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The Office of 'Commissaire Ordonnateur' in French Louisiana, 1731-1763: a Study in French Colonial Administration.

Donald Jile Lemieux

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The Office of "Commissaire Ordonnateur" in French Louisiana, 1731-1765: A Study in French Colonial Administration

A Dissertation

Submitted to the Graduate Faculty of the Louisiana State University and Agricultural and Mechanical College in partial fulfillment of the requirements for the degree of Doctor of Philosophy

in

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by

Donald Jile Lemieux
B.S., University of New Mexico, 1962
M.A., Xavier University, 1963
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D.J.L.

May 1972
PREFACE

The purpose of the study is to describe the origin and functions of the office of "commissaire ordonnateur" of French Louisiana from 1731 to 1769. It is shown that none of the fiscal and judicial officials was commissioned as an intendant of finance, justice, and police; and that the colony of Louisiana was a pawn for the French crown on the diplomatic chessboard of Europe. With this in mind, the dissertation, largely written from documents in the Archives Nationales in Paris, begins with a description of the colony in 1731 and with some notes on French colonial policy. Chapter III examines the nature of the office of "commissaire ordonnateur". The subsequent chapters describe the office by examining the "ordonnateur's" duties and functions in the different areas of colonial administration: public administration, finance, justice, and his relationship with the governor.
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ABSTRACT

Sharing the governmental administration of French Louisiana were a governor in charge of the military and general administration of the colony and the "commissaire ordonnateur" who, as the legal and financial officer, was entrusted with public expenditures, exercised certain judicial functions, presided over the Superior Council, and, like the governor, reported confidential matters to the Minister of Marine.

The instructions from the Minister of Marine's office show that the governor and "commissaire ordonnateur" acted as a check upon each other. The system of checks and balances seemed to have been a contrivance to control the officials. However, this type of system naturally fostered friction between the officials concerning their respective spheres of power.

The office of "commissaire ordonnateur" is perhaps the least known in the history of French Louisiana. Because of this many authors have used the titles of "commissaire ordonnateur", royal commissioner, "ordonnateur", first councillor and intendant interchangeably. "Commissaires ordonnateurs" were commissioned with specific powers and not as intendants of finance, justice, and police. The personnel data show that none of the fiscal officials of French Louisiana was appointed as intendant.
After 1712 when governmental changes were instituted, the colonial government was shared by a governor and "commissaire ordonnateur". The French crown attempted to end the confusion surrounding the particular duties and power of the two officials. The "ordonnateur" was charged with royal finances and commerce and the governor with the military duties, while the general administration was the common concern of both. The move had little result; for the dual authority remained a constant source of conflict between the governor and "commissaire ordonnateur".

Before assuming the office of governor and "commissaire ordonnateur", officials were informed of their respective duties and functions. But, however clear these instructions were, they seldom improved the relationship between the two top officials because they subordinated the governor to the "commissaire ordonnateur" or vice versa even for the least of matters. The "commissaire ordonnateur" could and did at times render the governor inactive by his control of the purse. The administrative stagnation which frequently plagued French Louisiana is no small result of this condition.

The drawbacks of the system of dual authority in governing colonies were common knowledge to officials in Versailles. Conflicts of personalities played a disruptive role in French Louisiana because they were ever present between military and civil officials whom the French government had invested with twin powers. The ultimate reasons for this conflict lie not in French
Louisiana, but rather in Versailles, in the mechanism created there for colonial administration and its effect on officials in the New World. This shaped colonial government and gave it its character. The motives behind the nominations of colonial officials, the conflicts, and cliques that ensued, were conditioned and as such explained by the characteristics of this mechanism.

That the colony of Louisiana was governed from Versailles there is no doubt. But the New World influenced the old and affected the diplomacy and dictates of Versailles. But when all is said and done, the structure of the colonial system, once established, developed a momentum of its own; and the governors and "commissaires ordonnateurs" who would not often play the role of puppets did not advance far in the bureaucracy.

This dissertation is largely written from documents in the Archives Nationales in Paris and describes the office of "commissaire ordonnateur" by examining his duties and functions in the different areas of colonial administration: public administration, finances, and justice. His relationship with the governor is also explained. The conclusions reached are that the "commissaire ordonnateur" was an indispensable figure, though not an intendant of finance, justice, and police, in the administration of an area which was a pawn for the French crown on the diplomatic chessboard of Europe.
CHAPTER I

THE COLONY OF FRENCH LOUISIANA IN 1731

On October 4, 1731, Edmé-Gatien Salmon, the first "commissaire ordonnateur" after retrocession from the Company of the Indies, arrived at New Orleans after forty-six days at sea and found the city in the midst of a severe epidemic caused by a recent flood. "The air was thick with the stench of dead fish. Most of the colonists along with the soldiers were sick. Many had died." Since half of the soldiers were hospitalized and others on patrols, Salmon admitted not having reviewed the troops in November for fear of exposing the weak garrison to the few Indians in the capital city. Besides, most of the troops were without uniforms. Versailles expected her governor and "commissaire ordonnateur" to convert this miserable colony into a profitable possession.

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1 Salmon to Maurepas, New Orleans, November 24, 1731, AC, C13A13.

2 Ibid.

3 Forty soldiers had recently been despatched to help St. Denis, commander at Natchitoches, lift the siege of the fort by the Natchez. Salmon to Maurepas, New Orleans, December 1, 1731, AC, C13A13.

4 Ibid.

5 Ibid.
The first task of Governor Etienne Perier and "commissaire ordonnateur" Salmon was the reorganization of the Superior Council to eliminate the Company's representatives. The two officials allowed the councillors of the Superior Council to continue their functions until the crown dispatched commissions for those chosen from a list of nominees. The governor and "ordonnateur" did not include Bruslé on the list, even though he was a very able councillor, because his position as director of the Company of the Indies would create a conflict of interest. Dausseville was in a similar position. However, there was no reason to exclude Prat from the list. The king's physician was an intelligent man with a pleasant disposition; and, accordingly, Perier and Salmon asked for his appointment as councillor. Fazende, a former councillor who had resigned in protest when the Company gave greater power to the director general in the Superior Council, was also included in the list of nominees to fill three vacant seats in the Council. He was a good settler and unreproachable. In order to assure harmony between the two officials, Perier and

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6"Projet de lettre patente en forme d'édit concernant l'établissement du conseil supérieur de la Louisiane," Versailles, October 1(?), 1731, AC, C13A13; and Henry Plauché Dart, "The Legal Institutions of Louisiana," LHO, II (January, 1919), 98.

7Perier and Salmon to Maurepas, New Orleans, December 5, 1731, AC, C13A13. Where only the surname of a particular official is given, it means that the name was not available in either the "Records of the Superior Council" or in the general correspondence between Versailles and New Orleans.
Salmon asked Versailles to apply in Louisiana both the regulations of April 27, 1716, made for New France concerning rank in church and public ceremonies and those for public administration.8

The Superior Council was reorganized on May 7, 1732. It was composed of the following individuals: Governor Perier; "commissaire ordonnateur" Salmon; two royal lieutenants, Louboey and D'Artaguiette; Major Benac, commander at New Orleans; councillors Fazende, Bruslé, Bru, Lafrenièrè, Prat and Raguet; and "procureur général" Fleuriau.9

Both Perier and Salmon promised to devote all their attention to Versailles' main concern in Louisiana: to increase the population, production, and commerce. Since Louisiana attracted so few settlers, Versailles planned to increase the population by discharging soldiers desirous of becoming inhabitants of the colony. "However," Perier and Salmon explained, "to make this possible one hundred recruits had to be sent each year to replace those dead, discharged, or who deserted."10 Thus it was realized that the increase in productivity was dependent on population growth. The only means at hand to increase the population were soldiers who, upon being released from service, would settle in the colony. "But," they wrote, "this would not be

8Ibid.


10Perier and Salmon to Maurepas, New Orleans, December 5, 1731, AC, C13A13.
sufficient unless the colonists were furnished Negro slaves since it was impossible to build levees, clear the land and farm without a substantial influx of slaves."\textsuperscript{11} However, the colony's need was never satisfied.\textsuperscript{12}

Probably the most important reason for Versailles' interest in Louisiana was commerce. In 1731 most of the colonists were familiar with the arrangement established by the Company by which the inhabitants gave $\frac{2}{3}$ of their crops to pay their debts and the other third was exchanged for supplies.\textsuperscript{13} One of the crops was rice which, for want of a market in France, was primarily consumed locally. Indigo production had been neglected since the Company preferred and encouraged the more profitable tobacco crop.\textsuperscript{14} To diversify the economy Salmon brought twelve barrels of indigo seeds for distribution among interested inhabitants. However, few colonists showed interest in indigo cultivation.\textsuperscript{15} Yet, Salmon hoped to develop this staple since that which was distributed yielded a good crop. But frequent rains in the area made harvest

\textsuperscript{11}Ibid.

\textsuperscript{12}Perier and Salmon to Maurepas, New Orleans, December 22, 1731, AC, C1\textsuperscript{3}A14; Bienville and Salmon to Maurepas, New Orleans, April 3, 1734, AC, C1\textsuperscript{3}A18; Maurepas to Bienville and Salmon, Versailles, March 24, 1738, AC, B66; and "Mémoire du roi aux Srs. Vaudreuil gouverneur et Salmon commissaire ordonnateur de la Louisiane," Versailles, October 22, 1742, AC, B74.

\textsuperscript{13}Perier and Salmon to Maurepas, New Orleans, December 5, 1731, AC, C1\textsuperscript{3}A13.

\textsuperscript{14}Ibid.

\textsuperscript{15}Ibid.
difficult. This more than anything else discouraged the inhabitants because of crop loss. Louisiana cotton was of high quality but it required the tedious process of removing the seeds before shipment to France.\textsuperscript{16} Children, who were used greatly for this process, were few in number in 1731. Flax and hemp production depended on the migration of families from Normandy, Brittany and Languedoc, where these products were cultivated and processed.\textsuperscript{17} Both Salmon and Perier were convinced that hemp production would be a financial success in Louisiana because the few individuals who cultivated it had surprisingly good results. The two officials were as optimistic with regard to flax. However, the main obstacle to the diversification of crops was tobacco, to which the inhabitants devoted all their energy. Thus, tobacco was the principal crop in 1731, "for the inhabitants considered it their only source of livelihood after they had painfully realized the futility of cultivating other crops."\textsuperscript{18} Perier and Salmon encouraged the colonists to send only top quality tobacco to France as a sure means of realizing advantageous prices.\textsuperscript{19} Besides, both officials had been ordered to do just that.\textsuperscript{20} It was clear to the colonial

\textsuperscript{16}Ibid.
\textsuperscript{17}Ibid.
\textsuperscript{18}Ibid.
\textsuperscript{19}Ibid.
\textsuperscript{20}See Maurepas to Bienville and Salmon, Versailles, March 10, 1739, AC, B68.
administrators that the immediate growth of the colony depended on its commerce in tobacco; so much so that Perier and Salmon informed Versailles that "if the farmers-general in France cease buying Louisiana tobacco, the nascent colony will be crippled."  

The Company of the Indies had spent large sums of money in the colony. Nevertheless, it failed just as Antoine Crozat, its predecessor, had.  

But, in failure, it had accomplished more for the colony by virtue of superior means. The Company founded New Orleans, named for its patron, the Duke of Orleans, Regent of France, and established important settlements at Natchez, Tchoupitoulas, Cannes Brulés, Baton Rouge, Manchac, and Pointe Coupée. In 1717, it began her Louisiana venture with a population of about 500 whites and twenty Negro slaves and ended it with a population of 5,000 white settlers and about 2,500 slaves. However, for the last ten years, between 1721 and 1731, the white population had remained static while the Negro population had increased from about 600 to more than 2,000. 


23 Gayarré, Louisiana, I, 454.

24 Ibid.
Gayarré concludes his evaluation of the Company's venture in Louisiana:

The fact is, that the financial schemes of John Law had given to the colonization of Louisiana by a company, an impetus which was destined to cease by the collapse of the bubbles from which the attempt had originated. Unfortunately, the colonization of Louisiana had not been a great national enterprise, undertaken by patriotism and carried on by enlightened statesmanship. It was a stock-jobbing operation, a mere money-making speculation, a bait thrown out to greedy stockholders; and like most speculations of this kind, it ended in ruin. It had only the honor of being a splendid deception; it blazed out like a meteor, only to be soon swallowed up by obscurity.25

Thus, the money which the Company poured into the colony did not filter down to the mass of colonists. Perier and Salmon observed that the Company distributed Negro slaves to farmers of large plantations but neglected the small farmers, who, nevertheless, represented the bulk and strength of the colony. The life of the small farmer was so difficult that many families would have left Louisiana for France if Perier and Salmon had not refused them passage while assuring them of a brighter future.26

Pitch and tar were produced at Mobile. Salmon appointed Cremont, the commander at Mobile, to inquire into the amount which could be produced yearly. The "ordonnateur" intended to send a sample to Rochefort for a possible market.27 As a further

25Ibid.

26Perier and Salmon to Maurepas, New Orleans, December 5, 1731, AC, C13A13.

27Ibid.
attempt to revive the commerce of French Louisiana, Versailles ordered the governors and intendants of the French islands lacking wood for construction to induce local merchants and inhabitants to prepare ships for commerce in Louisiana wood.28 The governor and "ordonnateur" assured Versailles that "the merchants of the French islands will find a ready supply of construction wood and, at the same time, a market for their syrup and rum." "The colonists of Louisiana needed only the inducement of a sure market."29 Louisiana was not prepared to undertake such a commercial venture in 1731, but Salmon hoped that the carpenters and other artisans of the marine in the service of the king in Louisiana would incite the inhabitants in ship building for this enterprise.30 In addition, the two colonial administrators foresaw a potentially rich commerce in raising horses and grazing cattle for the French islands. The colonists of French Louisiana had totally neglected this source of wealth, making it necessary to buy horses and cattle from their Spanish neighbors.31

Versailles, in another move to revive commerce which the Company's monopoly had all but destroyed, granted privileges and commercial advantages to French merchants who would trade with Louisiana. The ordinance of September 13, 1731, provided for a

28 Ibid.
29 Ibid.
30 Ibid.
31 Ibid.
duty-free trade between France and her colony. Gayarré comments on the above ordinance:

This was, at last, taking one step in the right path, and doing what ought to have been done long before instead of allowing to one man, or one company, in violation of all the rules of common sense and justice, a monopoly which did not even benefit the grantees. But as soon as it was known that the trade with Louisiana was open to competition, the merchants of St. Malo, of Bordeaux, of Marseilles, and of Cap Francais began to make preparations to try this new market.

However, Gayarré should have realized that France was in no position to do otherwise in 1712 or 1717. Besides, as will be seen in Chapter VI, the crucial element for the development of commerce in French Louisiana was not necessarily ships, but Louisiana products. French merchants were willing to trade with Louisiana and some French products were available most of the time; but the colony never seemed to have enough goods for profitable trade with the colony. Besides, the deplorable

32 Ibid.; Gayarré, _Louisiana_, I, 455; and Maurepas to Perier, Versailles, May 22, 1731, AC, B55.

33 Gayarré, _Louisiana_, I, 455-456.

34 Maurepas to Bienville and Salmon, Versailles, September 8, 1733, AC, B59; Maurepas to Bienville and Salmon, Versailles, September 2, 1734, AC, B61; "Mémoire du roi aux Srs. Vaudreuil gouverneur et Salmon commissaire ordonnateur de la Louisiane," Versailles, October 22, 1742, AC, B74; Maurepas to Vaudreuil, Versailles, September 30, 1747, AC, B85; Salmon to Maurepas, New Orleans, March 30, 1732, AC, C13A14; Bienville and Salmon to Maurepas, New Orleans, April 3, 1734, AC, C13A18; and Bienville and Salmon to Maurepas, New Orleans, June 10, 1736, AC, C13A21.
financial situation was most unattractive to French merchants. Be that as it may, Perier and Salmon assured Versailles in 1731 that "the French merchants will find all the conveniences for the sale and payment of their cargoes in New Orleans."35

If the prime motive behind French interests in Louisiana was the development of commerce, the best opportunity existed with the Spanish colonies of North America. "Commerce with the Spaniards," Maurepas wrote, "is essential for the growth of French commerce in Louisiana and for the establishment and growth of the colony."36 Although recognizing the barriers to commerce, Perier and Salmon were still optimistic: "The advantages to be gained by trading with the Spanish colonies will incite the colonists to establish commercial ties with them,"37 especially with Pensacola and New Spain. For this trade to develop, Perier and Salmon observed, "Louisiana needed the appropriate merchandise in sufficient quantity in its warehouses."38 Needless to say, the colony was not ready for this in 1731. For example, that very year "the inhabitants watched with regret the recently arrived supplies reloaded for a Spanish colony."39 It was difficult for the

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36Maurepas to Bienville and Salmon, Versailles, September 2, 1734, AC, B61.

37Perier and Salmon to Maurepas, New Orleans, December 5, 1731, AC, C13A13.

38Ibid.

39Ibid.
colonists to comprehend why these long awaited supplies were being shipped to a Spanish colony. Many protested vigorously to Perier and Salmon, but the administrators admitted "not having any precise orders to prevent the shipment."\(^{40}\)

In the financial realm Salmon informed Versailles that:

"...he would attempt to economize as much as possible and would confer with Governor Perier when extraordinary expenses had to be made. However, these expenses will be ordered only in absolute necessity involving the security of the colony and when the urgent matter cannot wait for the orders of Versailles."\(^{41}\)

In 1731, Versailles maintained about 800 soldiers for the defense of the colony. According to Perier and Salmon the number was insufficient.\(^{42}\) They were referring, of course, to the Indian threat. For one thing, the colony was still tormented by the Natchez and Chickasaws. Though dispersed, the latter numbered about 1,000 warriors while the former about 200.\(^{43}\) The Natchez held the fort of Natchitoches, commanded by St. Denis, under siege. On November 24, Governor Perier sent forty men under Major Louboey to relieve the fort. The relief column marched about 150 miles and was a week from Natchitoches when St. Denis sent word that the

\(^{40}\)Ibid.

\(^{41}\)Ibid.

\(^{42}\)Ibid.; "Observation sur la nécessité d'entretenir à la Louisiane un corps de troupes plus considérable que par le passé," anonymous and undated, Louisiana, C13Cl; and Salmon to Maurepas, New Orleans, March 24, 1732, AC, C13A11h.

\(^{43}\)Perier and Salmon to Maurepas, New Orleans, December 5, 1731, AC, C13A13.
Natchez had dispersed in several bands and fled.\textsuperscript{44} But the Natchez threat continued to plague the colony.

One major problem which harassed the governor and "commissaire ordonnateur" in 1731 was the abuse in trade conducted at the several posts. Governor Perier had recognized the existence of such practices as forcing the colonists to buy supplies at exorbitant prices for some time, but apparently he had been slow in taking corrective action. After receiving many bitter complaints the French government ordered Perier to act. Accordingly, Governor Perier suppressed the objectionable activities and informed the home government that "in the future no one will be accorded exclusive trade rights."\textsuperscript{45} In retrospect, the abuse was neither eradicated nor diminished. Instead, it became a means by which military officers supplemented their meager salaries.

In December, 1731, there was little construction in the colony. Due to slow communication between Mobile and New Orleans and the threat of Indian attacks, Perier and Salmon could not inform Versailles on the progress of construction at Mobile. They were still waiting for the plans and progress report. At Balize construction had stopped. Salmon, who inspected the area, reported that he found the fort of Balize in the same condition that Duverges, a royal engineer, had left it in upon his return

\textsuperscript{44}Ibid.

\textsuperscript{45}Ibid.
languor, the colonist would despair of not being able to find a negotiable crop for his subsistence."50 "If this situation persisted," they continued, "the colonists would be unable to provide for their own clothing and those of their slaves, much less for the basic necessities of life."51 In this light tobacco was an indispensable source52 for the economic life of the colony in 1731. Without it there would be general despair.53 On the other hand, the two administrative officials believed that the profit from tobacco would eventually lead to diversification of agriculture by providing the inhabitants with the means to cultivate other profitable crops such as indigo, flax, hemp, and silk, not to mention the establishment of commerce in cattle and horses.54

Nevertheless, the hopes and optimism of Perier and Salmon in December, 1731, were misplaced.

Jean-Baptiste Le Moyne de Bienville, to his satisfaction, was reappointed governor of Louisiana on July 25, 1732.55 There was great jubilation when he arrived in New Orleans on March 3,

50 Ibid.
51 Ibid.
52 Ibid.
53 Ibid.
54 Ibid.
55 "Memoire du roi pour servir d'instructions au S. Bienville gouverneur à la Louisiane," Marly, February 2, 1732, AC, B57.
1733, after an absence of eight years. After retrocession, the resumption of royal administration, and Bienville's return "were circumstances which gladdened their hearts, and inspired them with high hopes of approaching a permanent prosperity." On March 18, 1733, Versailles fixed the price at which the French farmers-general were obliged to buy Louisiana tobacco, 35 livres per hundred pounds. Thus Versailles assumed the role of sole purchaser of Louisiana tobacco and the right to pay a price independent of the cost of production. This had severe economic repercussions on the colony. Gayarré comments, "Such was one of the thousand absurdities and flagrant injustices of the suicidal system applied by France to her colonies!" In a letter dated April 23, 1733, Diron D'Artaguiette, chosen to command at Mobile in 1732, described the situation in which he found that settlement:

I have found on my arrival at this place two contagious diseases: first, the small-pox, which has carried off and is still killing, every day, a considerable number of persons of both sexes and of every age; and next, a general dearth of provisions, from which everybody is suffering, and which has been the result of the destruction of the late crop by a hurricane. Our planters and mechanics here are dying of hunger, and those at New Orleans are in

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56 Gayarré, Louisiana, I, 456; and Salmon to Maurepas, New Orleans, March 6, 1733, AC, C13A17.
57 Gayarré, Louisiana, I, 457.
58 Ibid.
59 Ibid., 457.
explanation of the languishing state of French Louisiana, one must
look at the material and moral resources of eighteenth century
France, her diplomacy, and colonial policy.
CHAPTER II

FRENCH COLONIAL POLICY AND LOUISIANA

Spain did not take possession of a flourishing colony in 1764. It is unlikely that France would have been so generous with a flourishing colony. Spain did not accept the colony because of its wealth, but rather, for its strategic location to New Spain and the Caribbean. On June 7, 1764, Governor D'Abbadie described the miserable state of the colony in a letter to Versailles:

"I have the honor to submit my observations on the character and dispositions of the inhabitants of Louisiana. The disorder long existed in the colony, and particularly in its finances, proceeds from the spirit of jobbing which has been prevalent here at all times, and which has engrossed the attention and faculties of the colonists. It began in 1737, not only on the currency of the country, but also on the bills of exchange, on the merchandise in the King's warehouses, and on everything which was susceptible of it. It is to this pursuit that the inhabitants have been addicted in preference to cultivating their lands, and to any other occupation, by which the prosperity of the colony would have been promoted. I have entirely suppressed the abuse existing in connection with the King's warehouses, out of which merchandise was extracted to be sold to individuals, and frequently to the King himself.

"The old paper currency, not having been converted by the government into bills of exchange on the French treasury, has no fixed value, but that which public confidence assigns to it; and it has fallen so low, that it loses three hundred per cent when exchanged for bills of credit on the treasury at home."
"If the inhabitants of Louisiana had turned their industry to anything else beyond jobbing on the King's paper and merchandise, they would have found great resources in the fertility of the land and the mildness of the climate. But the facility offered by the country to live on its natural productions has created habits of laziness. The immoderate use of taffia (a kind of rum) has stupified the whole population. The vice of drunkenness had even crept into the highest ranks of society, from which, however, it has lately disappeared.

"Hence the spirit of insubordination and independence which has manifested itself under several administrations. I will not relate the excesses and outrages which occurred under Rochemore and Kerlerec. Notwithstanding the present tranquillity, the same spirit of seduction does not the less exist in the colony. It reappears in the thoughtless expressions of some madcaps, and in the anonymous writings scattered among the public. The uncertainty in which I am, with regard to the ultimate fate of the colony, has prevented me from resorting to extreme measures to repress such license; but it will be necessary to come to it at last, to reestablish the good order which has been destroyed, and to regulate the conduct and the morals of the inhabitants. To reach this object, what is first to be done is, to make a thorough reform in the composition of the Superior Council. I have already had the honor of expressing my opinion on the members of the council, and particularly on the Attorney-General Lafrenière. Subjects chosen in France, to fill the offices of Councillors and of Attorney-General, would assist me in the intention I have, to devote myself exclusively to promoting the welfare of this colony, which has been ruined by the effects of jobbing, that first cause of all the evils from which we suffer here. Three-fourths, at least, of the inhabitants are in a state of insolvency. But everything will again be set to rights, and with some advantage, through the severity which is required to enforce the observation of the laws and to maintain good order."1

1Quoted in Gayarré, Louisiana, II, 104-106.
supplies furnished by foreign powers; and since England was one of the main suppliers, Brazil became in reality an English colony, more beneficial to Great Britain since, without having to care for the Portuguese colony, she received all the benefits expected from a colony.

To France, the sole purpose of colonies was to increase the sale and consumption of French products because the measure of commerce was one of work. The measure of work was one of population and wealth, and the power of a state was but the result of the number and wealth of its people. How did this policy affect the colonies? Three consequences which embraced the essence of French colonization resulted from this policy.

The first of these consequences was that the crown did not consider colonies as provinces of France. They differed from the French provinces as the means differed from the end. Colonies were regarded merely as establishments of commerce. The second consequence was that the more the colonies differed from the parent state by their products, the more profit they would bring by commerce. The French colonies in the Antilles were examples of this. They had none of the French commercial objects and had others which the parent state needed. It was this fortunate difference in products which permitted a considerable trade to develop between the French kingdom and islands. The impact on France was considerable. A multitude of French workers, occupied in supplying the colonies, lived on the surplus wealth which consumed the products of the French islands and an even greater
number existed at the expense of foreigners whom these goods rendered tributary to France to the value of sixty to eighty millions yearly. The third truth which resulted from the experience of colonies was that they must be held in the greatest state of wealth possible and under the law of the most austere prohibition in favor of the parent state: for without wealth they were of no use to France; and without prohibition they profited rival nations. However, Versailles admitted that there were times when circumstances arose where wealth and prohibition were incompatible and thus the law of prohibition gave way. These truths embraced the French theory of colonization.

According to this theory, the colonist was a free planter on a slave soil. The revenues of the sugar islands though real for the state were but imaginary for the greater part of the colonists. All that the colonist derived from his work and what he saved by his economy and privation was immediately returned to the land through the purchase of Negro slaves. There was no time for pleasure during harvest. Between harvests the necessities of life prohibited enjoyment. Besides, the work involved before harvest time was almost always longer than the life of the settler — the colonist saw the end of his days before the end of his work. He lived in poverty on a soil every day enriched by his work but which was only beneficial to the parent state. It was on this soil full of lies for the one who gave it his sweat and money and a soil even homicidal on which the French government settled these cultivators. The colonial administrators were urged to do more: to incite the
but for one reason or another the colony languished. In the light of this, what was the nature of French interest in Louisiana and New France?

Apparently, Versailles had two main interests in the retention of Louisiana: the colony was believed crucial to English penetration into the Mississippi Valley and to the security of New France; and it was viewed as a possible base to gain a share of the Spanish trade. Since the middle of the seventeenth century both France and her rival England were aware of the necessity of controlling their own colonial trade and the legal and illegal trade between Spain and her colonies. In the eyes of the French crown the growth of Louisiana depended on the development of a

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7 Maurepas to Salmon, Marly, May 22, 1731, AC, B55; Maurepas to Bienville and Salmon, Versailles, September 8, 1733, AC, B59; Maurepas to Bienville and Salmon, Versailles, September 2, 1734, AC, B61; "Mémoire du roi aux Srs. Vaudreuil gouverneur et Salmon commissaire ordonnateur de la Louisiane," Versailles, October 22, 1742, AC, B74; Maurepas to Le Normant, Versailles, May 11, 1746, AC, B83; Maurepas to Vaudreuil, Versailles, September 30, 1747, AC, B85; Maurepas to Vaudreuil, Versailles, November 4, 1748, AC, B87; Perier and Salmon to Maurepas, New Orleans, December 5, 1731, AC, C13A13; Perier to Maurepas, New Orleans, August 19, 1731, AC, C13A14; Bienville and Salmon to Maurepas, New Orleans, May 12, 1733, AC, C13A16; Bienville and Salmon to Maurepas, New Orleans, April 3, 1734, AC, C13A18; Bienville and Salmon to Maurepas, New Orleans, April 14, 1735, AC, C13A20; and in most of the instructions to the governors and "commissaires ordonnateurs".
substantial commerce with the Spanish colonies. This objective is included in most of the instructions sent to the governors and "commissaires ordonnateurs" of Louisiana. But the hope of establishing a profitable commerce between Louisiana and the Spanish colonies, an important French objective in her rapprochement with Spain under the Family Compact and her designs on Spanish commerce at Spain's expense, never materialized. Spain held fast to her restrictive policies irrespective of Bourbon ties and the Family Compact. Besides, the development of commerce was dependent on the ability of the colony to produce goods for trade which in turn meant the presence of settlers capable of cultivating the soil. However, to support the colonization of Louisiana, "France had neither the material nor the moral resources which had enabled her to conduct with comparative success the colonization of Canada and the West Indies." The War of the Spanish Succession, which involved Europe shortly after the first expedition of Iberville, occupied much of France's attention and dissipated her dwindling material resources. As early as 1703, it was obvious that the Ministry of Marine could no longer carry the financial burden of the new colony. Because the colonies were

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8See references in note 7.


10See note 7.

In 1712, France, too weak and perhaps too indifferent to support Louisiana, placed the destiny of the colony in the hands of a private entrepreneur, Antione Crozat. This experiment in capitalistic development had been tried elsewhere with discouraging results. Yet the French crown was too glad to be rid of the unprofitable colony to consider the consequences.15 The peace which came to France after the War of the Spanish Succession and the Crozat regime in French Louisiana did not bring prosperity to the struggling colony. The colony was in dire need of "massive injections of people, money, and goods and required a guaranteed market for its products."16 But Crozat supplied none of these. He relinquished his grant to the crown in 1717. Versailles was then no better prepared nor any more willing to undertake the development of the colony than in 1712. Louisiana was farmed out again, this time to a joint-stock company. However, the Company of the Indies, with its ruinous enterprises and deplorable administration, was unable to meet the challenge. The colony, far from improving, was rapidly declining. The French government showed its disregard of French Louisiana by reducing the military force from twenty to ten companies.17 Drouet de Valdeterre,


17Gayarré, Louisiana, I, 363-364.
former commander at Dauphine Island and Biloxi, gave this description of the colony in 1726.

"The inhabitants of this country whose establishment in it is of such recent date, not being governed in the name of his majesty, but in that of the company, have become republicans in their thoughts, feelings, and manners, and they consider themselves as free from the allegiance due to a lawful sovereign. The troops are without discipline and subordination, without arms and ammunition, most of the time, without clothing, and they are frequently obliged to seek for their food among the Indian tribes. There are no forts for their protection; no places of refuge for them in case of attack. The guns and other implements of war are buried in sand and abandoned; the warehouses are unroofed; the merchandise, goods, and provisions are damaged or completely spoiled; the company as well as the colonists are plundered without mercy and restraint; revolts and desertions among the troops are authorized and sanctioned; incendiaries who, for the purpose of pillage, commit to the flames whole camps, posts, settlements, and warehouses, remain unpunished; prisoners of war are forced to become sailors in the service of the company, and by culpable negligence or connivance they are allowed to run away from ships loaded with merchandise; other vessels are willfully stranded or wrecked, and their cargoes are lost to their owners; forgers, robbers, and murderers are secure of impunity. In short, this is a country which, to the shame of France be it said, is without religion, without justice, without discipline, without order, and without police." 18

Meanwhile, questions of security and strategy were being raised at Versailles. Was it possible to leave Louisiana in such weak hands while ambitious and jealous neighbors threatened the mouth of the Mississippi? The Company was the first to admit it

18Quoted in ibid., 375-376.
could not contain the English. Facing the just apprehensions initiated by the Natchez revolt and its inability to protect its American domain, the general assembly of the Company of the Indies decided to return the colony to the crown.  

The crown accepted the offer. In its instructions to Salmon, the first "commissaire ordonnateur" after retrocession, the crown informed him of the situation. The colony of Louisiana, situated between Carolina to the east and old and new Mexico on the west, was discovered in 1683 by Jean-Baptiste de la Salle. Shortly thereafter, France established a colony along with a garrison which held the territory during the War of the Spanish Succession. However, France was unable to derive all the advantages which she anticipated from a potentially rich colony promising wealth and advantageous commerce, for the long European war interrupted navigation. Louis XIV, well aware of the importance of commerce to France, searched for means to revive it. Thus, in 1712 he granted exclusive commercial rights for a period of fifteen years to Antoine Crozat. But this attempt had failed. The French crown then formed in 1717, the Company of the West, later known as the Company of the Indies, and granted it land concessions and exclusive commercial rights

19 For the deliberations of the general assembly of the Company of the Indies see "Extraits des registres généraux des délibérations prises dans les assemblées générales d'administration," Paris, January 22, 1731, AC, C13Al3; and for the background which led up to retrocession see Pierre Heinrich, La Louisiane sous la compagnie des Indes, 1717-1731 (Paris: E. Guilmoto, 1903), Chapter II, "La retrocession de la Louisiane au gouvernement royal."
To remedy this situation was the task which would tax the ability and energy of the governor and "commissaire ordonnateur" from 1731 to 1764. But as seen in D'Abbadie's report of 1764, the colony had not improved.

The failure of Louisiana to progress between 1731 and 1762 was due in the main to the weakness of the French government at home. In 1763 France lost the islands of Dominique, Saint-Vincent, Tobago, Grenade, and Grenadines, New France, the island of Cap-Breton, the islands of Saint-Lourent, the Ohio Valley, and the left bank of the Mississippi. One must not consider the end of the French colonial adventure in North America as a stroke of destiny announced by a trumpet call. Rather, it was a long prepared drama of which the English conquest of 1760 was the final episode before the curtain fell. At the time the French crown was indifferent to the fate of the colony. The reasons for the French indifference and neglect of Louisiana are many. But the all encompassing one stems from the fact that France, during the last years of Louis XIV's reign, had lost her momentum at home and in Europe while England quickly stepped in to fill any vacuum created by France. Louisiana, born of this condition, suffered the birthpains of the declining mother

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22H. Carre, Le règne de Louis XV (1715-1774), VIII, part 2 of Histoire de France depuis les origines jusqu'à la révolution, ed. by Ernest Lavisse (9 vols; Paris: Hachette, 1900-1911), 2347.

country. No other French colony in the New World was born in similar difficult times nor subjected to a similar painful growth due to conditions in France.\textsuperscript{24}

In the light of this, the early history of French Louisiana cannot be described apart from the history of France. The ragged beginning of the colony symbolized and reflected the difficulties of the French government and the economic and moral state of her people. Thus, to explain the persistent stagnation of the colony, the desperate situation of France itself must be examined.\textsuperscript{25}

Within the limits of French bureaucracy of the eighteenth century, the Ministry of Marine was reasonably efficient. What it lacked was financial and political power. Accordingly, the crisis of the French navy in the first half of the eighteenth century throws light on French colonial decline in North America.\textsuperscript{26}

In 1730, French commerce employed 200 ships in Spanish and Portuguese ports; more than 700 in Italian and commercial ports of the Levant; and about 600 in the sugar islands of the Antilles.\textsuperscript{27}

The expansion of colonial commerce and the merchant marine was, however, so great that it became difficult to recruit men for the

\begin{footnotes}
\item[25]Ibid.
\item[26]Filion, "La crise," 230.
\item[27]Carré, Louis XV, 106.
\end{footnotes}
navy. Thus commerce was ill-protected. Port officials complained but the state could not or did not attempt to protect the ports against English and Dutch smugglers.\textsuperscript{28} In spite of the revival initiated by Maurepas, the French navy remained inferior to that of the English. While France commissioned eighty-eight ships between 1740 and 1750, England put to sail 226. Besides, it was common knowledge in England that the struggle between France and England would be decided in the New World and India and by the most powerful navy. Nevertheless, France appeared not to be aware of the importance of her navy, for little consideration was given her navy in comparison to paid her army.\textsuperscript{28}

Much of this decline must be attributed to the ministers who followed Colbert. It is said that the experience of a century had not enlightened the colonial politics of France and that the principles of Richelieu and Colbert were forgotten or ignored at the time Louisiana was established.\textsuperscript{30} It is true that Pontchartrain did not compare in ability or as a statesman

\textsuperscript{28}Ibid., 109-110.

\textsuperscript{28}Ibid., 156.

to Colbert. However, the evidence of Filion, Duchêne and the content of Choiseul's "mémoire" of 1765 point to the fact that Colbert's principles still formed the essence of French colonial philosophy.

There were other reasons for the decline of the navy: these were financial and political. In a "mémoire" written at the end of 1745, Maurepas demonstrated the necessity of naval forces to the survival of France, noted the importance of maritime and colonial commerce in the French economy, and illustrated the gravity of the present crisis in the French navy. After the death of Cardinal Fleuri, Minister of State from 1726 to 1743, the reduction of the marine was proposed as it had been in 1681. It was to show the importance of the navy and to defend it against his detractors that Maurepas was prompted to write his important "mémoire" to Louis XV. His "mémoire" of 1745 reveals a personality unlike the one discredited by many historians. The deep perception on the foundation of French strength, the penetrating recognition of naval weakness, and the need for sufficient funds reveal


32 See note 23.

33 See note 3.

34 See note 4.


36 Ibid., 230-231.
the qualities of a high order.\textsuperscript{37} In summary, Maurepas demonstrated the importance of naval forces not only for the security of France but for her prosperity and strength. Commerce brought wealth. Thus, the role of colonial commerce was preponderant, for the increase of French wealth went hand and hand with the growth of colonial commerce. This fact alone, according to Maurepas, sufficed to show the importance of the colonies. The foundation of French power had no firmer support. Maurepas clearly indicated the political and economic dependence of France on the colonies and the imprescriptible role of the navy for its support and preservation.\textsuperscript{38} But then, France had lost her momentum. Accordingly, the crown had lost interest in both the navy and colonies at the time when English threats redoubled. Under the pretext of pacifist policies, the crown sacrificed the navy to the ambition of England.\textsuperscript{39}

The second role of Louisiana in French colonial policy was to prevent the establishment of a foreign foothold at the mouth of the Mississippi. A rival base at this point would endanger French exploitation of islands in the Caribbean and French commerce in the Gulf of Mexico. The period from the Treaty of Utrecht in 1713 to the Treaty of Paris in 1763 covered the

\textsuperscript{37}Ibid., 231.
\textsuperscript{38}Ibid., 241-242.
\textsuperscript{39}Ibid., 242.
death-struggle of New France and opened the golden age of the French sugar islands. By far the most prized French colonies were in the Antilles. Sugar was one of the most profitable products of the French colonies in the New World. To transport the sugar to Europe, France employed five to six hundred ships a year. According to a "mémoire" of 1733, sugar was more profitable to France than all the mines of Peru were to Spain. Sugar plantations multiplied in Saint Domingue with the clearing of the forests. It was hoped that Negro slaves would permit the full exploitation of Saint Domingue.\(^{40}\) Accordingly, France concentrated her attention in the Antilles. And to protect her interests in America and Europe, France faced England in seven major conflicts from 1688 to 1815 totalling sixty years of war. French interest in Louisiana and New France must be viewed within the context of these struggles which preoccupied France and Europe. It is true that England was a crucial factor in the history of Louisiana from its beginning to the final decision to cede it to Spain.\(^{41}\) French Louisiana, besides promising economic gains to the mother country served certain strategic purposes in the general struggle. It was French sensivity to English pressures along the St. Laurence River, in

\(^{40}\) Carré, Louis XV, 109.

the Hudson Bay area, and to rumors of English plans to gain control of the lower Mississippi which prompted the expedition of Pierre Le Moyne d'Iberville in 1698. Versailles' apprehension of English penetration into and design on New France and the Mississippi Valley was well founded. The English were already trading with the Louisiana Indians when Iberville founded the French settlement at Biloxi.42 The French strategic policies for the area were reactions to English threats. The conflicting interests and goals of France and England were clear. The French were determined to maintain their territory by keeping the English east of the Alleghanies and holding the communication between French Louisiana and New France open.43 In the correspondence of the governors of Louisiana and communication with Versailles, the English threat was a constant theme.44 One of the best examples is the letter written to the Minister of

42Clark, New Orleans, 6-7.


44Maurepas to Bienville, in code, Versailles, March 5, 1739, AC, B68; Maurepas to Bienville, in code, Versailles, August 12, 1739, AC, B68; Maurepas to Bienville, in code, Versailles, October 13, 1741, AC, B72; Minister to Kerlérec, Versailles, February 17, 1755, AC, B101; Minister of Kerlérec, Versailles, February 17, 1755, AC, B101; Minister to Kerlérec, Versailles, January 26, 1756, AC, B103; Kerlérec to the Minister, in code, New Orleans, January 28, 1757, AC, C13A40; and "Observation sur la nécessité d'entretenir à la Louisiane un corps de troupes plus considérable que par le passé," New Orleans, undated, AC, C13C1.
Marine from Cadiz in 1737 by either a merchant or a French official which unmistakably reveals both the concern over the English threat and France's inability to respond.

The protection of Florida from English seizure involved the security of France as well as that of Spain. For if a foreign power occupied Florida it would control the Bahama Channel and consequently be in an excellent position to prey on Spanish ships returning from the West Indies. Florida was without defense other than a small fort of Saint Augustine. Pensacola was even less defended. France could not depend on Spain to hold her settlements, for they were neglected regardless of their strategic location. At one time there was a fort, Sante Marie d'Apalache, which was destroyed in 1705 by the English and their Indian allies. This settlement was important because it furnished wheat for all of Havana. But it was never resettled by the Spaniards. The settlement was reduced to a garrison of twenty-five to thirty men which the Spaniards called "presidio". The English with their recent establishment of "New Georgia" were only thirty-five miles from Saint Augustine. Besides, the English progressively strengthened their position with the least friction with Spain. Consequently, the English were in a position to take Saint Augustine, Sainte Marie d'Apalache, and even Pensacola. Therefore, it was up to France because of her interest in protecting the Spanish commerce to take the necessary measures to prevent English penetration. France might have halted English progress in the area by
and those of England. Destruction of French power
in the Mississippi Valley would open both Florida
and Mexico to English conquest.\textsuperscript{55}

On the other hand, the English were alarmed by the expansion of
French overseas trade in the 1730's. They feared that unless
French commerce was curbed it would pose a threat by driving
English traders out of profitable markets as had already
occurred in the Levant and some of the Spanish colonies.\textsuperscript{56}

The War of the Austrian Succession (1740-48) dealt a
damaging blow to French commerce, but not enough to cripple it.
England realized that a war of attrition would have the effect
of crippling French commerce. Accordingly, England was
determined to renew hostilities as soon as possible but with
a different strategy: "to reduce its continental commitment
to the minimum and devote itself to gaining maritime supremacy
in order to destroy French overseas trade."\textsuperscript{57} Versailles was
aware of the aims of the English and adopted a policy which would
force England to take the defensive. By attacking Hanover, on
the continent France might force England to disperse her navy.
France hoped that this dispersement of the English navy would
prevent England from both blockading continental ports and

\textsuperscript{55}Ibid., 14-15.

\textsuperscript{56}Eccles, "Military Establishment," 20.

\textsuperscript{57}Ibid.
severing ship lanes on the Atlantic. While the North American French colonies were assigned a major role in the execution of this strategy, New France would be the key area. A comparatively small force in New France would pin down a much larger English force. La Galissonière, former governor general of New France, had previously suggested this: force England to dispatch a large military and naval force to North America. He was certain that his hardy Canadians, with some help from Versailles, could contain the English by exerting strong pressures on the northern English colonies. In the early years of the Seven Years' War, the strategy was successful; but in the end the French forces met with defeat and thus enabled the bulk of English military forces to be available for service elsewhere. New France had failed in its mission.

This failure probably weighed more heavily than any other in Choiseul's decision to cede Louisiana. There was no further need by France of Louisiana except as a Spanish barrier against the English threat. Apparently, the value which Choiseul attached to Louisiana "had no relation whatsoever to 

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58 Ibid.
59 Ibid.
60 Ibid.
61 Ibid., 21.
62 Ibid.
the colony's physical resources."\textsuperscript{63} In reality Louisiana had served the purpose of a check written by Choiseul to serve as payment for securing the French sugar islands, "... and the furtherance of future alliance between the courts of Madrid and Versailles."\textsuperscript{64} The minister's main concern was to obtain a peace settlement as quickly as possible. France had to recuperate and rebuild in order to renew the conflict. All efforts were centered on strengthening the Family Compact along with both navies with the ultimate aim of protecting their respective trade and inevitably to cripple English commerce.\textsuperscript{65} Ramsey, the author of "Anglo-French Relations, 1763-1770: A Study of Choiseul's Foreign Policy," describes what he calls Choiseul's real policy toward Spain after the Treaty of Paris:

During the peace, Spain was to provide a fertile market for French commerce and industry. If war should break out and should go badly for France, Spain with her fat colonial empire would certainly attract more attention in a war of conquest than lean France. It was probable that in the flurry and confusion attending a grand attack on the Spanish colonial system, France might hold on to her now meager overseas possessions. And since the Pacte de Famille did not apply to the colonial world, it was scarcely possible, outside

\textsuperscript{63} Smith, \textit{French Interests}, 17.

\textsuperscript{64} \textit{Ibid.}, 31.

\textsuperscript{65} \textit{Ibid.}, 21.
Europe, to distinguish the ally, Spain, from the enemy England. Thus Spain was to play a part in the next wars by reason of her losses.  

Furthermore, Choiseul was confident that his policy of revenge would be better served with New France and Louisiana in English and Spanish hands respectively. Choiseul foresaw that the defeat of France and her withdrawal from North America would lead to revolution in the English colonies and the disruption of England's commercial empire. "This is", concludes Eccles, "of course, exactly what happened, Canada in the hands of the British finally fulfilled the purpose that France had long before assigned to it."  

In summary, France had two main interests in Louisiana: to prevent a foreign foothold at the mouth of the Mississippi and to realize commercial gains at Spain's expense. The latter did not materialize, but the promise was ever present. Louisiana was a financial liability. This was admitted time and again in the correspondence between Versailles and her officials in Louisiana. The colony received special attention at times. But this is explained by the changing diplomatic situation in Europe with its possible repercussion in the New World. An example of  

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68Ibid.
this is the substantial increase in troops during Vaudreuil's administration. France, because of the Bourbon dynasty, the Family Compact, and the rising threat of her hereditary enemy, was forced to keep Louisiana. Louisiana was neglected. But then, France could not give what she did not have, what she vitally needed elsewhere. It was a matter of priority. In short, Louisiana was the victim of the times and a pawn on the diplomatic chessboard of France. Louisiana, with the exception of Mobile, was never conquered by arms. The fate of its population and immense territory was decided in Europe by a few pen strokes: "Union with Spain," said Choiseul, "is more important to France than Louisiana and many other American possessions." Meanwhile, colonial administrators strove to implement the designs of the home government. One of the two most important administrators was the "commissaire ordonnateur". Because of his financial responsibilities, he often bore the brunt of the crown's failures in the colony. A look into the origin and nature of the office will reveal the important role played by the "commissaire ordonnateur" in the colonial government.

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CHAPTER III

THE OFFICE OF "COMMISSAIRE ORDONNATEUR"

The office of "commissaire ordonnateur", is an important one, but is perhaps the least known in the history of French Louisiana. This obscurity is not due simply to a lack of research. If it were, much of the confusion surrounding the office would not exist. In his scholarly work *Le grand marquis*, Pierre de Rigaud de Vaudreuil et la Louisiane, Frégault comments on obstacles to historical knowledge: "The most formidable obstacle to historical knowledge is this pretentious mania of considering resolved problems which are barely understood and left unquestioned because one imagines to have the answers."¹ The historiography of French Louisiana seems to reflect this mania. Many authors have translated "ordonnateur" as intendant. Because of this a series of historians, down to the present, have used the titles of "commissaire ordonnateur", royal commissioner, "ordonnateur", first councillor and intendant interchangeably. The significance that French bureaucracy attached to titles should suffice to cause one to differentiate an "ordonnateur" from an intendant. Authors who equate "commissaire ordonnateur" with

¹Frégault, Vaudreuil, 43.
intendant are in error. These officials were appointed and commissioned as "commissaires ordonnateurs" with specific powers and not as intendant of finance, justice, and police.

The error stems from overlooking and or not understanding certain basic points in the analysis of the "commissaire ordonnateur". 1. "Commissaire de marine" is defined as an officer who provisioned royal ships and reviewed the troops. There were different ranks of "commissaire de marine": "sous commissaire", "commissaire ordinaire", "commissaire de première

2Gayarré, Louisiana. Gayarré always translated the title of "commissaire ordonnateur" as intendant; Henry Plauché Dart in several articles in the LHQ. However, Dart eventually reached the conclusion that "ordonnateur" was not synonomous with intendant. Here are some of his statements: "Originally in France an intendant was an officer charged with supervision over local government, and to inquire into, correct and reform abuses therein. A Commissaire Ordonnateur on the other hand, was one charged with any particular duty invested with authority to order and perform the same. When the title Intendant was conferred on an officer in the colonies, the scope of duty was greatly enlarged and included those just described for both officers." Dart, "Legal Institutions," 78-79. In 1936, it seems Dart finally concluded on the matter." Gayarre always translated the title of Commissaire Ordonnateur as Intendant in which he was in error...." "Cabarets in New Orleans in the French Colonial Period," LHQ, XIX (July, 1936), 578-583; Villiers, Dernières années, ii; D. K. Fieldhouse, The Colonial Empires: a Comparative Survey from the Eighteenth Century (New York: Delacorte Press, 1967), 37-38; Pierre H. Boulle, "Some Eighteenth-Century French Views on Louisiana," Frenchmen and French Ways in the Mississippi Valley, ed. John Francis McDermott (Urbana, Illinois: University of Illinois Press, 1969), 17; Walter J. Saucier and Kathrine Wagner Seincke, "Francois Saucier, Engineer of Port de Chartres, Illinois," in McDermott cited above, 212; Jerry A. Micelle, "From Law Court to Local Government: Metamorphosis of the Superior Council of French Louisiana," LH, IX (Spring, 1968), 99, 102, 103; Alcée Fortier, A History of Louisiana (New York: Manzi, Joyant and Co., 1904) and last but not least Norma Ward Caldwell, "The French in the Mississippi Valley, 1740-1750," The University of Illinois Studies in Social Sciences, XXVI (1940-1942).
"classe", "commissaire de seconde classe", "commissaire général", etc. "Ordonnateur" described certain administrators in charge of military and marine expenses. These definitions make neither mention of nor reference to judicial functions as first councillor of the Superior Council. In the light of this certain conclusions follow. Because the colonies were under the direction of the marine, the minister recruited colonial administrators from the rank and file of "commissaires" of marine. However, and this is a point which many authors fail to see, the position or title of "commissaire" of marine and "commissaire ordonnateur" did not automatically include judicial duties, membership in the Superior Council, or the position of first councillor in the Council. It was upon the receipt of the commission of first councillor that they were assigned judicial duties. On the other hand, the intendant did not need such a commission; for it was understood and included in the position of intendant of finance, justice, and police.

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2. The "commissaire ordonnateur" was neither as powerful nor as prestigious as the intendant. This is borne out by the following example. In the general instructions to both Perier and Salmon in reference to rank in church and public ceremonies one finds this statement: "His Majesty wishes the regulation made for Canada on April 27, 1716, regulating rank in churches and public ceremonies to apply to Louisiana also. Accordingly, Salmon will enjoy the same rank of the intendant in his absence." However, the regulation for Canada, where the two top officials — governor general and intendant — held more prestigious offices, confused matters when applied to Louisiana with lesser offices. Thus, to alleviate all further dispute, Maurepas, Minister of Marine, laid down specific regulations for Louisiana in August, 1734. In essence, the regulations were similar to those of the islands and Canada. Both the governor and "ordonnateur" were to have a pew reserved in churches in New Orleans and Mobile; but unlike the governor general and intendant of Canada, they were not permitted a prie-dieu in the sanctuary. What can one conclude from the regulation of 1734? "Commissaire ordonnateur" Salmon was at most a subdelegate of the intendant of New France and, therefore, not an intendant.


Father Charles O'Neill, author of an important work on church history in colonial Louisiana, describes an interesting argument which eventually led to the regulation of 1734 and in the process provides additional proof toward establishing the fact that the "commissaire ordonnateur" was not an intendant. The incident occurred when "procureur général" Fleuriau, political rival of La Chaise, was horrified upon learning that the "commissaire" was granted a prie-dieu in the sanctuary. During the dedication of a church in New Orleans in December, 1727, Fleuriau noticed three prie-dieux in the sanctuary, one of which was for La Chaise. Infuriated, he stated that La Chaise was nothing more than the first councillor of the Superior Council. He later argued before the Council that since an intendant is not recognized here, he opposed the assumption of this special privilege by the first councillor and urged the Council to act accordingly by ordering the prie-dieu removed from the sanctuary. Though the incident stemmed from and was inflamed by a political feud, it is unlikely Fleuriau would have pursued an argument against an official commissioned as intendant and registered as such in the Superior Council.

3. It was the policy of France to have a governor general and an intendant administer larger or more important colonies and a governor and "ordonnateur" in lesser or dependent

7Ibid., 242-245.
colonies.\(^8\) This was the relationship between New France and Louisiana. The latter, though only in theory, was under the authority of the former. Consequently, New France was administered by a governor general and an intendant while Louisiana by a governor and "ordonnateur".

4. At most the "commissaire ordonnateur" of Louisiana was in theory a subdelegate to the intendant of New France. Sometimes this was explicit in the instructions; but, whether it was explicit or not, it was always assumed.

5. By simply reading their commissions and the correspondence between Versailles and French Louisiana, one sees that the "commissaires ordonnateurs" were not intendants. Had those historians who allude to intendants in French Louisiana have read these documents, the error would have been corrected long ago. As support for this point, some notes on the career of the "commissaires ordonnateurs" from 1731 to 1769, accompanied by their commissions, are in order in the following paragraphs:

Edmé-Gatien Salmon was "commissaire ordonnateur" of Louisiana from 1731 to 1744.\(^9\) He was a remarkable man. Unlike that of many officials, his correspondence shows little indication of pettiness, avidity, peevishness or vanity. This


\(^9\)"Dossier Salmon," \textit{AM}, C7 299 and for the most part from Frégault, \textit{Vaudreuil}, 181-182.
conscientious official is remembered for his preoccupation to serve, above all, the interests of the colony and colonists — a rare attitude among colonial officials and even less frequent among civil administrators than among military administrators because of the prejudice and narrow formalism of the former. Salmon was not a man of means: his salary of 8,000 livres made life difficult, but he made the best of it. In Louisiana, he possessed a small farm, "The Providence", worth less than 2,500 livres. Born to some wealth, Salmon purchased two offices in the province where he settled, but only to have them suppressed when Louis XIV died. His wife also had means, but the system dissipated them. When he asked to be recalled from Louisiana, he only wished some employment which would enable him to finish his career with some ease. He received nothing. The leave which the minister sent in the spring of 1744 was a pure and simple dismissal. Salmon was to receive a salary for the first four months of the current year. How can this lack of appreciation for a dedicated official be explained? Versailles was at the time extremely dissatisfied with the bad financial condition of French Louisiana and the French government and was consequently searching for scapegoats on whom to place the blame. Salmon lacked both influence and patrons at Versailles. Hence, while others were protected, Salmon faced the brunt of the home government's anger. The mission of his successor, Le Normant, was to investigate the financial affairs of
him, the summit of which was attained in 1748 when the Marquise de Pompadour appointed him assistant to Massiac, the Minister of Marine. However, Cardinal of Bernis saw Le Normant as a "mediocre official with high credentials but possessing no vision."

Perhaps there is no better example of the mechanism of colonial administration than in the personality and career of Le Normant. Not only did he have great influence at Versailles but he shrewdly employed it to his advantage and advancement. As early as 1744, Maurepas treated him with special attention by giving him the rank of "commissaire général" of the marine with a choice, once his mission in Louisiana was completed, of the Intendancy of Saint Domingue or a port position at home. He chose the port position at home: the Intendancy of Rochefort.

The case of Le Normant provides an example of both mistranslation and misinterpretation. For, it is clear from the instructions to Le Normant that he received three commissions: one for "ordonnateur"; a second for subdelegate of the intendant of New France; and a third for first councillor to the Superior

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11Maurepas to Le Normant, Versailles, April 30, 1744, AC, B78.

12"Dossier Le Normant," AC, E278.

13"Mémoire du roi au S. Le Normant commissaire général de la marine, ordonnateur à la Louisiane," Versailles, April 30, 1744, AC, B78.

14"Commission de subdélegué de l'intendant de la Nouvelle France pour le S. Le Normant," ibid.
of marine. Versailles favorably received his demands — an indication of his influence at Versailles. From 1733 on, the "commissaire" held in the Superior Council a seat immediately following that of the first councillor when the intendant presided. If the intendant could not attend, the "commissaire" acted as president.

In 1737, Michel attached himself to an illustrious family by marrying the daughter of Claude-Michel Bégon, who was the king's lieutenant at Montreal and who succeeded Vaudreuil to the government of Trois Rivières in 1743. Michel's father-in-law was the brother of the former intendant of New France with whom the elder Vaudreuil was far from agreeable. The Bégons were related to the Count of La Galissonière, who was acting governor general during the captivity of La Jonquière and later became one of the most listened to advisors of the Minister of Marine.

Mrs. Bégon was infatuated with her son-in-law and wrote many letters filled with advice on how to comport himself and to advance his career. However, Michel did not return her affection. A lively man inflated with as much fat as vanity, he had apparently an abominable character. The old woman complained that he wrote insulting letters insinuating he did not need advice.

Michel solicited the Secretary of State for the office of "ordonnateur" with the rank of "commissaire général" to replace

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23 Ibid., 275.
of Rochemore on April 16, 1758. Descloseaux returned to France. Near the end of 1759, Berryer, the Minister of Marine, ordered him to return immediately to Louisiana to replace Rochemore as "ordonnateur". However, the recall of Rochemore signed on August 27, 1759, was blocked by powerful family influence. Rochemore was finally recalled in 1761 and succeeded by Foucault. Vincent-Gaspard-Pierre de Rochemore, "commissaire général" of the marine, was the sixth "ordonnateur" of Louisiana holding the office from 1758 to 1761.

Rochemore was born in 1713. The third son of the Marquis de Rochemore, resident of Nîmes, he was destined for the priesthood by his parents and accordingly received the proper training. He changed his mind at the last minute before joining a religious order, thus showing his repugnance for the ecclesiastical state. It was the custom of the time to approach the minister in order to obtain positions for members of influential families. Maurepas, who thought it necessary to bring military and civil officials into a narrow unity, held the idea that when positions were solicited for members of the same

27 Villiers, Dernières années, 76 and 140-141; and "Mémoire pour servir d'instruction à M. Bobé-Descloseaux commissaire de la marine faisant fonctions d'ordonnateur à la Louisiane," Versailles, October, 1759, AC, Cl3B1; Berryer to Descloseaux, Versailles, August 27, 1759, AC, B109; and Berryer to Descloseaux, Versailles, August 1, 1759, AM, C7 35.

28 Villiers, Dernières années, 126.

29 See ibid., 126-128.
family, the older should be appointed as a scribe and the other a marine guard. Thus, Rochemore was appointed scribe in 1731. In 1732, after two assignments in the commercial port of the Levant, he was promoted to ordinary scribe and in 1738 to principal scribe. That same year he graduated from the University of Avignon, tantamount to becoming "ordonnateur".

From 1731 to 1740 he worked in several offices in the port of Toulon and during this interval participated in four sea campaigns. In 1740, he was in the office of colonies at Rochefort, chief at the main warehouse for hospital supplies and provisions in 1742, on board the Éléphant for Louisiana in 1745, chief at the main warehouse for construction and batteries in 1747, at the office of troops in 1750, "commissaire ordonnateur" in 1751, and in the office of funds and at the Intendancy of Rochefort in 1754.

He requested in 1757 the position of "ordonnateur" at Marseille. However, he was appointed "ordonnateur" of Louisiana the following year and was promoted to "commissaire général". With the exception of Le Normant, former "ordonnateur" of Louisiana, his superiors never gave him outstanding recommendations. Even Le Normant's recommendation is subject to qualification. "Rochemore," said Le Normant, "has much uprightness and probity,

enjoys work, has depth and reason, and is the right man to analyze a situation and put it in order. Yet he is not fully trained in this but will become a very capable subject to the service of the colonies.31 On the other hand, the evaluations by other superiors are far from flattering. "He has," De Givry thought in 1751, "enough intelligence to be capable, but having neglected to apply himself to his work, he is today too old to learn and consequently, will never be anything but an uninformed 'commissaire'." 32 de Ruis' evaluation is slightly more optimistic:

Rochemore entered His Majesty's service with high birth and some finesse, capable of reasoning, and action but it seems that up to now he fails to apply this which leads me to believe, he will never advance. It's a pity that a man of high birth, common sense, intelligence, and worthy of consideration is stagnating in inferior positions and renders no service to the king. Undoubtedly, the fault is his but his superiors must also bare the blame. If we had wished to utilize him appropriately, we would have profited from his talents; thus, most of the time the best plants bear no fruits which results in a considerable loss to His Majesty's service. However, it is a question of repairing the wrong. I will hold him responsible for the minor details, insist on their exact execution, and thus make him worthy of advancement, unless he shows bad will which I do not expect.33

These reports are borne out by the trouble Rochemore caused Kerlérec, a topic which is the subject of Chapter IV.

31Quoted in Villiers, Dernières années, 127.
32Ibid.
33Ibid., 127-128.
The seventh "commissaire ordonnateur" of Louisiana was Jean Jacques D'Abbadie.34 D'Abbadie was born in 1726, at which time his father held the position of principal "commis" of marine. In a note, in his own handwriting, D'Abbadie stated that he completed his studies at the College of Harcourt in July, 1742. From there he went to Rochefort, where he entered the marine as a scribe. He was promoted to principal scribe in the main office at Rochefort in 1743 and in 1744 worked in the masts workshops. In 1745 he was on the expedition in the Antilles under the command of the Count of Gué. A year later the English captured him while serving in the squadron of the Marquis of la Jonquière. In 1756 D'Abbadie, with the rank of "commissaire" of marine, was on an expedition to Canada. Appointed "commissaire général" of the marine and "ordonnateur" of Louisiana on December 29, 1761,35 he left Bordeaux for the colony in February, 1762. However, after two days at sea, he was captured by the English and taken prisoner to Barbados. Upon his release three months later, in August, 1762, D'Abbadie returned to France. On March 16, 1763, Versailles appointed him comptroller at New Orleans.

Denis-Nicolas Foucault was the last "commissaire ordonnateur" of Louisiana serving from May, 1762 to June, 1763.

34See *ibid.*, 167-168.

and February, 1765 to August, 1769.\textsuperscript{36} The son of François Foucault, president of the Superior Council of Québec, he was born on December 13, 1723, at Québec. At fifteen, in 1738, he entered the office of marine in Canada and served under Hocquart. In 1742, by orders of Maurepas, Foucault, then scribe, returned to France on board "The Canada" — a ship constructed at Québec. In 1744, Foucault was a student on board "La Gironde" for the campaign of Île Royale and Québec. After the campaign Foucault returned to Rochefort where he received another assignment. Maurepas ordered him to go to Brest to serve as scribe on a frigate of forty-eight cannons for the campaign to relieve Île Royale commanded by Perier de Salver. After the campaign, the intendant of Brest sent Foucault as scribe to the Orient. In 1747, Foucault was promoted to royal scribe. Four years later the minister ordered him to Rochefort for the campaign of Canada. From 1752 to 1761 Foucault was at Rochefort under the command of Le Normant de Gévry and de Ruis where he worked in different offices. In 1762 Foucault was sent to Louisiana as "commissaire ordonnateur" at Mobile under D'Abbadie, "commissaire ordonnateur" of Louisiana. However, the latter was captured by the English, whereby Foucault, as ordered by Versailles, became "ordonnateur" of Louisiana.\textsuperscript{37} When D'Abbadie returned to Louisiana in June, 1763, Foucault was appointed comptroller of

\textsuperscript{36}\textit{Dossier Foucault}, AC, E190.

\textsuperscript{37}Choiseul to Foucault, Versailles, January 13, 1762, AC, B114.
New Orleans. With the death of D'Abbadie in February, 1765, Foucault assumed the functions of "ordonnateur" and remained until Aubry arrested him on August 23, 1769 for leading the revolt against the Spanish. After his trial, Foucault continued his career serving as "ordonnateur" of Pondrechery in 1772, "commissaire général", "ordonnateur" and acting intendant of Ile de France and Bourbon in 1776.

In summary, the personal data and especially the language of the commissions show that none of the fiscal officials described above was appointed as intendant of finance, justice, and police. However, since much has been said on this point, a brief description of the office of "ordonnateur" and the scope of its duties and power is appropriate. These functions will be explained in detail in later chapters.

The government of French Louisiana had undergone some changes during the period from the Treaty of Utrecht in 1713 to 1731. The relatively simple structure of administration was adopted to the embryonic state of the colony. The year of 1712 introduced a number of innovations: a Superior Council was established; the colony was ceded to Antoine Crozat — a sudden change in policy for Versailles had abandoned the idea of companies in 1710; and the

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38 "Dossier Foucault."


40 Ibid., 229.
The move had little result; for the dual authority which had been a constant source of conflicts between Bienville and La Salle gave way to the same, if not more inflamed, quarrels under the administration of La Mothe and Duclos. 47 Human nature being what it is, there were too many common functions and subordination of one type or another.

What about Duclos? Was he typical of the "commissaires ordonnateurs" who followed him? Duclos served as "commissaire" of marine at Dunkerque prior to his promotion of "commissaire général" and "ordonnateur" of Louisiana in 1712. 48 Pontchartrain gave him the mission of putting an end to administrative abuses. 49 But Duclos was young and without colonial experience. Furthermore, the contentions which caused him to oppose the governor and Crozat's agents rendered his mission fruitless. 50 His troubled administration and the course of his career seem typical of the other "ordonnateurs" who followed.

At the end of 1715, Crozat solicited the Count of Toulouse to recall both La Mothe and Duclos. 51 Delanglez, the Jesuit historian, explains this as follows: "In the margin of one of

47Ibid., 280.

48Henry Plauché Dart (introduction) and Albert G. Sanders (translation), "Documents Concerning the Crozat Regime in Louisiana, 1712-1717," LHQ, XV (October, 1932), 589-609.

49Giraud, Louisiane françoise, I, 231.

50Ibid.

51Ibid., II, 71.
the first memoirs written on Louisiana shortly after the council took charge is the following annotation: "Above all M M de Lamothe and Duclos (commissaire ordonnateur) must be replaced by more capable administrators." 52 Marc-Antoine Hubert replaced Duclos as "ordonnateur." 53 However, this did not mean the disgrace and end of Duclos. Though he would have preferred a post at home, he was appointed "commissaire ordonnateur" at Saint Domingue in 1718 and remained in office until 1726. That same year, as "commissaire général", Duclos performed the functions of intendant. Finally, he held the title of full intendant from 1729 to 1735. 54

The "ordonnateurs" from Duclos to Salmon, with the exception of de la Chaise, were mediocre officials notorious for their disagreements with the governor. Hubert, for example, was an inauspicious character who set the bad example of systematic disagreement with the governor which unfortunately for the growth and tranquility of the colony was followed by almost all of his successors. 55 The Company of the Indies further complicated matters. The colonial council, its administrative arm in Louisiana, formed in April, 1718, and composed of the directors,

52 Jean Delanglez, "Louisiana in 1717," RHAf, III (June, 1949), 94.


54 Giraud, Louisiane française, II, 80; Dart and Sanders, "Crozet Regime," 591.

55 Villiers, Dernières années, 17.
royal lieutenants, and other high officials of Louisiana, paralyzed the action of Bienville, the commander general.\textsuperscript{56} Besides, by acting as a superior court of justice, it abused rather than rendered justice. Yet in September, 1720, the Company sent Duvergier as "commissaire ordonnateur" with a program of reform.\textsuperscript{57} However, this act was to no avail. The system quickly reduced the "ordonnateur" to powerlessness.

It was not until Jacques de la Chaise took over as "ordonnateur" in 1725 that the long awaited reforms were attempted and some abuses corrected. de la Chaise was the only "ordonnateur" prior to Salmon who devoted his time and energy to the interests of the colony and colonists instead of vying with the governor for influence.\textsuperscript{58} As the nephew of Louis XIV's confessor, he had influence at Versailles. But, this honest and energetic man wanted to have more order and justice and soon came to grips with everyone.\textsuperscript{59} Be that as it may, de la Chaise was the most powerful man in Louisiana of his time. More will be said on this subject in Chapter IV.

\textsuperscript{56}Emile Lauvrifcre, Histoire de la Louisiane francaise: 1673-1939, (Baton Rouge: Louisiana State University Press, 1940), 314; and Giraud, Louisiane francaise, III, 287-296.

\textsuperscript{57}"Mémoire pour M. Duvergier directeur ordonnateur de la colonie de la Louisiane concernant les differentes opérations qu'il est chargé de faire pour fectionner les établissements de la colonie," Paris, September 15, 1720, AC, B42.

\textsuperscript{58}Villiers, Dernières années, 23.

\textsuperscript{59}Lauvrière, Louisiane francaise, 314.
The "ordonnateurs" differ in character and ability, but the attributes of the office show constancy. Each "ordonnateur" received from Versailles a commission of appointment which explained his duties and powers and which was presented to and registered in the Superior Council. The commissions differ somewhat one from another, but taken together they reveal uniformity.60

The "ordonnateurs" of French Louisiana were not appointed for any definite term; they held office at the discretion of Versailles. Thus, the terms varied.61 Apparently, there was no desire to fix the length of the term; for the policy of the time was to hold the administrative officers, both at home and in the colonies, in complete dependence on Versailles. During the period of thirty-eight years (1731-1769), eight "ordonnateurs" assumed the duties of the office in French Louisiana with an average tenure of almost five years. Salmon might have remained in office longer had he so desired. But, he was the exception. Others were recalled by Versailles because of dissatisfaction with their work, especially in the realm of finances, or bitter quarrels with the governor.

60The format for the attributes of the office comes from W. B. Munro, "The Office of Intendant in New France," AHR, XII (1906), 15-27.

61Taking the "ordonnateurs" from 1731 to 1769, Salmon held office for thirteen years; Le Normant and Michel for four each; D'Auberville for only one during his first term and five during his second; Descloseaux for two years; Rochemore for three; and Foucault for one year during his first term and four during his second.
In all cases the "ordonnateur" was sent from France. Indications are that the office was not regarded as lucrative; the salary was minimal compared to the high prices and cost of living in New Orleans and to the heavy responsibility of the office. In fact most "ordonnateurs" politely complained of their salary.62

Most of the "ordonnateurs" looked however, upon the office as a stepping-stone to a better or higher position in France or in a more important colony. Consequently, the more politically oriented and career-minded strove to conduct themselves so as to gain or retain the favor of Versailles. Besides, the colony provided means of gaining wealth by engaging in commercial activities. Those who served well and had family influence at Versailles were rewarded by advancing to more prestigious and lucrative positions. For instance, Le Normant was promoted to the Intendancy of Rochefort.

The wide scope of the duties and powers of the "ordonnateur" is somewhat narrowed when placed under the heading of two main groups: those as a member of the Superior Council and those as an independent official. It was pointed out that the "ordonnateur", by virtue of a commission of first councillor, presided at the

62The salary of the "ordonnateur" was about 8,000 livres per year which was small compared to 16,000 livres for the intendant.
sessions of the Superior Council. Though possessing a single vote in the Council, the "ordonnateur", depending on his ability and political acumen, had considerable power over the Council; for its members were usually divided into two factions. It was up to the "ordonnateur" to gain control of one against the other which was military oriented and as such led by the governor. This was important, for the support of councillors made for a favorable position.

More important, however, were the duties and powers of the "ordonnateur" as an independent administrative and judicial official; for in this realm he was not a subordinate of the governor nor were his actions subject to review by the Superior Council. His sole responsibility was to Versailles. Furthermore, his correspondence and reports were not scrutinized by the governor — a privilege which Versailles considered important in its system of checks and balances, but it permitted quarrelling governor and "ordonnateur" to unmercifully denounce each other in their correspondence to Versailles. While all the "mémoires" and instructions emanating from Versailles stressed harmony and union between the governor and "ordonnateur" as essential to the progress and tranquility of the colony, complete harmony was neither expected nor looked upon as desirable.

It was the policy of Versailles to have the "ordonnateur", who frequently united with the governor, report on the general state of affairs of French Louisiana. These reports, sometimes
more than thirty closely written pages, covered almost every aspect of colonial life. However, as the colony grew in population, shorter and more frequent reports on particular aspects of colonial life were sent when the opportunity arrived.

Besides his duty of keeping Versailles informed on matters of interest in the colony, the "ordonnateur" as an independent official was charged with administration, financial, and judicial duties, which will be covered in Chapters IV, VII, and VIII respectively.
adjoining the gallery of mirrors. The several ministers, making their way through the crowd of courtiers, entered in turns to see the king. Each minister received his instructions from the king after pulling out of his large portfolio the small papers drawn up by the "commis". Whereas Louis XIV saw his ministers several times a week, his successor, Louis XV, a man bored by administrative matters, saw them very infrequently. Consequently, Louis XV viewed only the major questions, and all details were left to the ministers and particularly to the "commis". It could not be otherwise in a kingdom of nineteen million people in the seventeenth century and twenty-five in the eighteenth. It must be admitted that under these conditions absolutism was not exercised often.

Because Canada and Louisiana were part of the French kingdom during the reigns of Louis XIV and XV, it is important to know who these officials were and which role each played in the administration of the colonies. It is therefore the Ministry of Marine and its officials which must be studied in order to understand the management of French Louisiana.

The ministry began with the nomination of Clausse de Marchaumont, who received the title of Secretary of State to the Marine in 1547. The marine was at that time responsible to the Admiral of France, Henri de Montmorency. After the death of the Admiral, Cardinal Richelieu, under the title of Grand Master, Chief and Superintendent of Navigation and Commerce,
directed the marine and the colonies. With the passing of Richelieu, the charge of Admiral of France was reestablished in favor of the Duke of Beaufort. But, it was Lyonne who signed and gave the orders, as Beaufort was but a bureaucrat. However, the actual direction of the marine and colonies was in the hands of "commis", for Lyonne, Secretary of State to Foreign Affairs, knew next to nothing about the marine. This explains why all was done by the "commis". Consequently, their reign dates from the infancy of Louis XIV. However, it is impossible to know their names since they left no trace of their stay in office. It is only with Colbert that the officials of the marine begin to spring out of the shadow of the minister.

Colbert began to contrive for the control of the marine as early as 1665. First, he wanted it under the control of the monarch. In fact, for a long time, all the sovereign rights — nomination of officers, maintenance of the fleet, etc. — were executed by the admiral. Accordingly, Colbert persuaded Louis XIV to appoint the Duke of Vermandois Admiral of France. Colbert would have no trouble with this prince since the latter was a two year old child. It was obvious then that the nomination was a move by Colbert to gain control of the marine. In 1669 Louis XIV created the office of Secretary of State at the Marine and as expected appointed Colbert as its titular

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²The bastard son of Louis XIV and Mademoiselle de la Vallière.
head. This was the origin of the Ministry of Marine. Henceforth, there would be an Admiral of France, but he would have limited powers and no control over the ministry, the entire control of which would be in the hands of the minister and his "commis".

At first, Colbert had three "commis", of whom is known only Clairambault. However, Colbert, who assumed the direction of commerce, consulates and colonies in addition to the marine, soon had many officials under him. At his death in 1683, Colbert had raised the number of "commis" serving under him to nine.

The reign of the first "commis" who became important figures begins with Seignelay, the son and successor of Colbert. Later, under the ministers of Louis XV, they will become figures of considerable importance. Under the ministry of Seignelay the two first "commis" were Valocières and Morel-Boistiroux. Henceforth, the post of first "commis" was occupied by high officials with important ranks in the administration of marine, commerce and colonies.

With Pontchartrain the ministry was directed by two first "commis": La Touche and Salaberry. The number of "commis" increased proportionately to the importance of the boards of the marine. In 1715, there were four first "commis" and in 1729 there were five first "commis" under whom there were nine second "commis" in charge of details. In 1740, there were eight first "commis" and an increasing number of second and third "commis" and secretaries. By the middle of the eighteenth century, the ministry was composed of eight boards with a personnel of sixty-five "commis".
Some of the first "commis" served terms of long duration and were thus assured dictatorial power over the administration of the marine and colonies. For example, Fontanieu was first "commis" from 1710 to 1725; Forcade from 1725 to 1738; and Arnaud de La Porte from 1738 to 1758.

The title of "commis", which seems modest in modern terminology, was not so in the language of the administration of the Old Regime. It is comparable to the term of "civil servant" as retained by the English. Further, the men who held this post were recruited from the nobility and high bourgeoisie.

Certain first "commis" were the masters of both their department and minister. As experienced officials, they conducted their department and made the decisions. Arnaud de La Porte at the Marine and Ticquet at Foreign Affairs were dictators. Duchêne observes that all the first "commis" of the Old Regime — La Porte, Forcade, Dubuc, to name a few — were important men. Because of their functions, they had an official role, a public charge, and were often sub-ministers. The first "commis" had in their hands the political direction at the ministries of Foreign Affairs, War, and Marine. They held the strings of colonial politics.

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3 Duchêne, Politique coloniale, quoted in La Roque de Roquebrune, "Direction," 477.

4 Ibid.
In general, the first "commis" were well obeyed. At Foreign Affairs, Le Dran was a constant inspiration to both ministers and king through his historical and diplomatic "mémoires". At the Marine; Raudot, the younger, inspired the colonial politics of Louis XIV and of Pontchartrain. It was Raudot who pointed out to the king the strategic importance of "Ile Royale" for the defense of Canada. When the minister was incompetent, the "commis" directed all the affairs. Fontanieu swayed Jérôme Pontchartrain. Arnaud de La Porte was master at the marine and colonies for twenty years. The power of these officials lay in their remaining at a post while ministers changed. When the Regent replaced the Minister of Marine by a Council of Marine under the direction of the Count of Toulouse and the Marchal of Estrées in 1715, Fontanieu stayed on as first "commis". At that time the navy was in ruin; the colonies neglected. The Count of Toulouse reacted by severely criticizing Pontchartrain, who attempted to justify his position by the lack of funds. Pontchartrain was reduced to a subordinate of the Council of Marine. Fontanieu remained as first "commis" until 1725. Under Maurepas, who was Minister of Marine for twenty years, the "commis" Forcade and Arnaud de La Porte controlled everything.

The high position of the "commis" was further enhanced by the nobility of some, the considerable wealth of others, and the influence of their families.
Sometimes a "commiss" succeeded his father or uncle; thus there were dynasties of "commiss" as there were dynasties of ministers. Three Phelypeaux were ministers of marine; two Pontchartrains, and one Maurepas. Two Clairambaults were "commiss" of marine, two Pellerins, and three La Portes. Some often owed their position to other "commiss", their patrons. The families of "commiss" were sometimes connected through marriage.

Certain "commiss" were guilty of irregularities. First "commiss" of marine Arnaud de La Porte is an example. He used his position for business gains in the colonies where the intendants were at his disposal. He protected Bigot, Intendant of New France from 1748 to 1760, and even associated himself with him while making sure that denunciations never reached the minister. La Porte was eventually dismissed but with a substantial pension.

The construction of ships, armaments, and supplies of all kinds provided many temptations for personal gain. The following bitter reflections are expressed in an anonymous "mémoire" which, most likely, was written by a naval officer:

"The state can no longer pay its debts; the crews are no longer paid. The king is robbed. His funds are never usefully employed. What an individual would do for 60,000 livres must have a zero added to its price when it concerns the king. But the evil worsens when instead of good bread along with other provisions which cost the king dearly, the sailors and soldiers find a mixture of dirt, gravel and flour."5

5Quoted in ibid., 487.
To find the source of this corruption, it was necessary to investigate the bureau of marine. But no one dared to undertake this task. The loss of Canada exposed the scandal and malfeasance of Intendant Bigot. Berryer accused him of having lost Canada; however, no one dared accuse first "commis" La Porte, who had protected his associate Bigot. Living comfortably in retirement at the time of Bigot's trial, La Porte remained rich and honored. But, in general, the "commis" were honest men.

From Versailles, where they lived near the king and the ministers, the powerful "commis" sent out "mémoires" and dispatches for Canada and Louisiana and received the numerous letters from colonial officials. They condensed the "correspondance générale" into "résumés" — "Feuilles au Ministre" and "Feuilles au Roi" — which Seignelay, Pontchartrain, Count of Toulouse, Maurepas, Berryer, and Choiseul used to inform Louis XIV and XV on colonial affairs.

The above "exposé" is important. For La Roque de Roquebrune shows that the minister of marine or the king did not always dictate colonial policies. From 1725 to 1758 two men occupied the post of first "commis" of marine: Forcade and Arnaud de La Porte. Louisiana was under the thumb of these two officials during the reign of Louis XV. This is all the more important as historians have often accused the king for the neglect and final loss of Louisiana. The fact is that historians have attached too much importance to the word absolutism. The mechanism of
governor the management of the colony. The "commissaire ordonnateur", as a legal and financial officer, was entrusted with public expenditures, exercised certain judicial functions, presided over the Superior Council, and, like the governor, reported confidential matters to the Minister of Marine.

It can be seen from their instructions that the governor and "commissaire ordonnateur" each acted as a check upon the other. The system of checks and balances seemed to have been a contrivance to control the officials. However, this type of system naturally fostered friction between the men concerning their respective spheres of power, and from time to time the minister had to settle problems of that nature. The constant bickering between the governor and "commissaire ordonnateur" disastrously weakened the government of French Louisiana and was a reflection of the general condition among the officials of the bureaucracy.7

The colony of French Louisiana was divided into nine military districts, of which New Orleans, Mobile, and Illinois were the main ones.8 Mobile came to control the districts of Alabama and Tombechée; Illinois, those of Arkansas and Natchitoches; and New Orleans, those of Pointe Coupée and Natchez.

In the Illinois and Mobile posts, we see the development of subdelegates to the "commissaire ordonnateur" and governor.

8Ibid., 12.
Usually a "commissaire de la marine" acted as a subdelegate to the "commissaire ordonnateur", while the highest ranking military officer acted as a deputy to the governor.\(^8\)

The army was the main force of the governor for the defense of Louisiana and the maintenance of the administration. The number of troops was not large. The "m\'moire" of 1746 on Louisiana has the number of troops at 900.\(^9\) The most Louisiana had at one time was about 2,000 which occurred between 1740 and 1754. On February 13, 1750, the Minister informed Governor Vandreuil and "commissaire ordonnateur" Michel of an increase in troops. Twenty-four new companies would leave France in July, 1750 to join the thirteen already in Louisiana, totalling thirty-seven.\(^11\) Since each company was composed of 50 soldiers and four officers\(^12\) the number of French troops in Louisiana would be increased to about 2,000. This number along with the 150 Swiss troops would give a grand total of about 2,150 men. However, the new emphasis on the defense of Louisiana was ephemeral. One company was suppressed in 1754\(^13\) and another in 1759.\(^14\)

\(^8\)Ibid.


\(^10\)"Ordonnance du roi portant augmentation dans les troupes de la Louisiane," Versailles, September 20, 1750, AC, B91; and Rouillé to Vaudreuil and Michel, Versailles, February 13, 1750, AC, B91.

\(^11\)Ibid.

\(^12\)Ibid.

\(^13\)"Ordonnance pour la suppression d\'une des 37 compagnies françaises entretenues à la Louisiane," Versailles, January 30, 1754, AC, B99.
What was the reason for this increase? Prégault and Gayarre attribute it to the influence of Vaudreuil at Versailles. An official's influence, or his lack of it, can throw light on the colonial mechanism both at Versailles and in French Louisiana. More will be said on this subject later. But, returning to the reason for this new emphasis, here is how Gayarre explains it:

During the year 1751, the colony found itself in a better state of protection than it had ever been. This evidently proves the power of the Marquis at court; for more had been done for him than for any of his predecessors. His salary was greater than that of any preceding governors; and he had under his orders two thousand regulars....

This increase of troops and expenses was received as a demonstration that the French government intended to push on the work of colonization with more energy than it had previously done, and with the expectation of better results. But it was a mere transient effort; that it had not originated in any deep laid and settled plan, or any firm resolve in a persevering course of action; and that it was, either the offspring of accidental and ephemeral determination from those in power, or of personal consideration and favoritism. Whatever may have been the cause of this unusual grant of protection to Louisiana, the events which followed in a few years, prove it to have been one of those fitful, apparent revivals of strength and health, which frequently precede the last agonies of death.15

The increase in troops, though substantial, should not overshadow the fact that the thirteen companies already in Louisiana were in need of replacements. In addition, sickness

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14"Ordonnance du roi portant la suppression d'une des 36 compagnies francaise entretenues à la Louisiane," Versailles, November 1, 1759, AC, B109.

15Gayarre, Louisiana, II, 55-56.
and desertions took their tolls.16

The military officers were appointed by the king, usually upon the recommendation of the governor.17 Whether it was to increase his "coterie" of supporters in the colony or to gain the support of some influential family, the motivation was for personal advancement. However, in most cases officers were recommended upon the solicitation of influential family members. In this area as in others of the colonial administration, politics was the norm.18 Consequently, promotions were not always regular nor were they necessarily based on seniority and merit.19

In addition to regular soldiers, the colony had a militia officered by men commissioned by the governor. It included all the able-bodied men of the colony, but in general was poorly equipped and trained. There were never enough arms and powder for the regular troops, much less for the militia. Most of the dispatches from Louisiana to Versailles include a plea for additional arms, powder, and uniforms.20 In a letter dated December 1, 1731, "commissaire" Salmon complained that the

16The dispatches from Louisiana contain many references to desertions.
18Ibid.
19Ibid.
20Innumerable examples of this could be cited from Series C13A.
soldiers were naked.\textsuperscript{21} Though an exaggeration, his complaint was constantly made throughout the French period.

On the whole the morale and discipline of the troops were deplorable. Although there were many reasons underlying this problem, the main one rested in the type and source of the men sent to Louisiana as recruits. One must conclude from reading the letters of the governors and "commissaires ordonnateurs" from 1731 to 1763 that Versailles sent convicts and rejects from France and her other colonies to Louisiana. Bienville was critical of the troops sent to serve under his command: "Troops? Instead of soldiers we have deplorable recruits, dwarfs, thieves, useless mouths dependent on the care of the colony who will render nothing in return."\textsuperscript{22} "Ordonnateur" Michel will add: "People picked up in the streets and, more often than not, bandits."\textsuperscript{23} Governor Perier reluctantly confessed that his troops usually fled at the first shot from an Indian gun.\textsuperscript{24} He suggested that, if Negroes were not such a valuable property, it would be better to have them on the battlefield as soldiers, for they, at least, were brave men.\textsuperscript{25} Salmon and Perier writing in common

\textsuperscript{21}Salmon to Maurepas, New Orleans, December 1, 1731, AC, C13A13.

\textsuperscript{22}Quoted in Frégault, \textit{Vaudreuil}, 140; and Bienville to Maurepas, New Orleans, June 28, 1736, AC, Moreau de Saint Méry, F3 24.

\textsuperscript{23}Quoted in Frégault, \textit{Vaudreuil}, 140; Michel to Rouillé, New Orleans, May 20, 1751, AC, C13A35; and Gayarré, \textit{Louisiana}, II, 72.

\textsuperscript{24}Ibid.

\textsuperscript{25}Ibid.
alluded to Bienville's comments. They pointed out that many of the men sent to Louisiana were too weak to serve as soldiers on the battlefield and could only serve as patients in the hospital. The money spent for their transport was wasted and so was the cost of their sustenance in Louisiana. In 1755 Governor Kerlérec wrote despairingly that his troops, besides numbering only 1,229 French and 164 Swiss, had been recruited for several years from soldiers rejected by the governors of Saint Domingue and Martinique.

It is no wonder the colonists constantly and bitterly complained of the lack of discipline of the troops. The officers were accused of living on their plantations; their subordinates had taverns and the others spent the day in small "cafés" and the night at gambling.

Governor Kerlérec wrote on October 28, 1757, that "the increase of twenty-four companies which the king sent to this colony, being composed of deserters and vicious characters, have done more harm than good. A part deserted, another lives in debauchery, and the rest, which is fortunately a small number, is today more dangerous to the colony than the enemy."

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27 Villiers, Dernières années, 69.

28 Frégault, Vaudreuil, 140.

29 Quoted in Villiers, Dernières années, 78.
The number of desertions increased constantly, especially in the remote posts.\(^3\) However, lack of supplies, food, regular pay, bad living conditions and the prevailing practice of quartering troops with the colonists led to many irregularities and contributed much to the problems of morale and discipline. Almost innumerable examples such as these could be cited and supported by letters, dispatches and "mémoires"; but suffice it to conclude that discipline was deplorable in French Louisiana and the main cause lay in the types of recruits sent to serve in the army. Probably, there is no better example of French neglect of Louisiana, whether through lack of concern and interest or incapability. Some reforms were attempted. In 1744 Governor Vaudreuil suggested shifting the posts' garrison yearly. But, this was considered too expensive to execute. Another attempt was made in 1746 to minimize abuse in payments of the troops especially in the more distant posts.\(^3\)

The actual rulers of the colony, except when interfered with from Versailles, were the governor and "commissaire ordonnateur". However, to assist them in the administration of the colony, the crown created a Superior Council\(^2\) the nature and development of which is interesting in view of the many

\(^3\)Maurepas to Vaudreuil, Versailles, April 26, 1745, AC, B81; Kerlérec to the Minister, New Orleans, January 28, 1757, AC, C13A40.


\(^2\)Copie des lettres patentes pour l'établissement d'un conseil supérieur à la Louisiane pendant trois ans," Versailles, December 23, 1712, AC, A22; and Dart, "Legal Institutions," 74-78.
contradictions surrounding it and the assumptions by historians concerning its duties and importance.

The Superior Council, the legal arm of the administration of French Louisiana, was created in 1712 for a period of three years. This marked the beginning of civil government in French Louisiana in contrast to the purely military rule of the preceding period.\(^{33}\) The Council was made permanent in 1716,\(^{34}\) was reorganized in 1719 to accommodate the Company of the West,\(^{35}\) and was reorganized once again in 1731 based on the Edict of 1716.\(^{36}\) Therefore, the Edicts of 1716 and 1731 are basic to the structural study of this institution and except for the provision of four councillors instead of two in the Edict of 1731 and the addition of assessors to the Council in August 1742, the form established by the Edict of 1716 remained until the end of French rule in Louisiana. It is by analysing the period from 1731 to 1763 that a true picture of the duties and functions of the Superior Council comes to light; for the functions which it exercised prior to 1731, especially under the control of the


\(^{34}\)Dart, "Legal Institutions," 82.

\(^{35}\)Ibid., 86.

\(^{36}\)Projet de lettre patente en forme d'édit concernant l'établissement du conseil supérieur de la Louisiane," Versailles, October 1, 1731, AC, C13A13. This document includes a summary of the Edicts of 1712, 1716, and 1719.
Company of the West, are not indicative of its true purpose and functions. This will be brought out below.

The Superior Council was composed of resident councillors appointed by Versailles by virtue of a commission, sometimes for life, upon the nomination of the governor and "commissaire ordonnateur". Usually chosen from leading colonists, the councillors were rich by the standards of colonial Louisiana and "were friends of the local administration." However, in August, 1742, Versailles issued a general edict permitting the governor and intendant or "ordonnateur" of the French colonies to appoint assessors to assist the superior councils. Henceforth, these officials served as judges in certain cases and were permitted to vote on some decisions in case of a tie.

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37 As stated in the general instructions to the governors and "ordonnateurs". For more specific references see "Mémoire du roi aux Srs. Vaudreuil gouverneur et Salmon commissaire ordonnateur de la Louisiane," Versailles, October 22, 1742, AC, B74; Perier and Salmon to Maurepas, New Orleans, December 5, 1731, AC, C13A13; Bienville and Salmon to Maurepas, New Orleans, September 15, 1733, AC, C13A16; and Henry Plauché Dart, ed., "Appointment of Members of the Superior Council of Louisiana in 1762," LHQ, XXI (July, 1938), 669-670.


The "commissaire ordonnateur" presided over the Council by virtue of his commission of first councillor, or presiding judge. The above point is important. The commission of "commissaire ordonnateur" did not automatically include the title of first councillor; he needed a commission for this position or title. The "commissaire ordonnateur" or any other official commissioned as first councillor ruled cases of first instance, but not of appeal. The latter appeared before the Council. It was in such cases on which the councillors voted. "By stipulating," an author asserts, "that the First Councillor was not to issue judgments in the last resort, the king made it possible for the people of Louisiana to appeal the decisions of the Superior Council to a higher court in Canada or France." This statement is not born out by the instructions to colonial administrators. The Superior Council judged cases of appeal, and its judgments were final.

Associated with the Council was a lawyer, the "procureur général," and a clerk, "greffier", who was also a notary. Neither had a vote in the Council. Sometimes other officials participated

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41Giraud, Louisiane francaise, I, 280.
43Attorney general.
44"Projet de lettre patente...l'établissement du conseil supérieur," Versailles, October 1, (?), 1731, AC, C13A13; and Dart, "Legal Institutions," 82-83.
in the sessions of the Council, such as the sheriff and his
deputies, attorneys for vacant estates, agents for the Company of the
Indies, the keeper of the king's warehouse, subdelegates of the
"commissaire ordonnateur", and post officers. 45

Because it is important historically and is basic to the
understanding of the structure, purpose, and mechanism of the
Superior Council and invariably to dispel some errors surrounding
it, the Edict of September 18, 1716, is reproduced:

We have by our letters patent of December 18,
1712, for the reasons therein stated, established
a Superior Council in our Province of Louisiana to
administer justice to our subjects during the
period of three years, commencing from the day of
the first session, and as we have judged that it
was conducive to the good of our service and to
the interest of said Colony, we... have ordered
and decreed that the Superior Council established
in our said Province of Louisiana shall in the
future perform the same functions as it has in the
past, and accordingly we have created and
established, and do by this edict perpetually and
irrevocably establish and create the same in
conformity to those of the others of our Colonies.

It shall be composed of the Governor (our
Lieutenant General) of New France, of the Intendant
of Justice, Police and Finance to said country, of
the Particular Governor of the said Province of
Louisiana, our first councillor, our Lieutenant,
and two of our Councillors, a Procureur General
and a Clerk, granting power to the said Council to
judge in the last resort all suits and differences,
civil as well as criminal, instituted or to be
instituted, between our subjects in said Province,
and this without costs. They shall assemble
themselves on certain days and hours, at such place

45See "Records of the Superior Council" in LHO.

46Translated by Henry Plauché Dart in "Legal Institutions,"
82-84.
as shall be deemed by them most convenient, at least once a month, and all judgments rendered by said judges shall be executed in the same manner as the decrees of our courts and Superior Councils; provided that the same shall be rendered by not less than three judges in civil matters and prohibiting them from judging criminal matters except by five judges.

Our said Council is permitted in case of absence or legitimate excuse of the judges established by these presents, to call in their lieu and stead such persons as they shall believe the most capable of performing the functions of judge, provided that the requirement as to three judges in civil matters and five judges in criminal matters shall always be observed in order to give effect to the judgments.

Our Governor Lieutenant General in New France shall preside over said Council, and in his absence the Intendant of Justice, Police and Finance, and in the same order the particular Governor of the said Province of Louisiana, the first Councillor; our Lieutenant and the two councillors shall preside in case of absence of the others.

Nevertheless, the Intendant of Justice, Police and Finance, of New France, even though the Governor Lieutenant General be present at the Council and presiding over the same shall assemble the opinions, receive the vote of those present and pronounce the judgment, and he shall have the same advantages and perform the same functions as the First President of our Courts; in case of the absence of the Intendant, our First Councillor shall exercise the same right, notwithstanding it be presided over by our said Governor, conferring upon our said First Councillor the functions of judge of first instance, such as the fixing and breaking of seals, inventories, and other provisional matters. In the absence of the Intendant and of the First Councillor, the oldest in point of service of our said Councillors shall perform the same functions that we have conferred on the said First Councillor.

Our Procureur General to the said Council shall have power to perform, without exception, all the other functions of our other Procureurs General(s) in our Courts and Councils and the said Clerk shall
keep a register of all judgments rendered by our said Council and of all that shall be done and ordered by our said First Councillor in his capacity as first judge. Done at Paris, Sept. 18, 1716.

The subordination of the governor, "commissaire ordonnateur", and Superior Council to the authorities of New France, as seen in the edict, had no practical effect. The distance separating the two colonies guaranteed their independence.47

The specific duties of the Superior Council were judicial. It was empowered "to judge in the last resort all suits and differences, civil as well as criminal, between the subjects of the colony."48 As a court, the Superior Council performed several functions. Its spectacular side, the administration of civil and criminal justice in the first instance and on appeal, was brought out in the above edict. Its silent and all pervading side was that it was charged with notarial and registry functions.49 The notaries50 of the Superior Council were required to file or register marriage contracts, deeds, mortgages, wills, property transfers, and other documents, papers and agreements necessary

47Giraud, Louisiane françoise, I, 280.

48"Projet de lettre patente...l'établissement du conseil supérieur;" and Dart, "Legal Institutions," 83.


to establish rights and protect property.\textsuperscript{51} Any contract, whatever its nature, when registered in the Council "made the beginning of proof of the same under the rule of evidence prevailing at that time."\textsuperscript{52} Moreover, all decrees, ordinances, edicts, commissions, and letters of patent from Versailles had to be registered. Thus, the Superior Council, through its notaries, became the center of civic activities in French Louisiana.\textsuperscript{53}

That the Superior Council exercised judicial and administrative functions cannot be questioned; what is questionable, however, is its legislative function alluded to by some authors.\textsuperscript{54} The Records of the Superior Council seem to indicate that the local or police regulations were initiated by the "commissaire ordonnateur", the "procureur général", and the governor through the Superior Council which had to register these regulations.

In an article, Plauché Dart explains that at first, particularly after 1719, "the Superior Council exercised

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\textsuperscript{51}Dart, "Criminal Trial," 367.

\textsuperscript{52}Ibid.

\textsuperscript{53}Ibid.

\textsuperscript{54}Hardy, "Superior Council," 87-101, does not specifically assign legislative functions to the Superior Council. This is not the case with Micelle, "Superior Council," 85-107. However, "It does not appear," Dart wrote in 1919, "that the power of legislating was conferred on these Councils, and it is not specified in our Edict of 1712, nor in any of the subsequent amendments. They had the power and exercised it to make local or police regulations, but the Edicts and orders emanating from France not infrequently trenches\textsuperscript{(sic)} on this also." See Dart, "Legal Institutions," 80.
administrative and legislative powers to a considerable extent, but was at all times predominantly a judicial body...."55 Plauché Dart is correct, but fails to explain why. As it was stated above, the functions which the Superior Council exercised prior to 1731, especially under the control of the Company of the West, are not indicative of its true purpose and functions. The Council was organized to accommodate the Company's representatives who did legislate through the Council. Furthermore, the Company of the West was granted the political and commercial direction of Louisiana. In fact, quoting an author, "in return for the Company's financing of the large debt of the monarchy, the king conceded for a period of twenty-five years the ownership of all the lands of Louisiana together with the whole administrative system of the colony, even control of the military establishment."56 It is no wonder then that the Superior Council exercised legislative powers. However, with retrocession in 1731 the Council reverted to its true purpose and functions.57 Micelle does not agree; he insists that the Council continued to exercise legislative functions. Chambers, in his multi-volume history of Louisiana concluded that the Superior Council was not a lawmaking institution;

57This point is often overlooked.
it was "a purely judicial body".58 One author dismisses Chambers' conclusion by stating that "• acceptance of Chambers' conclusion has prevented historians of Louisiana from realizing the true significance of the Superior Council in the history of the colony."59 Some authors have failed to realize the import of pertinent factors: (1) that the mere registration of ordinances and regulations is not a sign of legislative power; (2) that the local or police regulations were initiated by the governor, "commissaire ordonnateur" as first councillor, and the "procureur général";60 (3) that the word "suffrage" (vote) in the instructions to the governor and or "commissaire ordonnateur" with reference to the Superior Council refers to justice and not to legislature; and (4) the sources of the laws for Louisiana. The main sources of the laws for both New France and Louisiana stemmed from the same family.61 In New France, they were the following: (a) the edicts and declarations from Versailles; (b) the ordinances and regulations from the governor, lieutenant general and intendant through the Superior Council and registered by the latter; (c) the "Coutumes de Paris"; and (d) the judgments of the Parliament of Paris on questions arising from the "Coutumes de Paris" and the decisions

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60See "Records of the Superior Council" and the general correspondence between New Orleans and Versailles.

of the Superior Council of New France and judgments of the Council of State in France on colonial questions. These legal sources may be applied to Louisiana but with some variations. The legislative power of the governor and "commissaire ordonnateur" of Louisiana was very limited. While these officials could issue ordinances, French Louisiana remained fairly free from local legislation of the nature which afflicted New France.62

However, because of the constant bickering between the two ambitious officials, the Superior Council came to perform another function — one which had not been prescribed nor intended. It came to play a role in the system of checks and balances.

Before assuming the roles of governor and "commissaire ordonnateur", officials were informed of the situation and their respective duties and functions. The instructions show very few differences throughout the colonial period. In fact, the instructions dispatched to French Louisiana from Versailles differ little from those dispatched to the top officials charged with administration in any of the other colonies. The instructions embraced five principal areas: religion, justice, police, military, and Indians. In the light of this, the "Mémoire du roi pour servir d'instruction aux Srs. Vaudreuil gouverneur et Michel commissaire général de la marine, ordonnateur à la Louisiane"

62Ibid.
is singled out as indicative of all the others sent to Louisiana. Because the "mémoire" is necessary to understand the mechanism of the administrative system, it is presented below.

His Majesty has resolved to explain to Vaudreuil and Michel his intentions on the principal parts of the colonial administration entrusted to their care. However, before entering into details, His Majesty is pleased to observe that they must concur reciprocally in order to maintain unity and live in harmony, persuaded that nothing is more vital to the good of His Majesty's service, than the growth of the colony, and the peace and tranquility of the settlers.

The division which has reigned from time to time between the chiefs of the colony is sufficient proof of this necessity. His Majesty knows that, with the zeal and prudence of Vaudreuil and Michel, he will be satisfied with their attention on this matter.

Difference of opinion must not cause any dispute between them. When they will not agree on a matter, His Majesty wants a report of their respective reasons. However, if the disputed matter is urgent and cannot wait for His Majesty's orders, the governor's will shall prevail.

Since the undertakings on their common and particular functions can occasion arguments between them, His Majesty has judged it appropriate to explain their particular and common functions and strongly recommends exact conformity.

All which regards the military and the dignity of command is the sole concern of the governor. The governor will order the troops and militia and see to their discipline and readiness when called upon to serve. For this effect, he must be kept informed by the officers of the condition of their troops and even enter into details with them over their responsibility in maintaining strict discipline. Furthermore, he must see to it that the officers commit no injustice, such as withholding flour and pay, against their soldiers; and if an officer is found guilty of such, the governor must punish that offender independently of the restitution ordered by the "ordonnateur".
His Majesty maintains in the colony a total of 800 men: thirteen French companies of fifty men each and 150 Swiss soldiers of Karrer Regiment. As to the French troops, His Majesty provides for the necessary recruits. These recruits have been considerable up to now and His Majesty hopes that Vaudreuil will pay particular attention to reduce the number of them as much as possible. For this he must prevent abuses in connection with the military discharge which he will grant to sergeants and soldiers of his troops. He may grant a military discharge to those only who are unfit for service or who desire to settle in the colony. However, in connection with the latter, a discharge will be accorded to only those sergeants and soldiers, who by their talents and conduct, have the potential of becoming good farmers and contributing to the growth of the colony by actually settling in the colony rather than using their discharge as a way out of it. But, in order not to weaken the companies, His Majesty has fixed the number of discharges at two per company each year. This will add per year twenty-six settlers who successively will strengthen the colony and increase production. His Majesty commands Vaudreuil not to exceed this number. In addition, His Majesty has made appropriate arrangements for the quartering of soldiers and commands Vaudreuil and Michel to carry out these arrangements.

All the details connected with the militia concern the governor, who is informed of His Majesty's intentions on this subject.

The governing of the Indians is also the particular concern of Vaudreuil and requires a singular attention on his part, especially in the face of the present contingencies.

Fortification, when it involves projects, is another particular concern of the governor. But, when His Majesty will have approved them [fortifications] the execution will be the common endeavor of the governor and "ordonnateur".

Such is also the case with artillery, which is the particular concern of the governor when it comes to destination and distribution; however, the measures taken for its maintenance and conservation is a joint endeavor of the governor and "ordonnateur".
These then are, in general, the parts which particularly concern the governor. His Majesty will explain his intentions on those which are of special interest to the "ordonnateur" before going into details on what concerns them in common.

The administration of capital, supplies, ammunition, and generally all which pertains to the warehouses and treasury of the colony are the sole concern of the "commissaire ordonnateur". No payment, sale, nor consumption will be made without the consent of the "ordonnateur". If however, Vaudreuil decides on an extraordinary expense for the service of the colony, His Majesty commands Michel to order it; but he commands Vaudreuil to make such expense only in case of absolute necessity and to report on his motives.

Michel must in addition provide Vaudreuil, upon request, with an inventory of supplies and ammunition in the warehouses along with the docket of the treasury in order to keep the governor informed of such matters. It is also the duty of Michel to render an account to the attorneys of vacant estates and to all those who may be charged with recovery in the colony. Vaudreuil must not interfere unless requested by Michel.

The administration of justice is the particular concern of the "commissaire ordonnateur". Vaudreuil must not interfere with the administration of justice except when his aid is needed in executing its judgments. However, the governor must at all times give all the necessary assistance in this area as expressly ordered by His Majesty.

Concerning the officers of justice, Vaudreuil and Michel will jointly render an account of their conduct and submit names for replacements in case of death or resignation. But, what concerns Vaudreuil in particular is to see to it that the administrative military officers give the judicial officers the respect due their office and to have the settlers maintain the same. Furthermore, His Majesty wishes that the councillors in the Superior Council of New Orleans have complete freedom in their suffrage. However, this council must not interfere directly or indirectly in the governing and general administration of the colony, His Majesty having entrusted it as part of his authority only to render justice to his subjects.
The land concessions along with the contestations which can arise on limits, size, location and boundaries are the joint concern of the governor and "ordonnateur". The administration of the colony concerns the governor and "ordonnateur" in common. It embraces three principal domains: the increase in population, the cultivation of the soil and the carrying on of commerce.83

From the above "mémorial", it would seem that Versailles dispatched very detailed instructions in order to avert all unforeseen disputes between the governor and "commissaire ordonnateur".64 However clear these instructions were, they seldom improved the relationship between the two top officials because these instructions were too precise, too detailed, and subordinated the governor to the "commissaire ordonnateur" or vice versa even for the least of matters.65 This, along with slow communication and personal ambition, seems to be the key which explains the constant quarrels between the two. For example, in the instructions above, fortification is the particular concern of the governor when it involves projects. However, after royal approval the execution is a joint endeavor between the governor and "commissaire ordonnateur". One sees a

63"Mémorial du roi aux Srs. de Vaudreuil gouverneur et Michel de la Rouvillière commissaire général de la marine ordonnateur de la Louisiane," Versailles, December 23, 1748, AC, B87.

64Villiers, Dernières années, 88.

65Ibid., 89.
similar arrangement with regard to artillery. These are only two examples of many that could be cited.

The drawbacks of this system of dual authority in governing colonies were common knowledge to officials in Versailles. An anonymous undated "mémoire" concerning the government of Saint Domingue and most likely written in the 1750's, seems to describe the situation of Louisiana. For that matter, it seems descriptive of the colonial administration as a whole:

"...The present government of the colonies is one of dual authority. It is defective by nature. Here are the drawbacks which necessarily ensue from its nature. The most striking is the diversity of ideas in the authority entrusted in two persons. If they do not agree, everything is in abeyance and authority becomes useless. Anarchy reigns. Versailles foresaw this and by fault allowed that in case of a difference of opinion, the governor's will shall prevail. The cure is as bad as the evil. To avoid anarchy despotism is allowed. In fact, to become the sole arbiter of the colonial government, he must always oppose the intendant. This system of government is defective to the point of self-destruction...

"...If the governor dominates the intendant, the government is military; if, to the contrary, the intendant dominates, it is financial — equal evils which bring about the ruin or stagnation of colonies. The worst disorder, not realized as such because it appears as good, occurs when the two top colonial officials yield to the will of one or the other. Then, all is lost; guided by their personal interests, they open a wide area for the satisfaction of their cupidity, sacrificing their enemies while rewarding their supporters..."

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"Ibid., for both the comment and "mémoire"."
There is no better evaluation of the situation. For it was impossible to have at the same time and in the same colony two equally honest and capable administrators. This is especially true in Louisiana. Some authors attribute the stagnation of Louisiana to lack of stable institutions and a coherent administration. Rather, the answer is found in the colonial system itself.

Conflict of personalities played a very disruptive role in French Louisiana because it was ever present between military and civilian officials whom the French government had invested with twin powers. The reason for this conflict lies not in French Louisiana but, rather in Versailles, in the mechanism of the colonial administration and its effects on colonial officials in the New World. This mechanism comes to light when the position of the governor in colonial days is examined.

A governor ran into problems with each administrative move, and contradiction awaited him at every turn. The governor was a part of a complicated mechanism — the colonial administration — the wheels of which adjusted themselves into a

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67Ibid.


69It must also be pointed out that the poor quality of settlers in Louisiana certainly contributed to the stagnation of the colony.

70Frégault, Vaudreuil, 202; and in many "mémoires" and instructions sent to colonial administrators.
totality of influences, more or less secret, of personal faithfulness, and of carefully maintained opposition. At the summit of this mechanism stood the Minister of Marine, generally reached only through the intermediary of the first "commis" to the colonies. It was essential for the governor to court both, giving the former unlimited submission which included the long explanations and eloquent justifications and showing the latter a zealous respect which confirms reciprocal services. The bureaucratic system enforced by the Minister of Marine required colonial officials to keep constantly in touch with him through "mémoires", reports, and censuses. For it was the policy of the time to keep the two top colonial officials independent in their own spheres and when disagreement occurred, as it often did, the matter was settled at Versailles; and when it persisted, the usual remedy was recall — the only recourse dictated by the poor and slow communication of the time. Below the governor, worried subordinates struggled to maintain or enhance their position. This situation made it necessary to watch over their conduct while retaining their allegiance and dealing tactfully with their patrons. Everywhere present, always captious and often hostile loomed the intendant, or "commissaire ordonnateur" — civilians who would not have reached these offices without considerable support.71 Villiers, who apologizes for belaboring the point,

71See Frégault, Vaudreuil, 271.
explains that the constant impulse of the "ordonnateur" to counteract the governor was an absolute system.\textsuperscript{72} This will be brought out below in the relationship between the governor and "commissaire ordonnateur". At any rate, everything led the high magistrate (intendant or "commissaire ordonnateur") to oppose the action of the governor. This fact, more than any other, is what shaped the colonial government and gave it its character. The motives behind the nominations, conflicts, cliques, successes, failures, and advancements of and even the relationship between the governor and "commissaire ordonnateur" were conditioned and as such explained, to a great extent, by the characteristics of this mechanism. If a study on colonial administration ignores this point, it leaves much to be desired.

All the top colonial administrators found themselves at one time or another in the predicament of defending their position: the "commissaire ordonnateur" because he manipulated large sums and directed an army of subordinates who often used their position to profit from commercial activities; the governor because he possessed many powers and nominated commanders to posts where trade was carried on by the military officers. Each accused the other of malfeasance and corruption and was suspected of complacency because esprit de corps caused them to protect their subordinates.\textsuperscript{73} However, with family influence at Versailles

\textsuperscript{72} Villiers, \textit{Derni\`eres ann\`ees}, 24.

\textsuperscript{73} Pr\'egault, \textit{Vaudreuil}, 205.
and political acumen in the colony, a governor or "commissaire ordonnateur" survived and advanced in the system. A similar mechanism existed in the respective colonies but on a much smaller scale. The factions in the Superior Council created by the governor and "ordonnateur" were effects of this mechanism. That the system of dual authority by a military governor and a "commissaire ordonnateur" should have worked can only be ascribed to the mechanism of the colonial administration.

That the colony of Louisiana was governed from Versailles, there is no doubt. The New World influenced the old and affected the diplomacy and dictates of Versailles. But when all is said and done, the rigidity of the colonial system, once established, developed a momentum of its own; and the colonial administrators who would not play the role of puppets did not advance far in the bureaucracy. Some played their role well, others did not. Some were adept in the use of their personal diplomacy in the colony and their influence at Versailles, others were not.

Although the nature of the relationship of the two officials has been outlined, a detailed examination of this aspect of the colonial regime should be undertaken. Accordingly, the relationship between the "commissaire ordonnateur" and the governor during the administration of Governor Vaudreuil, 1743 to 1752, is singled out for the following reasons: first, it was the most prosperous administration; second, in terms of relationship it was average when compared to both extremes,
Salmon and Perier and Rochemore and Kerlérec; third, it provides a clear picture of the workings of the colonial system; fourth, the issues which were seemingly constant bones of contention were accentuated with Michel and Vaudreuil; and fifth, both the governor and "commissaire ordonnateur" had influential family ties at home.
CHAPTER V

AN EXAMPLE OF THE RELATIONSHIP BETWEEN
THE "COMMISSAIRE ORDONNATEUR" AND THE GOVERNOR

Governor Vaudreuil did not agree with his "ordonnateurs" any better than his predecessors had. The administrative history of his government was marked by sterile disputes and unjust reproaches carried on successively by Salmon, Le Normant, and Michel.¹ At any rate, perhaps as an indication of his political acumen, Vaudreuil was appointed governor general of New France in 1752 after a stormy period in Louisiana.²

"Ordonnateur" Le Normant and Vaudreuil disagreed in the worst possible manner. They disagreed on almost all the matters which required joint collaboration and denounced each other vigorously.³ Le Normant, who had much more experience than Vaudreuil, adopted the irritating but effective system: "Let others do what they may without desisting from your rights and go your own way whatever may be said."⁴ Here was the secret of

¹ Villiers, Dernières années, 23-24.
² Ibid., 27.
³ Frégault, Vaudreuil, 272; and Vaudreuil to Maurepas, New Orleans, October 30, 1745, AC, C13A29.
⁴ Quoted in Frégault, Vaudreuil, 272.

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his strength. Yet the two men kept at all times a polite attitude though lacking cordiality in their relations.\(^5\)

However with Michel, commissioned "ordonnateur" and first councillor in January, 1747, to succeed Le Normant, even this cold urbanity disappeared. As Michel frankly admitted, the "scuffle" soon erupted. This time Vaudreuil emerged victorious, the more skilful.\(^6\)

At first Michel and Vaudreuil cooperated. However, within a few weeks Michel began his harangues against Vaudreuil. What had happened? There were no quarrels since two parties are required for a dispute and Vaudreuil chose to remain silent. What vexed Michel the most was his inability to give grandiose receptions as Vaudreuil did:\(^7\) "Vaudreuil, who receives more than I from the king, would hardly survive if the war had not provided him the means to develop a considerable holding which permits a comfortable living."\(^8\) He did not yet accuse Vaudreuil of misappropriation. This will come later and with anger. For the moment, Michel contented himself with imitating the governor. He worked a small farm but without success.\(^9\) His

\(^5\)Ibid.

\(^6\)Ibid.; and Michel to Rouillé, New Orleans, September 15, 1749, AC, C13A34.

\(^7\)Frégault, Vaudreuil, 278.

\(^8\)Ibid.; and Michel to Rouillé, New Orleans, September 18, 1749, AC, C13A34.

\(^9\)Frégault, Vaudreuil, 278.
mother-in-law, aware of his failings, had foreseen it. "It is perhaps, dear son, that you lack as much managerial ability in Louisiana as you did in New France, for the one who replaced you is very successful while you could only spend."\(^{10}\) She reminded him on another occasion: "Know, dear son, that we placed you where you are now to set your affairs in order and not to reform the governor."\(^{11}\)

The first major area of friction involved Membrede, a protégé of Governor Vaudreuil. Membrede was appointed major of New Orleans on the recommendation of Vaudreuil. The post gave him a seat in the Superior Council. According to Michel, the major took over the police of New Orleans and instilled a great fear among the colonists of the capital city.\(^{12}\) The "ordonnateur" accused him of imprisoning and holding inhabitants in jail for weeks and assuming despotic authority. Furthermore, Michel complained to the Minister of Marine that Membrede and Vaudreuil dominated to the point of rendering an "ordonnateur" useless in the colony.\(^{13}\) However, the "ordonnateur" soon dropped his feud with Membrede and concentrated on bigger game — the governor. Michel accused him of keeping the "ordonnateur" in the dark on administrative matters, claiming

\(^{10}\)Quoted in ibid.

\(^{11}\)Ibid.

\(^{12}\)Michel to Rouillé, New Orleans, September 15, 1749, AC, C13A34.

\(^{13}\)Ibid.; and Frégault, Vaudreuil, 280 and 282.
that he should play a role in the governing of the Indians and therefore, should attend the Indian assemblies convened by the governor. Desperate, Michel wrote the Minister in 1749 that he felt the most exasperating part of the whole situation to be the lack of attention given the "commissaire général" and the attempt to deprive him of his functions and rights granted by the crown. In order that he might correct this slight to himself and to the king, Michel asked for additional power, which would leave no doubt as to his authority and functions.

Early in 1751, Michel was once again at odd with Membre de whom he accused of venality and with Vaudreuil whom he again reproached for not consulting him on the governing of the Indians. In addition, the "ordonnateur" attacked Captain Tisserant who commanded the Illinois convoy in 1748. It seems that while en route, Tisserant had mysterious expenses and delivered less rum than had been boarded on his bateaux. It is not known whether or not these accusations were well founded. However, in 1749, Tisserant was again given the command of the convoy. The convoy was retarded and to justify himself, Tisserant insisted that unforeseen

14 Ibid.
15 Michel to Rouillé, New Orleans, September 15, 1749, AC, C13A34.
16 Michel to Rouillé, New Orleans, January 17, 1750, AC, C13A34; and Fréjault, Vaudreuil, 282-283.
17 Ibid.
obstacles impeded his march. Michel disagreed. The main obstacles, according to Michel, were the constant drinking bouts engaged in by the commander, his soldiers and the colonists who accompanied him. This time the accusation was not ignored. The Minister assured Michel his accusations would not jeopardize his position and ordered Vaudreuil to punish Tisserant. To his surprise, the governor declared the "ordonnateur" was the only one who complained of Tisserant.  

What is curious and perhaps an indication of his insecurity is that Michel joined Vaudreuil in defending the captain.  

At any rate, Versailles received Michel's denunciations in the usual manner. At that time, Rouillé, having succeeded Maurepas who was exiled on April 24, 1749, was Minister of Marine. Vaudreuil had always enjoyed the protection of Maurepas. Rouillé was anxious to show the governor that the marine was in new hands and therefore severely reproached Vaudreuil for the lack of discipline of his troops and the abuses by post officers, matters which Michel had often called to the attention of Versailles. Rouillé blocked the advancement of Membrède, whom Vaudreuil had proposed to command at Illinois.

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18Frégault, Vaudreuil, 283-284; Michel to Rouillé, New Orleans, January 22, 1750, AC, C13A34; Rouillé to Michel, Versailles, September 26, 1750, AC, B91; and Surrey, Commerce, 295-296.

19Vaudreuil and Michel to Rouillé, New Orleans, May 19, 1751, AC, C13A35.

20Frégault, Vaudreuil, 284-285.
At the same time Michel was reprimanded for defending Tisserant after having exposed him.\textsuperscript{21} Michel, who had complained about the lack of honors which the governor allowed the troops to give him, was told by Rouillé that these honors were nevertheless superior to those normally due an "ordonnateur".\textsuperscript{22} As to Michel’s quarrel with Membrède, the Minister remarked that if the "ordonnateur" had acted in a different manner, the governor would have put Membrède in his place.\textsuperscript{23} Finally, to Michel’s insistence on sharing the government of the Indians, the Minister answered in a biting tone: "You must know better than any one else that in colonies with an Indian population, the governors alone govern them... You have no right to be present at the councils which the governor holds with the Indians."\textsuperscript{24}

These rebuttals did not stop Michel. He continued his attacks on Membrède and Vaudreuil while initiating others.

\textsuperscript{21}Ibid., 285; Vaudreuil to Rouillé, New Orleans, September 28, 1749, AC, C13A33; and Rouillé to Vaudreuil, Versailles, June 11, 1750, AC, B91. 

\textsuperscript{22}Fregault, Vaudreuil, 286; Rouillé to Michel, Versailles, November 23, 1750, AC, B91; and Rouillé to Michel, Versailles, September 26, 1750, \textit{ibid}. However, Michel continued to complain about the lack of honor due his office. See for example Michel to the Minister, New Orleans, May 22 and 29, 1751, AC, C13A35.

\textsuperscript{23}Rouillé to Michel, Versailles, September 26, 1750, AC, B91.

\textsuperscript{24}Ibid.
His hostility toward Vaudreuil became systematic. Who was to blame for this hostility? In the final analysis it can be said that both must bear the fault, but Michel's was the greater. At times, each had acted alone in matters which demanded joint action. Michel demanded powers which were not prescribed to "commissaires ordonnateurs". However, his main liability was his lack of tact. In the end Vaudreuil maintained his position, and was even promoted to a higher office. Vaudreuil, as it was pointed out above, had influential support at Versailles and knew how to use it advantageously in dealing with his opposition. Michel had similar influence at Versailles but gambled it away by constantly making blunders and petty accusations. In ignoring the first accusations of Michel, Vaudreuil showed ability, an ability which he probably learned through his contact with Le Normant. On many occasions, Madame Bégon, who knew the interests of her son-in-law, advised him to gain the friendship of Vaudreuil and, if need be, sacrifice something to gain it. Living at Rochefort permitted her to stay abreast of the politics in the "bureaux" of the navy. She had great designs for the future of Michel's children who lived with her at Rochefort. But the foolishness of her son-in-law threatened all and she warned him that this

25 Frégault, Vaudreuil, 289.

26 Ibid., 291.
lack of wisdom could ruin him along with others.²⁷ "You bitterly complain about trifles... I preach nothing less than to sacrifice everything in order to get along with Vaudreuil whose influence is greater than ever."²⁸

Madame Bégon even confided in Le Normant, former "commissaire ordonnateur", who sympathized with Michel; however, he too, advised prudence especially in letters to Versailles at a time when fusses about trifles were less tolerated. Le Normant even tried to influence the Minister in favor of his successor. In addition, the influential Rostan, a top naval official at Bordeaux, promised Madame Bégon as much.²⁹

All this advice and these efforts in his behalf irritated Michel to the point of accusing his mother-in-law of siding with Vaudreuil's family. He retorted that the governor was not as powerful as he appeared. After all, his only support was La Porte. As if this was not enough. La Porte was the powerful first "commis" of the Ministry of Marine and directed the administration of French colonies in the New World.³⁰

At this opportune moment Vaudreuil decided it was time to defend himself. He chose the first occasion to break his

²⁷Ibid.
²⁸Quoted in ibid.
²⁹Ibid., 292.
silence. The occasion is admirable for it shows Vaudreuil's political acumen.\textsuperscript{31} The governor declared to Rouillé on May 8, 1751, that he had not encroached on the powers of the "ordonnateur". To the contrary, desiring to please and for the sake of peace, Vaudreuil allowed the "ordonnateur" to encroach on the functions of the governor to the point of reproach from the home government. For example, on February 1, 1750, Vaudreuil signed in concert with Michel an ordinance on the emission of treasury notes. As expected, the crown expressed its displeasure when it learned that the colonial administration had resorted to an expedient which, not long before, had plunged the finances in disarray and the colony in a state of uneasiness. But, protested the governor, "the notes were already made and ready to circulate in the public, a fact which I could not ignore."\textsuperscript{32} Worse still, the "ordonnateur" had already drawn up his ordinance and when the governor objected, he was told that it would be posted with or without the governor's signature. In consideration for Michel and in order to prevent a general public mistrust in a paper money not validated by the governor, Vaudreuil lent himself to an operation of which he disapproved.\textsuperscript{33} "It is not my intention," Vaudreuil

\textsuperscript{31} Frégault, Vaudreuil, 293; and Rouillé to Vaudreuil and Michel, Versailles, November 23, 1750, AC, B91.

\textsuperscript{32} Frégault, Vaudreuil, 293; Vaudreuil to Rouillé, New Orleans, May 8, 1751, AC, C13A35; and Surrey, Commerce, 138-140.

\textsuperscript{33} Ibid.
added, "to write a litany of complaints against Michel; however, it is my duty to inform you that the 'ordonnateur' wants his will done in all matters and sole authority...."

Vaudreuil then refuted Michel's accusation. He affirmed that he had informed the "ordonnateur" of the expedition to Santa Fe before its departure. Far from objecting then, Michel recognized its utility. This said, Vaudreuil attacked in his turn. Michel's negligence in supplying the posts provoked desertions, and his bad will complicated the governing of the Indians. On the information furnished by Michel, the home government had reproached Vaudreuil for having allowed some officials to run into debt to the amount of 40,000 livres. The Minister, accordingly, ordered the governor to force these officers to make restitution or be thrown in jail. "Very well," answered Vaudreuil. "But, who made these advances? It was not the governor, for he did not have the right nor did he assume it. The irregularity was committed without his knowledge." It seemed that Michel and his subordinates attempted to gain popularity and support by giving these advances.

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35Rouillé to Michel, Versailles, October 2, 1750, AC, B91; Rouillé to Vaudreuil, ibid.; and Vaudreuil to Rouillé, New Orleans, May 8, 1751, AC, C13A35.

36Frégnault, Vaudreuil, 294-295; and Vaudreuil to Rouillé, New Orleans, May 11 and 12, 1751, AC, C13A35.
Yet quarrels went on. Vaudreuil had assigned Duplessy to command at the English Turn. The officer quarrelled with the keeper of the warehouse. Duplessy, being drunk, ill-treated the store-keeper Carrière. Michel immediately sided with Carrière, his subordinate; and of course, Vaudreuil defended his own appointee. The disagreement which this incident occasioned not only pitted the two top officials one against the other, but also set the civil establishment against the military. Michel raged while Vaudreuil remained silent: "The governor is the golden calf adored by all." Michel attacked everybody, even his colleagues in the Superior Council, whom he branded as ignorant. Here was an example of the role played by cliques in the administrative system. Worse still, according to the "ordonnateur", the military dominated the Superior Council through the governor, the major and the governor's favorites. To Michel, the root of all abuse in the posts was Vaudreuil and his wife: "There is no doubt that the governor has a third of [Tombecbé] to his profit in addition to all the other [posts]. No one doubts this here..." Michel claimed that the posts

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37 Frégaült, Vaudreuil, 297; Michel to Rouillé, New Orleans, May 15 and July 15, 1751, AC, C13A35; and Gayarré, Louisiana, II, 57.

38 Michel to Rouillé, New Orleans, July 15, 1751, AC, C13A35.

39 Ibid.; and Gayarré, Louisiana, II, 57.

40 Frégaült, Vaudreuil, 302-303; Gayarré, Louisiana, II, 57-61; and Michel to Rouillé, New Orleans, July 15, 1751, AC, C13A35.
commanders were either Canadian supporters, relatives, or allies of the governor.41 Vaudreuil did not deny this. But what about his adversary? Was Michel an eye witness to this? That the "ordonnateur" was deeply hostile to the governor is difficult to deny.42 Frégault's description of Michel is interesting:

Extremely vain, bulging with superficial importance, jealous of the power, prestige and well being of Vaudreuil, imbued with a civilian prejudice against the military, moved by a sickly ambition, extremely suspicious and driven by his first denunciations, he desperately had to cast grievances and more violent accusations in order to secure his situation.43

Michel seemed never to lack motives in his endeavors to discredit, expose, and disgrace his colleague.44 In the process, the "ordonnateur" jeopardized his career. Fleuriau, the powerful "procureur général", denounced Michel's pride: "I believe that his pride is an incurable sickness and makes him forever furious."45

When Kerlérec became governor of Louisiana in 1752, he commented on Vaudreuil's patience: "It was only for the sake of peace,"

41Ibid.

42Frégault, Vaudreuil, 304.

43Ibid., 304-305.

44Ibid., 305.

45Fleuriau to Rouillé, New Orleans, February 1, 1752, AC, C13A36.
Kerlérec confided to Rouillé, "that kept you uninformed about matters which you should have known."46

Where it is possible to verify Michel's assertions, one finds that his only source was gossip picked up from the streets of New Orleans.47 At any rate, no one confirmed what Michel alleged. This suffices for one to abstain from placing too much emphasis on Michel's testimony. This is Villiers conclusion. The long harangues of Michel were but "unjust reproaches" and "sterile disputes".48 What then of Michel's accusations of Vaudreuil: the doubtful honesty of the post commanders; the lack of discipline of the troops, and the favoritism toward the Canadians in Louisiana? Vaudreuil was a Canadian patriot and did not hide it.49 As to the lack of discipline among the troops and their officers, the governor knew of its existence and regretted it. If he did not succeed in eliminating this problem any more than his predecessors had, it was undoubtedly because it was an inherent part of the administrative structure of French Louisiana, a sparsely populated colony in which the military element represented an excessive force. In considering this

46Kerlérec to Rouillé, New Orleans, March 8, 1753, AC, C13A37; and Frégault, Vaudreuil, 305.

47Ibid.

48Frégault, Vaudreuil, 306-307; and Villiers, Dernières années, 24.

lamentable situation and Vaudreuil's handling of it, the type of recruits supplied to French Louisiana cannot be ignored. As mentioned previously, the recruits, far from being the pick of the army, were often the dregs. It is true that post commanders abused their position. This was so, before and after Vaudreuil, in Louisiana as well as in New France.\footnote{Ibid.}

Caught in an impossible situation Michel was the object of an imperial mechanism which functioned but whose inefficiency was clear.\footnote{Ibid., 310.} When compared to that of his antagonist, the stature of Vaudreuil rose above the system. The man, in the end, is worth more than the system of which he is a product.\footnote{Ibid.} Vaudreuil left his mark on French Louisiana. Though exaggerated, the following is Gayarré's review of Vaudreuil's administration.

The administration of the Marquis of Vaudreuil was long and fondly remembered in Louisiana, as an epoch of unusual brilliancy, but which was followed up by corresponding gloom. His administration, if small things may be compared with great ones, was for Louisiana with regard to splendor, luxury, military display, and expenses of every kind, what the reign of Louis XIV had been for France. He was a man of patrician birth and high breeding, who liked to live in a manner worthy of his rank. Remarkable for his personal graces and comeliness, for the dignity of his bearing and the fascination of his address, he was fond of
pomp, show and pleasure. Surrounded by a host of brilliant officers, of whom he was the idol, he loved to keep up a miniature court, in distant imitation of that of Versailles; and long after he had departed, old people were fond of talking of the exquisitely refined manners, the magnificent balls, the splendidly uniformed troops, the high-born young officers, and many other unparalleled things they had seen in the days of the Great Marquis.53

Though the governor and "commissaire ordonnateur" were often at odds, they did agree on certain matters such as those connected with public administration.

53Gayarré, Louisiana, II, 66.
CHAPTER VI

THE "COMISSAIRE ORDONNATEUR" AND PUBLIC ADMINISTRATION

The French crown considered agriculture and commerce the two most important features of colonial administration. But above all, commerce preoccupied France at the beginning of the eighteenth century. It was the surest means for the growth of a colony since only commerce could interest France in the colonial task. However, Louisiana or any other colony could not play a role in the French imperial design without constant care from the mother country. As a "commissaire ordonnateur" explained in a "mémoire" on Louisiana, "colonies should be considered according to their service to the state but exploitation proceeds from their firm establishment, the number and industry of the settlers, crops and production and should be to the mutual advantage of the state and colonies." The French government understood this but only

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1 See for example "Mémoire du roi aux Srs. Perier gouverneur et Salmon commissaire ordonnateur à la Louisiane," Marly, May 22, 1731, AC, B55.

2 Frégault, Vaudreuil, 138; and Maurepas to Bienville and Salmon, Versailles, September 2, 1734, AC, B61.

3 Frégault, Vaudreuil, 138.

4 Quoted in ibid.
to the point of choosing between immediate and long range interests.  

Upon resuming control of Louisiana in 1731, the French crown was unable to send enough ships to trade with the colony. Hence, it planned to attract merchants by offering gratifications of forty livres per ton for the shipment of certain goods but eventually reduced this amount to twenty. The government made other attempts to induce French merchants to trade with the colony; and on August 4, 1731, the French crown exempted for a period of six years merchant ships from transporting troops and weapons and declared the commerce of Louisiana open to all French subjects. However, the desire to establish a profitable commerce was not enough. Other elements were needed to make commerce with Louisiana profitable. The colony needed settlers to engage in agriculture and Negro laborers to cultivate the soil. The French government realized this and believed that by providing the colonies with enough settlers and Negro slaves, commerce might be augmented to the volume of engaging 1,000 ships for carrying the American trade. "Such was the spirit of France when Louisiana, for a second time, became a crown colony." The crown reflected this optimism in

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5Ibid., 138-139.

6Surrey, Commerce, 77.

7Frégault, Vaudreuil, 139; and Maurepas to Perier, Versailles, January 30, 1731, AC, B55.

8Surrey, Commerce, 169.
its instructions to Governor Bienville and "commissaire ordonnateur" Salmon in 1732.\(^8\)

In the vocabulary of eighteenth century France, "police générale" signified general administration of the colony which was the joint concern of the governor and "commissaire ordonnateur" and embraced three principal areas: population, agriculture and commerce.\(^10\) Since Louisiana attracted few settlers, there was not much which could be done to increase the population of the colony except by releasing soldiers desirous of becoming settlers and by keeping those already in the colony. Accordingly, the Minister of Marine urged Governor Bienville to treat the colonists humanely and to protect them against any vexation from military officers and soldiers. Turning to "commissaire ordonnateur" Salmon, Maurepas expected his fiscal and judicial officer to minister to the needs of the inhabitants, facilitate their settlements, and most importantly, protect the weak from exploitation by the powerful and prevent the officers of the Superior Council from abusing their authority.\(^11\)

The soil of Louisiana was suitable for the growth of several crops. Unlike that of New France, whose soil yielded no product

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\(^8\)"Mémoire du roi pour servir d'instructions aux Srs. Bienville gouverneur et Salmon commissaire ordonnateur à la Louisiane," Marly, February 2, 1732, AC, B57.

\(^10\)See for example ibid.

\(^11\)Ibid.
which could not be grown in France, Louisiana offered goods which the mother country needed.\footnote{Duchêne, \textit{Politique coloniale}, 92; and Frégault, \textit{Vaudreuil}, 138.} Therefore, the French crown oriented the agriculture of Louisiana not only toward a subsistence economy but toward exports. For in Louisiana, agriculture meant commerce.\footnote{Frégault, \textit{Vaudreuil}, 138.} The cultivation of sugar had yet to succeed in the colony by 1732, "perhaps," wrote the Minister, "because of the choice of land or the climate is unfavorable. Be that as it may, the soil can yield other crops capable of as much profit when in sufficient quantity for export."\footnote{\textit{\textquoteleft Memorie du roi pour servir d'instructions aux Srs. Bienville gouverneur et Salmon commissaireordonnateur a la Louisiane,\textquoteright} Marly, February 2, 1732, AC, B57; and \textit{\textquoteleft Memorie du roi aux Srs. Vaudreuil gouverneur et Salmon commissaire ordonnateur de la Louisiane,\textquoteright} Versailles, October 22, 1742, AC, B74.} Indigo for one was of high quality but, unfortunately, the settlers had abandoned its cultivation. The Minister strongly recommended to Bienville and Salmon to revive indigo production while he waited impatiently for their report on the progress of the settlers to whom Salmon had distributed indigo seeds.\footnote{\textit{Tbid.}} Rice grew bountifully in French Louisiana. In 1732, it was part of the diet of the colonists. The Minister noted that rice could be of great assistance in times of crisis and when flour from France was found wanting. In view of this,
Maurepas urged Bienville and Salmon to continue its cultivation.\(^{16}\) This was not the case with wheat, whose cultivation failed in lower Louisiana. Accordingly, the French crown discouraged its being planted in lower Louisiana. Besides, the inhabitants could be supplied by the Illinois province where wheat was a considerable success.\(^{17}\) Versailles regarded cotton and silk production as potentially important articles of trade and recommended the governor and "commissaire ordonnateur" to give more attention to these two as the population increased.\(^{18}\) Because flax and hemp grew very well in Louisiana, the Minister noted that they "may be equally profitable both to the colony and commerce" and hoped that "the result of the test made on hemp and flax will motivate the settlers to develop this industry."\(^{19}\)

The French government was pleased with the pitch production at Mobile. Salmon had taken steps to estimate the quantity which might be produced yearly. While the Minister waited for the "ordonnateur's" report, he ordered Bienville and Salmon "to impress upon the colonists the commercial importance of this industry."\(^{20}\) To test its quality and in view of a market, Salmon shipped two

\(^{16}\)Ibid.

\(^{17}\)Ibid.

\(^{18}\)Ibid.

\(^{19}\)Ibid.

\(^{20}\)Ibid.
hundred barrels of pitch to Rochefort. As France had an interest in developing the industry of Louisiana as well, Maurepas instructed the colonial administrators to urge the settlers to exploit the Louisiana forests where timber for construction of ships and houses was plentiful. "This enterprise is all the more important," the Minister added, "since it could develop into a coastal trade between Louisiana and the French islands." 21

As described in Chapter I, tobacco was both the main article of trade and a barrier in the way of the diversification of crops. The French crown recognized this: "Since His Majesty realizes that the colonists have devoted their energy to the tobacco crop with great success and at the present regard it as the only source of livelihood, he has decided to favor it." 22

Thus, the crown fixed the price at which the farmers-general were to purchase Louisiana tobacco: thirty-five livres per 100 pounds during 1732-1733; thirty livres during 1734-35; twenty-seven livres, ten sous during 1736-37; and twenty-five livres during 1738. Needless to say, Versailles ordered Bienville and Salmon to send only good quality tobacco to France. 23


22 Ibid.

23 Ibid.
The third main area of colonial administration was commerce, an area the French government felt was essential to the growth of French Louisiana. The French crown took many steps to revive commerce in 1731-32 and expended considerable energy to promote the growth of the colony. The Minister reasoned that the duty-free commerce between France and Louisiana, the gratifications and bounties, the profitable trade venture of the first ship which returned to the colony, and the assured tobacco market would make it feasible for other French merchants to supply the colony's needs. To attract French merchants to Louisiana, Maurepas instructed Bienville and Salmon to protect their commercial activities and provide all the facilities for the sale and payment of their wares.

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25 Surrey, Commerce, 176.


In its endeavor to attract French merchants to Louisiana, the French government foresaw no better inducement than the development of commerce with the Spanish colonies, for this undertaking would be equally advantageous to both French merchants and colonists because of the considerable amount of money which this trade would involve. Though Louisiana was seldom in a position to do so, it supplied Pensacola, when possible, with merchandise and even with food until the agents of the Company of the Indies drove the Spanish from Louisiana. Among the many tasks of Governor Bienville and "ordonnateur" Salmon was the one of reestablishing trade between Pensacola and Louisiana. It appeared that in 1732, the governor of Pensacola was inclined to renew trade with the French colony since he had recently dispatched a ship to Mobile for provisions. "Bienville and Salmon" advised the Minister, "must take advantage of this and other opportunities for the purpose of renewing commerce."

French commercial design went beyond Pensacola. It was Maurepas's intention that the colonial administrators "must not limit their plans to commerce with Pensacola, but must also eye the different ports of New Spain and Havana." The Minister was

\[28\text{Ibid.}\]
\[29\text{Ibid.}\]
\[30\text{Ibid.}\]
\[31\text{Ibid.}\]
\[32\text{Ibid.}\]
aware of Bienville's former contacts at Havana and Vera Cruz and was convinced "that the Spanish would send ships if Louisiana would designate a place for them to load speedily the desired supplies without publicity." The French crown knew full well that the Spanish would not take it upon themselves to trade at New Orleans.33 The belief was that corruption among Spanish officials would facilitate commerce with New Spain in spite of the legal restrictions.34 However, Maurepas warned that French merchants would not ship to Louisiana any goods suitable for the Spanish trade unless they were assured of a market.35

What was the state of commerce between Louisiana and the French islands? For one thing, Versailles envisioned a coastal trade between the two.36 For the realization of this enterprise, Louisiana needed to build ships to trade in lumber with the

33Ibid.

34Surrey, *Commerce*, 388; and Maurepas to Bienville and Salmon, Versailles, September 8, 1733, AC, B59.


French islands. This would be of great advantage to the colony, for lumber could be exchanged for syrups, sugar, rum and other goods. The Minister believed that "if the colonists of Louisiana undertook this venture, the French islands would reciprocate and soon the commercial interchange would benefit both." The French envisaged a still more lucrative trade in livestock, horses and mules which brought a dear price in the Antilles in 1731. However, the crown realized that the colony was not disposed for such an adventure in 1732; but Maurepas explained, "Louisiana has extensive prairies for grazing, and it is probable that the colonists will undertake it after Bienville and Salmon impress upon them its potential." However, the ensuing years, except for the short period of prosperity during Vaudreuil's administration, revealed that the optimistic plans of the French crown in 1732 and the energy applied by the governors and "commissaires ordonnateurs" did not materialize as expected. In 1744, Louisiana was near starvation;

37 "Mémoire du roi pour servir d'instructions aux Srs. Bienville gouverneur et Salmon commissaire ordonnateur à la Louisiane," Marly, February 2, 1732, AC, B57.

38 Ibid.


40 "Mémoire du roi pour servir d'instructions aux Srs. Bienville gouverneur et Salmon commissaire ordonnateur à la Louisiane," Marly, February 2, 1732, AC, B57.
flour was sold for as much as 365 livres a barrel and at times could not be bought at any price. If "ordonnateur" Le Normant had not found rice in 1745, the government would have been unable to feed the troops. The farmers totally neglected their land which yielded some tobacco and even less indigo of poor quality. The colonists were discouraged for lack of trade. The colony, without stable markets, was withering away. The economy of Louisiana, based on exotic goods, had to have exports. Louisiana had to find markets to survive. Rightly so, the French crown, in a move to ease the situation somewhat, thought of opening the French market to such Louisiana products as flax, hemp, and pitch but at lower prices. The home government also agreed to receive tobacco, indigo and rice. However, Maurepas hoped that French ship owners would organize the commerce or still that Louisiana would construct its own merchant marine, for France was on the verge of war. The colonial administrators of Louisiana

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41Fregault, Vaudreuil, 385; Le Normant to Maurepas, New Orleans, December 26, 1744, AC, C13A28; and Maurepas to Vaudreuil, Versailles, April 26, 1745, AC, B81.

42Fregault, Vaudreuil, 386.

43Ibid.

44Ibid.

45Ibid.

were left to fend for themselves in rebuilding the ruined colony in 1714. First of all, Governor Vaudreuil and "commissaire ordonnateur" Le Normant had to reestablish in the colonists the will to work. However, it was not enough to energize the colonists; they needed an orientation.\(^47\) The governor and "commissaire ordonnateur" pointed to agriculture, industry and commerce. But, the lack of tools and capital quickly dampened their industrial hopes such as mining. However, the timber industry was more or less successful;\(^48\) for, although the samples shipped to Rochefort were of low quality and high price, France continued its purchases due to the demands of the royal shipyards.\(^49\) From 1745 to 1746, Louisiana exported more than 18,000 livres worth of wood and more than 20,000 livres of pitch and tar.\(^50\) In spite of this partial success, colonial industry remained secondary; and the colony was forced to depend on its agriculture. Because indigo was profitable, the governor and "ordonnateur" encouraged the large planters to increase its production. In 1744, Vaudreuil boasted that because of his efforts, many colonists were intent on doubling their production.\(^51\) Le Normant, who opposed

\(^{47}\)Ibid.


\(^{49}\)Maurepas to Vaudreuil and Salmon, October 22, 1742, AC, B74.

\(^{50}\)Frégault, \textit{Vaudreuil}, 389.

Vaudreuil on many points, wrote in 1749 that indigo cultivation, begun at the time of the company of the Indies, abandoned and taken up many times thereafter, has been for the past four or five years seriously cultivated. In 1746, a hurricane destroyed part of the crop; but the subsequent good seasons rewarded the efforts of the colonists: the quality improved, the yield increased, and the selling price doubled between 1743 and 1750. The demand for indigo became such that the English attempted to gain a share of the Louisiana source. In 1748, the British Parliament granted the Carolina merchants a substantial bounty for each pound of indigo transported to England. The French crown feared less that the measure would develop the indigo industry of Carolina than that it would increase contraband between the English and French colonies. Everybody would profit except France: the colonists of Louisiana by access to an excellent market; the Carolinians by a bounty for shipping indigo to England; and England by acquiring the product without going through France, the latter losing both clients and profit.

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52 Frégault, Vaudreuil, 389-390.
53 Ibid.; Villiers, Dernières années, 23; and Gayarré, Louisiana, II, 19.
54 Frégault, Vaudreuil, 390; and Maurepas to Vaudreuil and Michel, Versailles, January 2, 1749, AC, 889.
55 Frégault, Vaudreuil, 390.
Rouillé, who succeeded Maurepas as Minister of Marine, convinced of the English economic design, alerted the colonial administrators of Louisiana to guard against the English.56

While the large planters increased their indigo crop, the small ones engaged in the more general but less profitable tobacco crop and experienced astonishing results. Unfortunately, the demand for tobacco decreased in the 1740's. Consequently, by 1747 the warehouses of New Orleans and Pointe Coupée were bulging with bales of tobacco which could not be sold in France.57 The majority of the farmers, discouraged by this situation, thought of curtailing production. Vaudreuil and Le Normant persuaded the colonists not to despair but to continue as usual the cultivation of tobacco with the promise of relief from France. The governor and "commissaire ordonnateur", in their report on the conditions in Louisiana, persuaded the Minister to order the ship captains destined for Louisiana to load tobacco in preference to the other local products for their return voyage to France.58

What was the relative importance of Louisiana products of the period? From 1743 to 1746, the colony shipped each year about 170,000 pounds of tobacco, valued at 30,000 francs. This profit

56 Rouillé to Vaudreuil and Michel, Versailles, September 26, 1750, AC, B91.
57 Frégault, Vaudreuil, 391.
58 Vaudreuil to Maurepas, New Orleans, May 10, 1747, AC, C13A31; Frégault, Vaudreuil, 391; and Surrey, Commerce, 209.
was modest compared to the returns of indigo, whose yearly shipment of six thousand pounds brought in 18,000 francs. However, the most rewarding commerce was in furs even though the article did not bring high prices — only thirty sous per pound. But during good or bad years, no less than 55,000 pounds, valued at 82,500 francs, were collected. Le Normant denounced the short-sightedness of Vaudreuil to Maurepas, the "ordonnateur's" protégé, accusing the governor of paying too much attention to the pelt industry. Nevertheless, the trade in pelts comprised more than a third of the annual commerce of Louisiana and involved about 1,600 colonists. In 1748, a colonist of Louisiana assessed the agricultural and industrial capacity of the colony as follows: 203,000 pounds of tobacco; 300,000 of rice; 70,000 of pelts; 50,000 of lead; 30,000 of salted meat; enough wood to fill a 300 ton capacity ship; and cotton, wax and vegetables besides. But, in spite of its potential and the efforts of the governors and "commissaires ordonnateurs", Louisiana never realized its full potential in agriculture and industry; for it lacked stable markets in France and the French colonies. Thus the problem of production


60Ibid.

was exportation. Vaudreuil who had attempted to resolve the first, now attacked the second.62

The governor and "commissaire ordonnateur" first turned their attention to the Antilles. Interested as Versailles was in promoting trade with the French islands, few of the Louisiana colonists had been able to afford the financial prerequisite. However, some ships of the West Indies came to Louisiana. In 1743, Bienville reported that twelve ships of the French islands had visited Louisiana ports in 1742.63 Two years later, Vaudreuil counted twenty which exchanged rum and other wares for lumber, vegetables and Spanish piastres.64 Still, more money left New Orleans than entered. However, this situation was soon to change. The war of Austrian Succession (1744-1748) "brought about a condition that made it possible to augment the supply of Spanish money in Louisiana to such an extent that from 1745 to 1748 the expenses of the colony were paid entirely in this medium."65 French merchants trading with Cuba and fearing interception by English ships, had accumulated a considerable amount of the desired Spanish money at Havana. Since they were informed that

62 Frégault, Vaudreuil, 392.
65 Surrey, Commerce, 106.
the English did not patrol the Gulf of Mexico, they decided to transport their silver to Louisiana, where it could be exchanged for bills of exchange drawn on the French treasury. The colony welcomed the Spanish silver as an act of Providence, for it temporarily eased Louisiana's monetary crisis and activated her commerce. Thus, beginning with 1744, the traffic with the French islands grew considerably; and from 1744 to 1750, one million piastres flowed yearly to New Orleans.

This occurred at a time when France maintained practically no direct contact with French Louisiana. The governor and "commissaire ordonnateur" complained to Versailles. In 1748, Vaudreuil informed the Minister that French merchants had not provisioned the colony for two years. By 1747, war in Europe between England and France brought to a standstill the communication between Louisiana and the parent state. There remained the Spanish trade.

It was to the credit of Vaudreuil and his "ordonnateurs" that at a time when Louisiana lost markets in France the

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66Ibid.; Frégault, Vaudreuil, 393; and "Mémoires sur la Louisiane," BN, Collection Joly de Fleury, 1726.
68Surrey, Commerce, 381.
69Ibid., 107.
70Vaudreuil to Maurepas, New Orleans, March 20, 1740, AC, C13A32; and Frégault, Vaudreuil, 393.
neighboring Spanish colonies filled the vacuum. In the aftermath of the war of 1719-1721 between French Louisiana and Spanish Pensacola during which the latter changed hands three times, her officials distrusted her neighbors at Mobile and New Orleans. However, the French court, bent on gaining a share of the Spanish trade, consistently advised its governors and "commissaires ordonnateurs" to remove any suspicion the Spanish officials might have toward Louisiana. However, since 1739, the relationship between France and Spain had improved. War with England forced Spain into a rapprochement with France in view of assuring the provisioning of their New World possessions. Many Mexican ships anchored at Louisiana ports in 1741; however, the warehouses being depleted, the ships returned home empty. This is not to say that the easing of trade restrictions in the Spanish colonies toward French merchants worked to the advantage of Louisiana. Because of the facility with which French merchant ships entered Mexican and Cuban ports between 1740 and 1743, these colonies no longer needed provisions from Louisiana. However,

71 Frégault, Vaudreuil, 394; and Heinrich, Louisiana, 53-80.

72 Smith, French Interests, 14-15; Maurepas to Perier, Versailles, June 11, 1729, AC, C13A12; "Mémoire du roi aux Srs. Perier gouverneur et Salmon commissaire ordonnateur à la Louisiane," Marly, May 22, 1731, AC, B55; and Maurepas to Vaudreuil, Versailles, September 30, 1747, AC, B85.

73 Frégault, Vaudreuil, 394.

74 Ibid., 394-395.
without warning, the Spanish officials at Vera Cruz and Havana reimposed the rigid trade restrictions. French merchants thus encountered many difficulties. Some no longer found markets for their cargoes, others were not able to take the money from their sales out of Spanish ports. The few Louisiana merchants who conducted trade in Spanish ports were ruined by the bribes they were forced to pay in order to trade. The governor and "commissaire ordonnateur" were not too alarmed, for as Vaudreuil explained to Maurepas, "when the French merchants can no longer trade with the Spanish they will come to Louisiana." The merchants of Mobile faced similar restrictions and even confiscation of goods at Pensacola. Vaudreuil and Salmon, complying with Versailles's instruction not to antagonize Spanish officials in any way, prohibited Louisiana merchants from trading with the Spanish colonies until commercial policies changed and simultaneously assured Maurepas that the Spanish would eventually return for provisions. Le Normant, who succeeded Salmon in 1744, and Vaudreuil seemed to attach little importance to commerce with Florida and New Mexico. They were eying bigger

75 Le Normant to Maurepas, on board the Éléphant, October 9, 1747, AC, C13A28; and Frégault, Vaudreuil, 395.


78 Ibid.; Maurepas to Vaudreuil and Salmon, Versailles, January 7, 1744, AC, C13A28; and Frégault, Vaudreuil, 395.
gains: the rich markets of New Spain and Cuba. Vaudreuil, who had good relations with the governor of Cuba, inquired into the complaints of the French merchants. According to the Spanish administrator, the French merchants were to blame by insisting on trading prohibited articles. The Spanish governor assured his Louisiana colleague that the merchants would experience no difficulty if they observed the ordinances and even provided a list of goods which would enter without difficulty.

Le Normant, "commissionnaire ordonnateur" from 1744 to 1748, wrote an interesting letter on the French trade at Havana. During his stay at Havana, Le Normant said that he was well received by the governor of Cuba and by other Spanish officials. "The Spanish," he informed the Minister of Marine, "depend on French flour, wines, and several other products which they now permit to enter and are the object of a considerable commerce. But most French merchants pose a threat to this commerce by introducing articles which are either prohibited or of poor quality." The "ordonnateur" urged strict compliance with the Spanish ordinances and further pointed out that France

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79 For importance attached to this trade see "Mémoire du roi aux Srs. Vaudreuil gouverneur et Salmon commissaire ordonnateur de la Louisiane," Versailles, October 22, 1742, AC, B74; and Fréguault, Vaudreuil, 396.

80 Vaudreuil to Maurepas, New Orleans, December 29, 1744, AC, C13A28; and Fréguault, Vaudreuil, 396.

81 Le Normant to Maurepas, on board the Éléphant, October 10, 1744, AC, C13A28.
had all the more reason not to offend Spanish authorities because France, with her commercial designs on Spain and her colonies, attempted to establish a consul at Havana. To the surprise of the governor and "commissaire ordonnateur," the merchants who conformed to the Spanish regulations found easy access and, their sale completed, easy egress from the ports. But in 1746, as a result of orders from Madrid but more importantly as a result of the gross irregularities perpetrated by the French merchants, the governor of Cuba ordered the cargoes of French ships confiscated. However, confiscation became rare with time because Vaudreuil and Le Normant were able to establish and maintain good relationships with their colleagues in Cuba and New Spain. Their efforts did not go unrewarded. Ships from Campeche, Vera Cruz, and Tampico destined for Havana stopped at Belize, where they exchanged part of their cargoes of precious wood, cochineal, cocoa, sarsaparilla, and vanilla for Louisiana products and French goods which the Spanish in Cuba were in the habit of buying. In Cuba Spanish merchants exchanged French goods for sugar, rum, and molasses, which they in turn traded at Belize.

82Ibid.
83Fragault, Vaudreuil, 397.
84Ibid.; Maurepas to Vaudreuil, Versailles, April 13, 1746, AC, B83; Maurepas to Vaudreuil, Versailles, August 13, 1747, AC, B85; Maurepas to Le Normant, Versailles, May 11, 1746, AC, B83; and Maurepas to Vaudreuil, Versailles, November 4, 1748, AC, B87.
for other goods before returning to Mexican ports.\textsuperscript{85} As far as Louisiana was concerned, this was contraband trade.

For a while, the economic life of Louisiana expanded as it had never before. The colonists thought only of commerce; they abandoned the soil and transformed themselves into merchants.\textsuperscript{86} Even the affluent planters neglected their plantations in favor of commerce. Some amassed quick fortunes. But it was an artificial prosperity. Those involved in it were too busy to ponder its nature.\textsuperscript{87} It should have been realized that the end of the War of the Austrian Succession and the resumption of normal communication with Europe would bring an abrupt change to the prosperity of Louisiana. Immediately after the war, the Spanish authorities at Havana announced once again their intention of confiscating foreign ships entering the port.\textsuperscript{88} Le Normant feared the repercussion on the economy of French Louisiana. "Attempting to establish a permanent commerce with the Spanish colonies," wrote Le Normant, "is like chasing a ghost."\textsuperscript{89} Vaudreuil and

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\textsuperscript{86} Frégault, \textit{Vaudreuil}, \textit{400}; and N.M.M. Surrey, "The Development of Industries in Louisiana During the French Regime, 1673-1763," \textit{M V H R}, IX (1922), 234.
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\textsuperscript{88} Frégault, \textit{Vaudreuil}, \textit{400}.
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\textsuperscript{89} "Mémoire sur l'administration de la Louisiane," New Orleans, 1749, AC, C13A33.
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acting "commissaire ordonnateur" D'Aubervilie explained: "We believed that trade with the Spanish had been firmly established."80

The restrictive policies of the Spanish authorities were bad enough, but what was worse was the excessive indulgence of the colonists in the trade. Accordingly, the commercial activities of Louisiana slowed down to a dangerous pace in the aftermath of the Peace of Aix-la-Chapelle.81

However, one must not place the whole blame on the recalcitrant attitude of the Spanish; the appearance of several French ships in allied waters played a part. The ports of Havana and New Spain had become saturated.82 Vaudreuil and Michel, who succeeded Le Normant, hoped that the Spanish authorities would now enforce the trade restrictions unrelentingly.83 Fortunately for Louisiana, the restrictions became more rigid with the result that merchants of Havana and New Spain, unable to trade at home, dispatched four or five ships to the Mississippi—a modest beginning which rapidly developed into a substantial commerce.84 Once again, the Spanish of Florida came to Louisiana for their

80Vaudreuil and D'Auberville to Maurepas, New Orleans, May 4, 1749, AC, C13A33.
81Fregault, Vaudreuil, 400; and Villiers, Dernières années, 79-80.
82Fregault, Vaudreuil, 400-401.
83Ibid., 400; and Vaudreuil to Rouillé, New Orleans, January 31, 1750, AC, C13A34.
84Vaudreuil to Rouillé, New Orleans, September 24, 1750, AC, C13A34.
provisions. Old habits reappeared. Mexican ships stopped at Mobile on their way to Pensacola. The contraband trade was in progress again. By the spring of 1751 the commerce was already worth one million livres.  

However, commerce between France and Louisiana did not resume so rapidly after the war, for French ship owners refused to transport Louisiana products to Europe. But, because of the difficulty encountered with the Spanish trade, by 1749 ships from France, in addition to those from Martinique and Saint Dominque, anchored in Louisiana ports. In January, 1750, Vaudreuil and Michel reported that because many ships visited Louisiana in 1749, the colonists now possessed a new spirit of optimism. "Since the close of the war," the governor wrote in June, 1750, "close to 100 ships have unloaded an abundance of all kinds of supplies." Most of the ships were from Martinique and Saint Domingue. High prices paid for wood, indigo, wax, tobacco, hemp, flax, and pelts induced the colonists to greater production. Between 1750 and 1753, trade with France, the French islands and Spanish ports surpassed the two million livres mark.

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95 Vaudreuil to Rouillé, New Orleans, May 2, 1751, AC, C13A35; and Frégault, Vaudreuil, 401.

96 Vaudreuil to Maurepas, New Orleans, March 3, 1749, AC, C13A33; and Frégault, Vaudreuil, 402.


98 Vaudreuil to Rouillé, New Orleans, June 24, 1750, AC, C13A34.
Louisiana sold 410,000 livres worth of indigo; 180,000 of construction wood; 250,000 of pelts; 36,000 of tobacco; 30,000 of pitch and tar; and 25,000 of wax and oil. In addition, traders brought the equivalent of 300,000 livres in Spanish silver.\textsuperscript{89}

The colony of Louisiana owed its prosperity to Governor Vaudreuil. However, it is difficult to measure to what extent. Circumstances probably helped the governor; but there is little doubt that Vaudreuil made astute use of them. For instance, he knew how to take advantage of such circumstances as the war of 1744, which erupted at a time when the colony was under duress. His success may be explained in terms of his personal qualities: realism, perception, the gift of being able to define problems and the ability to apply solutions. But Vaudreuil had more. In the final analysis, his success stemmed from the fact that he was a colonial; he understood the nature of a colony. He conceived the nature of a colonial economy; he knew its needs and the attention it must receive from the mother country; and more importantly, he knew what to substitute when these needs were not fulfilled. During a period of misery and armed conflict, he gave Louisiana security and affluence and a certain prestige. It is no wonder that Louisiana reached its apogee during Vaudreuil's administration.\textsuperscript{100} It was followed by a corresponding gloom.

\textsuperscript{89}Frégault, Vaudreuil, 403-404; and Surrey, Commerce, 217-218.

\textsuperscript{100}Frégault, Vaudreuil, 414.
From 1753 to 1764, there was gradual disintegration in agriculture and commerce as well as in the moral fiber of the colony. The administration of Governor Kerlérec was probably the most critical in terms of neglect, miseries, external threats at the hands of the English, and internal quarrels. The colony was exposed on all sides. From the beginning of the Seven Years' War in 1756, it was deprived of all the basic necessities. Commerce with the Spanish colonies was drastically reduced in 1755; and in November of that year, Kerlérec received orders announcing that French merchants would no longer be received in Spanish ports. In 1761, the Spanish ports were still closed to French ships. The colony was reduced to the state described by Governor D'Abbadie in 1764.

The history of the commerce of French Louisiana is in general a tragic one. The growth of the colony depended on the development of a stable trade with France, the French islands, and especially with the Spanish colonies. But there was always an ingredient lacking for the realization of stable commercial activities. When ships from France and the Spanish colonies were available, there were either no products or not enough to trade. Conversely,

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101 "Tableau des désordres et des malheurs qui agitent et menacent la Louisiane avec les moyens provisionnels d'y remédier," Louisiana, undated and anonymous, AC, C13C1.

102 Villiers, *Dernières années*, 70.

when Louisiana products were available, war or commercial restrictions hampered trade. But at all times there was the financial problem: lack of silver and inflation, a subject which is the topic of the next chapter. It seems that without the contraband trade with the Spanish colonies, Louisiana would not have enjoyed even those few periods of prosperity which she had. That the colony prospered for a while is due to the ability of Vaudreuil both at Versailles and in Louisiana. Governor Vaudreuil was able to put together, although only for a while, the necessary ingredients for prosperity. The remark of "commissaire ordonnateur" Duclos in 1715 on the state of agriculture might also be said of commerce: "For one year of abundance there were three of sterility."104 One must not forget also that it was a declining France which attempted to colonize Louisiana. The colonial administrators could not perform miracles.

The general administration of the colony occasioned little disagreement between the governor and "commissaire ordonnateur". The policies were formulated from the beginning by Versailles and remained constant throughout the French period. However, the major bone of contention was in the implementation of some of these policies. Since implementation involved finance, the "commissaire ordonnateur" played a major role in this area. Since his reputation and advancement depended on his ability in

this field, the "ordonnateur" closely guarded his financial powers. From this stemmed some of the bitter quarrels between the governor and "commissaire ordonnateur".
CHAPTER VII

THE "COMMISSAIRE ORDONNATEUR" AND FINANCE

After retrocession in 1731, the French crown attempted to place the colony's finances on a specie basis by sending silver and supplies to meet the annual expenses. When this did not succeed it was then done with merchandise alone.\(^1\) But the several efforts to devise a plan for the approximate yearly expenses failed. Furthermore, these attempts did not keep silver money in circulation.\(^2\) The silver immediately returned to France, leaving the colony with no money for internal commerce since there were no other species with the exception of some Spanish piastres drawn from Pensacola but which French merchants also took to France as soon as they appeared in the colony.\(^3\) The French government was forced to resort once again to the use of bills of exchange in order to retain specie in the colony.\(^4\)

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\(^2\) Surrey, *Commerce*, 123.


\(^4\) Surrey, *Commerce*, 123.
There was not enough hard currency in the treasury to meet the government's expenses for the first six months of 1733. In May of that year, Governor Bienville and "ordonnateur" Salmon recommended the use of bills of exchange to move the tobacco crop.

The shortage of specie in Louisiana became so critical that the crown suggested on September 15, 1733, the issuance of card money similar to that already in use in New France with one exception: the cards would be considered at par with silver and bills of exchange at the royal warehouses. By this the French government hoped that the new medium would stabilize the price of merchandise and supplies. However, the home government, cautious not to further confuse the financial situation, ordered Bienville and Salmon to ascertain how the colonists would accept the new currency. About seven months later, on April 3, 1734, the colonial administrators reported that after examining conditions in the colony, they saw no reason why card money could not be issued. However, they recommended a delay of two to three years before putting the new currency into circulation for two reasons.

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5*Tbid.*, 123-124; and Salmon to Maurepas, New Orleans, February 16, 1733, AC, C13A17.

6*Surrey, Commerce*, 124; and Bienville and Salmon to Maurepas, New Orleans, May 12, 1733, AC, C13A16.

7*Surrey, Commerce*, 124; Maurepas to Bienville and Salmon, Versailles, September 15, 1733, AC, B59; Bienville and Salmon to Maurepas, New Orleans, April 3, 1734, AC, C13A18; and Dunbar Rowland and A. G. Sanders, eds., *Mississippi Provincial Archives* (3 vols.; Jackson, Mississippi: Press of the Mississippi Department of Archives and History, 1927), III, 646-649.
First, the colonists still remembered the Company's paper which had greatly depreciated. Second, the administrators wanted to allow some of the colonists to become more prosperous.\textsuperscript{8} But, if the crown decided on immediate issuance, Bienville and Salmon proposed that it issue only 300,000 livres along with an equal amount of silver for circulation in 1735 and the other half the following year. In this way the colonists would be gradually accustomed to the new currency.\textsuperscript{9} On August 17, 1734, Versailles replied that since card money had been to the benefit of New France since 1729, it had no doubt that it would produce a similar effect on Louisiana.\textsuperscript{10}

Meanwhile specie continued to flow to France. At the end of fiscal year 1734, Salmon had drawn for payment to merchants 118,476 livres in bills of exchange in addition to 104,410 and 2,210 livres payable in 1735 and 1736 respectively. Thus between April, 1732 and July, 1734, Salmon had drawn a total of 391,607 livres in bills of exchange.\textsuperscript{11} The crown, disturbed by such a large emission, ordered Salmon on August 29, 1735, to

\textsuperscript{8}Surrey, \textit{Commerce}, 124-125; Bienville and Salmon to Maurepas, New Orleans, April 3, 1734, AC, C13A13; and Rowland and Sanders, \textit{Archives}, III, 646-649.

\textsuperscript{9}Ibid.


\textsuperscript{11}Surrey, \textit{Commerce}, 125.
reduce the amount in the future.\textsuperscript{12} But this was to no avail for at the end of 1735, 327,384 livres in bills of exchange were drawn, whereupon the French government decided to fix the annual amount at 150,000 livres.\textsuperscript{13} A month later, the crown finally called for 200,000 livres in card money to circulate in Louisiana. The new currency would be written and signed by the comptroller at New Orleans and signed by the governor and "ordonnateur".\textsuperscript{14}

The year 1736 dawned with the colony's finances in a poor condition. While there was only 53,074 livres left of the 150,000 allowance, there was a debt of 105,385 livres occasioned by the Natchez and Chickasaw War and the merchants were demanding bills of exchange from the treasury. To meet the government's obligations, Salmon drew large quantities of treasury notes and borrowed 69,878 livres on the allowance of the current year, 80,122 livres on that of 1737, and 31,202 on 1738. Thus at the end of 1736, 350,000 livres in paper circulated in Louisiana.\textsuperscript{15}

The financial disorder of the colony gradually worsened. In 1737, because of the demands of foreign merchants for bills

\textsuperscript{12}Maurepas to Bienville and Salmon, Versailles, August 29, 1735, AC, B63.

\textsuperscript{13}Surrey, \textit{Commerce}, 126.

\textsuperscript{14}Ibid., 126-127; and Bienville and Salmon to Maurepas, New Orleans, June 26, 1736, AC, C13A21.

\textsuperscript{15}Surrey, \textit{Commerce}, 127.
of exchange and the war debt, Salmon thought it necessary to increase the amount of paper in circulation by 150,000 livres, totalling about 500,000 livres of paper money by the end of 1737. Since retrocession, public expenditures increased with no provision to meet them.  

From 1739 to 1763, except for the years 1742-1750, paper money was practically the only form of currency in the colony. In 1739, Salmon resorted once again to the use of large amounts of treasury notes to meet the increasing demands of the merchants for bills of exchange and the current expenses. Although the "ordonnateur" drew in excess of 50,000 livres of the amount fixed by the crown and borrowed from the allowance of 1740, the colonial administrators were unable to redeem card money with silver or bills of exchange. The end result was further depreciation in treasury notes and card money. Salmon proposed to the Minister of Marine an additional 200,000 livres in card money to retire all the treasury notes which the "ordonnateur" was forced to redeem in bills of exchange. What happened was that the colonists had almost withdrawn all the cards from circulation. It seemed that no matter what

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16 Ibid., 128.
17 Ibid., 129.
18 Ibid.
19 Ibid., 130.
device the "ordonnateur" used, each year the finances of Louisiana became more confused. At the end of 1740 there were 900,000 livres in all sorts of paper in the colony.20

The financial situation was bad enough in 1741, but to make matters worse, Bienville and Salmon were at odds: the dispute originated in lack of cooperation in finances. Bienville claimed that Salmon no longer consulted him.21 Besides, the governor was confused by letters from Versailles written to both him and to Salmon in which the Minister informed them of the crown's policies on financial matters particularly in regard to the emission of bills of exchange. He wondered whether or not this meant he too had financial duties. If so, the governor asked for instructions prescribing joint action on the issuance of bills of exchange and power to end the abuse in their distribution and jobbing.22 Governor Bienville learned of the extent of jobbing upon his return from his last campaign against the Chickasaw. Apparently, several colonists speculated in bills of exchange for the purpose of exchanging them with merchants for cards or paper at a 50 to 60% profit. Salmon must not have been aware of this, otherwise he would surely have stopped it, for the abuse had severe consequences


on the colony. Cards and treasury notes depreciated to half their value and generally all the goods from France or the French islands were sold at exorbitant prices. But probably the worst effect was the financial ruin of three of the most prosperous colonists and the exodus of several families to France.  

Because of the continual depreciation of cards and treasury notes, Maurepas suggested the immediate retirement of all paper money. But first, Maurepas ordered Salmon to estimate the amount of paper in circulation. The "ordonnateur", unable to estimate the outstanding amount and without waiting for further orders from the home government, issued on May 15, 1741, an ordinance calling in all notes to his office under penalty of invalidation. For whatever reason the ordinance failed to bring in the paper. On October 13, 1741, Maurepas strongly reprimanded Salmon for his most unsatisfactory financial report and strongly condemned some of his recent actions. The crown, probably acting on Bienville's letter of March 8, 1741, regarded the liberal issuance of paper money the cause of depreciation. Accordingly, it ordered Salmon first to estimate the amount in the colony and then to call in the

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23 Bienville to Maurepas, New Orleans, March 8, 1741, AC, C13A26; and Maurepas to Bienville, Versailles, October 8, 1741, AC, B72.

paper for redemption in bills of exchange.25 However, before the orders reached New Orleans, Salmon drew 119,112 livres on the allowance of 1742.26 This last act angered the home government.

In 1742, conditions worsened. The salaried officials paid in colonial paper were in a financial straight, unable to purchase their basic necessities. Moreover, while there were few colonists with sufficient means to engage in Spanish commerce which was drastically reduced, the French merchants accepted only silver or bills of exchange for their goods.27 In an attempt to bring relief to the colony, Governor Bienville suggested the crown pay half of the salaried officials in bills of exchange. According to the governor, this "would improve the condition of men who had nothing to sell and everything to buy" and would check the continual increase in amount of treasury notes which resulted in proportionate depreciation of all paper money.28 The crown ignored the suggestion. As a result, Salmon, though ordered by Versailles not to exceed the limit of

25 Maurepas to Salmon, Versailles, October 13, 1741, AC, 872; and Frégault, Vaudreuil, 183.

26 Surrey, Commerce, 132.

27 Ibid.

28 Ibid., 132-133.
200,000 livres, was forced to draw 236,620 livres worth of bills of exchange to meet the most urgent obligations of the colony.\(^{29}\)

As indicated above, the ordinance of May 15, 1741, failed. The second decree on January 15, 1741 allowed the colonists a month to bring their treasury notes to New Orleans for conversion into new money. Those not registered within the allotted time would be invalidated. The second ordinance had better results. Soon after its enactment, most of the 454,620 livres in circulation were turned in and converted into fresh currency.\(^{30}\)

By 1743, the crown was disgusted with the financial situation of Louisiana and Salmon's administration. Some colonists along with officials in France blamed the "ordonnateur's" maladministration for the financial chaos of the colony.\(^{31}\) Salmon, who had requested his recall in 1742 was finally replaced in 1744 by Le Normant, the favorite of Maurepas who had served the crown well at Cap Francais.\(^{32}\) The charges against Salmon

\(^{29}\)Ibid., 133.


\(^{31}\)Fréjault, Vaudreuil, 187; Maurepas to Salmon, Versailles, October 22, 1742, AC, B74; Maurepas to Vaudreuil, Versailles, April 3, 1744, AC, B78; Maurepas to Salmon, Versailles, April 30, 1744, AC, B78; and Surrey, Commerce, 133-134.

\(^{32}\)Maurepas to Le Normant, Versailles, April 30, 1744, AC, B78; Maurepas to Vaudreuil, Ibid.; and "Mémoire du roi au S. Le Normant commissaire général de la marine, ordonnateur à la Louisiane," Ibid.
were investigated by both the new governor and "commissaire ordonnateur" in 1744. Vaudreuil, a very influential man at Versailles, reported to the crown that the accusations were unfounded and flatly stated that he found nothing to substantiate the accusations and that, under similar circumstances, no other fiscal official could have administered the finances better or more profitably than Salmon.33 The governor's opinion was supported by Le Normant, commissioned as "commissaire ordonnateur" on April 30, 1744. In his financial report on Louisiana, the new "ordonnateur" criticized few of Salmon's methods. Salmon should not be blamed for the financial disorder; rather, the main cause for the disorder since retrocession stemmed from inadequate annual funding to meet colonial expenses and the manner in which French merchants carried on trade in the colony.34

At the end of 1744, there were about 1,050,000 livres of paper money in circulation. Le Normant who entered upon his duties in October, 1744, began to collect royal debts and used the money to redeem demands on the treasury. Thus, by the beginning of 1745, the paper in circulation had been reduced to


847,435 livres.\textsuperscript{35} However, Le Normant's experiments with the different types of currency brought no immediate relief. While the general opinion was favorable to retirement, there was no agreement on the method of withdrawal. The two administrators, Vaudreuil and Le Normant, suggested that if the crown would ship supplies or Negro slaves to the colony for exchange in paper at a fixed value with silver, the home government could easily retire the undesirable currency. Versailles rejected the suggestion, considering it too slow for the immediate results which it sought. Moreover, the crown reasoned that since a large quantity of the paper money was in the hands of speculators and traders, the latter would buy the supplies and slaves and resell them to the colonists at prices which would further injure the colony's finances.\textsuperscript{36}

In view of this, Governor Vaudreuil and "ordonnateur" Le Normant pondered whether all types of paper money should be withdrawn on the same basis. Surrey states the problem: "Since cards had always been preferred to other kinds of colonial currency, some were inclined to give them an advantage in the rate of exchange, at least over the treasury notes which had contributed most to the cause of depreciation."\textsuperscript{37} This plan was


\textsuperscript{36}Ibid.

\textsuperscript{37}Ibid.
also rejected by the home government on the grounds that it would also be beneficial only to speculators who in the past had been instrumental in depreciating paper money.\textsuperscript{38} Since the crown considered all forms of colonial paper equally good, it decided to fix the retirement ratio at five to two, the rate of depreciation based on silver agreed on August, 1743.\textsuperscript{39} Part of the paper would be retired in 1745 and the rest in 1746 by use of silver and bills of exchange. Accordingly, Le Normant proceeded to call in the paper which was registered, checked and finally burned. By this means, 838,148 livres were cancelled by October 24, 1745.\textsuperscript{40} It must be pointed out that this was made possible by the flow of silver from the Spanish colonies, particularly Cuba, occasioned by the War of the Austrian Succession.

It seemed that by the end of 1745, Le Normant had gone far in solving the problem of depreciation. But the next problem was to determine the nature and type of the new currency. The "ordonnateur" was against paper money of any type. Since it was impossible for the "ordonnateur" or the governor to limit the amount of paper drawn on the treasury by post commanders, whose bills took a year or eighteen months to arrive at New Orleans,

\textsuperscript{38}\textit{Ibid.}
\textsuperscript{40}\textit{Surrey, Commerce,} 136.
to estimate the amount needed for Indian affairs, to depend on royal ships which made it necessary at times to buy supplies at high prices from private merchants, and to sell the merchandise at an advantageous price when several ships anchored at New Orleans at the same time. For these reasons and others it was impossible to estimate the amount of paper required for a fiscal year or the bills of exchange to redeem it. A paper currency issued under these conditions, would depreciate and result once again in financial disorder and confusion. Even the slightest depreciation would be dangerous to the economic health of the colony, for the colonists would engage in speculation. As Le Normant and others remarked, speculation was one of the main occupations of the colonists. It was the "ordonnateur's" belief that card money could provide temporary relief; but after a year it would be difficult to maintain it. Instead of paper money, Le Normant proposed the use of Spanish piastres with an assigned value greater than its real value in order to keep it in the colony and to induce the colonists to greater production of local products which could be exchanged for foreign goods. This would eliminate the need of other types of currency for foreign trade.


\[42\] Ibid.; and Gayarré, Louisiana, II, 36-37.
However, it was demonstrated since 1731 that silver could not be kept in the colony; while the experience of New France with card money led many to believe that there was no better system available for Louisiana. But what was the difficulty occasioned by card money? Those in favor of cards argued that they had maintained their value for two years and depreciated only because of the extraordinary expense occasioned by the war against the Natchez and Chickasaw and Salmon’s preference for treasury notes. Therefore, they pointed out, with supplies in the warehouses along with bills of exchange drawn on the French treasury as security, card money would stabilize the finances of the colony.43 The crown approved the use of card money and proposed on April 30, 1744, the issuance of cards on the five to two basis for circulation in Louisiana. However, the crown waited because of the increased trade between Louisiana and the French islands and because of War in Europe which brought an abundant flow of Spanish silver to New Orleans.44 Owing to circumstance, Le Normant had difficulty in drawing bills of exchange. The entire allowance of 1746 was exchanged for Spanish silver which was spent for strengthening fortifications at New Orleans and Mobile.45 In 1748, Vaudreuil

43 Surrey, Commerce, 137.
44 Ibid., 138.
45 Ibid.
and Le Normant informed Versailles that the local expenses were paid by means of bills of exchange and silver obtained from sales of supplies from the warehouses.\footnote{Ibid.; and Vaudreuil and Le Normant to Maurepas, New Orleans, December 9, 1748, AC, C13A32.}

The successor to Le Normant, Michel, soon after his arrival in 1748, was convinced that the colony needed more money. Accordingly, and without consulting Vaudreuil, Michel presented his plan to the governor for his signature. Vaudreuil refused to sign on the grounds of its irregularity and doubtful legality. But Michel was determined to have his way, whereupon he informed Vaudreuil that regardless of his signature, additional money would be issued. The governor signed the ordinance which went into effect on February 1, 1750.\footnote{Frégault, Vaudreuil, 293; Surrey, Commerce, 138-139; Michel to Rouillé, New Orleans, September 29, 1750, AC, CL3A34; and Vaudreuil to Rouillé, New Orleans, May 8, 1751, AC, C13A35.}

About 108,000 livres were issued and put into circulation; but the amount soon increased considerably, causing public uneasiness. Michel, who kept the governor uninformed about the quantity of notes, assured him there was no reason for fear.\footnote{Surrey, Commerce, 139.}

The French government strongly reprimanded the two officials in their action since only the crown had the right to create or alter the money of the kingdom. This right it shared
with no one. Michel had exceeded his power without the slightest justification. If the colony was in need of money, the "ordonnateur" should have used bills of exchange and money from the sale of supplies from the warehouses. Rouillé, the Minister of Marine, informed Michel the records showed that for the past two years the warehouses were amply supplied. Even though there had been no other recourse, the financial situation did not warrant such an act, especially since the financial situation was recovering from the excessive amount of paper money. Finally, the crown ordered Michel to withdraw the notes he had placed in circulation by bills of exchange borrowed from future allowances. To clear himself, Vaudreuil was forced to make an explanation to Rouillé for his acquiescence in this financial policy. "The notes were already to circulate in the public, a fact which I could not ignore." So in consideration for Michel and in order to prevent a public mistrust in a paper money not validated by the governor, Vaudreuil lent himself to an operation of which he disapproved.

The damage was done. Before the notes were retired, counterfeits began to circulate and public discontent increased. In order to restore confidence in the paper money, the colonial government attempted to bring the offenders to justice. However,

49 Ibid., 139-140; and Rouillé to Vaudreuil and Michel, Versailles, October 23, 1750, AC, E91.
51 Ibid.
52 Surrey, Commerce, 140.
too many important colonists were involved. The prosecution ended in a farce, with one conviction, that of a mulatto slave who was whipped, branded and sold in Saint Domingue.  

On January 30, 1752, Michel sent to Versailles his last financial report before leaving office. It can be seen from this report that lack of Spanish commerce made it necessary to draw yearly a large sum of bills of exchange: 453,408 livres in 1749; 500,000 livres in 1750; 700,000 livres in 1751; and only 535,000 livres in 1752. The reduction in 1752 is explained by the reinforcement of the strict Spanish commercial restrictions after the war of 1744-1748. In addition, Michel's report revealed that the crown had initiated better provision for paying the expenses of Louisiana. Furthermore, near the end of 1752, there remained 535,023 livres in the treasury which indicated that for the period between 1749 to 1751, there was no need to issue additional paper money.  

D'Aubervillle replaced Michel as "commissaire ordonnateur" in 1752 and Kerlerec succeeded Governor Vaudreuil who was promoted to governor general of New France. Unfortunately, in spite of Versailles' opposition, the "ordonnateurs" who succeeded Michel followed his example of issuing notes redeemable in bills of exchange.  

The financial and commercial health of Louisiana was  

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53 Ibid.  
54 Ibid., 140-141; and Michel to Rouillé, New Orleans, January 30, 1752, AC, C13A36.  
55 Surrey, Commerce, 141-142.
stimulated by silver, especially Spanish. However, the war which erupted once again between France and England in 1756 made the risk of sending silver to the colony too great. To compensate for this, the crown instructed the colonial officials to issue special notes drawn on the local treasury, payable in three months and redeemable in bills of exchange at New Orleans. Because of the war the governor and "ordonnateur" granted similar power to post commanders so that they might meet their obligations. To the surprise of none, the debts which the administrators contracted with merchants and colonists grew out of proportion because of abuses of the privilege. Consequently, owing to lack of silver, the old habits which had disrupted colonial finance reappeared. The "ordonnateurs" from 1752 to 1758 contributed nothing new to financial management. They continued to issue large quantities of paper money of different forms.

In 1758, with Rochemore as "commissaire ordonnateur", a general state of chaos existed in the colony from which it never recovered. Besides the sad state of colonial finance, Rochemore was involved in a systematic opposition to Governor Kerlérec. The colony experienced its worst controversy which contributed to

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58 Ibid.

57 Ibid.

58 Ibid., 143.

59 Rochemore to the Minister, New Orleans, August 17, 1758, AC, C13A140; and Surrey, Commerce, 143.
economic stagnation. On entering office on August 17, 1758, Rochemore reported to Versailles that he found the office of comptroller of New Orleans vacant, the treasury without specie and more than 1,800,000 livres borrowed on future allowance. The royal warehouses were empty causing the "ordonnateur" to buy at high prices in local stores. Rochemore decided to call in all the paper and issue a new currency in order to distinguish his administration from the preceding one. His plan which allowed only an eight day period of recall caused much discontent and protest. Worst still, Rochemore did all this without the knowledge of Kerlérec who learned of it when he read it on the public board. Needless to say, it occasioned a bitter quarrel in addition to ill-feeling that already existed between the two. Meanwhile, Rochemore sent to Versailles his plan for the financial stabilization of the colony in January, 1759. In it, he advocated the reestablishment of card money similar to the one of 1744 but with one basic difference: the emission would be made in France. The "ordonnateur" believed that his plan would reduce prices of commodities and reestablish confidence in the

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"Tableau des désordres et des malheurs qui agitent et menacent la Louisiane," Louisiana, undated and anonymous, AC, C13C1; Villiers, Dernières années, 98; Kerlérec to the Minister, New Orleans, December 3, 1758, AC, C13A40; Kerlérec to the Minister, New Orleans, September 25, 1758, ibid.; and Gayarré, Louisiana, II, 84-88.

Surrey, Commerce, 143; and Rochemore to the Minister, New Orleans, August 17, 1758, AC, C13A40.

Gayarré, Louisiana, II, 84-85; Rochemore to the Minister, New Orleans, August 17, 1758, AC, C13A40; and Surrey, Commerce, 143-144.
colonial currency. For his plan to succeed, there must be no resorting to treasury notes except under absolute necessity. Whether or nor his suggestion was sound, the crown already disenchanted with his work, totally ignored his proposal. However, the crown did not ignore Rochemore's unauthorized emission of paper in 1758. On January 19, 1759, the home government strongly reprimanded the "ordonnateur" for violating the instructions given him before leaving France for his post in Louisiana. Rochemore, as Michel had done earlier, violated an exclusive royal privilege. Because of this and in addition to his failure to consult the governor, who most likely would have disapproved of the plan, Versailles pronounced the whole affair as an unexcusable blunder and ordered the recall of all the paper in question for redemption in bills of exchange. Finally, because of Michel's earlier blunder and Rochemore's recent one, the "ordonnateur" was ordered to furnish two semi-annual reports on the financial condition of the colony and quarterly reports on bills of exchange issued on the French treasury.

It was clear that the financial state of Louisiana was deteriorating. On February 25, 1759, Governor Kerlérec informed the crown of the deplorable financial situation. In another

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63 Rochemore to the Minister, New Orleans, January 2, 1759, AC, C13A41; and Surrey, Commerce, 144.

64 The Minister to Rochemore, Versailles, January 19, 1759, AC, B109; and Surrey, Commerce, 144-145.

65 Kerlérec to the Minister, New Orleans, February 25, 1759, AC, C13A41.
letter on June 25, 1759, Kerlérec asserted that of 1,995,000 livres in bills of exchange only about 200,000 were issued according to the dictates of the home government. The rest was in speculation sold between fifteen and eighteen per cent profit to merchants who made up the difference by raising the prices of their merchandise. Kerlérec also accused the treasurer of New Orleans, who in addition to his fiscal responsibility was in charge of munition, of provisioning royal ships with supplies from the royal warehouses amounting to 200,000 livres and then drawing on the French treasury a bill of exchange of the same amount, thus costing the crown 400,000 livres. Finally, the bills of exchange were sold to speculators at a profit. The "ordonnateur", defending the official under him, denied the allegation. However, in spite of Rochemore's family influence at Versailles, the crown responded to Kerlérec's reports. On August 29, 1759, it decided to recall Rochemore.

"Your antipathy for Governor Kerlérec and a disregard for all the wise council he gave you on your arrival in the province; your haste, in spite of his advice, to call in all the treasury notes and to draw that year more than 1,800,000 livres in bills of exchange on the French treasury...for these reasons and for many more, founded upon your unsociable nature and incompatibility with the colonial service...the crown has decided to recall you to France."  

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66 Surrey, Commerce, 145; and Kerlérec to the Minister, New Orleans, June 25, 1759, AC, C13A41.

67 The Minister to Rochemore, Versailles, August 29, 1759, AC, B109; and Surrey, Commerce, 146.
Family influence at Versailles prevented the implementation of this order. Thus Rochemore stayed on to harass Kerlérec to the detriment of the colony. One is led to believe that Rochemore, fully aware of France’s disenchantment with Louisiana and her involvement in a death struggle with England over colonies, took advantage of the situation for personal gains. Kerlérec's only course was to point out the administrative abuses of Rochemore to Versailles. In a letter dated October 8, 1759, the governor accused the "ordonnateur" of selling merchandise destined as Indian presents from the king's warehouses. The goods were sold at lower prices to Rochemore's supporters who resold them at a 500 to 600 per cent profit. Thus the "ordonnateur" shared in the gains and at the same time could show the governor a balanced budget. Kerlérec further accused Rochemore of jobbing in merchandise in order to control prices. The dealings of Rochemore were common knowledge. Public resentment against such irregularities was increasing daily. Unless one belonged to the Rochemore clique, it was difficult for an official to find bills of exchange. Such methods encouraged speculation to eat away at the social fibers of the colonial society. An appointee of the "ordonnateur" sold bills of exchange in New Orleans at fifteen

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68 Gayarré, Louisiana, II, 86-87; Villiers, Dernières années, 140-141; and Surrey, Commerce, 146.

69 Kerlérec to the Minister, New Orleans, October 8, 1759, AC, C13A41; and Surrey, Commerce, 146-147.
per cent profit. The crown, informed of Rochemore's abuses, demanded a full report on his administration and explanation on how his secretary, Belot, had amassed 40,000 livres in less than a year without Rochemore's intrigue.

Rochemore, in a letter to Versailles on October 12, 1759, explained his recall of treasury notes. He stated that Michel and Vaudreuil had resorted to the same expedient but ignored the accusations of Kerléréc and others. Even Rochemore admitted that speculation in bills of exchange had become an established business to the point of rendering the treasury notes worthless. The existing conditions in the royal treasury of the home government did not help the financial disorder of Louisiana. The French treasury nearly bankrupt, suspended payment of bills of exchange on October 15, 1759, and informed the officials in Louisiana that it was no longer able to send the required supplies. Kerléréc, who by the end of 1759 was almost in full charge of the finances, was instructed to draw bills of exchange.

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70 Ibid.
71 Ibid.
72 Rochemore to the Minister, New Orleans, October 12, 1759, AC, C13A41; and Surrey, Commerce, 147-148.
73 Ibid.
74 The Minister to Kerléréc, Versailles, October 15, 1759, AC, C13A41; and Surrey, Commerce, 148.
only for the most pressing expenses and to hold the confidence of the royal government.\(^{75}\)

In the light of this, the financial outlook of Louisiana was most discouraging in 1760. Though disheartened by the situation, Governor Kerlérec continued his efforts to rid the colony of Rochemore's abuses.\(^{76}\) Rochemore began his administration with 596,000 livres in 1758. In October, 1759, Rochemore had drawn 6,687,850 livres in bills of exchange much of it borrowed on the allowances of 1759 and 1760.\(^{77}\)

In 1760, the bitter struggle between Kerlérec and Rochemore reached a climax. Amid cries of "Vive le roi et Monsieur le gouverneur," Kerlérec, supported by troops, entered the "ordonnateur's" house and seized the merchandise. The "ordonnateur" realized his term of office was nearly at an end. Surrey describes his situation:

Rochemore, a man of less than mediocre ability, deprived of his best political supporters by this time, fearful of being murdered, was unable, henceforward, to carry on extensively his evil practices in the administration of the finances of the province. Kerlérec was practically in full control.\(^{78}\)

\(^{75}\)Ibid.

\(^{76}\)The Minister to Kerlérec, Versailles, May 21, 1759, AC, B109; the Minister to Kerlérec and Rochemore, Versailles, January 19, 1759, ibid.; Gayarré, Louisiana, II, 84; and Surrey, Commerce, 148.

\(^{77}\)Surrey, Commerce, 148-149.

\(^{78}\)Ibid., 149; and Villiers, Dernières années, 94.
Kerléréc then formulated an elaborate plan to improve the finances of the colony. Although his proposal might have relieved the financial situation, the crown did not order its enforcement.

When Foucault became acting "ordonnateur" on May 20, 1760, he was forced to buy supplies for the troops at high prices since the warehouses were empty. Abuses were everywhere. Speculation was rampant. Irregularities in the management of finances increased daily. The governor on July 7, 1761, wrote that "France is to be pitied if it cannot find an 'ordonnateur' to succeed Rochemore." Before the end of 1761, the French government appointed D'Abbadie "commissaire ordonnateur" of Louisiana to replace Foucault. The new "ordonnateur" received detailed instructions. The crown, on the matter of finances, permitted D'Abbadie to draw 600,000 livres in bills of exchange for the present expenses of which 250,000 were to buy urgent supplies from Vera Cruz and Campeche and the rest to purchase provisions from France. However, no bills of exchange would be redeemed without an accompanying report explaining the purpose. Moreover, to restore confidence in the currency, the "ordonnateur" was ordered to evaluate the exact amount of paper in circulation and send the statement, signed by the "ordonnateur", governor and comptroller, to

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78 Surrey, Commerce, 151; and Villiers, Dernières années, 144-145.

80 Kerléréc to the Minister, New Orleans, July 7, 1761; AC, C13A42; and quoted in Surrey, Commerce, 151.
Versailles. The crown intended to retire the paper for silver. D'Abbadie was commanded to act in conjunction with the governor and comptroller of New Orleans.\textsuperscript{81} One must look into the finances of the Spanish regime in order to evaluate D'Abbadie's performance.

In summary, the lack of an adequate amount of specie was probably the main impediment to financial stability and commercial development in Louisiana. The result was a run away inflation and concomitant speculation, both of which kept the finances of the colony close to chaos. Thus, the consistently uncertain state of colonial finance made commerce with Louisiana unattractive. With the exception of brief periods of active contraband trade with Spanish colonies and the flow of Spanish silver to New Orleans occasioned by European wars, French Louisiana was poorly supplied with specie from France. In fact, the colony received only minimal financial support from the home government. The specie which France sent to the colony and the Spanish silver which found its way to New Orleans immediately left in payments for supplies.

From time to time France attempted to ameliorate the financial situation of the colony; but the measures adopted proved to be expedients. France could have improved the finances either by increasing the purchase of Louisiana products or by pouring large sums of money into the colony or both. But the

\textsuperscript{81}Surrey, \textit{Commerce}, 152-153.
crown was unwilling or unable to do this. Instead it blundered creating a financial chaos and it blamed the "ordonnateurs" for maladministration. It is true that bitter quarrels between "ordonnateurs" and governors and abuses such as those of Rochemore did not help the financial situation. The main responsibility for the disorder stemmed from Versailles.

It is evident from the correspondence that the position of "ordonnateur" in the question of finances was the more critical one. Since funds were a constant problem, the fiscal official held the more difficult task. The "ordonnateurs" did surprisingly well considering what they had to work with, for even the most conscientious could do little to improve the financial situation if there was little help from Versailles. His work was however, more rewarding in the judicial realm.
CHAPTER VIII

THE "COMMISSAIRE ORDONNATEUR" AND JUSTICE

Civil government began in Louisiana in 1712 with Antoine Crozat. The establishment of civil government and the enactment of the "Coutumes de Paris" for its guidance was the beginning of legal institutions in Louisiana.¹ For the administration of the "Coutumes" a law court called the Superior Council was established. The two most important legal officers were the first councillor or presiding judge, the "commissaire ordonnateur", and the "procureur général", who was both the lawyer for the people and legal advisor to the government.² The other members of the Superior Council were residents usually influential and of means.

The powers and duties of the "commissaire ordonnateur" in the judicial realm can be divided into general and special duties.³ The "ordonnateur" by the terms of his commission as first councillor was charged with the general supervision of colonial justice. The power of appointing or removing judicial officers was not vested in

¹Henry Plauché Dart, "Courts and Law in Colonial Louisiana," LHQ, IV (July, 1921), 259.
²Ibid., 261.
³The format of the division comes from W. B. Munro, "Office of Intendant," 27-29.
his hands or those of the governor. The crown reserved this right. 

However, the "commissaire ordonnateur" and the governor nominated 
in common individuals for the position of councillor to the 
Superior Council. The "ordonnateur" was instructed to closely 
supervise the judicial officials and empowered to intervene to 
prevent miscarriage of justice.4 This was not always an easy task 
since the councillors were not responsible to him or to the 
governor. When a councillor was on good terms with the governor 
and/or with the Council it was difficult for the "ordonnateur" to 
control him. On the other hand, the opposite was to his advantage. 
The "commissaire ordonnateur" as first councillor was empowered to 
call litigation before him or have the "procureur général" call a 

case before the Superior Council. But then, the "procureur 
général" did not always cooperate.5

The special judicial powers of the "ordonnateur" were more 
definite. The "ordonnateur" took cognizance of all criminal cases, 
especially those which the crown considered serious such as treason, 
sedition, and counterfeiting.6 In addition, the "ordonnateur" 
judged all contestations related to commerce and property. The 
latter occupied much of his time because the careless manner of

4See instructions on page 105.
5Munro, "Office of Intendant," 27-29.
6Ibid.
land distribution and the loose definition of property rights invited disputes among the colonists.\(^7\)

To reiterate, as expressly stated in the instructions to the governors and "commissaires ordonnateurs", the administration of justice was the particular concern of the "ordonnateur". The governor was not to interfere with the administration of justice except when called upon to execute its judgments. Both were ordered to supervise the officials under their charge in the Superior Council, to jointly render an account of their conduct and submit names for replacement in case of death or resignation. But what concerned the governor in particular with regard to the Superior Council was that the administrative military officers should give the civil judicial officers the respect due their office and that the colonists should maintain the same posture. Furthermore, since the crown entrusted the Superior Council with authority to render justice to its subjects, the councillors were to have complete freedom in this endeavor.\(^8\) However, the practical side of judicial administration was somewhat different from what was prescribed by Versailles.

The procedure was rather simple. There were no lawyers in French Louisiana except for the first councillor and the "procureur général". A plaintiff seeking justice, entered the office of the

\(^7\)Ibid.

"procureur général" who, depending on his evaluation, advised the plaintiff to see the clerk of the Superior Council. The clerk then wrote out a petition which was signed by the plaintiff and witnessed by the clerk. "If it was an issue of fact or any kind that required attention," the first councillor endorsed it thereby permitting the petition to be filed. It seemed the clerk did not have that prerogative.

The petition filed, orders were given by the "procureur général" to service it and for the defendant to appear. Meanwhile, the sheriff of the court took the petition to the defendant and presented him with a copy. The sheriff then endorsed the original copy saying in effect:

"I certify that I took the petition and the order in this case to John Smith...; that I read to him the contents of this petition, in order that he might not say hereafter that he did not know what it was, and that I then left a copy of the same with him. In testimony of all of which I am making and signing this return."

The defendant, thus ordered to appear in court, went to the "procureur général" or to the clerk to present his defense which

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10Ibid.

11Ibid.

12Ibid., 264-265.

13Quoted in ibid., 265.
was then written out and signed in a similar fashion. The hearing soon followed.\textsuperscript{14} This was the normal procedure.

There is no evidence however, of a formal trial. The councillors along with the two lawyers of the Superior Council, the first councillor and the "procureur général", usually sat around a table and settled the matter after hearing the quarrel of "their friends and neighbors."\textsuperscript{15} For more serious cases both the prosecution and defense presented their views in writing; usually the clerk prepared each version. Sometimes the "procureur général" prepared one and the clerk the other.\textsuperscript{16} As stipulated by the Edict of 1716 concerning the Superior Council, civil cases required that three judges agree while five must agree in criminal cases.\textsuperscript{17}

For criminal cases, the "procureur général" initiated the prosecution by an inquiry into or an investigation of the facts. The accused was then confronted by a written report of the testimony. The accused, detained in jail and subject to interrogation, was without legal assistance. Though he could deny the evidence and confront the accusing witnesses, he could not attend the trial or cross-examine. There was no jury; the case was decided by the Superior Council after the "procureur général"

\textsuperscript{14}Ibid.

\textsuperscript{15}Ibid.

\textsuperscript{16}Ibid.

\textsuperscript{17}See "Projet de lettre patente...l'établissement du conseil supérieur," Versailles, October 1, 1731, AC, C13A13; and Dart, "Legal Institutions," 82-84.
read the evidence. Since there were no appeal, the judgment or sentence was executed immediately.18

A look at the "Records of the Superior Council" reveals the nature of its work, the numerous reasons for which the colonists called upon the Council, the nature of colonial society, and last but not least, the extent of the judicial duties and power of the "commissaire ordonnateur" in the Superior Council and in the colony.18 For one thing, the records show that the Superior


18Petition of recovery, summons to pay claim, summons to reverse a trade in slaves, court orders, decisions in civil suits, petition for auction of house, petition to transfer contract, summons in boat suit, petition for transfer of seized funds, petition for annulment of seizure, petition in opposition, sale of house, inquest ordered, summons to testify, petition for collaboration in closing account, petition to fulfill contract, summons for hearing, petition for new marriage contract, decision on marriage contract, petition for action of redress, petition in suit of libel, summons of witnesses in libel suit, testimony in libel suit, petition for inventory of legacy, petition to collect, petition to attach property, sale of real estate, seals placed on property, petition to sue against false witness, petition for voiding of contract, petition for appointment of trustee, petition to receive legacy, petition for old right of way, attachment of goods, funds, contract of service and mutual profit, petition for loan, petition to marry, petition to evict, petition over pipes, statement of account, petition to waive hearing, petition to sell house, report on Gentilly Road, petition to occupy, petition to cite before court at New Orleans, summons in eviction suit, petition to cancel sale, power of attorney, decision in sundry suits, testimony in defamation suit, petition for open road, summons to deliver papers, Attorney General's decision over the Gentilley Road, inventory of personal effects, sale of surviving effects, petition for appointment of guardian, defendant's acknowledgement of pleading, seizure of short measures, defense in disputed marriage contract, and petition for just judgment.
Council was the center of legal activities in French Louisiana and that the "commissaire ordonnateur" had extensive legal and judicial powers over matters settled by and in the Council.\textsuperscript{20} By virtue of his commissions of "ordonnateur" of Louisiana and first councillor to the Superior Council, the "ordonnateur" was the source of all power in deciding ordinary quarrels and disputes and over all aspects of life, welfare, and property of the colonists.\textsuperscript{21} For instance, most of the petitions and decisions were signed and summons ordered by the "ordonnateur". Furthermore, the "ordonnateur" seemed to control the sale, purchase, auction, and occupancy of houses and had similar power over property. For example, here is how a petition to occupy was registered in the Superior Council on May 25, 1725:

\begin{quote}
Antoine de La Boublaye has acquired a plantation on the Mississippi from Caron, baker, but it appears that no real estate can be sold without the Council's good pleasure. May it please the Council to approve the transfer in question, so that the petitioner may enjoy his acquisition. Approved on condition that the proceeds be consigned to Company's treasury for payment of Caron's debt.\textsuperscript{22}
\end{quote}

In another petition to sell a house registered on May 30, 1725, one finds the following:

\begin{quote}
\end{quote}
Undersigned Hebert, Canadian, being about to start for Illinois, asks permission to sell a house of his in this town to a private party, in case the Company needs it not. Granted on condition of his leaving half of the proceeds to the treasury. He may use the other half for his trip, "although he owes much to the Company."23

The petitions used after the departure of the Company of the Indies indicate the greater authority of the "ordonnateur": petition to Superior Council to sell a house, permit for sale signed by Salmon, October 21, 1726; petition to Salmon for permit to sell a plantation, permit signed by Salmon, no date; petition to Salmon for permit to sell a house, August 12, 1736; petition to Salmon for permit to sell a house, signed by Salmon, February 9, 1736; petition to Superior Council for permit to sell a house, permit signed by Salmon, January 15, 1736; petition to Salmon for permit to sell a lot, January 24, 1735; and petition to sell a house, permit signed by Salmon, October 7, 1735.24

Moreover, as the first judge of the superior court, the "ordonnateur" dispatched judges to distant posts or empowered local commanders where they held court and represented the Superior Council of New Orleans. Appeals from their decisions returned to the Superior Council for final review.25

23Ibid., 331.
24See ibid., VIII, 119, 120, 143, 278, 480, 485-486, and 676.
Sometimes it was necessary for the "commissaire ordonnateur" to form special courts to hear cases not defined in his instructions and or of unusual nature. In October, 1741, there arose an argument between a ship owner and his captain over the repair of the ship. The threatened ship owner laid the whole affair before Salmon who soon realized that it was not an ordinary lawsuit between two visitors to the colony but one of a more important jurisdiction — the admiralty. The adjudication of maritime matters was usually decided by special royal judges. After consulting "procureur général" Fleisau on the subject, Salmon, acting as an admiralty court, heard the case.

An earlier special court was created at the beginning of 1734. On February 16, 1734, Salmon was given extra judicial power to terminate and decide all the disputes between the Company of the Indies and the colonists. Two judges, appointed by the "ordonnateur", were to assist him.

The practical side of justice was influenced and conditioned by the relationship between the governor and "commissaire ordonnateur" and by the factions in the Superior Council, usually the civilian and military. Sometimes a governor exceeded his powers in attempting to have his way in the Superior Council. On January 15,

27Ibid.
28Maurepas to Salmon, Versailles, February 16, 1734, AC, B61.
1733, Salmon informed the Minister that Governor Perier attempted to have two councillors, D'Ausseville and Prat, removed from the Superior Council. The "ordonnateur" adhering to Versailles' advice of harmony with the governor, went along with the chief administrator while Fleuriau, the "procureur général", openly opposed the governor on the grounds that he had no right to interfere with the judicial officers. Thereupon a major controversy developed in the Council. Perier was soon recalled. There is no doubt that one of the main reasons for the crown's action was his attempt to unduly influence the councillors. While some governors were outright despots at times others were shrewd leaders of cliques.

"Ordonnateur" Michel gave a vivid account of the conflicts between civilian and military factions in the Superior Council which plagued the colony from time to time. One might add, however, that it was especially pronounced during Michel's administration. On May 15, 1751, Michel complained to Versailles that Ensign Duplessy, appointed by Governor Vaudreuil to command at the English Turn, ill-treated Carrière, a civilian store-keeper. The "ordonnateur" immediately sided with his appointee while Vaudreuil accused the civilian of disrespect to a military officer. Michel was determined to teach the military a lesson. To add fuel to the

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29 Salmon to Maurepas, New Orleans, January 15, 1733, AC, C13A17; and Salmon to Maurepas, New Orleans, February 19, 1733, ibid.

30 Michel to Rouillé, New Orleans, July 15, 1751, AC, C13A35; Frégault, Vaudreuil, 297; and Gayarré, Louisiana, II, 57.
flame, the Duplessy affair was followed by a more serious one, the Derneville affair. It involved a military officer, Captain Pierre Henry Derneville, the son-in-law of "procureur général" Fleuriau and a civilian named Battar. According to Michel, both the father and son-in-law attempted to cheat Battar in connection with the sale of a mulatta belonging to Derneville. On the other hand, the attitude of the "ordonnateur" in publicly siding with Battar was most incompatible with his position as chief judicial officer. It was difficult for Derneville to find someone to defend him in the Superior Council.31 Because of the inflamed nature of the case, both the "ordonnateur" and "procureur général" removed themselves from judging the case and since councillor Kernion was sick, the decision was left to Vaudreuil, Major D'Auberville, Roguet, friend of Fleuriau, Le Breton, and Lalande. In order to decrease the number of judges, the military clique summarily decided not to use the services of Le Breton, acting "procureur général". Thus, the military controlled the judgment.32 Michel openly expressed his indignition:

This is how justice is administered here and will always be as such as long as the military forms part of the superior Council. Everywhere else and even in the Councils with twelve councillors only the governor has a voice in the Council. But not in Louisiana. Here where there are but four


32 Michel to Rouillé, New Orleans, July 15, 1751, AC, C13A35.
councillors and or assessors, the governor, the royal lieutenant, and major are always in accord when a military affair arises. If the number of military officers is not sufficient to swing the decision in their favor, it is not difficult for them to influence some of the other councillors. The governor of this colony is like a golden calf, adored by all. The governor is invested with all authority whom nobody dares to displease. And besides his military powers, he nominates in common with the "ordonnateur" subjects for the Superior Council. His choice always prevails. The governor enjoys all the privileges of the time of the Company of the Indies. Thus, supported by the military and favored by the councillors, who dare not displease him, the governor can always tilt the scale in his favor.

The end result is that, unfamiliar with the laws and "Coutumes de Paris", they judge and decide on sight and influence others to the detriment of the colonists and strangers who are forced to bow to the tiranical military officers. For when one says officer, everyone trembles. Furthermore, when a military officer has any misunderstanding with a civilian the former never fails to exclaim: "Are you aware that you are speaking to an officer?" If by chance, the dispute comes before the "ordonnateur", the defense may be summed up in these words: "What! Sir! he dares thus speak to, or thus act toward an officer!" and although the officer may be in the wrong, judgment is always given against his adversary, because the military influence is predominant in the Council through the governor, the major, and the governor's flatterers.33

Needless to say, regardless of who was to blame, when the Council was thusly divided, justice suffered.

33Ibid.; and Gayarré, Louisiana, II, 57.
The instructions to the "commissaires ordonnateurs" indicate that justice was badly administered in French Louisiana.34 This was not always the fault of colonial officials. As French rule neared its end, there was a parallel between the progressive neglect of the colony and decline of the Superior Council. For many years positions of councillors remained vacant. On October 5, 1758, of the four councillors prescribed by the Edict of May 22, 1731, for the Superior Council in addition to the "ordonnateur", there remained only Fontenette duly appointed and commissioned by the crown.35 The office of "procureur général" had been vacant for six years. Meanwhile, Roguet was acting "procureur général". Kernion, Lalande, and Lafrenière were acting councillors. Governor Kerlérec and "ordonnateur" Rochemore urged the home government to fill these positions as quickly as possible for the sake of justice.36

In 1760, Kerlérec informed Versailles that since the death of Roguet, there was not one single titular councillor in the Superior Council; Lalande, Kernion, and La Chaise were still without appointments.37 Finally, Versailles filled the positions on January 18, 1762.38

34See for example "Mémoire pour servir d'instruction à M Bobé-Descloseaux commissaire de la marine faisant fonctions d'ordonnateur à la Louisiane," Versailles, October, 1759, AC, C13AB1.

35Kerlérec and Rochemore to the Minister, New Orleans, October 5, 1758, AC, C13A40.

36Ibid.

37Villiers, Dernières années, 112.

38The Minister to Kerlérec and D'Abbadie, Versailles, January 18, 1762, AC, B114.
In spite of the views to the contrary held by Versailles, justice in the hands of the "commissaire ordonnateur" was well administered. In the context of the times, the ordinary legal needs of the colonists were met. The "ordonnateur" rendered greater service to the colonists in this area probably because he possessed a freedom of action which he did not enjoy in other spheres of colonial administration.
CHAPTER IX

CONCLUSION

It was eighteenth century France with its mercantilistic economic system and a colonial policy whose basic tenet was that colonies existed for the mother country which attempted to hold the vast and nascent colony of Louisiana. France had neither the material nor the moral resources to colonize Louisiana, resources which had enabled her to conduct with more success the colonization of New France and the French islands. Be that as it may, France had two main interests in the lower Mississippi: to prevent a foreign foothold at the mouth of the Mississippi and to realize commercial gains at Spain's expense. The latter did not materialize and the colony became a financial liability. Louisiana received special attention at times, such as during Governor Vaudreuil's administration. But this is explained by the changing diplomatic situation in Europe with its repercussion in the New World. Because of the Bourbon dynasty, the Family Compact, and the rising threat of her hereditary enemy, France was forced to retain Louisiana. The colony was neglected. But then, France could not give what she did not have, what she vitally needed elsewhere. It was a matter of priority. In short, Louisiana was the victim of the international events of the times and became a
pawn on the diplomatic chessboard of Europe. French Louisiana was
never conquered by arms. The fate of its population and immense
territory was decided in Europe. In 1762, union with Spain was
more important than Louisiana and other French possessions of
the New World.

Meanwhile, between 1731 and 1763, colonial administrators
strove to implement the designs of the home government. One of the
two most important administrators was the "commissaire ordonnateur".
Because of his financial responsibility, the "ordonnateur" often
bore the brunt of the crown's failures in the colony. An
examination of the origin and nature of the office reveals the
important role played by the "commissaire ordonnateur" in the
colonial government. It is evident that none of the fiscal and
judicial officials of French Louisiana was commissioned as an
intendant of finance, justice, and police.

The political authority of the colony was shared by a
governor and "commissaire ordonnateur". The former was charged
with the military duties and the latter with royal finances and
commerce, while general administration of the colony was the
common concern of both. However, conflict of personalities played
a disruptive role in French Louisiana because rivalry was ever
inherent between military and civilian officials whom the French
crown invested with dual authority. The basic reason for this
conflict lies, however, not in Louisiana but in Versailles, in
the mechanism of the colonial administration. Every colonial
administrator found himself, at one time or another, in the predicament of defending his position in the eyes of his superiors in France. But, with family influence at Versailles and a display of political ability in the colony a governor or "commissaire ordonnateur" survived and advanced in the system. Though the governor and "commissaire ordonnateur" were often at odds, they did agree for the most part on the general policies of public administration, such as population, agriculture, and commerce.

However, the history of commerce of French Louisiana is in general a tragic one. The growth of the colony depended on the development of a stable trade with France, the French islands, and especially with the Spanish colonies. But there was always at least one ingredient lacking for the realization of stable commercial activities. When ships were available, there were either no products or not enough with which to carry on trade. On the other hand, when a supply of Louisiana products was available, war or commercial restrictions imposed by the crown hampered trade. Without the contraband trade with the Spanish colonies, Louisiana would not have enjoyed even those few periods of prosperity which she had. But the financial problem was ever present. The colony was consistently plagued with lack of silver, inflation, and speculation.

The scarcity of specie was probably the main impediment to financial stability and commercial development in Louisiana. The result was a run away inflation and concomitant speculation, both
of which kept the finances of the colony near chaos. Thus, the constant uncertain state of colonial finance made commerce with Louisiana unattractive. With the exception of brief periods of active contraband trade with Spanish colonies and the consequent flow of Spanish silver to New Orleans, French Louisiana was poorly supplied with specie. The colony received only minimal financial support from the home government. Besides, the specie which France sent to Louisiana and the Spanish silver which found its way to New Orleans immediately left in payments for supplies.

At times France attempted to ameliorate the financial situation of the colony. However, the measures taken proved to be mere expedients. The home government might have improved the finances either by increasing purchase of Louisiana products or by pouring large sums of money into the colony or both. But France was unwilling or not in a position to do so. Instead, the crown adopted halfway measures, creating a financial chaos for which the "ordonnateur" was blamed. The bitter quarrels between "ordonnateurs" and governors and abuses, such as those of Rochemore, did not help the financial situation. But the major responsibility for the disorders stemmed from Versailles. It is evident from the correspondence that the position of "ordonnateur" in the question of finances was the more critical one. Since funds were a constant problem, the fiscal official held the more difficult task to perform. But the "ordonnateurs" did surprisingly well considering what they had to work with, for even the most conscientious could
do little to improve the financial situation if there was little assistance from Versailles.

In the judicial realm, in spite of the views to the contrary held by Versailles, justice in the hands of the "ordonnateur" was well administered. In the context of the times, the ordinary legal needs of the colonists were met. The "ordonnateur" rendered greater service to the colonists in this area probably because he possessed a freedom of action which he did not enjoy in other spheres of colonial administration.

The "commissaire ordonnateur" was an indispensable figure, though not an intendant of finance, justice, and police, in the administration of an area which was a pawn for the French crown on the diplomatic chessboard of Europe.
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Série B: This series contains letters, orders and "mémoires" dispatched by the Ministry of Marine to colonial administrators. The following "registres" were consulted: B25(1704), 27(1705-1706), 34(1712), 35(1713), 38(1715-1716), 39(1717), 40(1718), 41(1719), 42(1720), 42-I(1712-1721), 43-II(1721-1731), 44(1721), 45(1722), 47(1724), 48(1725), 49(1726), 55(1731), 57(1732), 59(1733), 61(1734), 63(1735), 64(1736), 65(1737), 66(1738), 68(1739), 70(1740), 72(1741), 74(1742), 76(1743), 78(1744), 81(1745), 83(1746), 85(1747), 87(1748), 89(1749), 91(1750), 93(1751), 95(1752), 97(1753), 99(1754), 101(1755), 103(1756), 105(1757), 107(1758), 109(1759), 111(1760-1761), 114(1762), 116(1763), 119(1764), 121(1765), 123(1766), and 132(1769).

Série C: C13A: Correspondance général, Louisiane. This series is very important for the history of French Louisiana. It contains, in addition to the annual budget of the colony, the common letters of the governors and "commissaires ordonnateurs", their
particular correspondence, and those of other civil and military officials. The author consulted C13A1 to 44: Louisiana from its beginning up through 1763; C13B1(1699-1773) and C13C1(1767), 2(1699-1724), 3(1675-1736), and 4(1718-1731). Both C13B and C contain documents omitted from C13A.

Série D2D: D2D10: Personnel militaire et civil, listes générales Louisiane, 1716-1803; and D2C50: Troupes de colonies, Louisiane: états-majors et généraux(1717-1803); compagnies détachées (1694-1793).

Série E: Dossier personnel.

Série F: F3: Collection Moreau de Saint-Méry. F3 18, 19, and 20: Guadeloupe: historique(1635-1790); 24 and 25: Louisiane: description et historique(1680-1806); 26 to 41: Martinique: historique(1635-1803); 55 to 57: Sainte Lucie: historique (1605-1803); 67 to 72: Histoire des colonies: instructions aux administrateurs(1668-1788); 78 to 95: Colonies en général: répertoire; 241 to 243: Compilation of legal documents concerning Louisiana; and 285: Colonies anglaises, espagnoles, françaises, et Etats-Unis.

II. Archives de la Marine (AM)

Série C: C7: Dossier personnel.

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Joly de Fleury: Number 1726 is a long document entitled "Mémoire sur la Louisiane". This "mémoire" is believed to have been written or inspired by "commissaire ordonnateur" Le Normant.

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V I T A

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Major Field: Latin American Studies (History)

Title of Thesis: The Office of "Commissaire Ordonnateur" in French Louisiana, 1731-1763: A Study in French Colonial Administration

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Major Professor and Chairman

Dean of the Graduate School

EXAMINING COMMITTEE:

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Date of Examination:

May 11, 1972