ADMINISTRATIVE PROBLEMS OF
W. C. C. CLAIBORNE, FIRST ANGLO-AMERICAN
GOVERNOR OF LOUISIANA

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ADMINISTRATIVE PROBLEMS OF

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THESIS

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By

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PREFACE

The following pages are written in an attempt to depict and portray the problems which confronted W. C. C. Claiborne in his governing of Louisiana. From the time of Louisiana Purchase in 1803 until 1812, when the territory became a state, he ruled as territorial governor and from 1812 until 1816 he served as the first state governor. These problems have been summarized from reading the personal letters of Governor Claiborne written during his term of office. It has been necessary to include the writings of other authors in order to link the story together, but in the main the material has come from these personal letters.

I wish to particularly acknowledge my debt to Dr. L. W. Newton and the History Department of North Texas State Teachers College for the suggestions they made for the present piece of work.
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CHAPTER I
A TERRITORIAL GOVERNOR IN THE MAKING

President Thomas Jefferson's purchase of Louisiana from the French in the memorable year of 1803 is one of the great turning points in American history. It is the most significant event in the march of the American people from the Atlantic seaboard across the Mississippi River to the Pacific. It gave to us a continent as the home of a self-governing people, and made secure our place as the leader among the nations holding Democratic ideals of government. No event in the annals of our country is of more importance than this great epoch of our history. It takes rank with the settlement of Jamestown and Plymouth, the Declaration of Independence and the adoption of the Constitution. The one-hundredth anniversary of the Purchase was celebrated by the National Government by a great exposition at St. Louis, which rivaled the celebrations commemorative of the discovery of America and the passage of the Declaration of Independence.¹

The history of Louisiana as a territory and later as a state is a very interesting and picturesque one. Like practically every other state, the history of this one-time French possession is bound up in the lives and works of its first citizens. The story of lovely Louisiana's very first citizen under the rule of the stars and stripes is known and loved by

every loyal native of the state. Although not a native himself, none stands higher in the annals of Louisiana than its first governor and for seventeen years the outstanding figure of the southwest—W. C. C. Claiborne.

William Charles Cole Claiborne was born in the home of Colonel William and Mary Leigh Claiborne in Sussex County, Virginia in 1775. He came from a line of distinguished English ancestors. The first William Claiborne founded the American branch of the family when he emigrated from England by an appointment from the London Company to survey the plantations of Virginia. This same surveyor arrived at Jamestown in October, 1821. He very early established himself as one of the leading citizens of the province, and on March 4, 1625, he was commissioned by His Majesty, Charles I, as a member of the Council and Secretary of State of the colony of Virginia. When the time arrived for the colonies to fight for their independence and establish their own principles of liberty, the name of Claiborne could be found on the roll call of the colonists.

Having such a background and seeing the light of day on the eve of the Revolution, there is no small wonder that William C. C. Claiborne was a patriot. His family loved to tell of the time when he was only eight years old and wrote in his Latin grammar the motto which he adopted throughout life, "Carpe patriam, carpe libertas—ubi est libertas, ibi est mea patria."

"Dear my country, dearer liberty—where liberty is, there is
His early schooling was received at the Richmond Academy and at the College of William and Mary. At the age of fifteen, he decided that due to the financial losses of his father who had sacrificed his all in the cause of his country, he must support himself and be no longer a burden to his family. He decided to go to New York City, which was the seat of the National Government, and look for work. He was fortunate enough to make a friend of Mr. John Beckley of Virginia who was clerk of the lower house of Congress. Mr. Beckley was only too glad to aid one of his fellow citizens and secured him a job as enrolling clerk. As one of his duties was to copy bills and resolutions for the members of Congress, he soon became familiar with quite a few of the prominent figures about the capital.

In 1790 Congress moved to the city of Philadelphia, and one of its most enthusiastic followers was young Claiborne. By this very enthusiasm the young clerk soon attracted the attention of three of its most outstanding members—John Adams, Thomas Jefferson and John Sevier. Jefferson became interested in helping to stimulate the young boy's thirst for reading and gave him access to his books and directed the formation of his reading habits. Sevier saw great possibilities in the adolescent mind and encouraged him to study law and go to a new territory to set up a practice.

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At a very early age Claiborne had displayed decided oratorical ability, and in Philadelphia he joined the Polemic Society. Although only seventeen years of age he found that he could sway an audience as well as any older member of the group. When he made this astonishing discovery, he decided to follow Sevier's advice and follow law as a career. He resigned his position and went to Richmond, Virginia, to study law. After only three months preparation, he was admitted to the bar. Because of his youth he decided to pitch his fortune with a young section of the country. So with a copy of Blackstone as his certificate, he journeyed to the aspiring young territory of Tennessee and offered his services to the courageous people of the frontier. Within two short years his reputation had grown so that he stood second to none in pleading at the criminal bar and had the largest criminal practice in that section. In the first constitutional convention of Tennessee which met in Knoxville in January, 1796, he was one of the leading members. His outstanding record at this time prompted Governor Blount to say, "He is, taking into consideration his age, the most extraordinary man of my acquaintance."\(^3\)

Although only twenty-one years of age, he was appointed as a judge of the Supreme Court of the state when Tennessee came into the Union. But he was allowed to hold this post only for a short time, for in August, 1797, he was elected to fill

the unexpired term of Andrew Jackson in the lower house of the Fifth National Congress. During this session he was a member of the Ways and Means Committee and the Committee on Indian Relations. He was re-elected to the next regular session. The young representative was only twenty-two years old at this time and under the constitutional age, for Clause 2, Section 2, Article I of the Federal Constitution provides that "No person shall be a representative who shall not have attained the age of twenty-five years." If Claiborne's birth date is correctly given, he is probably the only man who ever served in the national legislature before reaching the age limit required by the Constitution.

In 1801 he married Eliza W. Lewis of Nashville, Tennessee. On May 25 of the same year he was appointed Governor of the Mississippi Territory by the same man who had befriended him in his youth and was now president of the United States—Thomas Jefferson. Although the young governor was only twenty-six years of age, he had gained the confidence of President Jefferson who believed him "endowed with that wisdom, tact, judgment and discretion which were so necessary in instilling in the minds of the people of the new territory a love for American institutions, at a time when great events were taking place in Louisiana between France and Spain."4 In the new territory he had to intervene in the factional quarrels that had divided

the people under his predecessor and was obliged to organize new counties, settle land claims, and suggest measures for public health, for controlling the negroes and for public instruction. Most of his initial measures stood the test of time.

The want of military equipment in the territory gave Claiborne much uneasiness, and when the cession of Louisiana by Spain to France was assured, he applied to the Secretary of State for one thousand rifles, and recommended the establishment of a well equipped military post, centrally located. His efforts resulted in the building of Fort Dearborn at Washington ten miles east of Natchez, Mississippi.

Governor Claiborne in a message to the legislature October 3, 1803, spoke of the Louisiana Purchase:

It is understood that by the late treaty between the United States and the First Consul of the French Republic and which remains only to be sanctioned by constituted authorities of our country, the Island of Orleans is ceded to the United States, and the American Empire bounded by the western limits of the rich and extensive provinces of Louisiana—an accession of territory not acquired by conquest, not held by the precarious tenure of force, but acquired by honest purchase, and secured to us by the national faith of its former owner—an accession of territory essential to the welfare of the western country, which by increasing the means of reciprocal benefits, will render still stronger the chain which connects the great American family in the inestimable union of interest and affection—a union which I pray God, may exist co-equal with time.

Claiborne had served Mississippi and President Jefferson

well, and once more he was to climb up another rung of the ladder and receive a greater responsibility. On November 9, 1803, he received an express from Washington notifying him of his appointment by President Jefferson as commissioner, together with General Wilkinson, to receive from France the Louisiana Purchase, and to succeed the Spanish Governor until a government for the new territory should be established. The two commissioners met at Fort Adams and journeyed to New Orleans and received the beautiful French country from Laussat, the representative of the French Republic, and Claiborne at once assumed the government of the new possession. On September 24, 1804, he lost his wife and infant child. After the death of his first wife he married Clarissa Duralde, a French lady, and on her death married a Miss Bosque, a lady of Spanish descent, who survived him. Some authorities say that his marriage alliances with Creole families by his second and third wives did much to remove that initial handicap of governing a territory of different race, language, and customs than his own.

Claiborne acted as Provisional Governor until October 2, 1804, when he was appointed Governor of the Territory of Orleans. He continued to serve in this capacity until the Territory was admitted to the Union in 1812. The people showed their love and respect by electing him their first state governor. For four years he served them faithfully. He was then elected to the United States Senate from Louisiana, January 13,
1817. Although desiring to serve his people in a still greater way, he was not allowed to fulfill this desire because the hand of death came between him and his position. He died on November 23, 1817, and is buried in the beautiful Metarie Cemetery of New Orleans. W. C. C. Claiborne died at the age of forty-two when he was on the threshold of a great national career. For seventeen years he had stood second to none in helping to carve out the history of what was then the great Southwest.

Two days after his death the Louisiana Courier of November 25, 1817, said:

Where is the inhabitant of Louisiana who, on reflecting that it is to Mr. Jefferson he owes the happiness of belonging to the American Union, will not weep over the loss of the man who secured his election to the presidency? The cession of this country opened a new career for Mr. Claiborne; he left the Mississippi Territory, of which he was governor to fill the functions of commissioner charged to administer Louisiana and entrusted with all the powers which had been enjoyed by the governor and intendants under the Spanish Government. Soon afterwards Louisiana was formed into a territory, and for ten years Mr. Claiborne was its governor. His remarkable honesty, the softness of his manners, and the evenness of his temper, made him universally loved. He exerted his influence in propagating that inviolable attachment which he bore to republican institutions; and if we now hold a rank among the most patriotic states of the Union, it is, in a great measure, owing to the example and precepts of Mr. Claiborne. The erection of the Territory of Orleans into a state furnished to the Louisiana an opportunity of rewarding his services by raising him to the first magistracy. His administration during four years secured him new rights to public love and gratitude, and, the constitution of the state being opposed to his reelection, the general assembly chose him as one of our senators in Congress. He was on the eve of rendering to his country services no less essential than those which had hitherto marked his politi-
cal career, when death deprived America of a most virtuous citizen, his family of a tender father and husband, and his numerous friends of a good and worthy man. Louisiana will long deplore the loss she has sustained, and she will never cease to cherish the remembrance of him who so well deserved her love and confidence. 7

Thus dropped the curtain on one of history's noblemen and Louisiana's first citizen.

CHAPTER II
INTRODUCING A PEOPLE TO A NEW CITIZENSHIP

On the eighteenth day of November, 1803, a messenger could be seen riding into the town of Natchez, Mississippi, with a very important express for the Governor of the Territory. Riding up to his destination, he delivered his package and went on his way, never dreaming how much bearing that particular mail was to have on the receiver's later life. As the Governor opened the letter and started leisurely to pursue its contents, he probably thought it was just another letter dealing with the Spanish situation on which he could get very little definite information. But after reading the opening, he must have taken a greater interest. Perhaps he read it carefully a second time. After a moment of concentration, he probably with glowing eyes, a broad smile, and hurried steps went to tell its news, for he was still young enough to want to share a thrill. He of all people had been chosen in connection with General James Wilkinson to act as a commissioner of the United States to receive the Louisiana Purchase from France, and then he was to assume full charge of the government and be the official representative of both his country and his friend, President Jefferson. Thus another rung in the ladder of advancement had been climbed and orders to move on to newer fields and newer honors had been given W. C. C. Claiborne.  

\[1\] At this time Claiborne was only twenty-eight years old; President Jefferson had complete confidence in his administrative and diplomatic ability.
A letter was sent by return mail to the Secretary of State, James Madison, expressing the Governor's pleasure at being selected for such a position. He expressed his unworthiness for the place by saying:

Impressed as I am with the importance of our newly acquired Territories to the glory and permanent interest of my Country, I cannot express the pleasure I shall take in contributing tho even in so small a degree to the peaceful and happy establishment of the American Government in Louisiana. I lament that I have too much reason to distrust my Talents for the high stations to which I am called. But if honest views, zealous and faithful attention to the duties intrusted to me will be accepted in lieu of more Brilliant Abilities, I hope to retain that confidence of my Government, which at this time constitutes a principal Happiness of my life.2

Claiborne was a man of good motives, pleasing appearance, mild temper, scrupulous honesty and diligence. His main fault was that at times he seemed irresolute and was likely to magnify the difficulties that confronted him. The characteristic was particularly outstanding in his preparation to assume his new place.

He was very worried over the fact that his co-worker, General Wilkinson, was absent at this time and there was no knowledge of when he would return.3 He expressed his position in the following words:

Knowing however as I do, the earnest anxiety with


3Wilkinson had been sent to retrace and remake the boundary between the United States and the Choctaw Nation in the Tombigbee District.
which the eyes of all America are turned to this quarter of the Union, and how deeply the Interests of my Country are involved in a successful issue to the Measures in contemplation, I shall proceed upon my own responsibility to make in conjunction with the Commanding Officer at Fort Adams, such immediate preparatory arrangements as may be necessary, with a sincere wish that I may soon be joined by my experienced coadjutor.4

He began to formulate his plans to fulfill his mission. During the month that intervened he average practically a letter a day to the Secretary of State in each of which he constantly expressed his fear of trouble with Spain.

Letters were sent very frequently to Daniel Clark, a merchant and recently named United States consul at the port of New Orleans. Claiborne depended almost solely upon Clark's information and opinion concerning the state of affairs in the ceded province. There was at this time a pronounced coldness in the attitude of Daniel Clark for Laussat, the French Commissioner,5 and Claiborne pleaded with Clark to let his sense of duty and patriotism erase his disagreements and remember that Mr. Laussat's countenance and co-operation was very important at this critical juncture. Clark was also quizzed on the following questions: the present military strength of the city of New Orleans and other posts within a short distance of it,


5Daniel Clark had business ability and great force of character; but seems to have been fussy and domineering; this was also true of Laussat, which accounts for the trouble.
the force that would probably be requisite to overpower any resistance that might be attempted, the most advisable mode of proceeding with an army, and approaching the city. Claiborne was encouraged in his idea of forming a party, which in case a recourse to arms were had, would be willing to embrace with zeal and fidelity the interests of the United States. It can easily be seen by this that Claiborne’s mind was running the channel of trouble and very serious trouble at that. One other request was made of the consul, and that was to try to discover in what manner Mr. Laussat would act in case of resistance by the Spanish Government, how far he would countenance a resort to force, and if he would feel so much interested in behalf of the Americans that he would exert the influence which he was given credit for possessing. He was also warned on the possibility of reinforcements being sent from Havana to New Orleans if the Spanish Government should really be disposed to resist the American claims and to keep an eye out for such a landing. Clark carefully surveyed the field and tried to calm the new governor’s fears. As Louisiana had not yet been turned over to France, he asked the Spanish government for permission for one or more

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7 There was a well defined opposition on the part of the Spaniards of Louisiana against the American Dominion. There was also opposition among the French, but they regarded the transfer with much greater toleration.

8 This distrust of Spain was quite general among the Americans of the Mississippi Valley; it was especially strong in Tennessee, Claiborne’s old home.
companies of cavalry to pass by land to New Orleans as an escort to the commissioners to that place.

Each day saw a letter winging its way to the Secretary of State to reassure him that every thing possible was being done to assure the taking of the new territory either by peaceful or forceful efforts. Orders were issued saying that the services of any company of the militia as volunteers would be accepted and taken to New Orleans, for he deemed "it good policy for the American Commissioners not to proceed to New Orleans until the Army is ready to move;—with a number of brave men at our command, the negotiations may be considerably accelerated, if delays should be attempted."

Madison was told that according to Clark's letters it would be expedient for the commissioners to come to New Orleans as soon as possible, and that they should be accompanied by a respectable military force. Claiborne was unwilling to direct a peremptory draft of the militia unless absolutely necessary, so he decided to depend upon volunteers and expected them to reach over two hundred men. He was very disappointed to find that the military preparations at Fort Adams were not up to the high standards he presumed they were. He thought it inexpedient to move without a rather thorough artillery, for should opposition be met and a coup de main prove impracticable, he deemed it

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9Claiborne to Clark, Nov. 21, 1803, Official Letter Books, Vol. I, p. 896. It was feared the Spaniards would seek to delay the transfer after the manner of postponing the giving over of the Natchez District.
necessary to be in a situation to carry on offensive operations with promptitude against the enemies' works.

Much to Claiborne's disappointment, his plan for volunteers did not reach his expectations. The weather became very wet and unsettled, and the men were not anxious to leave home. In addition to this, the people themselves did not believe that any serious opposition was meditated by the Spanish, and they looked on the whole thing as more for parade than necessary service. After much agitation Claiborne finally managed to embark from Natchez on the first day of December, 1813, a company of Natchez artillery, another of riflemen, and one company of military infantry, in all about one hundred men, with orders to sail for Fort Adams. The next day he himself set out for the same destination by land, with the expectation of meeting eighty more volunteers on their way to the garrison. Two or three companies of volunteers from Jefferson County were also on the way, as was the mounted infantry from Tennessee.

When the journey to Fort Adams was completed, a letter waited the newcomers from Clark expressing his opinion that the "Province of Louisiana would be surrendered to the United States immediately on the arrival of the American Commissioners and no blood will be shed on the occasion." General Wilkinson was also there to receive his co-worker, and again fate stepped in to thwart the plans. Day after day passed while Claiborne ne-

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viously counted the hours and hoped that the next dawn would find the commissioners on their way. First, the boats had to be covered, then the volunteers had to be furnished with clothing and necessary supplies, the soldiery had to be equipped and, as if this were not enough worries, a heavy fall of rain still further delayed them. At this time there were around five hundred men in the camp. Finally the date arrived when all plans fitted together and the restless group started out for the last part of their mission. Claiborne still had a faint dread of Spanish interference which might result in bloodshed and faced the morrow with hopes for a peaceful acceptance but fears of a forceful one.

On the seventeenth day of December, the two American Commissioners with their troops encamped within two miles of the city of New Orleans. On the day following they dispatched an officer to Laussat to inquire whether he was disposed to receive their visit. Laussat answered in the affirmative and immediately sent his carriage to meet Claiborne and Wilkinson. The Commissioners came to Laussat's home with an escort of thirty of the Mississippi horse volunteers, and on their approach were saluted with nineteen guns. The following morning at ten-thirty Laussat, with an escort of sixty men, officially returned Claiborne's formal visit. 11

On December the twentieth took place the official transfer

of the colony. The crowd of spectators was immense and the finest weather favored the curiosity of the public. The colonial prefect drew up his militia on the public square in front of the council house to receive the Americans. At precisely noon, the commissioners of the United States, at the head of their forces entered the city. As the Americans entered the gates of the town, a salute of twenty-one guns was fired from the forts, and in a few moments their troops were drawn up in the square opposite the local militia. The two commissioners entered the council house, and presented their credentials to Laussat. These were read aloud, as were also the treaty of cession, the powers of the French commissioner, and finally the process-verbal of transfer.\textsuperscript{12} The prefect then delivered the keys of the city to Claiborne and led him to the balcony of the council house facing the militia and the people.

As the three stepped out—Wilkinson and Claiborne, wearing their official sashes, and Laussat in uniform,—into the view of the people, some of the Americans in one of the near-by groups shouted "Hurrah" and waved their hats. Otherwise there reigned, under the clear blue wintry sky, a complete and impressive silence. The ex-prefect had turned suddenly pale. His raised voice could be heard distinctly by all.

\begin{quote}
  \textit{Militiamen of New Orleans and Of Louisiana,},
  he said, "in these last few days, you have given proof of your great zeal and your filial devotion to the
\end{quote}

\textsuperscript{12}Albert Phelps, \textit{Louisiana}, pp. 195-196.
French flag during the brief time that it has waved above your shores. This I shall convey to France and to her government, and in their name I thank you. To the commissioners of the United States, here present, I now transmit your commandment; obey them henceforth as the representatives of your legitimate sovereign. 13

Laussat having taken his place beside the flag of the French Republic, Claiborne, calm and serious, stepped forward and made in English a speech which was not understood. 14 He offered to the people of Louisiana his congratulations on the event which placed them above the reach of chance. He assured them that the United States received them as brothers, and would hasten to extend to them a participation in the invaluable rights forming the basis of their unexampled prosperity, and in the meantime, the people would be protected in the enjoyment of their liberty, property, and religion—their commerce favored, and their agriculture encouraged. He recommended to them to promote political information in the province, and guide the rising generation in the paths of republican economy and virtue. 15 In the midst of a general silence, the French flag was lowered and the American raised. As the two flags met halfway, a gun was fired, and the batteries and vessels in the harbor saluted. Louisiana was a territory of the United States.

An interesting description of the event was given by

13 George Cudard, Four Cents an Acre, p. 298.
14 Albert Phelps, Louisiana, p. 196.
Laussat:

The ceremony was conducted with all the pomp possible in a Gallic provincial town. The beautiful women and fashionable men of the city adorned all the balconies of the square. The Spanish officers were distinguishable in the crowd by their plumes. At none of the preceding ceremonies were there an equal number of spectators. The eleven galleries of the city hall were filled with beauties.16

That evening the officials of the three nations and the leading citizens of New Orleans joined in the fete organized by the French prefect. The celebration began at three o'clock in the afternoon and lasted until nine the following morning. Toasts were drunk in wines appropriate to the three nations; the first in Madeira to the United States and Jefferson, the second in Malaga and Canary wine to Charles IV and Spain, the third in pink and white champagne to Bonaparte and the French Republic, and the last to the eternal happiness of Louisiana.17

Thus ended in merriment what Claiborne was afraid would end in bloodshed, and he had begun officially his new task. Here he found himself in a far more difficult position than was true of his first governorship. He had no precedents to guide him, little knowledge of the habits, customs, and laws of the people over which he was placed, and no acquaintance with their language. The Creole population felt resentful at their unexpected transfer to American rule, distrusted their new executive, and when disappointed were inclined to berate and ridicule him.18

17Ibid., p. 247.
In writing of his days of administration, Claiborne told Madison that

. . . . the difficulties I meet with in this undertaking are peculiarly embarrassing on account of the neglected state in which I found the Colony:—The functions of Government have been nearly at a stand for some time, and considerable arrears of business have accumulated in every department. The French Prefect during the time he held the Country exerted himself to remedy this evil and his efforts were so happily directed as to give pretty general satisfaction. But he could only feel a temporary interest in the concerns of the Country and his time was too short for extensive operations. There is one of his measures, however, to which I feel myself not a little indebted; he abolished the Cabildo, or City Council: This body was created on principles altogether incongruous with those of our government.19

Claiborne was very well pleased with his first impressions of New Orleans. He found the city with well built streets on each side of which were comfortable and frequently magnificent buildings, with every appearance of prosperity around them. Many of the houses were elegant and improvements seemed to be progressing nicely.20

One of the acting governor's greatest worries was the unlimited power which was bestowed upon him. His was that of executive, legislative, and judicial functions all bound in one.21 He expressed his uneasiness at this by saying to Madison:


20 The population of Louisiana in 1803 was about 50,000 and of New Orleans about 3,000.

21 The union of executive, legislative, and judicial functions in one man under the administration of Jefferson looks autocratic even today, but it has always been an incident of expansion policy.
If I have a Political uneasiness at this moment it arises from the great latitude of the powers with which I am temporarily entrusted, the exercise of discretionary power in matters of moment is an irksome duty to me. I feel sensibly the weight of the responsibility which rests upon me; I however indulge the anxious hope that Congress will soon relieve me from that difficulty. The establishment of a Government for this Province will I presume be a matter of immediate consideration, and cannot be determined more speedily than I wish. In the meantime I propose no exercise of my Authority except such as the peace of the Province and the conciliation of general confidence in the Government shall peremptorily require.22

Every department of the state was found to be in a very bad condition. Corruption had put her seal upon all affairs of the government, and now that that seal was broken the people did not want further delay in righting matters. Much was expected by the people from the upright and pure character of the American judiciary, and they manifested great impatience for it to be put into operation. An example of this corruption was found in the prisons of the city, where over a hundred prisoners were found, "most of whom had been there from ten to thirteen years, on suspicions of crimes of which it did not appear they were ever convicted; and some for offenses of very trivial nature."23 This was promptly righted by having as many as possible released.

In examining the lives of the higher class of people it


23Ibid., p. 325.
was found that

... the merchants as well as the planters in this country appear to be wealthy, their habits of living are luxurious and expensive, but by far the greater part of the people are deplorably uninformed. The wretched policy of the late government having discouraged the education of youth. The attainments of some of the first people consist only of a few exterior accomplishments. Frivolous diversions seem to be among their primary pleasures, and the display of wealth and the parade of power constitute their highest objects of admiration. 24

Because of this, Claiborne's first desire was to introduce some effectual plan of attending to the system of education in that province. 25

Although Claiborne wanted a permanent government established as soon as possible, he did not believe that it would be wise to make it too representative. In writing of this point he remarked:

_Permits me to repeat my solicitude for the early establishment of some permanent government for this province, not merely on account of my personal interest in the acceleration of that measure, but for the sake of the country. When the charms of novelty have faded, and the people have leisure to reflect, they will become very impatient in their present situation. I could wish that the Constitution to be given this district may be as republican as the people can be safely intrusted with. But the principles of a popular government are utterly beyond their comprehension. The Representative System, is an enigma that at present bewilders them. Long inured to passive obedience they have, to an almost total want of political infor-

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25 Claiborne was a faithful disciple of Jefferson in his solicitude for the education of the people. One of his first acts as a territorial governor had been the establishment of Jefferson College in Mississippi Territory.
ation, superceded an inveterate habit of heedlessness as to measures of government and of course are by no means prepared to make any good use of such weight as they may prematurely acquire in the national Scale. For nearly the same reasons the establishments of a Judiciary on American principles will have to encounter the most serious difficulties. Not one in fifty of the old inhabitants appear to me to understand the English language. Trials by jury will at first only embarrass the administration of justice.26

The more Claiborne became acquainted with the inhabitants, the more he became convinced upon this point.

In January, 1804, the Spanish and the French situation in Louisiana began to cause the executive to go back to his former worrying. He expressed his trouble to his constant confidant, the Secretary of State.

The period allowed by the Treaty for the withdrawing of the French and Spanish forces from the ceded province expires this day, and still little or no preparation is made for an embarkation. The Commissioners of the United States addressed a letter to M. Laussat on yesterday and urged the strict execution of the Treaty in this particular. His answer is not yet received.

The Spaniards have in this city about two hundred men and nearly thirty officers; they retain a part of the barracks, and the Public Warehouses are still occupied by their Military Stores. But otherwise the United States experience no injury by their remaining. The Spanish Officers since the delivery of the City to the American Commissioners, have conducted themselves with great propriety, and manifested a friendly disposition to the Authorities of the United States. The Spanish Troops are in excellent subordination, and have not in the least degree interrupted the harmony of the City. I cannot speak equally favourable of the French forces; these are indeed inconsiderable, I believe they have no soldiers, but few sailors, and only eight or ten officers; but some of these are mischievous,

26 Ibid., p. 328.
riotous, disorderly characters, and have contributed greatly to interrupt the harmony of this city. 27

Nearly a month later, the same dissatisfaction was expressed in the official letters going to the national capital.

I am sorry to inform you that a few of the French Officers and Citizens who are here, continue to evidence a disorderly disposition; they are mortified at the loss of this delightful Country and seem to foster great hatred to the Americans who are here . . . . it requires much address and prudence to preserve the Harmony of the City. Some unpleasant diplomatic letters have passed between M. Laussat and the American Commissioners, upon the disorderly conduct of some of the French Officers which he denies, and charges it to the Americans. . . . . The three months followed by the Treaty for the withdrawal of French and Spanish forces, have expired but the evacuation has not yet taken place. The public Store Houses are still occupied by the French and Spanish Authorities. A part of the records have been delivered to the American commissioners, but many important documents yet remain to be received. 28

A few days after this a conflict between a guard of Spanish soldiers and an American sailor nearly caused a riot in the city. The guard was standing in front of the house of Marquis De Casa Calvo under the influence of intoxicants, and when the sailor passed in front of the house, they attacked him. Citizens that gathered promptly interfered and beat off the guard, and quick action by Claiborne saved the situation from becoming a mob battle. The governor was trying his best to ride over this rough spot in the road without having any trouble with either France or Spain. At the same time he sought to get the


two nations to fulfill their part of the treaty and place the important archives in the hands of the new government and then leave the country that it might succeed in the task of Americanization.

Claiborne and the Spanish Commissioner, Marquis De Casa Calvo, were quite friendly and enjoyed a pleasant exchange of opinions that did not harm either one. But it was practically impossible for the governor and the French Commissioner, M. Laussat, to have more than a speaking acquaintance because of the extreme difference in the two men. Much to Claiborne's chagrin, he found that instead of the anticipated trouble with the Spanish, it was the troublesome French that brought on problem after problem. Time after time he speaks of their disturbances to Madison.

I have discovered with regret that a strong partiality for the French Government still exists among many of the inhabitants of this city, and it appears to me, that Mr. Laussat is greatly solicitous to increase that partiality. With what views I know not, but I have learned that in some circles a Sentiment is cherished, that at the close of the War between England and France, the great Bonaparte will again raise his Standard in this country. . . . . The harmony of the Society has experienced some interruptions . . . . M. Laussat and an adjutant General of the French Army, who accompanied him hither, have been for sometime seriously at variance, and have much divided the sentiments of the French officers and Citizens. The dispute between these Men is carried to great lengths, and their different partizans are violent. M. Laussat was lately grossly insulted (and the safety of his person menaced) in his own house by a French Marine officer. He claims what the Laws of Nations entitle him to, and demands redress for the injury. The officer has been arrested and is now in confinement. 29

The same problem existed in the social circles in which the French caused trouble again. This trouble is found in short phrases of the official letters such as:

A Fracas also took place at a Public Ball, on Thursday last, which altho it arose from trifling causes, has occasioned some warmth. It originated in a contest between some young Americans and Frenchmen, whether the American or French Dances should have a preference. I believe this affair is at an end, but being desirous at the present juncture of communicating every circumstance which might have a political tendency.30

The difference between the French Commissioner and his officer still exists. The French Captain of the Navy . . . continues in confinement. It is absolutely necessary to treat this officer with rigour. If his insult to the Prefect had remained unnoticed by the Authorities of the United States, the prefect's person would again have been attacked, and encouraged by the example the Enemies of the Spanish Commissioners who are still here, might have resorted to violent means to avenge their real or supposed wrongs.31

On the heels of this disturbance, a French ship from the West Indies with about two hundred troops on her entered the mouth of the Mississippi with the port of New Orleans as their destination. It was discovered that they were short of provisions and infested with a disease of which from four to seven men had died each day. Orders were given that the vessel be detained at Fort Plaquemines and that the commanding officer at that post do all in his power to aid them in their distress but not to let them continue. In speaking of this added inconvenience Claiborne

30Claiborne to Madison, January 10, 1804, Official Letter Books, Vol. I, p. 329. These balls were an important part of the French and Spanish rule in Louisiana. New Orleans today is famous for its beautiful, enjoyable balls.

It seems that the passengers consisted chiefly of Sick and wounded Soldiers coming from Cape Nichola Mole. We have proposed to accommodate these People at the Garrison of Plaquemines, with as comfortable quarters as any allowed our Troops. But with this Mr. Laussat is much dissatisfied, and insists upon their being brought to New Orleans. I have myself thought that we were bound to extend to these People, humane and hospitable; but that the means of doing so ought to be left to our own Discretion. I have also thought that the neutrality made it necessary that we should cause them to depart as soon as their will enable them to proceed. . . . . Were they admitted to this City, the Soldiers would locate themselves in the Country, and the Officers would await opportunities to return to France in some neutral Vessels. 32

With the coming of each day Claiborne was more anxious for the departure of the foreign commissioners. Again and again whole sections of his letters are devoted to this worry.

I believe a decided Majority of the inhabitants continue well disposed to the Government of the United States, but there is certainly a Strong party here fixed in their attachments and devoted to the interests of France. The emigration from the French West India Islands, is considerable; a Vessel is now in the river with about one hundred French Citizens on Board, and a ship is known to have sailed from Jamaica for New Orleans with several hundred Frenchmen, who were refused an asylum in that island. I do not think that these are the best description of Settlers for Louisiana, but if they seek a residence here, it cannot I suppose be refused to them.

In a former letter I named to you, that an impression was received in some circles that Louisiana would revert to France, on the conclusion of the present European War; this opinion still prevails, and it has acquired additional currency, by a remark which Mr. Laussat is said lately to have made, that 'the harvests of Louisiana were not yet secured to the

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United States.' . . . I should not regret Mr. Laussat's departure from Louisiana:--He feels some chagrin at the loss of his Prefectorial Authority, and manifests a disposition to interfere in the interior police of the Province. While he remains among us, his Counsel will be solicited, and pursued by many of the Citizens, and I doubt much whether on all occasions, these counsels would be consistent with the interests of the United States. Mr. Laussat professes handsome talents, and in private life is an agreeable Man; but as a public character I am not one of his admirers. He is always intemperate, and often assuming relying with confidence upon the infallibility of his own Sentiments, he pays no respect to the opinions of others when opposed to his . . . the American Commissioners have of late found it impossible to preserve a perfect good understanding with him, unless they would yield on all occasions to his wishes which could not be done consistently with their own duty. 33

Time after time Claiborne entreated the French Commissioner to fulfill the terms of the treaty and turn over the last of the public buildings to the Americans, and finally Laussat accepted the invitation and sailed supposedly for Gaudaloupe on the 21st of April, 1804. Two weeks before the Spanish had evacuated the last of the barracks in their possession and with the greater portion of their forces had departed for Pensacola. The Marquis had been appointed by the King of Spain a Commissioner of limits, and would probably remain in New Orleans until further orders from his court. Thus Claiborne could once more breathe a sigh of relief and turn his mind to other matters.

On the ninth day of February, Claiborne wrote to John

Watkins, telling him to visit the different parishes from New Orleans to Baton Rouge and appoint commandants for the various places. He was enjoined also in conversing with the people to give them assurances, that under the government of the United States, their liberty, property, and religion would be protected; that their political connection was now fixed, and that whatever some mischievous or ignorant men might insinuate, the Province of Louisiana would never revert to France, or be detached from the United States, and on his return to report in detail his findings. In the following quotations from his report, Watkins gives a good picture of the interior of the new American province.

... there are some few characters who from habit or motives of particular interest or prejudice, would prefer the Spanish and others the French Government, yet I am fully persuaded that a large majority of the most respectable people of the country, are better satisfied with their present situation and sincerely rejoice at their adoption into the Government of the United States. They are prepared for a change and wait with impatience for the introduction and operation of a more wholesome and vigorous system of laws, than they have for many years past been accustomed to. During the loose and irregular Government of Spain, public Spirit sunk into Selfishness, the interests of the State were sacrificed to personal aggrandizement, the Laws were trodden under foot, crimes left unpunished, or punished too severely, all was disorder and confusion. ... The roads and bridges are neglected, and the Levees in many places out of repair; the proprietors of Lands are with difficulty brought to labors of this kind. ... The negroes are in a shameful state of idleness and wander about

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34 Member of the city council at the time of the transfer.

at night without passports, stealing, drinking and
rioting wherever they go, to the great prejudice
of the owners, and all honest members of Society.
Taverns are everywhere opened, without proper li-
censes, and ardent Spirits indiscriminately sold to
every description of persons to the injury of the
public revenue, and the great encouragement of vice
and immorality. . . . . The natives of this country
are naturally docile, and easily governed, and from
habit are disposed to respect and obey their chief.
It is proper that I mention here to you, a species
of grievance among the farmers that is highly inju-
rious to them, and becoming a serious evil to the
country at large. There are a number of persons
called Gabateurs, in French, who buy up in town a
quantity of Taffia, Sugar, and Coffee, but chiefly
of the first of these articles, and in a canoe or
other small crafts they ascend the river as far as
the upper settlements for the purpose of trading
with the negroes for stolen goods. They lie by in
the course of the day, and as soon as night comes on,
they go into the different huts or cabins, or receive
the negroes on board their craft, and purchase of
them for Taffia, all the clothes, plate, fowls or
other things, which they have stolen from their mas-
ters, or other persons. Having sold off their cargo,
these Gabateurs return to Town with their stolen
goods which are converted into money, for the purpose
of recommencing this nefarious traffic. . . . . No
subject seems to be so interesting to the minds of
the inhabitants of all that part of the country,
which I have visited as that of the importation of
brute negroes from Africa. This permission would go
farther with them, and better reconcile them to the
government of the United States, than any other privi-
lege that could be extended to the country. They ap-
pear only to claim it for a few years, and without it,
yield pretend that they must abandon the culture both
of sugar and cotton. White laborers they say, cannot
be had in this unhealthy climate, and they would in
vain enjoy the blessings of a rich soil, and a valuable
cultivation, even under the happy Government of America,
deprived of this necessary resource in their Labours.36
. . . . They wish to be allowed a member upon the floor

36On account of being immune to malaria the negro was re-
garded in the South as the best labor for opening up new low
lands for cultivation. It is a common opinion today.
of Congress, to represent their true interests and situations. Sometimes they desire to enter immediately into all the benefits and advantages of a State Government, but they generally stop short at the difficulties of popular representation, in their present State of Political knowledge. The expenses of public buildings, court houses, prisons and the increase of taxes, the acrimony of elections, Courts of Justice, Juries, pleading of Law and Lawyers, with the difficulties of Language, have made most of the Sensible reflecting people, fall into the opinion that a Government of Commandants is best adapted to their present situations.37

Claiborne sent the full report to the national government in order to impress upon them the conditions in the country and to see that Congress could have some actual facts to go by when formulating the laws and government for this section. But as will be seen later the account got to Madison too late, for Congress had already adjourned and the Louisiana bill of provisions had already been passed.

The people of New Orleans were particularly anxious that the United States provide for some form of government and have their laws definitely stated. The merchants of the city were very eager to obtain some commercial provisions. They were assured of the new government's interest in their needs and that the matter would certainly be taken care of as soon as possible. In each express Claiborne tried to impress more deeply the need of expedition in this matter. He told Madison that "they complain of great injury for want of Registers for their vessels and being yet subject to export duties and other commercial in-

conveniences." On the eighteenth of February he wrote to Madison:

The merchants of this city are very much discontented with their situation. It was generally expected that the mail would have brought in the Revenue Act for Louisiana, and in consequence of the disappointment, an influential man here was heard to say, that 'in all Governments there was favouritism, and favouritism was like fire; when near it, you feel its warmth, that Louisiana was too distant from the Seat of Government for her interests to be attended to. Such a sentiment as this, will at all times be improper, but at this particular period it was highly imprudent; I have reprobated the suggestion, and will continue to do so, whenever the occasion shall offer."

This discontent increased with every day and some of the prominent citizens were stirred to a meeting of protest and to make plans to send commissioners to Congress to protest this inaction. But Claiborne sent one of his confidential agents to the meeting and he succeeded in appeasing the group for the time being and persuaded them to wait till a future meeting to discuss the sending of commissioners. Finally Congress passed laws regulating the commerce of Louisiana and the ones related to registering of vessels gave great satisfaction. The one which prohibited the introduction of slaves from foreign countries was particularly distasteful.

In discussing the slave section of the law Claiborne wrote:

The African Trade has hitherto been lucrative, and the

farmers are desirous of increasing the number of their Slaves. The prohibiting the incorporation of Negroes therefore, is viewed here as a serious blow at the Commercial and agricultural interest of the Province. The admission of Negroes into the state of South Carolina has served to increase the discontent here. The Citizens generally can not be made to understand the present power of the State Authorities with regard to the importation of persons; they suppose that Congress must connive at the Importation into South Carolina, and many will be made to believe, that it is done with a view to make South Carolina the Sole importer for Louisiana.  

And again a little over a month later, the same question was discussed in the mail to Madison:

The emigration from the West Indies to Louisiana continues great; few vessels arrive from that quarter but are crowded with passengers, and among them many Slaves. I am inclined to think that previous to the 1st of October thousands of African Negroes will be imported into this province; for the Citizens seem impressed with an opinion, that a great, very great supply of Slaves is essential to the prosperity of Louisiana: Hence, Sir, you may conclude that the prohibition as to the importation Subsequent to the 1st of October, is a source of some discontent; Nay Sir, it is at present a cause of much clamour, but I indulge a hope that Louisiana, will very soon see the justice and policy of the Measure.

Thus Congress in taking away a privilege which the province had always been accustomed to, gave their official representative there a tedious situation to deal with.

In order to divert the attention of the people and to try to promote more good will toward the national government, Claiborne exercised more power than he had at any time heretofore.


fore, and without first consulting his oracle, the Secretary
of State, he passed three ordinances concerning the establish-
ing of a bank, pilot regulation, and attorney regulations. He
explained his actions thus:

I enclose you a Copy of three ordinances which I lately
passed, one of which contains a Charter for a Bank.
The establishment of a Bank in the City was much wished
for by the inhabitants, and I believe will prove of
great utility: but I must confess that I should not
have ventured upon the measure from these considera-
tions alone. I discovered that efforts were making
to render the people discontented with the present
state of thing and to impress them with an opinion of
their interests were not attended to by congress, and
that Louisiana had gained nothing by the late change.
I thought these efforts were likely to prove Success-
ful and that the best means of speedily allaying dis-
content, was the Passing on my part some popular or-
dinances. The project of a Bank presented itself,
and the measure received my sanction from the best of
motives, . . . . the establishment is a novelty here,
and very pleasing to the people. I was unwilling to
do anything which would require permanency and thus
commit the Government. In granting a Charter there-
fore, I yielded reluctantly to existing circumstances.42

Claiborne received his first rebuke from an official of
the national government when news of the bank reached the cap-
ital. Mr. Albert Gallatin, the Secretary of the Treasury, was
not at all pleased at this new plan being broached in the far-
off possession. He wrote the governor a rather burning letter
condemning his right to make any acts of permanency. His anger
came from the fact the Government had just provided for the es-
ablishment of a United States Bank there and was afraid of the
rivalry of the Louisiana Bank. But Claiborne showed that al-

42Claiborne to Madison, March 16, 1804, Official Letter
though he was a man to take the path which led to the least re-
sistance, he was not one to take an unjust accusation lying down.
He at once wrote to Gallatin and demanded that he lay the whole
thing before the President in the true sense and he would abide
by his decision. He explained his reasons very fully and stood
firm in the belief that he had not gone beyond his right; he
also explained that he had not done this alone but upon the
urgings of some of the most substantial citizens of the city.
He concluded by saying that the bank had served its purpose at
the moment by diverting the people's attention, and that all
the money had not been raised and in all probability would not
be subscribed for so that the United States Bank had nothing
to fear. In explaining his position he said, "It is impossible
for Gentlemen at a distance to form an accurate idea of the em-
barrassments I have been Subjected to in this Territory, and
the difficulties I have passed through." He did not content
himself with writing to Gallatin, but he wrote also to both
Madison and President Jefferson going into full details about
the entire situation. He insisted that he was only striving
to do the biddings of the government, and if he had failed he
would consider this measure the most unfortunate act of his po-
litical life. If he had exceeded the bounds of his authority,
it was not to gratify any little vanity, or idle thirst for

43 Claiborne to Madison, May 25, 1804, Official Letter
power; if he had acted contrary to the wishes or intentions of the government, it was because he knew them not; if he had thwarted any favorite fiscal arrangement, he sincerely regretted it; but through it all he had done what he thought was best at the moment. Neither the President nor the Secretary of State thought the matter warranted the importance which Claiborne attached to it, and the bank idea soon died out.

In one of his first letters to the Secretary of State after he had officially received Louisiana from the French, Claiborne mentioned a problem which later on was to assume greater proportion. In going over the re-organization of the militia, he discovered that there were two large companies of what he refers to as people of color. These were attached to the service and were esteemed a very serviceable corps under the Spanish Government.

On this particular Corps, I have reflected with much anxiety. To re-commission them might be considered as an outrage on the feelings of a part of the Nation, and as opposed to those principles of Policy which the Safety of the Southern States has necessarily established; on the other hand not to be re-commissioned, would disgust them, and might be productive of future mischief. To disband them would be to raise an armed enemy in the very heart of the country, and to disarm them would savour too strongly of that desperate System of Government which Seldom Succeeds.

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45The position of free negroes in Louisiana was somewhat different from other Southern states; they seem to have been accorded a better rank in the community.

Because of this peculiar situation instructions as to the solution of the problem was asked from the Department of State. During the first month of his sojourn in New Orleans he received an address from this part of the militia to which he replied that ". . . . under the protection of the United States, their liberty, property, and religion were safe, and that confidence in the justice and liberality of the American Government would increase as they became acquainted with its principles and the wisdom and virtue with which it was administered."47 They were told that there would not be a general re-organization of the militia until particular instructions had been received from the President; until that time they would remain in the same situation in which the former Governor had placed them.

In February of 1804 came the long waited for advice from the Secretary of War, Henry Dearborn, concerning this battalion. Under the existing circumstances, he decided it would be expedient either to continue or renew the organization, and gradually to diminish the corps. It was also thought advisable to present them with a standard or flag as a token of confidence placed in them by the Government.48 Claiborne appointed two majors to the battalion, and deemed it wise to make these from reliable officers of the white division. The battalion was desirous of being commanded by people of their own color, and some dissatisf-


faction prevailed, but the governor soon straightened this out satisfactorily. A standard made of white silk, ornamented with fifteen stripes of red and white as presented to the men. Claiborne was well pleased with the advice given him, for he wrote:

I was unwilling to take upon myself the responsibility of reorganizing this Battalion, and was therefore relieved by the instructions which were given. The policy however pursued, I do not believe to be the most advisable: The Spaniards were the first to train these free men of Colour, to the use of arms, and they were often called into service by the Spanish Governor; Mr. Laussat recognized the corps, and they appeared on parade the 20th of December & witnessed the surrender of Louisiana to the United States. After being thus noticed by the former Governments, had the corps been discarded by the United States, I am persuaded serious discontents would have risen and which might have laid the foundation of much future mischief.49

Claiborne also warned that there was considerable dislike between the white natives of the land and these free negroes. Because of this he advised that the future governor should be warned carefully to keep watch of this battalion and handle it with delicacy and caution.

Even early in his administration Claiborne showed a strong regard and affection for the French of Louisiana, and this attitude he never did lose. He had only complimentary phrases in his letters concerning these people. He assured Madison that "the Louisianians are a zealous people and the Lively support of Measures, may their enthusiasm may easily be excited; but I find that they readily listen to good advice and are generally

pacific and well disposed. 50 Again he said:

The Louisiana have as Little Mischief in their dispositions, and as much native goodness as any people I ever lived among; but unfortunately they are extremely credulous . . . . they seem to think they are not secure in the affections and confidence of the government . . . . but I am persuaded that a little experience under the American government will give rise to a very different impression among the body of people, and that in a few years the Louisianaians will be among the most grateful of our citizens, and sincere admirers of our Union and government. 51

Thus ends the proceedings of the temporary government of Louisiana with W. G. C. Claiborne acting as temporary Governor.


CHAPTER III
CREATING THE FIRST TERRITORIAL GOVERNMENT

On the 26th of March, 1804, Congress finally got around to the business of how to govern their latest addition to the Union. At that time they passed the following provisions for the territorial government of Louisiana. The province was divided into two distinct parts. The portion lying south of the 33rd degree of latitude and the lower boundary of the Mississippi territory east of the river formed the Territory of Orleans. All the portion lying north of this line was called the District of Louisiana and annexed to the Territory of Indiana.¹

The executive powers of the territory were vested solely in a governor appointed by the President of the United States. He was to act as commander of the militia, had the power of pardon and reprieve, and had the authority to appoint all civil and military officials within the territory. A secretary was also appointed by the President to record and preserve, under the governor's supervision, all executive papers, acts, and documents and to transmit exact copies of these to the President. The legislative portion of the government was entrusted to the governor and a Legislative Council. The laws passed by this body might be annulled by Congress, to which they had to be submitted. The governor had complete power to convene

¹Albert Phelps, Louisiana, p. 222.
and dismiss the legislature. The judicial powers lay in a Superior Court and such justices and inferior courts as might be established by the Legislative Council with the approval of Congress. The three judges of the Superior Court, the district attorney, and the general officers of the militia were to be appointed by the President. The importation of the slaves from foreign countries to Louisiana were forbidden, and they might be brought in from the United States only by owners who came for settlement.2

Although this decision was made in March it was not to go into effect until October, and Claiborne had time to pass his opinion on the new law. He approved of the structure of government in general but he did not think it wise to enforce the portion concerning the slaves. Time after time he tried to make the officials see the danger of such a law but never succeeded. It was not known whom the President would select as his official representative in this territory and in one of his letters Claiborne broaches the matter.

We have also a report here that Mr. Monroe will probably be the permanent Governor of the Orleans Territory. Permit me to say to you, with perfect candour that, no one will more cordially approbate that appointment than myself. Mr. Monroe's services eminently entitle him to the public confidence and talents particularly qualify him for that important Office. I further believe that an appointment more pleasing to Louisiana could not be made.3

2bid., p. 223.

To the dismay of some of the Creoles, Claiborne was commissioned as the official governor of the Orleans Territory. For the Creoles had to know this man to really appreciate his many fine qualities. This took time, and at the beginning they had any thing but admiration for him.

The Creoles accused the governor of reserve, of favoritism, of motives of personal interest in his political methods. Such misunderstandings were perhaps inevitable until time could bring about a partial fusion of the alien elements. The American newcomer, full as he was of young republican conceit, had to learn to appreciate the qualities of civilization which was now old in Louisiana and to adjust himself to the habits of a people not yet absorbed in the sole pursuit of business and money getting and as yet initiated into the noble game of American politics. . . . . The preparation for this reconciliation of alien elements was wrought by the new governor. . . . . His personal dignity, generosity, and affability won the respect and admiration of his people after the first chill of his natural reserve had been removed . . . . by his sheer personal worth as a man, won the respect and trust which the Louisiannans could not feel for the government which he represented.4

From the very first the new government met with the disfavor of the people. When news first reached the territory that the bill for future government had been passed, the inhabitants were very eager to learn its contents. Disapproval was shown on all sides when it was discovered that the territory was to be divided into two portions, for this put off, to an almost indefinite period, their admission into the Union as an independent state. They saw with displeasure that their rights continued in the new supreme court at the discretion of

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4Albert Phelps, Louisiana, p. 225.
one individual, and that the introduction of slaves from foreign countries was absolutely prohibited, and that from the United States allowed only to new comers.\(^5\)

The dissatisfaction of the inhabitants of New Orleans rose to such a degree, that a determination was taken by a few individuals to induce their countrymen to solicit relief from Congress at its next session. A meeting of the more influential merchants and planters was called, and a memorial was written asking for three amendments to the bill, namely: that the governor should be chosen by the President of the United States, out of two individuals, selected by the people; that an equity jurisdiction should be given to the superior court; that the inhabitants be given permission to purchase slaves in the United States. Immediate statehood for Louisiana was also asked.\(^6\) This memorial was sent to different sections of the territory to be signed by a percentage of the people. It was then sent to Congress, but its request was refused. The promise was given that when the territory had a population of 60,000 it would automatically come into the Union. One distinct point, nevertheless, was gained by the petitioners. The people were to be allowed to elect a territorial legislature of twenty-five members, and this legislature was to select and send to the President the names of
ten persons, from whom he would appoint a legislature and council of five members. 7

When the appointments of the legislative council were received, most of them were refused by the appointees because they had signed the memorial to Congress and their acceptance would betray a "dishonorable inconsistency." They could not give their aid to a form of government against which they had remonstrated. Nearly all of those named held the same opinion as Evan Jones which he expressed in his refusal to accept the office.

Conjointly with almost all the Inhabitants of Louisiana, I have signed a Memorial to Congress, respectfully remonstrating against the Act made for our government; and humbly praying for a repeal.

I cannot therefore, with any Degree of consistency, accept of an office, under a law, of which I have from the beginning so openly expressed by Disapprobation; and, (forgive me if I add) for the honor of my native Country, I so ardently wish to see annulled.

... . . . . I was born an American— I glory in that name— In defense of that happy land which gave me my birth; my life and my fortune shall always be staked but, I cannot consent, for any consideration, to do an act, which I think subversive of the rights and liberties of my fellow Citizens. 8

In writing to Madison of this state of things, Claiborne said, "There is no doubt that some of the promoters of the Memorial have taken these means to embarrass the local Govern-

7 Albert Phelps, Louisiana, p. 224.
ment, and to force Congress to accede to their wishes." Claiborne was very anxious that this matter be settled and the council and legislative body begin to function for he feared the effect of such delay on the citizens as a whole.

An ineffectual attempt to procure a quorum of the legislature was made in the latter parts of November; many of the other members refusing, or being tardy in giving, their attendance; so that the formation of the legislative-council must have been protracted to a very distant period, had not Claiborne availed himself of an accidental circumstance. The christian names of the persons selected by the president not being known at the department of state, blank commissions had been transmitted to Claiborne. He filled these for the gentlemen that had declined with the names of . . . . and a more quorum was obtained on the fourth of December.

On the twentieth day of July, 1805, nineteen members of the House of Representatives of the territory were sworn in by Claiborne. Claiborne did not mention them or the legislative council again in his letters to the capital until nearly a year later when he confided to the President:

The Territorial Legislature makes but little progress in the dispatch of business;--The ancient Louisianians are greatly Jealous of the few Native Americans who are in the House of Representatives, nor are there wanting some designing mal-content out of office and Confidence, who have recourse to every expedient, to disseminate the Seeds of distrust & discontent. I am at present upon excellent terms with the two houses of Assembly;--But I fear this good understanding will not continue thro' out the session;--Many laws will be offered for my approbation & my duty will compel me to reject several;--thence commences a Jealousy of the Executive,

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10 Francois-Xavier Martin, History of Louisiana, p. 326.
& the base Intriguer will spare no pains to widen the Breach. 11

A month later he again reported that the legislature had done nothing although they seemed to have the best of intentions. He believed that after they had finished their deliberations that their acts would not meet with either the wishes or the interests of the people. "The difference in language and the jealousy which exists between the Ancient and modern Louisianians are great barriers to the introduction of the harmony and mutual confidence," 12 which he so much desired.

There were several minor causes of discontent which were very disconcerting to the people. The most outstanding ones were the introduction of the English language into the courts, the judicial system generally and particularly the trial by jury, and the admission of attorneys. The pride of the Louisianians as well as their personal thoughts of convenience made them fight any innovation in their language; they considered the trial by jury odious, and the lawyers were considered as serious nuisances. 13

The matter of establishing English as the official language of the government caused a great deal of discontent and


difficulty. The judges were compelled to understand both French and English, for the native population clung tenaciously to their mother tongue, refusing even to try to learn the new expressions, and the American newcomers showed the usual Saxon stubbornness in refusing to acquire the native language. Naturally with this constant struggle going on between the races and the two languages, confusion reigned most of the time. One of the American institutions which followed the flag into this strangely torn region was trial by jury. This new custom caused greater confusion than ever before, for as the jurors were chosen by lots, it often happened that there would be certain members of the jury that could not understand a word of English and others were totally ignorant of French. Interpreters therefore had to be employed in every case to translate the testimony of witnesses and the judge's charge and rulings. In many cases it was necessary to employ two lawyers on each side, one French and one English, so that the jury might be able to follow the arguments of the counsel without being hampered by an interpreter. Petitions, writs, citations, and other legal papers were all made out in both languages. But the jurors suffered many discomforts by having to sit and listen to long speeches of which they understood not a word.

So a rather unique compromise was established. When an English speaking lawyer rose to give his appeal for his client,
the French-speaking portion of the jury solemnly arose and filed out of the room. They retired to the corridor where they talked and smoked until the argument had been concluded. Then when the French lawyer rose to make the same defense in French the sheriff cried out, "Gentlemen of the jury who are outside, please come into the court." The Creoles then as solemnly came back to resume their part of the trial, and the Anglo-Saxon jurors filed out to enjoy a like recess. In such a way were small, unique problems met by just as unique compromises until there was no further need for compromise.

Claiborne's firmness in vetoing bills made him for a time very unpopular with the French element. Time after time he vetoed bills which had proved to be very popular with the legislature. But he feared that the members had been influenced by a few intriguers who did not deserve their confidence. However, this same firmness turned the dislike finally into admiration, for it is a quality of character which demands respect. The relations between the legislature and the Governor became more harmonious toward the close of the session of 1806.

Although the territorial government of the Orleans Territory was thus set in motion and the slow process of assimilation was begun, the action was slowed down and hindered

even more by the proximity of a hostile foreign power. The Spanish question had never been settled. While Claiborne had been busy striving to establish American institutions in the Orleans Territory, Spain still retained control of the forts of West Florida with garrisons at Baton Rouge and Natchez. Caso Calvo still lingered in the American territory and caused great discomfort to the American officials. On the western frontier of the Orleans Territory the Spanish troops held possession up to the town of Natchitoches, although the United States claimed that this land came within the Louisiana Purchase boundary. President Jefferson was always for peace and did not press the claims of the United States too urgently upon the Spaniards.  

This problem of the Spanish and how to deal with them caused Claiborne more unrest of mind than any other one thing. It was true that after literally demanding their departure, he had succeeded in getting Governor Folch and the regular militia to remove their headquarters to Pensacola; but he did not succeed so well with the Marquis Caso Calvo who persisted in remaining in the city. Claiborne would not recognize him officially, for he had not formally presented credentials at Washington from his home government to permit this, but he did discuss things privately with him in order to retain the best of feelings between the two nations. One circumstance

\[\text{\textsuperscript{15}}\text{\textit{i\textsuperscript{b}d.}, pp. 228-229.}\]
after another was brought to the Governor's attention, so that he had a continued dread of trouble with this foreign power. In the latter part of November, 1804, Governor Folch and several Spanish officials obtained permission to visit New Orleans on a trip from Baton Rouge to Pensacola. While they were there a Spanish fleet came into port to take on provisions, and an American by the name of Morgan who was a prisoner on the fleet escaped. He fled to an American fort and declared himself to be an American citizen and asked for protection. The officers in command refused to give him up to his Spanish pursuers. This event did not seem to excite the displeasure of Governor Folch, for he did not mention the incident.

But several days later Morgan swore out a warrant for Manuel Garcia, a Spanish officer, and Garcia was arrested. It would not have been necessary for the officer to go to jail, for his friends offered to go his bail. He stubbornly refused their offers and defied the Americans to arrest him. Of course the laws of the United States are supreme and are to be obeyed respectfully and promptly by every individual regardless of his nationality while he is within the limits of American authority. So, much to his surprise, he was forced to go to jail.

Governor Folch took it upon himself to inform Claiborne of this arrest and demand the prompt release of his fellow country-man. He not only demanded the release but, according
to the executive, he did so "in terms not very delicate ... he was irritated and indulged himself in language intemperate and highly exceptionable." Claiborne expressed the belief that he had no right to interfere in the matter. Later a letter from the Marquis was handed him with the verbal message that "the Marquis requested an immediate answer, and the release of Captain Garcia, or he would immediately leave the territory and would not be answerable for the consequences and revolution that might ensue."  

Claiborne's reply was a very nicely worded letter saying that he could not look upon him as a diplomatic agency for it was the constitutional right of the President to recognize ambassadors and ministers of foreign powers and this had not been done in his case. Therefore he could only look upon the Marquis as a "Gentleman of Distinction and Information," and not as a diplomatic character. He further explained that the case was beyond his control for it was a judicial matter and the judges were not liable to him but to the President. After several diplomatic letters had been poured as oil upon the real troubled waters, the affair was smoothed out.

A short time after this the Governor wrote Madison that he was afraid trouble with Spain would be unavoidable. The

17 Ibid., p. 15.
Spaniards had increased all their forces and had erected several forts, and strengthened their former fortifications.\textsuperscript{18}

He is persuaded also, that the Spanish Agents have endeavored to alienate the Affections of certain Indian Tribes from the United States . . . . the Commanding Officer at one of the Forts, had sent a Message to the Indian Tribes to the following effect; to Wit 'The Americans holding Louisiana was all wind; that they were gathering in upon them, and should soon have forts at Appelousas, Attakapas, Natchitoches and near New Orleans, and if the Indians were wise they would abandon their new friends, and attach themselves to their old friends the Spaniards who would not forsake them.'\textsuperscript{19}

Another disturbing incident was concerning the payment of taxes. The Marquis wrote to Claiborne and asked if the people employed in the Commission under his charge and the officers or other persons vested with public office by the Spanish nation would be subjected to the municipal tax levied on slaves. It was the belief of the Marquis that they would be exempted from it just as privileges were granted to all foreigners employed or traveling in Spain. In no uncertain terms, Claiborne informed the Marquis that he could not see why they should be exempt. For by the treaty a period was prescribed within which all the forces of the Spanish Majesty would be removed from the ceded territory. These officials were urged time after time to comply with these terms.

\textsuperscript{18}It was the opinion of Claiborne that the activity of the Spanish authorities at this time confirmed the rumor that an effort would be made to recover that part of Louisiana lying west of the Mississippi.

and so far some of them remained stationary and it was the common belief that they contemplated a permanent residence. Thus from his viewpoint they were merely individuals of the territory and not Spanish officers. As individuals they were subject to the laws of the land. In asking Madison’s advice concerning this matter:

You will no doubt be surprised to find so many Foreign officers in this City, the fact is Sir, they are wedded to Louisiana, and necessity alone will induce them to depart. I have repeatedly by Letter and verbally informed the Marquis, that the continuation in the Territory of so many Spanish Officers, 'So long beyond the right, and occasion for it' was not seen with the approbation and urged their departure, the Marquis has as often assured me of his disposition to comply with my wishes, but you will perceive that the inconvenience is not yet remedied.20

Right on the heels of the tax problems came the affair of Mr. Morales trying to sell land in West Florida. Claiborne wrote to the Marquis and gave his permission for the Spanish officers to remain in the city and keep their offices open until their business had been properly concluded. But he reminded the Spanish Excellency that he would not tolerate Morales’ attempt to dispose of lands which though in the possession of Spain at this time was also claimed by the United States. As Mr. Morales was Paymaster General and Intendant pro tem under the Government of His Catholic Majesty, he then would be considered in the list of Spanish Officers. The only

way that he could be permitted to remain in the territory was
to give in writing his assurance that during his stay in the
city of New Orleans he would not dispose of any of the land
west of the Perdido River.

Mr. Morales at first refused to comply with these terms.
He claimed that these conditions were injurious to his char-
acter and contrary to his rights. They would also be letting
the interests of his King suffer, and would hinder him from
fulfilling the duties of his office. He evidently misjudged
the character of Claiborne if he thought that he could change
the Governor from his course of duty. The American Executive
without mincing words let Morales understand that:

It is of no consequence to me, what Opinion Mr.
Morales may have formed of these Conditions. His
Catholic Majesty could not Authorize Mr. Morales to
exercise any Official Acts within the Territories
of the United States, or to open a land office withi-
their limits. If the Pay Master General of the
Spanish Army is solicitous that his Authority should
remain unshackled, why does he not retire to the do-
imions of His Catholic Majesty and depart from the
Territory within which has has no right to continue
his Residence, much less to exercise Official func-
tions.21

When Morales discovered that firmness was an outstanding char-
acteristic of the American official, he quickly changed his
mind and was only too glad to comply with the terms laid down.
Signing the agreement was one thing but keeping its terms was
quite another story.

While making a trip through part of the territory in

21 Claiborne to Casa Calvo, August 17, 1805, Official
August, 1805, Claiborne found that the citizens were greatly upset over a report of the land west of the Mississippi going back to Spain. The prospect of Spain getting this land had always been the subject of conversation among the Spanish officers who remained in the territory, and they had spoken of this so much that some of the citizens were beginning to believe it. These Spaniards showed a constant hostility to the United States. Claiborne's dearest wish, next to a final adjustment of boundary lines with the Spanish government, was to see every Spanish officer removed from the ceded territory. He expressed a desire that,

There certainly must be a power some where vested to cause to be executed the clause in the Treaty, which directs the Spanish Forces to be withdrawn within three months from the Ceded Territory, and I should indeed be pleased to have it hinted to me, that in my Character as commissioner or Governor, I could on this occasion, take (if necessary) compulsory measures.

Claiborne began to think that he had good reason to feel that trouble was brewing with Louisiana's Spanish neighbors. He was informed that 400 troops from Havanna had arrived at Pensacola, that 300 men were ordered from Pensacola to Baton Rouge, and that 800 additional soldiers had been posted on the frontiers. Spanish merchants also began to give reasons to suspect trouble. One Spanish agent contracted with a New

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22 This report was being industriously circulated by Spanish authorities.

Orleans merchant to deliver four thousand barrels of flour at Mobile and had attempted to make a contract for the delivery of four thousand pairs of shoes at the same town, but failing in this last had simply bought up a supply of leather.

On January 11, 1806, the Honorable John V. Morales, Paymaster General for the Spanish Dominion, was probably very much surprised and chagrined to find the following letter in his mail:

In conforming to the orders of the President of the United States, I have to require, that you hasten your departure from this Territory, and that you take with you or direct as soon as possible, all those Persons who are employed in that particular Branch of his Catholic Majesty's Service, at the head of which you are placed.24

Each of the other Spanish officials received a like invitation, and the writing of these must have given Claiborne more pleasure than he had had in some time. Morales25 and others protested, but it was all in vain. The Americans official had the backing of the Chief Executive of the American nation, and he could afford to ignore them. The Marquis of Casa Calvo was away at this time on a trip, so that he was the only one that had not as yet received the news. Upon the Marquis' return to the city he was informed of the President's


25 Morales left New Orleans for Pensacola, February 1. He had delayed his departure by all sorts of excuses. Claiborne was very courteous in expelling him, which was very characteristic.
orders for his immediate departure. He vigorously objected
to being sent out of Orleans. But his protests fell upon deaf
ears, and the Governor firmly but politely told him that:

The order of the President of the United States
is not as you please to consider it, either an act
of Violence or an insult to the King your master.
On the contrary, the residence of so many Spanish
Officers in this Territory having been permitted by
the President so long beyond the time prescribed by
Treaty for their Departure is a proof of his Respect
for His Catholic Majesty, and of his liberal indul-
gence towards those employed in his service:—An in-
dulgence which I am sorry to perceive is not suffi-
ciently appreciated by all who experienced it. 26

This forceful expulsion of Caso Calvo and Morales of course
led to retaliation on the part of the Spanish authorities.
Claiborne was informed by Governor Grand Pre of the Baton
Rouge district that American travelers going through his ter-
ritory would be required to have passports before being per-
mitted to pass on. This would naturally cause a lot of in-
convenience to the individuals.

The Spanish troops were all withdrawn to Nacogdoches,
and a time of peace and quiet fell upon both the Spanish and
American sides. But it is often the most peaceful moments
that are the most deceiving ones. Claiborne was not sure
whether he could afford to draw a sigh of relief or not.

Through all the Spanish difficulties the questions of
returning runaway slaves and the ownership of West Florida

26 Claiborne to Casa Calvo, February 11, 1806, Official
were constantly coming to the front. Time after time Claiborne was forced to write to Casa Calvo concerning Spanish sympathy with runaway slaves. It was reputed that the Spanish official at Nacogdoches had issued an ordinance whereby he had declared that there would be freedom and protection accorded to all negroes coming to this district. Nine slaves, the property of inhabitants of Natchitoches, escaped from their master's premises, and a plot was disclosed whereby scores of others were to do the same. Naturally the people of that city protested at this outrage and demanded protection for their property. It was discovered through one of the fugitives that was captured that the negroes had been persuaded to leave by a Spaniard living at Natchitoches who told them if they went to the Spanish country they would be free. The whole thing involved a huge plot which was discovered just in time to prevent serious trouble. In reporting the affair to Governor Claiborne, Edward Turner, the Civil and Military Commandant of Natchitoches, said:

This circumstance has so enraged the Inhabitants against the Spaniards, that I believe they would almost to a man willingly go to Nacogdoches and lay it in waste. In fact they are requesting me in case the Negroes are not sent back to permit them to go, observing that if something is not immediately done, they will not have a Slave left in three months. I have tried to quiet them by saying they may depend on protection and justice.\footnote{Turner to Claiborne, October 17, 1804, \textit{Official Letter Books}, Vol. II, p. 388.}
planation. He received the assurance that the Spanish had never promised freedom to the negroes, and that he would see that the escaped slaves were returned to their proper masters.

This same idea of protection being offered at Nacogdoches to slaves escaping from the services of their masters caused a disturbance at Point Goupee. Once more luck was on the side of the whites, and the insurrection was disclosed before bodily harm was done. The citizens appealed to the Governor, and he saw fit to send a small regular force of the army there. A strong militia was organized and the utmost precaution taken to have the town under guard at night. The mischief was averted in time, but careful vigilance was kept to keep it from occurring again.

This problem of runaway slaves was a constant source of agitation, for in spite of repeated requests the Spaniards seemed disinclined to keep their hands off of other people's property.

In his letters to the national capital, Claiborne continually referred to West Florida. But the situation at this place is never clearly revealed, and it is impossible to get a clear picture of the constant unrest and discontent there.

That section of Louisiana east of the Mississippi river, south of the Mississippi state line, north of Lake Pontchartrain, and Maurepas, extending to the Pearl River, which includes the parishes of West Feliciana, East Feliciana, East Baton Rouge, St. Helena, Livingston, Tangipahoa, Washington, and St. Tammany—a territory once called the "Country of Feliciana," is known today by many as
the "Florida Parishes."

It was the westernmost section of a land that was known for nearly half century (1763-1810) as 'West Florida' and over it flags of two European kingdoms flew, the Union Jack of England for 16 years, and the banner of Spain for 31 years. On the soil of this fruitful southern land was enacted one of the most spectacular events in Louisiana's colorful history.28

French settlers had first claimed this part of the new world for their sovereign and King in the early part of the eighteenth century. In the Treaty of Paris, 1763, France lost all her North American colonial possessions as a result of the French and Indian War. Canada and that part of Louisiana lying east of the Mississippi River were relinquished to Great Britain, and the territory west of the Mississippi and the island of Orleans was ceded to Spain, her ally. Spain who had allied herself with France by the famous "Family Compact" was made to suffer also for France being defeated by Great Britain. As a spoils of war England demanded the Spanish possession of Florida. Thus the Union Jack waved over all the Gulf land from the Mississippi to the Atlantic. Eight months after this treaty King George issued a lengthy proclamation, and in it for the first time the name of West Florida was used:

Thirdly the Government of West Florida bounded to the southward by the Gulf of Mexico, including all islands within six leagues of the coast from the river Apalachicola to lake Pontchartrain; to the westward by the said lake, the lake Maurepas, and the river Mississippi; to the Northward, by a line drawn due

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28 Stanley Closby Arthur, The Story of the West Florida Rebellion, p. 3.
East from that part of the river Mississippi which lies in 31 degrees North latitude, to the river Apalachicola, or Catahouchee; and to the Eastward by the said river.

In such a fashion was West Florida, on the seventh day of October, 1763, formed and baptized. Pensacola was made its capital. 29

For twelve years all went well. Then the American colonists on the eastern seaboard began the Revolution against England. But West Florida steadily refused to join them. Because of this many loyalists immigrated from the eastern portion of the country to make their homes in this loyal spot. Seeing a chance for revenge, Spain was sympathetic toward the rebelling colonists. Word was sent to the acting governor of Louisiana, Galvez, to take up arms and drive the hated British out of West Florida. This was done only too well, and once more Spain raised her flag over this section of land. Then in rather rapid succession came the transfer of Louisiana to France and the sale of it to the United States.

The region known as West Florida was claimed by both the United States and Spain. With the exception of the "island of Orleans" all the territory south of the 31st degree line and east of the Mississippi river remained a province of Spain. For seven long years after the banner of fifteen stars and stripes was unfurled over Louisiana, this strip along the Gulf of Mexico was doggedly held by the Dona who maintained that

the Purchase had not included this area. This brought on an argument, for the United States claimed that this particular piece of property was included in the sale by France. In this, as in many other like cases, possession proved nine points in a ten point debate. In consequence Governor Claiborne's jurisdiction on the east bank of the Mississippi extended north only to the junction of the big river with the stream called the Iberville, at Manchac, to the great and outspoken disgust and disappointment of many in the Spanish-ruled territory, for they had expected to become citizens of the United States coincident with the Purchase.

Claiborne tried to maintain a friendly attitude toward the Spanish officials of West Florida, assuring them that though that section should come under his jurisdiction he was leaving it in the hands of the rulers of the two nations to decide. He was of the opinion, however, that "East and West Florida might both be acquired, provided the United States could consent that the River Sabine should limit Louisiana Westwardly."30 He was rather positive in belief that the people of this section would continue to be very dissatisfied until they were under the control of the Americans, and that there was a great deal of unrest and dissatisfaction toward the Spanish officials.31 There was quite a few outbreaks in


31 These people were from the original states and were of English ancestry.
opposition to the Spanish rule. The most outstanding of these was led by the Kemper brothers who proved to be a source of irritation to the Spaniards. Casa Calvo wrote to Claiborne and asked him to order the acting Governor of Mississippi not to aid or give refuge to any of the rebels of the Feliciana District, and to reprimand the Kempers for the part they had been playing. Claiborne informed the Marquis that the American government did not sanction any such social disorder and that the insurgents would not receive aid from any American territories. Later, the Marquis asked that the Kempers who he had been informed had fled to the American territory be arrested and turned over to the Spanish officials. Claiborne replied that he did not approve of the conduct of these insurgents, but he did not feel that he had the power or the authority to direct the seizure of these persons within the limits of the United States. Governor Folch of the entire Spanish province sent a small militia to the place of the disturbance and broke it up completely. The insurgents were few in number; so it was not a difficult thing to do. He granted a general amnesty to all the insurgents with the exception of the Kemper brothers and sent them all home.

The Kempers once more broke out, and the rumor was floating about that they had gone to the British for aid. They were to go to New Providence and return with an armed vessel loaded with every necessary military store. They were to organize groups of men in sympathy with their cause and come
back for a period of plundering and massacring, and if supported by the British to conquer the district for them. All of the higher Spanish officials were marked for assassination. Claiborne could not believe that this rumor held any truth in it, but he gave necessary orders to watch for such a vessel and for British aid. He was in doubt as to what course to pursue in case a British army marched into a section of land claimed by the United States. Fortunately, he was not forced to make any decision.

Although keeping on friendly terms with the Spaniards, Claiborne was very impatient of Spain's continued occupation of West Florida and repeatedly urged Jefferson and Madison to take possession by force of arms. As witness:

The object of Spain will be to make the Mississippi the Boundary. Her Agents here avow it, and hesitate not to say, that on no other condition will Spain consent to an amicable adjustment;—But my impressions are otherwise. If Spain should find that the United States will maintain their ground, and possesses themselves by Force of the Territory claimed, She will yield to our demands.\(^{32}\)

Mr. Morales, the Spanish Pay Master General and Intendant, had the audacity to open up a land office in the city of New Orleans for the purpose of selling public lands in East and West Florida.\(^{33}\) Claiborne was astounded that the man had nerve enough to start such proceedings in an American territory on land that was also claimed by the American government. He was


\(^{33}\) The beginning of a remarkable attempt to impress the people with the idea that Spain was still in authority.
also puzzled as to what procedure to take should the Spaniard refuse to stop these proceedings. After much argument, Morales was made to see the soundness of Claiborne's viewpoint when he saw that he either had to agree or leave.

In 1804, President Jefferson had sent Monroe as a minister to Spain with the instructions to purchase all claim to the Floridas from that country. Claiborne was much disappointed to learn that Monroe failed in his mission of getting the two nations to come to terms. Of the four proposals Monroe made, it was the last which affected West Florida. It was that:

Spain should acknowledge the Ceded Territory to be bounded on the East by the River Perdido, and on the West by the Rio Bravo, and in exchange for East Florida, the United States would relinquish their claim to the land West of the River Calorado.34

The Spanish were not able to see it as Mr. Monroe did, so he asked for his passport home.

CHAPTER IV

A CONSPIRACY AGAINST THE UNION IS DISCLOSED

During the last of July, 1806, Claiborne thought that his most serious trouble was in trying to discover some way to forget the uncomfortable heat of the weather. But on the 29th of the month, he was told of proceedings that made him shudder even the unnaturally warm temperature. Mr. Freeman and a party who had been sent into Western Louisiana by the President on a scientific expedition had excited the suspicions of the Spaniards who regarded it as conflicting with their interests. A detachment of Spanish troops had been sent to intercept the exploring party. The Spaniards were reported to be assembling at Nacogdoches for the purpose of recrossing the Sabine.¹

Claiborne communicated this information to the Department of War:

I received on this morning by express, dispatches from Natchitoches. A consideration of Spanish forces have crossed the Sabine, for the purpose of establishing a garrison, on the same ground, from which a Spanish detachment was not long ago driven by Captain Turner.²

If such an occurrence did happen, the Governor very much feared that war between the nations would be the result. To try to avoid as much trouble as possible, he left at once for

Natchitoches. The commanding officer here had had orders to stop the Spaniards if such a move was contemplated, even if it took force.

Upon his arrival at his destination, he at once wrote a letter to Herrera, the commanding officer of the Spanish forces. He stated several incidents in which the Spanish had violated the friendly feelings between the two nations. There were three that he dwelt upon at great length. First was the fact that a large force of Spaniards had crossed the Sabine and entered into territory claimed by the United States. Claiborne thought it had been understood that until the negotiations between the two nations for a friendly and just boundary line decision had been settled, neither nation would make any additional settlement in this territory or assume any military positions. This policy would have been fair and just to both parties, but since some officers of His Catholic Majesty had acted contrary to this policy, he warned them against the results. Secondly, the Spanish had been fit to commit outrages against Freeman and his party who were acting under the orders of the President. This group was navigating waters which passed through the territory ceded to the United States by France. Not only that but they were sailing on a river on which the French had formerly made settlements far beyond the spot where they were arrested. Even if this was not true, he could not

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3 Claiborne applied to Mead, Secretary of Mississippi Territory for aid against the Spanish.
see why they were detained from a purely scientific trip
which had no aim in view that could be considered hostile to
Spain. Marquis Casa Calvo had been informed of this trip when
they first began the journey and had not objected. The third
outrage against the American Government was conducted among
the Caddo Nation of Indians. These Indians had accepted a
flag of the United States, and it was displayed in their vil-
lage. It had been demanded from the Chief the respect which it
rightly deserved. The Spanish troops had gone still further
and menaced the safety of the Indians if they should continue
their respect for the American nation and their friendly inter-
course with its citizens. 4 It was necessary for something to
be done about this, if the two nations were to continue their
friendly relations.

Herrera replied to the Governor's letter but did not con-
cede a thing. He stated that Major Freeman was navigating the
Red River which was in the Dominion of His Majesty. The object
of Freeman's trip was not questioned but it was thought unwise
to have such a party on Spanish land. Freeman had been re-
quested to retire into the country of his jurisdiction. The
troops had a right to move into land which was in the posse-
sion of their Majesty and to make any settlements necessary.
The Caddo Nation was not on United States territory, for it
had never belonged to the French. The Indians had been told

4 Claiborne to Herrera, August 26, 1806, Official Letter
that if they wanted to live under the dominion of the United States it would be necessary for them to move into American territory. If they chose to remain where they were, it would be necessary to take down the American colors. The Indians were unwilling to leave their present abode and consented to this arrangement. They delayed more than the required time in taking down the flag, so it became necessary to take it down by force.⁵

When Claiborne first arrived, he had issued orders to Colonel Cushing, commander of the American forces at Natchitoches, that Herrera be told to withdraw beyond the Sabine and that if he did not force would be used. But Cushing said that this would be contrary to orders which he had received from General Wilkinson and refused to listen to the Governor. At this time Claiborne began to feel some suspicions of Wilkinson but it was not until much later that he had reason to confirm his own feelings.⁶

Wilkinson had been given orders from the national government in May to go to the Sabine Frontier, but for reasons of his own he delayed this departure for some time. Fortunately, Herrera became dismayed and discontented at the intense preparations which were going on under the instructions of Claiborne and Mead and withdrew his forces at least fifty miles from Natchitoches.

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⁶Albert Phelps, Louisiana, p. 234
In September Wilkinson finally arrived and assumed command of the military forces. He at once began to hint that a grave situation was on foot that no one suspected. He ordered that all the troops in New Orleans be concentrated on the frontier under his personal command. Claiborne refused to concede to his wish about this. He promised to send about four hundred and fifty men, but he thought it very unwise to leave New Orleans without proper protection. Wilkinson delayed actually doing anything about the situation until the latter part of October, when he marched his forces to the Sabine. Not a Spaniard was encountered along the way. He wrote letters to Herrera, the Spanish commander, and Cordero, the Spanish Governor, in which he suggested a very unusual agreement. His idea was that both parties agree to remain one at Nacogdoches and the other at Natchitoches, leaving the ground in between neutral and unoccupied by either one. Cordero refused to enter into any such agreement even though Wilkinson, contrary to his orders, had proposed to vacate land claimed by the United States. Herrera, however, proved to be more friendly, and these two unauthorized agents patched up between them the Neutral Ground Agreement. The general then ordered his troops back to Natchitoches, declaring that his mission had been fulfilled.\footnote{Albert Phelps, \textit{Louisiana}, pp. 234-5}
tory to the Spaniards, since it was enacted against all foreign powers regardless of their present situation. Several letters of complaint regarding this act was sent to Claiborne by the Spanish officials. Each time Claiborne courteously but firmly informed them that he had nothing to do with acts of the national government except to see that they were enforced to the best of his ability. The problem of runaway slaves came up again and again. Letter after letter was sent to the Spanish governor of Texas requesting that worthy official to see that proper friendly relations were maintained by the two nations and each respect the property of the other. The only consolation that Claiborne ever received from the matter had to be gained from the very solicitous letters assuring him that Spain was doing all in her power to remedy this delicate situation. It seems that it was beyond the powers of the Spaniards to suggest a remedy, for American owners insisted that their slaves were being enticed to Spanish dominion.

In writing to the President in July, 1805, Claiborne had casually mentioned that Aaron Burr, former vice-president of the United States, had arrived in the city of New Orleans. His next letter informed the President that Colonel Burr had remained in the city for ten or twelve days and had been received with polite attention; Burr departed for St. Louis with the intention of returning to New Orleans in the near future.\(^8\) Claiborne did

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not suspect the trouble that this seemingly unimportant visit
was to cause both the territory and the national government.
This man and his visit was to explain the actions of Wilkinson
and the uncanny feeling that Claiborne had that all was not as
it should be.

Aaron Burr, after his duel with Alexander Hamilton, in
which his opponent had been killed, found himself rather in the
position of a man without a country. His plan to form a new
country out of the west in which he would be the chief magis-
trate is well known to every student of history. In conceiving
this scheme it was natural for him to turn for aid to his old-
est friend in the west, General James Wilkinson. "Burr and
Wilkinson had climbed together the heights of Quebec, and form-
ed, amid those scenes the friendship which fellow-soldiers know.
They had seldom met since, but had corresponded, confidentially
and in cipher, at intervals, for many years." 9 The people of
the West were not quite content, for they grumbled about the
great monopoly of political offices by the politicians of the
East, and the undesirability of being connected with a govern-
ment whose capital was a two months' journey distant. In spite
of this unrest, they were proud of the Union, attached to its
President, and devoted to the democratic ideals. In to this
situation came Burr and his right hand man, Wilkinson, with
their idea of splitting the nation. The success of their plan
was to a large extent dependent upon a war between the United

9 James Parton, Aaron Burr, Vol. II, p. 51
States & Spain. The plan progressed rapidly upon paper, but Wilkinson at the Sabine saw the improbability of a war, and these new circumstances produced in him a change of feeling. As the chances of provoking a fight lessened, so did his interest in Burr's projects wane. He decided to increase his fictitious services to his country by spreading reports of conspiracy and danger to the Union. Even though the general decided to betray Burr and magnify both the crime and the danger for his own greater glory and gain, he hesitated to report the matter to Jefferson for several reasons. One was that Burr's party was so small that it would be easily stopped and the supposed huge conspiracy would vanish; another was that there was still a possibility of war, and if Burr should prove successful in this cause Wilkinson wanted to be able to join him. In November he wrote to Claiborne:

You are surrounded by dangers of which you dream not, and the destruction of the American government is seriously menace. The storm will probably burst in New Orleans, where I shall meet it and triumph or perish. I have little confidence in your militia, yet I trust we may find a few patriotic spirits among them. He urged Claiborne to keep all of this in secret, yet nothing would have disappointed him more if the news had not gotten abroad.

The first note of alarm appeared in Claiborne's letters in November, 1806, when in writing to Madison he said:

In a private letter to the president of United

10 James Parton, Aaron Burr, Vol. II, p. 33

States under the date of the 5th instant, I expressed to him my apprehensions that certain persons, were framing plans imical to the United States;—I am now advised by a confidential letter that the Union of the States is seriously menaced, and that the Storm will probably break out in New Orleans and that in this plot thousands will be concerned. 12

A few days later he received a letter from Gwules Mead, Secretary and acting Governor of the Mississippi Territory, who wrote Claiborne that he was surrounded by dangers of which he did not dream, and that the destruction of the entire nation was threatened and he believed that all of it would center in New Orleans. 13

Wilkinson arrived in the city of New Orleans November 25, 1806, and going to the office of the governor told him of the plot, exaggerating its size and importance. He showed letters in cipher from Burr, and said Burr would be at Natchez before the fifteenth of December with at least five hundred men and a large force would later follow. Burr had sent word to Wilkinson to meet him at Natchez where they would make future plans as to which places to capture first; the general was to be made second in command. Wilkinson also told of the death of Burr's last letter, Mr. Swarthout, who told the general that Kentucky, Tennessee, and Ohio would separate from the union, that Louisiana would be revolutionized, and that the French would be pre-

12 Claiborne to Madison, November 18, 1806, Official Letter Books, Vol. IV, p. 56

pared for the plot, and there would be money in the banks of New Orleans waiting for them.\textsuperscript{14}

General Wilkinson filled Claiborne's ears with such disastrous rumors that the Governor's apprehensive nature was thoroughly aroused. The hasty preparations, and the air of utter secrecy with which the city was being fortified, the emphasized mystery of it all had the people in a very unsettled and discontented state of mind. Wilkinson tried to fill the Governor's thoughts with the idea that he could trust no one, and that the people of Orleans could not be expected to take the side of the government. When the general saw that the people were ready to exhibit an active loyalty that would have interfered disagreeably with the truth of his insinuations, he persuaded Claiborne not to issue the call for the militia to be in readiness. He did not want any evidence of the willingness of the people to take arms against any enemy of the government. He also filled the ears of the governor with hints of plots in the city itself and negro uprisings over the territory, in order that he might prepare Claiborne for the proclamation of martial rule and the suspension of the writ of habeas corpus.

However, Claiborne was too good an executive to rush into this last step, and he declined to take it unless it was absolutely necessary. He thought that it was the privilege of the

legislature to suspend the writ of habeas corpus and he was not one to usurp power. Wilkinson did get him to agree to one proposition which he stated in writing to the Secretary of State:

General Wilkinson whose zeal on the present occasion I highly appreciate, requests me to have recourse to such means, as will enable Captain Shaw to obtain the necessary Sailors for the Navy on this Station; I have in consequence requested on this day a meeting of the owners and consignees of the Merchant vessels in the Port, and after acquainting them of the just cause for the apprehension of danger, I shall propose, that they consent to release from their private engagements, such sailors as may be disposed to enter the service of the United States; If this proposition is assented to, the greatest obstacle to recruiting the necessary numbers of Seamen be removed. If however that I should learn that the associates had actually set out in force I shall pursue such measures as may be required to man the little fleet on this River, for its co-operation is deemed by the General absolutely essential to the defeat of the insurgents. 15

When the merchants met and Claiborne told them of the need for sailors, they unanimously agreed to let the men leave their services. In addition to letting the men leave their private employment, the merchants subscribed money to purchase suitable sailor clothing for the men.

Once more Wilkinson entreated the governor to issue a proclamation of martial law and suspension of habeas corpus. The governor refused to be led into this last step again and insisted that he did not have the power to enact such a law. Wilkinson became very impatient at Claiborne for acting so carefully and wrote him a letter condemning him for his timid actions:

In the impending awful moment, when I am myself absolutely hazarding everything for the National Safety, by unauthorized dispositions of the Troops and treasure of our Country....Having put my life and character in opposition to the flagitious enterprise of one of the ablest men of our Country, supported by a crowd of equals, ceremony would be unseasonable, I therefore speak from my heart when I declare, that I verily believe you are sincerely desirous to co-operate with me in my measures, but pardon the honest candor which circumstances require and my situation demands, when I observe that with the most upright and honest intentions, you suffer yourself to unduly biased by the solicitation of the timid, the capricious or the wicked who approach you and harass you with their criticisms on subjects which they do not understand, and their objections to measures which they do not comprehend, or which understanding they are desirous to prevent or defeat....Shall our reverence for our civil institutions produce their annihilation, or shall we lose the house because we will not break the windows? 16

In spite of this Claiborne refused to go beyond what he thought was his constitutional powers. Many letters were sent from the governor's office and many came into the office, and the greater number of them discussed the prevalent situation of the Burr conspiracy. But with the exception of one person, all the writers blackened Burr and condemned him and his plot. Mr. Mead, Secretary of the Mississippi Territory, alone professed to be able to supply any information on the subject. He never had trusted Burr, and proved himself a rather good judge of men when he also refused to trust Wilkinson. He warned Claiborne that Burr was not the only one to watch. In his first warning to Claiborne he wrote openly accusing Wilkinson of being a conspirator with Burr:

It is believed here that General Wilkinson is the soul of the conspiracy, and a requisition made of me, for five hundred militia has confirmed the suspicion in the minds of many—this militia was required to defend, or protect New Orleans and support the Laws & Government of the United States. Is New Orleans invaded? Is it threatened? or is it believed that any enemy is nearer than the General himself?

General Wilkinson is concentrating the whole military force of the United States at New Orleans—he has forced down the troops from Natchitoches, from Fort Smith and Fort Adams—this last fort is entirely dismantled—all the ordinance taken away for Orleans or elsewhere—what is all this for? Is it to act for you or against you? 17

When Claiborne did not heed his warning, Mead again wrote to his friend and asked him to watch Wilkinson's every action.

You cannot begin to purge the office of the government too soon, every conspirator in office, received from yourself the means of doing you injury....Burr may come—and is no doubt desperate, but treason is seldom associated with generous courage or real bravery—should he pass us your fate will depend on the Genl. not the Col.; If I stop Burr—this may hold the Genl. in his allegiance to the U. States—but if Burr passes this Territory with two thousand men, I have no doubt but the Genl. will be your worst enemy.

Be on your guard against the wily General—he is not much better than Cataline—consider him a traitor and act as if certain thereon—you may save yourself by it. 18

This premature expression of common sense got Mead his dismissal from office by Governor Williams and General Wilkinson, on the grounds of complicity in the conspiracy.

Deciding that Claiborne was not going to be easy to handle, the General took matters into his own hands and de-


elared the city under military rule. He had a military patrol over the city and stationed a force on the river at several places to stop all boats regardless of how small and to search the passengers. He had citizen after citizen arrested, charging them with complicity in the Burr plot. Several outstanding citizens, such as a judge of the district court, an editor of a leading newspaper, and a general in the army, were all then seized and hurried out of the territory before writs of habeas corpus could be delivered.

Claiborne had recovered from his first panic, and he began to be doubtful of Wilkinson, as the General committed outrage after outrage in the city. New Orleans now forgot the conspiracy, in the excitement and indignation caused by General Wilkinson's acts. Claiborne advised Wilkinson to remove some of his restrictions and deal less harshly with the citizens, but to no avail.

On January 12, 1807, the Legislative Council met. Claiborne in his message presented a history of the conspiracy and still expressed belief that there were traitors in the city. Wilkinson's tales were repeated again. The council in their reply declared their loyalty to the United States, repudiated the idea of disloyalty in the territory, expressed a general disbelief in the conspiracy itself, and said in behalf of the people that

...there is no perfidy, no treason to be apprehended from them by the general government. If they

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do not yet possess all the privileges enjoyed by the American citizen, they already set so much value upon the rights which have been granted to them, but their late privation of those rights in the present stormy circumstances has created among them the most serious alarms.  

The House of Representatives declared their intentions of investigating Wilkinson's "extraordinary measures." They drew up a memorial to the Congress of the United States giving a history of the general's acts.

The final act of Wilkinson's highly exaggerated story was enacted when Burr was arrested in the Mississippi Territory and brought to trial. Claiborne rightly foretold the outcome of this procedure when he expressed to Madison the belief that "the issue (speaking of Burr) I fear will be the most unfortunate; his acquittal will probably ensue," Claiborne along with President Jefferson came in for a share of the ridicule which General Wilkinson's course had provoked, for both of these had been dupes of his fertile imagination.

With the dark clouds of conspiracy cleared away and military despotism overthrown, the Territory of Orleans began once more the work of forming its government. The very delicate task of a civil code was begun. The mass of Spanish and ancient French laws had been brought into accord with the in-

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stitutions of the United States. Their code was finally completed and was based upon that which Napoleon had promulgated in 1804. In expressing his opinion of the code Claiborne said he believed that it would be greatly censured by many of the native citizens of the United States. Naturally, these people were attached to the system of laws prevalent in the States of their birth, but it should not be forgotten that Louisiana was more French than American and the greater part of the population were native Louisianians who had not been accustomed to American Laws. Claiborne felt that "the legislature having before them in view the body of laws, will be better enabled to introduce such amendments as may meet the wishes and interests of their constituents." Among the most useful acts passed in this session was one for the establishment of a school in each parish.

The territory had successfully weathered a storm which had threatened to involve the whole union. The peoples of Orleans had proved themselves loyal citizens of the American nation who treasured the privileges which had been extended them. They had endured the hardships of martial law without a murmur as long as the danger no matter how mysterious threatened their land. When the trouble ceased they just as eagerly renewed their efforts to strengthen the government.

23 Francois-Xavier Martin, History of Louisiana, P. 544.
CHAPTER V
PREPARING FOR STATEHOOD

On December 27, 1806, Claiborne sent the following mes-
sage to Madison:

Will you be good enough to convey to the
President of the United States my grateful ac-
knowledgments for the flattering proof afforded
me of his continued confidence by my re-appoint-
ment as Governor of this Territory, and to as-
sure him, that in the discharge of the duties
annexed to that office, I shall never be actuated
by other than the purest motives of honest patrio-
tism.1

The following January, Claiborne officially began his second
term as governor of the Territory of Orleans.

Because of conditions among European nations, immigrants
of all nationalities began to come to the Orleans Territory
to settle. This increased number began to worry Claiborne,
for it was soon seen that they were not the most desirable
citizens. In writing to Jefferson who had retired from the
presidency, he describes the growing situation. He was a-
fraid that the misfortunes of Spain would drive many of the
Spanish colonists into New Orleans. This increase of popu-
lation would of course tend to retard the growth of American
principles. The French that were banished from Cuba came to
New Orleans for future residence. Sixty of this number had
already arrived, six hundred were to arrive at the "Saline";

1Claiborne to Madison, December 27, 1806, Official Let-
ter Books, Vol. IV, p. 278

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and there were from twelve to fifteen hundred more to come from St. Yago. The French consul informed him that there were several thousand immigrants expected from in and near Havana. The biggest part of these people had no money and were forced to depend upon society for a means of livelihood. 2

In discussing these unfortunates with Robert Smith, the Secretary of State under President Madison, Claiborne said that the French from St. Yago upon landing gave him to understand that

...they were an unfortunate and unoffending people, who forced by the Government of Cuba to abandon that Island, had come to seek an Asylum under the Government of the U. States; that they were all farmers, and greatly desirous to possess themselves of some lands, on which (with the permission of the Government) they proposed to make great sacrifices of their property in Cuba, their pecuniary means were limited; too much so, to continue in this City, and that as well from necessity as choice, they should retire to the interior of the Territory as soon as possible. 3

The French immigrants from Cuba were for the most part the higher type of French citizenry. They were industrious planters and mechanics who having property on the Island stayed as long as possible. Some of the natives of the city of New Orleans expressed uneasiness at the coming of so many exiles and suggested the possibility of refusing them admission into the territory. Claiborne felt that the very prin-


diplas-offhumanity and courtesy demanded their admittance. By all means he regretted that they were filling a place in a society which he had hoped would be filled by natives of the United States, but their situation had to be taken care of.  

In the midst of this work of adapting the territory to the coming of so many foreign refugees, discontent and disorder troubled the border. The situation in West Florida had gradually been growing greater. When word came that Napoleon had overthrown Ferdinand and put Joseph Bonaparte on the Spanish throne, the inhabitants of West Florida decided it was time for them to take matters in their own hands. Quietly and efficiently the leaders started to work. On July 25, 1810, they called a convention and passed a resolution of loyalty to their former king, Ferdinand, but declared they owed allegiance to Napoleon. They passed a group of laws which called for a representative government but acknowledged their present governor, Don Carlos Dehault de Lassus, as still the governor. On the surface, De Lassus agreed to all the proposals of the convention, but it was found that he was secretly sending word to Governor Polk at Pensacola for an armed force to quell insurrection.

When the leaders discovered this, they declared the independence of West Florida. An army of volunteers was quickly assembled, and by a surprise attack on the Spanish fort,
the governor and his forces were taken without the loss of
a soldier on the side of the invaders. A declaration of in-
dependence was written and published, a government made and
set up; the republic of West Florida saw the light of day.
Fulwar Skipwith was elected the first governor.5

Early in May, 1810, Claiborne had left the southland and
proceeded to Washington to hold a series of conferences with
President Madison. West Florida occupied a great part of
these discussions.

In Washington, with Governor Claiborne at his
very elbow, President James Madison at last was pre-
pared to act. Dispatch riders flying over the Nat-
chez trace had carried word to him of the coup of
the Feliciana patriots, the fall of the fort at Bat-
on Rouge, and the copies of the acts of Congress and
their ringing declarations of independence. Jimmy
Madison determined not to await the action of Con-
gress and lay the matter before that body. He deter-
mined to act at once to prevent foreign intervention
as well as to maintain order.

Therefore, on October 27, while the Floridians
were still wrestling with their plans for self-gov-
ernment, Madison issued his proclamation declaring
that West Florida formed a part of the Louisiana
purchase. After a wait of seven long years, the
United States had tardily claimed its own.6

Claiborne was assigned the task of taking over this province.
To ask the people to obey the laws of the United States and
to preserve order was his chief task, and to accomplish this,
he would have the backing of the United States Army.

Claiborne arrived at the capitol of the Mississippi Ter-

5Stanley Clisby Arthur, The Story of the West Florid Rebellion, pp. 101-02; 107-08
6Ibid., pp. 130-31
ritory on December 1, 1809, to follow out the President's proclamation. He decided it was best to go into the new territory with an armed force; with about three hundred men he started his journey. He sent ahead an escort to distribute circulars bearing the President's Proclamation. The escort was also to ascertain the sentiments of the citizens toward the occupation of the country by the American government.

Claiborne arrived at Pointe Coupee and was met by John Johnson, the Feliciana leader, who assured him that personally he was glad to see the national government take such a step, but that he was here to deliver a message from Governor Skipwith. Johnson told him that he had been instructed by Skipwith to tell Claiborne that

"...he had retired to the Fort of Baton Rouge, and rather than surrender the country unconditionally and without terms, he would with twenty men only, if a greater number could not be procured, surround the Flag Staff and die in its defense."

Upon journeying on to St. Francisville, Claiborne found an assembly of citizens to welcome him. He delivered the President's proclamation and replaced the colors of the state of Florida with those of the United States. The people cheered the raising of the American flag, and seemed glad that they at last were part of the United States. Upon the arrival at Baton Rouge, Claiborne was prepared to encounter trouble, but the fort was peacefully given up and the flag of the United

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States was raised over it.

In writing to the Secretary of State Claiborne thus describes the people of West Florida:

Perhaps the opinion I have formed of this society may not be correct; but my impression is, that a more heterogeneous mass of good and evil was never before met with in the same extent of territory. — A majority of the inhabitants are believed virtuous; but among them are many adventurers of desperate fortunes and characters. Good men started the late Revolution; but had the Government of the United States not interfered, bad men would have soon have acquired ascendancy. The management of the old Territory of Orleans was an Herculean task; — but the acquisition of the Baton Rouge District will render my duties more arduous, & vastly more unpleasant.

No sooner had Claiborne established himself as governor of this new part of his territory than trouble began. He had to provide immediately for self-government. His first act was to name the new area and he proclaimed the late Spanish holdings below the 31st degree line, from the Mississippi to the Perdido rivers, the country of Feliciana. He divided this country into four parishes and appointed parish judges for them. Claiborne had control of all the West Florida country as far east as the Pearl River.

Rumors came to Claiborne that "fifteen hundred men from Havana, and five thousand dollars were confidently expected at Pensacola". 9 Also he was told that Folch, the Spanish Governor at Pensacola, intended to enter the area of Feliciana.

with an armed force. Claiborne wrote Folch that if he made such a movement, it would be looked upon as evidence of hostile intentions toward the American government, and measures to stop him would be put in force. The Spaniards remembered the lesson learned at the West Florida rebellion and hesitated to venture forth.

Trouble started once more within the Florida Parishes themselves. In March, 1811, the inhabitants of Feliciana were once more on the verge of insurrection. A bill was presented in the national congress to make Feliciana a part of the Mississippi Territory. The people strenuously objected to being taken away from the Orleans Territory. The inhabitants once again raised the flag of Florida, but it was soon taken down without any trouble. It was mainly through Claiborne's influence that this area was finally annexed to Louisiana rather than to Mississippi.

On March 22, 1811, Governor Folch notified Claiborne that troops of the United States would not be allowed to pass Mobile without the permission of the Captain General of Cuba. Claiborne felt that this was assuming entirely too much power and showed disrespect for the American government. In describing his position he said:

The whole tract of Country watered by the Mobile and its tributary streams appertains to the United States; That part of West Florida lying West of the Perdido, is attached to the Orleans Territory, & the Local Authorities, have legislated for the same. Under these circumstances, it seems to me, I should compromise my own and my Country's honor to have submitted to the attempt,
of the Spanish Agents at Mobile, to inhibit the United States, and free Navigation of the Mobile.\textsuperscript{10}

In order to show the Spanish that such liberties could not be taken with the United States, Claiborne ordered vessels, bearing military stores for the garrison at Fort Stoddard to be accompanied by a convoy of several armed vessels, and if they should be hindered at Mobile to use force.\textsuperscript{11} He then wrote Governor Felch and informed him of his actions, and if he did not want to "commence hostilities, & to cause the effusion of Blood, it is confidently expected, that you on your part refrain from aggression."\textsuperscript{12} Claiborne felt that in forcing the Spaniard's hand, he would force him to cease his hostilities. The governor's bluff proved successful, for Spanish officials came and talked the matter over, and gave their assurance of the ship's passage by Mobile.

Back in Louisiana in 1811, the negroes once more attempted an insurrection against the white people. About five hundred of them in the County of German Coast set out in a bold march against the city of New Orleans. On their way, they set fire to plantation houses. Claiborne at once heard of the disorder and sent the militia to intercept them. They were

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\textsuperscript{11} The condition of public feeling above Mobile in the Mississippi Territory demanded prompt action on the part of Claiborne.
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easily routed, and nearly all of them either killed or taken. Sixteen of them were sent to New Orleans for trial; these were executed and their heads stuck upon poles along the way from the city to where the insurrection started.\footnote{Claiborne to Smith, January 9, 1811, \textit{Official Letter Books}, Vol. V, p. 59; January 12, 1811, p. 97.}

Claiborne had recommended several bills to the Legislature when he gave his annual message \textit{January 29, 1811}. The most important of these to his mind was on the subject of bankruptcy. He certainly felt that the government should in the same way provide relief for its unfortunate citizens, and the honest debtors should be shielded from merciless creditors. These were certainly important principles, but it was just as important not to let fraudulent schemers take advantage of the situation. New Orleans ranked among the most prosperous cities of the country. To keep this rank Claiborne felt that it was absolutely necessary to have "a strict, but humane statute of bankruptcy, the provisions of which no honest man would have cause to censure, and no fraudulent one an opportunity to evade."\footnote{Address to the Legislative Body, January 29, 1811, \textit{Official Letter Books}, Vol. V, p. 125.}

The Legislature presented the governor with a Bankruptcy Law before the session ended, and it became the source of a great deal of agitation. Claiborne refused to sign the proposed law, and the members of the Legislature adjourned greatly dissatisfied with the executive and with each other. This question showed the division and lack of unity in the Legis-
lature. The members whose native language was French were allowed one side as opposed to the members whose native language was English. The native French and Creoles rallied around the majority while the native Americans without one exception adhered to the minority. The executive had rejected the bill on the ground that it contained provisions which were opposed to the spirit of American jurisprudence and he felt that it would have proven more or less oppressive to the whole community.

Several other bills which the Legislature sent to the executive were rejected. It looked as though it was practically impossible for these two departments to agree on the provisions of proposed laws. This friction tended to hasten on the next step in the advancement of this section of the court.

On April 10, 1811, Claiborne in an address to Congress informed them that he had a publication taken from a newspaper which was supposed to be a copy of an act passed by Congress "to enable the People of the Territory of New Orleans to form a Constitution and State Government, and for the admission of such state into the Union, on an equal footing with the original states."\footnote{Message to Congress, April 10, 1811, \textit{Official Letter Books}, Vol. V, p. 210.} Although he had not officially been informed of the act, he believed it to be true.

A month later Claiborne issued a proclamation for the election of members of a state convention. He was very un-
certain as to whether this convention would deem it wise to form a state government. Many of the inhabitants thought the people were not prepared for self-government. In stating his own opinion he said:

For my self however I sincerely wish to see this Territory organized as a State authority, and that too at an early period, because I believe it would tend to strengthen the American Union; to place the political destiny of Louisiana beyond the reach of change, and to discourage Foreign Nations and Domestic Traitors from any further attempts to alienate the affections of these people from the American government.16

The convention met on November 18, 1811, and a resolution was offered deeming it expedient to form a state government. After arguments on both sides of the question, the resolution was passed on November 23, with a vote of thirty-five to seven. A committee was appointed to draft a constitution.

When speaking of the Constitution, Claiborne described it thus:

It is for the most part, Copied from the Constitution of Kentucky.—The Legislative Power is vested in a Senate & House of Representatives;—The members of the House of Representatives to be elected for two years, and the members of the Senate to be elected for four years, one half going out every second year. The executive power is invested in a Governor, to be elected by the people, and to continue in office for four years, & ineligible the succeeding four years;—he is to nominate, & by & with the advice & assent of the Senate to appoint to office, & has a qualified Negative on Bills which may pass the Senate & House of Representatives.17

This constitution was immediately sent to the national

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congress where it was duly approved. Much to Claiborne's
delight, he learned that "on April 6, 1812, a bill for the
admission of this territory as a member state of the Union had
passed the two Houses of Congress."¹⁸ He was also glad to
learn that "Florida, as far as the Pearl River, with the as-
sent of the State Legislature, is to be added to Louisiana."¹⁹

From a foreign territory to the top rank as a state was
a great step, but it had been successfully accompanied under
the guidance of their friend and leader, Governor Claiborne.

¹⁸ Claiborne to Monroe, May 21, 1812, Official Letter

¹⁹ Claiborne to Brent, May 14, 1812, Official Letter
CHAPTER VI
LOUISIANA IN THE WAR OF 1812

On April 30, 1812, the eighteenth star was added to the blue background of the American flag, for the Territory of Orleans officially came into the Union as the state of Louisiana. The limits of the new State were to be

... the Sabine River on the West, the thirty-third degree of latitude on the north, as far east as the Mississippi, thence down the river to the Iberville, and thence, following the course of the Iberville through Lakes Maurepas and Pontchartrain to the Gulf, which was, of course, the natural southern boundary, including all islands within three leagues of the mainland.... the Baton Rouge district was almost immediately added to Louisiana, bringing the eastern line up to the Pearl River.1

In the first state election, the Louisianians showed their appreciation for devoted service by electing as their first governor, W. C. C. Claiborne. None deserved this position more than he, for he had witnessed the moment when the authority of the United States was first extended over this district, and for nine years had assisted in its progress from colonial dependence to state sovereignty.

When Napoleon ceded the Louisiana Purchase to the United States, he had made a prophecy which at last seemed to be coming true. At that time he had remarked, "I have given to England a rival that will sooner or later humble her pride.

1Albert Phelps, Louisiana, p. 250.
... The acquisition of this territory assures forever the power of the United States.² Ever since the Louisiana Purchase England had committed constant outrages against American commerce. England had taken from the young republic 900 vessels, and 6,000 American seamen had been impressed into the English navy. At last, however, the young generation of Americans would brook no longer these insults, and when James Madison was re-nominated for President in May, 1812, it was taken for granted that it meant war; and on June 19, 1812, England refusing to revoke her orders in council, war was declared.

In his first official address to the Legislature, Claiborne described the causes of the war:

If ever War was justifiable the one, which our Country has declared, is that War.--If ever a people had cause to repose with confidence on their Government, we are that people. From the days of the great Washington to the present period, the desire of our rulers has been to preserve peace with all nations, & to keep aloof from those destructive conflicts which are filling the world with widows & with orphans.... When the Government of Great Britain first aspired to the base preeminence of becoming the highwayman of the Ocean, our illustrious statesmen opposed the absurdity; .... they made repeated appeals to her justice. .... When our unprotected commerce became a prey to rapacity, & our Counrymen navigating the high seas were impressed into her ignominious service .... we again preferred remonstrance to resistance. .... Our laws are derided, and our rights outraged.³

²Ibid., p. 252.
The first two years of this war was very carelessly conducted, and if England had not been hampered by European dangers, it probably would have ended in disaster for the American cause. Little attempt was made to protect the Gulf Coast or New Orleans from invasion, and through two years of the war this exposed front was practically defenseless. Claiborne wrote to the national government and asked for a loan of arms to protect the state. He was particularly anxious to receive some sabers, for he felt that "the service of the Cavalry is best adapted to the Climate of Louisiana, and in many parts of this State, are the only troops that could act with advantage. --The want of swords & the impossibility of procuring them by private purchase, had delayed the organization of several companies of Cavalry."  

Governor Claiborne had ordered the militia of the state to drill regularly and be in readiness to take the field. The people responded loyally, and great public spirit was shown by private citizens in their co-operation with the state government to remedy the danger to which they had been exposed by the indifference of the national authorities. In the summer of 1814, England turned her attention to this section of the United States. Great Britain was aware of the fact that the French population of Louisiana had been greatly augmented by numbers of refugees from Jamaica, St. Domingo, Guadeloupe,

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and other West Indian islands. These people were thought to have but little racial affinity with the American government, and it was believed that they might be persuaded to assist the British invasion. She also knew that groups of contraband traders and smugglers held the portion of the state lying beside the Gulf, and since they defied the authority of the national government, it was hoped that they would act as effective auxiliaries, or at the very least, as guides.

England was doomed to failure in both of these expectations. When the Lafitte brothers, the ruling head of the smugglers, were asked to join with the English side in return for thirty thousand dollars, they flatly refused. Claiborne had been greatly disturbed when these privateers had first settled in his territory. He had issued writs forbidding the people to sanction the illegal business of these pirates and had even placed a reward of five hundred dollars upon the head of Jean Lafitte. Little attention had been paid to these official proclamations however, and no attempt had been made to disturb Lafitte and his group, for the majority of the people felt that they were benefited by the smuggling trade.

In September, 1814, Claiborne was surprised to receive a message from Lafitte. The pirate told the governor about the British offer to himself and his men and spoke of the British plan to attack first Mobile and then New Orleans. He ended by offering the services of himself and his men to the
American army and added protestations of his loyalty to Louisiana.

The national government finally began to prepare for a British invasion of New Orleans. Several companies of volunteers from Kentucky and Tennessee started on their way to this city, and General Andrew Jackson was given the military command of the district. Claiborne approved of Jackson's appointment as is shown by his letter to the Secretary of State:

Major General Jackson arrived in this city on the First Instant, and has been received with all the respect to which his long and useful service so justly entitle him. . . . No Officer who could have been assigned the command of this District, would have been more generally approved than General Jackson, nor do I know one under whose orders in the field, I would more cheerfully place myself. 5

Jackson knew that from the beginning of American control in Louisiana the militia problem had been a constant source of irritation to Claiborne. A great deal of opposition had been shown to the order of 1813 in which the President had asked for one thousand volunteers from Louisiana. The legislature had openly condemned such a requisition; the people protested against entering the services of the United States army. If they had to serve they preferred serving in their own companies under their own officers. Claiborne found himself facing an almost immovable obstacle. But things began gradually to change, and the people showed a greater willing-

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ness to submit to the order. On the twenty-ninth of August, Claiborne expressed to Jackson the hope that he would be able to raise the quota of the state with little difficulty.6

In a series of letters Jackson had been warned that the Louisianians could be depended upon to furnish but little aid. Claiborne told him that "the militia of New Orleans have showed a spirit of disaffection and reluctance to take the field, and fears are entertained that Spanish and British agents have been at work there."7 Jackson also informed that the Creole officers would be of little use to him in the task of recruiting, for they could not speak English and the French citizenry would not enlist.8 Later Claiborne told him to expect many difficulties which would arise from jealousies created by the different nationalities.9 When Jackson entered the city of New Orleans he had decided against the loyalty of the Louisianians and things looked rather discouraging.

Jackson at once took things into his own hands. He saw at once that the defenseless city needed every man that could bear arms. He was only too glad to recommend to the governor

6J. S. Bassett, Correspondence of Andrew Jackson, Vol. II, p. 36.
7Jackson to Armstrong, August 5, 1814; Bassett, Correspondence of Andrew Jackson, Vol. II, p. 31.
9Claiborne to Jackson, August 24, 1814, Ibid., pp. 29-30.
that he issue a proclamation\(^\text{10}\) calling upon the Barratarian pirates to join the army, and promising that the general and the governor would unite to obtain pardon for them from the President.

In the latter part of December, 1814, the fighting began between the two nations in the near vicinity of New Orleans. Although greatly out-numbered, the American forces composed of Louisiana, Kentucky, and Tennessee militia and the pirate forces fought bravely and tirelessly. On the eighth of January, 1815, the decisive battle of the war was fought a few miles from the city of New Orleans. With the Americans fighting as one man, it was impossible for the English to gain a victory, and they were forced to surrender.

Claihorne informed the national government of the victory in the following words:

> I congratulate you on the glorious issue of the contest in which was involved the safety of this section of the Union... Our Brethren of Tennessee, Kentucky, and the Mississippi Territory deserve the thanks of the Union, for their effectual support in the preservation of one of its important members: and I glory in the opportunity which has afforded the people of Louisiana to prove that altho' the Youngest of the great American Family, they are not the least in valour and patriotism.\(^\text{11}\)

During the actual fighting, Jackson had placed the city of New Orleans under martial law and after the departure of

\(^{10}\)Claiborne to the Barratiers, December 17, 1814, Official Letter Books, Vol. VI, p. 324.

the British he refused to revoke this order. He received the news from several sources that peace had been declared, but he refused to believe it and redoubled the vigilance in the city. He had some prominent citizens who had protested the continuance of this order arrested and placed in jail. He then proceeded to arrest every one who tried to come to the aid of these imprisoned citizens. It was not until nearly two months after peace had been declared in the national capital that the city of New Orleans was released from the unjust rule of martial law. This action of the general greatly lowered Claiborne's opinion of him. Claiborne described his feelings in a public circular which said:

I acknowledge that General Jackson has rendered important services nor do I deny him the possession of some great qualities; But the violence of his character casts a shade upon them all, and in this Capitol he has observed a Course of Conduct which cannot be easily excused, much less justified by those who feel a proper regard for all the rights of others.¹²

The results of all this controversy was the trial of Jackson himself for contempt of court and the assessment of a fine of one thousand dollars against him.

As far as Louisiana was concerned the most important result of the War of 1812 was the banishment of all doubt and suspicion concerning the devotion of Louisianans to the American Union.

Claiborne had succeeded in his attempt to change a foreign territory into an American state. For thirteen years he had slowly worked toward this point. Although at first suspicious of the effect of French and Spanish officials upon the loyalty of the people toward the United States, this feeling at last gave way to a deep appreciation of the character of these inhabitants. Meeting difficulty after difficulty in filling the offices of the first territorial government, he had finally bridged that chasm and achieved a smooth running government. From the first he had advised against statehood, but in 1812 he thought that was the best solution to the problem. Slowly but surely he weaved a state government which was adequately prepared to conduct the affairs of state.

Though Louisianians yet cherished the language, customs, and culture of their French fathers, they were proud of becoming Americans. They had proved their firm allegiance and their right to be trusted. Claiborne left them well prepared to "carry on" what he had so proudly begun.
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