia dist., 584, 854; Brit. warships arrive at, 604; customs insp. at, 53; dist. of Sp. La., 32; Fr. ships seized at, 880; lighthouse at, 53, 54; petition *re* pub. lands at, discussed, 863; pilot station, 42, 53; p.m. at: allowed salary, 725, to be appd., 724, resigns, 817; p.o. at, 868; post roads from, to N. O., 868; postal service to, 869; refugees arrive at, 165, 167, 843; slave smuggler seized at, 888; Sp. customs officer at, 54; Sp. militia in, 33; strength of Sp. garrison at, 118.
- Ballew, Page, s. memorial, 1009, 1011.
- Ballinger, John, address of people of Feliciana Parish to, 970-972; appd. agent for people of Feliciana, 964, 970; asks recog. of Sp. land grants, 968; commands fort at Baton Rouge, 913; letter to Sec. State, 964-970; opinion of, *re* Feliciana petition, 967.
- Baltimore (Md.), 170, 197, 502, 545, 558, 605; Fr. privateer built in, 880; visit of Indians to, proposed, 450.
- Banks, 8; charter of, by Claiborne, 225; in N. O., discussed, 224-225, 362, 380. *See also* Louisiana Bank.
- Banrepan, Noël, s. address, 174.
- Banthin, Jacob, s. address, 971.
- Barataria, 101.
- Barbin, Louis Jacques, appd. lt., 634.
- Barde, —, s. memorial, 791.
- Barker, Briton, s. memorial, 1009, 1011.
- Barker, Elded, s. memorial, 1009, 1011.
- Barker, Eli, s. memorial, 1009, 1011.
- Barker, Samuel, s. memorial, 1009, 1011.
- Barker, William, s. memorial, 1009, 1011.
- Barnette, M., s. address, 971.
- Baron, Baptiste, s. petition, 327.
- Baron, Hypolite, appd. lt., 698.
- Baron, Paul, s. address, 971.
- Barra, Baptiste, appd. capt., 699.
- Barran, D. B., appd. capt., 635.
- Barranger, —, farm of, 672; supports Donaldson for ter. h. of r., 674.
- Barré, —, appd. justice, 751.
- Barrier, Michael, reward for, 752.
- Barrow, Robert, s. memorial, 1009, 1011.
- Barrow, William, member, W. Fla. Conv., 889, 895.
- Baru, François, s. petition, 327.
- Basile, Florentius, appd. justice, 984.
- Basillon, Michel, s. address, 971.
- Bastrop, Baron de, claims monop. of Ind. trade, 294-295; land claim of, 469, 512, 680, 773, 883; memorial of, discussed, 552.

- Bates, Frederick, 722.
- Baton Rouge, 34, 74, 278, 281, 285, 505, 577, 605, 665, 871, 917, 918, 926; activities of Kempers at, 315, 332; as customhouse site, 53; as town site, 72; bounds sugar-producing area, 854; citizens of, ment., 255; deserters at, 911; fall of, 776; Folch exped. to, 438; healthfulness of, 53; in Sp. militia dist., 33; justices comms. sent to, 751; occup. of, by U. S., discussed, 98; org. of civil auth. in, 944; Pensacola supplied through, 784; people of, oppose Morales's land claims, 904; people of, wish union with U. S., 425; Pike in command at, 928; possible outlet for smugglers, 194; p.o. to be estab. at, 278; postal service, 452, 957, 975; reps. of, in W. Fla. Conv., 889, 895; residents of, evicted by Hampton, 969; retired Sp. soldiers to go to, 487; slaves brought in via, 424-425; Sp. troops at, 118, 266, 425, 436, 543; Sp. roads from: to Mobile, 417, to Pensacola, 419; submits to U. S., 906, 913, 915; threatens resistance to U. S. occup., 904, 912-913; troops from, called out in slave uprising, 917; U. S. agent sent to, 885; U. S. mails to pass through, 612; U. S. troops at, 977; W. Fla. legis. convenes in, 912, 913.
- Baton Rouge District, 32, 39, 85; bounds of, 266; held by Sp., 266; land sales in, 491-493; W. Fla. Conv. of, 895, 897.
- Baton Rouge Parish (County), appt. of judges in, 749, 835.
- Batture case, delays work of land comms, 840; discussed, 736-737, 765-766, 843-844, 865, 907; petition *re*, 806-808.
- Baudin, Alexandre, letters ment. to Pres., 226; letter to Pres., 186-188; petitions of, ment., 187-188.
- Bauduin, Legere F., appd. lt., 633.
- Bay, Judge Elihu Hall, 74, 75.
- Bay of Pensacola, 59, 67.
- Bay of St. Bernard, 16, 31, 470; Indians of, to be conciliated, 449; Sp. at, to be investigated, 398; Sp. fort erected at, 425; unexplored, 17; U. S. claim to, 15.
- Bay of St. Louis, mil. post on, 907-908.
- Bayou Batrie, 914, 982.
- Bayou Channo, *see* Lake Cannisnia.
- Bayou Chicot (Checko, Chicko, Chicou), 582; Choctaw on, 758, 759.
- Bayou Crocodile, Biloxi Indians on, 63.
- Bayou des Lauriers, 30, 68.
- Bayou Lafourche (Fourche, Fosh), 899; nature of land on, 747; sugar plantations on, 75; survey of flooded lands on, 460-461.
- Bayou Maringouin, petition *re* land on, 789-791.
- Bayou Pierre, 17, 76, 77, 336; country near, to be patrolled, 535; peaceful intercourse of, with Nacogdoches, to be permitted, 535; Sp. garrison to be estab. near, 696; traders en route to, attacked by bandits, 976-977.
- Bayou St. John, 359, 360, 565, 665, 786; land on, requested by Orleans Navig. Co., 788; Negro insurrec. meetings held near, 575; U. S. fort on, 577; U. S. troops to be sent to fort on, 508.
- Bayou St. John, in third ward, N. O., 399; port of delivery, 192, 193; rev. officer for, to be appd., 285; to furn. militia, 584.
- Bayou Sara, 869, 896; citizens of, accompany Holmes to Baton Rouge, 912; estab. of Amer. govt. in, 84; Sp. militia in, 33.
- Bayou Teche, Chitimacha Indians on, 63; described, 678; survey, 461, 631.
- Bayou Vermillion, Indians on, 63.
- Beauchamp, William, s. memorial, 1009, 1012.
- Beaumont, Levoday, appd. ensign, 634.
- Beauregard, Fontaine, appd. lt., 699.
- Beaussic, Pierre, Jr., appd. capt., 635.
- Beauvais, Antoine, s. petition, 832.
- Beauvais, Arnaud, biog. of, 870; nom. to council, 869, 872; recommended for council, 871; s. memorial, 791; s. petition, 327.
- Beauvais, Baptiste, s. petition, 327, 832.
- Beauvais, Louise, s. memorial, 791.
- Beauvais, V., s. petition, 327.
- Beckes, —, insurrec. meetings held at home of, 575.
- Becket, David, appd. clk. of ct., 797.
- Bedinger, George M., s. recommend., 145.
- Belanger, François, s. petition, 326.
- Bellechasse (Belleshasse), Joseph Deville Degoutin, 258; aides-de-camp appd. for, 698; appd.: col., 632, council member, 283, 291, justice, 599, recorder, 601; appd. to board, Charity Hosp., 987; cand., ter. h. of r., 506; characterized, 255, 525; commands militia regt., 592; comm. of, as council member, recd., 604; consulted by Claiborne, 723; declines council appt., 317, 334, 346; dispute of, with Walsh, 434 n.; illness of, 713; investigates conspiracy, 502; nom. to council, 524, 580; planter, 526; recommended as: brig. gen., 768, council member, 277, 281, 285, marshal, 256; resumes militia command, 716; s. manifesto, 650; s. memorial, 877; to accompany Claiborne to Attakapas, 541; to make militia return, 593-594; to prepare for review, 717.
- Bellergey, Claude, appd. lt., 633.
- Bellou, B., s. petition, 832.
- Bellse, Thomas, s. address, 972.
- Belly, Pierre, *see* Bailey.

- Bend, Alexander, s. address, 971.
 Berard, Archile, appd. lt., 637.
 Beraud, C., letter ment to P.M.G., 421.
 Bergeron, Géorge, s. petition, 327.
 Bergeron, Louis, s. petition, 327.
 Berke, Andrew, *see* Burke.
 Bermudez, John B., 485.
 Bernadotte, 70.
 Bernard, Felix, biog. of, 871; motion of, in ter. h. of r., 521; nom. to council, 869, 872; s. manifesto, 650.
 Bernard, Thomas, carries mail, 122.
 Bernoudi, Francis, 916.
 Beery, Jean, appd. justice, 796.
 Berry, Joseph, s. address, 972.
 Bersil, Major, appd. ensign, 699.
 Bertin, Maurice, appd. surgeon, 826.
 Bertoniere, —, appd. justice, 599.
 Bertrand, Pierre, murder of, 752.
 Besin, Peter, s. address, 971.
 Betrons, Joseph, 790.
 Bibb, George M., 989.
 Bidetrenoulleau (?), s. petition, 296.
 Bidou, Philippe, s. petition, 327.
 Biendras, Jean, pardoned, 665-666.
 Bienvenu (Rienvenu), —, commissary, N. O. elec., 400.
 Biggs, William, appd. justice, 985.
 Billon, —, s. memorial, 791.
 Biloxi Indians, loc. of, 63.
 Biloxi Parish (County), appts. in: judges, 984, justices, 985; bounds., 914; estab. of, 982.
 Biloxi River, 914.
 Bingaman, A., s. memorial, 1010, 1011.
 Bird, A., letter to P.M.G. ment., 1017.
 Bird, —, accused of being a spy, 78.
 Birvenu, Antoine, appd. capt., 634.
 Bishop, Samuel, 14.
 Bishop of New Orleans, transfd. to Guatemala, 52.
 Bissell, Capt. Daniel, to occupy New Madrid, 96; urged to coop. with Stoddard, 169.
 Bixler, J. B., s. memorial, 1009, 1011.
 Blache, —, appd. lt., 632; member, ct.-martial, 587.
 Black Code, 621.
 Blackledge, William, 867; letter to Sec. State, 810-811.
 Black River, 74, 423; surveys on, 995.
 Blanc, L., *see* Le Blanc.
 Blanc, Louis D., appd. commandant, Attakapas, 602.
 Blanc, Marie, s. letter, 232.
 Blanchard, Bailly, appd. auctioneer, 825, 837.
 Blanchard, Louis, appd.: justice, 824, lt., 635.
 Blanche, Alexander, appd. lt., 699.
 Blanche, Juan Joseph, 578.
 Blanque (Blanche), Jean, appt. of, as Fr. commercial agent, 200, 215, 870; biog. of, 870; cand., ter. h. of r., 574; cousin of Morales, 201; nom. to council, 869, 872.
 Blauen, Daniel, appd. justice, 599.
 Bludworth, James, appd. capt., 638.
 Blunt, John S., appd. lt., 638.
 Blunt, William, appd. capt., 638.
 Bocyfarrée, Jean Baptiste, s. petition, 296.
 Boeuf River, pub. lands on, 241.
 Boidoré, Charles, s. address, 175.
 Boisdore, Louis, appd. maj., 633.
 Boisdoré, on N. O. post route, 488.
 Bollman, Justus Erich, 784.
 Bonamy, Alexis Ceasar, appd. justice, 750.
 Bonaventure, John, appd. lt., 639; resigns, 664.
 Bonds of office, 293; Grymes as reg., 828; Gurley as reg., 427, 498; Shield as p. m., 707; Thompson as reg., 429, 463; Van Pradelles as reg., 782, 791.
 Bongaud, *see* Dejan & Bongaud.
 Bonin, Baptiste, appd. lt., 637.
 Bonnett, Théod., s. recommend., 290.
 Bonois, John B., appd. capt., 636.
 Bonville, Charles, dep. sheriff, 393.
 Book, Joseph, s. memorial, 1009, 1012.
 Boque, George, *see* Poque.
 Bordeaux (France), people from, disturb N. O., 159, 178.
 Boré (Borée), J. Étienne (Stephen), 257, 871; appd. justice, 750; appd. to council, 283, 291, 317; biog. of, 870; characterized, 248, 251, 252, 254; declines council appt., 317, 334, 346; hostile to Claiborne's admin., 345; inventor of sugar-refining process, 245; letter to Pres., 182-186; mayor, N. O., 184; motion of, *re* sessions of ter. h. of r., 521; nom. to council, 869, 872; opinions *re*: Sp. govt. of La., 184-186, U. S. govt., 185, 283; proposes appeal to Napoleon, 315; recommends. of, *re* admin. of justice, 185; recommended for appt. to council, 871; resigns from council, 343; s. manifesto, 650; s. petition, 296; supports Orleans memorial, 317.
 Boré, Mrs. J. Étienne, 315.
 Bosque, B., s. memorial, 158; s. petition, 579.
 Bossier, François P., appd. justice, 600.
 Bossier, Placid, appd.: justice, 600, lt., 638.
 Boston (Mass.), 380, 719, 898.
 Boudousquere, Norbert, appd. lt. and q. m., 699.
 Boudreau, Étienne, appd. justice, 600.
 Bougeat, V., s. petition, 326.
 Bouis, A. V., s. memorial, 791.
 Bouis, F. H. Vincent, s. memorial, 791.
 Bouis, J. B. V., s. memorial, 791.
 Bouis, P. E. V., s. memorial, 791.
 Bouis, P. Vincent, s. memorial, 791.
 Bouis, V., s. memorial, 791.
 Boule Tehite, post road from, 724.

- Boulligny, Dominique, 527, 526; appd.: justice, 750, maj., 634; characterized, 526; nom. to council, 524, 623; recommended for mil. office, 254; resig. of, from ter. h. of r., 752; s. manifesto, 650.
- Boulligny, Louis, appd. lt., 635.
- Boulligny, N. L., clk., N. O. elec., 400.
- Boulligny, Mrs. —, 487.
- Boundaries, of Calif., 30; of La., as claimed by U. S., 193, 287; Clark's rept. *re*, discussed, 15, 16-17, 25, 54, 59, 68, 73, 151, 169; publ. *re*, ment., 842; rept. *re*, 29-31; Salcedo's procl. *re*, ment., 72; under Fr., 67; of New Albion, 30; of Orleans Ter., 999; Sp. commission *re*, 484, 564.
- Bourbon Street (N. O.), 399, 400.
- Bourcier, C., s. memorial, 791.
- Bourgeat, A., s. memorial, 791.
- Bourgeat, J., s. memorial, 791.
- Bourgeat, Martin, appd. justice, 985; s. memorial, 790; s. petition, 326, 832.
- Bourgeat, Narcisse, s. memorial, 791.
- Bourgeat, V., s. memorial, 791.
- Bourgeois, M., s. resol., 483, 545; s. elec. notice, 401.
- Bourgett, Zenon, 327.
- Bourgmont, *Journal* ment., 30-31.
- Bourne, Benjamin, letter ment. to Sec. State, 274.
- Boursier, Casemere, appd. lt., 634.
- Bouye, Pierre, s. address, 175.
- Bowie, Reasin, appd. justice, 796.
- Bowmar, Joseph, letters ment. to: Claiborne, 387, Freeman, 421; letter to Claiborne, 223-224; repts. deliv. of Ouachita, 223; to recommend justices, 422.
- Bowyer (Boyer), John, appd. member, ct.-martial, 437; dispute of, with Hopkins, 422, 440; incompetent to command at N. O., 151; letter ment. to Claiborne, 422; to deliver Opelousas records, 437; to recommend county officers, 422.
- Boye, Reason, appd. justice, 662.
- Boyle, John, 769; letter ment. to Sec. Treas., 772; s. recommend., 145.
- Braces River, *see* Brazos River.
- Bradford, James M., 390; charges of, *re* Sibley, 424; clk. of elec., 574; ed., *Orleans Gazette*, 424; letter ment. to Claiborne, 424; opinion of, *re* Claiborne, 375 n.; repts. *re* Sp. forces, 505; s. memorial, 1009, 1012.
- Bradford, William, charged with felony, 983.
- Bradish, Ebenezer, appd.: capt., 632, judge advocate, ct.-martial, 587; militia orders to, 590; militia return of, 594, 886.
- Bradish, George, appd. pilot, 602; recommended as master pilot, 443.
- Bradish, P., s. petition, 540.
- Bradley, Joshua, appd. lt., 638.
- Bradley, Stephen R., 532.
- Braux, Michael, appd. lt., 636.
- Braux, Raymond, appd. lt., 636.
- Braux, Remon, appd. justice, 662.
- Brazos (Braces) River, loc., 73.
- Breckinridge, John, 378; letters ment. to: James Brown, 369, 506, Cocke, 49, Worthington, 49; letter to Pres., 47-49; opinions *re*: La. cess., 47-48, Orleans delegates, 370, ter. govt., 511; recommends Magruder as land commr., 613; to conf. on La., 491.
- Breckinridge, Mrs. John, 513.
- Brent, William L., letter ment. to P.M.G., 901.
- Brent, Richard (?), 989.
- Brewster, James, appd. justice, 599, 750.
- Brey, Henry, appd. judge, 749.
- Briand (Briard), Alexander, appd.: justice, 599, capt., 638.
- Bricou, Henry, s. address, 174.
- Bridges, William, s. memorial, 1009, 1011.
- Briggs, Isaac, 475; arrival of, in Miss. Ter., 146; auth. and duties of: as survr. gen., 459-462, under Orleans land act, 630-631; en route to Washington (D. C.), 190, 197; estab. survey office in Miss., 60; explorations of, 419; illness of, 349; instrs. ment. to: Fitz, 682, Gilbert, 682; *letters ment. to*: Fitz, 146, Pease, 747, Pres., 197, 284, Sec. Treas. 197; *letters to*: Pres., 146-149, 197-198, Sec. Treas., 682-683; *opinions re*: Claiborne as govr., 198, Louisianians, 163, Pres. policy *re* La., 146, qualif. of La. govr., 147, slavery, 148, 163; plans N. O.-Washington road, 349; plans Orleans surveys, 682; post route proposed by, criticized, 548; successor to, to be appd., 704-705; survey methods of, 747, 748, 769-770; to evaluate lands on Carondelet Canal, 360; to inform Claiborne *re* N. O. post road, 363; to rept. *re* Claiborne as govr., 198, 233; to rept. *re* La., 191; urges continuance of Claiborne and Tristin office, 147; will continue in office, 149. *See also* Surveyor General.
- Briggs, Joseph, death of, 298, 361, 860; letter to Pres., 276.
- Brightwell, Theophilus, justice, 985.
- Brijot, John, appd. lt., 636.
- Bringier, Lewis, appd. lt., 636.
- Bringier, *see* Tureaud, Bringier, & Co.
- Bringies, Marius P., appd. maj., 636.
- Brinton, John, s. memorial, 1009, 1011.
- Brion, Louis, Jr., s. address, 175.
- Brouer, Baroness de, 487.
- Broutin (Brutin, Prouten), Narcissus, appd.: capt., 633, notary, 601, 837.
- Browder, F. A., s. memorial, 1009, 1012.
- Browder, Fred R., appd. coroner, 986.
- Browder, John, s. memorial, 1009, 1012.
- Brown, Daniel D., appd. sheriff, 986.
- Brown, E., 10.

- Brown, Henry, appd. notary, 280, 286, 601; illness of, 289; s. petition, 540.
- Brown, James, 344, 389; acct. of, with TD, 559; *appd.*: dist. atty., 363, 417, 449, judge, 341-342, 343, 494, land agent, 457, 468-469, 495, lt., 639, ter. sec., 282, 291, 269, 307, 313; approves div. of land dists., 497; asks to be omitted from ballot, 506; charges against, 802; claims of, against U. S., 448; codif. of Orleans laws by, 379; contracts for abstracts of land grants, 517; declines appt. as: judge, 365, 366, 369, ter. sec., 366; *letters ment. to*: Breckinridge, 378, 510, Claiborne, 542, Fowler, 375 n., Pres., 313, Sec. Treas., 499; *letters to*: Atty. Gen., 511 n., Breckinridge, 369-370, 378-380, 506-513, Claiborne, 613-615, Pres., 365-366, Sec. State, 313-314, 448-449, 494, 770-771, Sec. Treas. 495-496, 496-498, 517-518, 545-549, 558-560, 732, 741-742, Smith, 537-539; memorial of, as univ. regent, 1014-1016; offers resig. as dist. atty., 548; *opinions of, re*: admin. of land act, 495, admin. of Orleans govt., 507, Claiborne, 375 n., 511, govt. for Orleans, 370, import. of slaves, 548, integrity of Sp. officials, 546, office of dist. atty., 548, Orleans governorship, 512, people of Orleans, 511, Prevost, 538, ter. h. of r., 511; postpones departure for N. O., 314; recommendations of, *re* Orleans govt., 512; recommended as collector and naval officer, 145-146; *recommends*: Lovell as port survr., 517, Porter as land agent, 741, Vacher as land commr., 613; repts. of, *re* land records, 496-498, 613-615; requests opinion of Atty. Gen. *re* slave trade, 548; resig. of, as judge, discussed, 378, 559; resig. of, as ter. sec., ment., 516; resigns as dist. atty., 770-771; retains office as land agent, 812; salary of, 629-630, 742; s. petition, 540; status of, 510; succeeded by Graham, as ter. sec., 365; suggests inventory of Sp. land records, 615; tenure of, as ter. sec., 559; to assist in codif. of Orleans laws, 356; to contract for copying of land records, 495; to furnish docs. *re* land claims, 773-774; to refuse judgeship, 363; to rept. *re* Sp. land records, 580-581; to send transcripts of land records, 549; to urge presentation of land claims, 741, votes recd. by, in ter. elec., 506.
- Brown, James, appd. justice, 662.
- Brown, Mrs. James, 370.
- Brown, John, 363, 506.
- Brown, John, s. act, 90.
- Brown, John, s. memorial, 1009, 1012.
- Brown, Shepherd, recommended as bank director, 10.
- Brown, Shepherd, & Co., s. petition, 579; s. recommend., 290, 337.
- Brown, William, advances funds to Gurley, 499; appt. of, as collector, discussed, 316, 335; attends Clark dinner, 742; bills drawn on, 442; characterized, 735; conduct of, approved, 744; connection of, with Le Grand case, 502; defalcation of, 858, 864-865; dep. collector, 280; escapes capture, 866; fails to receive Sp. customs records, 614-615; recommended as collector, 289-290; requests opinion *re* slave imports, 548; to advance judges' salaries, 575; to arrange for marine hosp., 719.
- Brown, William, s. memorial, 1009.
- Brown, Dr. —, 506.
- Brownin, John, s. address, 971.
- Brownin, Wilk, s. address, 971.
- Broyard, Etienne, s. petition 327.
- Bruin, Peter Bryan, rept. of death, 443.
- Brulet, Charles, in slave plot, 576.
- Brun, Bernard, pardoned, 982.
- Brunson, D. H., s. memorial, 1009, 1012.
- Brutin, *see* Broutin.
- Bry, Henry, biog. of, 871; nom. to council, 869, 872; requests post route, 896.
- Bryan, Julia, 576.
- Bryant, —, appd. sheriff, 986.
- Buau, Joseph, appd. lt., 637.
- Buard, Louis, appd. lt., 638.
- Buccaneers, fort built by, 31.
- Buckner, Samuel, appd. lt., 639.
- Bujac, M., s. recommend., 900.
- Bullock, James, s. memorial, 1009, 1011.
- Bundick, George, s. memorial, 1009, 1011.
- Bundick, Philip, s. memorial, 1009, 1011.
- Burch, Jacque, s. address, 972.
- Burch, Samuel, certifies petition, 808.
- Bureau, Francis, appd. lt., 633.
- Burgeois, —, s. resol. 482.
- Burk, Lt., —, letter ment. to Sterrett, 169; paymaster, Ft. Adams, 165.
- Burke (Berke, Burk), 10; appd.: capt., 635, justice, 599, port warden, 602; commissary, N. O. elec., 400.
- Burney, John, appd. capt., 699; resig. of, as ter. rep., ment., 824.
- Burns, Malachia, s. memorial, 1009, 1012.
- Burr, Aaron, 798; arrest of, 712; associates of, in N. O., 489, 736, 784; connection of, with Newman letters, 851; conspiracy of, 689, 723, 729-730, 731; procl. *re*, 694-695; relation of, to Glass exped., 800; resol. of ter. legis. *re*, 707-708; s. act, 407, 414; to return to N. O., 745; trial of, 734, 745; witnesses refuse to testify, 735-736.
- Bush, John Lewis, appd. justice, 985.
- Butler, Miner, s. petition, 326.

- Butler, Richard, 987.
 Butler, Col. Thomas, ct.-martial of, 168; estab. post at Pointe Coupee, 776.
 Butler, Thomas, s. memorial, 1010, 1012.
 Buyis, G. D., *see* Debuys.
- Cabahanoce, dist. of Sp. La., 32.
 Cabaree, Joseph, in slave plot, 576.
 Cabaret, M., Jr., appd. parish treas., 601, 663.
 Cabildo, 52; abolition of, 339; estab. of, 40.
 Cabohanoce Parish (County), 584.
 Caddo (Cadoquia) Indians, 63, 76; attacked by Choctaw and Osage, 63; chief of: asks for Amer. flag, 336, invited to Washington, 515, visits Sibley, 75; conf. with, proposed, 319; despise Sp., 336; towns of, 77; visit Natchitoches, 287.
 Cadiz (Spain), 436.
 Cadwell, Philip, appd. justice, 985.
 Caillet, J., s. petition, 296.
 Caisergues (Ceysergues), Francis, 256; appd. to council, Charity Hosp., 987.
 Calais, —, implic. in slave plot, 502.
 Calderon, Benigno Garcia, 484.
 California, bounds. of, 30.
 Callender, *see* Amory & Callender.
 Cammack, John, s. memorial, 1012.
 Camp, Isaac, sheriff, 600, 663.
 Campeche (Mexico), La. trade with, 45, 46; Sp. officers transfd. to, 485.
 Camp Hamilton, 581.
 Campos, Anastacio, 752.
 Campton, John, appd. coroner, 602.
 Canada, 18, 34.
 Cannes, R., s. petition, 540.
 Cannon, Jean, appd. lt., 698.
 Cannon, William P., appd. justice, 985.
 Cantrell, Casamiere, appd. lt., 636.
 Cantrell, James, Jr., appd. lt., 636.
 Cantrell, John B., appd. capt., 636.
 Cantrell, Lavasseur, appd. ensign, 636.
 Cantrell (Cantarelle), Michael, 275; appd.: deputy reg., 677, judge, 598, 749, 835, 984; appt. of, to council, discussed, 283, 291; characterized, 255, 677; refuses council appt., 334, 346; sentences son-in-law, 673-674.
 Cape Girardeau, Indians near, 64.
 Captain General, judicial review, 36.
 Captain General of Havana, gives free hand to Sp. commrs., 115-116; orders deliv. of La., 112.
 Carcasou River, 30.
 Carentin, Michel, appd. lt., 826.
 Carlin, postal service to, 903.
 Carmichael (Carmick), Capt. George Washington, delivers letters, 445.
 Carmouche (Karmouch), Narcisse, s. memorial, 791; s. petition, 327, 832.
 Carnahan, John, appd. lt., 638.
 Carondelet, Baron de, death of brother, 860; employs Power as agent, 702; fortif. erected by, 359; militia census of, 33; *Regulations of, ment.*, 40.
 Carondelet Canal, 288; descrip. of land on, 359-360; enlargement of, 360; report *re*, 785-789.
 Carr, John C., appd.: auctioneer, 663, clk. of ct., 698, judge, 749, 835, 984; attempts to suppress banditry, 977; considered for appt. as land officer, 457; drafts memorial, 975; informed *re* occup. of N. O., 101-102; letter ment. to Claiborne, 799; *letters to Claiborne*, 799-800(E), 943-944, 975-976; recommends mil. post on Sabine R., 976; rept. *re* Glass exped., 799.
 Carraby, Antoine, s. memorial, 158; s. petition, 296.
 Carraby, Pierre, s. memorial, 158; s. petition, 296.
 Carrick, James, 10; appd. justice, 599; director, La. Bank, 368; repts. disorderly conduct of priest, 423; s. recommendation, 290; votes recd. by, in ter. elec., 506.
 Carrier, Louis, appd. lt., 637.
 Carrol, Lt. —, letter ment. to Robertson, 888.
 Carroll, Rt. Rev. John, appts. vicar general, 744; diocese of, to include La., 52; letter ment. to Pres., 688.
 Carson, Joseph, letter to Claiborne, 926.
 Carson, William, s. memorial, 1009, 1011.
 Carson, —, dep. survr., 973.
 Carter, Carson, s. address, 972.
 Carter, Lt. —, arrests smuggler, 888.
 Cartersville (Va.), 417.
 Casa Calvo, 109, 152, 419, 439, 581, 614; agrees to post road, 437, 439-440; anti-Amer. activities of, 582; arranges accommodations for U. S. troops, 119, 122; asks clemency for returned slaves, 324, 331-332; blames people for slave unrest, 331; connection of, with church controv., 426, 434; connection of, with Villamil case, 373, 404-405; delays departure from La., 357-358; denies Sp. posts to be strengthened, 438; dipl. appt. of, reported, 505; enemy of Morales, 201, 376; guard of, protests against, 360-361, 372-373; illness of, 505; implic. in slave plot, 575-576; improper conduct of, *re* slaves, 376; informed *re* W. Fla. post, 445; informs Irujo of Sp. fleet, 436; insults Mme. Laussat, 121; inventories requested of, 80; issues passport to Le Grand, 502; judic. auth. of, 377; journey of, to Sabine R., 536; land records, resp. for, 546, 559; *letters ment. to*: Claiborne, 376, 377, 391, 392, 489, commandant gen., int. provinces, 323, 332, Morales, 492, Prevost, 356, Ugarte, 323, 329, 332; *letters to* Clai-

- borne, 321-324, 324-325, 328-329. 329-332, 392, 439-440, 484; measures of, *re* escaped slaves, 329; negot. with, *re* incr. of Sp. forces, 435-436; not accredited as bound. commr., 533-534, 564; on hunting trip, 517; on Orleans frontier, 547; on Sp. bound. comm., 420, 484; on Trinity R., 561; opinions of: *re* extent of La. cession, 59, *re* U. S. claim to W. Fla., 333; orders deliv. of Sp. posts, 155-156; orders embark. of Sp. troops, 123; passport issued to, 665; policies of: *re* transf. of La., 102, 114, 115, *re* U. S., 582; proposed settlement of, on Trinity R., 557, 581; protests arrest of Garcia, 334, 364, rel. of, to Hulin case, 377, 395-396; rel. of, with Claiborne, 220, 319, 425; removal of, from Orleans, 533-534, 553, 556, 562, 563-564, 603, 605; retrocession rept., 397, 562; status of, after transfer, 364; strengthens Mobile fortif., 616; subv. activities of, among Indians, 325, 553, 582; subv. infl. of, 312, 508, 557; supporters of, in N. O., 308; suspends edict *re* fug. slaves, 324; to be consulted: *re* escaped slaves, 430, *re* evac. of Sp. post, 458, *re* post route, 279, 363, 417, 418, 452; to be requested for passport, 451; to be warned against interfer. with explor. party, 451-452; to deliver La. 123; to strengthen Pensacola garrison, 333; unable to oppose occup., 117; visits Adais, 553; visits Barataria, 101.
- Casada Indians, report hostility of Aish Indians and Sp., 292, 293.
- Casas, Enlogio (Eulogio?) de, 577.
- Case, David, letters ment. to P.M.G., 778, 883.
- Casson (Cason), John, appd.: ensign, 639, justice, 600.
- Castanado (Castanedo), Joseph, appd. justice, 750; appd. lt., 633.
- Castillon, —, cand., ter. h of r., 574; pres., Church of St. Louis, 686.
- Catahoula Parish (County), appts. in: judges 796, 835, justices, 796, 985.
- Causot, Mrs. —, 487.
- Cavaleros, Domingo, pardoned, 796.
- Cavaleros, Joseph, pardoned, 796.
- Cavalier, Zenon, 11, 257; appd. capt., 633; characterized, 250.
- Cavelier (Cavellier), Anthony (Antoine) 11, 257; appd. capt., 633; s. petition, 296.
- Cavelier, —, Jr., characterized, 253.
- Cavelier & Sons, s. memorial, 158; s. petition, 579; s. recommend., 290.
- Caves, Fransoi, Sr., s. address, 174.
- Cavet, Louis, appd., lt., 798.
- Caxeux, Charle, s. address, 174.
- Ceballos y Guerra, Pedro de, letter ment. to Pinckney, 291; letter to Monroe, 69 (E); publ. of letters of, 358.
- Cedar Creek, p.o. in, requested, 1017.
- Celestin, reports insurrec. plot, 500.
- Cenas (Senas), Blaize, 357; acct. of, with PO, 420; appd.: justice, 599, 600, 750, sheriff, 797, 836; appt. of, as N. O. p.m., ment., 267; charges against, 828; conduct of, approved, 420-421; in charge of mail route, 727; letters ment. to P.M.G., 338, 419, 579, 768; resig. as N. O. p.m., denied, 781; s. recommend., 290, 337; to adv. funds to mail contractors, 494; to coop. with Claiborne, 474; to estab. N. O.-Balize mail route, 724-725.
- Cenas, [Blaize?], Jr., 11.
- Cennois, Jean Pierre, s. address, 175.
- Census of La., discussed, 13-14, 32, 51; of N. O., 51; of Orleans Ter., 702, 923-924; submitted to Pres., 923.
- Certificates, of exchange of ratif., La. treaty, 81-82.
- Cervallos, *see* Ceballos.
- Césère, Goseran, s. petition, 327.
- Cession of Louisiana by France to Spain, ment., 6, 16, 30, 85.
- Cession of Louisiana by France to U. S., 135, 138-139; add. stipul. *re*, proposed, 81; delay in delivery of pub. bldgs., 152; delay in delivery of Upper La., 156; delivery of Natchitoches, 239; delivery of Ouachita, 223; discussed, 3, 4 n., 5, 6, 8, 11, 14-15, 47-48, 89, 227, 521, 551; effect of: on bound. survey, 68, on Sp.-Indian treaties, 62, on value of W. Fla. lands, 67, on W. Fla., 964-965; financing of, 15 n.; Fr. policy *re*: discussed, 55, ment., 5, 109, 237, 261, 806; Laussat denied auth. *re* W. Fla., 151; news of, recd. in N. O., 6; no amnesty to offenses, 258, 260; opposed by Sp., 55, 69, 79, 93, 95, 105; retrocession discussed, 509; rts. of inhabs. under treaty, 130; status of W. Fla. in, 59, 72, 74; time allowed for evac. of La., 179; to be brought before Cong., 49; to be celebrated, 593.
- Cession of Louisiana by Spain to France, ment., 43, 59, 67, 68, 125, 135, 185, 229; procl. *re*, 126-132.
- Ceysergues, *see* Caisergues.
- Chabaud, John, appd.: keeper of records, 663, parish treas., 663, 752; certifies resol., 482, 483.
- Chafalaya, *see* Atchafalaya.
- Chambers, Joseph, letter ment. to Sec. Treas. 493.
- Chanette, Maurice, appd. capt., 826.
- Chapeiret, L., appd. coroner, 602.
- Chapitula, dist. of Sp. La., 32.
- Charbonnet, L., s. petition, 296.
- Charleston (S. C.), 719, 880.
- Charleston City Gazette, 74.
- Charlevoix, Pierre François Xavier de, explor. of, 31.
- Chasseiret, L., appd. coroner, 602.

- Chastair, —, member of ct.-martial, 587.
- Chastant, —, appd. lt., 639.
- Chattahoochee River, 166.
- Chauvin, Pierre, appd. lt., 639.
- Cheavs, James, s. address, 971.
- Cheeks Cross Roads, 57.
- Chef Menteur, in third ward N. O., 399; on N. O.—Washington post route, 488, 671; to furnish militia, 584.
- Chef Menteur River, 488.
- Chenet, Alexander, appd. lt., 826.
- Chenevert, Louis, appd. lt., 699.
- Cherokee Indians, on St. Francis R., 64.
- Chesnaugh, Jean Louis, pardoned, 668.
- Chessé, François (Francis), appd. lt. and q.m., 699; s. memorial, 791; s. petition, 327.
- Cheese, J. J., appd. lt., 826.
- Chew, Beverly, 10, 258; accts. of, sent to P.M.G., 391; appd. capt., 640; attests depos., 182; characterized, 256; deposits p.o. funds with Claiborne, 418; submits p.o. accts. to Claiborne 391.
- Chew & Relf, s. memorial, 158; s. recommend., 290, 337.
- Chiapella, G., s. memorial, 158.
- Chiapella (Chiappella), Jerome, 257; characterized, 250, 253.
- Chickasaw Bluffs, 72; Sp. post near, to be occupied, 96; U. S. troops at, to occupy N. O., 71.
- Chickasaw Indians, 75; on St. Francis R., 64; wars of, ment., 63.
- Child, *see* Kennedy & Child.
- Chiles, Garland, s. address, 972.
- Chitimacha Indians, 63.
- Chitz, Hiacinthe, s. memorial, 791.
- Choctaw (Chactaw) Indians, emig. of, discussed, 63; hunt on Ark. R., 64, 421; in La. and W. Fla., 62; intermarry with Arkansas, 64; make war on Caddo, 63; member of, murdered, 754, 759; offer to punish Conchatto, 745; threaten reprisals, 758; to be offered indemnity, 760; treaties of, with Spain, discussed, 62; village of, 224.
- Choctaw Purchase, 939.
- Choubert, P., s. memorial, 1009, 1011.
- Chouteau, Auguste, 64.
- Chretien, Hipolite, appd. ensign, 638.
- Chretien, Pierre, appd. lt., 638.
- Chretien, —, appd. lt., 699.
- Civil law, code of, adopted, 802; digest of, to be pub., 780.
- Clack, —, appd. lt., 639.
- Claiborne, F. L., incurs enmity of Williams, 809; informs Claiborne of plots, 670; mail contractor, 134; to deliver commission, 387.
- Claiborne, Richard, acquitted by sup. ct., 954; appd. judge, 796, 835, 953, 954; disputed appt. of, as clk. of ct., 852; forwards exec. register, 661, 692; letters to: Dubourg, 594, Graham, 953-954, Sec. State, 607, 661-662, 672, 681, 681-682, 692; refuses newspaper attack, 953-954; s. census return, 702; s. militia return, 700; s. register of appts., 752.
- Claiborne, Gov. William Charles Cole, 5, 11, 99, 101, 102, 119, 125, 137, 152, 172, 223, 225, 230, 234, 239, 241, 271, 292, 393, 476, 481, 490, 504, 513, 547, 575, 580, 610, 641, 683, 686, 702, 728, 738, 804, 834, 849, 854, 901, 915, 916, 943, 949; abandons Natchez trip, 675; absence of, from N. O., 607, 672, 681, 682, 881; accts. of: discussed, 220, 361, 443-444, 687, 704, 847, with PO, 168, 391, 474, with SD, 235, 689, 711, with TD, 214, 441-442, 846-847, 859, with WD, 260, 442, 473, 703-704, 904, 929; accused of Federalist leanings, 357; action of, *re* Casa Calvo, 556; action of, *re* church dispute criticized, 259; administers oaths of office, 311, 348; admin. of, as govr., criticized, 379-380; affirms loyalty, 689; applic. of, for release of Kemper party, 934; appt. as govr., discussed, 267, 291, 307; appt. as U. S. commr., ment., 111; appts. by, discussed, 422, 423, 431-432, 443; approval of act of council, 398; arrival of: in N. O., 138, in N. Y., 898; asked to order removal of bldg., 482; asked to protect slave owners, 274; assurances of, *re* Gurley, 497; attacks on, 370, 380-382, 386, 390, 395-396, 433-434, 438-439; attempts to raise morale of Louisianans, 617; attempts to restore order at public ball, 181; attends church with Casa Calvo, 319; attends N. O. ball, 180; *authority of*: as temp. govr., discussed, 92, judicial, 385, *re* appt. of clerk, ter. sup. ct., 853 n., *re* Indian trade, 384, to appt. master pilots, 443, to draw on SD and WD, 104, 105, to take possess. of La., 96, to use militia against filibusters, 333; authorizes rental of pub. bldgs., 390; calls on Brown, 495; cand. for govr. of La., 1019; certifies Lafon as survr., 244-245; chancellor, Univ. of Orleans, 1016; characterized, 509, 510; charges against, 333, 357; charges of, against Clark, 242-243; charter of N. O. bank by, 224-225, 225-226; *commends*: city officials, 404, Dorcier, 716, militia, 592, 595, 846, Prevost, 348, Watkins, 675, Wilkinson, 712, 729; comms. of: as agent to receive La., ment., 91, 95, 109, text, 94-95, as govr., ment., 105, 281, 282, 353-354, 368, 728, 803, 804, 809, 975, 997, texts, 143-144, 144-145, 351, 467, 571, 823, 981; compensation of: as govr., 220, 362, 473, as U. S. commr., 92, 220, 259, 473; concerts measures with Holmes, 909; concerts

measures with Mead, 696-697; concurs in order *re* Fr. transport, 165; conduct of, approved, 147, 291, 723; conduct of, censured, 266, 712; confirms expul. of O'Naille from militia, 591; consults council members during Burr affair, 723; continues Boré as mayor, 184; controv. of, with Robertson, 962-963; corresp. of, *re* navig. of Mobile R., discussed, 945; death of wife and daughter, 299, 303, 304, 307, 326, 860; defends: admin. as govr., 243, 338-341, 367, 371-375, org. of militia, 381, use of guards, 381; denies connection with Miss. politics, 809; desires appt. of sec., 745; difficulties of: as govr., 146-147, 233, in org. Miss. govt., 335, with legis. 615, with postal service, 197; dismisses Watkins as N. O. mayor, 723; dispute of, with Hampton, 930; duel of, with Clark, 738 n., 743; duties of, *re* customs, 100; efforts of, to introd. Amer. jurisp., 317; estab. temp. ct., 163-164, 188; estab. of La. Bank by, discussed, 232-233, 285; *exec. proceedings of*, 516, 518, 692, 982, texts, 583-603, 632-640, 662-669, 692-702, 713-718, 749-752, 796-798, 824-827, 834-838, 982-987; explains visit to Attakapas and Opelousas, 550; family of, to come to N. O., 221; fears mil. exped. against Pensacola, 908; forwards: addresses of Orleans citizens, 723, despatches to Laussat, 87, resol. of N. O. council, 844; friend of Briggs, 146; furnishes info. *re* La., 16-25; govr. of Miss. Ter., 244, 270, 335; hostility to, in N. O., 723; ignorant of French, 266, 508; illness of, 247, 276, 278, 286, 289, 294, 307, 310, 373, 376, 377, 386, 395, 672, 675, 676, 677, 739, 859, 944, 961; inaug. address of, 309, text, 303-304; instrs. ment. *re* revol. movements in Natchitoches, 961; instrs. ment. to Ross, 581; *instrs. to*: Bowmar, 387, commandants, 325-326, commander, militia guard, 596-597, elec. officers, 480-481; interest of, in educ., 487; introduces Merieult to Sec. State, 1014; issues marriage license, 382-383; issues passports, 664-665; joins forces with Wilkinson, 135-136; lacks auth. over U. S. troops, 755; legis. messages of: 347, 348, 520, 522, 616, 881-882, ansd., 618-619, 620-622, texts, 446, 780-781; *letters ment. to*: Bowyer, 422, James Brown, 313, 613, William Brown, 542, Casa Calvo, 315, 323, 325, 328, 331, 376, 377, 391, 396, 484, 489, 558, 562, R. Claiborne, 954, Clark, 56, 66, 112, 114, 116, 122, Cooley, 776, Covington, 907, Cushing, 819, Davis, 234, Folch, 259, 260, 287, 442, 445, 542, Foucher, 829, govr. of Yucatan, 851,

Hampton, 989, 999, Kirby, 311, Laussat, 111, Mather, 850, 946, militia officers, 739, Morales, 492, 564, 576, 577, Morgan, 776, P.M.G., 110, 168, 219, 357, 473, 488, 964, Pres., 5, 16, 58, 60, 161, 190, 240, 277, 307, 311, 316, 335, 342, 363, 416, 450, 535, 566, 605, 734, 744, 762, 763, 842, 931, Salcedo, 765, Sec. State, 55, 66, 135, 139, 163-164, 176, 177, 220, 223, 224, 225, 233, 245, 246, 259, 288, 299, 308, 313, 319, 332, 353, 364, 372, 378, 386, 395, 397, 418, 419, 431, 437, 438, 496, 533, 536, 543, 574, 615, 657, 658, 679, 688, 711, 728, 804, 830-831, 848, 850, 881, 898, 902, 903, 932-933, Sec. Treas., 232, 235, 846, 858, Sec. War, 473, 615, 798, 907, 929, Sibley, 72, 756, Thompson, 756, Turner, 335, 388, Winter & Harman, 733; *letters to*: Andry, 435, Bailey, 417, 417-418, Bowmar, 387, 421-422, Bowyer, 422, 437, Casa Calvo, 439, 563-564, Choctaw family, 760, F. L. Claiborne, 386-387, Clark, 27-28, 108, 109, 116, 738, Covington, 908-909, district commandants, 325-326, Dubourg, 596, Folch, 444-445, 945-946, Foucher, 829-830, Freeman, 394, 432, 442-443, Hopkins, 440, Jackson, 689-690, Jefferson, 831 n., 866, 905-907, Laussat, 87, militia officers, 718, 740-741, Nicoll, 414-415, Pitot, 383, 395, 404, port master and wardens, 443, P.M.G., 391, Poydras, 716, 843-844, Pres., 11-12, 16-25, 58-60, 135-137, 161-164, 190-192, 221-223, 239-240, 246-248, 279-281, 284-289, 293-294, 298, 306-309, 311, 314-316, 318-319, 333-334, 334-335, 335, 338-341, 344-346, 347-348, 348, 348-349, 357-359, 359-360, 366-368, 385-386, 393-394, 424-425, 525-526, 535-536, 605-606, 615-616, 625, 657-658, 670-671, 672-674, 675, 677-678, 686-687, 729-731, 734-736, 736-737, 739-740, 742-743, 743-744, 744-746, 763-764, 808-809, 844, 858, 859-860, 869-871, 947-948, Prevost, 389, 423, Relf, 416, Salcedo, 764-765, Sec. State, 26-27, 66-67, 138, 201-202, 220-221, 232-233, 233-234, 242-243, 245-246, 299, 304-305, 310, 312-313, 317-318, 320, 361, 361-362, 368, 368-369, 371-375, 378, 380-382, 383-384, 390, 391-392, 395-396, 404-405, 420-421, 425-426, 426-427, 432-433, 434-435, 435-437, 437-439, 445-446, 489, 537, 540-541, 542-543, 550-551, 557-558, 560-562, 562, 603-604, 604-605, 611-612, 616-617, 618, 642, 675-676, 688-689, 689, 722, 723, 723-724, 727-728, 753-754, 765-766, 798-800, 802-803, 803-804, 848-849, 989, 925, 961-962, 1014, Sec. Treas., 679-680, 685, 812-813, 846-847, 903-905, 927-928, 944-945, 956-957, 997, 1000, 1019,

- Sec. War, 442, 703-704, 712, 754-755, 756-757, 768-769, 775-777, 782-785, 793, 829, 833-834, 846, 853-854, 907-908, Shields, 389, Sibley, 433-434, 759-760, Sparks, 800-801, Stark, 431-432, Thompson, 757-758, Turner, 384-385, 388, 430-431, Williams, 447, Wooldridge, 423; living expenses of, 247; measures of, against slave uprising, 298; memorial of, as Univ. regent, 1014-1016; militia orders of, 583-598, 713-718, 759, 793-795, 813-817, 846, 855; names council members, 344-345; not consulted *re* newspaper publs., 376-377; oaths of office: admin. to, 309, texts, 306; occup. of W. Fla. by, 905-907, 909-914, 915, 933; offers aid to Indian family, 760; offers mil. services, 315; offers to return Sp. slaves, 764-765; *opinions of re*: accommodations for dist. ct., 472, annex. of Cuba, 907, auth. of commandants and justices, 358, batture case, 737, 843-844, William Brown, 335, 735, 744, 864-865, Burr conspiracy, 734-735, 745, Casa Calvo, 434, 557-558, civil code, 780-781, Clark, 310, council members, 317, 347, danger of slave revolt, 59, div. of land dists., 497, effect of legis. manifesto, 642, form of govt. for La., 162-163, 245, 247, 288, Glass exped. 800, Graham, 730, infl. of lawyers, 86, 754, intro. of U. S. govt., 21, Jones, 525, 536, judges' salaries, 247, Laussat's interregnum, 339, legis. memorial, 722, Livingston, 242, 245, 310, 348-349, 379, loc. of Lafayette's grants, 359-360, La. cess., 11, 59, La. climate, 163, Louisianians, 60, 161, 223, 305, 314-315, 560-561, 676, Minor, 108, Morales, 67, 489, Moreau, 753-754, N. O. defense, 510, 764, occup. of La., 108, 116, 136, Orleans memorial, 261, 314, Plaquemines Fort, 783, possible war with Spain, 312-313, repeal of bank charter, 232-233, represent. sys., 674, salaries of ter. officers, 191, Salcedo, 66, Sauvé, 261, 312, Sibley, 385-386, 424, slave trade, 222, 340, Sp. govt. of La., 20, 24, 147, 202, 339, statehood for Orleans, 314, 944, 948, 1000, ter. legis., 65, U. S. foreign rels., 675-676, 687, 907, validity of La. Bank charter, 361, 362, value of La., 161, W. Fla. land situation, 27, 287, 904, union of W. Fla. with Orleans, 72, 927; *opposed by*: Burr faction, 734, Clark faction, 670, Prevost and Robertson, 945; *opposed to* Freeman as commander, N. O. post, 735; *opposes*: codif. of Orleans laws, 356, Fr. and Sp. law, 379; *opposition to*, discussed, 1019; *ordered to* N. O. 92; *orders*: arrest of slaves, 388, excl. of Santo Domingo negroes, 340, Pointe Coupee fort delivered to civil auth., 762, seizure of the *Hector*, 270; *orders of, re* Upper La., ment., 169; ordinance of, *re* org. of Feliciana Parish, 914-915; org. of militia, 703, 704; org. of council by, 334; org. of temp. govt. by, 339-340; permits Sp. troops in N. O., 392; petitions to, 295-297, 326-327, 578-579, 976-978; political plot against, 190-191; popularity of, 147; possible elec. of, as state govr., 944-945; postpones visit to States, 11, 734, 803, 804; powers of, *re* Indian affairs, 754; prepares frontier defense, 553; presents militia standard, 240; proposed action of, *re* Burr adherents, 736; proposed visit of Indian chiefs to, 449; proposes Tenn. laws for Orleans, 356; prorogues council, 446; prospective arrival of, in N. O., 116; qualif. of, as govr., discussed, 9; raises volunteers for N. O. exped., 135; reappt. of, as govr., discussed, 803-804, 997; recommended as ter. govr., 198; *recommends*: admis. of refugee slaves, 843, William Brown as collector, 280, defensive measures for Orleans, 561, donation for school purposes, 390, Duplessis as tax collector, 1019, Duval as collector, 858, embargo on exports, 617, Fortier, Jr., as marshal, 843, gradual introd. of Amer. jurispr., 60, 367, Graham as collector, 858, Grymes as dist. atty., 925, 928, Grymes as land commr., 812, Grymes as reg., 812, holding Indian conferences, 754, incr. in Abrahams's pay, 833, incr. salaries of ter. officers, 537, Indian treaties, 756-757, investig. of land claims, 680, Johnson as land commr., 812, legis. council members, 277, 278, 281, 284, 285, 318, 871, mil. post on Lake Pontchartrain, 907-908, Pike as ter. govr., 927-928, removal of Sp. from Mobile, 927, Robertson as reg., 812, Robinson as dist. atty., 878, strengthening of N. O. troops, 617, Thompson as judge, 799, Tucker as collector, 858, use of English by N. O. officials, 185, use of Government House by ter. legis., 860, Watkins as ter. sec., 222, Wilson for mil. promotion, 769, withdrawal of troops from N. O., 221; recovers from wound, 745-746; refuses access to ter. records, 962; refuses to interfere in Bowyer-Hopkins dispute, 440; refuses to interfere in judicial processes, 188; regrets appt. of Jones to council, 604, 605; regrets publ. of letter to Sec. State, 220; *rels. of, with*: Casa Calvo, 220, 319, 425, Folch, 220, Wilkinson, 136, 221, 233, 730, Williams, 809; *repeal of ordinances of, ment.*, 266; *repts.*: council vacancy, to h. of r., 615, illegal surveys, to Clark, 27, slave uprising, to Hampton, 917, 918, Sp. troop move-

ments, 618; reprimands Davis, 589; reprimands O'Naille, 589; requested to: auth. destruc. of forts, 483, demand release of Sibley, 926, forward resols. to Jefferson, 865, provide quarters for town guard, 483; request for leave of absence withdrawn, 335; requests leave of absence, 5, 163, 276, 278, 307, 670, 676, 679, 736, 746, 849, 859, 905; *requests*: mil. aid, 394, more troops for N. O., 800, permission for post route, 439, pub. of letter to Sec. State, 313, reappt. as govr., 947, return of escaped slaves, 764, secret code, 426; requisitions schooner, 152, 165; residence of, unhealthful, 859-860; return of, from Natchitoches, 686; rumor *re* dismissal of, as govr., 191; sends gunboat in pursuit of Brown, 866; shocked by Clark's appt. as ter. delegate, 661; s. agreement with Mead, 697; s. memorial, 1016; situ. of, as temp. govr., 170; studies French, 309; submits address of Pres. to ter. h. of r., 605; supporters of, in N. O., 256; term of office of, as govr., 467, 947; termin. of auth. of, as U. S. commr., 220; to act with Wilkinson, in occup. of N. O., 71, 97; to admin. La. govt., 96; to aid in loc. Lafayette's grants, 605; to appt. marshal, 283, 308; to appt. public printer, 811, 850; to arrange for W. Fla. mail route, 279, 363, 418-419; to assure Sp. officials of U. S. neutrality, 851; to conciliate Indians, 470; to confer with Casa Calvo *re* escaped slaves, 430; to confer with Folch, 727-728; to confer with Wilkinson *re* Burr, 689; to convene ter. legis., 604, 948; to defend frontier, 745; to entertain Casa Calvo and Folch, 319; to estab. post routes, 57, 418, 474, 488; to examine letter of land commrs., 936; to guard against revol. plot, 851; to investigate: land frauds, 26, Newman letters, 852, Power's activities, 702; to meet Wilkinson at Ft. Adams, 113; to name council members, 343; to order Morales's departure, 201; to org. parish courts, 434-435; to prepare for forcible occup. of N. O., 93; to prepare militia for service, 627-628, 755; to present credentials to Laussat, 138; to reappt. R. Claiborne as judge, 954; to receive La. from France, 5; to recommend legis. councillors, 225, 291; to recover Sp. land records, 580; to remove Casa Calvo from ter., 557; to rept. *re*: La., 3, Red R. settlements, 458, 470, Sp. military movements, 398; to request Sp. passport for exploring exped., 451; to restore order in Attakapas, 547; to send exec. journal, 367; to take census of free Negroes, 561; to take measures *re* revol. plot,

851; to take possess. of Sp. land records, 550; to take possess. of W. Fla., 901-902; *to visit*: Attakapas 540-541, 543, 675, 676, 677-678, Baton Rouge, 944, Miss. R. dists., 442, 445, Natchez, 848-849, Opelousas, 675, 678, parishes, 670, 697, Pointe Coupee 766, States, 731, 847, Washington (D. C.), 764; to warn Casa Calvo against disturbing *status quo*, 581; unable to leave Orleans, 687; urged to guard against slave uprising, 297; urges Choctaw to refrain from bloodshed, 760; veto by, protested, 650-657; veto message of, 779-780; warns Folch against occup. of Dauphin Is., 945-946; warns Sec. Treas. against Clark and Livingston, 685; wishes to resume private life, 147, 197.

Claiborne and Robertson, letter to Pres., 877-878.

Claiborne and Wilkinson, comm. of, as U. S. commrs., text, 94-95; letters ment. to Sec. State, 176, 177; *letters to*: Laussat, 215, 216-217, Sec. State, 149-150, 155-157, 166-168, 177-180, 199-200, 214-215. *See also* U. S. Commissioners.

Claiborne, Mrs. William C. C. (I), arrival of, in N. O., 241, 243; death of, 299, 303, 307, 309, 326, 860; illness of, 276, 280, 286-287, 294, 298, 376; visits Tenn., 163.

Claiborne, Mrs. William C. C. (II), characterized, 687; death of, 859, 860, 864; ill health of, 734, 736; to visit Attakapas, 848.

Clark (Clarke), Daniel, 8, 71, 86, 257, 718; accts. of, with SD, 61; acquires Maison Rouge claim, 680; aids preparation for transfer, 95, 111, 120, 121, 123; appd.: Cong. delegate, 660, 685, council member, 283, 291, 317, lt., 638; arrival of, in N. O., 742; asks Wilkinson's advice, 661; attempts to prevent org. of council, 320, 334; censures remission of Garland's forfeiture, 685; characterized, 9, 253, 255, 320, 685; director, La. Bank, 368; duel of, with Claiborne, 738 n.; enemy of Mather, 803; helps prepare Orleans memorial, 261; intimate of Burr, 489; intimate of Morales, 405; *letters ment. to*: Claiborne, 27, 56, 66, 101, 102, 108, 109, 112, 115, 121, Dunbar, 28, Sec. State, 13, 32, 54, 61, 70, 79, 86, 105, 123, 247, Sec. War, 154, Trist, 45; *letters to*: Claiborne, 56, 101-102, 102-104, 114, 116, 119, 122, 122-123, Claiborne and Wilkinson, 125, 137, Sec. State, 13-14, 25-26, 28, 61-62, 70, 79-81, 82, 112-114, 123-125, Wilkinson, 660-661; office seeker, 7, 9; *opinions of, re*: Casa Calvo, 101, collection of Sp. debt, 44, Dunbar, 25-26, effects of

- cession on La. commerce, 46, intro. of jury sys., 38, Laussat, 70, 120, Laussat's org. of N. O. govt., 124, La. customs service, 43, Louisianians, 80, 114, occup. of La., 102, 103-104, 114, 115, 117, 119, 120, Salcedo, 102, Sp. militia, 117, Sp. officials, 36, 40, 117, Sp. opposition to transf., 116; opponent of Claiborne, 242, 345, 367, 374, 386, 658, 661, 670, 738 n., 905, 907; opposes Orleans govt. act, 242, 246; promises govt. support for Carondelet Canal, 785-786; *recommends*: early arrival of U. S. commrs., 125, occup. of N. O., 118, 121; refuses appt. to council, 310, 334, 346; rels. of, with: Laussat, 118, Livingston, 288, Morales, 80; repts.: *re* arrival of refugee ship, 167, *re* La., 25, 67, 99, 100, (text) 29-47, *re* plot to fire N. O., 138; requests copies of commrs. corres., 660; requests info. *re* La. Ter., 660, 661; S. memorial, 158; speculator in Fla. lands, 151, 287, 320, 333, 469, 512, 680, 898; statement of, *re* militia, 738; stockholder in La. Bank, 362; supplies U. S. troops, 61; supports Orleans memorial, 246, 310, 317; suppresses Sp. protest *re* cession, 112, 121; to aid estab. of post route, 727; to ask permission for U. S. commr. to cross Sp. ter., 103; to be consulted *re* occup. of N. O., 93; to be consulted *re* postal service, 724; to be informed *re* land frauds, 26; to delay delivery of Irujo's despatches, 121; to present Bastrop and Maison Rouge claims to Cong., 680; to rept.: *re* Laussat's measures, 125, *re* La., 3, 17, 22, *re* road to Red R., 769; U. S. consul, N. O., 5, 78; W. Fla. const. attributed to, 898.
- Clark, T. G., s. memorial, 1009, 1012.
 Clark, Walter, resigns, 593.
 Clark, Waters, appt. capt., 639.
 Clark (Clarke), —, appt. adjt. maj., 588, 594; commended, 592.
 Clavare, 575.
 Clay, Henry, 989.
 Clay, John, appt: lt., 632, col., 797, 838; member, ct.-martial, 587; s. recommend., 290, 337.
 Clayton, James, s. memorial, 1010, 1012.
 Clerk to the Cabildo, sale of office, 286.
 Clerks of court, appt. of, 286, 598, 662, 701, 749, 797, 825, 835, 836, 985.
 Climate, 163, 170, 240, 241, 265, 266, 278, 294, 309, 311, 335, 386, 457, 475, 538, 626, 670, 681, 747, 783, 932, 961.
 Clouet, *see* Declouet.
 Cloutier, Alexis, appt. lt., 638.
 Coaguila (Texas), resid., Govr. Gen., 76.
 Cobb, Fed., s. memorial, 1009, 1012.
 Cobb, Capt. Howell, removal of, from S. W. Point, criticized, 154.
 Cobb, Pharoah, s. memorial, 1010, 1011.
 Coburn (Cobourn), John, appt. land commr., 457; refuses appt. as judge, 537.
 Cocke, Richard, appt. land commr., 728-729, 745, 753; compensation of, 1005; error in comm. of, 733; resigns as land commr., 988.
 Cocke, William, to confer with Breckinridge on La. cess., 49.
 Cockles, The, 724, 727.
 Codes, secret, used by Claiborne, 426, 688-689; used by Graham, 552-556, 562.
 Colcock, William, appt. port warden, 797, 836.
 Coleman, William, s. memorial, 1009, 1011.
 Collector, applicants for, ment., 8; Orleans dist., auth. and duties of, 192-196; independent of govr., 106-107; persons recommended as, 9, 145-146; records of office of, retained by Sp., 615; to advance funds for: salaries, 428-429, 430, 469, 575, surveys, 462, ter. exp., 431; Sp., powers of, to be exercised by Trist, 106; venality of, 40.
 Collins, Benjamin, s. memorial, 1009, 1012.
 Collins, Henry, s. address, 972.
 Collins, Theophilus, 10, appt: commandant, 437, judge, 598; places Thomas on bond, 759-760; recommended for council appt., 277, 281, 285; Thomas surrenders to, 758.
 Collins, Thomas M., s. memorial, 1009, 1012.
 Colorado (Red) River, location, 73.
 Colson (Colsson), Peter, 11; appt. capt., 639; clerk, N. O. elect., 399; excused from ct.-martial, 587.
 Columbia (S. C.), 275.
 Columbian Spring, no. of troops at, 820.
 Comanche, *see* Padouca.
 Comes, Joseph, appt. capt., 636.
 Comet, 170.
 Coming, Fortescue (Fortesque), appt: justice, 985, sheriff, 986.
 Commagere, Pierre, s. memorial, 158.
 Commandants, in La. under Sp., appt. by the King, 22; auth. and duties of, 20, 27, 32, 34, 38-39, 56, 83, 545, 710, 935; compensation of, 39, 41; subject to Amer. commrs., 149; surveys by, ment., 85.
 Commandants, under U. S., appt. of, 386-387, 417, 437, 602; auth. of, 349, 358, 385, 434; proposed abolition of, 417; to continue judicial functions, 344; to prevent escape of slaves, 325.
 Commerce, 24; between Baltimore and West, 267; between La. and W. Fla., regulations *re*, 193; between Natchitoches and Mexico, unsafe, 976-977; contraband, in logwood, 47; effect of cession on, 46; effect of yellow fever

- on, 319; hindered by Sp. govt., 185; interest rates in La., 188; N. O., injured by poor mail service, 691; of w. country, centers in N. O., 161; petition *re* restrictions on, 157-159; provisions *re*, in La. treaty, 131; reps. of, in Orleans govt., 291; rep. on council, 343; smuggling and bribery, 43; Sp. restrictions at Mobile, 605-606; Sp. taxation on, 42; Sp. taxes on, to be continued by U. S., 106; state of, in N. O., 744; with Mexico, value of, 1004; with Mexico and Cuba, 46.
- Commissions, *blank*: for justices, 751, for militia appts., 718, sent to Claiborne, 293, 343, 363, 367; *discussed*: of Claiborne as govt., 803, 804, 809, 947, 957, 997, of Cocke as land commr., 733-734, of council members, 426, 604, 605, of Fr. privateers, 880, of Gurley as reg., 620, of Sprigg as judge, 626, of Sprigg as land commr., 728, 733-734, of Sprigg and Cocke as land commrs., 753, of ter. officers, 283, of Van Pradelles as land commr., 519; *ment.*: of Bailey as commandant, 417, of James Brown as dist. atty., 448, 494, as judge, 559, of R. Claiborne as judge, 954, of Claiborne as gov., 91, 92, 105, 281, 353-354, 368, as U. S. commr., 91, 109, of Cocke as land commr., 728, of council members, 580, of Dorgenois as marshal, 532, of Duffield as judge, 447-448, 476, of Flood as council member, 386, of Fortier as marshal, 895, of Garrard as land commr., 778, of Grymes as reg., 828, of Gurley as reg. 427, 453, of Lewis as land commr., 490, of Lislet as judge, 785, of Mathews, Jr., as judge, 626, of militia officers, 632-640, 752, of Molier as elec. official, 574, of parish officials, 447, of Pitot as mayor, N. O., 404, of postmasters, 279, of Prevost as judge, 575, of Reibelt as factor, 657, of Robertson as land commr., 781, as ter. sec., 762, of Sibley as Indian agent, 514, as council member, 385, of Sprigg and Cocke as land commrs., 734, of ter. officers, 291, 354, 369, 516, of Thompson as reg., 429, of Van Pradelles as reg., 782, of Williams as judge, 447, of Wooldridge as commandant, 387, of Wilkinson as U. S. commr., 91; *texts*: of Claiborne as govt., 143-144, 144-145, 351, 467, 571, 823, 981, of Claiborne and Wilkinson as U. S. commrs., 94-95, of Duffield as judge, 415, 456, of Graham as ter. sec., 352, 571-572, of Hall as judge, 349-350, of Lewis as judge, 684, 703, of Mathews as judge, 573-574, of Prevost as judge, 350-351, 455, 572, of Robertson as ter. sec., 761, 958-959, of Sibley as Indian agent, 515-516, of Sprigg as judge, 573, of Thompson as judge, 805-806.
- Communy, John, appd. justice, 751.
- Compere & Hertzog, s. memorial, 978.
- Comptroller General, Sp., function of, 40. *See also* Contador.
- Comptroller of the Treasury, 196.
- Conchatta (Conchaté, Conchatto) Indians, hostile attitude of, 755; in Opelousas, 63; murder Americans, 754; murder traveler, 756; separate nation, 757; threaten hostilities, 745, 757-758, 759; threatened by whites, 755, 758.
- Concordia (Concord), Claiborne to visit, 442-443; to be delivered to U. S., 149; survey of Miss. R. from, 461.
- Concordia Parish (County), *appts. in*: attornies, 602, auctioneers, 663, clk. of ct., 598, judges, 598, 662, 749, 824, 835, 984, justices, 599, 600, 750, 796, sheriffs, 600, 986, treasurers, 601, 663: bounds. of, 423; census, 923; confirm. of claims in, 988; deputy survr. in, 973; forms elec. dist., 480; in third militia dist., 586; org. of, 423, 431; to furnish militia regt., 586.
- Concordia (Concord) District, 17; Wooldridge appd. commandant in, 387.
- Connecticut, former residents of, 282, 835.
- Connell, Francis, appd. p.m., Manchac, 346-347; leaves ter., 417; removed as commandant, 417.
- Connelly, Ephraim, s. memorial, 1009, 1012.
- Connelly, P., appd. clk. of ct., 598.
- Conner, William, s. address, 972.
- Constable, Sp. venality of, 40.
- Contador, 40, 100, 151; powers of, exercised by Trist, 106.
- Contrelle, Miguel, *see* Cantrell.
- Conway, John, appd.: coroner, 986, ensign, 636.
- Conway, William, appd. justice, 599.
- Conway, —, 522.
- Cook, Nicholas, appd. justice, 985.
- Cook, Samuel appd. justice, 985.
- Cook, Silas, s. memorial, 1009, 1012.
- Cooke, William, letter to Sec. State, 309-310.
- Cooley, Alexander, appd. coroner, 602.
- Cooley, Dr. Ebenezer, appd: clk. of ct., 598, 662, justice, 599; defeated in ter. elec., 777; holds bldgs. at Pointe Coupee, 776; presents petition, 326.
- Cooper, William, member, W. Fla. Conv., 889, 895.
- Cooper, William L., incompetent to command at N. O., 151; to command at Plaquemines, 150.
- Coquet, —, 399.
- Corcelle, Leon, appd. lt., 639.
- Cordero, Antonio, letter to Claiborne, 683; to return escaped slaves, 683.
- Cormier, Ancelot, appd. capt., 637.

- Corn, produc. of, 678; value of exports of, 44.
- Cornen, John Mary, appd. justice, 796.
- Coroners, appt. of, 602, 663, 701, 797, 986; appt. of, discussed, 422, 423.
- Cortes, J., s. memorial, 978.
- Cortes, John, 11.
- Corunna (Spain), 105.
- Corvoisier, Francis B., appd. justice, 984.
- Cotten, G. B., s. memorial, 1009, 1012.
- Cotton, export of, 44, 45, 268; mfr. of, 46; price of, 268, 952; production of, 45, 46, 75, 135, 265, 672, 678; Sp. export duties on, 50, 267.
- Coulon, Victor, appd. lt., 637.
- Council of the Indies, 36.
- Counselor, Sp., 37-38.
- Counties, *see* Parishes.
- Coursulle, —, on ct.-martial, 587.
- Courtois, —, s. address, 972.
- Courts, in Fr. interregnum, 124.
- Courts, Sp., abolished by Laussat, 339; discussed, 20, 35-38, 39; executions, 36-37; revival of, considered, 339.
- Courts, temp.: criticized, 188, 340; estab. of, 163-164, 339-340; Fr. have majority in, 340; issue executions, 188; justice of the peace, 205; organiz. of, 205. *See also* Territorial Superior Court; U. S. District Court.
- Cousinard, Charles, s. address, 971.
- Coutumes de Paris, 35.
- Covington, Col. Leonard, 907, 908; in command of W. Fla. troops, 909, 913.
- Coweta (Miss.), postal service from, to: N. O., 474, 475, Washington (D. C.), 473-474; Indian route from, to Mobile R., 166.
- Cox, T., controv. with Wilkinson, 153.
- Crane, James, s. address, 972.
- Crawford, Alexander, s. memorial, 1009, 1012.
- Crawford, James, appd. lt., 700.
- Crawford, John, appd. lt., 639.
- Crawford, William H., to select agent for Floridas, 885.
- Crawford, —, on ct.-martial, 587.
- Creek country, bound., 165; map of, described, 166.
- Creek Indians, post road to pass through ter. of, 437; routes used by, 166; treaties of, with Spain, 62.
- Cretion, C., appd. justice, 599.
- Crist, Henry, letter ment. to P.M.G., 860.
- Crocker, Samuel, elected clk., W. Fla. Conv., 889.
- Croizet, S., resig. of, as member, ter. h. of r., 669; s. petition, 326.
- Crosson, Lewis, s. memorial, 1009, 1011.
- Croudson (Crowdson), Samuel, applicant for office of collector, 858; appd.: cornet, 698; lt., 640; naval officer, N. O., 858, 925; s. recommend., 925.
- Cruise, Lawrence, appd. justice, 985.
- Cuba, 167; Audiencia of Santo Domingo located in, 36; Fr. privateer near, 880; govr. gen. of, rt. of appeal to, 201; govr. of, 266; refugees from, arrive in N. O., 841-842, 843, 848 n., 850; rept. of revol. in, 907; strategic importance of, to U. S., 907.
- Cuba, Captain General of, *see* Someruelos.
- Cuckoo's Meadow, 77; settlement site, 76.
- Cuckoo's Meadow Creek, 76.
- Cumpton, John, appd. lt., 638.
- Cuisergue (Cuitergue), —, 257; characterized, 250, 253.
- Culbertson, Robert, s. memorial, 1010, 1012.
- Cushing, Thomas H., letters to: Claiborne, 819-820, Sec. War. 819 n.; refuses request for troops, 820.
- Customs, Sp., admin. of, 23, 41, 50; clks. of, prepare rept. for Clark, 61; corruption of, 23, 43, 54; discussed, 22; officers of, 40, 485; pay of, 41.
- Customs, U. S., act for Orleans, discussed, 189 n., 192-196; admin. of, 52-53, 100; applicants for collectorships in, 8; appt. of officers in, for N. O., 267, 285; estab. of, at Mobile, opposed by, Someruelos, 267; estab. of, in La., 104, 106; N. O. collectorship, 106-107; pay of officers of, 107; recommends. for appts. in, 145; revenue from, 744; subord. officers of, apptd. by collector, 107.
- Dabney, Charles, s. address, 972.
- d'Aigles, Baptiste, s. address, 175.
- Daigre, Jean Baptiste, s. address, 971.
- Daingerfield, Henry, 973.
- Daiqueny, J., letter ment. to P. M. G., 929.
- Damen, —, letter ment. to Pres., 279.
- Dannemour, —, 525.
- Dannemours (Danemours, Dannemour), François le Paulenier (C. L. P.), 526; appd. judge, 598; characterized, 525; nom. to council, 524.
- Dapermon, Lalaude, appd. lt., 635.
- Daquin, François, appd. lt., 634.
- Darancel, Henry, 487.
- Darcantelle (Darcantel, D'Arcartel), Paul, appd.: justice, 700, 750, maj., 632; to form battalion for review, 717.
- Dargy, Claude Francis Buhourd, appd. justice, 824.
- Darnol, François, Jr., s. memorial, 791.
- Darrant, Paul, s. petition, 579.
- Daspit, Pierre, appd. lt., 637.
- Dasstuntig, —, s. address, 971.
- Daugerot, —, s. procl., 132.
- Daunoy, Louis, Jr., s. address, 175.
- D'Aunoy, Nicholas, 486.
- Dauphin (Dauphine, Dolphin) Island, reported occup. of, by Sp., 945; Sp. fortific. on, 543.

- David, Louis, s. petition, 327.
 David, Louis, Jr., s. petition, 327.
 Davidson, —, mail contractor, 768.
 Davis, David, s. address, 971; s. memorial, 1009, 1012.
 Davis, Jer, s. memorial, 1010, 1012.
 Davis, Joseph, appd. capt., 634.
 Davis, Moses, mail contract of, 869, 937; to carry mail to Lafourche, 952.
 Davis, Samuel B., appd: capt., 639, harbor master, 602, 836, justice, 599; arms delivered to, 432; capt., Orleans Fusileers, 593; court-martialed, 587, 588; s. recommend., 290.
 Davis, William, attests depos., 293.
 Dawson, Thomas, appd. judge, 598, 749.
 Dayton, James, 593.
 Dayton, Jonathan, recommends Vacher as land commr., 613 n.
 Dean, —, death of, 899, 919, 937, 938.
 Dearborn, Gen. Henry, approval of Sibley's Indian survey, ment., 879. *See also* Secretary of War, Dearborn.
 Dearier, Joseph, appd. justice, 599.
 Deblanc, Despanet, appd. lt., 637.
 Debuys (Debuis), Gaspard, 257; appd. coroner, 602; characterized, 251, 254; recommended as judge, 254; s. memorial, 158.
 de Chevalier, Cotté, s. address, 971.
 Declouet, Alexander, appd.: capt., 637, justice, 700, 750.
 Declouet (Clouet, de Clouet, Declouits), Brugny, 256, 257; characterized, 250, 252; not qualif. for council, 308; recommended as marshal, 282, 291.
 de Clouet, Chiviller, appd. capt., 634.
 de Clouet, Lewis, 486.
 D'écoup, Charles, s. address, 175.
 Décour, H., s. petition, 327.
 Décour, Jean, s. petition, 327.
 Decour, —, s. petition, 327.
 Decoux, Valléri, s. petition, 327.
 Decuier, Antoine, appd. lt., 699.
 Décuir, Jean Baptiste, s. memorial, 791; s. petition, 326.
 Décuir, Jh., s. petition, 326.
 Décuir Jh., s. petition, 327.
 Décuir, Pierre, s. memorial, 791; s. petition, 327.
 Décuir, —, s. petition, 327.
 Decuire, Godefrois, appd. lt., 637.
 Defléchier, —, 400.
 Deforgues, —, requests Fr. citizens be exempted from militia service, 610-611; letter to Claiborne, 609-611.
 Deguys, Casper, 11.
 Dejan, Claudius (Claude), appd. lt., 698, 825.
 Dejan, Jean (John) B., appd. lt., 639, 698.
 Dejan, J. B., Sr., 11; appd. capt., 639, 825; member ct.-martial, 587.
 Dejan & Bongaud, s. memorial, 158.
 Dejan Brothers, s. petition, 579; s. recommend., 337.
 Dejeane, M., appd. justice, 599.
 Delabarre, François P., appd. lt., 635.
 Delahoussay, Alexander, appd. ensign, 638.
 de Lassus, Gov. Carlos de Hault, 391, 392; addresses of W. Fla. conv. to, 894-895, 896-898; charges against, discussed, 890; letters ment. to W. Fla. Conv., 896; policy of, *re* W. Fla. Conv., 892, 896; sends spies to W. Fla. Conv., 890; W. Fla. Conv. promises support of, 894.
 De Latour, Charles, appd. judge, 835.
 Delavilleburre, John, appd. lt., 635.
 Delaware, 452; natives of, 835.
 Delaware Indians, 64.
 Delery, Chauvien, appd. justice, 751.
 Delhomme, Alexander, appd. lt., 635, 637.
 Delino, Ygnatius, 486.
 De Lisle, La Barthe, s. memorial, 791.
 de Lisle, Moreau, *see* Lislet.
 De Logny, Pierre R., appd. capt., 634.
 Delorme, Hazeur (Azur), appd. justice, 599, 750; commissary, N. O. elec., 400; motion of, *re* memorial, 520-521; s. manifesto, 650.
 Delugieres, —, 12.
 Demasiliere, Eugene, s. address, 175.
 Demazelliere, Baltazard, s. address, 174.
 Démouché, Baptiste, s. petition, 327.
 Démouché, François, s. petition, 327.
 Demourel, John B., appd. lt., 633.
 Dent, Hatch, appd.: clk. of ct., 598, justice, 662, 824, maj., 798, sheriff, 751, 836; letter to McCulloch, 265-268; opinions *re*: business opportunities in N. O., 267, Claiborne, 266.
 Deposit, right of, 47, 80.
 Déprès, Jean Baptiste, s. address, 174.
 Derbaune (Derban), Louis, appd.: capt., 638, justice, 600.
 Derbigny (Darbigny, Derbigné, Derbigney, D'Herbigny), Pierre (Peter), 11; agt., Orleans memorialists, 261, 304-305, 308; arrival of, in N. O., 445; attests memorial, 877; attests transl., 274; attorney, 526; autobiog. of, 12; cand., ter. h. of r., 574; characterized, 251, 254, 257, 525 considered for council, 283, 291; delivers address, 266; desires appt. as parish clk., 13; memorial of, as univ. regent, 1014-1016; negligence of, 377; nom. to council, 524; not suitable as revenue officer, 218; opposes Claiborne's admin., 658; reason for non-appt. of, to council, 308; recommended as customs officer 197; reputed author of subversive pamphlet, 312; s. petition, 540; s. resols., ter. legis., 866; transl. Claiborne's address, 303; translator to ter. gov't., 376.
 Derembourg, Charles, appd. lt., 636.
 Dermenon, Peter, appd. judge, 749.
 Dervigneux, J., s. petition, 296.

- Deschamps, Francis, appd. justice, 750.
 Deschappelle, L. C. L., appd. lt., 635.
 Desdume, John B., appd. capt., 634.
 Des Essarts, Denis R. D., appd. clk. of ct., 701.
 Desforge, —, involved in riot, 181.
 Desforgues, Louis, appd. lt., 633.
 Desilet (Desilets), Francis Dellery, 257; appd. lt., 634; recommended for mil. office, 254.
 Deslonde, André, appd.: capt., 826, lt., 635.
 Des Moines River, Indians on, 66.
 Dessale, —, appd. justice, 750.
 Destrehan, Jean Etienne, appd. lt., 635, 826.
 Destréhan (Destrahan, Detrehan, Detrihan, Detrion), Jean Noël, 254, 257, 871; address of, to ter. h. of r., 523; agt., Orleans petitioners, 261, 304-305, 308; arrival of, in N. O., 445; biog. of, 870; characterized, 249, 252, 257, 312, 525; comm. of, as council member, recd., 604; considered for council, 283, 291; elected ter. rep., 511; letters to: Claiborne, 520, 618-619, 641, Pres., 523-524; memorial of, as univ. regent, 1014-1016; nom. to council, 524, 580, 869, 872; reason for non-appt. to council, 308; resigns from council, 641, 659, 660; s. address, 521; s. memorial, 532; s. reply of council, 619; speaker, ter. h. of r., 521; vote of, in const. conv., 957.
 De Torris, Joseph, appd. pilot, 825.
 Detrahan, *see* Destréhan.
 Detroit (Mich.), appt. of rec., 722.
 Devenport, John, s. address, 971.
 Dewees, William, appd. justice, 700, 750.
 Dhebecourt, —, 257.
 D'hebevent, —, 257.
 D'Herbigny, Pierre, *see* Derbigny.
 Dherbont, —, characterized, 253.
 Dickerson, Mahlone, appd. dist. atty., 282, 291.
 Dinsmoor (Dinsmore), Silas, wants Choctaw excl. from Ouachita, 421.
 Disjan, —, s. memorial, 791.
 Dispan, Pierre, appd. lt., 699; s. petition, 832.
 Diven, William, appd. justice, 751.
 Dobbs, Henry M., appd. justice, 984.
 Doctors of laws, Sp., function of, 36, 39.
 Dodge, W. R., s. address, 972.
 Dog River, *see* Rio Perro.
 Dollote, Jean Louis, s. address, 175.
 Dolphin Island, *see* Dauphin Island.
 Donaldson, James Lowry, appd. land commr., La., 457.
 Donaldson (Donelson), William, 10; appd. capt., 632; cand. for ter. h. of r., 674; director, La. Bank, 368; in Fla. land spec., 284-285; recommended for council, 277, 281, 284.
 Donaldsonton, postal service, 869.
 Donations, petitions *re*: discussed, 863, texts, 544-545, 789-790; requested for W. Fla. settlers, 968; to Natchitoches Indians, recommended, 879.
 Donelson, William, *see* Donaldson.
 Dorgenoy (D'Orgenoi, D'Orgenois, D'Orgenoy), Francis Joseph Le Breton, 256, 257; appd.: justice, 984, marshal, 311; cand., ter. h. of r., 574; characterized, 250, 253; letter to Sec. State, 532-533; opinion of, *re* Sp. govt., 311; recommended for council, 277, 281, 285; resigns as dist. marshal, 843; s. petition, 296.
 Dorman, John, appd. lt., 699.
 Dormenon, Peter, appd. judge, 835; heads Pointe Coupee faction, 777; s. memorial, 791.
 Dorcier (D'Orcier, D'Orsier), Eugene, 257; appd.: col., 633, council member, 344, 345, 346, 347, 349, 358, 426, justice, 750, port warden, 602; characterized, 249, 252, 255; conduct of, approved, 716; investigates conspiracy, 502; militia officer, 345, 713; pres. of ct.-martial, 587, 588, 589; recommended as judge, 254; s. memorial, 158; s. petition, 579; s. recommend., 290; to make militia return, 593-594.
 Dorseine, Lewis, 11.
 Dorsey, Samuel, appd. justice, 985.
 Dortch, John, s. address, 971.
 Dortch, John, s. address, 972.
 Dorvill, Francis, 575.
 D'Otrive, Barnard, appd. capt., 636.
 Douglass, Archibald, appd. lt., 638.
 D'Outremer, Cartier, appd. judge, 984.
 Dow, Dr. Robert, 258; appd. to board, Charity Hosp., 987; characterized, 255; considered for council, 277, 281, 283, 285, 291; memorial of, as univ. regent, 1014-1016; refuses council appt., 317, 334, 343, 345, 346.
 Doyle, Joshua Fuller, appd. p.m., 1017.
 Doyle, Lt. —, marriage of, 382-383.
 Drake, Jacob, s. address, 971.
 Draughan, Jeremiah, s. address, 972.
 Draughan, John, s. address, 971.
 Dressuau, Belthazer, appd. lt., 635.
 Dreux, François, appd. capt., 633.
 Dreux, Jacques, appd. justice, 750.
 Drouillard, John V., letter ment. to P. M. G., 937.
 Dubourg, Peter F., appd. maj., 639; conduct of, commended, 592; to assemble battalion, 593, 596; to furnish militia roster, 593, 594.
 Du Bourg, P. F., Jr., s. memorial, 158; s. recommend., 290.
 Dubuche, —, recommended for council, 278, 281, 285.
 Dubuclay, Clair, appd. capt., 637.
 Dubuys, Gaspard, appd. justice, 599; considered for council, 283, 291; refuses council appt., 334, 346.
 Duc de Montebello, Fr. ship, 880.

- Ducourneau (Ducouneaux, Ducournau, Ducourneaux), Simon, 257; appd. capt., 633; appd. justice, 796; characterized, 251; recommended for mil. office, 254.
- Ducrot, Barthelemi, s. address, 174.
- Ducros (Ducrot), Edward, appd. lt., 635, 826.
- Ducrot, Radolph J., appd. lt., 635.
- Duer, W. A., appd. lt., 640; s. petition, 540.
- Dufan, C. B., s. petition, 296; s. recommend., 290.
- Dufau, B. appd. lt., 633.
- Duffield, George, 471; appt. of, as judge, 417, 447-448; comm. of, as judge, 415, 456; letters to Sec. State, 447-448, 475-476; recommended as judge, 415 n.; resigns as judge, 475-476.
- Duforest, John, witnesses depos., 293.
- Dufosat, Joseph Soniac, appd. maj., 634.
- Dufossat, —, 946.
- Dufour, C., s. memorial, 791.
- Dufour, C., Jr., s. memorial, 791.
- Dufourd, Charles, Sr., s. petition, 327.
- Dumas, François Bellabre, appd. justice, 600.
- Dumfries (Va.), 342.
- Dumont, *Memoirs*, ment., 31.
- Dunbar, William, expl. exped. of, 217, 231, 419, 451, 558; *letters ment. to*: Clark, 25, 86, Lattimore, 86, Pres., 67; *letters to Pres.*, 67-68, 85-87, 305 n.; opinions *re*: bounds. of La., 86, courts and lawyers, 86; passport to be sent to, 452; rept. of, *re* La. bounds., 68; rept. of, *re* La. Indians, discussed, 86; to correct Clark's rept., *re* La., 25, 28.
- Duncan, A. L., appd. lt., 639, 664; s. recommend., 925.
- Duncan, William, appd. lt., 632.
- Dunlap, James, appd. judge, 984.
- Dunlap, —, 957.
- Dunn, Lewis P., s. memorial, 1009, 1012.
- Dupare, William, 486.
- Duparet, Lt. —, rept. of, *re* Glass, 799.
- Duplantier, —, 257; agt. for Lafayette, 453, 566, 605; characterized, 255; recommended as ter. sec., 256.
- Duplessis, Francis, Jr., s. recommend., 900.
- Duplessis, François (Francis), Sr., 257; appd.: justice, 599, parish treas., 601, 663; characterized, 250, 253; memorial of, as univ. regent, 1014-1016; recommended: as bank director, 11, for council appt., 278, 281, 285; s. memorial, 158; s. petition, 579; s. recommend., 290, 900.
- Duplessis (Duplisses), John, appd. justice, 599, 662.
- Duplessis, Martin, appd. justice, 796.
- Duplessis (Duplissis), Peter L. B., appd.: auctioneer, 601, cornet, 632, recorder, 752, 825, 837; recommended as tax collector, 1019.
- Duplessis, P. L. B., Jr., s. recommend., 337, 925.
- Duplessis (Duplissis), —, justice, 600.
- Duplessis, —, commissary, elec., 399.
- Du Pont de Nemours, Pierre Samuel, recommended as pres., Orleans academy, 452.
- Du Pont de Nemours, Mme., 452.
- Dupre, Lorant, appd. lt., 634.
- Duprès, Augustin, appd. justice, 824.
- Dupres, Jacques, appd. lt., 638.
- Dupuis, Aubric, appd. lt., 637.
- Dupuis, Dubry, appd. justice, 599.
- Dupuis, John Baptiste, appd. justice, 750.
- Dupuys, G., appd. sheriff, 751.
- Duralde (Durall), Martin, Jr., 901; appd. reg. of mortgages, 986; nom. to council, 830; recommended as marshal, 900; recommended for council, 278, 281, 285.
- Durant, Jean Marie, s. petition, 327.
- Dureau, Louis, appd. lt., 635.
- Durel, J. B., Jr., appd. lt., 826.
- Durel, Jean B., appd. capt., 633.
- Durel, Jean F., appd. lt., 634.
- Duret, Baptiste, s. petition, 296, 579.
- Durgso, John Baptist, s. address, 971.
- Durian, Louis, appd. lt., 826.
- Durnford, Thomas, 10; clerk, N. O. elec., 400; s. petition, 579; s. recommend., 290.
- Dury, —, s. petition, 955.
- Dusert, T. G., appd. capt., 633.
- Dusey, François, appd. cornet, 632.
- Dusnaw, Belthazar, appd. justice, 750.
- Dusser, John Gil, s. memorial, 158, 579.
- Dutillet, François (Francis), appd.: auctioneer, N. O., 751, 837, maj., 797, 838, justice, 599, 600, 750; resigns as adjt. gen., 591.
- Dutton, John, s. memorial, 1009, 1012.
- Duval, Ambroise, s. memorial, 978.
- Duval, Chals, s. address, 972.
- Duval, Gabriel, recommended as collector, 858.
- Duverger, —, appd. justice, 750.
- Duvillier, Louis, appd. aide-de-camp, 698; appd. lt., 634.
- Earle, Samuel D., appd.: ensign, 664, justice, 599, 750, lt., 798.
- Earle, Jones, & Co., s. recommend., 290, 337.
- East Baton Rouge Parish (County), appts. in: judges, 984, justices, 985; writ of elec. for, ment., 982.
- East Florida, Fr. consp. against, ment., 309; no Amer. settlements back of, 72; rept. *re* exchange for W. La., 433; status of: under Gt. Brit., 85, under Spain, 85; U. S. agent sent to, 884. *See also* Florida.
- Eastin, John, 10.
- East Indies, 45.
- Eber, Paul, appd. lt., 636.

- Education, Claiborne's interest in, 487; in Sp. La., 21-22, 35, 38, 161-162; interest of Ursuline nuns in, 231, 804, 956; legislation *re*, 424 n.; petitions *re*, 526-532, 543-544, 544-545; proposed academy, 452; recommends. *re*, by ter. h. of r., 621; U. of Orleans, memorial *re*, 1014-1016.
- Elections, discussed, 504, 506, 511, 674, 766; Fed. law *re*, 406; procls. *re*: ment., 752, 796, 824, texts, 478-481, 666-667, 668, 669, 696; return of writs and procls. of, 982-983; returns of, 574; ter. laws *re*: discussed, 642, ment., 668, 669, 696, vetoed, 656.
- Elkins, Samuel, 593.
- Ellery, A. R., s. petition, 540.
- Ellicott, Andrew, bound. estab. by, to be continued into Orleans, 461; surveys of, in La., 29.
- Ellis, John, 593.
- Elmer, Dr. Theodore, 10.
- Elmer, Theophilus, appd. capt., 637.
- Elmer, Thomas, appd.: justice, 599, parish treas., 601, 663.
- Elzy (Elsy), —, 719.
- Embargo Act, applied to W. Fla., 965; enforcement of, 829-830; news of, recd. in N. O., 1019; prevents sending money to Fr., 804-805; viol. of, 801.
- Emory, —, 251-257, recommended for mil. office, 254.
- English language, effect of, in Orleans govt., 343, 366.
- English Turn, 266, 945; as site for city, 53; need for fortif. of, 783.
- Ernest, J., appd. ensign, 698.
- Ernouff, Gen. —, 880.
- Esmand, George, s. address, 972.
- Euetes, J., s. memorial, 791.
- Eugene, privateer, 431.
- Europe, exports to La., 50; manufactures of, imported into La., 45, 46; natives of, advocate statehood, for Orleans, 841; natives of, succumb to yellow fever, 309; relation of, to Floridas, 884; war in, ment., 8.
- Eustacia, *see* St. Eustatius.
- Evins (Evans), Whitton, 10, s. recommend., 290.
- Ewing, John, s. memorial, 1009, 1012.
- Executive Proceedings, act *re* return of, 203-204; return of, 583-603, 632-640, 662-669, 692-701, 713-718, 749-752, 796-798, 824-827, 835-838, 982-987.
- Experiment, schooner, 197.
- Fabra, F., appd. treas., 601, 663.
- Fabre, Jacque, s. petition, 327.
- Fabre, Jacques, Sr., s. petition, 327.
- Fabre, Joseph, s. petition, 327.
- Fabre, Z., s. petition, 327.
- Fagot, Charles, appd. judge, 749, 835.
- Faillon, Peter, 487.
- Fairlie, —, 613.
- Falcon, Jean, pardoned, 796.
- Farnuel, Peter, 172.
- Farquhar, —, 274.
- Farragut, George, appd. justice, 985.
- Farrell, J. B., 10; s. recommend., 290. *See also* O'Hara & Farrell.
- Farrot, Louis, appd. ensign, 826.
- Faucher, Peter, cand., ter. h. of r., 574.
- Fauchier, Pierre, appd. lt., 826.
- Fauquier (Va.), 719.
- Faurie, J., & Co., s. petition, 579.
- Faurie (Faurey, Forie), Joseph, 257; appd.: aide-de-camp, 583, 632, auctioneer, 601, 663, 751, justice, 599, 750; characterized, 249, 252, 256; recommended: as bank director, 11, as marshal, 256, for civil office, 254; s. memorial, 158; s. petition, 296; s. recommend., 290.
- Fausse (False) River, 899.
- Favre, —, 488.
- Favre, George F., appd. lt., 698, 826; s. memorial, 158.
- Favre, Simon, appd. justice, 985.
- Favrot, Peter, 486.
- Fazende, Cyrille, appd. lt., 635.
- Fazende, Ejules, appd. lt., 634.
- Fazende, Gabriel, appd. lt., 634.
- Fazende, Jules, 400.
- Fazende, Morcier, appd. lt. and adj., 635.
- Federalists, 718; encouraged by unpop. of Claiborne's adm., 379-380; join Orleans Republicans, 380; strength of, in Orleans, 286, 358.
- Felician (Thompson's Creek), 32.
- Felician District, revol. move. in, 888.
- Felician Parish (County), address of people of, to Ballinger, 970-972; *appts. in*: judges, 984, justices, 985, sheriffs, 986; lacks repres. in Cong., 964; land claims in, 970-971; memorials from, 1007-1010, 1010-1012; not represented by e. population of, 967; ordinance *re* org., 914-915; people of, protest excl. from Orleans, 970, 1007-1008; people of, request remuneration for exp. of revol., 971; petition from, to Cong., discussed, 967; presence of Sp. troops in, protested, 970; proposed div. of, 967; writ of elec. for, ment., 982. *See also* Florida; West Florida.
- Ferdge, John, s. address, 971.
- Ferdinand, Louis, s. address, 175.
- Ferdinand VII, W. Fla. Conv. professes allegiance to, 894; W. Fla. reptd. loyal to, 893. *See also* King of Spain.
- Ferguson, Thomas Hugh, appd. lt., 698.
- Fernandez, Ignatius, 485.
- Fernandez, James, 487.
- Fernandez, Lazeras, pardoned, 796.
- Ferrière, Lalander (Lalande), appd. capt., 636; clk., N. O. elec., 400.
- Ferrol (Spain), 436.
- Ficklin, —, mail contractor, 860.
- Ficklin, James H., s. memorial, 1009, 1012.
- Fijael, T., s. address, 972.
- Filhiol, John, Jr., appd. lt., 639.

- Finiels, Nicholas, 484.
 Fitch, Eliphalet (Elephalet), appd.: justice, 662, 750, notary, 601, 837.
 Fitz, Gideon, 934; complaint of, *re* surveys, 939; deputy survr., w. land dist., 682; funds advanced to, 973; letters ment. to: Briggs, 146, Jefferson, 882.
 Flint River, 166.
 Flood, Dr. William, 10; appd.: maj., 632, port physician, 601, 836, council member, 386, 426; s. recommend., 290, 337.
 Florida, 24, 265; acquis. of, discussed, 48; land spec. in, 201, 284-285, 287, 320, 673, 674; lands of, in demand, 27; policy of Pres. *re*, discussed, 885; possible U. S. occup. of, 474; rept. *re* exchange of, for La., 47-48, 68, 333; sale of, to U. S., discussed, 676; sale of lands in, ment., 358; U. S. policy *re*, discussed, 884. *See also* East Florida; West Florida.
 Folch (Folk), Vizente, 259, 260, 474; bars U. S. mails from Sp. ter., 611; complains of embargo, 784; exped. of, to Baton Rouge, ment., 438; govr. of Baton Rouge, 32; imprisons Kemper's followers, 926, 934; in N. O., 318, 320, 364, 727, 784; letters ment. to: Claiborne, 287, 542, 784, Sec. State, 922; occup. of Dauphin Is. by, reptd., 945; opinion of, *re* U. S. claim to W. Fla., 333; policy of, *re* U. S. trade on Mobile R., 542; proposed mil. road of, 419; protests arrest of Garcia, 334, 364; relations of, with Claiborne, 220, 319, 727-728; return of, from Havana, reptd., 892; strengthens Mobile fortif., 333, 612, 616; to be consulted *re* W. Fla. mail route, 417, 418, 437, 444-445, 452.
 Foley, John, appd. lt., 634.
 Folse, Jean, appd. lt., 636, 826.
 Foncin, Col. —, to suptd. constr. of N. O. fortif., 782.
 Fontenau, Gabriel, appd. justice, 984.
 Fontenet, —, recommended for council appt., 285.
 Fontenot (Fontaineau, Fonteneau), Louis, appd.: capt., 637, justice, 599; resigns from ter. h. of r., 669.
 Fonvergne, Voltairre, s. address, 174.
 Forbas, Franswor, s. address, 971.
 Forcelle (Forelle), Olivier (Oliver), 400; appd. lt., 635.
 Forcite & Co., s. petition, 832.
 Forie, Joseph, *see* Faurie.
 Forsythe, Samuel D., appd. justice, 985.
 Fort Adams, 113, 116, 135, 137, 160, 161, 165, 166, 180, 197, 505, 627, 800; arms transptd. from, 149; delay of exped. force at, 150; guard to be maintained at, 154; instrs. to, *re* occup. of N. O., 71 n.; military stores at, 153; militia mobilized at, 136; N. O. troops, to be sent to, 542, 839; no. of troops at, 820; postal service from, to N. O., 219, 494; troops from, to be sent to N. O., 5, 11, 97, 136, 138; U. S. customs office at, 8, 60, 106, 134.
 Fort Barances, strength of, 543.
 Fort Burgundy, 1020.
 Fort Claiborne, condition and loc. of, 1003-1004; use of, to confine bandits, suggested, 977.
 Fort Massac, postal service, 165.
 Fort Pitt, 502.
 Fort Plaquemines, 53, 170; loc. of, 19; Sp. garrison at, 118.
 Fort St. Charles, 584; in N. O. commons, 359; occupied by U. S. troops, 160; plot for taking of, reptd., 818; site of, requested for N. O., 1020.
 Fort St. Ferdinand, 1020.
 Fort St. John, 1020.
 Fort St. Louis, 584; in N. O. commons, 359; occupied by U. S. troops, 160; site of, requested by Orleans Navig. Co., 788; site of, requested for N. O., 1020.
 Fort St. Phillip, 782; troops at, to be reinforced, 820.
 Fort St. Stephens (Miss.), 939.
 Fort Stoddert, 311, 712; commander of, to expl. route to Pascagoula R., 628; goods for, detained at Mobile, 505; Kemper at, 926; on Indian trail, 166; on N. O. post route, 363, 417, 437, 439, 445, 452, 474, 611, 671, 725, 771, 842; post routes from, to: Baton Rouge, 975, mouth of Pearl R., 440; postal service from, to: N. O., 724, Washington (D. C.), 725; troops to be sent to, 820.
 Fort Wilkinson, on Indian trail, 166.
 Forth, Frederick, s. memorial, 1009, 1011.
 Fortier, Adelard, appd. capt., 635.
 Fortier, Edmund, appd. lt., 664.
 Fortier, Jacques, appd. col., 635.
 Fortier, J. Michael, Jr., 257; appd.: aide-de-camp to Claiborne, 583, 632, board member, Charity Hosp., 955, 987; justice, 600, port warden, 602, 836; characterized, 250, 252, 843; director, La. Bank, 368; introduced to Pres., 625; letter to Sec. State, 895; meeting held at home of, 297; recommended: as bank director, 11, as marshal, 843; resigns as marshal 895, 900; s. general orders, 585; s. memorial, 158; s. petition, 296.
 Fortier, Michael, & Son, s. petition, 579; s. recommend., 290, 337.
 Fortier, Nobert, s. address, 175.
 Fortier, Norbert, appd. capt., 634.
 Fortier, —, slave uprising crushed at plantation of, 916, 918; suit of Livingston v., discussed, 907; to forward despatches to Claiborne, 715.
 Fortin, D., memorial of, as univ. regent, 1014-1016.
 Fortin, L., s. petition, 296.
 Foster, Ambrose, appd. ensign, 638.
 Fouché, Louis, appd. capt., 635.

- Foucher, Antoine, s. address, 175.
 Foucher (Fouché, Fouchet, Fourchet), Peter (Pierre), 11; appd. col., 826, 838; appd. to enforce Embargo Act, 829-830; consulted by Claiborne, 723; nom. to council, 659, 660.
 Fourage, Mme. —, 591.
 Fourche, *see* Lafourche.
 Foutenet, —, recommended for council, 278, 281.
 Fowler, John, s. recommend., 145.
 Fox Indians, 66.
 Frahan, —, s. address, 972.
 France, 452; adherents of, in Orleans, 248, 263, 339, 508; appt. of commr. of, discussed, 215; citizens of, called for militia service, 610; civil law of, ment., 379; claims of, to W. La., 30; colonial policy of, 132; commrs., rel. with Sp. commrs., 113, 117, 123, with Amer. commrs., 123; defeat of Spain by, ment., 1010; disposal of mil. stores of, 149, 169, 199, 200 n., 214, 216, 684; dissatisfied with La. cess., 14; duty on tobacco, ment., 7; explor. by, discussed, 31; form of citizenship certif., 611; former officers of, in La., 253; infl. of, in La., 223, 841; intrigues of, in Spain, 893; land grants by, discussed, 18, 244, 408-414, 428, 463-464, 720-721, land laws of, applied to Orleans, 773, 935-936; land laws of, inapplicable to U. S., 709; La. exports to, 45; La., laws of, ment., 19, 35; La., maps of, unfinished, 16; La. treaty to be sent to, 15; Louisianians educated in, 162; mil. post of, at Pointe Coupee, 776; mil. post of, on Red River, 458; *natives of*: charged with subversive activities, 170, 178, 314, in Orleans, 120, 249, 250, 257, 258, 261, 293, 736, 763, 835, 836, 837, 838, 855, 869, 924, in U. S., 811, in W. Fla. land spec. 151, loyal to U. S., 554; *officers of*: cause riot, 178, hostile to U. S., 178, remain in N. O., 169; passports to, ment., 1014; policies of: *re* cession, 55, *re* land grants, 180, 527, 528, *re* La., 160, 179-180; privateer of, in N. O., 233; privateer of, liable under slave act, 888-889; privileges granted to, in La. treaty, 131; ratif. of La. treaty by, 82, 96; Red R. settlements of, 458-459, 470; refugee troops of, arrive in Orleans, 165, 167, 170, 177; relations of: with Rom. Cath. Ch. in Orleans, 686, with Spain, 397-398, with U. S., 87, 397-398, 671, 731, with W. Fla., 893; reported conspiracy of, against La., 309-310; rts. of citizens of, in La., 354; rts. of ships of, under La. treaty, 189 n.; seamen of, impressed by Laussat, 70; ships of, permitted to import slaves, 172; ships of, seized under non-intercourse law, 880; Spain dependent on, 115; status of com-
 merce of, under customs act, 192; status of vessels of, under ship reg. law, 196; troops of, remain in N. O., 170; troops of, sent to N. O., 137; U. S. conv. with, *re* privateers, 354; Ursuline nuns recruit members in, 804; war with Gt. Brit., ment., 55, 177, 199. *See also* Cession; Laussat.
 Frankfort (Ky.), 88.
 Franklin, Jesse, s. act, 213.
 Franklin, Thomas Baker, appd. justice, 796.
 Frechinet, Honoree, s. address, 175.
 Fredericksburg (Va.), 705.
 Fredge, —, s. address, 971.
 Freeman, Col. Constant, 421, 437, 445, 581; accompanies Holmes in occup. of W. Fla., 910, 913; arms requested of, for militia use, 432; characterized, 509; commands at Natchitoches, 800; guards against slave uprising, 298; instrs. to, *re* U. S. troops in N. O., 229-231; objected to, as commander, N. O. post, 735; occupies school bldg., 390, 472, 487; orders troops to N. O., 505; requested to furnish guard for Kerr, 394; settles N. O. acct. v. U. S., 607; to assist Dunbar exped., 231; to concert defense measures with Claiborne, 684; to explore Red R., 616; to furn. Claiborne with mil. escort, 442-443; to remove troops from N. O., 541; warned against detractors of Claiborne, 230; warned against Sp., 683-684.
 Freeman, Thomas, accts. of, with dep. survrs., 973-974; advertises land sales, 972; instrs. ment. to dep. survrs., 939, 993, 994; instrs. to dep. survrs., 940-943; *letters ment. to*: Fitz, 939, register, 1002, Sec. Treas., 958, 994, 1017; *letters to* Sec. Treas., 939, 950-951, 972-973, 993-996, 1002-1003, 1017-1018; recommends more pay for survrs., 950-951; to supervise Orleans surveys, 1018; to visit Orleans, 939.
 Freeong, Joseph, Jr., appd. justice, 600.
 French, aided by Ark. Indians, 63; compared with Americans, 680; disliked by Spanish, 80; importance of conciliating, 51; in majority in legis. council, 657; intermarry with Indians, 878.
 French language, importance of, in Orleans govt., 13, 51, 185, 283, 341, 342, 343, 363, 365, 366-367, 370, 508, 538, 613, 653-654, 718, 924; legal use of, demanded, 263, 264; U. S. laws to be printed in, 677.
 French Revolution, 223.
 Freneau & Williams, publishers, 74.
 Freret, James, 11; s. memorial, 158.
 Frihiol, Gramont, appd. ensign, 639.
 Fromentin, Eligius, appd. parish atty., 602; attests: elect. rept., 872, journal, ter. h. of r., 524, 525, 623, memorial,

- council, 877; clk., ter. h. of r., 660; delegate of ter. conv., 997, 1000, 1001; memorial of, as univ. regent, 1014-1016; s. address, 521; s. memorial, 532; s. petition, 540; s. resols., 866.
- Fromentin, Eligius, and Magruder, address of, to Cong., 1006-1007; petition of, to Cong., 1020.
- Fulton, Alexander, appd. coroner, 602; charges of, *v.* R. Claiborne, discussed, 953-954; to estab. post route, 706.
- Fulton, Alexander, & James, 267.
- Fulton, Alexander, and Wells, memorial of, *re* R. Claiborne, ment., 953-954.
- Fulton, J., s. address, 971.
- Fur, produc. of, in Miss. Valley, 7.
- Furaud, Anthony, 11.
- Fusileer, —, appd. justice, 750.
- Fusilier, Agricola, appd. capt., 637.
- Fusilier, Gabriel, appd. capt., 699.
- Gaillard, Pierre, appd. capt., 633.
- Gaillard, *see* Sauve & Gaillard.
- Gaines, Edmund Pendleton, appd. judge, 984; arrests Burr, 712.
- Gallatin, Albert, 512; journey up Monongahela R., ment., 12. *See also* Secretary of the Treasury, Gallatin.
- Gallatin, Mrs. Albert, 905, 997, 1019.
- Gallatin, Albert, Jr., appd. sheriff, 986.
- Galvez, Bernard de, estimate, of La. expenses, 42; org. Sp. militia, 18.
- Galveztown, dist. of Sp. La., 32; nature of land claims near, 899; part of militia dist., 33; pub. lands near, 240.
- Ganther, —, involved in riot, 181.
- Garcia, Manuel, arrest of, 364, 374.
- Gardner, Lewis N., s. memorial, 1009, 1012.
- Garidel, —, s. petition, 296.
- Garig, George, s. address, 971.
- Garland, William G., appd. sheriff, 751; appt. of, as port surveyor, ment., 193; forfeiture case of, 685; recommended as: bank director, 10, collector, 8, marshal, 9, prothonotary, 9, sheriff, 9; refuses appt. as port inspector, 218, 267; s. memorial, 158; s. petition, 296.
- Garnhart, George, s. address, 971.
- Garnhart, T. W., s. memorial, 1009, 1012.
- Garrard, William 934; appd. land commr., 778, 987; claim of, pay as commr., 989, 1005; commr., w. land dist., 882; fin. responsibilities of, 987-988; letter to Pres., 987-989; opinions of, *re* Louisianians, 987; work of, as land commr., 988.
- Garric, François, appd. maj., 634.
- Garrick, —, appd. justice, 599.
- Garrol, Charles, appd. lt., 699.
- Gaudet, Gerome, appd. lt., 636.
- Gaunard, J. D., appd. lt., 826.
- Gay, Wili P., s. memorial, 1010, 1012.
- Gayle, John, s. memorial, 1009, 1012.
- Gayoso de Lemos, Gov. Manuel, 26; death of, ment., 860; land ordinance of, ment., 774; widow of, 487.
- Gelston (Gellston), John M., death of, 298, 316, 355; letter ment. to Pres., 316; letter to Pres., 289.
- Gelston & Mumford, s. recommend., 290.
- Genoa (Italy), natives of, in N. O., 253.
- Genois, Bernard, s. memorial, 158.
- Gentilly, in third ward, N. O., 399; militia, 584, 592, 717.
- Georgia, 833; former residents of, in Orleans, 573; post rd. to go through, 132, 133, 363, 418.
- Géren, Guilloim, s. petition, 327.
- German Coast, commandant of, ment., 255; dist. of Sp. La., 32; part of militia dist., 33.
- German Coast Parish (County), *appls. in:* attys., 602, auctioneers, 663, 701, clk. of ct., 598, 701, coroners, 602, deputy reg., 677, judges, 598, justices, 599, 700, sheriffs, 600, treasurers, 601, 663, 701; census, 702, 923; courier service to, 715; forms elect. dist., 479; in first militia dist., 586; inhabs. of, desire appt. of deputy reg., 677; surveys of private claims recd. from, 746; ter. elects. in, 511; to furnish militia, 584.
- Germany, market for goods from, in N. O., 268; natives of: in La. militia, 33, in Orleans, 838, 855.
- Gholson, Thomas, letter ment. to Sec. Treas., 1005.
- Gibson, Thomas, appd. justice, 985.
- Gilbert, Walker, dep. survr., 682; funds advanced to, 973; wishes to remove office from N. O., 747.
- Gili, Sebastian, chaplain, 484.
- Gillard, Joseph, appd. justice, 600.
- Gilmore, John, funds advanced to, as dep. survr., 974.
- Girandeau, —, appd. justice, 599.
- Girandeau (Girardeau), —, 257; characterized, 251; recommended for office, 254.
- Gireauveau, B., s. recommend., 290.
- Girod, John F., recommended as bank director, 11; s. memorial, 158; s. recommend., 290.
- Girod, Nicholas, director, La. Bank, 368; s. petition, 296, 579; s. recommend., 290.
- Girod, N., & Bro., s. memorial, 158.
- Glascocq, Samuel, s. address, 971.
- Glass, Anthony, suspected of connection with Burr, 800; trading exped. of, discussed, 799.
- Glass, Samuel, appd. lt., 826.
- Godefroy, P. F. Simon, appd. notary, 827, 837; commissary, N. O. elect., 400.
- Goforth, William, appd. judge, 796, 835; vote of, in const. conv., 957.

- Goforth, Dr. —, 776.
 Goldston, —, mail contract, 579. *See* also Vassault and Goldston.
 Gomez, Domingo, pardoned, 796.
 Goodin, Benj., appd. justice, 985.
 Gordon, Martin, appd. clk. of ct., 825, 835; appd. lt., 700.
 Gorham, Aaron, s. memorial, 1009, 1012.
 Gosserand, Hélène, s. memorial, 791.
 Gossrion, G., Sr., s. petition, 832.
 Gotier, Guillemme, s. petition, 327.
 Goubier, Pierre Jacob, justice, 750.
 Gougit, —, s. petition, 327.
 Gould, —, map of La., ment., 16.
 Gourjon, John, appd. justice, 984; sec., Orleans Navig. Co., 789.
 Gournier, J., s. petition, 579.
 Governor, Sp., advised by auditor, 39; auth. and powers of, 22, 36, 39, 40, 85, 710; instrs. to, *re* transf. of La., ment., 85; issues land grants, 18, 34; policy of Sp. govt. toward, 191; powers of, held by Claiborne, 244, 270; pub. local laws, 19; salary of, 23, 50; Sibley reptd. to, 58; unacquainted with laws, 36; venality of, 40.
 Governor General, Cuba, appellate juris. of, 20, 36, 200-201.
 Governor General, Mexico, 76; bans horse trading between La. and Mexico, 239; urges frontier settlers to withdraw to interior, 239.
 Gradnigs, Joseph, appd. lt., 638.
 Graham, James, pardoned, 983.
 Graham, John, 900, 953; absence of, ment., 682, 692; appd. ter. sec., 363, 365; arrival of, in N. O., 457; certifies militia return, 640; characterized, 730; code used by, discussed, 562; comm. of, as ter. sec., 352, 571-572; conduct of, approved, 560; estimate by, of Sp. troop strength, 542; forwards acts of council, 498; forwards reg. of appts., 631; *letters ment. to*: R. Claiborne, 954, Morales, 552, 561, Sec. State, 499, 518, 552, 560, 562; *letters to*: Claiborne, 504-506, 513, Sec. State, 456-457, 498, 499-500, 516, 518-519, 552-556, 556-557, 583, 631-632; offered appt. as ter. sec., 342; on mission to Pensacola, 540; opinions of, *re*: R. Claiborne, 954, strength of U. S. troops in La., 505; org. defense of N. O., 555; proposed appt. of, as ter. sec., 343; recommended as collector, 858; recommends incr. of Orleans mil. force, 499-500; recommends removal of Casa Calvo, 553; resigns as ter. sec., 730; return of, to Orleans, ment., 679; sails for the States, 670; to secure royal orders *re* land grants, 559; to send gov'r's journal, 457; urges return of Claiborne to N. O., 513; witness in Burr trial, 734, 745.
 Graham, John W., s. memorial, 1011.
 Graham, William (Billy), Casada Indian, depos. of, 292-293.
 Graham, Franswor, s. address, 971.
 Graham, John, s. address, 971.
 Gramara, —, capt. gen. of Texas, 436.
 Grand Jean, or Grand Juge, *see* Le Grand.
 Grand Maison, Marquis de, *see* Maison Rouge.
 Grand Maison, Martin, appd. justice, 985.
 Grand Pré, Gov. Carlos de, 505; land grants of, discussed, 967, 968.
 Grapp, Baptist, appd. capt., 638.
 Gravier, John, claim to batture, 806-807.
 Gravier, Nicholas, appd. lt., 633.
 Gray, James P. D., s. memorial, 1009, 1012.
 Gray, Joseph T., s. recommend., 337.
 Grayson, —, 370, 513.
 Grayson, Letitia, 513.
 Greasee, John, s. address, 972.
 Great Bayou, petition *re* land on, 789-791.
 Great Britain, 255; attack by, on Pensacola, rumored, 784; cession of La. to, ment., 30, 509; claim of, to New Albion, 30; cotton trade to, 268; La. exports to, 45; maps Gulf of Mexico, 72-73; *natives of*: hold W. Fla. offices, 896, in Orleans, 10, 252, 277, 347, 723, 835, 836, 837, 855, in W. Fla. land spec., 151; Nootka Sound dispute with Sp., 30; relations of: with Sp., 363, with U. S., 398, 671, 675-676, 731, 763-764, 842, 948, with W. Fla., 896; rts. of subjects of, in La., 354; ships Fr. troops to N. O., 137; status of Floridas under, 85; supporters of, in N. O., 253; traders of, supply Indians with arms, 65; vessels expected from, in N. O., 770-771; wars of, ment., 55, 177, 199, 398, 536; warships of, at the Balize, 604.
 Great Western Road, 76.
 Greenville (S. C.), post road to Newport (Tenn.), proposed, 133.
 Greffin, Stephen, s. recommend., 290.
 Gregg, Capt. Aaron, court-martialed, 160; death of, 311; incompetent to command at N. O., 151.
 Grémillion, —, s. petition, 832.
 Gremillon, Charlot, s. petition, 327.
 Gremillon, —, Jr., s. petition, 326.
 Gren, G. B., s. memorial, 1009, 1011.
 Grillette, Antoine, appd. ensign, 639.
 Grize, —, s. petition, 955.
 Gros, D., memorial of, as univ. regent, 1014-1016.
 Grubb, Benjamin, appd. justice, 600.
 Grundy, Felix, land agent, 468-469.
 Grymes, John R., recommended as dist. atty., 925, 928.
 Grymes, Philip, applies for office in Orleans, 772; appd. reg., 813 n., 828; appt. of, as ter. atty. gen., ment., 866;

- characterized, 810; *letter ment. to Sec. Treas.*, 802; *letters to: Pres.*, 772, 801-802, Sec. State, 877, Sec. Treas., 839-841, 921-922; recommended: as land commr., 812, as reg., 810, 812; rept. of, 839-841; repts. violations of embargo laws, 801; requests appt. as land agent, 802; resigns as dist. atty., 877; salary of, as dist. atty., discussed, 801-802, 812; to be consulted *re* revol. plot, 851; to rept. *re* W. Fla. land titles, 922.
- Grymes, Philip, and Lewis and Robertson, letter to Sec. Treas., 861-864.
- Guadalupe River, 73.
- Guadeloupe, fall of, ment., 881; Laussat goes to, 234.
- Guard major, Sp. customs officer, 40.
- Guebert, André, aide-de-camp, 698.
- Guedris, Malo, s. address, 972.
- Guenon, James, 11.
- Guérin, Mathurin, appt. justice, 599; biog. of, 871; clk. N. O. elect., 400; nom. to council, 732, 763, 869, 872.
- Guesnon, J., s. petition, 579.
- Guibert, Augustus, 172.
- Guichard (Guishard), Magloire, appt. justice, 750, 871; cand., ter. h. of r., 574; nom. to council, 869, 872.
- Guidry, David, appt. lt., 637.
- Guillaume, —, arrested for smuggling, 888.
- Guillemain, Manuel, 485.
- Guillemond, Gilbert, 486.
- Guillot (Gullote), Pierre a, 257, 308; characterized, 251, 253, 256; recommended: as marshal, 282, 291, for mil. office, 254.
- Guillotte, —, s. memorial, 791.
- Gulf of Mexico, 16, 73, 240; maps of, ment., 29, 72-73, 164; privateers in, 881; Sp. mercantilism in, 47; trade routes in, 46.
- Gurley, Henry W. (H.), appt. justice, 985; s. memorial, 1009, 1012.
- Gurley, John W., 382, 526, 689, 725, 742; absent from N. O., 766; accts. of, with TD, 606, 677; appt.: aide-de-camp to Claiborne, 597, 632, land commr., 457, reg., 417, 427, 453, ter. atty., 602; characterized, 525, 730; comm. of, as reg. sent, 620; confers with Thompson, 767; contracts for abstr. land records, 517; council nom. of disap. by Senate, 580; death of, 774, 798, 861, 840; deposits land records with Ibanez, 496; draws on Collector, 499; family of, arrives in N. O., 265; informed *re* div. of land dists., 498; *letters ment. to: P.M.G.*, 262, 265, Sec. Treas., 454, 497, 606, 677; *letters to: Claiborne*, 476-478, P.M.G., 262-265, Sec. Treas., 453-454, 454-455, 498-499, 549, 606-607, 676-677, 766-767; nom. to council, 524; no. of claims confirmed by, 861; offices of, hinder work as reg., 547; opinions of, *re: govt. for La.*, 264, memorial of ter. h. of r., 606; possible candidate for ter. h. of r., 506; recommended by P.M.G., 286; repts. *re* land business, 766-767; sends land act to ter. officers, 477; s. petition, 540; s. recommend., 290; supports Claiborne in Pedesclaux case, 735; to explain land act to Louisianians, 477; to forward bond, 620; to furnish statement of batture case, 736-737; to open e. land office, 454; to rept. *re* div. of land dists., 427-428; to rept. *re* land records, 454, 468; to secure transcripts of land records, 496; visit of, to land dists., 476, 495, 499.
- Gusdre, Franswor, s. address, 971.
- Gusdre, Sutar, s. address, 971.
- Haday, William, s. address, 971.
- Hains, —, dep. survr., 973.
- Hall, Dominic A., 743; appt. judge, 275, 282, 291; comm. of, as judge, 349-350; inadequate salary of, 537; *letters to: Pres.*, 275-276, 471 n., Sec. State, 704, Sec. Treas., 472; memorial of, as univ. regent, 1014-1016; oaths of office admin. to, 348; recommends: Mathews as judge, 704, Robinson as dist. atty., 867; requests bldg. for dist. ct., 471, 472; threatens force in summoning witnesses, 735-736.
- Hall, Dominic A., and Lewis, letter to Sec. State, 866-867.
- Hall, —, appt. justice, 662.
- Hall, —, forwards letter, 267.
- Haller, Jacob, mail contractor, 58.
- Hamilton, Bart, appt. lt., 826.
- Hampton, Gen. Wade, acts of, *re* W. Fla., criticized, 969-970; dispute of, with Claiborne, discussed, 930; instrs. to Pike, 998-1000; *letters to: Claiborne*, 916-917, 989-990, 998-1000, Sec. War, 917-919; refuses to send troops into neutral ter., 989-990; rept. of, *re* slave uprising, 916-917, 917-919; to be consulted *re* revol. plot, 851; to order Newman to N. O., 852.
- Hanes, John, appt. justice, 750.
- Hañez, Ferdinand, *see* Ibanez.
- Haragan, D., appt. lt., 639.
- Harang (Hazeng), —, 400.
- Harbor, A., s. address, 971.
- Harbor master, Sp., 40; U. S., 602.
- Hardy, Baptiste, s. address, 175.
- Hardy, Joachim, s. address, 175.
- Hardy, Louis, s. address, 175.
- Hardy, Pierre, appt. lt., 634, 826.
- Harman, Thomas, 10; candidate, ter. h. of r., 506; director, La. Bank, 368. *See also* Winter & Harman.
- Harper, William, appt. lt., 639.
- Harring, Alexander, appt. capt., 634.
- Harris, Joseph A., s. address, 972.
- Harrison, Henry, s. memorial, 1009, 1012.

- Haslet, William, appd. capt., 698.
- Haughey, William, appd.: clk. of ct., 598, 826, 835, coroner, 797.
- Havana (Cuba), 98, 396, 502, 670, 736, 808; fictitious trade with, 46; Folch at, 892; govr. of, hears appeals from La., 20, 36, 201; illegal exports to, 801; Kemper's followers imprisoned at, 926, 934; La. exports to, 24, 46; shipping between, and La., 45; Sp. general arrives in, 505; Sp. troops from, expected on Mobile R., 267; Sp. troops sent to, 119, 266; U. S. Consul at, implic. in viol. of Embargo Act., 431, 801.
- Havana, Captain General of, *see* Someruelos.
- Havens, Philatus, agt. of Ursuline nuns, 804.
- Hawes (Hause), Edmund, member, W. Fla. Conv., 889, 895; s. address 972.
- Hawkins, Col. Benj., opinion *re* Ft. Stoddert-N. O. post route, 474; residence of, 166; to estab. post road, 566.
- Haydelle, Jean Jacques, appd. lt., 636, 826.
- Hays, Issac, accts. of, with PO, 494; letter ment. to P. M. G., 420; mail contractor, 582; request of, for p.o. in Manchac, 346; sells mail contract, 494.
- Hazeng, *see* Harang.
- Hebbé, Samuel, 593.
- Hebert, Armand, appd. lt., 637, 664.
- Hebert, Isaac, s. manifesto, 650.
- Hebert, John B., appd. capt., 826.
- Hebert, Joseph I., elec. of, set aside, 796.
- Hebert, Victor, appd. lt., 827.
- Hector (Active)*, Fr. prize, 270.
- Heins, Henry A., app. ensign, 639.
- Heins, —, appd. justice, 599.
- Heitas, Joseph, Sp. surgeon, 485.
- Henderson, Francis, appd. lt., 638.
- Henderson, James L., appd. maj., 638.
- Henderson, Stephen, 10; commissary, N. O. elec., 399. *See also* Kenner & Henderson.
- Hennepin, Louis, explor. of, ment., 31.
- Henrie, Samuel, appd. justice, 600.
- Henry, Joseph, appd. justice, 599.
- Henry, death sentence suspended, 983.
- Herbert, Isaac, appd. sheriff, 600, 663.
- Herde, Jack, s. address, 971.
- Hermite, Pilot, s. memorial, 790.
- Hernüs, S., s. petition, 327.
- Hero*, Fr. privateer, case of, 354; prisoners in Marine Hosp., 369.
- Herrera, —, convention of, with Wilkinson, discussed, 989-990; troops of, near Natchitoches, 681 n.; U. S. citizens held by, to be returned, 683.
- Herring, S. B., s. memorial, 1009, 1011.
- Hertzog, *see* Compere & Hertzog.
- Hés, Noël, s. address, 175.
- Heydelle, Christopher, appd capt., 635.
- Hicks, Charles R., appd. ensign, 700, lt., 798.
- Hicky (Hickey), Philip, member, W. Fla. Conv., 889, 895; s. address, 972.
- Hill, Henry C., Jr., charges against, 801.
- Hill, James, U. S. Consul, Havana, implic. in viol. of Embargo Act, 801.
- Hoa, Joseph Anthony de, 485.
- Hoa, Manuel de, 578.
- Holden, John M., s. address, 971.
- Holland, John, absconded debtor, 273.
- Holling, Joseph, s. memorial, 1009, 1011.
- Holmes, David, explains pres. policies *re* W. Fla., 910-911; *letters ment. to* Sec. State, 890, 891, 901, 915; *letters to* Sec. State, 889-891, 891-892, 909-914; occup. of W. Fla. by, 909-914; opinion *re* W. Fla. Convention, 892; promises deserters clemency, 913; recommends Webb as p.m., St. Francisville, 964; to coop. with Claiborne in occup. of W. Fla., 902, 903; W. Fla. const. sent to, 966.
- Holmes & Zacharie, s. memorial, 158; s. recommend., 290.
- Hopkins, Henry, appd.: pilot, 825, adjt. gen., 591, 632, 838; conduct commended, 540; defends militia org., 738-739; dispute of, with Bowyer, 440; *letters ment. to* Claiborne, 440, 853; *letters to*: Claiborne, 738-739, 854-858, Robertson, 885; militia return of, 886-887; opinion of, *re* people of Orleans, 855-856; refuses to sanction Indian land sales, 440; rept. of, *re* militia, 854-858; s. general orders, 713, 714, 715, 716, 717, 718; to deliver pub records to commandant, 440; to hold lawbreakers, 440.
- Horse stealing, precautions against, 387.
- Horses, raised in Red R. country, 75.
- Hospital, Charity, appts. to board of, 983, 987; inadequate funds of, 949; mortality in, 946, 947, 949; to be aided by ter. h. of r., 621.
- Hospital, Marine, 369.
- Hospital, Military, 40, 956.
- Hotel de ville, N. O., use of, for town guard, requested, 483; voting place, 479, 666-667.
- Houmas, Indian tribe, loc. of, 62.
- How, Heny, s. memorial, 1009, 1012.
- Howerton, Heritage, appd. justice, 984.
- Hrähle, C. B., s. memorial, 790.
- Hubbard, Bela, appd. judge, 701, 749, 835, 984.
- Hubbart, William, appd. clk. of ct., 598, 662; vote of, in const. conv., 957.
- Hughes, John, appd.: justice, 662, lt., 664, sheriff, 986.
- Hughes, John, s. memorial, 1009, 1012.
- Hugont, Henry, s. address, 175.
- Hulier, François Armant, appd. lt., 633.
- Hulin, —, case of, 373-374, 395-396; certif. *re* case of, 377; memorial of, to Claiborne, ment., 373.

- Hulings, William Epsom, recommended: as bank director, 10, as collector, 8, 218, as naval officer, 9; refuses customs appt., 124; s. memorial, 158.
- Hull, John, appd. justice, 984.
- Hullen, Amant, appd. capt., 698.
- Hunter, —, explr. of, ment., 419.
- Hutchins, Thomas, map of, 29.
- Hyndes (Hynes), George H., mail contractor, 57, 860.
- Ibanez, Ferdinand, letter ment. to Brown, 496; to abstract land records, 517, 545, 547, 560.
- Ibarra, Anthony de, naval officer, 485.
- Iberville (Ybberville), cotton mfg. in, 46; courier service with, 715; dist. of Sp. La., 32; militia of, 715.
- Iberville District, records of, 417-418.
- Iberville Parish (County), 675; *appts. in*: attys., 602, auctioneers, 701, clk. of ct., 598, deputy reg., 676-677, judges, 598, 749, 835, 984, justices, 599, 750, 985, sheriffs, 600, 663, 986, treasurers, 601; census, 702, 923; election in, 696; forms elect. dist., 479; in second militia dist., 33, 586; no. of claims filed in, unreported, 792; surveys of private claims recd. from, 746.
- Iberville (Ibberville) River, 32, 35, 194, 266, 347, 497; charac. of land grants near, 530-531, 772; pub. lands near, 240.
- Illinois, 12, 392; census of, 14; census of militia in, 33; delay in deliv. of, 152; dist. of Sp. La., 17, 32, 39; lead produc. in, 7; traders from, plundered by Indians, 65.
- Illinois Indians, at Ste. Genevieve, 64.
- Immigration, effect of, on militia org., 856; need for, in Orleans, 512; to Attakapas and Opelousas, 14; to La., 48-49; to Orleans from Miss. Ter., 952.
- Indian agents, appt. of, 352-353, 424.
- Indian trade, act *re*, extended to La., 213; acts ment., 207, 422; Claiborne's auth. *re*, 387; factories, 287, 450, 657; Glass exped. for, 799; instrs. *re*, 514-515; monopoly granted Chouteau, 64; not licensed, 384; regulations *re*, discussed, 387; salary of factors, 563; Sp. monopoly sys. of, 294; with Chickasaw, 75; with Kansas, 64; with Osage, 64; with Sioux, 65.
- Indiana Territory, auth. of, over La. Dist., 210-211, 318.
- Indians, 17; addicted to liquor, 64; brought under Indian trade act, 213; chiefs of, to be invited to Washington, 449-450, 470, 515; Christian, 73; civilization of, 657; Conchattas, threaten hostilities, 745, 754, 756; conciliation of, 62, 353, 449, 470, 515; conferences with, proposed, 319, 754; convicted of murder, 798; despise Sp., 336; distrib. of, 18, 86, 515; excluded from census, 33; expected to aid Negro insurrec., 576; expenses incurred on acct. of, 442; friendly to U. S., 420; land for road to be purchased from, 132; land rts. of, to be protected, 451; land sales by, 440, 612, 613 n., 883, 920; language, to be studied by Sibley, 453; law removal of, text, 212-213; Nadaco, ment., 30; near Natchitoches, 563; Padouca, 31; pardoned for murder, 324; passport for chiefs of, 516; presents to, 43, 336, 352; query *re* no. of, 32; rls. of, with Sp., 6, 68, 336, 618; rls. of, with U. S., 287; repts. *re* ment., 61, 353, 449, 450, text, 62-66; riots of, in N. O., 52; subversive activities among, 325, 553, 582; title of, to La. lands, 408 n., 450; to be prepared for transf. to U. S., 6; to be reassured *re* surveys, 461; trails of, as post routes, 475, 488. *See also* names of individual tribes.
- Indigo, production of, 44, 45, 46, 265.
- Inglehart, Philip, s. address, 972.
- Intendant, Sp., advised by assessor, 39; auth. and juris. of, 22, *re*: admiralty, 36, 39, appts., 40, customs admin., 46, land grants, 56, 67, 710, 774, land office, 39, 180, revenue, 36, 39, 104; instrs. to, *re* deliv. of La., ment., 85; powers of, exercised by ter. gov., 107, 244, 270; relation of, to commandant, 39; salary of, 23; venality of, 40.
- Interpreters, appts., 603, 663; employed by Sp. govt., 12, 40; Indian, expense of, chargeable to WD, 444.
- Ireland (Irland), John A., s. address, 971, 972.
- Ireland, Robert, s. address, 972.
- Ireland, natives of, in land spec., 151, in Orleans, 52, 256, 426, 784, 836, 837.
- Irujo (d'Yrujo, Yrujo), Carlos Martinez de, 35; attitude of, *re* Kemper affair, 315, 332; defends Sp. action in disputed territory, 419; despatches of, to be delayed, 121; informed *re* Sp. fleet, 436; letters ment. to: Casa Calvo, 419, Sec. State, 69, Viceroy of Mexico, 419; opposes Mobile customs dist., 291; protest of, *re* U. S. surveys, ment., 418; protests La. cess., 69, 93, 112; pub. of letters of, 358.
- Italy, natives of, in N. O., 855.
- Jackson, Andrew, at odds with Sevier, 88; letter ment. to Claiborne, 689; recommended as gov., Orleans, 175; recommended to head army of occup., 87-88.
- Jackson, Mrs. Andrew, 690.
- Jackson, David, s. address, 972.
- Jackson, George, s. address, 972.
- Jackson, James, s. address, 972.
- Jackson, Thomas, s. address, 972.
- Jackson C. H. (Ga.), on proposed Washington (D. C.) road, 132, 133.

- Jamaica, 46; Brown sought in, 866; Fr. troops shipped from, 137; slave trade from, 503, 882.
- Jaquier, Francis, appd. lt., 633.
- Jarreau, Bosemon, s. petition, 327.
- Jarreau, Célestin, s. petition, 327.
- Jarreau, J., s. petition, 327.
- Jathainte, Charle, s. address, 175.
- Jaure & Gaillard, s. memorial, 158.
- Jefferson, Thomas, 512, 905; infd. *re* land claims, 882; letters ment. to Claiborne, 864; militia rept. sent to, 866; thanks of ter. legis. sent to, 865. *See also* President, Jefferson.
- Jefferson, proposed seaport, 53.
- Jefferson College (Miss.), 973, 1018.
- Jeffersonville (Ind.), appt. of rec. at, 722; land office in, ment., 719.
- Jelks, Rukins, s. memorial, 1009, 1012.
- Jentilly, *see* Gentilly.
- Joffrian, Josan, s. memorial, 791.
- Johnson, C. G., s. memorial, 1009, 1012.
- Johnson, Henry, appd. judge, 984.
- Johnson, Isaac, s. memorial, 1009, 1012.
- Johnson, Isaac, s. memorial, 1012.
- Johnson, James, attests rept., 393.
- Johnson, John H. (F.), appd. sheriff, 986; member, W. Fla. Conv., 889, 895; s. memorial, 1012.
- Johnson, Joseph E., s. memorial, 1009, 1012.
- Johnson, Josiah, appd. clk. of ct., 749.
- Johnson, S. B., 10; appd. justice, 600.
- Johnson, Thomas B., recom. land commr., 812.
- Johnson, T. B., letters ment. to P. M. G., 896.
- Johnson, William M., appd.: justice, 824, pilot, 602; letter ment. to P. M. G., 817.
- Johnson, —, 912.
- Johnston, James, s. memorial, 158.
- Johnston, Capt. —, acting pilot, 443.
- Jones, Evan, 253, 255, 257; appd. to council, 291; appt. of, to council, discussed, 283, 317, 604, 605; arouses pub. against Orleans govt. act, 246; characterized, 257, 308-309; characterizes N. O. residents, 258; former U. S. consul, N. O., 82; helps prepare Orleans memorial, 261; intimate of Burr, 489; memorial of, as univ. regent, 1014-1016; merchant, 526; nom. of, as deputy to Cong., ment., 255; nom. to council, 524, 525, 536; opposes Claiborne's admin., 345, 658; recommends. of, *re* La. govt., 83-84; recommended as bank director, 10; refuses council appt., 310, 317, 334, 343, 346; s. memorial, 158; s. petition, 579; stockholder in La. Bank, 362; supports Orleans memorial, 246, 317; urges council members to resign, 310.
- Jones, Philip L., appd. reg. of wills, 603, 837; attends Clark dinner, 742; s. petition, 540; to marry Mrs. Trist, 743.
- Jones, Rubin, s. address, 972.
- Jones, Thomas, appd. lt., 699.
- Jones, Will, s. memorial, 1009, 1012. *See also* Earle, Jones, & Co.
- Jounon, —, s. petition, 327.
- Jourdan, Noël, appd. judge, 984.
- Joyce, Adam, s. memorial, 1009, 1012.
- Judas & Touro, s. recommend., 290, 337.
- Judice, Maxamelion, appd. lt., 637.
- Judges, in La. under Sp., fees of, 37; unfamiliar with laws, 36; venality of, 40.
- Judges, parish, appt. of, 447, 598, 662, 701, 729, 749, 796, 824, 835, 984; appt. of, discussed, 422, 423; as elec. officials, 479, 480, 668, 669; compensation of, 729, 779. *See also* Territorial Judges.
- Juge, Jean Baptiste, Jr., s. memorial, 790.
- Juries, in ter. court system, 205, 210; introd. of, discussed, 21, 38; petit, in Acadia Parish, 673-674; qualif. of members of, 209.
- Justices of the peace, appt. of, 599-600, 662, 700, 750-751, 796, 824, 984-985; appt. of, discussed, 422, 423; election officials, 668, 669; powers of, 349, 358; s. petition, 832.
- Kansas (Kanzas) River, Indians on, 64.
- Kar, Henry, appd. sheriff, 986.
- Karmouch, Narsise, *see* Carmouche.
- Karr, Delafayette, s. memorial, 1010, 1011.
- Kaskaskia, 96.
- Kaskaskia Indians, at St. Genevieve, 64.
- Kavenagh, J. McD., s. memorial, 1009, 1012.
- Kavenagh, W., s. memorial, 1009, 1012.
- Kavinaugh, George, appd. sheriff, 986.
- Kay, Andrew, appd. sheriff, 600.
- Keene, Richard R., appd. maj., 633; atty. for Pedesclaux, 735; s. petition, 540.
- Keiser, John, s. address, 972.
- Keller, Francis, s. memorial, 1009, 1012.
- Kemper, Nathaniel, arrest of, by Sp., 505; insurrec. activities of, 332-333.
- Kemper, Reuben, arrest of, by Sp., 505; followers of, imprisoned by Folch, 926; imprisons Sibley, 926; not encouraged by U. S., 315; party of, continues in arms, 908; s. memorial, 1009.
- Kemper insurrection, 315, 320, 419, 438; reptd. to Sec. State, 332.
- Kennedy, Thomas S., appd. clk. of ct., 598, 749, 836; certif. of, *re* Livingston petition, 375-376.
- Kennedy, —, 395.
- Kennedy & Child, s. recommend., 290.
- Kenner, Thomas, appd. lt., 638.
- Kenner, William, appd. to council, 308, 317, 334, 346; in Fla. land spec., 284-285; member, council, 344, 347, 426; recommended: as bank director, 10, for council, 277, 281, 284; s. recommend., 900.

- Kenner & Henderson, s. memorial, 158; s. recommend., 290, 337.
- Kentucky, 88, 146, 365, 502, 613, 988; appts. from, opposed by Claiborne, 745; boatmen, N. O. riots of, 52; emigrants from, sympathize with Burr, 731; former residents of, in Orleans, 145, 222, 282, 352, 469, 628, 684, 703, 753, 778, 799, 835; horses and provisions from, used in W. Fla. revol., 968; militia of, to be prepared for La. exped., 94, 98; opinion in, *re* La. cession, 49; Sp. plot *re*, 702.
- Kentucky District Court, 208.
- Keny, G., s. petition, 597.
- Keown, Rowland, s. memorial, 1009, 1012.
- Kerignon, Jaques, appd. lt., 633.
- Kerr, James (Jemes), s. memorial, 1009, 1012.
- Kerr, Lewis (Louis), acting marshal, Orleans dist., 270; appd.: justice, 662, maj., 632, sheriff, 286; atty. for Pedesclaux, 735; auth. of, as sheriff, resisted, 393, 394; delivers letter to Claiborne, 109; s. petition, 540; s. recommend., 290; to return to Ireland, 784; withdraws from militia, 593.
- Kidder, John, appd. lt., 633; certif. of, *re* newspaper publ., 376-377; editor, the *Union*, 313, 376.
- Kimball, Frederick, Sr., s. memorial, 1010, 1011.
- King, George, appd.: clk. of ct., 598, 749, judge, 835, 984, maj., 637.
- King, Rufus, 257; brings news of La. cess., 4 n.; letter ment. to Sec. State, 274; letter to Gore, 4 n.
- King, Uriel, letter ment. to P.M.G., 1017.
- King of Spain, 201; appeal to, 20; appts. La. officers, 22, 40; order of, *re* import, of slaves into La., ment., 172; relation of, to La. govt., 19; royal orders of, ment., 491-492; supports Orleans clergy, 22, 41; supports N. O. school, 22. *See also* Ferdinand VII.
- Kingston (Jamaica), 137; trade of, ment., 46.
- Kinney, Jacob, 494.
- Kirby (Kirbey), Ephraim, 163, 343, 344; appd. judge, 282, 291; death of, 348, 363, 366; illness of, 311; repts. from, *re* Mobile situ., 267.
- Klinepeter, Georg, s. address, 971.
- Klinepeter, John, s. address, 971.
- Knowle, Lukin, 692, 693.
- Knoxville (Tenn.), 88; post road proposed from, to Greenville (S. C.), 133; postal service from, to Wythe C. H. (Va.), 58.
- Kohn, J., withdraws from militia, 593.
- Krumbhull, Jacob, s. address, 971.
- Labatut (Labattus, Lavattus), Jean (John) Baptiste, 257; appd.: capt., 633, col., 825, 838, maj., 797, port warden, 602; characterized, 250, 253; director, La. Bank, 368; memorial of, as univ. regent, 1014-1016; s. memorial, 158; s. petition, 296, 579; s. recommend., 290, 337.
- Labattut, Jean Baptiste, Jr., appd. lt., 826.
- Labbé, Vincent, appd. lt., 638.
- Labé, Juan, s. petition, 327.
- La Biche, B., s. memorial, 791.
- Labigarre (De la bigarre), —, 258; author of N. O. characterizations, 257; heirs of, claim batture, 806-807.
- Labranche, Alexander, appd.: justice, 599, 751, parish treas., 701.
- Lachestiere, François, appd. lt., 635, 826.
- La Chiapella, Geromo, s. petition, 579; s. recommend. 290.
- Lachiapelle, Celestin, appd. lt., 633.
- Lacivé, Peter, 11.
- Lackwood, Samuel, s. recommend., 290.
- La Confiance*, Fr. slave ship, 172.
- Lacoste, Leander, appd. capt., 633.
- Lacour, Ceprian, appd. capt., 638.
- Lacour, Lement, s. memorial, 791.
- Lacour, Nicholas, appd. lt., 799; s. memorial, 791.
- Lacour, Pierre, s. memorial, 791.
- Lacour, V., s. memorial, 791.
- Lacours, V., s. petition, 326.
- Lacrois, John Louis, appd. lt., 639.
- La Croix, Chevalier — de, appd. justice, 750; nom. to council, 659, 660.
- La Cruz, John B. de, 485.
- Laduff, John, 575.
- Lafayette, Marquis de, act *re* grants to, text, 414; loc. of land grants of, 239, 240-241, 288, 316, 353, 359-360, 414, 452-453, 566, 605, 631; proposed appt. of, as govr. of Orleans, 281-282; proposed resid. of, in La., 239; revol. service of, ment., 255; survey of grants of, 459, 746.
- Lafitte, Capt. —, 234.
- Lafon (Le Font), Bartholomew, appd.: capt., 698, lt., 633; cand., ter. h. of r., 574; survey methods of, criticized, 746-747, 748; surveys by, 566.
- Lafourche (Fourche, La Fourche), appt. of p.m. at, 903, 928-929; dist. of Sp. La., 32; estab. of Amer. govt. in, discussed, 84; in e. land dist., 427; postal service from, to N. O., 952.
- Lafourche (La Forche) Parish (County), 562; appts. in: clks. of cts., 662, dep. reg., 676, judges, 598, 701, 796, 835, justices, 600, 750, 824, sheriffs, 600, 663, 986, treasurer, 601, 663; census, 702, 923; elec. of ter. rep. from, ment., 796; forms elec. dist., 479; in second militia dist., 586; surveys recd. from, 746.
- Lafourche River, *see* Bayou Lafourche.
- La Harpe, Bernard de, *Journal*, 514 n.
- La Hogue, J. M. B. de, 257; characterized, 251, 254.
- Lake Bistineau (Bisteno), 77.
- Lake Cannisia (Bayou Channo), 77-78

- Lake Concordia, surveys on, 995.
 Lake Maurepas, shipping on, 194.
 Lake of the Avoyelles, 63.
 Lake of the Woods, 68.
 Lake Pontchartrain (Ponchaudrain), 33, 113, 195; bounds Baton Rouge dist., 266; canal from, to Bayou St. John, 786; dist. of Sp. La., 32; mil. post to be estab. on, 907, 908; nature of land on, 747; on Natchez-Natchitoches route, 72; on N. O.-Washington post route, 671; status of, under customs law, 194; tides of, 789.
 Lamb, Solomon, appd. justice, 824.
 Lamire, Paul, 11.
 Lamora, Joseph, appd. capt., 826.
 Lamorandier, Étienne (Stephen), 486; appd. lt., 637.
 La Motte, Jacques, appd. justice, 600.
 Lamy, Louis (Lewis), appd.: capt., 638, justice, 662.
 Lanana, Sp. troops at, 336.
 Lancaster (Pa.), 575.
 Land, act *re* exchange of, with Indians, text, 212-213; act *re*, printed in French, 677; act *re* titles to, text, 408-414; act *re*, to be republished, 453; act *re* unauth. settlement on, text, 212; acts *re* titles to, discussed, 427-428, 429, 459-462, 477, 512-513, 630-631, 708-711, 720-721, 722, 725-727, 934-936; amt. granted in La., 18-19; bill for donation of, discussed, 704-705; charac. of, in Orleans, 877; *claims*: adjust. of, 628-629, based on Indian purchases, 920, charac. of, 920-921, 950, delay in filing of, 741, 792, 959-960, filing of, discussed, 612, 624, 961, fraudulent, 26, 27, 66, 468, 727, 732, 883, 904, in e. dist. Orleans, 1006-1007, in Ouachita Parish, 679-680, in W. Fla., 967, no. of, presented to commrs., 606, status of, in W. Fla., 968, to be investigated, 229, unsettled, 882-883; execution of judgments against, 37; expulsion of intruders from, 228-229; fit for sugar culture, 19, 35; *grants*: to minors, 624, to Orleans Navig. Co., 785-786, under Fr., 180, under Sp., 19, 27, 34, 39, under temp. govt., 144; on lakes and bayous, described, 950; petitions and memorials *re*, 526-532, 544-545, 789-791, 959-961; price of: in W. Fla., 967, near N. O., 268; public: extent of, 34, 240-241, 772-773, 769, settlements on, 792; *records re*: delivered to U. S. commrs., 180, destroyed or lost, 529-530, discussed, 545-547, 580, list of, 774, removed by Sp. officers, 613, to be classified, 468, to be delivered to U. S., 156, transcrip. of, discussed, 454, withheld by Morales, 614; relative value of, 79; *sales of*: advertised, 972, by Indians, 440, 612, discussed, 463, 862, 939, in Opelousas, 1013, in w. land dist., 1006, postponed, 958, 1002, 1006, preparations for, 951, 993, reason for delays in 972-973, suspended, 1013, time for opening, 950; speculation in, 151, 201, 284-285, 287, 333, 489, 674, 709; surveys of, 56, 973; taxes on income from, 42; types of tenure, 18; variation in value of, 863.
 Land agents, for investig. of claims, appd., 468; applics. for appt. as, 493.
 Land commissioners, act providing for, text, 408-414; appt. of, 457, 519, 753, 882; basis of confirming claims, criticized, 931; compensation of, 430, 726, 883, 930, 987, 1005; decisions of: not controlled by Sec. Treas., 934, to be submitted to Cong., 935; deny giving away lands, 863; difficulties of, 862; duties and powers of, 460, 624-625, 709-710, 720-721, 725-727, 767, 773, 883, 840; duties of agts. of, 413; duties of clk. of, 412; elect clk., 547; explain decisions, 920-921; form of certifs. issued by, 726; instrs. to, 930-931; issue certif. to Nancarrow, 1001; *letter ment. to* Sec. Treas., 931; *letter to* Sec. Treas., 861-864; no. of land cases tried by, 560; policy of, *re* land claims, 904; procedure of, criticized, 935-936; repts. of, 839-841, 861-864, 899-900, 919-921; request exten. of time for regis. of claims, 840; to suspend decisions, 936; work of, not completed, 840.
 Land district, eastern Orleans, appt. of officers in, 427, 453, 457, 469, 490, 495, 519, 620, 676-677, 733, 781, 782, 791, 828; bounds. of, 427, 429, 463, 468; business of, interrupted by slave insurrec., 921; charac. of claims in, 495, 497, 512-513; charac. of vacant lands in, 625, 772, 921; delay in work in, explained, 840; dep. survrs. in, 973; evidences of title in, destroyed or lost, 495; no. of claims filed in, 477, 547, 549, 624, 792, 938; office of, in N. O., 427, 1002; repts. *re*, 746-748, 839-841, 899-900, 919-921, 937-939; surveys in, authd., 625; unregistered claims in, 1006-1007.
 Land district, Louisiana, 469.
 Land district, western Orleans, 773; absence of large grants in, 512-513; abstract of records of, described, 545; adjust. of claims in, 629; advantages of land office in, 497; appt. of officers of, 429, 457, 469, 722, 728-729, 733, 741, 753, 778, 987; bounds. of, estab. by Pres., 427, 429, 463, 468, 772; claims in, compared with e. dist., 920; dep. survrs. in, 973; fraud. claims in, 497, 883; import. of settlement of, 631; land in, offered for sale, 1006; no. of claims filed in, 624; office to be opened, 931; petition from, 959-961; prog. of work in, 988; records of, to be transcribed, 429, 468-469, 495, 496;

- reg. of claims in, 766-767; sale of lands in, discussed, 631; settlement of claims in, 989; survey of lands in, 631; time for filing claims in, extended, 1007; tps. to be sold in, 951; unsettled claims in, 882-883; value of lands in, compared with e. dist., 921.
- Land office, Sp., admin. by intendant, 39; opened in N. O., 56.
- Land office, west of Pearl R., ment., 197.
- Landais (Landy), —, carries Fr. despatches to N. O., 78-79, 112, 113, 120.
- Landau, —, implic. in Negro plot, 576.
- Landraux (Laudreau), Louis, appd. lt., 634, 826.
- Landreau, Francis, appd. lt., 634.
- Landry, Agricole, pardoned, 667.
- Landry, Ferdinand, appd. lt., 636.
- Landry, John, appd.: judge, 749, lt., 637.
- Landry (Landrie), Joseph, appd.: justice, 599, maj., 636; resig. of, from ter. h. of r., 668; s. manifesto, 650.
- Landry, Joseph, Jr., appd. lt., 636.
- Landry, Louis, appd. lt., 636.
- Landry, Luke, appd. lt., 637.
- Landry, Pierre Joseph, appd.: justice, 985, lt., 637. *See also* Vienne & Landry.
- Landy, *see* Landais.
- Lane, David, s. memorial, 1009, 1011.
- Langara, Juan de, 29.
- Langlois, Baptiste, s. petition, 327.
- Langlois, Louis, s. petition, 327.
- Languedoc (France), 804.
- Lanthois (Lanthis, Lanthoir), John, 575; characterized, 250, 252; recommended as bank director, 11; s. recommend., 290.
- Lanthois & Pitot, s. memorial, 158.
- La Nuce, insurrec. meetings held near home of, 575.
- Lanusse (Lanus, Lanuse), Paul, appd.: capt., 632, justice, 599, maj., 825; cand., ter. h. of r., 574; characterized, 249, 252; director, La. Bank, 368; memorial of, as univ. regent, 1014-1016; pres., N. O. ch. of com., 692; s. memorial, 158; s. petition, 579, 692; s. recommend., 290, 337.
- Lanzos, Manuel, 486.
- Laporte, —, member of ct.-martial, 587.
- Larche, James, appd. lt., 639.
- La Salle, fort built by, 31.
- La Sœur Chérie*, Fr. privateer, 234.
- Lassize, John, 486.
- Lathiolais, Joseph, appd. lt., 637.
- Lathrop, Isaac, s. petition, 971.
- Latimore, David, appd. judge, 824, 835.
- Latour, Andrew, appd. judge, 984.
- Latour, Charles de, appd. judge, 749, 984.
- Latour, M., appd. justice, 599.
- Lattimore, William, asked to present Bastrop memorial to Cong., 552; policies of, criticized, 718.
- Lauman, Fred, s. memorial, 1009, 1011.
- Laund, J., appd. lt., 826.
- Lauran, Pierre, s. petition, 327, 832.
- Lauranc, Pierre, s. memorial, 790.
- Laussat, Pierre Clement de, Fr. commr. for transf. of La., 5, 80; accused of land spec., 151; adherents of, in N. O., 252, 253, 254, 257, 261; appt. of Boré as mayor, N. O., ment., 184; appt. of Fr. commer. agent by, 200, 201-202, 870; attacked by Fr. officer, 156, 160; auth. of, as commr., 120, 151, 215; characterized, 70, 151; claims of, *re* W. Fla., 86, 169; conduct of, at transf., criticized, 138; coop. of, in transf., discussed, 93, 94, 95, 97, 102, 113, 117, 118, 119; corresp. of U. S. Commrs. with, ment., 151, 177-178, 372; deliv. of La. by, 92, 129, 149, 152, 155, 165; deliv. of La. to, 120, 122, 123-124, 125, 135, 136, 155-156; encourages demands of Louisianians, 191; expects retrocession of La. to Fr., 160, 179-180; goes to Guadeloupe, 234; informed *re* Fr. refugees, 168; instrs. ment. to Bommar, 223; interregnum of, 113, 123-125, 138, 339; intrigues of, ment., 358; *letters ment. to* Claiborne, 87, Pichon, 99, 105, 200, U. S. Commrs., 178, 179, 180, 199, 200, 214, 215, 216; *letters to*: Claiborne, 99, 110-112, U. S. Commrs., 156 (E); opinions of: *re* effect of La. cession, 129-130, *re* extent of La. cession, 59, *re* U. S., 130; orders commandants to retain posts, 149; policies of: *re* Fr. refugees, 167, 170, *re* transf. of La., 55, 80, *re* western states, 118; prepares for evac. of N. O., 156; procl. of, *re* transf., ment., 124, 180, text, 126-132; protests arrest of Lebalch, 179; recommends Molier for appt., 105; *rels. of*: with anti-Amer. party, 215, with Casa Calvo, 114, with Clark, 118, with Declouet, 252, with Fr. officers, 156, 159, with Salcedo, 70, 120-121; requests inventory of pub. prop., 80; retains pub. bldgs, 200, 214; stipulations of, *re* land records, 180; subversive activities of followers of, 80, 178, 508; supports Morales for appt. as consul, 201; to appt. representative, 199; to celebrate Fr. interregnum, 124; to draft Fr. seamen, 70, 156; to exclude Fr. troops from N. O., 137; to receive pub. records of La., 150; to return Fr. refugee troops, 178; to succeed Bernadotte, 70; urges early arrival of U. S. Commrs., 125; urges rt. of asylum for Fr. refugees, 167.
- Laussat, Mme., 121.
- Lauve, Etienne, s. memorial, 978.
- Lavald, —, 431.
- Lavandois, Sr., *see* Livandois.
- Laverdee, Indian settlement, 73.
- Lavergne, Celestin, appd. justice, 700.
- Lavo, Charles, implic. in plot, 576.

- Lawson, Columbus, letter to Sec. Treas., 937-939.
- Lawson, Thomas, appd. justice, 985.
- Lawton, Josiah, s. memorial, 1009, 1012.
- Lawyers, function of, in Sp. La., 20-21; influ. of, under U. S., 754.
- Lead, land commrs. to rept. *re* mines, 413; mines exclu. from Lafayette's grants, 414; produc. of, in Illinois country, 7; value of exports of, 44.
- Lebalch, —, in N. O. riot, 179.
- Le Beau, François (Francis), appd. lt., 699; s. memorial, 791; s. petition, 327.
- Le Beuff, William, appd. justice, 599.
- Le Blanc, A., s. memorial, 790; s. petition, 327.
- Leblanc, Alexander, appd. col., 638, 838; appd. justice, 599.
- Le Blanc, Augustin, appd. cornet, 698.
- Le Blanc, C., s. memorial, 790.
- Le Blanc, Joseph, 486.
- Le Blanc, Joseph, resigns from ter. h. of r., 696; s. memorial, 790.
- Le Blanc (de Blanc), L. C., appd. justice, 750.
- Le Blanc, O., s. memorial, 790.
- Leblanc, Octave, 790.
- Leblanc, Octavine, s. memorial, 790.
- Le Blanc, Paul, 486.
- Le Blanc, Térance, s. memorial, 790.
- Le Blanc, Valerien, 790.
- Leblanc (L. Blanc), —, 399.
- Le Blanc, —, s. memorial, 790.
- Le Blanc, —, 715.
- Leblanc, —, Jr., s. memorial, 790.
- Lebreton, J. B. E., appd. ensign, 826.
- Lebretton, J. B. F., appd. lt., 826.
- Lebreure, Henry, appd. lt., 633.
- Le Count, —, Jr., appd. lt., 639.
- Ledoux, Joseph, s. memorial, 791; s. petition, 327.
- Ledoux, V., s. memorial, 791; s. petition, 326, 327.
- Ledoux, Vallerien, s. memorial, 791.
- Le Doux, Zenon, appd. lt., 698.
- Le Doux, —, s. memorial, 791; s. petition, 832.
- Le Doux, —, s. petition, 327.
- Le Dut, V., s. address, 174.
- Lee, John Brow, appd. lt., 699.
- Lee, —, applicant, land commr., 718.
- Lee, —, 274.
- Leek, Samuel P., s. memorial, 1009, 1012.
- Lefaucheur, Pierre Alexander, appd. lt., 633.
- Lefaucheur (Lefaucheu), —, 399.
- Lefever, Joseph, appd. lt., 634.
- Le Font, —, *see* Lafon.
- Lefours, on proposed post road, 724.
- Legislative Council, 390; acts of, discussed: *re* commandants, 358 n., *re* educ. syst., 424 n., *re* justices, 358 n., *re* org. of militia, 432 n., *re* org. of parishes, 422, 423, *re* ter. records, 416; acts of, ment.: *re* admin. of justice, 422 n., 507, *re* expenses, 441, *re* incorp. of N. O., 395, 398, *re* militia, 561, *re* org. of parishes, 431, 434, *re* parish cts., 447, 541, *re* port of N. O., 443; acts of, sent to Sec. State, 456, 498; address of Claiborne to: ment., 347, 348, text, 446; adjourn. of, 420, 433, 445, 457, 496; affirms loyalty of Louisianians, 618-619; agrees to codif. of laws, 356, 379; Amer. and Fr. membership of, 282; appd. by Pres., 225, 266; appts. to, 291, 307-308, 346, 363, 386, 424, 426; commissions forwarded for, 604, 605; compen. of, 206, 318, 431; consulted by Claiborne *re* Burr affair, 723; contng. exp. of, 318; convening of, 344, 446, 457; effect of org. of, 348; elect. proposed, 247, 312, 314; estab. of cts. by, discussed, 417; laws of, to be in Eng. and Fr., 367; laws of, to be printed, 447; manifesto of, against common law, 643-657; members of, characterized, 347; nomin. to, 277-278, 281, 284, 523-524, 525-526, 580, 622-623, 659, 763, 830, 869, 872; nomin. to, ment., 520, 536, 566, 732; organic act *re*, 204; organiz. of, 317, 319, 320, 334, 343, 344-345, 347, 349, 358, 367; persons declining appts. to, 346; petition of, *re* educ., 544-545; possible summer session of, 433; proposed estab. of academy by, 452; prorogued by Claiborne, 446; reply of, to Claiborne's address: ment., 348, text, 618-619; requests dissol. of legis., 650; requests payment by U. S., 383-384; resigs. from, 641, 659, 763, 830; resols. of: *re* Sp. troops, 360-361, *re* veto by Claiborne, 643-655; termin. of powers of, 496; to be nomin. by ter. h. of r., 511; urges dissol. of legis., 656; urges reinf. of Orleans troops, 619; vacancies in, 616, 842; wishes retention of civil law, 379, 651-655.
- Leglease, Pierre, appd. lt., 639.
- Le Grand (Grand Jean), —, insurrec. plot of, 499, 500, 502, 505.
- Legos, V., s. petition, 832.
- Legros, François, s. memorial, 791.
- Legros, J., s. petition, 832.
- Le Jardin, Batiest, s. address, 971.
- Le Jardin, Evan, s. address, 971.
- Le Jeunce, Hubert, s. memorial, 791.
- Lejeune, Charles, s. petition, 327.
- Le Jeune, Charles, Jr., s. memorial, 791.
- Lejeune, Joseph, s. petition, 832.
- Lejeune, Michelle, s. petition, 327.
- Leonard, Gilbert (Gilberto), letter to Claiborne, 172-173; passport issued to, 577, 665; rept. of, *re* Sp. slave import. laws, 172-173; treas., Sp. army, 485.
- Leonard, John West, appd.: lt., 640, port warden, 752; member, W. Fla. Conv., 889, 895, 897.
- Le Page du Pratz, *History*, ment., 31.
- Le Sassier, Temoleon, appd. lt., 637.

- L'Espenasse, Pierre Francis de, s. memorial, 790.
- Lespinasse, —, priest, 843.
- Levees, in Pointe Coupee, 789-790; maintenance of, 18, 266, 435.
- Lewis, Charles, nephew of Jefferson, 226.
- Lewis, Joshua, 517, 605, 742; accepts appt. as land commr., 490; arrival of, in N. O., 549, 741; comm. of, as judge, 684, 703; considered for appt. as land officer, 457, 812; duties of, as judge, 812; informs Sec. Treas. *re* land ques., 624; *letter ment.* to Sec. Treas., 753; *letter* to Sec. Treas., 490; memorial of, as univ. regent, 1014-1016; no. of claims confirmed by, 861; recommends Robinson as dist. atty., 867; termin. of office of, 1021 n.; to rept. *re* land claims, 606.
- Lewis, Joshua, and Grymes and Robertson, letter to Sec. Treas., 861-864.
- Lewis, Joshua, and D. A. Hall, letter to Sec. State, 866-867.
- Lewis, Joshua, and T. B. Robertson, letter ment. to Sec. Treas., 919; letters to Sec. Treas., 899-900, 919-921.
- Lewis, Thomas C., appd. judge, 835.
- Lewis, Capt. Meriwether, exped. of, ment., 419, 451.
- Lewis, Micajah G., killed in duel, 298, 393-394.
- Lexington (Ky.), 88, 145, 974.
- Leyes de Castilla*, 35, 38.
- Lezano, Joachim, appd. ct. interp., 663.
- Lieutenant Governor, Sp., juris. of, 36.
- Lightner, Samuel, appd. justice, 796.
- Lilley (Lilly), Thomas, member, W. Fla. Conv., 889, 895.
- Lincoln, Levi, *see* Attorney General.
- Lind, John, *see* Lynd.
- Lindsey, William, appd. judge, 984.
- Liotaud, Louis, s. address, 175.
- Lioteau, —, 400.
- Lislet (de Lisle), L. Moreau, appd.: interpreter, 603, judge, 749, 835, 984; certifies transl., 482, 483, 485, 486, 487; declines appt. as judge, 785; letter to Sec. State, 785; memorial of, as univ. regent, 1014-1016; s. petition, 540.
- Lisley, Thomas, s. address, 972.
- Litiere, Joseph, appd. lt., 826.
- Livandois, J. F., Jr., 257; characterized, 250, 253.
- Livandois (Lavandois, Levandeau, Livandeau), J. F., Sr., 257; characterized, 250, 253, 255, 763; nom. to council, 732, 763.
- Livaudais, Enaul, appd. lt., 699.
- Livaudais, François, Jr., nom. to council, 659, 660.
- Livingston, Edward, 348, 405, 489; accts. of, with TD, unsettled, 262; atty. for Bastrop, 294; atty. for Pedesclaux, 735; censures remission of Garland's forfeiture, 685; characterized, 242; charges of, against Claiborne, 396; claim of, to batture, 736-737, 806, 840, 907; codif. of Orleans laws by, discussed, 379; disapproves of Orleans govt. act, 242; drafts Orleans memorial, 245-246, 261, 263, 266, 310, 314, 512; enmity of, to Claiborne, 288, 348-349, 367, 374, 379, 386, 512, 905, 907; *letters ment.* to: P.M.G., 321, Sec. State, 294, 552; *letter* to Sec. State, 294-295; opinions: *re* form of govt. for La., 247, *re* La. Treaty, 245, *re* Orleans memorial, 305, *re* Claiborne as state govr., 1019; petition of, to Claiborne, discussed, 375-376; presides at Clark dinner, 742; s. petition, 540; s. recommend., 290; speculations of, 362, 512; stockholder in La. Bank, 362; suit of, *v.* Fortier, discussed, 907; to aid in codif. of Orleans laws, 356. *See also* Moorhouse, Lynch, & Livingston.
- Livingston, Edward, and Pitot, letter to Claiborne, 241-242.
- Livingston, Robert R., letters ment. to: Pres., 14, Sec. State, 274; opinion *re* U. S. claim to Perdido R., 15; recommended as Orleans govr., 375 n.; statement of, *re* La. treaty, discussed, 274.
- Loftus Heights (Miss.), customs office at, 45; on mail route, 57; p.m. at, to make temp. mail contracts, 582-583; postal service from, to N. O., 582-583.
- Logan County (Ky.), 88.
- Ligny, Reuben de, appd. justice, 750.
- London (Eng.), 363, 843.
- Longer, Armedé, appd. cornet, 632, 664.
- Lopez (Loper), Manuel, 577.
- Lopey (Lopas), Manuel, member, W. Fla. Conv., 889, 895, 897.
- Lopez y Angulo, Ramon de, removes restrictions on import of slaves, 172.
- Loudon (Va.), 719.
- Louisiana, boundaries, discussed, 59, 67, 85-86, 200, 536, 842; cession of, by Fr. to Sp., ment., 458, 470; geog. of, 67-68; Indians of, 18, 61, 62-66, 86; occup. of, 95, 96, 102-104, 108, 111, 115, 119, 154-155; retrocession of, discussed, 47-48, 160, 358, 509, 557, 562, 582, 792; settlement of, ment., 236; situation in, at time of transf., 371; status of W. Fla. in, 215; under Fr. interregnum, 123-124, 338-339.
- Louisiana, on New Orleans-New York run, 305; sails for New York, 234; Wilkinson to take passage on, 221.
- Louisiana, under Sp., admin. divs. of, 17, 32; admin. of the admiralty, 39; admin. of the revenue, 39; Americans, in, ready to aid occup. of N. O., 117; appellate cts. in, 200-201; appts., discussed, 40; archives of, kept secret, 24; attitude of inhabs. *re* annex. by U. S.,

- 55; bounds. of, discussed, 15, 16-17, 25, 29-31, 54, 68, 74; cession of, to Fr., ment., 43; charac. of govt. of, 24; civil admin. of, 22; Claiborne's rept. *re*, 16-25; Clark's rept. *re*, 28, text, 29-47; code of laws, discussed, 35; commerce of, 7, 24; compensation of officials, 40; corrup. in govt. of, 23, 50, 146-147, 202, 283; cts. of, 20, 35-38; criminal jurisp. in, 21; culture of inhabs. of, 161-162; currency of, 24, 43; customs duties, 41; customs officers, 40; delegate to Cong. proposed from, 87; delivery of, demanded by Laussat, 125; education in, 21-22, 38, 161; expense of admin. of, 23, 42-43, 50; exports of, 44-47; extent of, 8, 17, 48, 67, 73, 74, 76, 85-86; fiscal admin. of, 24; fortif. of, 43; fraud. land grants in, 26; fraud. surveys in, 66; govrs. general, charac. of, 20; govt. of, discussed, 38-39, 60; govt. prop. in, 19; immigration to, 14, 83; imports of, 45; indebtedness of govt., 43-44; land grants, 56; land records of, 613-615; land titles, 34; laws of, discussed, 19, 36-37, 38; lawyers in, 37; list of officers, 39-40; literacy of people of, 22, 38; manufactures, 46-47; maps of: discussed, 16, 29, 68, 72-73, ment., 58, 67, 79-80; medical officers in govt. of, 40; mil. admin. of, 22, 38-39; mil. force in, 55, 392; militia, census of, 18, 33, 67, 174; newspaper article *re*, ment., 74; people of, uninformed *re* pub. affairs, 24; Pintard's rept. *re*, 49-54; postal service to, 57; products of, 7, 45; pub. opinion in, *re* cession, 80; pub. records of, 13, 150, 156, 169, 176, 214; procl. *re* delivery of, to Fr., 126-132; reexportations from, 45; relig. charac. of people of, 52; revenue laws of, to be contd. by U. S., 106, 107; revenue rept. *re*, 50; salaries of officials, 50; sale of offices, in, 42, 236; scarcity of currency in, 43; shipping between, and Havana, 45; size of population of, 13-14, 17, 32, 51; smuggling and bribery in, 43; status, after cession, of crimes committed in, 258, 260; status of police in, 39; status of, under Treaty of 1763, 16; status of W. Fla., 85; sugar culture in, 19; support of pub. officers of, 22; taxation in, 22, 41-42, 50; transf. of, opposed by Laussat, 55; transf. of, to Fr., ment., 80, 85, 135, 136, 145; transf. of, to U. S., 11, 59, 71, 78-79, 80, 91-94, 105, 114, 120, 123, 123-125, 135-136; value of lands in, 79; U. S. exports to, 50.
- Louisiana, under U. S., act *re* occup. and govt. of: ment., 177, repealed, 213, 407, text, 89-90; army deserters in, pardoned, 198-199; bounds. of, 193; Briggs's rept. on, 197; candidates for govr. of, 9; const. status of, 90 n.; customs law for, 189; dissension in, 185; division of, 203; div. of, protested, 246; emigration from, at time of transf., 80; exploration of, 218 n.; exten. of U. S. laws to, 100-101; form of govt. for, 162-163; Fr. inhabs. of, expect statehood, 191; future commerce of, 131; governorship of, 198; guarantees to people of, 90; immigrants needed in, 7; immigration to, 48-49; in Baltimore diocese, 52; mil. establ. in, 51-52; org. of temp. govt. in, 83-84, 91-94, 100-101, 143, 168, 185, 339-340; people of, want ter. govt., 186; polit. intrigues *re* governorship of, 190-191; proposed div. of, 15; pub. opin. in: *re* cession, 180, *re* U. S. govt., 147; revol. propaganda in, 223; rts. of people of, discussed, 228-229; statehood for, 60, 186, 162-163; status of, prior to statehood, discussed, 7; transf. of, celebrated, 357; terr. govt. for, ment., 186. *See also* Orleans Territory.
- Louisiana Bank, 434, 547, 869, 870, amt. of stock subscribed for, 232; charter of, nullified, 226; chartered by Claiborne, 224-225; directors of, 368; efforts to revive, 362; establ. of, 285; import. of, to Orleans, 380; procl. *re* incorp. of, ment., 983; validity of charter of, 361.
- Louisiana Courier, 846.
- Louisiana District, act *re* govt. of, text, 210-213; act *re* land titles in, text, 408-414; appropriations for, 318; commanding officer, appd. by Pres., 211; establ. of cts. in, 210; Indian trade act extended to, 213; land comms. appd. for, 457; land records to be copied for, 496; laws of, subject to Ind. Ter. Govt., 210, 211; org. of militia in, 211.
- Louisiana Gazette, 358.
- Louisiana land dist., abstract of records of, described, 545; abstract of records of, sent to Sec. Treas., 469, 558-559; appt. of officers of, 469; duties of comms. in, 624-625; land records to be copied, 468-469, 495, 496.
- Louisiana Purchase, *see* Cession.
- Louisiana (State), bill for admis. of, passed by Cong., 1019; bounds of, ment., 977; governorship of, 1019.
- Louisiana Territory, 660; acts *re* claims in, discussed, 708-711, 720-721, 722, 725-727, 934-936; fraud. land grants in, 464; land records of, to be transcribed, 429. *See also* Upper Louisiana.
- Louisiana Treaty, 396, 408; before Senate, 108; date of, 5; guarantees of, to Louisianians, discussed, 186; infl. of on Fr.-Amer. relations, 131; interpretation of: by Atty. Gen., 227-229, by Livingston faction, 246, *re* statehood, 247; Louisianians charge violation of, 263, 265; provis. of, discussed,

- 130-131; provis. of, *re* land records, to be enforced, 550; provis. *re* statehood in, 407, 873; ratification of, 91, 96, 109, 114, 115, 116, text, 81-82, recd. in Washington (D. C.), 6; relation of, to occup. of W. Fla., 910; revenue provis. of, discussed, 189 n.; rts. of Sp. under, 354; signing of, celebrated, 240; status of Baton Rouge dist. under, 266; status of La. under, 245; status of W. Fla. under, 884, 966, 990; terms of, discussed, 131; violated by Morales, 580.
- Louisianians, characterized, 7, 8, 21, 38, 86, 114, 264, 314-315, 560-561, 987; literacy of, 60; rts. of, under treaty of cess., 6.
- Louisville (Ky.), 146.
- Love, Joseph, s. memorial, 1009, 1012.
- Lovell (Loviell), James, appd. capt., 640; recommended: as port survr., 517, for council appt., 278, 281, 285.
- Lower Banlieue, N. O., 400.
- Loyd, John, pardoned, 667-668.
- Lozany (Lozano), Joachim (Joachin), appd.: capt., 825, lt., 698.
- Lucas, John B. C., land commr., 457.
- Lüdeling, Henry, s. memorial, 790.
- Lüdeling, John H., appd.: judge, 984, lt., 700.
- Lynch, —, letter ment. to Sec. State, 274. *See also* Moorhouse, Lynch, & Livingston.
- Lynd (Lind), John, 10; appd.: capt., 639, justice, 599, 750, notary, 601, 837; member of ct.-martial, 587; s. recommend. 337.
- Lyon, Matthew, letter to Sec. Treas., 87-88; s. recommend., 145.
- Lyon, —, accompanies Landais, 79.
- Lyon, —, pub. the *Union*, 313.
- Lyon & Webster, Baltimore firm, 267.
- McArthur, James, s. address, 971.
- McArthur, John, s. address, 971.
- Macarty, Augustin, appd.: capt., 633; coroner, 797.
- Macarty, Edward, appd. lt., 635.
- Macarty, Eugène, commissary, N. O. elec., 399.
- Macarty (McCarty), Bartholomew (Barthellemy), appd.: aide-de-camp, 797, capt., 635.
- Macarty (McCarty), Jean (John) Baptiste, 526, 593, 723; appd.: col., 634, justice, 750; candidate, ter. h. of r., 506; characterized, 525; comm. of, as council memb., recd., 604; death of, 824; elect. to be held at house of, 479, 667; nomin. to council, 524, 580; recommended: as brig. gen., 768, as ter. sec., 730, 736; resigns from ter. h. of r., 666; s. manifesto, 650; to make militia return, 593-594.
- Macarty, J. R., appd. lt., 634; commissary, N. O. elect., 400.
- M'Carty, L., *see* Macarty, Eugène.
- McCauley, James, s. memorial, 1009, 1012.
- McClauglin, James, appd. treas., 601.
- McClellan, W., s. memorial, 1009, 1012.
- McColough, David, s. address, 971.
- McCulloch, James H., 265.
- McCutcheon, Samuel, appd. justice, 984.
- McDonald & Ridgely, Baltimore importing firm, 267.
- McDonnold, Bryan, s. memorial, 1009, 1012.
- McDonnold (MDonnold), Thomas, s. memorial, 1009, 1012.
- McDonogh (McDonnaugh, McDonnough), John, Jr., 10; candidate, ter. h. of r., 506; director, La. Bank, 368.
- McDonogh (MDonogh), John Jr., & Co., s. memorial, 158; s. petition, 579; s. recommend., 290, 337.
- McFerland, R., pardoned, 983.
- McGruder, *see* Magruder.
- McIlvaine, John, appd. lt., 700.
- McIntosh, James, appd. clk. of ct., 662.
- McKee, John, agt. to receive W. Fla., 922.
- McKee's Ferry (Pa.), 12.
- McKie, James, s. memorial, 1009, 1012.
- M'Laran, —, 400.
- McLaughlin, James, appd. judge, 662; appd. justice, 599.
- McLawchlin, James, appd. capt., 638.
- McLeland, John, appd. lt., 699.
- McMahon, Friend, s. memorial, 1009, 1012.
- Macmillon, Pierre, appd. lt., 635.
- M Nathan, A., s. address, 972.
- McNeal & Montgomery, s. memorial, 158; s. recommend., 290, 337.
- McNeill (MNeill), Joseph, 10; s. recommend., 337.
- Macon, Nathaniel, s. act, 90, 213, 414.
- McQuien, Donald, s. memorial, 1009, 1012.
- MacRea (McCrae), Maj. William, commands N. O. post, 783, 820.
- M'Shane, A., s. petition, 540.
- McShane, R., s. petition, 692.
- McTire, George, appd. lt., 639.
- McWatters, James, s. memorial, 1010, 1012.
- Madan, P., & Co., s. recommend., 290, 337.
- Madison, James, 512. *See also* Secretary of State, Madison.
- Madison, Mrs. James, 853, 948.
- Madrid (Spain), 53, 69, 320, 343, 363, 365, 419, 436, 533, 671, 637.
- Magruder, Patrick, certifies petition, 808.
- Maguire, George, s. memorial, 1009, 1012.
- Magruder (McGruder), Allan B., appd. land agt., 468-469, 602; characterized, 613, 997; delegate, ter. conv., 997, 1013; dismissal of, as land commr., discussed, 69 n., 680; letter to Sec. State, 1013.

- Magruder, Allan B., and Fromentin, petition Cong., 1006-1007, 1020.
 Mahas Indians, described, 65.
 Mahon, John S., appd. atty., 602.
 Mahon, Samuel S., appd.: capt. 638, judge, 662.
 Mahon, —, member, ter. h. of r., 521, 522.
 Maidesingue, Baptiste, s. address, 175.
 Maillard, Jean L., appd. ensign, 826.
 Maison Rouge (Grand Maison), Marquis de, land claim of, 469, 680, 773, 883.
 Major, Etienne, appd. justice, 599.
 Major, Pierre, s. petition, 327.
 Major, —, s. petition, 327.
 Malop, —, s. petition, 832.
 Malta, 274.
 Manchac (Manshac, Manshack), 103, 277, 281, 994, 1017; p.o. estab. in., 346-347; residents of, recommended for council, 285; under Baton Rouge govt., 32.
 Manchossé, J. P., appd. justice, 599.
 Mandan Indians, described, 65.
 Mandowessie Indians, 65.
 Manufactures, in La. under Sp., rept. re, 46-47.
 Manshac, Capt. —, 961.
 Maps, of Attakapas and Opelousas, 79; of Creek country, 166; of La., 16, 29, 58, 61, 67, 68, 72-73; of Miss. R., sent to Pres., 164; of Natchitoches, 77; of N. O., 61; of Orleans surveys, 950; of Sp. grants, destroyed, 34.
 Marange, *see* Meyange.
 Marigny, Bernard, 257; canal of, 399, 400; mill of, destroyed by fire, 752; recommended for mil. office, 254.
 Marigny, suburb of N. O., 854.
 Marin, Peter, admin., Sp. posts, 486.
 Marlin, Pr., s. petition, 955.
 Marmillon (Marmillion), Antoine, appd.: capt., 825, lt., 634.
 Marmillon, Peter, appd. justice, 750.
 Marshal, U. S. District Court, *see* United States Marshal.
 Martin, Francis Xavier, applies for appt.: as dist. atty. 924, as judge, 867; comm. of, as judge, 880; date of resig. of, as judge, 1021 n.; inadequacy of salary of, 924; letters to Sec. State, 867, 924; memorial of, as univ. regent, 1014-1016; recommended as judge, 810-811.
 Martin, Louis, appd. capt., 633.
 Martinez, Antonio, 484.
 Martinez, M., s. memorial, 158.
 Martinique, slave trade from, 503.
 Martun, James, s. address, 971.
 Marty, —, appd. ensign, 634.
 Maryland, 718; former residents of, in Orleans, 286, 835, 836, 838.
 Massac, troops at, to occupy N. O., 71.
 Massachusetts, natives of: in Orleans, 835, 837, in Miss. Ter. and W. Fla., 926.
 Massicot, Charles, appd. capt., 635.
 Massicot, Augustin, appd.: capt., 826, lt., 635.
 Master of the port, N. O., to recommend master pilots, 443.
 Matata, Celestin, s. address, 175.
 Materis, to furnish militia, 584.
 Mather, George, 10; elected clk., W. Fla. Conv., 889; s. address, 972.
 Mather, George, Jr., appd. clk. of ct., 985; s. address, 972.
 Mather, James, Jr., appd. clk. of ct., 598.
 Mather (Mathers), James, Sr., 10, 257, 317, 562, 723; *appd.*: council member, 347, 349, 358, 426, 659, 660, dep. reg., 676, judge, 598, mayor, N. O., 723-724, 751, 797, 836, 986; approves resol., N. O. council, 845; characterized, 251, 724; charges against, 803; disperses mob, 744; forwards letters to Claiborne, 950; *letters ment. to* Claiborne, 817, 850; *letters to* Claiborne, 562 (E), 817-819, 946-947, 949-950; memorial of, as univ. regent, 1014-1016; mortality repts. of, 946-947, 949-950; opposed by Clark, 803; receives rent of pub. bldgs., 847; recommended for council appt., 277, 281, 285; recommends Fed. aid for charity hosp., 949; repts. plot against U. S., 817-819; resigns from council, 732, 763; s. recommend., 925.
 Mathews (Matthews), George, Jr., appd.: agt. to receive W. Fla., 922, judge, 626; comm. of, as judge, 573-574; death of, reptd., 952, 953; letter to Sec. State, 626; memorial of, as univ. regent, 1014-1016; resig. of, as judge, ment., 1021 n.; wishes judgeship in Miss., 704.
 Matsido, Francis, pardoned, 796.
 Mayenge, —, Jr., resists sheriff, 393, 394.
 Mayeux, —, s. petition, 326.
 Mayors, appt. of, 603, 751, 797, 986; as elect. official, 479.
 Mazuzeau, —, s. petition, 540.
 Mead, Charles, s. memorial, 1011.
 Mead, Cowles, concerts defense measures with Claiborne, 692, 696-697.
 Mediterranean, passports to, 134.
 Medsinger, —, in slave plot, 575-576.
 Meeker, Williamson, & Patton, s. memorial, 158; s. recommend., 290, 337.
 Mejire, A. D., appd. treas., 601, 663.
 Mellikin, John, appd. justice, 985.
 Merange, *see* Meyange.
 Mercier, Jean, appd.: capt., 633, maj., 698.
 Mercier, John, s. memorial, 791.
 Meriam, Nathan, appd. judge, 749, 835, 984.
 Merieult (Meriult, Merriult), Jean François, 11; appd. justice, 599; director, La. Bank, 368; recommended for council appt., 318; s. memorial, 158; s. petition, 296; s. recommend., 290; slave dealer, 172; wishes passport to Fr., 1014.

- Meriure (Merieux), Jean, 257: characterized, 249, 251.
- Merion, Nathan, appd. sheriff, 600, 663.
- Merriult, *see* Merieult, Jean F.
- Meriwether, Nicholas, appd. capt., 638.
- Merme, S., s. memorial, 158.
- Métairie (Maiterie, Lameterie), 399.
- Méullion, Edward, appd. treas., 601.
- Mevell, John, s. petition, 832.
- Mexican Association, 731.
- Mexico, 18, 73; bound., 30, 420; contraband trade routes to, 46; decree *re* freeing of slaves in, ment., 271 n.; offers refuge to slaves, 273; proposed invasion of, ment., 731; rels. of, with La., 239; revol. plot against, suspected, 851; roads to, from Natchitoches, unsafe, 976; silver mines of, supply La. deficit, 50; Sp. mercantilism in, 47; Sp. troops to be sent to, 436; troops from, reported on U. S. frontier, 505; vulnerability of, 313.
- Mexico City, 808.
- Meyange (Marange, Merange), —, 257; characterized, 249, 251.
- Miami Indians, on St. Francis R., 64.
- Michel, Joseph, appd. lt., 636.
- Michel, —, s. petition, 955.
- Michillimackinac, 65, 66.
- Middleton, William C., appd. lt., 638.
- Militia, 594, 595; acts *re*; discussed, 740–741, ment., 89, 584, 585, 585–586, 586, 739; apathy of, 793; appts. in, 632–640, 664, 698–700, 718, 797–798, 825–826, 838; appts. in, refused, 640; at Ft. Adams, delayed in leaving for N. O., 150; attendance of, unenforceable, 784; bill for land donations to, discussed, 704–705; called out in slave insurrec., 916, 917, 929; charac. of vol. cavalry in, 855; Claiborne presents standards to, 240; Clark's statement *re*, 738; commissions issued in, 752; cts.-martial in, 587, 588, 589–590; disciplinary measures taken *re*, 153; districts, defined, 584; div. of regts. of, 585; expenses incurred acct. of, 929; fines for absences from, recommended, 856; Fr. citizens called for service with, 610; from Natchez, to be discharged, 155; general officers of, appd. by Pres., 205–206; general orders to, 583–598, 713–718, 759, 793–795, 813–817, 846; general review of, ment., 596; hindrances to effectiveness of, 854; inadequacy of, 503; incr. in no. of regts. of, recommended, 857; in exped. force, discharged, 152, 159; lack of arms for, 857; lack of discipline in, explained, 855; Miss. Terr.: called out, 682, not needed in N. O., 113, to be mustered, 697; Natchitoches, refuse to serve, 977; Negro, standard to be presented to, 240; Negro appts. in, not renewed, 631–632; Negroes offer services in, 174; not to cross Sabine R., 757, 759; no. of men available for, uncertain, 34; no. of officer appts. in, 640, 700; officers of, attend funeral, 311; officers of, discussed, 768; orders for maneuvers of, 588; org. by Laussat, 124; *organization of*: by Claiborne, 340, 583–598, discussed, 381, 703, 704, 738–739, 853, duty of govr., 704, in Attakapas and Opelousas, 560, in La. Dist, 211, in N. O., 932, in W. Fla., 905, 907; Orleans and Miss., to be prepared for service, 627–628; *Orleans Chasseurs*, conduct of, disapproved, 595; *Orleans Fusileers*: org. by Claiborne, 432, withdrawals from, 593; *Orleans Volunteer Cavalry*: abolition of, 854, conduct of, commended, 592, enrolled in regular militia, 886, ordered out, 590, 594; *Orleans Volunteers*: 345, attached to first regt., 584, commended by Claiborne, 595, dependability of, 740, in regular militia, 886, meeting of officers of, 591, order for assembly of, 595–596, order for parade of, 593, 594, reguls. *re* enlistment in, 713, strength of, 886, unauth. meeting of, 588–589, withdrawn from first regt., 592; parade of, in N. O., 266; patrols N. O., 596, 597–598; patrols Red R., 272; pay of, 98, 165, 169; prepared for slave uprising, 298; proclamation *re*, 585–586; proposed laws *re*, 379; regular musters of, recommended, 856; rept. *re* org. of, 854–858; rept. *re*, sent to Jefferson, 866; resigs. from, 640; return of, 712, 885, 886–887; return of, submitted to Pres., 923; sending of, to Natchitoches, discussed, 618; state of, criticized by Robertson, 982; strength of, 559; support of, promised by ter. h. of r., 621–622; Tenn., support of, in N. O., 164; Tenn. Volunteers, corresp. *re*, ment., 153; ter. laws *re*, discussed, 432 n.; to aid in occup. of N. O., 96, 103, 136; to aid regular troops against Sp., 696; to be coordinated with regular troops, 684; to be inspected, 675; to be org. by Claiborne, 550; to be org. for immediate service, 813–815; to be prepared for Indian hostilities, 755, 757; to be used against filibusters, 333; to enforce Embargo Act, 829, 830; to suppress insubord., 829; under ter. govr., 203; uniforms of, prescribed, 584–585; Volunteer Blues, extinct, 700, officer appts. in, 640.
- Militia, under Spain, 18, 117, 425; census of, 33.
- Millene, Louis, appd. justice, 599.
- Miller, Joseph, 346.
- Miller, William, appd. judge, 598.
- Milleur, Urbin, appd. lt., 634.
- Milliken, John, 705–706.

- Mills, John, member, W. Fla. Conv., 889, 895.
- Milne, Alexander, s. memorial, 158, 579; s. recommend., 337.
- Milton, Maj. Homer Virgil, commands comp. in slave insurrec., 916-917, 918; to establ. post, 907.
- Minguenaut, —, in riot, 181.
- Minister of Marine, Sp., duties, 40.
- Minor, John, appd.: justice, 599, 750, maj., 664, parish treas., 601, 663.
- Minor, Stephen, Claiborne warned against, 102; suspected by Claiborne, 108; with Sp. bound. comm., 484.
- Mintzinger, Henry, 486.
- Mir, Benjamin, appd. lt., 636.
- Misotiere, Pierre, appd. lt., 634.
- Mississippi Customs District, admin. practises of, to be followed in N. O., 107; dep. to take charge of, 106; imports from N. O., dutiable, 107; returns of, delayed, 134.
- Mississippi River, 12, 14, 15, 17, 33, 53, 59, 62, 64, 65, 73, 79, 134, 137, 195, 240, 244, 319, 433, 534, 562, 675, 863, 899, 952, 994; back concessions on, discussed, 709; bar at mouth of, described, 54; barred to Sp. slave trade, 354; *bounds*: Concordia Parish, 423, land dists., 427, N. O., 399, 400, Orleans Ter., 203, Sp. claims, 30, W. Fla., 56, 85, 193; Carondelet Canal to be continued to, 785; channel of, endangered, 807; country w. of: described, 561, mapped by Sibley, 16, to be surveyed, 451; course of, described, 17, 72, 74; delta of, as site for town, 53; Eng. traders on, 65; floods of, 995; forts on, 19, 59, 782; Fr. privateers expected in, 881; Fr. transport arrives in, 177; haven for Sp. contraband traders, 47; illegal surveys w. of, 26, 27, 56, 66; import. of, to U. S. commerce, 131; Indians on, 18, 62-63, 64, 66, 77; Indians trade on, 65; Indians w. of: ment., 62, 384, threaten hostilities, 754, 755; intro. of slaves into, illegal, 369, 733; land between, and Ouachita R., described, 995; land claims on, 921; land grants on, 34; landholders w. of, to be protected, 451; land offices to be opened w. of, 931; lands on, described, 161, 747, 772; land specul. e. of, 151; law for removal of Indians w. of, 212-213; levees of, 266, 789; lower part of, div. of La., 32; lowness of waters of, 519; map of, sent to Pres., 164; mil. situ. w. of, 739, 741; mouths of, 17, 31, 54; no barrier to settlement, 49; parishes on, to be in e. land dist., 429; permits for settlement on, requested, 792; posts on, to be abandoned, 154; prizes brought into, 260; regul. of shipping on, 193-194; relation of bature to, 843-844; settlements on, to be visited by Claiborne, 445; size of plantations on, 994; Sp. pilotage charges on, 42; Sp. posts on, support of, 50; sugar culture on, 35, 854; survey of, 461; survey of lands on, 460-461, 747, 748, 973, 995; surveys to be connected with, 461, 994; tracts flooded by, to remain unsold, 747; types of vessels on, 24; U. S. control of, assured by cession, 72; U. S. exports transported down, 45; value of lands on, near N. O., 79.
- Mississippi Territory, 7, 25, 26, 146, 163, 217, 310, 333; act. govr. of, to communicate with Watkins, 697; annex. of W. Fla. to: discussed, 927, 967, opposed, 990-992, 969, urged, 974; Briggs to rept. *re*, 197; citizens of, in land frauds, 27, 66; Claiborne's admin. in, ment., 670; climate, 135; cotton produc. in, 45, 135; delivery of, to U. S., ment., 103; dep. survrs. in, 973-974; emig. from, to Orleans, 952; filing of land claims in, 960; former residents of, in Orleans Ter., 284; govt. of, similar to Orleans, 405, 406, 754; govr. of, demands custody of Bradford, 983; Kempers captured in, 505; land commrs. in, ment., 60; land frauds in, 26; legis. of, adjourns during occup. of W. Fla., 910; *militia of*: not needed in N. O., 113, to aid in occup. of N. O., 71, 92, 93, 97, 136, to be mustered, 697, to be prepared for service, 627-628; no. of lawyers in, 21; people of, uninformed *re* La. affairs, 24; politics in, 286, 809; postal service from, to Atlantic States, 321; powers of land commrs. of, 460; progress of land commrs. in, 190; proposed enlargement of, 15; pub. land sales in, discussed, 939; pub. opinion in: *re* occup. of W. Fla., 906, *re* Sp. opposition to transfer of La., 135, *re* U. S. govt., 136; rept. *re* removal of capital of, to Pearl R., 974; rts. of, *re* slave trade, demanded by Orleans, 548; salary of govr. of, 220; sec. of, ment., 164; self-sufficiency of, 992; Sibley in, 424; Sp. land claims in, ment., 718; surveys in, 682, 996; troops from, ment., 103; vacancy in sup. ct. of, 704.
- Mississippi valley, commerce of, 7.
- Missonet, —, letter ment. to Claiborne, 850-851.
- Missouri Fur Co., 29.
- Missouri River, 74; Fr. fort on, 31; geogr. knowledge of, 65, 68; Indians on, 64, 65, 66, 86; Lewis exped. up, 451; map of, ment., 29; mil. post on, recommended, 66.
- Mobile, 109, 115, 151, 163, 616, 908, 926, 1019; act for customs dist. at, ment., 436; census of, ment., 51; commerce of, with N. O., 617; dist. of Sp. La., 32; embargo on U. S. exports to, urged, 617; estab. of, as

- customs dist., opposed by Sp., 291; estab. of port of entry at, ment., 965; fortif. of, repaired, 612, 616; in Sp. militia dist., 33; map of region of, ment., 29; on Baton Rouge-Ft. Stoddert post route, 975; possibility of smuggling from, into La., 194; postal service via, undependable, 548; proposed attack on, 890-891; removal of Sp. from, 927; retained by Sp., 904, 906; seizure of Amer. vessel at, 505; slaves brought in via, 424-425; Sp. exact duties at, 505, 542, 605-606; Sp. post, support of, discussed, 50; Sp. road from, to Baton Rouge, 417; Sp. stop U. S. mails via, 611; strength of Sp. force at, 425, 436, 542; strength of Sp. fort at, 543; U. S. troops from, expected in N. O., 159, 169; W. Fla. troops ordered to, 912.
- Mobile District (Sp.), land sales in, 491-493.
- Mobile River, 59, 67, 151; Amer. trade on, 561; bounds W. Fla., 56; Choctaw on, 758; estab. of U. S. custom-house on, opposed by Someruelos, 267; in Claiborne's juris., 945; Indian route from, to Chattahoochee R., ment., 166; on Washington-N. O. post route, 439; Sp. restrictions on navig. of, 267, 354, 616-617, 628, 945.
- Molere, Joseph, appd. capt., 636.
- Molier (Molliere), Henry, appd.: auctioneer, 601, 663, 751, capt., 633, coroner, 602; letter to Claiborne, 574.
- Molliere, Henry, & Co., s. memorial, 158; s. recommend. 290.
- Molliere, —, declines appt. as consul, 105.
- Molina, Anthony, 485.
- Molliere, Louis, appd. lt., 636.
- Mombrun, Zenon, appd. ensign, 698.
- Monongahela River, 12.
- Monroe, James, failure of mission of, 533; letters ment. to Pres., 14, 270; mission of, 11; negotiations of, *re* W. Fla., 26, 67, 363; news from, ment., 474; opinion *re* U. S. claim to Perdido R., 15; possible appt. of, as govr., Orleans, 265, 307; U. S. minister to Spain, 69. *See also* Secretary of State, Monroe.
- Monroe, Mrs. James, 1001.
- Montague, Dr. —, 258; characterized, 225.
- Montegut, D., Sr., memorial of, as univ. regent, 1014-1016.
- Montegut, Joseph, Jr., appd. reg., 987.
- Montegut, Joseph, Sr., appd. to board, Charity Hosp., 983.
- Montegut, Jh., s. petition, 955.
- Montgomery, William, appd. lt. and adj., 637. *See also* McNeal & Montgomery.
- Monticello (Va.), 4, 5, 146, 416, 431, 679.
- Montpelier (France), 804.
- Moore, Samuel, appd. translator, 797.
- Moore, —, to rept. survey, 748.
- Moorhouse (Morehouse), Lynch, & Livingston, acquire Bastrop's claim, 680.
- Morales, Antonio (Anthony), appd. commr. for collection of royal acct., 565; leaves Orleans, 577; treas. Sp. customs, 485.
- Morales, Juan Ventura, 5, 152; applicant for consulship, 80, 201; attitude of, *re* Amer. trade on Mobile R., 561; characterized, 117, 489; charges of, against Villamil, 396, 404-405; daughter of, 201; decree of, ment., 615; denies commandants auth. to grant lands, 56; departure of, from Orleans, 576-577, 577-578; enmity of, to Casa Calvo, 376; implic. in Negro plot, 576; intimate of Burr, 489; land claims of, opposed by people of Baton Rouge, 904; land records held by, 156, 517, 546, 547, 559, 614, 615; land sales by, 67, 333, 405, 489, 492, 509, 898, 967; *letters ment. to*: Claiborne, 565, Graham, 552; *letters to*: Casa Calvo and Salcedo, 546 (E), 614, Claiborne, 490-493, 564-566, 576-577, 577-578; opposition of, to Claiborne, 405; ordinance of, *re* land claims, discussed, 773; passport issued to, 577, 664-665; paymaster general, Sp. army, 485; powers of, *re* land titles, 614; protests removal order, 565; rels. of, with Clark, 80, 320; requests passports, 577; resp. for Fla. land specul., 201; restriction of, on U. S. commerce at Mobile, ment., 605-606; status of, after transf. of La., 491-492; to be ordered from Orleans, 201, 561; to settle in La., 391-392; to take no measures *re* lands w. of Perdido, 492-493; wealth of, 80, 201.
- Moralle, —, 575.
- Moran, Docqmenil, appd. ensign, 826.
- Morant, Charles, remains in La., 486.
- Moreau, —, appd. justice, 599; charge of, to jury, criticized, 753.
- Moreno, Fernando, surgeon, 485.
- Morgan, Benjamin, 257, 258; appt. of, as naval officer for N. O., ment., 193; appt. of, to council, discussed, 283, 291; characterized, 251, 256; declines appt. as ter. sec., 762, 764; desires office, 8; elec. to ter. h. of r., 574; *letters ment. to* P. M. G., 320, 475; *letters to*: Pres., 762, 810, Price, 6-8, 8-9; member, legis. council, 317, 334, 344, 346, 347, 426; memorial of, discussed, 1013; not in Fla. land spec., 285; not interested in collectorship, 858; opinions of: *re* commerce of Miss. valley, 7, *re* La. appts., 7, 8, 9, *re* La. cess., 6-7, 8, *re* slave trade, 285; recommended as bank director, 10; recommended for council appt., 277, 281, 284; recommends Grymes as

- reg., 810; refuses appt. as naval officer, 218, 267; s. recommend., 290, 337, 925; vote of, in const. conv., 957. *See also* Pollock & Morgan.
- Morgan, Charles, appd. sheriff, 600; appt. of, as parish survr., ment., 776; letter ment. to Symmes, 762; letter to Sec. War, 762-763; to hold Pointe Coupee prop. for WD, 775, 776.
- Morgan, David B., appd.: capt., 638, justice, 600, 750.
- Morgan, George W., 10; appd.: parish treas., 601, 663; ter. treas., 797; characterized, 925; clk. N. O. elect., 399; depos. by, *re* N. O. riot, 180-182; s. recommend., 290, 925.
- Morgan, John, member, W. Fla. Conv., 895.
- Morgan, William, member. W. Fla. Conv., 889.
- Morhouse, —, elected to ter. h. of r., 511.
- Morin, Amand, appd. auctioneer, 986.
- Moro, Francisco Gonzalez, 577.
- Morro Castle (Havana), 907.
- Morrow, Jeremiah, 1006.
- Mosoveto*, slave ship, 888.
- Mowry, John, appd. lt., 798.
- Muhlenberg (Mughlenburgh), Capt. Henry M., addicted to drink, 151; trial of, ment., 160; under arrest, 153.
- Mulhelen, William, s. memorial, 1010, 1011.
- Mulholland, Charles, appd. capt., 638.
- Mumford, *see* Gelston & Mumford.
- Murray (Murry), Lt. William A., 433.
- Nacogdoches (Nacokdoches, Natchidoches), 73, 271, 336, 534; Americans, evicted from, 272; commandant of, proposes passport sys., 239; location, 68; on contraband-trade route to Mexico, 46; peaceful intercourse of, with Bayou Pierre, permitted, 535; population of, 73; slaves escape to, 323, 329, 331, 388, 430-431, 432-433, 683; Sp. dist., 77; threatened by outlaws, 943-944.
- Nadaco, Indian tribe, 30.
- Nancarrow, John, appd. sheriff, 663; letter to Pike, 1001.
- Napoleon, 129, 536; adherents of, in La., 223, 305; appeal to, proposed, 263, 315; expected to urge sale of Floridas, 676; policy *re* La. treaty, 131; ratific. of La. treaty by, 82.
- Nashville (Tenn.), 5, 88, 241, 974; postal service from, to Ft. Massac, 165; Tenn. troops delayed at, 155.
- Natchez (Miss.), 6, 9, 17, 26, 27, 76, 77, 83, 88, 97, 100, 101, 103, 111, 121, 154, 164, 190, 191, 219, 255, 335, 442, 443, 447, 497, 670, 675, 739, 758, 760, 763, 799, 890, 904; Amer. occup. of, 19, 108; former residents of, in La., 286; inhabs. of, in La. land frauds, 26; militia from, to aid in occup. of N. O., 93, 97, 98, 136; militia from, to be discharged, 155; Negro insurgents to be sent to, 501; N. O. garrison to be removed to, 839; port facilities of, 74-75; post route from, to N. O., 278-279, 463; *postal service from, to*: Baton Rouge, 957, Natchitoches, 292, 778, New Orleans, 57, 110, 163, 391, 691, Washington (D. C.), 57, 95, W. Fla., 418-419; road from, to Natchitoches, proposed, 72; status of, under customs act, 192; to be connected with Wash.-N. O. road, 132; transp. of troops from to N. O., 155; W. Fla. indep. of, 974.
- Natchez District, 85; litigation in, 21; Sp. survey warrants for, abstracted, 389.
- Natchidoches, *see* Nacogdoches.
- Natchitoches, 16, 58, 217, 224, 277, 281, 285, 319, 336, 343, 368, 389, 438, 534, 535, 581, 618, 687, 756, 988, 999, 1001; ancient Fr. settlements near, 458-459, 470; census of Sp. militia in, 33; Choctaw near, 63; commercial advantages of, 74-75; dangerous slaves in, to be confined, 388; date of founding, 75, 878; deliv. of, to U. S., 83, 149, 152, 155, 167, 239; described, 563; district of Sp. La., 32; elect. of ter. rep. from, 796; escaped slaves returned to, 335, 432-433; estab. of factory at, discussed, 450; estab. of mil. post at, recommended, 154, 1004; evac. of Sp. post near, 458; Indian conf. to be held near, 319, 352, 755; Indian hostilities near, 745; Indian trade goods sent to, 514; *inhabs. of*: alarmed at Sp. decree, 273, ask police of slaves, 274, blamed for slave unrest, 331, fail to reg. land titles, 582; loc. of, 17, 25, 30, 68, 77; memorial of merchants of: discussed, 975-976, text, 976-978; meridian of, bounds surveys, 461; mil. post at, ment., 800; militia of: refuse to serve, 977, to be prepared for Indian hostilities, 757, 759; Miss. militia to aid in defense of, 697; on trade route to Mexico, 46, 72; Orleans memorial circulated in, 310; petition from, *re* fug. slaves: ment., 271, text, 273-274; post road to, requested, 546; postal service, 292, 778, 828, 869, 883; prison of, inadequate, 977; products of, 75; pub. property at, described, 78; Reibelt appd. factor at, 657; reinforcement of, by militia, 618; revol. movements in, 961; roads from, 72, 581, 754, 976; slaves escape from, to Nacogdoches, 323; slaves in, insubord., 328-329; society in, 687; Sp. garrison to be estab. near, 696; Sp. near, reptd. hostile, 616; Sp. propaganda in, 272; Sp. traders attacked near, 943; Sp. troops near, 272, 618, 681; survey of private claims near, 995; surveys to end at, 773; to be org. as a parish, 434; Turner to

- command at, 151; visit of Caddo to, 287; visit of Claiborne to, 686, 697, 703, 704.
- Natchitoches Indians, land donations to, recommended, 879; survey of lands of, 878-879.
- Natchitoches Parish (County), 602, 799; *appts. in:* attys., 662, auctioneers, 663, clk. of ct., 598, judges, 598, 662, 749, 835, 984, justices, 600, 751, 796, sheriffs, 600, 663, treasurers, 601, 663; census, 702, 923; forms elec. dist., 480; in third militia dist., 586, 854.
- National Intelligencer*, 811; pub. news of La. cess., 3, 6, 145; repts. W. Fla. incl. in cession, 59; requested by Claiborne, 842.
- Naval officer, N. O., appt. of, 193, 196-197; Brown recommended as, 145; to correct abuses in customs service, 195; persons recommended as, 9.
- Neelson, James, s. address, 972.
- Negroes, address of, to Claiborne, 174-175; as chattels, 188, 396; associate with N. O. guard, 510; brought in by refugees, 842, 843; free, no. of, 561, 923; free, status of, 7; import. of, 234; in militia, resent loss of arms, 559; in Sp. militia, 18, 33; insurrec. plot of, 499-500, 500-504, 575-576; loyalty of, to U. S., 160, 561; militia org. of: ment., 381, 556, 717, 738; not recog. by ter. legis., 561; mortality of, from yellow fever, 946-947, 949; N. O., characterized, 7; not inclu. in La. census, 51; no. of, compared with whites, 83; relations of, to whites, 160; uprising of, feared, 59, 121, 139; volunteer for militia service, 174.
- Neilson, John, s. address, 972.
- Nelson, James, letter ment. to P.M.G., 1017.
- Nelson, John, s. memorial, 1010, 1011.
- Nemino, Matthew, letter ment. to P.M.G., 903.
- Nemino, Martin, letter ment. to P.M.G., 928.
- Neutrality, questions arising *re*, 881 n.
- Neville, James, appd. lt., 639.
- New Albion, bounds. of, 30.
- Newbern (N. C.), 811.
- New Bourbon, under a commandant, 32.
- New-England Palladium*, 4 n.
- New Feliciana, reps. of, in W. Fla. Conv., 889, 895.
- New Jersey, 928.
- New London (Conn.), Pres. visit to, 488.
- New Madrid, 12; dist. of Sp. La., 17; occup. of, by U. S., 96; vagabond Indians settle near, 64.
- Newman, Lt. Francis, corres. of, *re* revol. plot, discussed, 851, 852.
- New Mexico, location of, 73.
- New Orleans, 3, 5, 18, 19, 29, 32, 49, 56, 62, 72, 74, 88, 105, 109, 116, 138, 190, 202, 226, 236, 245, 248, 332, 334, 336, 365, 391, 397, 421, 425, 453, 495, 497, 513, 561, 563, 575, 624, 728, 805, 904, 905, 988; accommodations for U. S. commrs. in, 109; accommodations for U. S. troops in, 122; act for incorp. of, ment., 395, 398; agitated by batture controversy, 765; Amer.-Fr. rels. in, 178; Americans in, characterized, 222; Americans in, oppose demands of memorialists, 265; anti-admin. faction in, 740; *appts. in:* auctioneers, 601, 663, 751, 825, 837, 986, coroners, 602, harbor masters, 602, 836, interpreters, 603, judges, 749, keeper of mortgages, 603, 752, keeper of records, 603, 663, mayor, 603, 751, 797, 836, 986, notaries, 601, 825, 837, pilots, 797, 825, 986, port physician, 601, 836, port wardens, 602, 752, 797, 825, 836, p.m., 267, recorder, 601, 663, 751, 797, 836, 986, register of wills, 603, sheriff, 286, treasurers, 601; arrival of Fr. refugee in, 841-842, 847-848, 850; arrival of Wilkinson in, 688; as site for customhouse, 53; auth. of magistrates of, 344; banking facilities in, needed, 362, 380; barracks in, described, 35; Bishopric of, 52; boatmen and seamen in, to aid occup., 71; bounds. of elec. wards of, 399; bldg. in, requested for school purposes, 543-544; Carondelet Canal to pass through, 785; cession, celebrated, 357; citizens of, recommended for council, 277, 278, 284; *city council:* appts. to, 339, assesses U. S. for improvements, 607, 658-659, 847, commends conduct of U. S. troops, 844-845, decrees of, sent to Claiborne, 482, described, 510, distrusts U. S. govt., 510, donation of, to U. of Orleans, 1015, elec. of, announced, 398-404, opposes use of Eng. language, 185, ordin. of, *re* city guard, discussed, 510, org. by Laussat, 339, ques. of grant of commons before, 742, resols. of, 360-361, 482, 483, 844-845; claim of, to batture, 736-737; claim of, to city commons, 359, 732 n., 921; *commerce:* discussed, 161, 267, 268, 744, injured by poor mail service, 691, with Mobile and Pensacola, 617; commons, ment. 35; compared with N. Y. and Philad., 161; const. conv. to be held in, 948, 983; contraband trade into, 80; crown land near, 8; Cuban desperadoes in, 881; customs collected at, to pay for La., 48; customhouse in, 35, 471; defense of, 194, 554-555, 764; deputy survrs. to reside at, 631; destruct. of, by fire, 236; disorderly elements in, 52; disputes between citizens and troops in, 541; dist. ct. to be held in, 208; dist. of Sp. La., 32; disturbances in, created by Fr., 170; disturbing publications in, 831; div. of, into wards, 399-400; duties levied at, 22, 41; e. land office in, 427, 469; educ. in, 22, 487-488; estab. of Amer.

govt. in, 84; estab. of bank in, 225-226; estab. of U. S. customs in, 106, 134; evac. of, by Sp., delayed, 214; exports of, 24, 47, 75; exports to, 50; express mail service to, 135, 715; fire in, 888; foreign popl. of, hinders militia org., 855; formation of militia corps in, 932; fortif. of, 19, 34-35, 35, 117, 150, 154, 627; Fr. popl. of, charac., 120; Fr. privateer arrives in, 233; govt. prop. in, 53, 19, 34-35; grave robbing in, 394; health conditions in, 118, 152, 159, 170, 230, 241, 457, 483, 505, 681, 747, 807, 860, 864, 944, 956; hospitals in, 35, 100, 196 n., 472, 719, 787, 949-950; housing situation in, 115; imports from Miss. Dist., dutiable, 107; improv. of, 359, 404, 482, 483; in first militia dist., 584, 586; in Fr. interregnum, 123-125, 184; introd. of Amer. jurisprudence in, 52; land records in: ment., 496, 773, to be secured to U. S., 550, to be transcribed, 429; land speculators in, 285; lawyers in, characterized, 754; list of residents of, 10; living costs in, 191, 247, 365, 369, 538, 539, 747, 924; Lafayette's grants near, 452, 453, 566; magistrates of, 37; mfg. in, 46-47; map of, discussed, 61; mayor, dismissed by Claiborne, 731; mayor of, ment., 889; meeting in, *re* Orleans govt. act, 265; merchants of, desire Amer. commercial sys., 147; merchants of, recommend Porter as port survr., 337; militia in, under Sp., 33; militia to patrol, 596-597; Miss. militia to aid in defense of, 697; mortality in, 309, 675, 946-947, 949-950; municip. elections, procl. *re*, 398-401; municip. guard of, 510; Natchitoches-Natchez mail routed through, 778; *natives of*: aid Cuban refugees, 843, favor U. S. occupation, 117-118, hope for return of La. to Fr., 160, to be org. by Clark, 93; Negro militia in, 174, 717; Negro population of, 503; newspapers of, 390; no. of Cuban refugees in, 843; no. of free Negroes in, 7; no. of U. S. troops in, 833; occup. of, by U. S., 11, 59, 71, 87-88, 91-94, 95-98, 110-114, 135-136, 138-139, 150, 197; passage of Folch through, approved, 364; *petitions and memorials*: from chamber of com. *re* mail service, 690-692, from lawyers, 537-539, from merchants, 1013, from merchants text, 157-159, from merchants and citizens, 578-579, from physicians and surgeons, 954-956, *re* land grants, 1020, *re* pub. lands in, 544-545; plantations near, 33; plot to destroy, reptd., 138; policing of, by Sp., 52; policy of Sp. authorities in, *re* transf., 121; polit. infl. of, in Ter., 497; politics in, 358; population of, 14, 51; port of entry, 193, 194; *post roads* from: to Athens (Ga.), 771, to Balize, 868, to Fort Stoddert, 452, 474, 611, 771, to Natchez, 278-279, to Tenn.,

proposed, 133, to Washington (D. C.), 132-133, 349, 863, 417, 418-419, 420, 437, 439, 444-445, 771, 827, 860, 868; postal service, 338, 557, 768, 1003, 1013-1014; *postal service from*: to Balize, 724, to Bayou Sara, 869, to Baton Rouge, 957, to Coweta, 474, 475, to Ft. Adams, 219, 494, to Ft. Massac, 165, to Ft. Stoddert, 724, to Lafourche, 952, to Loftus Hts., 582-583, to Nashville, 165, to Natchez, 57, 110, 168, 391, to Natchitoches, 292, to Philadelphia, 475, to Tenn., 321, to Washington (D. C.), 57-58, 321, 364, 474-475, 671, 690, 705-706, 810; postal service under Sp., 691; predicted growth of, 360; printers in, characterized, 754; privateers suspected of fitting out in, 880; proportion of Amer. and Fr. in, 264; proposed visit of Indian chiefs to, 449; pub. lands near, 240; pub. opinion in: *re* Fr. govt., 124, 125, *re* statehood, 841, *re* U. S. govt., 159; recommendations *re* introd. of Amer. govt. in, 52; relation of, to W. Fla., 974; *rept. re* embargo in, 1019; *rept. re* plot in, against U. S., 817-819, 819-820; *rept. re* revol. movement in, 851-852; residents of, characterized, 248-258; revenue law for, discussed, 189; riotous conduct of municipal guard, 482; road from, to Mexico, 72; road from, to Plaquemines, 621; Roman Catholic Ch. in, 22, 52, 686, 688; sites of forts in, requested for, 1020; slave revolt feared in, 298, 575-576; slaves of refugees brought to, 882; smuggling into, 23, 53; society in, 51-52, 229-230, 388, 370; Sp. faction in, 557-558; Sp. land office in, 27, 56; Sp. mil. strength in, 118; Sp. troops remain in, 221; state of, after transf., 154; state of pub. bldgs. in, 169; status of, under customs act, 192-193; stockade around, destroyed by inhabs., 160; street lighting, 50; strength of Amer. party in, 118; strength of garrison at, 783-784; subversive elements in, 314; surveyor's office may be removed from, 747, 748; taxes in, 50, 106; temp. ct. estabd. in, 163-164, 188; ter. legis. to be convened in, 406; ter. requests loan of, 388; trade routes from, 45; troops in, 221, 291, 505, 627, 800, 820; troops to be removed from, 838-839; U. S. consul at, ment., 18; U. S. laws to be pubd. in, 811; U. S. prop. in, discussed, 444; Ursuline Nuns of, 231; value of lands near, 79; visit of Folch to, 784; voting places in, 566-667; weakness of U. S. mil. force at, 509, white popul. of, 503; Wilkinson expected in, 115; yellow fever in, 280, 286, 294, 298, 310, 311, 313, 319, 344, 362, 370, 675, 946-947, 949-950. *See also* Orleans, Island of.

New Orleans Insurance Co., 869.

- New Orleans Parish (County), *appls. in:* clk. of ct., 749, judges, 749, 835, 984, justices, 750, 984, register, 987, treasurer, 752.
- Newport (Tenn.), 133.
- New Providence (Bahamas), import. of slaves from, 733.
- Newspapers, attacks of, on Claiborne, 396; attacks of, on Claiborne and Sibley, 433-434; calumnies pubd. in, 311; carriage of, delays mails, 321; criticized, 313, 367, 390; *Federalist*, 358; mailing of, 357; publ. of postal info. in, 929; suppression of, 121; to be excl. from post route, 364; transm. of, to N. O., 338, 809-810; unclaimed letters to be adv. in, 338.
- New York (N. Y.), 245, 291, 305, 545, 552, 575, 661, 744, 804, 805, 880; Claiborne in, 893; compared with N. O., 161; former residents of, in Orleans, 256, 266, 298, 852; proposed visit of Indian chiefs to, 449.
- New York (State), 452, 613; appts. from, opposed by Claiborne, 745; emigrants from, sympathize with Burr, 731; former residents of, in Orleans, 282, 350, 455, 836, 837.
- New York (Va.), 58.
- Nicholas, Antoine, pardoned, 796.
- Nicholas, Lewis, appd. lt., 633.
- Nicholas, Robert C., 163.
- Nicholls, Robert, appd. coroner, 701.
- Nicholls, Thomas C., appd. clk., sup. ct., 985; p.m., Lafourche, 952.
- Nichols, Edward C., appd. judge, 598; appt. of, as clk. of gov'r's ct., ment., 286; conduct of, as judge, 547.
- Nichols, William, appd. maj., 638, 664.
- Nicholson, William D., appd. judge, 984.
- Nicholson, W. H., appd. atty., 602.
- Nicoll, Abimael, to search ships for slaves, 414-415.
- Nique, George, s. petition, 327.
- Nolen, Larkin G., pardoned, 752.
- Nolte, Vincent, appd. capt., 700.
- Non-importation act, 770-771.
- Non-intercourse act, viol. of, 880.
- Nootka Sound, controv. *re*, 30.
- Norfolk (Va.), marine hosp. in, 719.
- North Carolina, 233, 811; former residents of, in Orleans, 58, 368, 424, 835, 880; proposed Wash.-N. O. road to go through, 132.
- Northwest Ordinance. *See* Ordinance of 1787.
- Norton, Philo, p.m., 929.
- Norwood, Charles, 10; s. recommend., 337.
- Notaries public, appt. of, 601, 701, 825, 837; in Fr. interregnum, 124.
- Notaries, Sp., as customs officers, 40, 41; fees of, 37; function of, 36, 37, 40; functions of, performed by commandant, 39; sale of office of, 236.
- Nott, William, appd. aide-de-camp, 583, 632; cand., ter. h. of r., 574; *letters to:* Bradish, 594, Clark, 593, Davis, 593, Dubourg, 593, 595-596, militia officers, 593; s. general orders, 584, 587, 588, 590, 591, 592, 595, 596, 597, 598; to rept. *re* Negro militia, 717.
- Nueces (Walnut) River, 73.
- Nugent, Henry P., pardoned, 796.
- Oakmulgee (Ockmulgee) River, 166.
- Oaths of office, 293; admin. by Claiborne, 311; admin. to: Claiborne, 303, 306, Hall, 348, ter. officers, 283; form of: clks. of land commrs., 412-413, land commrs., 411; ment. of: Grymes, 828, Gurley, 427, Thompson, 429, Van Pradelles, 782; to be admin. by Williams, 447.
- Occoocasaw River, *see* Trinity River.
- O'Duhigg, François (Francis), appd.: capt., 634, justice, 662.
- O'Hara, H., & J. B. Farrell, s. memorial, 158; s. recommend., 290.
- O'Hara, Henry, s. recommend., 337.
- Ohio, creation of, as a state, ment., 876; former residents of, in Orleans, 286, 573, 835; militia of, to be in readiness for occup., 98; senators from, 49.
- Ohio River, 12, 48; lowness of, 519; tobacco raised on, 45.
- Ohio Valley, iron production in, 7.
- Olaide, B., s. petition, 327.
- Olaide, Pelice, s. petition, 327.
- Oliver, Charles, appd. maj., 637.
- Oliver, Thomas F., appd. judge, 796, 835.
- Olivie, —, Jr., appd. justice, 750.
- Olivier, John, appd. justice, 985.
- Olivier, Nicholas, appd. capt., 634.
- Olivier, Thomas F., appd. sheriff, 701.
- Olliphant, G. M., s. address, 972.
- O'Naile (O'Naill, O'Neal), John F., appd. adjutant and lt., 633; court-martialed, 587, 589-590; expelled from Orleans Fusileers, 591; villified by Davis, 588.
- Opelousas (Apelousas), 283, 495, 550, 559, 560, 581, 612, 675, 687, 711, 734, 742, 756, 767, 799, 1005; Americans in, 10; appt. of commandant of, 437; auctioneer appd. in, 601; census of, discussed, 14; cotton produc. in, 46, 75; dep. survrs. to reside at, 631; described, 14, 550, 678; disposition of, *re* land dists., 427, 429-430; dist. of Sp. La., 17; emig. from, 678; emig. from Miss. Ter. to, 952; estab. of Amer. govt., in, 83; Indians in, 63, 292, 760; Indians in, to be prepared for surveys, 450; *inhabs. of:* expect retrocession to Sp., 582, fail to reg. land titles, 582, threaten reprisals against Indians, 756; land commrs. to be appd. for, 722; land office in, 430, 463, 469, 718; land sales at, 1013; map of, 79; militia of, to be prepared for Indian hostilities, 757, 759; part of militia dist., 33; postal service, 706, 707; pub. opinion in: *re*, U. S.

- govt., 988, *re* land agents, 988; remoteness of, from N. O., 497; residents of, ment., 256; residents of, recommended for council, 277, 281, 285; settlements of, 530, 773; to be delivered to U. S., 149; to be made a parish, 422; to be occupied by U. S., 152; tp. surveys in, 461; value of lands in, 97.
- Opelousas Parish (County), *appts. in:* attys., 602, 662, clk. of ct., 598, coroners, 602, judges, 598, justices, 599, 600, 984, treasurers, 601, 663; census, 702, 923; confirm. of claims in, 988; election in, 669; forms elec. dist., 480; in second militia dist., 586. *See also* St. Landry Parish.
- Opelousas Land District, *see* Land district, western Orleans.
- Opelousas (Appalouzas) River, 241; surveys on, 461.
- Ordinance of 1737, 455, 456, 523; applic. of, to Orleans, 100, 405-406, 481, 874, 876; office of ter. sec. under, 518-519; pub. of, in Orleans, 521.
- Ordinances, by Claiborne, return of, 982-983; *re* Feliciana Parish, 914-915.
- O'Reilly, Gov. Alexander, establishes Cabildo, 40; land ordinance of, ment., 774; publishes code of La. laws, 19, 38; reguls. of, *re* land grants, 40.
- Orellon, Joseph, *appd. lt.*, 637.
- Orleans, Island of, 34, 244, 550; attitude of Negroes in, 59; bounds W. Fla., 56; cess. to Spain, ment., 30; descrip. of, 61-62; dist. of Sp. La., 17; extent of pub. lands in, 19, 240; land for Lafayette to be located in, 239, 360; postal service in, 346-347; status of: under Treaty of San Ildefonso, 59, under Treaty of 1763, 16; survey of, 461.
- Orleans District Court, *see* U. S. District Court.
- Orleans Gazette, editor of, 424; publishes: attacks on Claiborne and Sibley, 433-434, Clark's statement *re* militia, 738, criticism of Claiborne's militia org., 853, resol. of council, 360-361; suspends publ. of article *re* Sibley, 367.
- Orleans Navigation Company, letter to Pres., 785-789.
- Orleans Parish (County), *appts. in:* clk. of ct., 598, judges, 598, justices, 599, 600, 662, 700, 796, 824, interpreter, 663, keeper of mortgages, 663, notaries, 701, sheriffs, 600, treasurer, 663; census, 702, 923; convictions in ct. of, 693, elect. in, for ter. h. of r., 574, 666, 824; forms elect. dist., 479; in first militia dist., 586; rept. of private surveys in, 746; rep. in N. O. council, 510; sheriff of, dismissed, 731; to furnish militia regt., 584.
- Orleans Street (N. O.), 400, 499.
- Orleans Territory, act *re* land titles in, text, 408-414; act *re* statehood of, discussed, 933; acts *re* govt. of, discussed, 225, 227, 269, 650-656, 947, 963, 981; acts *re* govt. of, texts, 202-213, 405-407; Amer. popul. rep. in govt. of, 291; applicants for offices in, 275 n.; appt. of officers of, 350-351, 352, 415, 455, 456, 467, 571-574, 684, 703, 761, 805-806, 823, 880, 958-959, 981; appt. of officers of, discussed, 147, 175, 190-191, 198, 225, 227-228, 245-246, 267, 269, 275, 276, 281-284, 284-285, 291, 307-309, 310, 311, 313, 317-318, 334, 341-342, 343, 344-346, 347, 349, 353-354, 358, 363, 365-366, 366-367, 369, 378, 385-386, 424, 426-427, 447-448, 512, 523-525, 525-526, 536, 580, 602, 604, 605, 626, 663, 728, 730, 732, 736, 762, 763, 785, 797, 798-799, 825, 842, 849-850, 867, 869-872, 947-948, 957, 997; *appts. from.* opposed by Claiborne, 745; appropriations for, 318; bill for govt. of, in Congress, 175; bounds. of, 202-203, 999; census of, 702, 923; civil code of, to be publ., 780; civil law preferred to common law in, 651-655; Clark *appd. Cong. delegate for*, 661; codif. of laws of, 356, 379; danger of slave uprising in, 503-504; date of admis. of, as La., 1021; defense of, 559, 793-796, 991; delegates of memorialists of, characterized, 370; div. of, into land dists., 453-454, 497; factions in, 335, 339, 341, 345, 357-358, 374, 386, 390, 453 n., 499, 508, 673, 753, 803, 1000; form of govt. for, discussed, 274, 288; Fr. inhabs. of, propose appeal to France, 263; Fr. influ. in, 841; Fr. popul., rep. in govt. of, 291; frontier of, threatened by Indians, 754; future govt. of, not determined, 398; future population of, discussed, 876; import. of slaves into, forbidden, 209; Indian-trade act extended to, 213; introd. of Amer. ct. practice into, 538; land records of, removed by Sp. 613; lawless state of, 349; loyalty of people of, 676; map of, ment., 994; mercantile interests, rep. in govt. of, 291; officers of, confirmed by Senate, 205-206; officers of, take oath, 206; opinion of bar of, *re* prohib. of slave trade, 548; *people of:* alarmed at Sp. troop movements, 618, characterized, 305, 371, 508, 560, 855-856, desire resump. of slave trade, 312, 314, 320, fear slave revolt, 297, guaranteed habeas corpus, 651, guaranteed jury trial, 651, protest form of govt., 266; polit. parties in, 286, 380, 506; popular unrest in, 364-365; *petitions and memorials:* by bar of, text, 539-540, by inhabs. of, to Claiborne *re* slave plot, text, 295-297, *re* govt. of, discussed, 241-242, 246-247, 261, 263-265, 265, ment., 288, 308, 310, 314-315, 317; prevalence of crime in, 312; pub. lands in, described, 240-241, 994; *pub. opinion in, re:* Amer. juris-

- prudence, 317, 673-674, Americans, 680, cession, 262, Claiborne, 370, 507, 508, 723, Claiborne's admin., 345, embargo act, 829, import. of slaves, 222, 340, 547-548, land laws, 499, 767, La. Bank, 368, Madison's admin., 987, Negro militia, 561, newspaper attacks on Claiborne, 390, occup. of W. Fla., 906, Orleans govt. act, 438, Orleans memorial, 320, 379, retrocession of La., 433, 489, 505, 508, ship-registry act, 222, statehood, 841, 944, 948, strength of U. S. forces in La., 505, ter. govt., 1019, ter. judges, 370, U. S. govt., 335, 356, 357-358, 489, 507, 509, 532, 617, 628, 745, 768-769, 1000, W. Fla., 604, Wilkinson, 723; pub. records of, ment., 381; rept. on Indians in, requested, 353; rural popul., rep. in govt. of, 291; salaries of officers of, 206, 406-407; society in, characterized, 264, 288; *statehood for*: advocated by foreign residents, 841, demanded by Louisianians, 263, law *re*, ment., 305, text, 407, opposed by Americans, 841; status of Sp. land titles in, 212, 934; subversive elements in, 262, 312, 553, 557-558, 735; surveys in, 939-943; taxation in, 780; taxing powers of, 658-659; tps. to be sold in, 951; troops ordered to, 221; urban popul., rep. in govt. of, 291; W. Fla. wishes annex. to, 990-992; W. Fla., part of, 902, 927, 966.
- Orleans Territory Constitutional Convention, 956-957; address of delegates of, 1006-1007; adjourn. of, ment., 962, 997; asks action on const., 998; authorizes petition to Cong., 1020; const. adopted by, sent to Pres., 1000; draft const. submitted to, 974; elects delegates, 997; memorial of, to Cong., ment., 974; proceedings of, discussed, 961; procl. of elect. of, ment., 983; resol. for statehood passed by, 957; to assemble, 948.
- Orosa, Lt. Col. Joseph Martinez, 484.
- Orso, Zenon, appd. justice, 985.
- Orso, —, Jr., charges of, against Claiborne, denied, 381-382.
- Orso, Miss —, marriage of, 382-383.
- Osage Indians, 64; war on Caddo, 63.
- Osage River, Indians on, 64.
- Osborne, Audley S., appd. judge, 984.
- Otis, Samuel A., certifies act, 90, 213, 407, 414.
- Oto (Octotacto, Otatacta) Indians, 65, 66.
- Ouachita (Ouechita, Ouichita), 495, 871; census of militia in, 33; delivered to U. S., 223; dist. of Sp. La., 17, 32, 224; extent of, 224; hunting of Choctaw in, protested, 421; land claims in, 743; Sp. land grants in, 512; to be org. as a parish, 431.
- Ouachita (Ouachetta, Ouachitta) Parish (County), 612; *appts. in*: clk. of ct., 598, judges, 598, 662, 749, 835, justices, 599, 662, 796, 985, recorder, 663, sheriffs, 600, treasurer, 601; census, 702, 923; forms elect. dist., 480; in third militia dist., 586, 854; justices' comms. sent to, 751; land claims in, 679-680; post route requested for, 896; resident of, nomin. to council, 526.
- Ouachita (Owacheta, Washita) River, Bastrop grants on, to be investig., 469; Choctaw on, 63; Dunbar exped. up, 451; Indian trade on, 294, 387; settlements on, extent of, 224, 427, 429; surveys on, 995.
- Ousar, Indians 18.
- Overton, Capt. Walter, instrs. ment. to, 999-1000; letter to Pike, 1003-1004; recommends change in site of Ft. Claiborne, 1004.
- Owen, William, appd. lt., 632.
- Owens, Edward, appd. sheriff, 600.
- Pacific (Western) Ocean, 74.
- Padouca Indians, 31.
- Page, John, letter to Pres., 761 n.
- Paillette, J. J., 389; appd. justice, 751.
- Paillette, —, s. petition, 540.
- Palfrey, John, s. recommend., 337.
- Palfrey, John, Jr., s. recommend., 290.
- Pamelly, *see* Parmelee.
- Pamias, Salvador, s. petition, 327.
- Pamias, Secundus, s. memorial, 790.
- Pamoncanes, Francisco, s. petition, 579.
- Pani Indians, *see* Pawnee.
- Panis, Mrs. —, 487.
- Pardon, by Pres., *re* deserters, 902.
- Pardons, issued by Claiborne, discussed, 752, 798, 824; return of, 796, 982-983; texts, 665-666, 667-668, 692-694.
- Paris (France), 274, 671, 687; treaty of cession signed at, 81, 89.
- Parish (county) courts, criticized, 540-541; estab. of, 422, 423, 430, 431, 434, 434-435, 447, 776.
- Parishes (counties), org. of, 422, 423, 431, 434-435.
- Parke, —, 457.
- Parker, William, s. address, 972.
- Parmelee (Pamelly, Parmelye), David, accused of being addicted to drink, 680; applies for appt. as land agt., 493; land commr., 612; letter ment. to P. M. G., 706; letter to Sec. Treas., 493-494; recommended as reg., 629; to deliver p.o. forms to Shields, 707; to estab. mail service to Rapides, 706; to rept. on Vacher and Magruder, 613.
- Parrish, Richard, s. address, 971.
- Pascagoula Parish (County), appts. in: judges, 984, justices, 985; bounds of, 914; estab. of, 982.
- Pascagoula (Pasquagola) River, 628, 671, 724, 727; Sp. hold mouth of, 904, 906.
- Pass Christian, estab. of military post at, recommended, 907-908; held by Sp., 904, 906.

- Passement, John Baptiste, s. memorial, 158.
 Passports, for Dunbar exped., discussed, 558; form of receipt for, 610; ment., for: Indian chiefs, 515, Morales and party, 577, ships, 134, Sp. agent, 576; in Sp. La., 39; requested for Merieult, 1014; sent to Claiborne, 260; texts, issued to: Casa Calvo, 665, Indian chiefs, 516, Leonard, 665, Morales, 664-665; use of, proposed for w. frontier, 239.
 Patin, Antoine, s. petition, 327.
 Patin, Joseph, s. petition, 327.
 Patin, widow, s. petition, 327.
 Patterson, John, appd. sheriff, 986.
 Patton, Charles, 10; appd.: auctioneer, 601, 663, 751, 837, capt., 798, justice, 599, 750, lt., 639; member, ct.-martial, 587. *See also* Meeker, Williamson, and Patton.
 Pavie, C., & Co., s. memorial, 978.
 Pavo, J., s. petition, 579.
 Pawnee (Pani, Paunie, Towiash) Indians, 65, 74; express friendship for U. S., 336; request of, for trader, 336; trading exped. to, 799.
 Payfare, *see* Paysare.
 Paymaster General, U. S. A., 134.
 Paysare (Payfare, Paysarey), —, 257; characterized, 249, 252.
 Pearl River, as dividing line for W. Fla., 967; bounds Biloxi Parish, 914; estab. of mil. post on, 908; land dist. e. of, 973; land dist. e. of, surveys in, 996; land office w. of, 197; on N. O.—Washington post route, 363, 417, 437, 439, 440, 445, 671; post road from, to Ga., proposed, 363; rept. *re* removal of Miss. capital to, 974.
 Pearson, Lancelot, appd. justice, 796.
 Pease, Seth, letter to Sec. Treas., 746-748; opinions of, *re* Briggs's survey methods, 747; survey methods of, 769-770.
 Pedesclaux, Étienne, appd. ensign, 633.
 Pedesclaux, Peter (Pierre), appd.: keeper of mortgages, 603, 663, notary, 601, 837; dismissed as recorder of mortgages, 735; in charge of public records, 236; licensed to estab. auction, 237; petition of to Pres., 236-238, ment., 735; purchase of offices by, 236; refuses to give up office, 746.
 Peirce, H., s. memorial, 1009, 1012.
 Pellegrin, Laurins, appd. lt., 634.
 Peltries, 7, 44, 45, 75.
 Pendergrast, Garrett Elliott, appd. surgeon, 718.
 Pennsylvania, 282, 575; former residents of, in Orleans, 741, 835, 836, 837, 838, 953; "whiskey insurrection" in, 953.
 Penrose, Clement B., appd. land commr., 457.
 Pensacola (Penzacola), Fla., 74, 164, 220, 391, 433, 540, 736, 904, 1019; Amer. prisoners sent from, to Havana, 926; Casa Calvo goes to, 603; census of, ment., 51; commerce of, with N. O., 617; De Lassus en route to, 392; dist. of Sp. La., 32; embargo on U. S. exports to, urged, 617; express mail to, 442; fortif. of, 320; govr. of, subord. to govr. gen., 85; land records removed to, 517, 546, 580, 614, 615; mil. exped. against, rumored, 908; Morales goes to, 664; opening of road to, by Sp., 419, 438; reinforcement of, 333, 505, 533, 543, 564; relation of, to Brit. E. Fla., 85; siege of, ment., 18; slaves brought in via, 424-425; Sp. officers transfd. to, 485, 486; Sp. post, support of, 50; Sp. troops at, 221, 425, 436, 487, 542, 784, 892; supplied through Baton Rouge, 784; U. S. agt. sent to, 884.
 Pense, J. G., s. address, 972.
 Peoria (Pioria) Indians, 64.
 Perault, Remy, appd. justice, 600.
 Percil, Pierre, appd. lt., 635.
 Percy, Ferdinand, appd. lt., 634, 698.
 Perdido River, 85, 492, 885, 974; bounds La., 59, 67, 927; bounds U. S. claims, 15, 151, 193, 200, 287, 604, 902, 905; bounds W. Fla., 974, 990-991.
 Perey, R., s. memorial, 1009, 1012.
 Perelloux, Leonard, appd. capt., 635.
 Perez, Étienne, appd. lt., 826.
 Perez, Manuel, 486.
 Perillon, Leonard, appd. justice, 751.
 Pernell, Joseph, s. address, 971.
 Pero, —, appd. lt., 639.
 Pérot, Pierre, s. petition, 327.
 Perret, Justin, appd. lt., 636.
 Perret, Pierre, appd. capt., 636.
 Perrin, Gerome, appd. lt., 637.
 Perry, Roderick, s. memorial, 1009, 1012.
 Petersburg (Va.), 798.
 Petit (Petits), Pierre (Peter), 257; characterized, 249, 252, 256; nom. as deputy to Cong., ment., 256; recommended for: bank director, 11, civil office, 254, council, 277, 281, 285; s. memorial, 158; s. petition, 579; s. recommend., 337.
 Petitions and memorials, *from*: Bastrop, discussed, 552, Baudin, discussed, 187-188, Cox, ment., 153, Feliciana Parish, discussed, 967, text, 1010-1012, Fromentin and Magruder, text, 1020, Fulton and Wells, discussed, 953-954, Garrard, discussed, 989, 1005, legis. council, text, 544-545, Livingston, discussed, 375-376, Natchitoches, discussed, 271, 975-976, text, 273-274, 976-978, N. O. merchants, discussed, 1013, text, 157-159, 578-579, 690-692, N. O. physicians and surgeons, text, 954-956, Orleans bar, discussed, 537-539, text, 539-540, Orleans Univ. regents, text, 543-544, 1014-1016, Pedesclaux, ment., 735, text, 236-238, Pointe Coupee,

- discussed, 863, text, 326-327, 789-791, 831-832, ter. at large, discussed, 241-242, 245-246, 246-247, 261, 263-265, 305, 314-315, 320, 420, 507-508, ment., 288, 310, 317, 367, 370, 379, 386, 398, 426, text, 295-297, 806-808, ter. conv., ment., 974, text, 990-992, ter. h. of r., discussed, 549, 606, 624-625, 722, 734, text, 526-532, ter. legis., discussed, 520-521, 522, 931-932, 933 n., text, 873-877, ment., 288, 310, 317, 367, 370, 379, 386, 398, 426, text, 295-297, 806-808, W. Fla. Conv., ment., 902, w. land dist. of Orleans, text, 959-961, Winter and Harman, discussed, 733; *re*: add. mil. force for Orleans, discussed, 931-932, batture, text, 806-808, common law in Orleans, discussed, 520-521, 522, compensa. of Garrard, discussed, 989, 1005, danger of slave uprising, text, 295-297, 326-327, debts of Sp. govt. in N. O., text, 578-579, debts of W. Fla. Conv., text, 1010-1012, demands of W. Fla. Conv., ment., 902, dismissal of R. Claiborne as judge, discussed, 953-954, disposition of W. Fla., discussed, 967, disturbances in Pointe Coupee, text, 831-832, education, text, 526-532, 543-544, 544-545, exec. of judgments, discussed, 187-188, exten. of time for filing claims, text, 959-961, fugitive slaves, ment., 271, text, 273-274, import. of slaves, discussed, 733, Indian trade monop., discussed, 552, judges' salaries, discussed, 537-539, text, 539-540, land claims, discussed, 549, 606, 624-625, 863, land donations, text, 789-791, land grant for Orleans Univ., text, 1014-1016, land grants for N. O., text, 1020, land titles, text, 526-532, Natchitoches robberies, discussed, 975-976, text, 976-978, postal service, discussed, 1013, ment., 975, text, 690-692, pub. lands at Balize, discussed, 863, purchase of offices, ment., 735, ship registries, text, 157-159, slaves, discussed, 375-376, Sp. monopolies, text, 236-238, statehood, discussed, 933 n., text, 873-877, status of W. Fla., text, 990-992, 1007-1010, sugar culture, text, 526-532, ter. govt., discussed, 241-242, 245-246, 246-247, 261, 263-265, 305, 314-315, 320, 420, 507-508, ment., 288, 310, 317, 367, 370, 379, 386, 398, 426, Ursuline nuns, text, 954-956, utilization of N. O. fort sites, text, 1020, Wilkinson, ment., 153.
- Pétromny, —, s. memorial, 790.
 Petronny, James, appd. sheriff, 825, 836.
 Peyroux, Henry, 486.
 Peyroux, Pierre, appd. lt., 634, 826.
 Peytavin, —, s. petition, 296. *See also* Reynaud & Peytavin.
- Philadelphia (Pa.), 28, 35, 218, 545, 558, 661, 782, 898; compared with N. O., 161; former residents of, in Orleans, 255, 267, 298; postal service from, to N. O., 475; visit of Indian chiefs to, proposed 450.
- Philippon, F., s. memorial, 158.
 Philippon, —, Jr., s. recommend., 290.
 Philippon, Jr., & Co., s. memorial, 158.
 Philips, Abraham, s. address, 971.
 Philips, Alexander, s. address, 971.
 Philips, Falkner, appd. lt. and adj., 700.
 Philips, George T., appd. lt., 640.
 Phillip, pardoned, 796.
 Piborn, Lewis, s. address, 972.
 Pichon, Louis André, Fr. chargé d'affaires, 99, 105, 200; certifies ratifications, 82; despatches ment. to Laussat, 112; letters ment. to Sec. State, 81, 173; sends despatches *re* transf. of La., 78; urges Laussat to aid Amer. occup., 93, 95.
 Pickard, Alexander, s. memorial, 1009, 1012.
 Picker, George, Jr., appd. lt., 636.
 Pierce, —, 166.
 Piernas, Joseph, 487.
 Pierre, Baptiste, s. address, 175.
 Pierrot, pardoned, 983.
 Pike, Zebulon, 1001; commands W. Fla. troops, 909; recommended as govr. of W. Fla., 927-928; to remove intruders from neutral ter., 998-1000.
 Pilots, appt. of, 602, 797, 825, 936; rept. *re*, 54; Sp., salaries of, 42.
 Pinckney, Charles C., considered as ter. judge, 291; letters ment. to Sp. govt., 397; rept. of, *re* Brit.-Sp. relations, discussed, 363; U. S. minister to Spain, 291, 419, 436.
 Pintard, John, letter to Sec. Treas., 49; rept. of, *re* La., 49-54.
 Piper, Gilbert, s. memorial, 1009, 1012.
 Piquon, —, s. petition, 540.
 Pireau, B., appd. justice, 600.
 Piseros (Pisero), François, appd. capt., 632; militia return of, 886.
 Pitot, James, 11, 252, 257, 395, 404, 481; admin. oaths of office, 303, 306, 309; aids loc. of Lafayette's grants, 359; appd.: justice, 599, mayor, N. O., 277, 404, 603; characterized, 250, 252, 256; director, La. Bank, 368; *letter* to Sec. State, 306; memorial of, as univ. regent, 1014-1016; pres., Orleans Navig. Co., 789; recommended for council, 277, 281, 286; requested to arrange loan to ter., 388; s. elec. notice, 401; s. joint letter to Claiborne, 241-242; s. letter of Orleans Navig. Co., 789; s. petition, 296, 579; s. recommend., 290; s. resol. of N. O. council, 482, 483. *See also* Lanthois & Pitot.

- Planché (Plouché), Alexander, appd.: auctioneer, 601, 663, parish treas., 601, 663, sheriff, 600; s. memorial, 791; s. petition, 326.
- Plaquemine River, 17, 31.
- Plaquemines (Placquemines), 151, 165, 167, 168, 621, 782; as site for battery, 764; as site for customhouse, 53; fortif. of indefensible, 150; occupied by U. S., 152; slave ships to be held at, 414-415; troops to be stationed at, 368.
- Plaquemines Parish (County), *appls. in:* judges, 749, 835, 984, justices, 751, 796, 824, 985, sheriffs, 986; neglect of roads in, 983.
- Platte River, Indians on, 65.
- Pleasanton, Stephen, letters to: Claiborne, 849-850, Sheldon, 350 n.
- Plouché, *see* Planché.
- Poche, Josephe, s. petition, 327.
- Poidras, *see* Poydras.
- Poindexter, George, urges union of W. Fla. with Miss., 974.
- Poincy, Louis, appd. lt., 698.
- Pointe Coupee, 138, 254, 266, 281, 445, 766, 870; cavalry troop from, 716; church dispute in, settled, 843; courier service with, 715; dist. of Sp. La., 17, 32; dist. sup. ct. held at, 776; establ. of Amer. govt. in, 84; factions in, 777; fort at, delivered to Morgan, 762; inhabs. of: construct levees, 789-790, fear slave insurrec. 326, 776, recommended for council, 277, 284, wish to buy U. S. prop., 777; land between, and Atchafalaya, described, 747; land claims in, described, 899; literacy of inhabs. of, 60; meeting of Holmes and Claiborne at, 912; militia of, to be mustered semiweekly, 715; on N. O. post route, 463; part of militia dist., 33; *petitions from, re:* danger of slave revolt, text, 326-327, land donation, discussed, 863, text, 789-791, subversive movement in, text, 831-832; precautions against slave insurrec. in, 716; pub. bldgs. in: delivered to parish judge, 776, held by WD, 775; rept. of private surveys in, 746; represented on council, 283; survey of Miss. R. to, 461; Tounica Indians near, 63; troops expected at, 912; U. S. mil. post estabd. at, 776; value of lands s. of, 994.
- Pointe Coupee Parish (County), *appls. in:* auctioneers, 663, clks. of ct., 598, 662, coroners, 602; deputy reg., 676-677, judges, 598, 749, 835, 984, justices, 599, 985, sheriffs, 600, 663, 986, treasurers, 601, 663; census, 702, 923; crimes in, 983; election in, 669; forms elect. dist., 480; in third militia dist., 586; no. of claims filed in, unreported, 792; permits to settle in, requested, 792.
- Poiret, —, s. memorial, 790; s. petition, 832.
- Politics, effect of La. cession on, 48; effect of, on org. of council, 334, 367; Federalist infl. on Claiborne, charged, 357; *re* governorship, 190-191; strength of parties in Miss. and Orleans, 286, 358, 380.
- Pollock, Charles, s. memorial, 1010, 1011.
- Pollock, George, 10, 258, 345; appd.: capt., 639, council member, 283, 291, 344, 346, 347, 349, 358, 426, justice, 599, 750, port warden, 602, 836; characterized, 256; member of ct.-martial, 487; offers resol. *re* Sp. troops, 360; possible candidate for ter. h. of r., 506; s. memorial, 158; s. recommend., 290, 337.
- Pollock, Hugh, appd. port warden, 602.
- Pollock, Jeanet, s. memorial, 1010, 1011.
- Pollock & Morgan, s. recommend., 290.
- Pomerat *v.* Mayenge, rept. *re*, 393.
- Pomet, Joseph, appd. lt., 639, 664.
- Pomet, Leonard, s. address, 174.
- Ponass, —, member, ct.-martial, 587.
- Ponca Indians, described, 65.
- Ponnas, L., appd. lt., 639; s. recommend., 290.
- Populos, Maurice, s. address, 175.
- Populus, Celestin, s. address, 175.
- Populuse, Entoine, s. address, 174.
- Poque (Boque?), George, s. petition, 327.
- Porche, Jean Baptiste, s. memorial, 791; s. petition, 327, 832.
- Porche, Joachin, appd. lt., 637.
- Porche, Joseph, s. memorial, 791.
- Porche, Michelle, s. petition, 327.
- Porche, Simon, s. petition, 327.
- Porches, François, s. petition, 327.
- Porée, Charles, s. address, 175.
- Porée, Charles, s. petition, 296.
- Poree, Thomas, 257; characterized, 250, 253.
- Porée, Voltaire, s. address, 175.
- Porriet, Joseph, appd. capt., 638.
- Port physician, appt. of, 601, 836.
- Port wardens, appt. of, 602, 752, 797, 825, 836; to recommend pilots, 443.
- Portalis, —, letter ment. to Castillon, 686.
- Portas, Juan, pardoned, 796.
- Porter, Andrew, Jr., appd. temp. port inspector, 267; death of, 517; heads customs guards, 218-219; recommended as port inspector, 337, 341.
- Porter, Benjamin P. (F.), appd.: atty., 662, lt., 698; recommended as land agent, 741; vote of, in const. conv., 957.
- Porter, Commodore David, to rept. *re* Fr. privateers, 881.
- Porter, Maj. Moses, troops of, inadequate, 618.
- Posey, Lloyd, appd. clk., sup. ct., 985; letter ment. to P.M.G., 903.

- Postmaster General, *Granger*, 274, 391; approves *Cenas's* conduct, 419-420; characterized, 433; instrs. ment. to *Claiborne*, 135; instrs. to: *Cenas*, 727, *Connell*, 347, postmasters, 690; *letters ment.* to: *Cenas*, 727, *Ficklin*, 860, *Haller*, 58, *Parmelee*, 707, *Pres.*, 279, 474, 488, *Teale*, 58, *Vassault* and *Goldston*, 494; *letters to*: *Beraud*, 421, *Bird*, 1017, *Brent*, 901, *Case*, 778, 883, *Cenas*, 338, 419-420, 494, 579, 724-725, 727, 768, 828, *Claiborne*, 57, 110, 134-135, 168, 219, 357, 418, 473-474, 964, *Clark*, 769, *Connell*, 346-347, *Crist*, 860, *Daiqueny*, 929, *Davis*, 952, 957, *Drouillard*, 937, *Fulton*, 706, *Hays*, 420, *Hyndes*, 57-58, *T. B. Johnson*, 896, *Wm. M. Johnson*, 817, *King*, 1017, *Livingston*, 321, *Morgan*, 320-321, 475, *Morgan* and others, 1013-1014, *Nelson*, 1017, *Martin Nemino*, 928-929, *Matthew Nemino*, 903, *Nicholls*, 952, *Parmelee*, 706, 707, *Posey*, 903, postmasters, 690, 705-706, *Rhea*, 975, *Saul*, 928, *Saul* and *Stille*, 582-583, *Sibley*, 346, 828, *Sterrett*, 781, *Tabor*, 964, *Tait*, 1003, *Thomas*, 132-133, *Todd*, 958, *Williams*, 1017, *Windham*, 809-810; memorial to, discussed, 1013; opinions *re*: *Abrahams*, 473, occup. of *Floridas*, 474; recommend. of *Gurley*, ment., 286; recommends post road from *Washington* to *N. O.*, 132-133; referred to, *re Parmelee*, 493; refuses contract to *Todd*, 958; repts. of, to *Cong.*, 771, 827, 868-869; to estab. *Natchez-N. O.* post route, 278-279.
- Postmasters, appt. of, 267, 347, 707, 724, 817, 903, 928-929, 964, 1017; to suspend untrustworthy carriers, 690.
- Post Office Department, accts. of, with: *Claiborne*, 474, *Hays*, 494; act *re*, ment. 206; aids transmission of despatches *re transf.*, 79.
- Post roads, act ment. *re*, 207; discussed, from *Baton Rouge* to *Ft. Stoddert*, 975, from *N. O.* to *Washington* (*D. C.*), 671; duties of survr. of, 725; established: from *Bairdstown* (*Ga.*) to *Russellville* (*Ga.*), 860, from *Ft. Stoddert* to *Washington* (*D. C.*), 671, from *N. O.* to *Washington* (*D. C.*), 418, 827, 868, through *Baton Rouge*, 452; expense of survey of, 725; memorials *re*, sent to *Rhea*, 975; ment., from *Nashville* to *West*, 133; proposed: from *Cockles* to *Pascagoula R.*, 727, from *Coweta* to *Mobile R.*, 166, from *Ft. Stoddert* to *N. O.*, 452, from *Georgia* to *Pearl R.*, 363-364, from *Greenville* to *Knoxville* and *Newport*, 133, from *N. O.* to *Ft. Stoddert*, 671, 724, from *N. O.* to *Natchez*, 278-279, from *N. O.* to *Tenn.*, 133, from *N. O.* to *Washington* (*D. C.*), 132-133, 349, 363, 417, 418-419, 420, 437, 439, 444-445, 448, through *W. Fla.*, 417, 418-419, 452, to *Natchitoches*, 346; reports *re* expenses of, 771, 827; through *Sp. ter.*, blocked, 611-612; through *W. Fla.*, 445; to be estab. by *Hawkins*, 566; to be estab. for *St. Helena*, 1017; to follow *Indian trails*, 364.
- Postal service, act ment. *re*, 206; adv. of unclaimed letters, 338; contracts, discussed, 134-135, 768; dead letters, 338, 421; estab. of p.o., 278, 346-347, 964, 1017; failure of contractors, 579; for *w. land office*, 463; from: *Bayou Sara* to *N. O.*, 869, *Ft. Adams* to *N. O.*, 219, 494, *Natchez* to *N. O.*, 110, 168, *Natchitoches* to *Natchez*, 778, *N. O.* to *Balize*, 724, *N. O.* to *Coweta*, 474, 475, *N. O.* to *Ft. Massac*, 165, *N. O.* to *Lafourche*, 952, *N. O.* to *Loftus Heights*, 582-583, *N. O.* to *Natchez*, 391, *N. O.* to *Washington*, 57-58, 672, 690, 705-706, *Philadelphia* to *N. O.*, 475, *Rapides* to *Opelousas*, 706, *Tenn.* to *N. O.*, 321, *Washington* to *Coweta*, 473-474, *Washington* to *Ft. Stoddert*, 725, *Washington* to *Natchez*, 95, 108, *Washington* to *N. O.*, 321, 452, 474-475, 557, 690; improvement of, 357; in *Sp. ter.*, 347; irregularities in, 197, 321, 338, 383-384, 420, 433, 448, 474, 548, 690-692, 778, 809-810, 828, 901, 903, 928, 953, 1013-1014; mail robberies 420; petition *re*, 690-692; rept. *re* expense of, 868-869; requested for *Cedar Creek*, 1017; schedules, 58, 869, 883, 957; to *Natchitoches*, to be improved, 828; to *N. O.*, 1003; to *Ouachita Parish*, 896; up *Red R.*, 769.
- Potard, —, s. petition, 327.
- Potier, —, Jr., appd. lt., 638.
- Poultney, *John, Jr.*, recommended as bank director, 10; s. memorial, 158.
- Poultney, *John Jr.*, & Co., s. recommend., 290, 337.
- Poultz, *John Paul*, appd. lt., 633.
- Pourciau, —, Sr., s. memorial, 791.
- Poursio, *George*, s. petition, 327.
- Powell, *Lt. John F.*, death of, 311.
- Powell, *Theophilus*, appd. justice, 985.
- Power, *Thomas*, seditious activities of, 702; with *Sp. bound. comm.*, 484.
- Poydras (*Poidrass, Poydrass*), *Benjamin*, appd. capt., 698; s. memorial, 790; s. petition, 882; to deliver cavalry swords, 716.
- Poydras (*Poidrass, Poydrass*), *Julien* (*Julian*), 257, 843, 997; appd.: council member, 283, 291, 334, 346, 347, 426, judge, 598; attends council, 344; characterized, 254, 831; consulted by *Claiborne*, 723; director, *La. Bank*, 368; elected *ter. delegate* to *Cong.*, 830; favors appt. of *Duralde, Jr.*, as marshal, 901; heads *Pointe Coupee* faction, 777; in charge of pub.

- prop. at Pointe Coupee, 776; *letter to* Pres. 998; militia return of, 886; nomin. to council, 623; pres., const. conv., 956, 961; pres., legis. council, 795; recommended as ter. sec., 256, 730, 736; recommended for council appt., 277, 281, 284; resig. of, from council, ment., 830; s. memorial, 790; s. resol., 708; supports admin., 944; threatens resig. from council, 345; urges statehood for Orleans, 956.
- Poydras, Pous, & Co., s. petition, 832.
- Preemption, claims, ment., 958; relation of, to surveys, 993.
- Prefect, in Fr. interregnum, *see* Laussat.
- Pres. of U. S., auth. of, *re*: appt. of ter. officers, 199, 203, 205, 211, 266, exchange of Indian lands, 212, illegal settlers, 212, 228-229; auth. of, under La. govt. act, 227-228; commissions militia brig. gen., 768; prerogatives of, *re* foreign agents, 215; ter. govt. to rept. to, 204; to extend Indian trade act to La., 213.
- President, Adams, 29.
- President, Jefferson, 58, 67, 76, 104, 105, 145, 161, 175, 184, 190, 197, 200, 221, 231, 240, 246, 248, 276, 279, 289, 293, 298, 314, 318, 333, 334, 338, 344, 347, 348, 357, 359-360, 370, 378, 385, 393, 419, 424, 431, 457, 471, 515, 525, 535, 612, 615, 622, 625, 657, 659, 670, 672, 675, 676, 677, 690, 704, 718, 720, 722, 732, 734, 736, 742, 743, 763, 772, 785, 798, 801, 810; acquaintance of, with Trist, ment., 8; act of, *re* div. of land dists., ment., 498; action of, in batture case, ment., 865; address of ter. h. of r. to, 521; address of, to ter. legis., ment., 566, 795; *appts. ment.*, of: Brown as dist. atty., 448, Claiborne as govt., 147, 303, Dorgenoy as marshal, 532, Duffield as judge, 447-448, 476, Gurley as reg. 427, 453, 620, Lewis as land commr., 490, Orleans officials, 267, Sprigg as judge, 626, Thompson as reg., 429, Trist as collector, 106, 134, Van Pradelles as land commr., 519; approval of La. Bank by, claimed, 380; approves Claiborne's conduct, 282, 291, 416; approves Clark's rept., 113; approves work of Claiborne and Wilkinson as commrs., 176; asks Claiborne to help Trist family, 316; auth. appt. of Sibley as Indian agent, 352; auth. Claiborne: to appt. and remove La. officials, 144-145, to draw on SD, 105, to draw on WD, 92; auth. of, *re*: land commrs., 625, La. appts., 90, 145, occup. of La., 89, 93, 96, surveys, 459, ter. govt. 405, ter. judges, 471; auth. of, under land act, 409, 410, 411, 413; cautions Claiborne against Lewis, 226; complaints to, *re* Claiborne's ordinances, ment., 266; confidence of, in Claiborne, 191; council nominations sent to, 520, 523; criticizes Claiborne's action in church dispute, 259; departure for Washington, 291; desires info. *re* Sp. troop movements, 398; discusses Orleans appts., 282-283; establishes land dists., 463; expl. of Mobile act, satisf. to Spain, 436; Federalist attacks on, 380; health of, 722; illness of daughter of, 225; inaug. address of, ment., 437; info. *re* customs admin. to be sent to, 194-195; info. *re* La. sent to, 25; *instrs. ment. to*: Claiborne, 96, 176-177, 813-814, Clark, 61, P. M. G., 135, Sec. Navy, 14-15, Sec. War, 469-470; *instrs. of, re*: anti-Sp. expeds., 333, customs admin., 195, enforcement of Embargo Act, 829, Fr. settlement on Red R., 458, land records, 550, 580, mil. measures in La., 397, N. O. post route, 418, occup. of La., 91, postal service, 110, 425, 724, powers of N. O. collector, 107, protest to Fr. *re* Portales corresp., 686, removal of intruders from batture, 807, removal of Sp. officers, 533, 557, 562, 563-564; Sp. incursions on Sabine R., 534, surveys, 772-773, visit of Indian chiefs, 515; *instrs. to*: Claiborne, 3, 5, 57, 343-344, 363-364, 417, Clark, 6, 55, Sec. State, 69, 81, Wilkinson, 71; *letters ment. to*: Atty. Gen., 227, Breckinridge, 47, 49, Briggs, 146, James Brown, 344, 365, 366, Claiborne, 11, 16, 135, 239, 282-283, 284, 306, 307, 335, 342, 345, 363, 366, 450, 452, 605, 686, 729, 739, 741, 744, 808, 864, Clark, 28, Dunbar, 25, 85, Gelston, 316, 335, Hall, 275, Kirby, 344, 366, Morgan, 762, Prevost, 269, Reibelt, 687, 808, Sibley, 453; *letters to*: Atty. Gen., 200-201, James Brown, 269, 341-342, Claiborne, 3-4, 5, 225-226, 281-284, 316-317, 342-344, 363-364, 416-417, 450-453, 566-567, 580, 671, 728, Cocke, 728-729, Duane, 226 n., Graham, 342, P. M. G., 474-475, 488, Poydras and Urquhart, 795, Randolph, 4 n., Reibelt, 563, Sec. State, 99-100, 202 n., 220, 224-225, 258-259, 274-275, 278-279, 416 n., Sec. Treas., 14-15, 100-101, 443-444, 613 n., 629 n., Sec. War, 291, ter. h. of r., 551-552, Wagner, 581 n.; La. revenue law sent to, 189; measures of, for defense of N. O., ment., 555; memorials and petitions to, ment., 187, 735; messages of, to Cong., 108, 358, 552, 559; militia discipline case placed before, 153; militia land-donation plan of, 705 n.; *opinions of, re*: acquisition of La., 551, Claiborne, 226 n., Claiborne's accts., 443-444, Claiborne's compen. as commr., 259, constitutionality of La. cess., 15, form of govt. for La., 100-101, 274, import.

- of slaves into La., 100, intra-church disputes, 260, legis. council, 225, La. bounds., 15, La. cess., 3, Orleans govt., 343, Orleans memorialists, 343, Reibelt, 671, Sibley, 450-451, Sp. protests of La. cess., 69, U. S. foreign relations, 671, Washington-N. O. post route, 488; plan of, for N. O. post route, 437, 444-445, policies of, *re*: eccles. appts., 688, Indians, 470, Orleans appts., 291, W. Fla., 193, 397, 435-436; powers of, *re* ter. militia, 813; proceedings of ter. legis. sent to, 842; proc. of, pardoning deserters, 198-199; promise of, *re* Orleans judgeship, ment., 867; proposed const. amend. of, *re* La., 15; proposed visit of Indian chiefs to, 450; ratif. of La. treaty by, 81; recommends Dupont as pres., Orleans academy, 452; requested for instrs. *re* Indian affairs, 384; requested to aid Ursuline nuns, 805; requests add. council nominations, 580; requests Dunbar to explore Red and Ark. R., 217; sends comms. for Orleans officers, 291; s. acts., 90, 213, 407, 414; s. commissions, 95, 144, 145, 350, 351, 352, 415, 455, 456, 467, 571, 572, 573, 574, 684, 703, 761, 806, 823; suggestions of, *re* post routes, 475; surveys ordered by, protested by Sp., 418; thanks Clark for rept., 79; to appt. council members, 623, 659; to be asked to give Casa Calvo dipl. status, 505; to be informed *re* occup. of La., 94; to consult with Sec. State *re* Orleans appts., 275; to decide ques. of Fr. occup. of pub. bldgs., 214, 216; to decide *re* Claiborne's accts., 441; to determine extent of land dists., 427, 429; town plan of, 287; unable to complete appts. to ter. sup. ct., 537; visits Monticello, 3-4, 5, 679.
- President, *Madison*, 830, 842, 849, 852, 859, 869, 877, 923, 947, 952, 987, 998; agrees to plan for deliv. of W. Fla., 922; aid of, requested by Orleans conv., 998; appt. of Garrard as commr., ment., 987; appts. Fitz as land commr., 882; approves: Claiborne's communic. to govr. of Yucatan, 851, Claiborne's conduct in occup. of W. Fla., 933, Holmes's conduct in occup. of W. Fla., 915; forwards Orleans memorial to Sec. War, 931; infd. *re* conduct of N. O. collector, 858; infd. *re* revol. plot, 851; *instrs. ment. to*: Claiborne, 834, 846, 851, Hampton, 990, Holmes, 892; *instrs. of, re*: demobil. of militia, 846, land claims, 934, 936, refugee problem, 850, W. Fla., 909; *letters ment. to*: Claiborne, 844, Ursuline Abbess, 844; opinion of, *re* R. Claiborne, 954; orders of, *re* occup. of W. Fla., ment., 933; Orleans const. sent to, 1000; policies of, *re*: Floridas, 885, W. Fla. Conv., 902; proceedings of ter. legis. sent to, 842; procls. of, *re*: deserters, ment., 902, occup. of W. Fla., ment., 905, 910, 926, 966; receives charges against R. Claiborne, 953; s. comms., 880, 958-959, 981; to decide neutrality ques., 990.
- Prevos, Henry, pardoned, 824.
- Prevost, Dominique, appd. justice, 700, 750.
- Prevost (Prevot), John B., 257, 389, 423; appd. judge, 269, 282, 291; arrival of, in N. O., 317; characterized, 253, 255, 538; commission of, as judge, 350-351, 455, 572; conduct of, as judge, approved, 348, 538; difficulties of, as judge, 344, 608; enemy of Claiborne, 945; illness of, 470-471, 548; intimacy of, with Livingston, 348; judicial opinions *re*: auth. of temp. cts., 358, powers of commandants and justices, 349; *letter ment. to* Claiborne, 394; *letters to*: Claiborne 393, Pres., 269-270, Sec. State, 356-357, 608, 679; opinions *re*: Claiborne, 357, Mobile post route, 548, Sibley, 356; org. of ter. sup. ct., 335, 356; requests leave of absence, 471; resigns as judge, 476 n., 679; salary of, as judge: discussed, 537, 575, petition *re*, 539-540; spends summer in W. Fla., 548; wishes to resign as judge, 608.
- Prevost, Mrs. J. B., letter ment. to Sec. State, 608.
- Prevost, Solomon, appd. justice, 750.
- Prevost, T. W., letter to Sec. State, 470-471.
- Prevot, *see* Prevost.
- Price, Andrew, appd.: capt., militia, 700, port warden, 825, 836, sheriff, 600.
- Price, Chandler, 6; letter ment. to Morgan, 8.
- Priestly, W., s. petition, 327.
- Prince Edward C. H. (Va.), 417.
- Princeton College, 900.
- Printers, infl. of, 754.
- Privateers, ter. juris. over, 259.
- Procès-verbal*, of transf. of La. to U. S., 139 n.; sent to Sec. State, 173.
- Proclamation, by Laussat, *re* occup. of La., text, 126-132.
- Proclamations, by Claiborne, *re* meeting of legis., text, 666; *re* murderer, ment., 755, 759; *re* ter. elec., discussed, 481; *re* ter. elec., texts, 478-481, 666-667, 668, 669, 696; *re* transf. of La. to U. S., discussed, 92, 94; *re* treason, text, 694-695; return of, 752, 796, 824, 982-983.
- Proclamations, by President, *re* deserters, text, 198-199; *re* occup. of W. Fla., ment., 905, 926.
- Procurador, Sp., fees of, 38.
- Proen, P., Jr., s. petition, 832.
- Profit, James, 10.
- Protestant Church, acts *re*, ment., 649 n., 656; mortality rept., 946, 956.

- Prothonotaries, recommend as, 9.
 Prouten, Narcissus, *see* Broutin.
 Provansise, Daniel, s. address, 971.
 Provisor, juris. of, 36.
 Provost, D., appd. parish treas., 601.
 Prudhome, Antoine, appd. capt., 638.
 Prudhome, Emanuel, appd. maj., 638.
 Prudhome, —, s. council manifesto, 650.
 Puerto Rico, Sp. officers transfd. to, 485.
 Punta Cortada, insubord. of slaves of, 328, 329. *See also* Pointe Coupee.
 Purveyor, Sp. purchasing officer, 40.
- Quelqueshoe, plantations in, 75.
 Quelqueshoe River, 73, 76.
 Quinn, James, appd. lt., 639.
 Quinones (Quinonis), Stephen, appd.:
 keeper of records, 416, 603, notary,
 601, 837.
- Racourci, land claims in, 899.
 Ramenard, —, s. address, 972.
 Rand, Ben, s. petition, 327.
 Randall (Randal), Thomas, 10, 373;
 intercedes for Doyle, 382; s. recom-
 mend., 290, 337.
 Randolph, John, resols. of, discussed,
 847; supports Clark, 670.
 Rapides (Rapids), 799; anti-admin.
 party in, 953; Choctaw in, 63; dist.
 of Sp. La., 32; justices' comms. sent
 to, 751; newspaper in, 953; postal
 service of, 463, 706; pub. lands near,
 240; tp. surveys in, 461.
 Rapides (Rapide) Parish (County),
appts. in: attys., 602, 662, clk. of ct.,
 598, coroner, 602, judges, 593, 749,
 796, 835, justices, 599, 600, 662, 824,
 984, sheriffs, 600, 701, treasurers, 601,
 663; census, 702, 923; Claiborne to
 visit, 697; elec. for rep. of, 824; forms
 elect. dist., 480; in militia dist., 586,
 854.
 Rayant, —, s. petition, 327.
 Ratliff, Jesse, s. memorial, 1009, 1011.
 Ratliff, William, s. memorial, 1009,
 1011.
 Read, Capt. —, delivers swords, 716.
 Read, M., appd. justice, 599.
 Reaud, A., s. recommend., 290.
Recopilacion de Indias, 35, 38.
 Recorder of mortgages, appt. of, 603,
 663, 752, 825, 837, 986; dismissal of,
 735.
 Recorder of mortgages (Sp.), 236.
 Recorders, appt. of, 601, 663, 751, 797,
 836, 986; as elec. officials, 479.
 Red Bird, Choctaw, murder of nephew,
 758, 760.
 Red River (River Rouge), 16, 30, 31,
 58, 149, 423, 461, 495, 686, 773, 973,
 995; described, 72, 74; evac. of Sp.
 post on, 458; explor. of, 217, 451,
 558, 616; factory on, 563; Fr. settle-
 ments on, 453-459, 470; Indians on,
 63, 450; land office on, 430; natural
 rafts in, 77; patrolled by militia, 272;
 postal service up, proposed, 769,
 products of valley, 75, 77; pub. lands
 on, 240, 360; rel. of, to La. bound.,
 68; settlements on, 427, 429, 729,
 773; sources of, 68, 74; surveys on,
 450, 973; trade route to Mexico, 46.
 Red River (Texas), *see* Colorado R.
 Red River District, div. of Sp. La., 17.
 Rees, David, appd.: capt., 637, justice,
 750.
 Regeo, Castagnol, appd. lt., 634.
 Regeo, Nicholas, appd. capt., 634.
 Register of births and deaths, appts.,
 987.
 Registers, of land offices, act providing
 for, text, 408-414; appts. of, 427-453,
 791; auth. and duties of, 428, 463-
 464; auth. to appt. deputies, 861;
 compensation of, 427, 430; compen-
 sation of, advanced by collector,
 428; deputy, auth. of, 840; form of
 certif. issued by, 726-727; in Fr.
 interregnum, 124; independent of
 comms., 862.
 Registers of mortgages, *see* Recorder
 of mortgages.
 Registers of wills, appt. of, 603, 604,
 837.
 Regnier, P. F., appd. justice, 985.
 Reibelt (Roebelt), Philip, appd. factor,
 563, 657, 687; appd. judge, 729, 746,
 749; characterized, 671, 808; letter
 ment. to Pres., 563; Pres. intercedes
 for, 728.
 Reibelt, Mrs. Philip, 671, 687.
 Reigeau, Armanda, appd. ensign, 637.
 Reif, Richard, 10; appd. lt., 639; mem-
 ber of ct.-martial, 587; resig. of, as
 officer, withdrawn, 596; to transfer
 pub. records, 416. *See also* Chew &
 Relf.
 Remondet, Denis, appd. sheriff, 986; s.
 memorial, 791.
 Remy, Hubert (Hubart), appd. clk. of
 ct., 598, 749.
 René, Stephen, appd. justice, 599.
 Republicans, 9, 254-255, 719; in minor-
 ity in Miss. and Orleans, 286; rel. of
 Federalists to, 380; schism among,
 687.
 Resguardo de Rentos, 577.
 Revas, François, appd. capt., 637.
Revenge, armed schooner, 716.
 Revolutionary War, veterans of, 255,
 345, 517, 652, 928.
 Reynaud & Peytavin, s. memorial, 158;
 s. recommend., 290.
 Reynaud, Jean, appd. capt., 636.
 Reyno, Josef, s. memorial, 158.
 Rhea, John, appd. judge, 984; member,
 W. Fla. Conv., 889, 895.
 Rhea, John, memorials and resols. sent
 to, 975.
 Richard, Joseph, appd. lt., 699; s.
 address, 971.
 Richard, Simon, appd. justice, 599.
 Richardson, Absolum, pardoned, 982.

- Richardson, M., appd. sheriff, 600.
 Riché, —, s. petition, 832.
 Richmond (Va.), Burr trial in, 736, 745.
 Ridgely, *see* McDonald & Ridgely.
 Rienvenu, *see* Bienvenu.
 Rillieux, Louis, appd. capt., 633.
 Rillieux, —, commissary, N. O., elect., 400.
 Rio Bravo, buccaneer fort on, 31.
 Rio Grande, 16, 73, 336.
 Rio Perro (Dog R.), 982.
 Rivas, Francis, 486.
 Rivière (Rivier), —, elect. to be held at house of, 479, 666; plantation of, 400.
 Rivière à la Pomme (Pomme de terre?), 64.
 Riviere, John, appd. justice, 599.
 Roads, 166 n., repair of, 41, 435.
 Robelot, D., memorial of, as univ. regent, 1014-1016; opposes grant of commons to U. S., 742.
 Robertson, Thomas Bolling, 885; absence of, 981-982; appd: land commr., 781, 861, ter. atty. gen., 797; certifies: exec. reg., 825, militia return, 827; commission of, as ter. sec., 761, 958-959; contriv. of, with Claiborne, 945, 962-963; en route to N. O., 961; illness of, 799; *letters ment. to*: Carrol, 888, Sec. State, 888; *letters to* Sec. State, 824, 841-842, 880-881, 888-889, 896, 962-963, 974-975, 981-982, 1001; opinions *re*: Fromentin, 1001, militia, 982, union of W. Fla. with Miss., 974-975; no. of claims confirmed by, 861; recommended as reg. 812; recommends Robinson as dist. atty., 878; requests ter. records, 962; s. exec. register, 986, 987; takes commrs.' repts. to Washington, 937; urges annex of W. Fla. to Orleans, 975.
 Robertson, Thomas Bolling, and Claiborne, letter to Pres., 877-878.
 Robertson, Thomas Bolling, and Grymes and Lewis, letter to Sec. Treas., 861-864.
 Robertson, Thomas Bolling, and Lewis, letter ment. to Sec. Treas., 919; letters to Sec. Treas., 899-900, 919-921.
 Robiare, Philippe, s. petition, 327.
 Robillard, Philippe, s. memorial, 791.
 Robillard, Pierre, s. petition, 327.
 Robin, Edward, appd. lt., 826.
 Robinson, John, s. memorial, 1010, 1012.
 Robinson, Tully, recommended as dist. atty., 867, 878; resig. of, 924, 925, 928.
 Robinson, —, appd. lt., 638.
 Rocha, Mariano, pardoned, 692-693.
 Rochambeau, Jean Baptiste Donatien de Vimeur, Count de, sends despatches to Laussat, 70.
 Roche, Nicholas, appd. lt., 698.
 Rocky Mountains, 68, 74, 86.
 Roddy, William, s. address, 971.
 Rodney, Caesar A., *see* Attorney General.
 Rodney, Thomas, land commr., Miss., 60, 163.
 Roebelt, Philip, *see* Reibelt.
 Rogaud, —, 11.
 Roger, Pierre, appd. justice, 750.
 Rogers, Nicholas, appd. justice, 796.
 Rollins, John, s. address, 971.
 Romain (Rojan, Romane), John (Jack), 258; characterized, 256, 308; considered for council appt., 283, 291; refuses council appt., 334, 346; resid. of, voting place, 400.
 Roman, Anselm (Onisem), appd. lt., 632; pardoned 692, 693-694.
 Roman, Victorin, appd. lt., 636.
 Roman Catholic Church, 272; Baton Rouge cemetery of, 970; bishop's return of marriageable females, 519; Church of St. Louis, N. O., 949; courts of, 20, 36; disorderly conduct of priest of, 423; dispute between priests of, 260; feast of St. Carlos, 319; influence of, 288; jurisd. dispute in, 259, 421, 425-426, 434, 744; maintains nunnery in N. O., 22; missionaries of, 31; mortality of members of, 949; N. O. Cathedral, 35; property of, in Natchitoches, 78; rapacity of priests of, 336; relations of, with Fr., to be protested by U. S., 686; rept. *re*, 52; social status of parish priests, 52; support of clergy of, 22, 41, 52; supports educ. in N. O., 22; under Bishop Carroll, 688; Ursuline convent, 804.
 Romans (Romane), Bernard, La. map of, 16, 58.
 Roque, Peter, 11.
 Roque, —, Jr., appd. lt., 633.
 Roque, —, Sr., appd. lt., 633.
 Roquer, François, Jr., appd. lt., 639.
 Roques, —, s. recommend., 290, 337.
 Roquet, Dominique, appd. lt., 633.
 Roquet, R., s. memorial, 158.
 Rosemone, Miniere, s. address, 175.
 Ross, George T., appd.: capt., 639, sheriff, 600; attends Clark dinner, 742; dismissed as sheriff, 731; excused from ct.-martial, 587; letter to Claiborne, 581-582; s. recommend., 337.
 Ross, James, appd.: clk. of ct., 749, judge, 749, 796.
 Rougaut, C., s. petition, 296, 579; s. recommend., 337.
 Rousaire, Baptiste, s. address, 174.
 Rousseau, Peter, 486.
 Rouzan (Rouzon), T. Messre (Messa), s. petition, 290, 296.
 Row, George, s. memorial, 1009, 1011.
 Royall, J., s. memorial, 1009, 1011.
 Rueda, Joseph, 485.
 Rueda, Miguel de, 577.
 Russ, Elias, s. address, 971.

- Russel, Mathia, appd. lt., 635.
 Russel, Robert, s. memorial, 1010, 1012.
 Russellville (Ga.), 860.
 Russia, natives of, in N. O., 105; rels. of, with Fr., 536.
 Ryan, John, s. address, 971.
- Sabin, S., s. memorial, 790.
 Sabine (Rio de Sabinas) River, 29, 31, 68, 73, 425, 534, 536, 961, 977; as La. bound., 16-17, 30, 68, 757, 759, 989; crossed by Sp. troops, 696, 855; Indian council to be held on, 293; Indian villages on, 63, 292, 755, 756, 757; neutral ground on, to be cleared of banditti, 998-1000; robberies near, 976-978; settlers on, 77; Sp. and Indians assemble on, 618; Sp. fort on, 17; Sp. traders attacked on, 943; Sp. troops on, 436; U. S. post on, recommended, 76.
 Sac Indians, 66.
 Sachtzel, L. V., s. address, 972.
 Sacray, John Louis, Fr. slaver, 172.
 St. Amand (St. Armand), Antoine, appd.: coroner, 602, justice, 599, maj., 635.
 St. Amand, Michael, appd. justice, 600.
 St. Amand, Pierre (Peter, Prene) D., appd. justice, 600, 700, 751.
 St. Andrews, 32.
 St. Armand, Severe, appd.: ensign, 664, lt., 826.
 St. Armand, —, 715.
 St. Augustine (Fla.), 85.
 St. Avid, —, involved in riot, 181.
 St. Bernard (Barnard), conciliation of Indians of, 515; disorders in, 423.
 St. Bernard Parish (County), appt. of judges in, 749, 835.
 St. Charles (Ill.), Sp. dist., 32.
 St. Charles Parish (County), appts. in: judges, 749, 835, 984, justices, 751, 824, 984.
 St. Colombe, Dubourg, recommended as bank director, 11.
 Ste. Genevieve, 32; Indians at, 64.
 St. Elloy, —, s. petition, 327.
 St. Eustatius (Eustacia) (W. I.), 881.
 St. Francis River, Indians on, 64.
 St. Francisville, p.o. estab. at, 964; pub. opinion in *re* occup. of W. Fla., 910, 912; submission of, to U. S. auth., 915; W. Fla. legis. in sess. at, 909.
 St. Helena, post route for, 1017; reps. of, in W. Fla. Conv., 889, 895.
 St. Helena Parish (County), appts. in: judges, 984, justices, 985, sheriffs, 986.
 St. James Parish (County), 751; appts. in: judges, 749, 835, 984, justices, 796, 984.
 St. Jean, occupied by U. S., 152.
 St. John the Baptist Parish (County), *appts. in:* judges, 749, 835, 984, justices, 750, 984; repair of levees of, 435.
 St. John's Plains, 889, 890, 891.
 St. Julien, Louis, case of, 258, 259-260, 541.
 St. Landry Parish (County), 751; *appts. in:* judges, 749, 835, 984, justices, 824.
 St. Louis, 64, 255; factory at, 515; mil. post recommended for, 66; occup. of, 96, 165; office of La. land dist. in, 469, 930-931; Sp. post, 50; troops from, to be sent to Ft. Adams, 627.
 St. Martin, L. M., appd. capt., 826.
 St. Martin, Pierre (Peter) B., appd.: auctioneer, 701, capt., 635, judge, 749, 835, 984, justice, 600.
 St. Martin, Pierre, Jr., appd.: ensign, 636, 664, lt., 664, 826.
 St. Martins (W. I.), 881.
 St. Mary, Faubourg of, 806, 843; militia of, 584, 714, 717.
 St. Mary's Parish (County), *appts. in:* judges, 984, justices, 985, sheriffs, 986.
 St. Maxant, Antoine, appd. ensign, 699.
 St. Nicholas Mole (Cuba), 177.
 Saintpe, —, appd. q. m., 635.
 St. Tammany Parish (County), *appts. in:* judges, 984, justices, 985; sale of liquor in, 983.
 St. Yago de Cuba, *see* Santiago.
 Saisan, Baptiste, appd. lt., 699.
 Saisan, Baptiste, Sr., s. petition, 327.
 Saizan, C., s. memorial, 791.
 Saizan, Jean Baptiste, Sr., s. memorial, 791.
 Saizan, —, Sr., s. memorial, 791.
 Salcedo, Govr. Juan Manuel de, 109, 151, 614, 764; asked for inventories of pub. prop., 80; attitude of, *re* La. cession, 59, 97, 115; characterized, 66, 102, 117; proc. of, *re* La. bound., ment., 72; protest sent to, 765; protests impress. of Fr. seamen, 70; responsible for land records, 546; treatment of, by U. S., 92; vacates Government House, 150.
 Salcedo, Nemisio (Nimesio) de, letter ment. to Claiborne, 683; orders return of slaves, 683.
 Salisbury, Noah B., s. memorial, 1010, 1011.
 Salisbury (N. C.), 705.
 Sally, Fr. slave ship, 172.
 Sally, schooner, 268.
 Salson, Nicholas, appd. justice, 796.
 Salt springs, 414.
 Sampayrae (Sampeyrae), Auguste, appd. justice, 984; s. memorial, 978.
 Samson, —, s. petition, 327.
 San Antonio (Texas), letter from, to Casa Calvo, ment., 436; popul. of, 73; Sp. recruit troops near, 272.
 San Antonio (St. Antoine) River, 73.
 San Bernardo, 32.
 Sanches, Andre, pardoned, 796.
 Sanchez, Mariano, pardoned, 796.
 Sanderson (Saunderson), John P., appd. ensign, 639; s. memorial, 158; s. recommend., 290.

- Sanderson & White, s. petition, 579.
 Sandford, Thomas, s. recommend., 145.
 San Ildefonso, Treaty of, 229, 529; status of W. Fla. under, 492.
 Santa Fé, 65, 73-74; province of, mapped by Sibley, 16.
 Santiago (St. Yago de Cuba), 881.
 Santo Domingo, 70; adventurers from, in N. O., 254; arrival of refugees from, 165, 170, 340, 510, 882; fall of, 881; Fr. troops arrive from, 137, 167, 177; revolu. in, 148, 160, 222, 297, 326, 501, 502; Negroes from, desert from Fr. privateer, 234; receives funds from Havana, 44; slave trade from, to Orleans, 503.
 Santo Domingo, Audiencia of, 36.
 Sargent, Winthrop, code used by, 562.
 Sarpy, Delor, 400.
 Sarrieux, J., s. address, 175.
 Sarriey, E., s. address, 175.
 Saseier, Jean, s. address, 174.
 Saucier, Philip, appd. justice, 985.
 Saul, Joseph, appd.: administrator, 797, 837, lt., 640; characterized, 925; letter ment. to P.M.G., 928; memorial of, as univ. regent, 1014-1016; s. recommend., 925.
 Saul and Stille, letter ment. to P.M.G., 582; instrs. to, 582-583.
 Saulet, Étienne, s. address, 175.
 Saunderson, John P., *see* Sanderson.
 Saunderson, Thomas, 10.
 Sauvé, Nicholas, 796.
 Sauvé (Sauvée), Pierre, (Peter), 258; appd. justice, 599, 600, 750; appt. of, to council, 283, 291, 308, 525, 604; calls on Claiborne, 445; characterized, 257, 312; conduct of, approved by Pres., 343; delegate of Orleans petitioners, 261, 304-305, 308; letter to Claiborne, 641; nom. to council, 524, 580; planter, 526; resigns from council, 641, 659, 660; s. manifesto, 650.
 Sauvé & Gaillard, s. petition, 296.
 Savannah (Ga.), 880.
 Scotland, natives of, 255, 277, 285.
 Scott, James, appd. justice, 599.
 Scott, John, appd. clk. of ct., 835.
 Scott, John W., appd. capt., 636.
 Scott, Joseph, s. recommend., 290.
 Seaman, Benjamin, p.m., Natchez, 391.
 Sebastian, —, declines appt. as land commr., 457.
 Second Creek 74.
 Secretary of State, *Madison*, 13, 25, 26, 28, 41, 45, 61, 66, 70, 86, 123, 138, 149, 155, 163, 166, 232, 233, 242, 245, 246, 258, 261, 278, 294, 304, 306, 309, 310, 312, 313, 317, 320, 356, 361, 371, 378, 380, 383, 390, 395, 404, 416, 420, 432, 434, 445, 447, 470, 475, 489, 498, 516, 518, 519, 532, 537, 540, 542, 560, 562, 583, 603, 604, 607, 608, 611, 615, 616, 618, 626, 631, 642, 661, 672, 689, 692, 704, 722, 723, 727, 753, 765, 770, 798, 802, 803, 810, 824; certifies Fr. despatches, 120; certifies ratif., La. treaty, 81-82; charges *re* Claiborne, sent to, 333; consulted *re* Claiborne's compen., 220; hopes forcible occup. unnecessary, 105; informed of La. bank charter, 225; instrs. ment. to Claiborne, 564; instrs. *re* Kemper affair, 333; *instrs. to:* Claiborne, 91-94, 533-534, 550, 702, Claiborne and Wilkinson, 92, Clark, 6; *letters ment. to:* James Brown, 448, 494, Claiborne, 201, 226, 259, 260, 279, 299, 368, 425, 426, 435, 437, 473, 536, 556, 557, 580, 675, Claiborne and Wilkinson, 177, Clark, 8, 79, 112-113, 117, Lislet, 785, Pres., 224, 274, Sec. Treas., 235, West, 333; *letters to:* Bastrop, 295 n., Carroll, 688, Claiborne, 91-94, 105-106, 176-177, 259-260, 332-333, 353-354, 364-365, 397-398, 418-419, 431, 496, 533-534, 536, 550, 580-581, 658-659, 679, 686, 702, 711, 733, 811, Claiborne and Wilkinson, 176, Clark, 5-6, 54-55, 73-79, Irujo, 69, Lattimore, 552, Pichon, 81, 173, Pres., 375 n., T. W. Prevost, 471 n., Sec. Treas., 214, Wykoff, 883-884; opinion *re* powers of legis. council, 496; Pres. consults with, *re* Orleans appts., 291; proposes add. stipul. in La. treaty, 81; sends passports to Claiborne, 260, s. comms., 95, 144, 145, 350, 351, 352, 415, 455, 456, 467, 571, 572, 573, 574, 684, 703, 761, 806, 823; s. procl., 199; ter. laws sent to, 681; to advise Pres., *re* Orleans appts., 275; to suptd. loc. of Lafayette's grants, 452.
 Secretary of State, *Monroe*, 961, 962, 964, 981, 1013, 1014; draft of La. state const. sent to, 974; letter to Claiborne, 932-934; s. comms., 959, 981.
 Secretary of State, *Smith*, 841, 848, 866, 867, 877, 889, 895, 896, 898, 924, 925; appts. public printers, 849; instrs. ment. to Holmes, 915; *letters ment. to:* Holmes, 891, 902, 909, Wykoff, 885; *letters to:* Claiborne, 830-831, 850-852, 881-882, 902, 902-903, Crawford, 885, Folch, 922, Holmes, 901-902, 915, Pres., 923; opinions of, *re:* ter. law *re* slave import., 882, Thierry, 849; s. comm. 880.
 Secretary of the Navy, *Smith*, instrs. to, *re* La. cess., 14-15.
 Secretary of the Treasury, *Gallatin*, 49, 87, 100, 177, 197, 224, 291, 443, 454, 472, 490, 517, 545, 549, 558, 606, 628, 676, 679, 682, 737, 746, 766, 774, 791, 812, 839, 846, 861, 899, 903, 919, 921, 927, 937, 939, 944, 950, 956, 1000, 1019; appts. land agents, 802; approves survey plans, 1017; criticizes Claiborne for chartering bank, 232;

- criticizes land commrs., 931; explains Orleans land bill, 708-711; infd. *re* Brown's conduct, 858; *instrs. ment. to:* collector, N. O., 431, Freeman, 972, Gurley, 476, Morgan, 775, Thompson, 773, Trist, 104, 105-106, 134; *instrs. of, re* survey fees, 1003; *instrs. to:* Briggs, 459-462, 631, Brown, 468-469, Fitz, Garrard, and Wailes, 934-936, Grundy, 468-469, Gurley, 427-429, land commrs., 930-931, Magruder, 468-469, Thompson, 429-430, Thompson and Gurley, 725-727, Trist, 106-107, 192-196, Williams, 1021; issues warrants, 214, 235; lacks auth. over land commrs., 934; *letters ment. to:* Briggs, 459, 631, James Brown, 495, 496, 548, 629, 732, 741, Claiborne, 226, 232, 997, Fitz, Garrard, and Wailes, 934, Freeman, 993, 1002, 1017, 1018, Gurley, 453, 468, 498, 607, Magruder, 1013, Pease, 747, 834, Pres., 14, 722, Thompson, 463, Trist, 104, 105, 134, Wailes, 882; *letters to:* Anderson, 624-625, Boyle, 772-773, 769-770, Briggs, 459-462, 630-631, James Brown, 468-469, 629-630, Claiborne, 834, Fitz, 882-883, Fitz, Garrard, and Wailes, 934-936, Freeman, 958, Garrard, 778, Gholson, 1005, Grundy, 468-469, Grymes, 828, Gurley, 427-429, 620, Lewis, 753, Magruder, 468-469, Morrow, 1006, Pres., 104, 189 n., 189-190, 219 n., 318, 389 n., 441-442, 457-458, 471-472, 612-613, 704-705, 718-719, 720-721, 722-723, Robertson, 781, Sec. State, 235, Smith, 575, Sprigg and Cocke, 733-734, Thompson, 429-430, 463-464, Thompson and Gurley, 725-727, Trist, 106-107, 192-197, Van Pradelles, 782, Williams, 1021, Worthington, 708-711; *opinions of, re:* appt. of Grymes as reg., 813, appts. for N. O. customs, 219 n., R. Claiborne, 954, Claiborne's acct., 441-442, Lafayette's locations, 452, 566, Orleans land ques., 612, Parmelee, 493 n.; recommendations of: *re* land acts, 624-625, 720-721, 1006, 1013, *re* marine hosp. for N. O., 719, *re* payment of Garrard's claim, 1005, *re* preempt. rts. to back concessions, 709; remits Garland's forfeiture, 685; requests return of N. O. bldgs. 472; suggests revision of survey methods, 770; to adv. funds to land agents, 430, 468; to appt. agents of land commrs., 413; to rept. *re* lead mines, 413; to submit land ques. to Cong., 612.
- Secretary of War, *Dearborn*, 138, 152, 159, 164, 168, 171, 291, 442, 533, 615, 703, 712, 754, 756, 762, 768, 782, 793, 798; forwards despatches for Laussat, 87; furnishes escort for Landais, 79; *instrs. ment. to:* comm. officer, Natchitoches, 696, Freeman, 607, Sevier, 98, 97, Wilkinson, 92, 838; *instrs. of, re* Negro militia, *ment.*, 381; *instrs. to:* Claiborne, 627-628, Freeman, 229-231, 541-542, 683-684, Porter, 534, Sibley, 352-353, 449-450, 469-470, Wilkinson, 71, 96-98, 154-155, 217-218; *letters ment. to:* Claiborne, 470, 775, 829-830, Laussat, 99, Sibley, 459, 470, 514, Wilkinson, 150; *letters to:* Claiborne, 458-459, 473, 627-628, 763, Freeman, 229-231, 541-542, 683-684, Porter, 534-535, Pres., 233 n., Sibley, 352-353, 449-450, 469-470, 514-515, Wilkinson, 71, 96-98, 154-155, 217-218; orders Pointe Coupee post retained by WD, 763; s. comm., 516; s. passport, 516; to appt. Reibelt factor, 563.
- Secretary of War, *Eustis*, 833, 853, 878, 907, 917; denies militia bills, 929; *instrs. to* Wilkinson, 838-839; *letters ment. to:* Claiborne, 829, 846, Hampton, 930, Wilkinson, 838; *letters to:* Claiborne, 929, 930, 931-932, Wilkinson, 838; plan of, for N. O. militia corps, 932; supports Claiborne in dispute with Hampton, 930.
- Sedella, Antonio de, rept. of, 949.
- Séguin (Serjuin), —, commissary, N. O. elect., 399.
- Segur, Pierre, appt. treas., 601.
- Seizen, Selistin, s. petition, 327.
- Senas, Blaize, *see* Cenaz.
- Serapurur, J. B., appt. capt., 635.
- Serjuin, *see* Séguin.
- Serlott, Peter, s. address, 971.
- Sevier, Govr. John, at odds with Jackson, 88; to mobilize militia, 93, 97.
- Sezan, George, s. petition, 327.
- Shane, Zachus, appt. justice, 985.
- Sharp, Joseph, s. address, 971.
- Sharp, Paul, s. address, 971.
- Sharplie, William, s. address, 972.
- Shaumburgh (Shaumberg, Shaumburg), Bartholomew, appt.: col., 838, justice, 600, 796.
- Shaw, William, s. address, 971.
- Shaw, Commodore —, in command on L. Pontchartrain, 908; sends seamen in slave uprising, 917; to enforce embargo, 1019.
- Shaw, William, s. address, 971.
- Shawnee Indians, 64.
- Shenopke and Shenpoke, pardoned for murder, 824.
- Shepherd, R. D., s. recommend., 925.
- Sheriffs, appt. of, 286, 422, 423, 600, 663, 701, 751, 797, 825, 836, 986; as election officials, 479, 480, 666, 668, 669, 696; persons recommended as, 9.
- Shewmin, Peter, s. memorial, 1009, 1011.
- Shields, William B., p.m., Opelousas, 707; survey abstracts sent to, 389.
- Shortridge, Daniel, appt. lt., 825.
- Sibley (Sibly), Cyrus, imprisoned by Folch, 926, 934.

- Sibley, Dr. John, 458; appd.: army surgeon, 367, capt., 632, council member, 385, Indian agent, 352-353, 424, 426, justice, 600; cavalry co. of, prepared for service, 759; characterized, 356; charges against, 58, 367, 368, 424, 434, 450; comm. of, as Indian agent, text 515-516; conduct of, approved, 450-451; domestic troubles of, 385; duties of, as Indian agent, 449-450, 514-515; geog. repts. of, ment., 58, 449; informed *re* Indian hostilities, 759-760; *letters ment. to*: Claiborne, 424, 433, 754, 756, 758, P.M.G., 346, 828, Sec. War, 449, 533; *letters to*: Claiborne, 72-78, Pres., 470 n., Sec. War, 878-879; maps of, ment., 16, 77; offered council appt., 343, 426; opinions *re*: intro. of U. S. legal sys. into La., 78, La. cession, 72, Red R. country, 74; recommended for council appt., 277, 281, 285, 424; repts. *re* Indian affairs, 756; requests post road to Natchitoches, 346; return of militia co. of, 886; salary of, 514; supplies Glass with mdse., 799; supports Orleans memorial, 367; suspects Sp., 582; to conciliate Indians, 470; to employ interpreter, 352-353; to investig. Indian land claims, 878-879; to refuse council appt., 367; to rept. *re* Red R. settlements, 459, 469-470; to study Indian languages, 453; visited by Indians, 287.
- Sibley, Solomon, appd. asst. factor, St. Louis, 515.
- Sidany, Philip, appd. lt., 633.
- Siguire, Cadet —, appd. lt., 699.
- Silva, Antonio, appd. pilot, 986.
- Silvest, Russ, s. address, 971.
- Silvestre, —, 487.
- Simmonds, —, disapproves Claiborne's accts., 904.
- Simon, Charles, s. address, 175.
- Simon, David, s. petition, 327.
- Simon, Louis, s. address, 174.
- Simpson, William, s. recommend., 900.
- Sims, Peter, s. address, 972.
- Sioux Indians, 65.
- Skinner, John, s. address, 972.
- Skipwith (Skipworth), Fulwar, accompanies Holmes to fort at Baton Rouge, 913; orders W. Fla. troops to St. Francisville, 912; protests manner of occup., 911; resig. of, from ter. legis., 982; s. address, 972; W. Fla. const. attributed to, 898.
- Skofield, Samuel, s. address, 971.
- Slater, Josiah, appd.: capt., 699, lt., 638.
- Slave trade, 173 n.; act prohibit., ment., 206, 503, 733, 843, 888, text, 209-210; extent of, 148; from W. I., 548; Louisianians wish resump. of, 261, 263, 265, 285, 305, 312, 314, 320; memorial *re*, ment., 733; prohib. of: discussed, 414-415, 424-425, 503-504, 542, 547-548, protested, 222, 246; regul. of, under temp. govt., 340; Sp. reguls. *re*, 39, 172; status of, in Orleans and La., 354; via Miss. R., ment., 369.
- Slavery, permitted in Orleans, 406.
- Slaves, 376, 577; arrest of, 337; bills of sale for, ment., 373; census of, 13, 17, 702, 923; confinement of, 430; crimes committed by, 982; escape of, 272, 323, 324, 335, 683, 764, 765; importance of, to agric., 265-266; maintain levees, 266; mortality of, in N. O., 946; offered refuge in Sp. ter., 273, 325; owned by refugees: brought into N. O., 842, 882, law *re*, discussed, 850, ques. of admission of, 847-848; petition *re*, 326-327; proposed restric. on import. of, 100; rels. of, to free Negroes, 7; reported plot of, 297; Sp. decree *re*, discussed, 331; ter. laws *re* punish. of, discussed, 384-385; theft of, 796; uprising of: expected, 298, 716, interrupts land business, 921, reptd., 915-916, 916-917, 917-919, 929.
- Small, F. W., appd. lt., 639.
- Smith, Daniel, letter to Pres., 175; recommends Jackson as govr. of Orleans, 175.
- Smith, George, s. memorial, 1009, 1011.
- Smith, John, pardoned, 824.
- Smith, John W., appd. clk. of ct., 598, 749; appd. lt., 640.
- Smith, J. K., s. recommend., 925.
- Smith, Raphael, appd. capt., 637, 664.
- Smith, Samuel S., 537; letter ment. to Sec. Treas., 575; letter to Pres., 852-853; opinion of, *re* extent of La. cess., 59; protests removal of son as clk., ter. sup. ct., 852-853.
- Smuggling, in La. under Sp., 23, 39, 43, 45, 50, 53, 54, 80, 194-195, 287.
- Smyth, Col. Alexander, 839.
- Snow River, *see* Angelina River.
- Sobuir, John, 389.
- Soileau, Maniel, 487.
- Solet, Valentine, appd. lt., 637.
- Someruelos, Marquis de, Captain General of Cuba, gives free hand to Sp. commrs., 115-116; opposes U. S. customhouse at Mobile, 266-267; orders deliv. of La. to Laussat, 112; probable action of, *re* W. Fla. Conv., 890.
- Son, Anthony, s. address, 971.
- Son, Conrad, s. address, 971.
- Soneteur, Babin, appd. lt., 826.
- Songis, Fermin, appd. lt., 636.
- Sorapurie, —, s. petition, 296.
- Sorrel, Joseph, appd. justice, 750; s. manifesto, 650.
- Soulie, John, director, La. Bank, 368; s. memorial, 158.
- Soulier (Soutier), L., 251, 254, 257.
- South America, rels. of, with U. S., 1004.

South Carolina, const. of, model for Orleans const. conv., 957; former residents of, in Orleans, 282, 349, 836; N. O. road to go through, 132, 133.

Southwest Point, 154, 904.

Spain, activities of agents of, 314, 676, 687; adherents of, in La., 249, 253, 254, 312, 320, 339, 508, 553; assent to post route requested, 363, 439, 724; auth. of officers of, vested in U. S. officials, 228; bound. claims of, 30, 492; bound. commrs. of, 68, 484; closes Mobile R. to U. S., 354; *commrs. of*: asked to allow entry of U. S. troops, 122, indep. of capt. gen., 115-116, oppose transf., 117, relations with Fr. commrs., 113, 117, 123, to furnish inventories of pub. prop., 80; conquest of W. Fla. by, 30, 492; coop. with, *re* suppr. of banditry, 977; cost to, of admin. La., 23, 42-43, 50; council of state, enacts provin. laws, 19; decree of, *re* escaped slaves, discussed, 271, 272, 331; defeat of, by France, 1010; delay of, in deliv. of Natchez, 108; deliv. of La. by, 165, 173, 223, 239; deliv. of W. Fla. by, 922; diverts La. funds to Santo Domingo, 44; *duties levied by*: amount, 50, continued by U. S., 157-158, not collectable by U. S., 106, on Mobile R. commerce, 267; expected to delay transf., 102; fears U. S. attack on Fla., 436; forbids payment of debts, 271; grants Indian-trade monopoly, 294; holds Mobile, 904, 906; imports from, to La., not dutiable, 158; indebtedness of, in La., 24, 43-44, 119, 578-579; Indian council sponsored by, 336; Indian treaties of, discussed, 62; influ. of, in La., 223, 264; instrs. of, to bound. commrs., 68; internal situ. of, 893; land claims under, 463-464, 920-921; land grants by, 18, 26, 27, 34, 48, 66, 244, 720-721, 904; land records of, 545-547; *laws of, discussed, re*: debt, 272, import. of slaves, 172, land, 408-414, 428, 709-710, 773, 934-936, sugar produc., 188; La. govt. of, characterized, 511; La. maps made by, unpublished, 16; mercantile reguls. of, discussed, 46, 47; mil. posts of: at Pointe Coupee, 776, near Natchitoches, 458; mil. privileges under, 36; mil. stores of, remain in N. O., 149, 169; mil. strength of, in: La., 55, 118, Mexico, 425, Pensacola, 425, 784, Texas, 368, W. Fla., 425, 435-436, 604; natives of, in W. Fla. land spec., 151, loyal to U. S., 554; naval strength of, on L. Pontchartrain, 194; Nootka Sound dispute of, with Gt. Brit., 30; officers of: hostile to U. S., 272, ordered from Orleans, 533-534, 563-564, 605, outnumber Americans, 559, to settle in La., 222; opposes estab. of Mobile

customs dist., 291; opposition of, to transf. of La., 71, 79, 97, 105, 108, 116-117, 120; orders deliv. of Upper La., 167; orders of, *re* transf. of La., ment., 85; orders of survey of, discussed, 934; ordinances of, ment., 379; part of, in Power affair, 702; payments due to, prior to cess., 92; pilot service maintained by, 54; *policies of, re*: Amer. immigrants, 14, educ., 161, Indians, 62, 64, land grants, 19, 27, 56, 512-513, 527-528, 545, 709-710, N. O. batture, 806, relinq. border regions, 76, U. S., 64, W. Fla., 62, 68, 86, 151, 193, 216-217; political situ. of, in Americas, 883-884, 1010; possible opposition of, to Natchez-N. O. mail service, 278-279; possibility of war with, 312-313, 315; post route through ter. of, ment., 975; predatory acts of troops of, 533; prevents emigr. of Choctaw w. of Miss., 63; procl. *re* deliv. of La. by 126-132; propaganda of, in Natchitoches, 272; protests La. cession, 69, 93, 95, 117, 121; provin. cts. of, 35-38; provin. laws of, 19; pub. school maintained by, in N. O., 487, 1015; refugees from colonies of, expected in N. O., 850; *relations of, with*: Fr., 115, 397-398, Gt. Brit., 363, Indians, 6, U. S., 319, 368, 397, 419, 438, 449, 533-534, 536, 553, 561, 581, 604, 616-617, 622, 627-628, 671, 675-676, 731, 741, 808, 851, 990; removal of troops of, from N. O., 98; retrocession of La. to, discussed, 433, 489, 557, 792, ment., 358, 505, 509, 562; revenue laws of, continued by U. S., 106; revenues of, from La., 50; revolt against, in Texas, 961; rights of, *re* introd. of slaves into Miss. R., 354; rights of ships of, under La. treaty, 189 n.; royal council of, as ct. of appeal, 20; sale of offices by, 236, 735; slaves escape to territories of, 325; status of commerce of, under La. customs act, 192; status of Floridas under, 85; status of vessels of, under ship reg. law, 196; strengthens frontier posts, 397; subversive activities of, among Indians, 293; supports church in La., 22, 52; survey warrants issued by, in Natchez dist., 389; surveys made by, ment., 747; taxation, causes disquiet in W. Fla., 191; termin. of affairs of, in La., 491-492; to fortify Pensacola, 320; to reestab. post of Adais, 76; traders of, attacked by Americans, 943; troop movements of, 239, 267, 419, 438, 505, 564, 618, 696, 855; *troops of*: at Lanana, 336, at Pensacola, 784, leave N. O., 119, 123, 137, 154, 199, 221, 266, 505, not to cross Sabine, 696, 989, remain in N. O., 122, 149, 152, 156, 159, 169, 170, 214, 360-361, 372, remain in W. Fla., 966; unable to oppose cess. of

- La., 115; U. S. post offices barred from ter. claimed by, 347; war of, with Gt. Brit., ment., 398; W. Fla. land grants of, 967; W. Fla. revolu. movement against, 888.
- Spanish, accused of inciting slave uprising, 917; in religious riot, 744; Indian estimation of, 336; near Natchitoches, hostility of, 616; removal of, from Mobile, 927; trading party, attacked by bandits, 976-977.
- Spanish language, importance of, to officeholders, 13, 342, 370, 538, 653-654; taught in La. pub. schools, 38.
- Sparks, Col. Richard, troops requested from, 800.
- Spell, Joseph, appd. justice, 985.
- Spencer, Dr. Oliver H., 10; s. recommend, 290.
- Spier, Henry Q., s. memorial, 1012.
- Spiller, William, member, W. Fla. Conv., 895, 897.
- Spitzer, B. S., s. recommend., 337.
- Spitzer, B. S., & Co., s. recommend. 290.
- Spooner, Capt. —, 268.
- Spreng, Dossey, s. memorial, 1009, 1011.
- Sprigg, William, appd.: judge, 626, land commr., 753; comm. of, as judge, 573, 733; letter to Sec. State, 626; popularity of, 744-745; proposed appt. of, as land commr., 728; resig. of, as judge, 728, 744-745, 753.
- Stackhouse, —, 1003.
- Stagg, Henry, s. recommend., 337.
- Stark, Theodore, 431-432.
- Stark, William, s. address, 972.
- State Department, 197, 287, 420; accts. of, with Claiborne, 104, 105, 107, 689, 711; applic. to, for passport, 1014.
- Steele (Steel), Dr. Andrew, appd. judge, 984; elected sec., W. Fla. Conv., 889; s. address, 972.
- Stein, John, appd. sheriff, 600.
- Stephen, reports plot, 575-576.
- Stephenson, Capt., —, 137.
- Sterrett, Capt. James, arrest of, ment., 169; judge advocate of ct.-martial, 587; letter ment. to P. M. G., 781.
- Steward, Charles, appd. justice, 984.
- Stewart, Christopher Strong, s. memorial, 1009, 1012; withdraws from militia, 593.
- Stewart, Clement, s. memorial, 1010, 1012.
- Stewart, James, s. memorial, 1010, 1012.
- Stewart, —, letter ment. to Sec. State, 274.
- Still, —, clk., land dist., 938.
- Stille (Still), Capt. James, appd.: adjt. maj., 596, capt., militia, 640, sheriff, 751; letter ment. to Freeman, 581; recommended as judge, 471 n.; s. recommend., 290. *See also* Saul and Stille.
- Stoddard, Capt. Amos, to occupy Upper La., 96, 165, 169, 170-171.
- Stone, Mathew, appd. justice, 600, 796.
- Stoop, Jacob, appd. lt., 639.
- Strange, John, pardoned, 796.
- Stuart, D. B., s. memorial, 1009, 1012.
- Suarez, Juan, 566-567, 605.
- Suelfield, Jessey, s. address, 971.
- Sugar, exported to U. S., 45; plantations, near N. O., 61; price of, 268, 952; petition *re*, 526-532; produc. of, 19, 24, 35, 46, 47, 75, 672, 678, 747; produc. of, hinders militia org., 854; Sp. laws *re*, 187-188; value of exports of, 44.
- Superintendent of Indian Affairs, Claiborne's status as, 384, 431.
- Superior Tribunal, Sp. ct. of review, 36.
- Surveyor General (Sp.), 40, 240, 485; in charge of survey records, 454; juris. of, 85; maps by, destroyed, 34.
- Surveyor General (U. S.), 1020; auth. and duties of, 413-414, 459-462; wishes deputies in Orleans, 625.
- Surveyor of the port, appt. of, 193, 196-197; to correct abuses in customs service, 195.
- Surveyors, deputy, accts. of, 973-974; compensation of, 460, 630-631, 950-951, 1002; difficulties of, 939, 950; duties of, 462; instrs. to, 940-943; official stations of, 631.
- Surveyors, Sp., compensation of, 460.
- Surveys, acts *re*: discussed, 459-462 630-631, 972, text, 408-414; completion of, 1018; compensation for; 950-951; difficulties of, 682, 769-770, 939, 972; expense of, 682 n., 973-974, 1018; extent of, 450, 451, 625, 773, inaccuracies in, 950; instrs. *re* riparian, 940-943; of inundated land, 747; of Lafayette's grants, 414; private, 244, 1002; records of, missing, 454, 614; repts. *re*, 746-748, 993-996.
- Surveys, under France, discussed, 454.
- Surveys, under Spain, discussed, 26, 27, 56, 66, 67, 85, 454; warrants of, 389, 527-528, 614, 934.
- Sutherland, —, 273.
- Sutton, Daniel J., appd. justice, 824; teller at council elect., 872.
- Swan, —, 169.
- Swann, Andrew, s. address, 971.
- Swinson, Benjamin, appd. pilot, 825.
- Switzerland, natives of, 252, 345, 869.
- Symmes (Syms), John Cleves, delivers pub. prop. at Pointe Coupee, 762, 776.
- Syndics, Sp. local officers, 41, 224.
- Tabor, Hudson, letter ment. to P. M. G., 964; s. memorial, 1009, 1012.
- Tache River, *see* Bayou Teche.
- Tait, Charles, 1003.
- Tait, James H., appd. lt., 699.
- Tala, Felix, 485.
- Tala, John, 485.

- Tallapoosa River, Indians on, 166.
 Tangipahoa (Tanchipaho), reps. of, in W. Fla. Conv., 889, 895.
 Tarreau, Jaques, appd. capt., 699.
 Tauriac, Louis, appd. lt., 637.
 Tauzin, C. Joseph, s. memorial, 978.
 Taxes, collection of, 780; in La. under Sp., 22, 41-42; vetoed, 779.
 Taylor, Lt. Charles Meredith, 165.
 Taylor, Edmund H., 722.
 Taylor, Jacob, s. address, 971.
 Taylor, R. D., s. recommend., 925.
 Taylor, William, appd. clk. of ct., 797, 885.
 Taylor, —, 505.
 Teale, Edward, mail contractor, 58.
Telegraph, manifesto pubd. in, 650.
 Tennell, Benjamin, appd. judge, 796, 885.
 Tennessee, 5, 11, 49, 87, 163, 241; former residents of, in Orleans, 351, 415, 448, 456, 467; laws of, proposed for Orleans, 856; militia of, to aid in occup., 93, 97, 98, 136, 153, 155, 164; postal service from, to N. O., 138, 321; supplies from, used in W. Fla. revol., 963; Washington-N. O. road goes through, 132.
 Tensa Lake, 423.
 Ternant, Vincent, appd. capt., 699.
 Terre au Bœuf, to furnish militia, 584.
Terreur, Fr. naval vessel, 70.
 Territorial Attorney General, appt. of, 602, 797, 798, 825, 837, 866; opinion ment. *re* pra. of govr., 997.
 Territorial Council, *see* Legislative Council.
 Territorial Courts, act *re*, 205; criticized, 653-654; delays in, caused by absence of judges, 247; indep. of, protested by ter. legis., 875; juris. of, 258, 259, 260; language prob. in, 246, 264, 341, 366-367; org. of in La., 100, in W. Fla., 905, 907; revision of, 620-621.
 Territorial delegate, appt. of, 660, 685; elec. of, proposed, 312.
 Territorial Governor, appd. by Pres., 205-206, 266; appt. of, discussed, 190-191, 265, 281 n.; authority of, *re*: admiralty cases, 260, collector, 106-107, elections, 406, 478, Ind. affairs, 754, legislature, 100, 406, Roman Catholic Church, 259, U. S. troops, 755; auth. to draw on SD, 107; compensation of, 206, 248, 318, 406-407; duties and powers of, 203, 204; powers of, under ord. of 1787, 947; recommendations *re*, 51; term of office of, 203, 1021; veto of, protested by ter. leg., 875.
 Territorial House of Representatives, act *re* elec. of, text, 406; address of, to Pres., ment., 551, text, 521; address of Destréhan to, 523; address of Pres. to, 566, 605, text, 551-552; adjourn. of, 522; apportion. of, 479-480; approves act *re* civil law, 655; conduct of, approved by Pres., 551; debate in, *re* civil law, ment., 654-655; election of, 506, 511, 574, 674, 752, 796, 824; favors Fr. and Sp. law for Orleans, 379; informed of council vacancy, 615; members of, characterized, 766; memorial of, discussed, 606; nominations of, to council, 523-524, 525-526, 580, 623, 659-660, 732, 763, 830, 869, 872; powers of, 481; proceedings of, 520-525; proceedings of, approved by Claiborne, 536; prospective legis. by, 620-621; qualif. of electors and members of, 481; rejects memorial to Cong., 722, 734; reply of, to address by Claiborne, 520, 620-622; resignations from, 666, 668, 686, 752, 796, 824; resol. of, *re* nomin. of council, 524-525; writ of elec. for, text, 696.
 Territorial Judges, ability of, 745; act *re*, 205-206; appt. of, discussed, 254, 269-270, 291, 341-342, 348, 363, 365-366, 369, 378, 537, 608, 626, 704, 785, 799, 810-811, 867, ment., 282, 307, 343, 447-448, 785, 988; comms. of, 350-351, 415, 455, 456, 572, 573-574, 684, 703, 805-806, 880; compensation of, 206, 247, 318, 406-407, 471 n., 537, 608, 779, 924; difficulties of, 344, 356; duties of, 812; ignorant of Fr. and Sp., 653-654; indep. of ter. legis., 875; length of term, 350; no. of, inadequate, 608; opinion of, *re* auth. of commandants and justices, 349, 358; petition *re* salaries of, 539-540; popularity of, 370; salaries of, adv. by collector, 575; termin. of tenure of, 1021. *See also* Territorial Superior Court.
 Territorial Legislature, act *re* meeting of, 406; acts of, discussed: *re* elections, 656, *re* importation of slaves, 882 n., *re* judicial sys., 656, *re* regul. of slaves, 384-385; acts of, ment.: *re* apprentices, 656, *re* auth. of commandants, 385, *re* elections, 696, *re* incorp. of bank, 983, *re* loans to ter., 388, *re* Protestant Church, 656, *re* taverns, 656; acts of, vetoed: *re* admis. of attys., 779-780, *re* duties of ter. treas., 779, 780; address of, to Pres., 795; address of Claiborne to, 864; adjourn. of, 657, 780; adopts civil code, 802-803; approps. funds for U. of Orleans, 1015; convening of, 604, 666, 803, 809, 859, 948, 983; elections to, 983; estab. court sys., 776; expense of, 656; fails to amend militia sys., 784; Fr. and Amer. parties in, 841; import. of early sess. of, 335; lacks auth. *re* import. of slaves, 882; laws of, vetoed, 642; meetings of, 549, 615, 616; members of, 809 n.; members of, s. manifesto, 642, 650; members of, urge adop. of civil code, 653-654; memorial of, *re* add. mil. force, discussed, 931-932; memorial of, *re* statehood, 873-877; memorial to, *re* R. Clai-

- borne, ment., 954; messages of Govr. Claiborne, to, ment., 881-882, texts, 779-780, 780-781; proceedings of, sent to Pres., 842; prorog. of, ment., 982; provides for pub. of laws, 677; refuses to elect Cong. delegate, 964; rels. of, with gov., 657; resol. of, *re* batture, 865-866; resol. of, *re* Burr, 707-708; responsible for pay. of militia, 929; to regul. ter. elec., 406; writ of elec. for, ment., 982.
- Territorial Secretary, act *re* expenses of, ment., 441; appd. by Pres., 205-206; appt. of, discussed, 343, 736, 958-959; appts. of: Brown, 269, 282, 291, 313-314, Graham, 342, 352, Robertson, 761, 958-959; charac. of office of, 443-444; comm. as, sent to Morgan, 762; conting. exp. of, 318; duties and prs. of, 51, 203-204, 342, 518-519, 803, 963; recommends. *re* qualif. of, 51; salary of, 206, 318, 342, 406-407; term of office of, 208, 1021.
- Territorial Superior Court, 653-654; act *re*, 205-206; appt. of clks. of, 749, 797, 835, 852, 985; cases before, 615, 736-737, 746, 765, 824, 982, 983; circuit of, 766; dists. of, estabd., 776, 812, 983; imp. of legis. sess. to, 335; indep. of ter. legis., 875; infl. by bar, 745; juris. and org. of, 205, 317, 356, 608; lack of accommodations for, 472; recess of, 476; tax on suits in, opposed, 779; vacancies in, 575, 728. *See also* Territorial Judges.
- Territorial Treasurer, act *re*, vetoed, 779, 780; appt. of, 663, 797.
- Territories, const. status of, 189 n.
- Tessier, Charles, aide-de-camp, 797.
- Texas (Tachus, Takus, Taxus, Tazus, Tehus), 25, 68, 77; contraband trade to, 24; inhabs. of, attempt to alienate Indians, 325; poverty of crops in, 386; revolt in, fails, 961; slaves escape to, 764, 765; Sp. forces in, 368, 425, 436, 438, 681.
- Theil, —, in riot, 181, 182.
- Theodore, pardoned, 982.
- Therese de St. Xavier Farjon, Sister Superior, Ursulines, letter ment. to Claiborne, 844; letter to Claiborne, 804-805; s. letter to Pres., 232.
- Thériot, Ambroise, s. address, 971.
- Theriot, Olivier, appd.: capt., 636, justice, 600.
- Theriot, Pierre, appd. capt., 636.
- Therwait, John, leaves militia, 593.
- Thibaut, J., s. memorial, 790.
- Thibaut (Thibaud), John, appd. lt., 639, 698; bond and oath of office of, ment., 293; member, ct.-martial, 587.
- Thibodeau (Thebedau, Thibbodeau, Thibodau), Henry S., appd.: capt., 637, justice, 600, 824; vote of, in const. conv., 957.
- Thierry, —, pubs. of, criticized, 849.
- Thomas, Benjamin P., appd. justice, 985; s. address, 972.
- Thomas, David, letter ment. to P. M. G., 132.
- Thomas, John, s. address, 971.
- Thomas, Joseph, appd. justice, 985; member, W. Fla. Conv., 889, 895, 897; s. address, 971.
- Thomas, Phil, s. address, 971.
- Thomas, —, murderer, 758, 759-760.
- Thomes, Henry, s. address, 971.
- Thompson, John, 612, 725; appd.: col., 637, 838, land. commr., 457, lt., 698, parish judge, 749, register, 429, ter. judge, 988; appt. of successor to, 867; bond of, as reg., approved, 463; compensation of, 430, 1005; confers with Gurley, 767; duties of, as reg., 463-464; explains delay in adjust. of claims, 628-629; goes to Attakapas, 988; ill-health of, 628; land records: abstr. for, 559, to be sent to, 469; *letters ment. to*: James Brown, 773, Sec. Treas., 463, 612; *letters to*: James Brown, 773-774, Sec. Treas., 628-629; recommended as ter. judge, 799; requests land records, 773-774; resig. of, as reg., 628, 882 n.; return of militia co. of, 886; shoots self, 988; to be instrd. *re* land purchases from Indians, 612; to command frontier forces, 759; to confer with Indians *re* Thomas murder, 760; to prepare militia for Indian hostilities, 757; to rept. *re*: land office, 463, Vacher and Magruder, 613.
- Thompson, John, Jr., clk. of ct., 835.
- Thompson's Creek, *see* Feliciana.
- Thomson, John, 798.
- Thomson, William, author of Burr pamphlet, 798; appd. ter. atty. gen., 798, 825, 837.
- Thorp, Thomas, s. memorial, 1009, 1011.
- Thoulson, Edmond, appd. capt., 699.
- Three Prairies, described, 76-77.
- Thruston, Buckner, appt. of, as judge, ment., 417, refused, 342 n., 476 n.
- Tiernan, Luke, & Co., Baltimore importers, 267.
- Tobacco, export of, 45; Fr. duty on, 7; produc. of, in Ohio Valley, 45, in Red R. country, 75.
- Tobin, James, s. address, 972.
- Todd, David L., letter ment. to P. M. G., 958.
- Toledano, Manuel, 485.
- Tombigbee River, 890, 973, 996; Americans on, boycott Sp., 616-617; settlements on: affected by La. cess., 72, injured by Sp. duties, 542, 616-617, ment., 444, to be connected with N. O. road, 132.
- Tomkins, Thomas, appd. justice, 985.
- Touinoir, Bernard, appd. adjt. and lt., 699.
- Toulmin, Harry, recommended as ter. judge, 476 n.; road laid out by, 724.
- Toulon, Ferd., s. address, 971.
- Toulouse Street (N. O.), 584.
- Touunica Indians, 63.

- Tounoir, F., s. memorial, 791.
 Tounoirs, B., s. memorial, 791.
 Tounoirs, J. Baptiste, s. petition, 327.
 Tourney, —, appd. justice, 600.
 Touro, *see* Judas & Touro.
 Towiash Indians, *see* Pawnee Indians.
 Towle, John, s. address, 971.
 Towles (Towls), John, appd. sheriff, 663; s. petition, 326.
 Townships, survey of, 461, 995.
 Tracy, Uriah, on Senate com., Orleans memorial, 532.
 Trager, Simone, s. address, 971.
 Translators, appt. of, 797.
 Trask, Maj. —, carries express mail, 111, 116, 119, 121.
 Treasurer, Sp. customs official, 40, 100; powrs. of, exercised by Trist, 106.
 Treasurer General, Sp., 39.
 Treasurer of the U. S., 107.
 Treasury Department, 685; accts. of, with: James Brown, 559, Claiborne, 105-106, Lawson, 938, Livingston, 262, Trist, 107; collector's repts. to, ment., 134; land records sent to, 469.
 Treasurers, parish, appt. of, 423, 601, 663, 701, 752. *See also* Territorial Treasurer.
 Treaties, ment., San Ildefonso, 59, 171, 217, 229, 492, 529; San Lorenzo, 62; 1763, 16; 1783, 18; 1795, 19, 32. *See also* Cession.
 Tredo, *see* Trudeau.
 Tredeau, Capt. —, repts. desertions, 337.
 Tremé, Claude, appd. capt., 633.
 Tremi, —, 584.
 Tremoulet, B., s. petition, 296.
 Trent, —, appd. capt., 638.
 Trepanie (Trepanier), Étienne, appd. lt., 632, 635.
 Trette, John B., appd. lt., 633.
 Trevino, Mrs. —, 487.
 Tricou, Joseph, appd. lt., 639; s. memorial, 158; s. petition, 579; s. recommend., 290.
 Tricou, Nicholas, appd. ensign, 639.
 Tricou, Pierre J., appd. lt., 698.
 Trimble, —, appd. land commr., 457.
 Trinity (Ocockasaw) River, 73, 461; Sp. settlement on, 557, 581, 678.
 Trist, Hore Browse, 100 n., 134, 151, 335; accts. of, 214; appt. of, as collector, 8; appts. port inspector, 267; auth. and duties of, 104, 105, 106-107, 192-196; collector, Loftus Hts., 45; conduct of, approved, 60, 147; death of, 279, 289, 316; difficulties of, as collector, 147; family of, ment., 289; *letters to*: Sec. State, 278, Sec. Treas., 134, 218-219; opinions of, *re*: Louisianians, 218, Porter, 219; recommends Hulings for customs appt., 218; repts. arrival of slaves, 148; support of family of, 316; to advance funds to Claiborne, 106; to recommend customs officials, 196-197; warned against Lewis, 226.
 Trist, Mrs. Hore Browse, 335, 743.
 Trouard (Truard), Achilles (Archilles), appd. judge, 598, 749, 835, 984; appd. deputy reg., 677.
 Trouard, —, Jr., appd. ensign, 636.
 Trudeau, Alexis, appd. lt., 826.
 Trudeau (Tredo), Carlos (Charles) Laveau (Laveaux), 485, 578; appd. recorder, N. O., 663, 751, 797, 836, 986; in charge of land records, 78, 517, 547, 550, 615; memorial of, as univ. regent, 1014-1016; pres., N. O. council, s. resol., 845; rept. of, *re* pub. lands, 240-241.
 Trudeau, Felix, 486.
 Trudeau, Mrs. Françoise, 487.
 Trudeau, René, appd.: lt., 632, 635; sheriff, 600; member, ter. h. of r., 925; s. recommend., 925.
 Trudeau (Trudeau), Valfroy (Valle-froy), not implic. in slave plot, 575; s. address, 174.
 Trudeau, Zenon, 486.
 Trudeau, —, the elder, appd. justice, 600.
 Tuckabatchie (Tuckabatche), on N. O. post route, 363, 417.
 Tuckepa, products of, 75.
 Tucker, T. T., U. S. Treasurer, 214, 235; recommended as collector, 868.
 Tudice, Lewis, 486.
 Tulie, Zedore, s. address, 971.
 Tupper, Benjamin, s. recommend., 290.
 Tureaud, Augustin (Augustine) D., appd.: auctioneer, 663, capt., 632, justice, 984, treas., 601.
 Tureaud, Bringier, & Co., s. memorial, 158.
 Turner, Edward, conduct of, 190.
 Turner, Capt. Edward D., 388, 389; accompanies Caso Calvo to Adais, 558; appd. judge, 598, 662, 835, 984; death of, 984; forces Sp. from Natchitoches area, 618; forwards depos. *re* Indian hostilities, 292; judicial auth. of, 385; *letters ment. to*: Claiborne, 271, 273, 335, 336, 368, 384, 430, 432, Clark, 101; *letters to* Claiborne, 238-239, 271-273, 292, 335-337; opinion of, *re* people of Natchitoches, 272; petition to, *re* slaves, 273-274; recommends distrib. of Amer. flags to Indians, 336; reports: occup. of Natchitoches, 239, Sp. troop movements, 438; requests auth. to sell attached prop., 273; to occupy Natchitoches, 151, 152; witnesses depos., 293.
 Turner, Mrs. Edward D., 337.
 Turner, James, s. memorial, 1009, 1012.
 Turner, James, s. memorial, 1012.
 Ugarte, Capt. Joaquin, letter ment. to Casa Calvo, 323.
 Union, N. O. newspaper, antagonizes Louisianians, 313; not censored by Claiborne, 376-377; ridicules Orleans memorialists, 375.

- United States, acts of, *re* La., protested by Fr. inhabs., 263; adventurers from, in La., 222; asked to assume W. Fla. debt, 1010-1011; assessed for N. O. improvements, 607; claim of, to Floridas, 59, 151, 333, 419, 884, 1011; continues Sp. customs sys., 157-158; controls tobacco produc., 7; deliv. of W. Fla. to, 922; effect of La. cess. on, 11, 48; emig. from, to La., 162; exports from, to La., 45, 50, 158; imports of, from La., 44-45; juris. of, over offenses committed prior to cess., 258, 260; land frauds against, 27; *lands of, in La.:* ment., 245, not open to settlement, 212, not under ter. auth., 204; legal sys. of, discussed, 651-652; maritime laws of, extended to La., 100; merchants from, in La., 253; mil. policy of, 793-795; mil. strength of, on Miss. R., 436; officers of, to draw on collector, 104; *policies of, re:* Floridas, 68, import. of slaves, 172, Indians, 6, 66, 212-213, La. treaty, 263, occup. of La., 81, 93, 95, people of La., 96, Spain, 69, W. Fla., 68, 885, W. Fla. land titles, 967; prs. of, in La., 227-228; prop. of, in N. O., 444, 847; prop. of, not taxable by ter., 658-659; pub. opinion in, *re:* La. cess., 48, W. Fla., 893; ratifies La. treaty, 96; *relations of:* with France, 87, 397-398, 671, 731, with Europe, 814, with Gt. Brit., 398, 671, 675-676, 731, 763-764, 842, 948, with Sp., 397-398, 419, 438, 449, 533-534, 536, 553, 561, 581, 604, 616-617, 622, 627-628, 671, 675-676, 731, 741, 808, 851, 990, with Sp. America, 1004, with W. Fla. Conv., 896; rept. of plot against, in N. O., 817-819, 819-820; resident of, preferred for La. govt., 9; rts. of citizens of, 192, 260; supporters of, in Orleans, 252, 253, 254, 255, 258, 264; to determine land ownership in La., 229; to determine La. bounds., 30.
- United States Army, 240, 264; accommodations for troops of, in N. O., 122, 149, 152; act *re*, in occup. of La., 89; arms and munitions of, stored in N. O., 150, 154, 684; called out in slave uprising, 917; commended by N. O. council, 844-845; deserters from, pardoned, 198-199, 902; deserters from, serve W. Fla. govt., 911; former officers of, in Orleans, 838; health conditions in, 152, 159, 163, 170, 505, 838-839; instrs. *re* adm. of, 230-231; mortality in, 294, 311; needed in N. O., 368; needed in slave insurrec., 916; not subject to Claiborne, 755; not to cross Arroyo Hondo, 989; occup. of La. by, 59, 71, 92, 93, 96, 97, 136, 224; occup. of W. Fla. by, 901-902, 1010; ordered to N. O., 505, 627; pay of, 165, 169; prepared for slave uprising, 298; recruiting difficulties of, 932; requested for Natchitoches, 977; requested for N. O., 800; service of officers of, offered militia, 932; strength of, in Orleans, 221, 503, 554, 560, 617, 783-784, 820, 833; supplies furn. to, 61; to be removed from N. O., 541; to furn. expl. party, 217; use of liquor in, 230.
- United States Bank, effect of charter of, on N. O. bank, 225; estab. of br. of, in N. O., discussed, 225-226, 362.
- United States Commissioners to receive La., 80, 101, 102, 108, 113, 114, 117, 129, 134, 135, 151, 169, 389; accommodations for, in N. O., 109, 115, 150; acts. of, 260, 847; appt. of, announced in N. O., 109, 115; ask Laussat to define prs. as commr., 215; auth. of, 120; claim pub. bldgs. in N. O., 149, 216; compensation of, 220, 257; demand evac. of Fr. troops, 179; hold Fr. liable for non-deliv. of pub. bldgs., 152; instrs. ment. to Bowmar, 223, Stoddard, 170-171; *letters ment. to:* Clark, 137, Laussat, 165, 167, 178, 179, 180, 199, 215, Sec. State, 149, 157, 166, 176, 199, 214; *letters to:* Laussat, 215, 216-217, Sec. State, 155-157, 166-168, 177-180, 199-200, 214-215; offer bldgs. for Fr. mil. stores, 216; opinion *re* Laussat's La. policy, 179-180; oppose Blaque as Fr. agent, 215; policy *re* Fr. refugees, 177-178; preparations of, for transfer, 138; progress of, in transfer, 149-150; protest non-deliv. of W. Fla., 200, 215, 216-217; pub. records delivered to, 214, 546; rec. orders of deliv. of Upper La., 166-167; request rept. on N. O. riot, 180; termin. of auth. of, 220; to protest Laussat's stand *re* W. Fla. bound., 169; to relieve Fr. refugees, 168; to take charge of Fr. stores, 199-200; urge removal of Sp. troops, 372; urged to bar Fr. troops from N. O., 137. *See also* Claiborne and Wilkinson.
- United States Congress, 87, 197, 255, 256, 929; action of: *re* La., 15, 57, *re* Orleans memorial, 398, *re* W. Fla., 927; *acts, texts, re:* land titles, 408-414, Orleans govt., 202-213, 405-407; *acts discussed re:* approps. for Orleans, 441, importa. of slaves, 843, 850, 882, land, 427, 429, 459-462, land claims, 463-464, 512-513, 526-530, 630-631, 708-711, 720-721, 725-727, 773, 861-862, 899, 934-936, land sales, 463-464, militia, 740-741, 813-814, Orleans customs dist., 192-196, Orleans govt., 266, 547-548, 650-656, 656, ship registry, 192-196, statehood for Orleans, 933, 1007-1008, surveys, 940-943, temp. govt. of La., 213, 227-229, ter. org. of La., 966, 1008; *acts ment. re:* admin. of La. as

- state, 1019, 1021, alien enemies, 207, appt. of dep. reg., 861, approps. for Orleans, 431, bank for N. O., 225-226, bounds. of La. (State), 977, copy-right, 207, estab. of PO, 827, fugitives from justice, 206, importa. of slaves, 888, Indian relations, 207, Indian trade, 213, 422, Indian trading houses, 207, intruders on pub. lands, 807, land, 493, 543, 938, 950, land claims, 468, 549, 550, 560, 792, land offices, 1002, land sales, 958, 1006, 1013, legis. council, 496, La., 246, La. govt. approps., 214, militia, 89, 739, 740, Mobile customs dist., 267, 291, 436, N. O. land claims, 921, Orleans customs, 189, Orleans govt., 225, 241, 269, 354, 356, 358, 384, 407, 437, 438, 455, 456, 467, 478, 481, 521, 754, patents, 207, pay of land commrs., 1005, ports and harbors, 532, postal service, 206, postmasters, 725, PO, 206, 868, post roads, 771, privateering, 206, promotion of the arts, 207, public records, 207, pub. of the laws, 207, punishment of crimes, 206, relief of Indians, 834, salvage, 207, ship registry, 222, slavery, 206, 263, statehood for Orleans, 948, 970, 999, survey of Orleans coast, 631, surveys, 939, 972, 993, 994, temp. govt. of La., 91, 143, 144, ter. sup. ct., 476, W. Fla., 910; acts of, quoted *re*: treason, 695, military expeds., 695; acts of, *re* land, forwarded to commrs., 930; address of Fromentin and Magruder to, 1006-1007; adjourn. of, 927; approps. of, for Orleans surveys, 462; asked to consider Pedesclaux's claim, 237; attitude of, *re* salaries of ter. officers, 191; attitude of members of, *re* Burr affair, 712; auth. granted by, to Pres., 201; auth. of: *re* La. Dist., 211, *re* La. govt., 101, *re* land claims, 720, *re* ter. council, 204, *re* territories, 90 n.; auth. forcible occup. of La., 93; auth. Pres. to take posses. of La., 96; bill for La. govt. before, 175; committees ment., 132, 612; conditions imposed by, for Orleans statehood, ment., 956, 961; confirm. of land grants by, 428; debates in, *re* La. bounds., ment., 151; delays org. of La. govt., 168; fails to provide for compen. of land commrs., 882; Garrard's petition sent to, 989; grant of commons to N. O., discussed, 742; land claims to be reptd. to, 460; laws of, *re* Orleans, to be printed in Fr. and Eng., 677; laws of, sent to Claiborne, 850; laws of, to be pubd. in N. O., 811; oblig. of, to assume W. Fla. debt, 1011; Orleans const. submitted to, 998; *petitions and memorials to*: texts, 157-159, 526-532, 539-540, 543-544, 544-545, 789-791, 806-808, 873-877, 954-956, 959-961, 990-992, 1007-1010, 1010-1012, 1014-1016, 1020; policy *re* W. Fla., discussed, 974; possible action of, *re* Sp. relations, 534; post road estab. by, 418, preserves local law, 652; President's message to, ment., 108, 552; proceedings of, *re* foreign affairs, discussed, 676; repts. of P. M. G., to, 827, 868-869; request for Natchitoches post road before, 346; ter. delegate elected to, 831; to be asked to repeal Orleans govt. act, 241-242; to consider La. cess., 5, 49; to estab. perm. govt. for La., 96; to pass on decisions of land commrs., 935; to prescribe state bounds. for Orleans, 407; to provide for Washington-N. O. post route, 363; urged to aid W. Fla. Conv., 898.
- United States Constitution, 204, 206, 210, 247; applic. of, to Orleans, 356; model for Orleans const. conv., 956-957; policy of, *re* religion, 688; pub. of, in N. O., discussed, 521; *rel. of*: to Orleans laws, 651, to people of La., 227-228, to ter. law, 655.
- United States District Attorney, Orleans, act *re*, 208; appt. of, 205-206, 282, 291, 448, 494, 772 n.; recommendations as, 866-867, 925; resignations, 770, 877, 924, 925, 928; salary of, 208, 629-630, 801-802.
- United States District Court, La., supported by general approp., 318.
- United States District Court, Orleans, act *re*, 208; *appts. to*: attornies, 282, 291, 448-449, 494, clk., 662, judges, 275, 282, 291, 349-350, marshals, 282, 291; lack of accommodations for, 472; state of criminal docket, 770; tenure of judges of, 1021.
- United States House of Representatives, Bastrop memorial to be presented to, 552; bill for La. govt. to come before, 177; committee rept. *re* Orleans memorial, discussed, 420; statement made before, *re* Orleans militia, 738.
- United States Marshal, 472; act *re*, 208; appt. of, 205-206, 282, 291, 308, 311; recommend. as, 9, 843, 900-901; to adv. salary of dist. atty., 629-630.
- United States Navy, act *re*, in occup. of La., 89; conduct of officers of, 753; gunboats of, on Lake Pontchartrain, 908; seamen of, aid against slave uprising, 917-918.
- United States Senate, 354; appt. of Brown as ter. sec. submitted to, 316; bill for the govt. of La. before, 177; bills ment. *re* ship registry, 159; confirms council appts., 616; La. treaty before, 108; nomin. of Orleans officials to, 284, 341-342, 343, 566, 580, 659; ratific. of La. treaty by, ment., 81-82; resols. of, *re* census, 923.
- University of Orleans, bldg. program of, 1015; estab. of, 424 n.; incorp. of, 1014; memorials of regents of, 543-544, 1014-1016; to be aided by ter. h. of r., 621.
- Upper Banlieue (N. O.), 400.

- Upper Louisiana, form of govt. for, 101; land ques. in, 428, 612; occup. of, by U. S., 96, 149, 155, 165, 166-167, 169, 171, 176. *See also* Louisiana District; Louisiana Territory.
- Urquhart, David, 10.
- Urquhart (Urkhart), Thomas, 10, 258, 925; appd.: lt., 634, port warden, 602; biog. of, 869-870; characterized, 255; director, La. Bank, 368; letters to Pres., 830, 842; nomin. to council, 830, 869, 872; recommended: as marshal, 256, 282, 291, for council, 871; s. memorial, 877; s. recommend., 290, 925; speaker, ter. h. of r., 795.
- Urquhart (Urqueheart) brothers, 308.
- Urquhart, T. J. D., s. memorial, 158; s. petition, 579.
- Ursuline Nuns, educ. interests of, 804, 956; letter to Pres., 231-232; petition on behalf of, 954-956; recruit members in France, 804, 806.
- Vacher, Francis, 612; accused of intemp., 680; appd. land commr., 457; dismissed as commr., 629 n.; recommended by Brown, 613.
- Valdez (Valder), Cayetano, 485, 577; attitude of, *re* cession, 115; characterized, 117.
- Vancouver, George, 30.
- Van Pradelles, Benedict F., 517, 519, 547, 549, 560; applies for reg. office, 774-775; appd.: justice, 750, land commr., 519, notary, 701, reg., 782; death of, 810, 812, 840, 861; *letter ment.* to dep. regs., 791-792; *letters to*: Sec. State, 519, Sec. Treas., 774-775, 791-792; no. of claims confirmed by, 861; qualifies as reg., 791.
- Vassant, —, 950.
- Vassault, —, mail contr., fails, 579.
- Vassault and Goldston, letter ment. to P. M. G., 494.
- Vaughan, John, 35.
- Veillion, Joseph, appd. lt., 634.
- Venezuela, news of revol. in, 888.
- Venezuela, dist. of Sp. La., 32.
- Vera Cruz (Vera Cruix), 44, 241; La. deficits covered by pay. from, 43; La. exports to, 24, 46.
- Verbois, François, appd.: ensign, 635, lt., 826.
- Verchere, John Pierre, appd. lt., 639.
- Vermonet, J., appd. judge, 984.
- Vernon, John, appd. justice, 985.
- Verret, Godefrois, appd. ensign, 637.
- Verret, Jacques, appd. capt., 637.
- Verret, Louis, appd. capt., 637.
- Verret, Marcelin, appd. lt., 637.
- Vicar General, 52; denied admis. to N. O. Cathedral, 744.
- Viceroy of Mexico, resp. for Sp. troop movements, 419.
- Vidal, Capt. José (Joseph), 97; auth. of, *re* land grants, 27, 56, 66; charges of, against Sibley, 58; illegal land grants of, 26, 27.
- Vidalia, post at, 97.
- Vienne & Landry, s. memorial, 978.
- Vige, Guébo François, s. petition, 327.
- Vignes, —, s. memorial, 790; s. petition, 832.
- Vignes, —, Jr., s. memorial, 791.
- Villain, Nicolas, s. petition, 327.
- Villamil, Andrew, appd.: capt., 826, lt., 635.
- Villamil, Peter, case of, discussed, 373-374, 396, 404-405.
- Villamil, Mrs. Peter, 373.
- Villar, —, letter of, ment., 248.
- Villars (Villair), Joseph, Sr., characterized, 526; nom. to council, 524; resig. of, as ter. rep., 824.
- Villandry, —, letter ment. to Sec. State, 274.
- Villanueva, M., parish treas., 601, 663.
- Villanueva, Thomas, appd. maj., 636.
- Villarneau, Thomas, appd. justice, 600.
- Villebruvre, —, appd. lt., 634.
- Villemont, Mrs. —, 487.
- Villeneuve, — de, s. memorial, 790; s. petition, 327.
- Villeré, Gabriel, appd. capt., 634.
- Villerei (Villeré, Villerey), Jacques (James), appd.: col., 634, 838, justice, 750; to make militia return, 593-594.
- Villiers, Charles de, 486.
- Viloxi, *see* Biloxi.
- Virginia, 418, 719, 743, 954, 963; common law in, 652; former residents of, in Orleans, 256, 386, 761, 772, 798, 835, 836, 837, 838, 873, 928; proposed N. O. road to go through, 132.
- Viriart, —, s. petition, 327.
- Vitrae, J., s. petition, 832.
- Vives, John, 486.
- Vivez, Antonio, appd. capt., 637.
- Vosin, Joseph, appd. lt., 826.
- Voisin, J. J. Baptiste, s. address, 175.
- Voorhies (Vorkies, Woorhies), Cornelius, appd.: clk. of ct., 598, justice, 700, sheriff, 825, 836.
- Wachita River, *see* Ouachita River.
- Wade, James, pardoned, 824.
- Wadsworth, Col. Decius, unavailable for command at N. O., 150-151.
- Wagner, Jacob, compiles acct. of La., 47 n.; letter to Sec. State, 514 n.
- Wailles, Levin, 934; reg. w. land dist., 882; wounded in duel, 899.
- Walker, Gilbert, complains of surveys, 939; survey rept. of, 746-747.
- Walker, Joseph, appd. lt., 699.
- Walnut Hills (Miss.), 74, 75, 799.
- Walnut River, *see* Nueces River.
- Walsh (Welch, Welsh), Patrick, auth. of, as vicar general, denied by parishioners, 421; characterized, 52;

- dispute of, with Bellechasse, 434 n.; marries Lt. Doyle and Miss Orso, 383; pastoral letter of, ment., 425-426; recalls priest at Pointe Coupee, 843. Walsh, Peter, 804.
- Walther, Frederic, appd. sheriff, 600.
- Walton, Matthew, s. recommend. of Brown, 145.
- War Department, 104; accts. of, with: Claiborne, 92, 473, 703-704, 904, 929, Sibley, 514, U. S. commrs., 154, 260; instrs. ment. to Wilkinson, 93; pays salaries of interpreters, 444; Sibley to rept. to, 353; tentative measures of, *re* W. Fla., ment., 397.
- Warner, Thomas, appd. judge, 984.
- Warren Parish (County), appts. in: judge, 984, justices, 985, sheriffs, 986.
- Washington (D. C.), 14, 72, 99, 112, 145, 150, 190, 197, 262, 291, 305, 493, 661, 743, 898, 962; former residents of, in Orleans, 286, 812; Fr. despatches forwarded from, 120; meeting *re* La. cess. to be held in, 49; post road from, to N. O., discussed, 132-133, 349, 363, 417, 418-419, 420, 437, 439, 444-445, 860; post roads from, to N. O., repts. *re*, 771, 827, 868; *postal service to*: Coweta, 473-474, Ft. Stoddert, 725, Natchez, 57, 95, 108, N. O., 57-58, 321, 364, 474-475, 671, 690, 705-706, 810; Rapides newspaper sent to, 953.
- Washington (Miss.), 72, 712, 901; land district, 163; rept. *re* removal of ter. capital from, 974; residents of, to settle in Orleans, 952; survr. gen's. office in, 60.
- Washington County (Miss.), people of, expect attack on Mobile, 890.
- Washington (Pa.), 953.
- Washita River, *see* Ouachita River.
- Waths, Marguerite, 487.
- Watkins, Dr. John, 10, 695, 732; appd.: aide-de-camp, 583, council member, 291, 317, 334, 346, 347, elect. officer, 481, justice, 599, mayor, N. O., 603, member, committee, ter. h. of r., 522, recorder, N. O., 426, 601; appt. of, to council, 277, 281, 283, 284; attends Clark dinner, 742; attends council, 344; certif. of, *re* Doyle's marriage, 382-383; certif. of, *re* Hulin case, 377; conduct of, 675, 734; delivers Indep. Day address, 266; dismissed as mayor, N. O., 723, 731; elec. of, to ter. h. of r., 506, 511 n., 766; fears slave uprising, 503-504; in Fla. land specul., 284-285; investigates Negro conspiracy, 502; *letter ment. to* Claiborne, 234; *letters to*: Claiborne, 234, 481-482, 487-488, 620-622, Graham, 500-504, Pres., 622-623, 659, 732-733; member, Mexican Assoc., 731; memorial of, as univ. regent, 1014-1016; motion of, *re* pub. of laws, 521; opinions *re*: loyalty of Louisianians, 504, prohib. of slave trade, 503-504; org. defense of N. O., 555; recommended as ter. sec., 222; rept. of, *re* address to Pres., 521; rept. of, *re* memorial to Cong., 522; requests bldg. for school purposes, 487-488; resigns: as aide-de-camp, 597, from council, 426; s. recommend., 290, 337; s. reply of ter. h. of r., 622; s. resol. of N. O. council, 482, 483; s. resol., ter. h. of r., 708; statement of, *re* Fr. claim to W. Fla., 151; surety for Gurley, 498; to consult with Meade *re* defense of Orleans, 697.
- Watkins, William S., appd.: justice, 984, sheriff, 797, 836.
- Watson, Samuel, murders Indian, 752, 755, 756, 759.
- Weathersby, William, coroner, 663.
- Webb, Amos, appd. p.m., St. Francisville, 964, Webbsville, 1017; s. memorial, 1009, 1012.
- Webb, William, s. address, 971.
- Webbsville, p.o. in, 1017.
- Webster, —, *see* Lyon & Webster.
- Weeks, Caleb, s. memorial, 1009, 1012.
- Welboan, William B., s. petition, 326.
- Welch, Alexander, 938.
- Welch, Patrick, *see* Walsh.
- Wells, Levi, appd.: justice, 600, treas., 663; charges of against R. Claiborne, discussed, 952-954.
- Wells, Levi, and Fulton, memorial, of *re* R. Claiborne, ment., 953-954.
- Wells Creek, 74.
- Welsh, Nicholas, appd. maj., 638.
- Welsh, Patrick, *see* Walsh.
- West, Benjamin F., death of, 298; s. recommend., 290.
- West, Cato, 333; letter ment. to Wilkinson, 153; to discharge expenses of Tenn. vols., 164.
- West Florida, 548, 561, 899, 967, 991; bounds. of, 56, 266; Choctaw in, 62; desires union with U. S., 191, 425, 489; effect of La. cession on, 964-965; immigration to, 489; land claims in, 920, 921-922; land spec. in, 151, 333, 904; legis. of, session of, 909, 912; nondelivery of, protested, 200, 215, 216-217; org. of U. S. govt. in, 905, 907, 914, 982; *petitions and memorials re*, 974, 990-992, 1010-1011; post routes in, 363, 418-419, 440, 452, 975; retrocession of, to Spain, discussed, 433, 911; revol. of, discussed, 888, 898, 964-966, 968-969, 1010; Sp. force in, 425, 542, 604, 927; Sp. land sales in, 56, 489, 491-493, 512; Sp. surveys in, ment., 67; status of deserters in, 911; status of, prior to annexation, 30, 32, 59, 67, 72, 74, 85, 86, 151, 169, 193-194, 195-196, 419, 492, 884, 966, 1011; status of, under U. S., 892, 911, 927, 966-967, 974, 990-992, 966; U. S. agent sent to, 884; U. S. occup. of, 604, 901-902, 903-905, 905-907, 909-914, 922, 933; U. S. policy *re*, 885. *See also* Feliciana Parish; Florida.

- West Florida Convention, 926; address of, to De Lassus: discussed, 893, text, 894-895, 896-898; afraid to apply to U. S. for protection, 890; const. adopted by, ment., 966; debt incurred by, 968-969; desires incorp. with U. S., 890, 892; discussed, 889-891, 965-966; fears consequence of acts, 982; membership of, 889, 895; memorial of, to Sec. State, ment., 902; requests better admin. of justice, 897; status of debt of, 911; to hold second meeting, 893, 894-895; urges govr. to arm inhabs., 897-898.
- West Indies, natives of, in N. O., advocate statehood for Orleans, 841; products of, 45; slave trade of, with La., 340, 548; trade of, with La., 47.
- Wetherstrand, Robert, appd. lt., 636.
- Wheatly, —, rept. *re* N. O. post route, ment., 474.
- Wheaton, —, mail route of, 690.
- White, E. H., s. memorial, 1010, 1012.
- White, James, appd. judge, 749, 835. *See also* Sanderson & White.
- White, Reuben, appd. capt., 638.
- Wilce, Louis Joseph, appd. justice, 824.
- Wilkinson, Gen. James, 61, 125, 137, 661, 688, 697, 734, 753, 845; accts. of, as commr., 260, 847; auth. to draw on SD and WD, 104; auth. to take posses. of La., 96; bars Fr. refugees, 165; commands Orleans militia, 740; comm. of, to receive La.: ment., 91, 109, 111, text, 94-95; conduct of, in Burr affair, 712, 723, 729, 735; contro. with Cox, 153; convention of, with Herrera, discussed, 989-990; corresp. of, with Morgan and Cooley, ment., 777; discharges militia, 152; departure of, from N. O., 150, 153, 170, 221, 234, 735; en route to N. O., 109, 113, 115, 135-136; ignorant of Sp. post on Red R., 458; instrs. ment. to: Cooper, 167, Stoddard, 169; invited to spec. in W. Fla. lands, 151; *letters ment. to*: F. L. Claiborne, 153, Claiborne, 113, Dougherty, 153, Sec. War, 152, 153, 154, 160, 164, 166, West, 153; *letters to*: Pres., 248, Sec. War, 138-139, 150-152, 152-153, 159-161, 164-166, 168-170, Stoddard, 170-171; occup. of La. by, 71, 92, 93, 95, 97, 113, 123, 136, 138-139; *opinions re*: Boré, 248, form of govt. for La., 245-246, 247, Laussat, 138, 151, Louisianians, 159-160, militia, 153, N. O. Negroes, 160, retrocession of La. to France, 160; orders of, *re* post at Pointe Coupee, 762, 776; presents militia standards, 240; *recommends*: garrisoning of Arkansas and Natchitoches, 154, mil. govt. for La., 159, strengthening of fortif. of N. O. and Plaquemines, 150, strong garrison for N. O., 139, 159; relations of, with Claiborne, 136, 221, 233, 730; relieved by Hampton, 839 n.; rept. of, *re* Orleans citizens, ment., 248; restores order at ball, 181; termin. of auth. of, as commr., 220; to act with Claiborne, *re* Burr, 689; to remove troops from N. O., 838; to rept. *re* Freeman, 735; witness in Burr case, 745. *See also* Claiborne and Wilkinson.
- Wilkinson, John, appd. justice, 985.
- Willamil, *see* Villamil.
- William, George, letter ment. to P. M. G., 1017.
- Williams, Benjamin O., member, W. Fla. Conv., 889, 895, 897.
- Williams, James, appd. judge, 447, 598; to admin. oaths of office, 447.
- Williams, Michael, s. memorial, 1009, 1012.
- Williams, Robert, 190, 197; applies for appt. as judge, 952; impoverished by office holding, 952-953; letters to Pres., 952-953; polit. difficulties of, 809; to defend Claiborne's conduct, 233; to prepare militia for service 627-628; to rept. *re* Claiborne, 198; to rept. to Pres. *re* La., 191.
- Williams, Thomas H., 60, 163; appd. collector, 858 n., 925; s. recommend. 925; to pay ter. officers, 1021; to rept. *re* Fr. privateers, 881.
- Williams, William, s. memorial, 1009, 1012.
- Williams, —, considered for appt. as ter. judge, 291.
- Williamson, James C., 10. *See also* Meeker, Williamson, & Patton.
- Willis, William, appd. sheriff, 986.
- Willis, William R., appd. justice, 985.
- Wilson, Lt. William, 769; arrest of Sp. by, 505.
- Wilson, William, appd. justice, 824.
- Wiltz, Lewis, appd. lt., 635.
- Winchester (Va.), 902.
- Windham, J. D., letter ment. to P. M. G., 809.
- Winfree, Philip, appd. justice, 750.
- Wingate, Robert, s. memorial, 1009, 1012.
- Winter, Samuel, recommended as bank director, 10.
- Winter & Harman, letter ment. to Sec. State, 733; memorial of, *re* import. of slaves, discussed 733; s. recommend., 290, 337.
- Winters (Winter), Gabriel, appd.: clk. of ct., 598, justice, 750, lt., 638; funds advanced to, as dep. survr., 973.
- Witherspoon, John, letter ment. to Wilkinson, 153.
- Witman, C., s. memorial, 790.
- Woodruff, Clark, s. memorial, 1009, 1012.
- Wooldridge, L., appd.: clk. of ct., 598, commandant, 387; asked to recommend parish officers, 423.
- Woorhies, *see* Voorhies.

- Workman, James, 784; appd. judge, 598; attends Clark dinner, 742; atty. for Pedeclaux, 735.
- Worthington, Thomas, 708; to confer with Breckinridge on La. cess., 49.
- Wyandotte Indians, act for relief, 834.
- Wykoff (Wikoff), William, Jr., 10; appd.: auctioneer, 701, brig. insp., 632, clk. of ct., 598, col., 636, 838, confidential agent for Fla., 883-884, dep. reg., 676-677, judge, 749, 835; recommended for council appt., 278, 281, 285; to estab. courier service, 715.
- Wykoff (Wickoff, Wikoff, Wycoff), William, Sr., 10, 258; appd.: auctioneer, 601, council member, 291, 334, 346, 347, 426, maj., 838, parish treas., 601; appt. of, to council, discussed, 283; attends council, 344; characterized, 256; recommended for council appt., 277, 281, 285; threatens resig. from council, 345.
- Wythe Court House (Va), postal service from, to Knoxville, 58.
- Ximenes, Carlos, custodian of Sp. land records, 416, 546, 580, 614.
- Yatassé, Indian village, 30.
- Yazoo River, 164.
- Ybanez, *see* Ibanez.
- York (Va.), 954.
- Young, Robert, s. memorial, 1009, 1012.
- Young, Samuel, appt. of to council, discussed, 277, 284.
- Yrujo, *see* Irujo.
- Yucatan (Ukatan), 851.
- Zacharie, *see* Holmes & Zacharie.
- Zacherie (Zachary), Stephen, 11; s. memorial, 158.
- Zerban, Philip, s. recommend., 290, 337.
- Zespedes, Mrs. —, 487.



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