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LETTERS, PETITIONS, AND DECREES OF THE CABILDO OF NEW ORLEANS, 1800-1803: EDITED AND TRANSLATED
VOLUME I

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 The Department of History

by
Ronald Rafael Morazán
B.A., Louisiana State University, 1967
M.A., Louisiana State University, 1969
August, 1972
ACKNOWLEDGMENTS

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From 1766 when the first Spanish governor arrived to 1803 when Spain retroceded the province known as Louisiana to France, Louisiana had had eleven governors. Three of them, however, Francisco Bouligny, Nicolás María Vidal, and the Marquis of Casa-Calvo, were provisional governors who assumed power or were temporarily appointed until the inauguration in 1801 of Don Juan Manuel de Salcedo, the officially appointed governor.

The Spanish institution of colonial government, more commonly known as the Cabildo or Ayuntamiento, was established in Louisiana in 1769 by Governor Don Alejandro O'Reilly. The Cabildo intimately affected the people of New Orleans because of its administrative, legislative, and judicial powers. It was a dynamic institution from 1769 to the middle of 1799. However, at this time, with the untimely death of Governor Don Manuel Gayoso de Lemos, the advent of provisional governors who acted with uncertainty, the economic situation of the province, the displacement of the planter class by the merchant-businessman class as the holders of the political and economic powers in the colony, and other factors, the Cabildo of New Orleans underwent a dramatic transformation from a dynamic to an obstructionist and inefficient institution.

The Cabildo of 1799-1803 was also the institution which most travelers and historians of Spanish Louisiana, under
the influence of the "Black Legend", have studied and have convinced themselves that everything Spanish was either decadent or inefficient. It is hoped that the manuscripts which the writer has laboriously transcribed, translated, and edited will contribute to the correction of this misunderstanding.

This is the most comprehensive work of this nature which has been edited and translated for the Spanish period in Louisiana. The writer had endeavored to combine the skills of an historian, a linguist, and a grammarian in order that each of the documents, even if taken out of context, would be self-explanatory with the aid of the numerous footnotes which narrate, describe, or analyze most of the personalities, events, places, institutions, and other matters to which reference is made in the documents. Furthermore, the writer has written a biographical sketch on each of the people mentioned in the documents. It is the sincere hope of the writer that these documents will be of some value to other students interested in the study of the institutions, local history, and genealogy of Spanish Louisiana.
INTRODUCTION

THE CABILDO

The Spanish institution of colonial local government, more commonly known as the Cabildo or Ayuntamiento, was also called Justicia and Regimiento. The initiative for the establishment of local government during the period of colonization came from the conquistador who pacified a new territory and founded a town. This was a necessary measure in order to survive in the wilderness, for an orderly and concentrated effort for protection against the unfriendly environment and for the gathering of food which was of paramount importance. A building was always designated to be exclusively used as a town hall; but, until it was constructed, the house of the conquistador, as it was done in Mexico by Cortés, or the Church was used.

The Cabildo of New Orleans was the Spanish colonial institution which had the greatest and longest lasting impact on the community. Its administrative, legislative, judicial, and regulatory functions intimately affected the

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3 Constantino Bayle, Los cabildos seculares en la América Española (Madrid, 1954), 326; Recopilación de Leyes de los Reinos de las Indias, (5th ed., Spain, 1841), Libro IV, Título IX, Leyes I-II.
everyday life of the people. It was in charge of regulating the prices of such goods as bread, meat, fish, rice, flour, and others, as well as insuring their quality and an adequate supply. It had the responsibility of maintaining public works such as the levees, the streets, the gutters, bridges, the lighting system, the fire department, the night patrol (serenos), the sanitation department, and public buildings like the Cabildo, the fish and meat market, the dance hall, the royal jail, and many others. It regulated the legal and medical professions, although it could not issue a license to practice, for that was the prerogative of the governor; however, the Cabildo certified the credentials of the applicants and administered, with the aid of qualified personnel, the examination to determine the competence of the prospective practitioner. Judicially, it annually elected two judges who were empowered to hear criminal and civil cases of first instance. Also, the Cabildo served as a court of appeals, in civil matters, of cases originating in the courts of the alcaldes or the governor. It collected and imposed taxes, granted monopolies and other favors, regulated the building code, and apportioned land which belonged to the municipality.

When Antonio de Ulloa received his commission appointing him as the first governor of Louisiana, the Royal Order stated that for the present Louisiana was to remain as a separate entity with no changes in its government
nor subject to the Laws of the Indies. Ulloa arrived in New Orleans on March 5, 1766, but did not take official possession of the province, as the French inhabitants were in a resentful mood, and he did not have sufficient troops to quash any major discontent that might develop. Gayarré best expressed the mood of the people when he wrote that "as Frenchmen, they felt that a deep wound had been inflicted on their pride by the severing in twain of Louisiana, and the distribution of its mutilated parts between England and Spain. As men, they felt the degradation of being bartered away as marketable objects; they felt their loss of national character and rights; and their humiliation of their sudden transformation into Spaniards or Englishmen without their consent. As colonists, as property owners, they were agitated by all the apprehension consequent upon a change of laws, manners, customs, habits and government." Ulloa offended the members of the French Superior Council, the institution of local government, by refusing to deal with it. Furthermore, the members of the Superior

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Council became apprehensive about the fate of their positions when it was learned that Ulloa had been advised in 1767 by both Bucareli and Grimaldi to abolish the Council and establish the Cabildo. Ulloa never was able to carry out the advice of his superiors for a conspiracy was organized by Nicolás Chauvin de Lafrénière, the Attorney General of the Superior Council; and Ulloa was forced to leave Louisiana.

On the night of August 16, 1769, Don Alejandro O'Reilly, Inspector General of Infantry, Governor and Captain General of the Province of Louisiana, arrived in New Orleans with a fleet of twenty-four ships and over two thousand troops. On the seventeenth he disembarked the troops and the following day officially took possession of Louisiana.

On November 25, 1769 Governor O'Reilly abolished the Superior Council for the complicity of its members in the conspiracy against Ulloa and established in its place the Cabildo. The following day he appointed Francisco María

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7 Ulloa to Bucareli, no. 37, August 28, 1767, in Kinnaird, Spain in the Mississippi Valley, II.


9 O'Reilly to Juan Gregorio de Munian, August 31, 1769, in Kinnaird, Spain in the Mississippi Valley, II, 90-92; Caughey, Galvez, 21-22; O'Reilly to Arriaga, August 31, 1769, in Manuel Serrano y Sans (ed.), Documentos Históricos de la Florida y la Luisiana: Siglo XVII al XVIII (Madrid, 1912), 304-312.

10 Proclamation of O'Reilly, November 25, 1769, in Kinnaird, Spain in the Mississippi Valley, 108.
Reggio, Pedro Francisco Olivier, Carlos Juan Bautista Fleuriau, José Ducros, Dyonisio Braud, and Antonio Bienvenu as the six perpetual regidores (councilmen), and Juan Bautista Garic as the Secretary of the Cabildo. On December 1, 1769 O'Reilly assembled the Cabildo at his house for the first time and administered the oath of office to the officers and officially turned over the political government to Don Luís de Unzaga, instructing him to preside over the Cabildo the following day. On the day Governor Unzaga presided, the Cabildo held its first elections and elected two alcaldes ordinarios (judges), a síndico procurador general (attorney general), and a mayordomo de propios (city treasurer).

There were two types of officers in the Cabildo---regidores who were in charge of the administrative and legislative matters and the alcaldes ordinarios (magistrates) who were in charge of judicial matters.

**ADMINISTRATIVE AND LEGISLATIVE OFFICERS**

The number of regidores permitted to each Cabildo varied according to the status of the settlement. Since

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12 O'Reilly to Arriaga, December 10, 1769 in Kinnaird, *Spain in the Mississippi Valley*, II, 132.

the population of Louisiana at the time of O'Reilly only consisted of about thirteen thousand inhabitants, the Cabildo of New Orleans received the minimum of regidores until 1797 when the number was increased to twelve. These regidores were vested with other lucrative and remunerative offices, as well as the administrative and legislative functions of the Cabildo.

The first regidor received the office of alférez real (royal standard bearer), which was the highest in rank and the most prestigious. Besides receiving a larger salary, the alférez real administered the oath of office and assumed the duties and office of the alcalde ordinario, if he were to die or resign from office.

The second regidor had vested upon him the office of receptor de penas (receiver of judicial fines). The officer was in charge of collecting all of the fines imposed by the

Colonial Municipalities," Louisiana Historical Quarterly, V (April, 1922), 129. This article was reprinted from the California Law Review.

14 Davis, Louisiana, 104.

15 Haring, The Spanish Empire, 151; Peter Marzahl, "The Cabildo of Popayán; Local Institutions and Local Societies," (A paper presented at the Southern Historical Association Meeting at Houston on November 20, 1971 with Professor John Preston Moore as Commentator); Recopilación, Libro IV, Título X, Ley IV.

16 John Preston Moore, The Cabildo in Peru Under the Bourbons; A Study in the Decline and Resurgence of Local Government in the Audiencia of Lima, 1700-1824 (Durham, 1966), 88; Recopilación, Libro V, Título III, Ley XIII; Proclamation of O'Reilly, Kinnaird, Spain in the Mississippi Valley, II, 111.
alcaldes ordinarios of the Cabildo. He not only had to enter all the fines he collected in his own book of accounts but also had to register them with the secretary of the Cabildo, whose account book had to be signed by the governor. Since the receptor handled money, he had to deposit a security bond in case malfeasance in office was discovered during the annual audit of the books. For his services, he received ten per cent of all the money collected. In New Orleans, the office became vacant in 1789 and was never reinstated, as the litigation was never resolved.

The third regidor was in possession of the office of depositario general (depositary general). Like the receiver of judicial fines, the depositario general had to keep an account book and put up a security bond in case of malfeasance. His duty was to guard all the money and other goods placed in the custody of the law and to be able to return them in the same kind whenever it was demanded of

17 Recopilación, Libro II, Título XXV, Ley I.
18 Ibid., Libro II, Título XXV, Ley XXIX.
19 Ibid., Libro II, Título XXV, Ley XXXVI.
21 Hodding Carter, Lower Mississippi (New York and Toronto, 1942), 93; Moore, Cabildo; Hapsburgs, 106.
22 Recopilación, Libro IV, Título X, Leyes XVIII, XXI; Proclamation of O'Reilly, November 25, 1769, in Kinnaird, Spain in the Mississippi Valley, II, 120.
him by the appropriate authorities.23 For his work, he received a commission of three per cent of the money and goods deposited in his care. During the American period, the office of the depositario was officially abolished, and its functions were assumed by the county sheriff.24

The fourth regidor was in possession of the office of alguacil mayor (chief constable).25 The alguacil was in charge of preserving the peace within the city and its immediate surroundings.26 He had the authority to hire a sufficient number of tenientes (assistants) to patrol the public places, both during the day and the night.27 He was also empowered to arrest anyone but could not release him without the permission of one of the judges or the governor.28 Also, the alguacil had the duty to execute the sentences and judgments rendered by the judges, including payments ordered, taking possession of goods for sale, imprisonments, and other penalties. Finally, he was in charge

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23Recopilación, Libro IV, Título X, Ley XX.


26Moore, Cabildo: Hapsburgs, 110-11.

27Recopilación, Libro II, Título XX, Leyes V, XXI.

28Ibid., Leyes XXIII, XXVIII; Proclamation of O'Reilly, November 25, 1769, in Kinnaird, Spain in the Mississippi Valley, II, 119.
of the jails and the jailors and other related employees.29

The fifth regidor was the fiel ejecutor (the inspector of weights and measures), but the officer was attached ex-officio to the Cabildo of New Orleans. He was in charge of regulating market prices and the supply of food.30 The first inspector was appointed in 1773 with a salary of twenty pesos. The regulations which the inspector had to follow were formalized by 1793, and at the same time permanent headquarters were established for him in the meat market.31 During the American period, the office of inspector of weights and measures continued, but it was no longer subject to the municipal council but to the authority of the mayor of New Orleans.32

The sixth regidor held the office of alcalde mayor provincial (chief provincial judge), who acted as a police chief and judge in the rural areas outside the city.33

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29Recopilación, Libro XX, Título II, Leyes XIII, XIV.

30Haring, The Spanish Empire, 151; Bayle, Los cabildos seculares, 208-10.


other Spanish colonies this officer was known as alcalde de la hermandad. The alcalde mayor provincial was empowered to arrest and try anyone who broke the law. There was no appeal of his decision. Furthermore, the alcalde mayor provincial had the responsibility of making the countryside safe for the benefit of travelers and had to make sure that transients could buy adequate provisions at fair prices from proprietors in the countryside throughout which they might travel.

By the time the Cabildo was introduced into Louisiana, all of the offices of regidor, including that of secretary of the Cabildo, were sold to the highest bidder, but subject to the approval of the governor. This practice started in 1559 when the Crown created the office of alférez real and empowered the governors to sell it to the highest bidder. In most cases the offices, particularly those of regidor, became hereditary and were held by a few families for generations, due to the Royal Order of 1690 which permitted the office holder to freely transfer the privilege to anyone whom he pleased. An example of this procedure was the

34 Recopilación, Libro VIII, Título XIII, Leyes IX, XVIII.
35 Ibid., Ley XV; Proclamation of O'Reilly, November 25, 1769, in Kinnaird, Spain in the Mississippi Valley, II, 116-18.
36 John H. Parry, The Sale of Public Office in the Spanish Indies under the Hapsburgs (Berkeley and Los Angeles, 1953), 12.
37 Moore, Cabildo: Bourbons, 59-60; Jenaro Artiles, "The
case of Don Andrés Almonaster y Rojas, who was the original purchaser of the office of alférez real in 1769 and held it until 1798 when he relinquished it on behalf of his brother-in-law, Don Pedro Denis de La Ronde.  

ELECTED OFFICERS

Besides the permanent regidores, the Cabildo annually elected other officers on the first day of January. It elected two alcaldes ordinarios, an attorney general, the city treasurer, syndics, ward commissioners, and two annual commissioners.

Alcaldes Ordinarios

The alcaldes ordinarios (judges) were empowered to try both civil and criminal cases of first instance, except cases involving military and church officials who enjoyed the privilege of being tried in their own courts. Furthermore, they could not interfere in any affairs related to the government. They heard cases that had to be


38 Actas del Cabildo, Libro IV, t. 2, ff. 145-48, June 8, 1798; Archivo General de Indias, Audiencia de Santo Domingo, legajo 2570, Salcedo to Caballero, no. 6, September 13, 1803; James F. Jameson (trans.), "Almonaster's Will," Louisiana Historical Quarterly, VI (January, 1923), 25; Grace King, Creole Families of New Orleans (New York, 1921), 305.


40 Ibid., Ley XI.
recorded at ten in the morning in the Cabildo building and verbal cases at their homes between the hours of seven and eight in the evening.\footnote{Henry E. Chambers, A History of Louisiana, 3 vols. (New York, 1925), I, 302-303;} Besides these judicial duties, the alcaldes ordinarios, accompanied by the alguacil mayor and the secretary of the Cabildo, had to inspect the jails. They were empowered to examine the prisoners and, after reviewing their cases, could release those detained for small debts.\footnote{Ibid., Libro VII, Título VII, Ley I;} An annual inspection of the jails was also required to be made by the alcaldes ordinarios, accompanied by the governor, on Christmas Eve, Easter, and Pentecost. At this time, they were empowered to release not only debtors, but also minor criminals.\footnote{Ibid., Libro VII, Título VII, Ley I;} Like the regidores, the alcaldes ordinarios were the only other officers who had a vote in the Cabildo.

The Cabildo, as a court of law, had cognizance in civil cases in appeals of sentences rendered by the courts of the alcaldes ordinarios or the governor, provided the sum did not exceed ninety thousand maravedís (about $330.).\footnote{Ibid., Libro V, Título XII, Ley XVII; Dart, "Courts and Law," 278.} The Cabildo would then appoint two regidores to sit with one
of the alcaldes ordinarios and judge the merits of the case. In criminal cases, as well as civil cases, which involved sums larger than the ninety thousand maravedís, appeals had to be made to the old Audiencia of Santo Domingo which had been transferred to Havana in 1781 and then moved to Puerto Príncipe of Cuba in 1797. Louisiana, however, received the right to transfer some of its cases to the Audiencia at Puerto Príncipe until 1802.

**Attorney General**

The attorney general (síndico procurador general) was annually elected by the Cabildo. He did not exercise the function of prosecutor, as does the present-day attorney general; rather, he was the "watchdog" of the welfare of the community and rendered his opinion on the problems and solutions of the municipality. Because he acted as an intermediary between the people and the local government, he is considered to be the last vestige of direct participation once enjoyed by the citizens through the process of an open town council meeting. Since he was the personification of

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45 Ibid., Libro IV, Título XVIII, Ley II.

46 AGI., Santo Domingo, leg. 2531, Consulta no. 28, August 14, 1800, ff. 573-82; Actas del Cabildo, Libro IV, t. 3, f. 193, July 11, 1800; Ibid., ff. 221-22, August 29, 1800; Ibid., t. 4, ff. 3-6, September 26, 1800; Haring, Spanish Empire, 79.

47 Recopilación, Libro IV, Título XI, Ley II.


49 Julio Alemparthe R., El Cabildo en Chile Colonial; xxxi
the people, the attorney general had to be a man of recognized ability, social prestige, and political influence. The office of síndico procurador general was abolished during the American period when Governor William C. C. Claiborne and the Territorial Legislative Council passed an act to appoint an attorney general who was to be versed in laws and perform the duties of a prosecutor.

City Treasurer

The municipal accounts were placed in the charge of the mayordomo de propios (city treasurer), whose duties were to collect the rents and taxes and to keep the receipts of all funds spent and collected; and, particularly in New Orleans, he was in charge of the lighting department. The mayordomo was annually elected by the Cabildo; but, in New Orleans, Juan de Castanedo held the position from 1793 until the end of the Spanish period. He petitioned the Crown to combine his office of regidor with that of the mayordomo, but the Crown refused on the grounds that corruption might ensue.

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Orígenes municipales de las repúblicas hispanoamericanas (Santiago, Chile, 1940), 64-65.

50 Lucas Alamán, Historia de México desde los primeros movimientos que preparan su Independencia en el año 1808 hasta la época presente, 5 vols. (Mexico, 1849-1852), I, 581.


52 Actas del Cabildo, Libro IV, t. 1, ff. 65-68, November 13, 1795; Ibid., ff. 74-75, December 11, 1795; AGI, Santo Domingo, leg. 2529, Royal Cédula no. 5, f. 9, May 18, 1799.
The mayordomo was allowed one and one-half per cent of the total amount collected. However, in New Orleans, he was given five per cent, because the Cabildo could not find anyone else to do it for less.\textsuperscript{53} The Crown was petitioned for its approval, but it never did arrive. Annual accounts had to be given, and the two elected annual commissioners were entrusted to audit the accounts. After the accounts had been approved, they were sent to the governor or to the intendant, who, in turn, remitted them to the Junta Superior de Hacienda (Superior Tribunal of Accounts) in Havana.\textsuperscript{54} If there was a surplus after all expenses had been met, it would go into the "box of the three keys", which could only be opened when the three holders of the keys were present—the governor, the treasurer, and the alférez real.\textsuperscript{55}

During the American period, at both the local and the territorial levels, the treasurer continued to receive a commission of five per cent, put up a bond of twenty thousand dollars, and have tenure for one year, as had been done in the Spanish period. The bond, however, was more than three times larger than that which had been the custom

\textsuperscript{53} Ibid., t. 3, f. 106, November 15, 1799; Recopilación, Libro IV, Título XIII, Ley III.


\textsuperscript{55} Actas del Cabildo, Libro IV, t. 2, ff. 74-75, October 27, 1797.
during the Spanish period.  

Commissioners

Commissioners (comisarios) were elected by the Cabildo from among the regidores. There were two types of commissioners elected. The first was the monthly commissioner (comisario mensual) whose duties were to carry out municipal works, such as auctions and contracts let out by the Cabildo. Usually, there was one elected every month; but, in 1801, Governor Manuel de Salcedo recommended that a second be added, due to the increase in population.

The other type was the annual commissioners (comisarios anuales), who were elected officials of the Cabildo. Their primary duties were to represent the Cabildo in matters dealing with the governor and the intendant, and, most important, in auditing the accounts of the city treasurer.

Alcaldes de Barrio and Syndics

To maintain law and order and to efficiently administer the City, Governor Carondelet divided the City of New Orleans into four wards (barrios) and made the Cabildo elect


57 Actas del Cabildo, Libro IV, t. 2, ff. 60-61, September 30, 1797; Ibid., f. 79, October 27, 1797; Ibid., t. 4, ff. 178-79, February 26, 1802.

58 Ibid., t. 4, ff. 18-19, July 25, 1801.

59 Ibid., t. 1, f. 188, January 13, 1797.
ward commissioners (alcaldes de barrio). The ward commissioners were in charge of preventing the outbreaks of fires, collecting small debts and the chimney tax, and maintaining a list of the people who settled in their area. By 1799 the City had expanded, and the wards were increased to seven.\textsuperscript{60} Outside the City, Carondelet divided the areas into seven districts which were administered by two syndics each. The syndics had duties similar to the alcaldes de barrio but with more latitude in judicial and police matters. The districts were the Tchoupitoulas, Canas Quemadas (Westwego), Terre Aux Bouefs (St. Bernard), St. Charles, which started around the present-day intersection of Decatur Street and Esplanade Avenue, Metairie, Bayou St. John, and Gentilly.\textsuperscript{61}

**APPOINTED OFFICIALS**

There were numerous non-elected officials, such as porters, hangmen, mace bearers, translators, public criers (pregonero), legal advisors and the escribano de Cabildo (secretary of the Cabildo), which was the most important of all.\textsuperscript{62} The duties of the escribano de Cabildo were numerous. He held court, took the minutes of the Cabildo sessions, prepared inventories of deceased persons, acted as a

\textsuperscript{60}\textsuperscript{ Ibid., t. 3, ff. 3-4, January 4, 1799.}

\textsuperscript{61}\textsuperscript{ Ibid., t. 1, ff. 187-88, January 13, 1797; Ibid., t. 3, ff. 121-22, January 3, 1800.}

\textsuperscript{62}\textsuperscript{ Artiles, "The Office of Escribano," 489-91; Bayle, Los cabildos seculares, 254-55.}
notary, recorded the royal orders (cédulas) pertaining to municipal matters, and managed the archives. ⁶³

In his role of taking inventory of deceased persons' estates, the escribano acted as judge in a tribunal composed of two other officials, a regidor and an alcalde ordinario. His function of "public trustee" was eventually taken away from him and assigned to the depositary general. ⁶⁴

FINANCES

In order to meet the expenses of the Cabildo, O'Reilly provided it with a source of revenue. He put an annual tax of twenty pesos on each of the six inns and a tax of forty pesos on each of the twelve taverns and the six billiard parlors in the City. The butchers, without increasing the price of meat, were to contribute three hundred and sixty-five pesos. Also, there was to be a one peso tax on every cask of brandy imported. O'Reilly also gave the Cabildo the right to collect anchorage fees at the rate of six pesos for ships under that tonnage. Finally, he granted the City the land on both sides of the Plaza, so that it could rent it and have another source of income. The Cabildo, however, disposed of these tracts and sold them to Andrés Almonaster whose daughter built the structures which came to be called

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⁶³Moore, Cabildo: Hapsburgs, 111-12; Bayle, Los cabildos seculares, 257-58; Dart, "Courts and Law," 275-77; Recopilación, Libro V, Título VII, Leyes VI, XV, XVI.

⁶⁴Parry, Sale of Office, 30.
the Pontalba Buildings. Later taxes on meat, flour, chimneys, and other items were imposed and by the time the Spanish period came to a conclusion, the annual income of the Cabildo amounted to over ten thousand pesos.

BACKGROUND

Abandoned by France, adopted by Spain, and purchased by the United States, Louisiana matured in an environment of mixed cultures. She developed slowly and suspiciously, because her foster and permanent parents were not adequately able to provide for her needs. France was in a state of bankruptcy, Spain was like a patient which had been given a shot of adrenalin before it relapsed into a coma, and the United States, with its alien culture, was considered crude in every respect. Reared in a heterogeneous environment, Louisiana developed traumatic side effects which could be likened to those experienced by a child of a white father and an Indian mother, who was despised by the white society, damned by the Indian society, and ostracized by both.

Historians have treated the colonial history of Louisiana in a similar manner, for those who specialize in the history of Latin America have relegated Spanish Louisiana to be a part of the United States, and those historians who specialize in the colonial history of the United States

65O'Reilly to Arriaga, December 10, 1769, in Kinnaird, Spain in the Mississippi Valley, II, 133-34.
consider Louisiana, Texas, Florida, New Mexico, California, and other areas which were once Spanish colonies to be foreign countries.

These areas were permanently immortalized with the sobriquet of "Borderlands" with the 1921 publication of The Spanish Borderlands: A Chronicle of Old Florida and the Southwest by the distinguished historian Herbert Eugene Bolton.66 Inspite of his attempt to popularize and have his "Borderlands" incorporated as part of the history of the Americas, Professor Bolton, in dismay, reprimanded the historians of United States history in his presidential address of the American Historical Association meeting held in Toronto in 1932 when he stated: "In my own country the study of thirteen English colonies and the United States in isolation has obscured many of the larger factors in their development, and helped to raise up a nation of chauvinists.... A noted historian has written for us the Epic of America. In his title "America" means the United States. We need a [James Truslow] Adams to sketch the highlights and the significant developments of the Western Hemisphere as a whole. Perhaps the person who undertakes the task, as a guarantee of objectivity, ought to be an inhabitant of the moon. But such a synthesis, done with similar brilliancy,
would give us the 'Epic of Greater America.'

The same criticism also applies to Latin Americanists, as they also have neglected the "borderlands".

Although numerous documents and other works have been published or written pertaining to Spanish Louisiana by such distinguished people as Arthur P. Whitaker, Lawrence Kinnaird, David K. Bjork, James Alexander Robertson, Vicente Rodríguez-Casado, Abraham P. Nasatir, Jack D. L. Holmes, John Walton Caughey, Caroline M. Burson, and others, they have all dealt with the thesis of trade, diplomatic and defensive relations, personalities and immigration. None of them has investigated the colonial institutions of Spanish Louisiana comparable to studies which have been done for Hispanic-America by distinguished historians such as John Preston Moore for the Cabildo; Lillian E. Fisher for the Viceroyalty and Intendancy; Charles Henry Cunningham for the Audiencia; Lyle N. McAlister for the military, and others.

A partial attempt was initiated in 1921 to investigate the colonial institutions of Spanish Louisiana, when Henry Plauché Dart published an article in the Louisiana Historical Quarterly entitled "Courts and Laws in Colonial Louisiana." However, after presenting a short recapitulation of the general judiciary functions of the Cabildo, he limited

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himself to analyzing the offices of the alcalde ordinario (judge) and the síndico procurador general (attorney general). 68

In 1944 another investigation on the Cabildo of New Orleans was published by Ramón Esquerra Abadía in the Anuario de Estudios Americanos; but, again, this was a limited study of the financial aspects of the institution. 69 It was not until 1971 that a more comprehensive study of the Cabildo of New Orleans was made by John E. Harkins in his master's thesis presented at Louisiana State University. 70 However, he limited his study only to the administrative and legislative functions of the Cabildo, postponing the judicial functions for his dissertation. Unfortunately, it seems at present that Mr. Harkins will not be able to accomplish his projected goal, because, to adequately treat the subject, he will need access to the judicial records which are and have been for sometime "permanently" sealed in the "Black Boxes" of the Cabildo building in New Orleans. Due to the humidity and the poor conditions in which the

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manuscripts are stored, they are rapidly disintegrating and will be lost forever, if the appropriate measures are not taken soon.

Many questions need to be answered in order to have a comprehensive study of the Cabildo of Spanish Louisiana. Of primary interest would be the relationship between the Cabildo and the royal officers, such as the governor and the intendant. Did the relationship between those authorities consist of mutual cooperation or antagonism? Also, what was the relationship between the Cabildo and the Church? And, perhaps of more significance, was there a class conflict of the magnitude which existed in other Spanish colonies such as Peru, as described by Antonio de Ulloa and Jorge Juan in their Noticias Secretas? It is hoped that some light will be shed on these and other questions from the documents I have transcribed, translated, and edited for the benefit of those historians interested in the colonial institutions of Spanish Louisiana.

DECADENCE OF THE CABILDO

The power and glory which were manifested by the Spanish Cabildos in the sixteenth century were only a memory by the seventeenth and eighteenth centuries. The decadence of the Cabildos has been attributed to many causes such as the centralizing policy of the Bourbons, particularly with

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the establishment of the intendancy system, which took away
the financial initiative from the municipal councils;\textsuperscript{72} the
general sale of public office, which encouraged a small
group of persons to retain the offices for several genera-
tions and, at the same time, breed corruption and incompe-
tence;\textsuperscript{73} the military tradition of the governors and corre-
regidores, who were also the presiding officers of the Ca-
bildos;\textsuperscript{74} and many other factors.

The short period of the Spanish administration in
Louisiana (1766-1803) does not permit one to generalize with
any degree of certainty on the effects which the sale of
public office and the military tradition of the governors
would have had in the long run. However, it is clear that
the Cabildo of New Orleans through most of the eighteenth
century was a dynamic institution with adequate financial
resources, which, unlike other Cabildos in Spanish America,
was able to utilize its funds for the benefit of the whole
community. It devoted an average of about seventy-five per
cent of its funds for public works, whereas the Cabildos
of Mexico and Buenos Aires spent only about fifty and thir-
ten per cent respectively.\textsuperscript{75} On a per capita basis, the

\textsuperscript{72}Haring, The Spanish Empire, 137.

\textsuperscript{73}Moore, Cabildo: Bourbons, 41; John Fisher, "The In-
tendant System," 430.

\textsuperscript{74}Adolfo Garretón, La Municipalidad Colonial, (Buenos
Aires, 1933), 345-46.

\textsuperscript{75}Esquerra Abadía, "Un presupuesto," 700.
Cabildo of New Orleans allocated 3.28 pesos per person, which was a higher sum than that spent by the Cabildos of Mexico, Peru, Buenos Aires, Havana, Santiago de Chile, and others. 76

Nevertheless, the Cabildo of New Orleans, in the last decade of the eighteenth century, underwent certain dramatic changes in its composition, from that of a planter to that of a merchant-businessman economic class, which eventually would alter the amicable relationship between itself and the governors and which transformed the Cabildo from a dynamic institution to that of a decadent and obstructionist body during the last four years of the Spanish administration of Louisiana.

**Cabildo and Intendant**

In the Spanish province of Louisiana, like that of the Río de la Plata, which were both poor areas lacking in mineral resources and other forms of wealth comparable to those found in Mexico and Peru, as well as both being of a defense-oriented nature, the establishment of the intendant system had a similar degree of impact on the already established Cabildos. 77 In Louisiana, the intendancy was introduced in 1780 and in the Río de la Plata region in 1782. 78

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78 AGI, Santo Domingo, leg. 2609, Martín Navarro to José de Gálvez, no. 28, December 17, 1780; *Lynch, Spanish Colonial Administration*, 58-59.
The adjustments of the Cabildo of New Orleans to the new institution were carried out more smoothly than in the la Plata region, because for a period of six years (1788-1794), the office of the intendant was held by the governor. 79 Even after the office of the intendancy was separated from that of the governorship, at the request of Governor Carondelet, the Cabildo did not experience too severe a shock with the intendants because on numerous occasions, the governor would come to its defense in matters relating to the intendancy. 80

**Cabildo and Governor**

The relationship between the Cabildo and the governor was one of mutual cooperation from 1769 until 1799 when Governor Gayoso de Lemos died in office. 81 As soon as Nicolás María Vidal assumed the duties as acting civil governor, by virtue of his title of lieutenant governor, the mutual understanding which had developed into admiration between the Cabildo and the governors, particularly Miró and Carondelet, came to an abrupt end. 82

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80 *Ibid.*, leg. 2606, Carondelet to Gardoqui, no. 1, October 31, 1794; Also, see Document 395, Part III.

81 *Actas del Cabildo*, Libro IV, t. 3, f. 46, July 19, 1799.

82 Pontalba to Miro, May 7, 1792, in Heloise Hulse Cruzat (trans.), "Letters in Journal, Written to Don Estevan Miro, Ex-Governor of Louisiana, by Don Joseph Xavier de Pontalba in 1792," *Louisiana Historical Quarterly*, II (October, 1919), xlv
The discontent between the two authorities started the first week Governor Vidal was in office when the Cabildo questioned him as to whether or not he should place a security bond (media anata) as was required of all proprietary governors. The next incident which aggravated the situation occurred on February 7, 1800 when the attorney general of the Cabildo, Pedro Dulcido Barran, requested the closing of the dance hall for free blacks. The Cabildo illegally took the initiative to close it, although the privilege had been previously granted by Governor Gayoso. The underlying cause for this resolution was not so much the contention set forth by the attorney general that there were numerous abuses in matters relating to gambling and the permitting of slaves to enter without permission from their masters, but, rather, the constant preoccupation that too many white Creole gentlemen preferred to go to the dances for blacks.

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404; Actas del Cabildo, Libro IV, t. l, f. 145, August 19, 1796.

83 Actas del Cabildo, Libro IV, t. 3, ff. 47-51, July 27, 1799; Recopilación, Libro III, Título II, Ley LXVIII: Ibid., Libro V, Título II, Leyes VIII, IX; Ibid., "Indice Cronológico," Cédulas Reales of December 30, 1777 and June 16, 1795, 13, 22; Also, see Document 359 for more information on the subject of the media anata.

Governor Vidal, after examining the contracts of the lesees of the dance hall, decided to countermand the ordinance of the Cabildo and advised it to let the matter rest until the newly appointed governor arrived. When Governor Manuel de Salcedo assumed the office in 1801, the Cabildo once more asked to close the dance hall; but he refused this request after consulting with Vidal, who was not only his legal advisor (auditor de guerra), but also his lieutenant governor.  

After the incident, the Cabildo did everything within its power to obstruct Governor Vidal; and, at the same time, the governor retaliated by refusing to preside over it. He ordered that all the minutes of the Cabildo be forwarded to him immediately after each session. Under these circumstances, where there was a lack of intimate communication and understanding, it was inevitable that squabbles would develop. There were disagreements over the matters of enforcing the building code, the prerogative of calling extraordinary sessions of the Cabildo, and, more important, the refusal of the Cabildo to honor the request of advancing a sum of money, which it had previously committed, for the commandant of the District of Natchez to pay for the capture

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85 Actas del Cabildo, Libro IV, t. 1, ff. 83-84, January 22, 1796; Ibid., ff. 85-86, January 29, 1796; Ibid., t. 3, ff. 130-31; February 7, 1800; Ibid., ff. 137-40; February 8, 1800; Ibid., ff. 142-43, February 24, 1800; Ibid., t. 4, f. 128, August 14, 1801; Ibid., ff. 137-38, September 18, 1801; Also, Documents 338 and 367, Part I and 380-A, Part II
of runaway slaves in the Territory of the Mississippi. 86

In August of 1800, when the heat of the summer was unbearable and the inhabitants of the City were afraid that a new epidemic of yellow fever would inflict New Orleans, the final incident between the Cabildo and the governor occurred which would permanently alienate the two authorities. Governor Vidal sent the Cabildo a petition, signed by a number of planters from the upper and lower coasts of Louisiana, requesting that they be allowed to introduce "brute" Negroes (bozales) into the colony, because there was a shortage of labor, and, if they did not have access to more slaves, they would be bankrupt. Furthermore, he instructed the Cabildo that, since the privilege to grant that petition belonged only to the civil governor and other royal officers, and, since it already had the approval of both Intendant Ramón de López y Angulo and Military Governor Casa-Calvo, its members should limit their deliberations to a statement of their objections, if any. The Cabildo refused to debate the matter on the grounds that Governor Carondelet had issued an executive order on February 19, 1796, soon after the slave revolt in Pointe Coupée during the previous year, prohibiting the introduction of slaves into the colony. In

86 Actas del Cabildo, Libro IV, t. 3, f. 167, April 18, 1800; Ibid., ff. 170-71, May 2, 1800; Ibid., ff. 174-76, May 16, 1800; Ibid., f. 177, May 23, 1800; Ibid., ff. 184-86, June 14, 1800; Ibid., ff. 197-98, July 18, 1800; Ibid., t. 4, ff. 17-18, September 24, 1800; Also, see Documents 350 and 352, Part I.

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addition, the Cabildo stated that a representation had been made to His Majesty at that time and that they would not act until a reply was received. 87

The following day, August 9, 1800, Governor Vidal sent to the Cabildo a letter with copies of all the royal orders which had been received by the government. Vidal stated that none of the orders prohibited the importation of slaves and that the executive order issued by Governor Carondelet was only a temporary measure. 88 Five days later, the Attorney General of the Cabildo, Pedro Dulcido Barran, presented his emotion-laden petition to the Cabildo, objecting to the introduction of slaves. He claimed that it was a plot by those who hated the colony and wanted to see it in turmoil like the French colony of Santo Domingo, and that the blacks in the colony were disrespectful and considered themselves equal to the whites. After citing many more objections, the Attorney General liberally interpreted the duties of his office and those of the Cabildo by assigning to them superior authority to that of the royal officers on the grounds that His Majesty had placed the Cabildo between the government (governor, intendant, and others) and the people. 89

87 Ibid., Libro IV, t. 3, ff. 201-202, August 8, 1800; Also, see Document 361, Part I.
88 See Document 362, Part I.
89 See Document 363, Part I; Recopilación, Libro IV, Título XI, Ley II.
Two days later, in the capitulary session of August 14, 1800, the Cabildo deliberated on the petition to introduce slaves. After long debate, the issue was put to a vote of the eleven regidores present. Six cast a vote to continue the prohibition and five voted in favor of permitting slaves to be imported provided they came directly from Africa.\(^9^0\) Governor Vidal became so upset over the petition of the Attorney General that he did not reply to the Cabildo until late in October.\(^9^1\) He censured the Cabildo for having permitted the Attorney General to get out of hand and bitterly complained of the imperious tone and the disrespectful language used by Barran. The Military Governor, Casa-Calvo, who was also questioned by Barran in his petition for not having a sufficient military force to arrest a slave uprising, if one were to occur, became even more upset than the Civil Governor Vidal. After answering all of the allegations of the Attorney General and having placed him in the category of an ignoramus, Casa-Calvo concluded by agreeing with Barran on one point—that the blacks were disrespectful and considered themselves to be equal to the whites. However, he went one step further and claimed that the basic cause of this insubordination by the slaves was directly attributed to the whites, because, he said, "that all of the

\(^9^0\) Actas del Cabildo, Libro IV, t. 3, ff. 203-15, August 16, 1800.

\(^9^1\) See Document 366, Part I.
inhabitants and even the nobles, forgetting their principles, shamelessly and improperly mix with the black women. Furthermore, the same white people forcibly seduce their slaves from which results an issue which constantly curses and condemns its ancestors and eventually becomes the seeds of all insubordination.  

After this incident, the Cabildo practically ceased to exist as a legislative body for the rest of the year, because the members stayed away in large numbers, and there was not a sufficient number to have a quorum. By December of the same year, enough members were present to hold a session; and, at this time, the matter of censuring the Attorney General was discussed. The Cabildo refused to censure Barran; but the Attorney General, on his own initiative, apologized to the Governor for having been disrespectful in the language of his petition. He attributed this faux pas to his inability to speak or write Spanish very well. He stated that, if he had written it in French, this would not have occurred; yet, under no circumstances would he have been less zealous in his beliefs.

The Cabildo hoped that the strained relationship between itself and the governor would be corrected by the time the proprietary governor, Manuel de Salcedo, assumed power.

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92 Actas del Cabildo, Libro IV, t. 4, ff. 13-23, October 24, 1800.

93 Ibid., ff. 44-45, December 12, 1800.
Salcedo was inaugurated on July 15, 1801, and was immediately put to the test. He was confronted by the Cabildo with the problem of whether the military governor or the Cabildo was authorized to give a reception in his honor. When Salcedo decided that the military governor should hold the reception, the feathers were ruffled again, but the Cabildo decided to forgive him at this time and give him another chance.\footnote{Ibid., t. 4, ff. 86-87, April 24, 1800; Ibid., ff. 109-111, July 15, 1801; See Document 372, Part II.}

Governor Salcedo was an old man who had strong convictions about religion and protocol. He was almost immediately disliked by the Creoles of New Orleans and earned the displeasure of contemporary travelers and writers of the history of Louisiana, for they described him as an "imbecile and a superstitious man."\footnote{"Paul Alliot's Reflections," in James A. Robertson (ed. and trans.), Louisiana Under the Rule of Spain, France, and the United States, 1785-1807, 2 vols (Cleveland, 1911), I, 71-73; Alcée Fortier (ed.), Louisiana: Comprising Sketches of Parishes, Towns, Events, Institutions, and Persons, Arranged in Cyclopedic Form, 3 vols. (Century Historical Association, 1914), II, 425-26; Landry (trans.), Voyage, 69.} His first official act soon after the inauguration was to order all the members of the Cabildo to attend the service of the Mass and to sit in the appropriate place close to the altar, as was provided by the Laws of the Indies.\footnote{Actas del Cabildo, Libro IV, t. 4, f. 118, July 24, 1801; Recopilación, Libro III, Título XV, Leyes XXVII, XXXII, XXXIV, LXXXIII.} This order did not please the...
Cabildo very much, for most of the members were apprehensive and alienated from the Church because of the previous attempt in 1787 to establish the Holy Office of the Inquisition by Fray Antonio de Sedella and by the controversy with the Church over the ownership of the land comprising the old cemetery of 1743.97

Within six months after his inauguration, the Cabildo and Governor Salcedo became permanently alienated over petty matters such as providing the funds to pay for the ornaments in the Chapel of the Royal Jail, permitting the dances for free blacks to continue, making the members of the Cabildo sit in separate facilities in the theatre (coliséo) away from the center of the stage which was reserved for the governor, and other trivia.98

Henceforth, the Cabildo and the governor would be working against each other and in some cases causing great

97 AGI, Santo Domingo, leg. 2673, Cirilo de Barcelona to José de Gálvez, no. 1, June 12, 1788; Ibid., leg. 2554, Miró to Porlier, no. 39, April 30, 1790 (All of the records of the Audiencia of Santo Domingo pertaining to the Spanish Colony of Louisiana and Florida have been microfilmed and deposited at Loyola University of New Orleans); See also the "Sedella Collection" deposited at Howard-Tilton Memorial Library (New Orleans), particularly, the manuscript transcriptions of José de Espeleta to Miró, April 28, 1790; Ibid., Sedella to Miró, April 28, 1790; Ibid., Royal Cédula of July 22, 1791; Actas del Cabildo, Libro IV, t. 4, f. 118, July 24, 1801; See Document 375, Part II.

detriment to the community. One such case was the mishandling of the smallpox epidemic which raged over the City in 1802. Both authorities were interested in stopping the epidemic, but their means to the end varied considerably. Governor Salcedo wanted to stop the spread of the epidemic by the process of isolation, and the Cabildo wanted to use inoculation and vaccination.

As the epidemic was getting out of hand, the Cabildo and Governor Salcedo in desperation sent messengers to the Natchez District to inquire about the new miracle cure - cowpox - which was to be used in the process of vaccination. When it turned out that Natchez did not possess the new drugs, Governor Salcedo, after much delay, permitted one of the planters to experiment with his slaves by having them vaccinated. When this proved to be unsuccessful, Governor Salcedo finally conceded by permitting the old process of inoculation or variolation, as it was called, to take place. Hastily the Board of Health was re-established; but, even in this simple matter, there was conflict between the governor and the Cabildo over the composition of the board. Due to the mishandling of this matter of vital importance between the two authorities, it is estimated that

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over one thousand five hundred people died.\(^{101}\)

The hopelessness of the last four and one-half years of the Spanish domination in Louisiana came to a climax with the utilization of force by the governor when the Cabildo refused to advance a sum of money to pay some of the members of the militia who had captured the highway bandit Samuel Mason. The Cabildo refused to honor the request on the grounds that expenses of this nature should be borne by the Royal Treasury, but the governor went ahead and ordered the commandant of the militia to forcibly withdraw the money from the City Treasury.\(^{102}\)

Transformation of the Cabildo

What were the factors which caused the Cabildo of New Orleans to change from the dynamic institution of 1769-1799 to that of an inefficient and obstructionist body from 1799-1803? The answer to this question is difficult to single out, but the most plausible of all possibilities would be the downfall of the planter class and, at the same time, the rapid rise of more dynamic entrepreneurs—the merchant-businessman class, who assumed the power control over the Cabildo and the economy.

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\(^{101}\) See Documents 394 and 396, Part III; Actas del Cabildo, Libro IV, t. 4, f. 186, February 26, 1802; Ibid., ff. 186-88, March 8, 1802; John E. Harkins, "The Regulatory Functions of the Cabildo, 1769-1803," 149-52.

\(^{102}\) Actas del Cabildo, Libro IV, t. 5, ff. 54-55, March 4, 1803; Ibid., ff. 56-58, March 7, 1803; Ibid., ff. 73-74, April 22, 1803; Ibid., ff. 75-76, June 3, 1803; Also see Documents 419, 420, and 421, Part IV.
The planter class was one of the main factors which contributed to the solidarity of the Cabildo throughout most of the Spanish period, but its influence slowly began to disappear by the last decade of the eighteenth century when the pace of the Cabildo was suddenly and dramatically accelerated. Catastrophic weather conditions from 1791 to 1793 and the rapid reproduction of a voracious insect destroyed the indigo plant. Indigo was the economic mainstay of the planters, but by 1794 its cultivation had practically come to an end, for in that year only eighty thousand pounds were exported, in contrast to previous years when its export amounted to over four hundred thousand pounds. The planter class was greatly reduced, and its economic hold was severely weakened, because it lacked the resources and the technology to substitute another crop on their plantations.

The tobacco planters of the Natchez District experienced similar setbacks when the Crown took away their subsidy and limited their tobacco exports to a quota of forty thousand pounds by 1791. This drastically contrasted with the exportation of six million pounds in 1786. The result would have been immediate bankruptcy, but through the

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efforts of Gayoso de Lemos, who was the governor of the District at this time, the merchant-businessmen agreed to extend a moratorium of five years on the large debts owed them by the planters.104

The numerous wars in which Spain was involved during the 1790's indirectly caused the coup de grâce to the now shaky economic hold of the planters and gave the merchant-businessman class the opportunity to take over. Out of necessity, Spain liberalized her commercial policy in 1793 and by 1797 opened the commerce of Louisiana to all neutral and allied countries; for all practical purposes, this would mean the United States. In 1799 and 1800 Royal Orders were issued to abrogate the privileges of free trade, but the United States was exempted from it.105

After the great fires of 1788 and 1794 which practically destroyed New Orleans, including all of the warehouses in which foodstuffs was stored, and the hurricanes of 1793 and 1794 which destroyed the crops, the province of Louisiana found itself in a state of scarcity. At this time, the merchants consolidated their power by taking advantage of


105 Actas del Cabildo, Libro IV, t. 3, ff. 77-82, September 27, 1797; Ibid., f. 89, October 8, 1799; Ibid., ff. 101-102, October 18, 1799; AGI, Santo Domingo, leg. 2616, Morales to Soler, no. 333, October 15, 1799; Ibid., leg. 2619, Morales to Soler, no. 151, October 21, 1799; Clark, Economic History 224, 238-43; Also, see Documents 386, Part II, 395, Part III, and 418, Part IV.
the free trade privileges granted earlier and establishing numerous commercial relations with the United States. Shiploads of North American goods were sent to New Orleans, sometimes amounting to over forty-six thousand pesos in value.  

Even the lanterns and the fire pumps of the City of New Orleans were imported from the United States.  

By 1795 the merchant class was indisputably in control of the economy, but the old guard (the planters) were still in control of the Cabildo. The rapid increase in population had multiplied the duties of the Cabildo, but it was not able to cope with them, for the permanent members were old and their number insufficient. In 1795 Governor Carondelet sent, on behalf of the Cabildo, a petition to the King to have the number of perpetual regidores (councilmen) increased from the original six. The Cabildo preferred to have the number increased by six more regidores, in order to have a maximum of twelve as provided by the Laws of the Indies, but it would be satisfied, if His Majesty only agreed to four more. 

106 AGI, Santo Domingo, leg. 2606, Carondelet to Gardoqui, No. 1, October 31, 1794; Ibid., leg. 2612, Rendón to Gardoqui, no. 13, November 5, 1794. 

107 Actas del Cabildo, Libro III, t. 2, f. 69, June 26, 1789; Ibid., f. 71, June 28, 1789; Ibid., t. 3, f. 128 April 25, 1794; Ibid., ff. 136-37, May 23, 1794; Ibid., ff. 151-52, August 22, 1794. 

108 AGI., Santo Domingo, leg. 2564, Carondelet to Llaguno, no. 8, March 28, 1795; Recopilación, Libro IV, Título IX, Ley II. 

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On December 23, 1769, the King granted that the Cabildo of New Orleans be increased by six more perpetual regidores and ordered that the offices be sold or auctioned. The Royal Cédula, however, was not received until July of the following year, and Governor Gayoso de Lemos proceeded to sell the offices. The offices were purchased by Juan de Castanedo, Francisco Riaño, Jaime Jordá, Gilberto Andry, Josef LeBlanc and Louis d'Arby d'Anicant. None of the new regidores was planters. Don Andrés de Almonaster y Rojas, a member of the old guard, vociferously objected to having three of the new regidores as members of the Cabildo, but Governor Gayoso proceeded and confirmed their titles. In 1800, the Crown sent a royal letter strongly reprimanding Almonaster for his objections.

The planter class was no longer in control of either the economy or the Cabildo. Planters could no longer protect their interests whenever they came in conflict with those of the merchant class, as in the case of the introduction of slaves into the colony to supply the labor shortage on the plantations. Only one of the Cabildo members who was not a planter voted in favor of the old guard. The

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110 See Document 352, Part I.
111 See Documents 361, 362, 363, Part I.
112 Actas del Cabildo, Libro IV, t. 3, ff. 210-211, August 16, 1800.
planter class had ceased to be a force of any consequence in the economic and political life of the colony.

The new Cabildo, composed mostly of merchants, never did exert the strength nor the cohesiveness of the old. Its solidarity was shattered, because the interests of the members were too diverse, and the number composing it was too large to be able to deliberate intelligently. It tried to assert its powers and directly challenge the authority of Acting Civil Governor Vidal and Governor Manuel de Salcedo. Squabbles developed between the two authorities, and hardly anything constructive was accomplished from 1799 to 1803. This is the Cabildo that was abolished by Prefect Pierre Clement Laussat, for it was inefficient and obstructionist. The Cabildo of 1799-1803 is also the institution which most historians of Spanish Louisiana, under the influence of the Black Legend, have studied and thus were able to convince themselves that everything Spanish was either decadent or inefficient. It is hoped that the manuscripts that I have laboriously transcribed, translated and edited will contribute to the correction of this misunderstanding.

CONCLUSION

Upon which of the two authorities must the burden of responsibility fall for the last four fruitless years of the Cabildo of New Orleans? The governor or the Cabildo? Or, perhaps, it could be attributed to the nature of the circumstances of the day? In all probability it was a combination
of all three of them.

Acting Governor Vidal contributed his share to the confusion because he was one of the three lawyers in the province whose legalistic training could not or would not permit him to compromise on issues when they were sufficiently substantiated by law, as in the case of the introduction of slaves into the colony. Similarly, Governor Salcedo, the last Spanish governor of Louisiana, augmented the dilemma with his indecisiveness on major issues such as the smallpox epidemic and with his constant preoccupation with trivia such as the places which the Cabildo and the governor should occupy in the theatre. The shortcomings which were manifested by the last two Spanish governors could be attributed to the general consensus that their abilities and qualities of leadership were very much inferior to those displayed by previous governors such as O'Reilly, Gálvez, Miró, and Carondelet, who were successful because they led or persuaded the Cabildo into doing their biddings, without having to resort to force, which was within the scope of their power.

The Cabildo must equally bear some of the responsibility, because it refused to give way to the minor requests

113 See Documents 361-363, and 366, Part I.

114 Actas del Cabildo, Libro IV, t. 3, ff. 48-49, July 27, 1799; Ibid., t. 4, ff. 154-55, January 15, 1802; Ibid., ff. 156-59, January 29, 1802; Also, see Documents 391, 392, 394, and 396, Part III, and 338, Part I.
made by Governors Vidal and Salcedo, much less to the more important civic matters. One such example was the repairing of the city streets and gutters, which were in bad condition. The Cabildo postponed the project, inspite of the urgings of the governors, and when it finally decided to do the repairs it had to undertake them in a hurry and in a haphazard way.  

The circumstances of the time, such as the untimely death in 1799 of Gayoso de Lemos, the proprietary governor, and consequently, the confusion which developed over the proper authority which ought to be exercised by an acting governor, the delay in the taking of office by the newly appointed Governor Salcedo, who was appointed in 1799 but did not assume office until 1801, the resignation of Intendant Ramón de López y Angulo and his replacement by Acting Intendant Juan Buenaventura Morales, who retained the office throughout the Spanish period, and the persistent rumors that Louisiana may be retroceded to France contributed to the general uneasiness which was conducive to the breakdown of municipal government in New Orleans.

DOCUMENTS

Almost every historian who has undertaken the laborious task of translating and editing documents has done so with

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115 See Documents 337, 342, 364, Part I, and 371, 381, Part II.
great apprehensions and apologies. He is accused of being non-creative and relegated to the role of a linguist or a grammarian. The bricks which he has contributed for a good foundation are likened to the rubble left by Attila the Hun after each ransacking.

The linguist and the grammarian are not able to render an adequate treatment to foreign documents, for they are sadly lacking in historical training. The historian, who is knowledgeable in history, usually is handicapped to a larger extent, as his ability in a foreign language is limited to textbook cases and, out of necessity, must rely on secondary sources which are usually inaccurate and biased. Is the historian in this case creative or inventive? He is neither, and the best way to describe him would be unreliable and a propagator of fiction. One good example of this type of work, although it is trivial, pertains to the structure which houses the Cabildo. For a long time historians have claimed that this structure was a gift of Andrés Almonaster to the City of New Orleans. Almonaster neither paid for nor designed the building. The City Council paid for it, and Gilberto Guillelmaud, an engineer and sergeant-major of the post, designed it and supervised its construction.

For the reasons mentioned, I have undertaken this project without any misgivings or apologies. I have endeavored to combine the skills of a linguist, a grammarian, and an historian in order that each of the documents, even if taken out of context, would be self-explanatory with the
aid of the numerous footnotes which narrate, describe or analyze most of the personalities, events, institutions, and other matters to which reference is made in the documents. It is my sincere hope that these documents will be of value to other students who are interested in the study of institutions, local history, and genealogy of Spanish Louisiana, and that they will be able to render a more intimate understanding of the Cabildo, which was in a state of decadence in the last years of the Spanish period.

There are three bound volumes of the Letters, Petitions, and Decrees of the Cabildo of New Orleans deposited in the City Archives at the New Orleans Public Library. The first volume covers the years 1770 to 1792, the second has the years 1793 to 1799, and the third includes the years 1800 to 1803. Each volume contains about one hundred and fifty documents covering the total period of the Spanish administration in Louisiana. Although the third volume covers only four years of the Spanish period, it contains as many documents as the others, which cover longer periods, because of the large increase in population and greater economic activity by the merchant class who replaced the planter class in the last decade of the eighteenth century.

There are one hundred and five documents numbered from 334 to 432. There are several documents which are unnumbered and others which are given the same number twice. There are four hundred and eighty-seven pages of manuscripts, most of which are in Spanish; however, there are
several in French. Most of the documents are faded and
difficult to read, but the greatest problem encountered was
trying to make out the rubrics, for the authors of the
documents were not consistent in the spelling of their own
names. I had to check numerous sources before I was able
to determine that the spelling I had chosen was the correct
one.

I have tried to retain the essence of the style of
the various authors; but, in many cases, I was forced to
arrange three-and-four-page sentences into several para-
graphs, as the modern reader is not accustomed to such
language. I have retained a certain number of the redun-
dancies and reflexives of the Spanish language to keep the
tone of the author, but I have eliminated them in cases
where it was overdone or where they obscured the meaning.

Since the passive voice is very much alive in the
Spanish language, and the documents abound with it, I have
retained some of it to manifest the mood; yet, I have
changed much of it to the active voice, to which the English
reader is more accustomed.

I have maintained the capitalization of certain nouns
which, in English, is unnecessary, to bring out the emphasis
which the author wants to give.

Translating documents is difficult, but trying to do it
with manuscripts from several authors is an arduous task not
fully comprehended by those who have not experienced it.
The difficulty lies in that, after one spends several weeks
mastering one penmanship, another document appears with a completely different style.

The documents cover the period of the administration of Nicolás María Vidal and Manuel de Salcedo. Topically, the documents cover subjects which intimately affected the people of New Orleans, such as finances, taxes, municipal public works, trade, slaves, Church matters, military matters, land grants, entertainment, disputes, epidemics and sanitation. A large number of the documents are from the governors and from the attorneys general of the Cabildo. There are others from merchants, contractors, planters, Church officials, the intendant, and several copies of royal orders.

To facilitate the use of these documents, I have enclosed a detailed index, as well as cross-references. Since the documents have been inserted according to their original numeration, which follows a chronological order, I have included in the table of contents a topical listing.

I wish to express my sincere gratitude to Professor Jane L. DeGrummond for directing this dissertation and for the many hours she set aside to accommodate my time schedule. Also, I wish to give my thanks to Doctor John P. Moore, Doctor John L. Loos, Doctor Edwin A. Davis, and Doctor Roland E. Chardon for their advice and for serving as members of my examining committee.

For the inestimable aid in securing and microfilming the documents, I wish to thank Mr. A. Otis Hebert, Jr.,

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Director of the State Archives and Records Commission, and Mr. Colin Hamer of the New Orleans Public Library. Also, I am indebted to Mr. Wallace J. Fremin, Jr. and Mr. Charles L. Hebert, Jr. of the American Bank and Trust Company for their making it possible for me to use their facilities, and to Mrs. Aline R. Morris of the Louisiana State Museum Library at New Orleans for making the material of the Museum easily available to me.

Finally, and most important of all, I wish to express my greatest gratitude to my wife, Nancy, for not only having typed this dissertation and having made constructive suggestions along the way, but mainly for the sacrifices she has made during these last years in making my studies possible. For this unselfish act, I shall be eternally grateful.
PART I

THE YEAR 1800
Document 334

A letter from Don Pedro Dulcido Barran, the Attorney General, to the Cabildo, urging the completion of the levee of Tchoupitoulas to prevent the City from flooding.¹

¹The office of the City Attorney General (Síndico Procurador General) was an elective position. The Attorney General was annually elected by the councilors (regidores) of the Cabildo; but, unlike them, he did not have a seat in the assembly. In Spain, he was not elected by a simple majority of the Cabildo, but rather by an assembly of the citizens (consejo pleno). This privilege was terminated in 1623 by a royal order of Philip IV. John Preston Moore, The Cabildo in Peru under the Bourbons; A Study in the Decline and Resurgence of Local Government in the Audiencia of Lima, 1700-1824, (Durham, 1966), 11-12; Constantino Bayle, Los cabildos seculares en la América española, (Madrid, 1952), 225-226; Recopilación de Leyes de los Reinos de las Indias, (5th. ed., Spain, 1841), Libro IV, Título XI, Ley 11.

He did not exercise the function of prosecutor, as does the present-day Attorney General; rather, he was the "watchdog" of the welfare of the community and rendered his opinion on the problems and solutions of the municipality. Since he acted as an intermediary between the people and local government, he was considered to be the last vestige of direct participation once enjoyed by the citizens through the process of an open town council meeting. Since he was the personification of the people, the Attorney General had to be a man of recognized ability, social prestige, and political influence. Julio Alemparte R., El Cabildo en Chile Colonial; Orígenes municipales de las repúblicas hispano-americanas, (Santiago, Chile, 1940), 64-65; Herbert I. Priestly, "Spanish Colonial Municipalities," (reprinted from the California Law Review) in the Louisiana Historical Quarterly, V (April, 1922), 128-130; Clarence H. Haring, The Spanish Empire in America, (New York, 1963), 151; Lucas Alamán, Historia de México desde los primeros movimientos que preparan su independencia en el año 1808 hasta la época presente, 5 vols. (Mexico, 1849-1852), I, 581.

When Louisiana was retroceded to France and then sold to the United States, the Cabildo was abolished; but a municipal council was established, which retained practically all of the positions and offices which had previously existed. Edwin Adams Davis, Louisiana; A Narrative History, (2nd. ed.; Baton Rouge, 1965), 169; Grace King, Creole Families of New Orleans, (New York, 1921), 330. However, on April 10, 1805, the office of the síndico procurador general, whose salary had been $1,500 annually under the American period,
January 10, 1800

MOST ILLUSTRIOS CABILDO

Don Pedro Dulcido Barran, the Attorney General of this City, with the proper attentiveness to Your Lordships, expounds: That the active and zealous foresight of the

was abolished when Governor William C. C. Claiborne and the Territorial Legislative Council passed an act to appoint an Attorney General who was to be versed in laws and whose duties were to prosecute and conduct all suits. "An Act to Provide for the Appointment of an Attorney General," in Acts Passed at the First Session of the Legislative Council of the Territory of Orleans, 1804, Chapter XXVII, 260-263.

Pedro Dulcido Barran and his family were merchants of Bordeaux, France. From this base they carried on an active trade with Louisiana via Havana in their large ship, the Tres Amigos, as early as 1787. Archivo General de Indias, Sevilla, Audiencia de Santo Domingo (hereafter cited as AGI, Santo Domingo), leg. 2611, Martín Navarro to José de Gálvez, no. 306, April 30, 1787; Ibid., leg. 2561, Carondelet to Gardoqui, no. 54, February 23, 1793. Barran married Jeanne Marie Dessalles, daughter of Louis Dessalles and Marie Roquet. Upon his death, his widow married Lewis d'Arby d'Anicant. "Cemetery Records of St. Louis Cemetery No. I" (deposited at the Louisiana State Museum Library in New Orleans). From the union of Pedro and Jeanne there were several children but, of those born in New Orleans, there is a record of only one daughter named Lucille who was born in 1806.

Barran settled in Louisiana in the 1790's and established his residence at 56 Rue St. Louis, from where he conducted his business selling numerous products to the Cabildo. Actas Originales del Cabildo de Nueva Orleans, directed by Joaquin Barcenas for the Civil Works Administration and the Federal Emergency Relief Administration of Louisiana, 1937. There are five libros (books) of the Cabildo divided into ten tomes (parts). Books I and II have only one tome each, Book III is divided into three tomes, Book IV has four tomes and Book V has one. There is also an English translation by Adolph Baum and Arthur C. Troncoso. Hereafter, the work will be cited as Actas del Cabildo, Libro IV, t. 4, ff. 44, December 12, 1800; Ibid., f. 62, January 23, 1801;
honorable Civil Governor has not been enough to attain the completion of the levee at Tchoupitoulas; and, citing the


In 1800, Barran entered the political phase of his life, for, in the municipal elections of January 1, 1800, he was elected Attorney General, having received eight votes with Salomon Prevost, Pedro Colson and Domingo Demorant each having received one vote. Actas del Cabildo, Libro IV, t. 3, ff. 119-120, January 1, 1800. As Attorney General, he was indefatigable. He tried to have every type of vice eradicated, improve sanitary conditions, prohibit the importation of slaves, enforce the building code of 1794, assign to the Cabildo authority exceeding that of the Crown, and instigate a verbal feud with the Acting Civil Governor, Nicolas Maria Vidal. Actas del Cabildo, Libro IV, t. 3, ff. 137-139, February 8, 1800; Also, see Document 338 for a translated copy of his letter to the Cabildo; Actas del Cabildo, ff. 175-176, May 16, 1800; Ibid., f. 200, August 1, 1800. After serving one year as Attorney General, he devoted his time to his business. When Louisiana was transferred to the United States, he joined the Militia of the Territory and by 1808 he was a captain of the 4th Regiment of Infantry, commanded by Colonel Juan Bautista Macarty. (Mrs.) Fred O. James (Compiler), "Le Diamant: Liste Des Officers de la Milice Du Territoire D'Orleans - 1808," New Orleans Genesis, I (June, 1962), 310.

When land grants were given along the river during the French and Spanish period, one of the requirements was that the owners had to build a levee to protect the City. The first levee was ordered by Governor Perier in 1727. J. Ben Meyer, "Terre Aux Boeuf was Early Parish Colony," St. Bernard (Louisiana) News, September 8, 1971, p. 1. Charles Etienne Gayarre, History of Louisiana: The French Domination, 4 vols. (4th. ed., New Orleans, 1903), I, 381. By the end of the Spanish period, the levee extended from Detour des Anglais (English Turn) to about fifty miles above the City. Georges Oudard, Four Cents An Acre; The Story of Louisiana Under the French, (New York, 1931), 266. Its dimensions were about fifteen feet in height by thirty feet in width. It was also used as a promenade by the inhabitants. Crevasses and overflows constantly endangered the inhabitants, and for these reasons in 1792, Governor Carondelet issued a "Levee Ordinance" appointing commissioners in each district to oversee their particular area, and construction materials had to be kept on hand at strategic
lateness of the season and the progressive swelling of the river, the finalization of the said work is absolutely necessary to prevent the destruction of the labors and fruits of the neighboring fields; and to protect this

points. Laura L. Porteous, "Governor Carondelet's Levee Ordinance of 1792," Louisiana Historical Quarterly, X (October, 1927), 513-16.

The Tchoupitoulas levee ran parallel to the Tchoupitoulas Road (present-day Tchoupitoulas Street) which started at the southern-riverside-gate and was guarded by Ft. St. Louis. It ran all the way to present-day Audubon Park. This area was one in which the elite of the colony had established great plantations. Herman de Bachelle Seebold (M.D.), Old Louisiana Plantation Homes and Family Trees, (New Orleans, 1941), I, 72; George Washington Cable, The Creoles of Louisiana, (New York, 1910), 212; John G. Clark, New Orleans, 1718-1812; An Economic History, (Baton Rouge, 1970), 183.

The lands around the Tchoupitoulas levee were granted by Crozat to a French official by the name of De Muys; but, during the Spanish period, they belonged to Juan Bautista Macarty and Leonardo Mazangue who abandoned them, and they were taken over by Lorenzo Sigur, a wealthy planter. Gayarré, History of Louisiana, I, 243.

In the late 1780's, heavy rains caused the levee at Tchoupitoulas to break, threatening to flood the City. Since this levee was the responsibility of Sigur, he tried to borrow the money from the Cabildo in 1790; but the City Treasury was short of funds. Governor Miró, seeing the urgency of repairing the levee, permitted the Royal Treasury to lend 8,000 pesos to the Cabildo which would then lend it to Sigur on condition that he repay it within six years. AGI, Santo Domingo, leg. 2554, Esteban Miró to Antonio Porlier, no. 40, April 3, 1790; Ibid., leg. 2555, Esteban Miró to Pedro de Lerena, no. 9, September 26, 1790; Ibid., leg. 2557, Miró to Lerena, no. 80, October 10, 1791.

In 1796 high waters threatened the City. The river was at the highest level it had ever been, and Governor Carondelet was afraid that the levee at Tchoupitoulas would break. Therefore, he ordered that six flood-gates on the ditches in the rear of the City be constructed immediately at the expense of the City Treasury. He appointed Gilberto Guillemard, the Sergeant Major of the post to supervise the work. Actas del Cabildo, Libro IV, t. 1, f. 101, April 1, 1796.

In 1797, the Royal Treasury was demanding from the Cabildo the loan of 8,000 pesos. The Cabildo informed Sigur that the money was due; but when he failed to produce it,
capital from the pernicious effects of the flooding which threatens in the case of not finishing the closing in of the gaping hole which caused so much damage the previous year.\(^4\) It is over these recurrent evils that the people are justly complaining.

The Attorney General believes it expedient that, if by virtue of not having sufficient funds to subsidize the entire cost of the said work, the people would help subsidize it; and to implore the honorable Military Governor and the Intendant General to agree to exempt the greatest number of working days possible to help in the tasks of an object so important to the health and public welfare of the

Juan de Castanedo, the City Treasurer, instigated proceedings in the court. Ibid., f. 196, March 3, 1797. Sigur was ordered by the court to pay the money within three days, but he pleaded with the Cabildo to give him an eight month extension, because, if he were forced to pay the sum immediately, he would have to sell all of his slaves, thus depriving himself of the means with which to raise the money. The Cabildo informed him that it did not have the power to grant an extension, for the money was owed to the Royal Treasury, and he would have to petition that source for it. The Royal Treasury granted the extension, provided the Cabildo had no objections. Ibid., ff. 205-206, March 24, 1797; Ibid., ff. 214-15, June 2, 1797.

Sigur had no intentions of paying his debt, so he initiated an appeal to the Audiencia of Havana (the Court of Appeals at this time) asking that the Crown assume his debt. The attorney representing the Cabildo at Havana, Licenciado José María Encinosa de Abrén, informed Juan de Castanedo of the situation and immediately the Cabildo demanded that Sigur pay instantly or drop the suit. Ibid., t. 2, ff. 30-32, August 23, 1797; Ibid., f. 34, September 1, 1797. By January of 1798, Sigur paid the debt by borrowing the money from Andrés Almonaster y Rojas. Ibid., ff. 103-104, January 19, 1798.

\(^4\)The City could be inundated either by the means of a crevasse or by the rise of backwaters from Lake Pontchartrain.
community. For the same reason they should lend their zealous assistance for such beneficial works which concern so much the best interests of both sovereignties. Therefore, I plead with Your Lordships to be kind enough to resolve to send official letters to the said gentlemen on the matter indicated, with a copy of this petition. I will await the reply from the distinguished patriotism of Your Lordships.

New Orleans

(Rubric) Pedro Dulcido Barran

A crevasse is a break in the levee caused by great pressure from the high waters of the river when the levee has not had sufficient time to become compact, and the grass has not yet grown on it. Another factor which weakens the levee, particularly in Louisiana, is the numerous burrows made by the crawfish. In 1780, 1785, 1791, and 1799, the floods in the City were caused by crevasses. The crevasse that occurred at the Tchoupitoulas levee in 1799 gave way in 1816 and caused great damage. Minther Wood, "Life in New Orleans in the Spanish Period," *Louisiana Historical Quarterly*, XXIII (July, 1939), 271-73.
A petition from Francisco Fernández, a locksmith, to the Cabildo, offering his services for fixing the proper weights and measures.  

Francisco Fernández was the son of Henerico Fernández and Lisa Prendpin. He was a native of the Canary Islands. He married Isabel de la Trinidad. From this union there were several children of whom three were named José Lorenzo, María Josefa Juliana, and Mariana Euseoza. The last was born in Pensacola. "Cemetery Records of St. Louis No. 1"; Libro primero de confirmaciones de esta parroquia de Sn. Luis de la Nueva Orleans, Genealogical Research Society of New Orleans (New Orleans, 1967). Fernández came to New Orleans and established himself as a locksmith. He applied for the position of fiel ejecutor in 1793 and again in 1800 but was rejected. Actas del Cabildo, Libro III, t. 3, ff. 54-55, February 22, 1793. He joined the New Orleans Militia and in 1800 held the rank of corporal first class. Jack D. L. Holmes, Honor and Fidelity; The Louisiana Infantry Regiment and the Louisiana Militia Companies, 1766-1821 (Birmingham, 1965). He died on September 29, 1817.
January 17, 1800

MOST ILLUSTRIOUS CABILDO

Francisco Fernández, master locksmith, inhabitant of this City, before Your Lordships with due respect expounds:

That it has come to my notice that Luís Nicolás has abandoned his contract to fix the weights and measures of the City, of which consequence, in his place I am obliged, if Your Lordships permit, to carry on the duties of this position as a notary.⁶

It pains me to have noticed many incorrect weights in the City which operate to the detriment of its inhabitants.

⁶Juan Luís Nicolás was a master tinsmith. His first wife was Margarita Frederic, and his second wife was Magdalena Adams. Mrs. Fred O. James, "Marriage Contracts for the Years 1783-1784-1785," New Orleans Genesis, I (June, 1962), 281. From the union of the second marriage several children were born. One was born in 1792, but died at the age of seventeen months; a daughter named María de la Nered was born in 1798 but died at the age of one year; and, finally, Anacleto, a son who was born in 1800 but died in 1801. "Cemetery Records of St. Louis No. 1."

In 1791 Nicolás lived on Bourbon Street, but by 1805 he was living at Rue de Toulousse with his family and three slaves. New Orleans Census of 1791; New Orleans in 1805.

As a master tinsmith, he worked for the Cabildo on several occasions. In 1800 he was paid 125 pesos 5 reales for repairing the street lamps and supplying all the glasses necessary. In 1802 he received 224 pesos 7 reales and, in 1803, 301 pesos 1/2 real for similar work. Actas del Cabildo, Libro IV, t. 4, ff. 43-44, December 12, 1800; Ibid., ff. 152-53, January 8, 1802; Ibid., t. 5, ff. 48-49, February 4, 1803.

He was also a corporal of grenadiers in the New Orleans Militia in 1800, and during the War of 1812 he was a private in Baker's Regiment of Louisiana Militia. Marion John Bennett Pierson (Compiler), Louisiana Soldiers in the War of
In this respect, I am compelled, if it is admisible, to adhere to the correct weight.  

I am giving to the City a clock for the regulation of the time, providing that I shall always receive payment for the value of the materials used for its manufacture and for

1812 (Baton Rouge, 1963), 89; Holmes, Honor and Fidelity, 251.

7The inspector of weights and measures (fiel ejecutor) was a municipal officer attached ex-officio to the Cabildo. He was in charge of regulating market prices and the supply of food. John Preston Moore, The Cabildo in Peru under the Hapsburgs; A Study in the Origins and Powers of the Town Council in the Viceroyalty of Peru, 1530-1700 (Durham, 1954), 107-108. Haring, Spanish Empire, 151; Peter Marzahl, "The Cabildo of Popayán; Local Institutions and Local Societies," (A paper presented at the Southern Historical Association Meeting at Houston on November 20, 1971); Hodding Carter, Lower Mississippi (New York and Toronto, 1942), 93; Bayle, Los Cabildos Seculares, 208-210.

In New Orleans, the tinsmiths complained to the Cabildo in 1798 that they were not allowed to make tin measures themselves, because this work had been solely allotted to the inspector of weights and measures (Juan Luís Nicolás) who was also a tinsmith. The Cabildo corrected the situation by depriving the inspector of his little monopoly and letting the contract out to the best bidder. Actas del Cabildo, Libro IV, t. 2, f. 168, September 7, 1798.

The first inspector of weights and measures appointed for New Orleans was in 1773 with a salary of 20 pesos per year. The regulations which the inspector had to follow were formalized by 1793. These listed his duties and penalties for those not adhering to the regulations. His headquarters were located in a room in the meat market where he had at his disposal a set of scales and weights. John E. Harkins, "The Regulatory Functions of the New Orleans Cabildo, 1769-1803 (M.A. Thesis, Louisiana State University, 1971), 30-33.

The office of inspector of weights and measures continued into the American period, for in 1805 Governor Claiborne and the Legislative Council gave the mayor of the City of New Orleans the right to appoint all the inspectors and gaugers, and by 1822, the office was held by Francisco LaFarge. "An Act for Allowing Compensation to the Officers of the Legislative Council, and Providing for the Contingents Expenses thereof," in Acts Passed at the First Session of the Legislative Council of the Territory of Orleans, 1804, Chapter X,
looking after its maintenance for the period of four years. Likewise, I will give free a dozen scales with their corresponding weights for the service of the City; and with less pay than anyone else, anything whatsoever that is proposed for the City by the Illustrious Cabildo, relative to my craft, but with the condition that it should grant a proportionate site on which to place my workshop, without the danger of some accidental fire damaging the neighborhood.

Therefore, I humbly petition Your Lordships to condescend to grant me as much as is asked, with the only object of not faltering in any manner with my promises, and to have, at the same time, the benefit of its progress.

I hope to deserve the benevolence of your upright


8The only public system to determine the time of day was a cannon placed in the center of the Plaza de Armas (Jackson Square). It was fired every evening to signal the slaves that it was time to retire from the streets. Henry Renshaw, "Jackson Square," Louisiana Historical Quarterly, II (January, 1919), 42.

In 1796 the Cabildo recognized that the need for a clock was essential, but decided that the cost to have one constructed in the City would be prohibitive; thus, they commissioned the Chief Constable (Alguacil Mayor) Francisco Pascalis de la Barre to see where one could be built and to determine how it could be placed on the Cabildo building which was under construction at the time. However, he could not find anyone who could or would construct the clock at a reasonable price. Actas del Cabildo, Libro IV, t. 1, f. 98, March 11, 1796.

By 1820 there was already a clock on the cathedral which had copper dials covered with enamel. Later French plate glass dials were substituted; and even later, gas lights were arranged around the dial, so that it would be easily
justifications.

New Orleans
(Rubric) Francisco Fernández

seen at night. When the fleet of Admiral Farragut anchored in the Mississippi River in front of New Orleans in 1862 a misdirected shot, fired in salute from one of his ships, struck the face of the clock and broke it into pieces, but an old copper dial was found and installed. St. Louis Cathedral: Metropolitan Centennial, 1850–1950 (New Orleans, 1950), 35; Paxton, Directory, 14.
Document 336

A petition from Don Jorge Pfeiffer, physician and surgeon, to the Cabildo, requesting the return of his diploma which he presented to obtain a license. The document also contains the license granted by the Lieutenant Governor, Nicolás María Vidal.

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9 Jorge Pfeiffer presented his petition to the Cabildo on January 17, 1800, so that he might be granted a license to practice his profession. The Cabildo appointed two aldermen (regidores), Jayme Jordá and Gabriel Fonvergne, to preside as commissioners over the board of examiners which was composed of physicians Estevan Fouignet de Pellegrue, Roberto Doss, and surgeons Josef Montegut and Santiago Leduc.

The president of the Cabildo, Acting Civil Governor Nicolás María Vidal, informed the commissioners that the examination would be conducted only according to the laws of Castilla and that they must discard the existing customs. According to the laws, a candidate for a license must first be questioned orally and, if he was found competent, the commissioners, accompanied by the Secretary of the Cabildo and the physicians and surgeons, should take the applicant to the Royal Hospital where, in one of the wards, he should take the temperature of a certain number of patients, analyze their illnesses and prescribe a remedy. If he proved satisfactory at this stage, he would be taken to the surgical ward where he must undress and redress the bandages of a patient with either an ulcer or a wound, giving an analysis of the nature of the disease. John Duffy (ed.), The Rudolph Matas History of Medicine in Louisiana, 2 vols. (Binghamton, New York: Louisiana State University Press, 1958), I, 173-84; Also, for more detailed regulations, see Recopilación, Libro V, Título VI, Leyes I-VII.

Jorge Pfeiffer successfully passed the examination and presented his document to the Governor who issued him a license, and he was sworn in by Pedro Denis de la Ronde, the Municipal Standard Bearer (Alférez Real). Actas del Cabildo, Libro IV, t. 3, f. 125, January 17, 1800; Ibid., f. 127, January 24, 1800.

During the French period, abuses by medical practitioners were so out of hand that the Superior Council issued an ordinance on July 17, 1723 and reissued it for lack of enforcement on January 19, 1743, prohibiting anyone to practice medicine or surgery, or to exercise the functions of a midwife without having been first examined by the physician and surgeon of the King under the penalty of three hundred
January 22, 1800

MOST ILLUSTRIOUS CABILDO

Don Jorge Pfeiffer, physician and surgeon of this City and province, wishes the return of the diploma which was presented, with due respect, to Your Lordships, in order that I may receive the license which I should have to practice unencumbered and openly this profession.

Would Your Lordships with your superior power be kind enough to send me the said license and the diploma in the manner accustomed? Therefore, I plead with Your Lordships to decree and do my askings with equitable and modest sincerity.

(Rubric) Jorge Pfeiffer

livres. However, enforcement left something to be desired. Heloise Hulse Cruzat (trans.), "Cabildo Archives: Ordinance of Superior Council Regulating the Practice of Medicine, Surgery and Obstetrics," Louisiana Historical Quarterly, III (January, 1920), 86-88.

During the Spanish period, abuses continued in spite of the continued vigilance. In August, 1801, the Cabildo closed in on practitioners named Flot, Joseph Fabre, Gonjon, Gravier, and a freeman of colour named Derum. The latter was a specialist on the throat but had been practicing general medicine. The one named Fabre received his license, but there is no record of the others. Actas del Cabildo, Libro IV, t. 4, f. 127, August 14, 1801; Ibid., ff. 132-33, August 29, 1801. Then, in 1802, another incident occurred in which Dr. Luis Giovellina was charged with neglect in treating a smallpox case and was deported. Again, in 1803, a distinguished French surgeon named Paul Alliot tried to practice medicine without the benefit of acquiring a license and was summarily arrested and deported. "Paul Alliot to President Jefferson, April 14, 1804: Historical and Political Reflections on Louisiana," in James Alexander Robertson
January 22, 1800

MOST ILLUSTRIOUS CABILDO

Don Nicolás María Vidal Chaves Echavarry of Madrigal and Valoci, Lieutenant Governor and Auditor of War of the Province of Louisiana and Western Florida, Provisional Civil Governor of them, Vice Royal Patron, and Judge Subdelegate of the Royal Post Office by His Catholic Majesty.  

Don Jorge Pfeiffer, physician and surgeon, has presented an oath of fidelity, the seventh day of January,


During the Territorial period, the abuses continued, such that in 1808, Governor Claiborne and the Territorial Legislature passed an act which declared that anyone who wished to practice medicine had to present a diploma from any school or university where he studied and show it to the mayor of the City who should appoint four physicians or surgeons to examine the applicant. The remedies the physicians administered were to be paid at the rate of 300 percent, or more, if the doctor bought them from an apothecary. Verbal consultations, made at the house of the patient, should be four dollars for each consulting physician, excluding the visit or journey which should cost four bits within the City, one dollar in the suburbs, four bits per league in the country (both going and coming), and all visits at night at double rate. "An Act Concerning Physicians, Surgeons and Apothecaries," in Acts Passed at the First Session of the Second Legislature of the Territory of Orleans, 1808, Chapter VIII, 24-31.

Very little is known about Nicolás María Vidal, who became the Acting Civil Governor upon the death of Manuel Gayoso de Lemos on July 18, 1799, and retained the office until the arrival of the new Governor, Manuel Salcedo, took
before me and the public scribe of this City, with the assistance of the public interpreter.

The inquiry of the said physician and surgeon was verified the eighteenth of the same month, before the deputies nominated by this Most Illustrious Cabildo, and the office on July 15, 1801. Actas del Cabildo, Libro IV, t. 3, f. 46, July 19, 1799; Ibid., t. 4, ff. 109-111, July 15, 1801. Vidal was born in Spain to Antonio Vidal Montener and Maria Vásquez de Castro. It is not known when he came to Louisiana, but by the spring of 1790, he was appointed Auditor of War (Auditor de Guerra), whose duty it was to give legal advice to the governor. AGI, Santo Domingo, leg. 2539, Título no. 33, ff. 64-65, March 20, 1790; Haring, Empire, 115; "Cemetery Records of St. Louis No. I."

The same year that he was appointed, he established his residence on Rue du Quai (present-day Decatur Street), across from the shipyard. Spanish Census of New Orleans, 1791; W. O. Hart, "New Orleans," Louisiana Historical Quarterly, I (April, 1918), 358; Cable, The Creoles, 212.

The following year, Vidal was appointed lieutenant governor to Governor Carondelet, and he served in this capacity until the end of the Spanish domination. AGI, Santo Domingo, leg. 2539, Título no. 32, ff. 66-67, October 17, 1791.

Since he was one of the three lawyers throughout this period, he served the governors well by giving them expert legal advice in his role of auditor of war. However, when he became the civil governor, his legal training became an impediment, because he tried to rule with a strict adherence to the laws, and the French creoles became offended when they tried to impose their will, regardless of its legality, to no avail. One such case in which a great animosity developed between the attorney general of the Cabildo and the governor was over the introduction of African slaves into the colony, to the point that the disagreement reached the level of libel. See Documents 361, 362, 363, and 366.

On a personal level very little is known. He is described as being "proud, ceremonious, dignified, but generous, hospitable, and ever ready to confer a favor." John B. Gremillion, Concordia Parish (n.d.), 2. In 1792, he gave a party for the Baroness de Pontalba, and in 1797, he became the godfather to the child of Governor Gayoso and Margarita Waths, at whose baptism Fray Antonio de Sedella officiated. Pontalba to Miró, May 8, 1792, in Heloise Hulse Cruzat (trans.), "Letters in Journal Form, Written to Don Esteban Miró, Ex-governor of Louisiana; by Don Joseph Xavier de Pontalba in 1792," Louisiana Historical Quarterly, II
physicians elected for this purpose and with the assistance of the interpreter, the scribe being present, and from the inquiry resulted the devotion and ability of Pfeiffer to be able to carry on his duties.

And let the diploma which was asked for by the named Don Jorge Pfeiffer be sent to him in earnest.

Therefore, using the powers conferred upon me, I concede that he should be able to exercise and enjoy, in the place which is most convenient for him, as much in this City as in this province of Louisiana, the duties of physician and surgeon: That all of the concessions, privileges, and exemptions that he should have and enjoy by reason of his profession may be guarded, as those of his profession, well and justly; and that, along with the rights and privileges

(October, 1919), 409; Libro primero de confirmaciones, 72.

In 1797, he requested that the Crown grant him a judgeship (oidor) in one of the Audiencias, and his choice was to go to Quito, Guadalajara, Guatemala and Caracas, in that order, but he would be willing to go anywhere there was a vacancy. AGI, Santo Domingo, leg. 2566, Carondelet to Eugenio Llaguno de Amirola, no. 26, May 31, 1797. However, there is no account of his having received it.

The following year, as age progressed, he revised his will, leaving the bulk of his estate to some relatives in Spain. "Notarial Archives," Group I, Pedro Pedesclaux, vol. XXXI, April 25, 1798, 284. The "Notarial Archives" are deposited at the Civil Courts Building in New Orleans. There are two groups. Group I has 74 volumes and Group II has 48. Each group is arranged chronologically and by notaries. Thus, the volumes "belonging" to the notary Pedesclaux are in Group I and cover Volumes II through XLII (from 1788-1803).

After the termination of the Spanish domination, Vidal apparently left for Cuba. At this time he was old and very ill.
granted he should present himself, with the license before
the first ordinary session of the Cabildo as accustomed;
and, in order to be able to verify the license whenever
necessary, I have sent letters signed by my hand and sealed
with the seal of my coat of arms, and countersigned by the
government scribe of this City of New Orleans, the twenty-
second day of January, the year eighteen hundred.

Nicolás María Vidal

By Command of Your Lordship

Pedro Pedesclaux

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Pedro Antonio Pedesclaux came to Louisiana in the 1780's. He
established his residence on Bourbon Street but later
moved it to 54 Chartres Street. Stanley Arthur (comp.),
New Orleans First Directory, 1807; Spanish Census, 1791.
He married Marie Claire Le Duge, daughter of Don Carlos
Le Duge and María Josepha Le Court. From this union several
children were born. Their first child was named Philippe
and was born on April 27, 1791. Philippe, like his father,
became a notary, served in the Carabineers of the Louisiana
Militia and saw action in the Battle of New Orleans. He was
also the Second Grand Deacon in the Grand Lodge Masonic
Order. He died on August 6, 1826. "Cemetery Records of St.
Louis No. 1"; "The Louisiana Militia Records," Vertical
Files of the Louisiana State Museum Library; "The Partial
List of American Forces in the Battle of New Orleans," Ver-
tical Files of the Louisiana State Museum Library; Paxton,
Directory, Part I, 74-76; Pierson, Louisiana Soldiers, 92.
The other children were Eloise Claire, who was born in 1795;
Eloise Phelipa, born in 1796; Juan Bautista, born in 1799;
and Irenne, born in 1803.

Pedesclaux became a notary and, during the administration
of Miró, was appointed to the office of secretary to the
Cabildo (escribano de Cabildo), as well as secretary to the
governor (escribano de gobernación). In June, 1793, he re-
ceived confirmation to his titles, plus the titles of royal
secretary (escribano público) and registrar of mortgages
(anotador de hipotecas). AGI, Santo Domingo, leg. 2539,

As secretary to the Cabildo, his main duty was to record
the minutes of the sessions and to maintain records of receipts of the city treasury. More, Cabildo Under the Hapsburgs, 111. He was paid 200 pesos per annum, but it was insufficient to maintain his large family. Thus, in 1798, he requested that the Cabildo assign him two rooms on the ground floor of the Cabildo building, where he could live and house the archives. His petition was granted. Actas del Cabildo, Libro IV, t. 2, f. 174, October 13, 1798.

During his illness in 1799 and again in 1801, his duties of secretary of the Cabildo were temporarily given to Notary Francisco Broutin and Notary Estevan Quiñones respectively. Ibid., t. 3, f. 7, January 18, 1799; Ibid., t. 4, f. 124, July 31, 1801.

The following year, 1802, Pedesclaux absented himself from the duties of secretary, because he was aiding Don Luís Carlos Jaén in conducting a judicial inquiry (residencia) of the administration of Miró. The Cabildo complained that it was unreasonable for Jaén to occupy the time of Pedesclaux, since without him the Cabildo could not function properly and, furthermore, he should avail himself of the other notaries in the City. Jaén paid no attention. Ibid., t. 4, ff. 223-24, June 18, 1802; For the result of the residencia, see Document 398.

When Spain retroceded Louisiana to France, Prefect Laussat sealed all of the archives in the possession of Pedesclaux and Carlos Ximenez and, during the American period, Pedesclaux and Ximénez were ordered to turn them over to a person to be appointed by the governor; however, the governor could not find anyone who was capable of handling French, Spanish, and English documents. Thus, Pedesclaux, who at this time was also the secretary to the American City Council, was kept in charge. He was ordered to take an inventory of the archives in the presence of two commissioners and; after they were recorded, he was ordered to keep the land titles under his guardianship and turn over the rest of the archives to the clerk of the county of Orleans. "An Act Providing for the Removal and Safe Keeping of Certain Papers, Records and Documents, Now in the Possession of Peter Pedesclaux and Charles Ximenez," Acts Passed at the First Session of the Legislative Council of the Territory of Orleans, 1804, Chapter XIV, 80-83; "An Act to Repeal in Part An Act, Entitled 'An Act Providing...','" Acts Passed at the First Session of the First Legislature of the Territory of Orleans, 1806, Chapter XVII, 72-75.

Pedro Antonio Pedesclaux retired from work in 1809 and soon after died, but his widow did not die until 1825.

12 The office of escribano (notary-secretary) serves as the perfect example of the Spanish bureaucracy. Since the
Crown felt that this office merited some special attention, it devoted all of Título VIII of Book V of the Recopilación to describing its nature and to establishing its duties and prerogatives.

The office of escribano developed into four distinct notarial institutions in America, excluding the church notaries. The four classifications were the escribano del número o público (royal notary), the escribano de gobernación (the notary of the governor), the escribano de registros, minas y despachos (the notary of customs, mines, and dispatches), and, finally, the escribano de consejo o Cabildo (notary of the Cabildo). Jenaro Artiles, "The Office of Escribano in Sixteenth-Century Havana," Hispanic American Historical Review, XLIX (August, 1969), 489-91; Bayle, Los Cabildos Seculares, 254-55.

The appointment of escribano was a Crown prerogative which was jealously guarded. Recopilación, Libro V, Título VIII, Leyes I, II. After an appointee had received his title from the Crown, he had to present it to the Audiencia or the Cabildo for confirmation, as well as for re-examination to determine his competence and to be sworn in. Ibid., Leyes IV, V.

The duties of the escribano de Cabildo were numerous. He held court, took the minutes of the Cabildo sessions, prepared inventories of deceased persons, acted as a notary, recorded the royal orders (cédulas) pertaining to municipal matters, and managed the archives. Moore, Cabildo Under the Hapsburgs, 111-12; Bayle, Cabildo Seculares, 257-58; Henry Plauché Dart, "Courts and Law in Colonial Louisiana," Louisiana Historical Quarterly, IV (July, 1921), 275-77; Recopilación, Libro V, Título 8, Leyes VI, XV, XVI.

In his role of taking inventory of deceased persons' estates, the escribano acted as a judge in a tribunal composed of two other magistrates---an alderman (regidor) and a judge (alcalde). His function of "public trustee", however, was eventually taken away from him and assigned to the general depository (depositario general) who had his own notary. J. H. Parry, The Sale of Public Office in the Spanish Indies Under the Hapsburgs (Berkeley and Los Angeles, 1953), 30.

During the American period, and when the City of New Orleans was incorporated, the escribano was appointed by the governor and continued as a member of the city council with a handsome salary of $1,000 per annum, but his duties were severely limited to those of recording the minutes of the council and presiding over the council as an ex-officio member. He could vote only when the council met as a committee of the whole. "An Act to Incorporate the City of New Orleans," Acts Passed at the First Session of the Legislative Council, 1804, Chapter XII, 46-53, 72-73.
Document 337

A letter from Don Pedro Dulcido Barran, Attorney General, to the Cabildo, recommending and urging adoption of measures to prevent epidemics threatening the City.
January 24, 1800

MOST ILLUSTRIOUS CABILDO

Don Pedro Dulcido Barran, the Attorney General of this City, with due respect to Your Lordships, expounds: That the people are justly frightened by the fatal calamities experienced in this City by the unfortunate epidemic which reigned last summer. Fearing its repetition this coming summer, and wishing to prevent such deplorable evils with the most effective means, I plead with Your Lordships to be kind enough to employ all the means that you find necessary for this purpose, and, on its behalf, to implore the aid of the Government and the Intendancy, with the object of turning aside, or at least diminishing its horror as soon as possible—a scourge that has intimidated all of the residents.

13 The epidemic which raged in New Orleans in 1799 was yellow fever. It is not known when yellow fever was introduced into Louisiana, but sporadic cases occurred throughout the period. It is believed that an epidemic resembling yellow fever caused much damage in 1765-1766, but no reliable record is available. The first recorded instance of yellow fever epidemics was in the year 1796 when the epidemic broke out in March and raged until November. It is estimated that two hundred whites died from it, but there were probably more casualties, since Protestants and those living outside New Orleans were not counted. The Spaniards, French, and Negroes evidently did not suffer many casualties due to a certain degree of immunity which they had developed; however, it was fatal to foreigners, particularly the Flemish, English and Americans. Duffy, Medicine, I, 206-208; Actas del Cabildo, Libro IV, t. 2, ff. 5, July 21, 1797; Cable, Creoles, 291.
Among the precautions most appropriate in achieving such an important objective, the principal one that seems most urgent to me is the cleaning of the City---as much on the outside of its streets and precincts as in the interior of the house yards, common places, drainage streams, stables, etc.¹⁴

The objective can be achieved in great part by utilizing the currents and outlets of the waters, both for rain water and floods, by terracing the holes or ashpits which the waters would otherwise drain into, and by raising some lots where the waters become stagnant, because they are much too low and produce vapors pernicious to the health, mostly in the summer when the burning heat of the sun easily

¹⁴An early traveler in Louisiana described the streets as being impassable, even for carriages. The holes were so numerous and large that, if a carriage attempted to pass on it, it would be broken into pieces. There were sidewalks (banquettes) built in front of the houses, but they caused difficulty because, at the end of each block, they came to an end. Large wooden planks were placed in the streets to aid in crossing. Several of the streets had become swamps because the ditches dug to carry the water from the Mississippi to Bayou St. John had caved in. Furthermore, the City had become unhealthy for people threw their filth in front of their streets and yards. Stuart O. Landry, Jr. (trans.), Voyage to Louisiana, 1803-1805 (New Orleans, 1966), 31. This is a translation of Claude C. Robin, Voyages Dans L'Interieur de La Louisiane, de la Floride Occidentale... (Paris, 1807); Berquin-Duvallon, Vue de la colonie espagnole du Mississippi, Ou des provinces de Louisiane et Floride Occidentale (Paris, An XI-1803), 90; "William Johnson's Journal: A Voyage from Pittsburgh to New Orleans and Thence to New York in 1801," in Louisiana Historical Quarterly, V (January, 1922), 39.
evaporates the said water.

Four of these lots deserve particular attention, owing to their central location and great danger to the people---those belonging to Lieutenant Colonel Zenón Trudeau on

The Trudeau family was one of the earliest to settle in Louisiana. Zenón Trudeau's father was a commissioner in the French service and one of the earliest inhabitants of New Orleans. He established his residence on Rue du Quay (Decatur Street), where he lived with his wife and six children. King, Creoles, 5.

In 1791 Zenón established his residence on the corner of Toulouse and Royal Streets. Census of New Orleans, 1791. Very little is known about his personal life, except that he dedicated his life to the military. He entered the military service in 1769 and by 1786 he had risen to the rank of captain in the Louisiana Infantry Regiment. He distinguished himself in the military campaign against Baton Rouge in 1779 and also against Pensacola in 1781. Holmes, Honor, 153.

He was appointed lieutenant governor (commandant) of New Madrid, replacing Don Manuel Pérez. New Madrid was in "upper Louisiana" situated on the Mississippi in the Southeast corner of what is now Missouri. The Post was destroyed in 1814 by an earthquake. Henry E. Chambers, A History of Louisiana, 3 vols. (New York, 1925), I, 297, 382. Here, he performed his duties well and was rewarded with the rank of lieutenant colonel of the Louisiana Infantry in 1796. AGI, Santo Domingo, leg. 2565, Casas to Campo de Alange, no. 574, February 28, 1796.

The following year he was appointed lieutenant governor of upper Illinois, where he remained until March 10, 1804, when Captain Amos Stoddard took over the territory on behalf of the United States. While at this post, he cautiously entertained General Victor Collot, because he suspected that the general was surveying the Spanish strength in the area. Heloise Hulse Cruzat, "General Collot's Reconnoitering Trip Down the Mississippi and His Arrest in New Orleans in 1796, By Order of the Baron de Carondelet, Governor of Louisiana," Louisiana Historical Quarterly, I (April, 1918), 305; Ronald S. Smith, "Napoleon and Louisiana: Failure of the Proposed Expedition to Occupy and Defend Louisiana, 1801-1803," Louisiana History, XII (Winter, 1971), 23; Seebold, Plantation, II, 39-41.

During the American period, Trudeau continued his military career. In the War of 1812, he was a colonel in command of the Second Regiment of Louisiana Militia and in the Battle of January 8, 1815 he and his troops fought on the
Royal Street, (between the houses of Mrs. Rosalía Andry,\textsuperscript{16} and that of Don Felix Arnaud\textsuperscript{17}); and that of Madame Livau-

\textsuperscript{16}The Andry family was one of the first to settle in St. Bernard Parish. John B. Gremillion, "St. Bernard Parish," (n.d.). The Villabaso widow's husband, Don José de Villabaso, had been in charge of the administration of the post-age service and the administration of revenues. AGI, Santo Domingo, leg. 2547, Bernardo de Gálvez to José de Gálvez, no. 360, June 5, 1780; Ibid., leg. 2548, no. 442, July 19, 1781.

Two children were born to Don José and his wife. The first was Nicolás José who became the vice consul from Spain in New Orleans. Paxton, Directory, 1822, 30. The other child born of this union, Celeste, received the best education of the time at the Ursuline Convent. Libro primero de confirmaciones, 98.

José died in 1788 at the age of forty-eight. "Cemetery Records of St. Louis No. I." After the death of her husband the Villabaso widow continued her social life. She entertained the elite of the City, including Madame Pontalba with whom she was on intimate terms. "Pontalba to Miro," May 9, 1792, in Cruzat (trans.), "Letters in Journal Form," 411.

After her many years of being a widow, she decided to marry in 1801. Her new husband, Martín Paloa, was also a Spaniard. Her dowry consisted of her house on Royal Street and several slaves. "Notarial Archives," Group II, Carlos Ximénez, XVIII, August 14, 1801, 73. She outlived her second husband and died at a very old age on June 21, 1834. "Cemetery Records of St. Louis No. I."

\textsuperscript{17}Félix Arnaud was born in Foulon, France. He was the son of Joseph Arnaud and María Barbara Moran. He came to Louisiana and established himself as a merchant. Here he married a widow named Francisca Filiose. From this union a daughter named Josefa was born. "Cemetery Records of St. Louis No. I"; Libro primero de confirmaciones, 144.

In the municipal elections of 1799, he received 5 votes for the office of Attorney General, Juan Soulier received 6 votes, and Filiberto Sarpy received one vote. Solier declined to accept the position, because the firm in which he was employed was very prosperous, and it would be unwise for him to leave it. Thus, a new election was held during the following session, and Arnaud was elected by receiving seven of the eight votes cast. Actas del Cabildo, Libro IV, t. 3, f. 1, January 1, 1799; Ibid., f. 3, January 4, 1799.

Like his successor, Pedro Dulcideo Barran, he was an energetic man; however, in the period of one year, which is
dais,¹⁸ as well as that of the widow Chauvin,¹⁹ both being
cater-cornered on the church street;²⁰ and the other, on the

the term of the office, very little could be accomplished. When his time was over, he went back to conduct his business.

In the elections of 1803, he received two votes for the office of junior judge (alcalde ordinario), not enough to be elected. Ibid., t. 5, f. ⁵⁴, January 1, 1803.

During the American period, he sold his house on Royal Street and moved to Levee Street, which is present-day Decatur Street. New Orleans in 1805: A Directory; Stanley C. Arthur, Old New Orleans (New Orleans, 1936), 19. Also, he was more active during this period than during the Spanish period. He became a member of the Board of Health and a director of the New Orleans Library Society. He also attained the position of Treasurer of the State of Louisiana, and he served in the Second Regiment of Infantry of the Militia of the territory with the rank of captain. He died a very old man on January 2, 1828. New Orleans First Directory, 1802; Paxton (part I), Directory, 76, 87-88; James (copier), Le Diamant, 309.

¹⁸Madame Livaudais is Carlota Chauvín des Islets de Lery, who was married to Francisco Esnould de Livaudais, son of Francisco de Livaudais and Pelagia de Vaugine. Francisco and Marigny were the two largest landholders and wealthiest citizens of New Orleans after Don Andrés de Almonaster. "Cemetery Records of St. Louis No. I"; King, Creoles, 216-17; Seebold, Plantation, II, 3-10. He died on December 27, 1816 at the age of eighty-three.

¹⁹Juana Dauville de Chauvín (Widow Chauvín) was the daughter of Francisco Dauville and María Juana Sernant. She married Santiago Chauvín, one of the conspirators who expelled Ulloa and a brother of Nicolás Chauvín de Lafrénière. From this marriage a daughter named María was born in 1754.

Soon after her husband died, she established her residence at Chartres Street. Then, in 1773, she married Augustín Macarty. She died on March 27, 1804 at the age of eighty-two. "Cemetery Records of St. Louis No. I"; Spanish Census of 1791; "Notarial Archives," Group I, Juan Bautista Garic, IV, January 11, 1773, 8; King, Creoles, 169-70.

²⁰Church Street is present-day Chartres Street. It had at one time two names—from the Church towards Esplanade Avenue it was known as Rue de Condé, and towards Canal Street it was known as Rue de Chartres. However, when Americans started to live in New Orleans, it was called Church Street, because it was the street upon which the Cathedral of Saint Louis was situated. In 1856, the City
same street belonging to the Negress Julia Brion, which is adjacent to the residence of the expounder. The lots are causing dampness and much inconvenience and are a detriment to their immediate neighbors who are complaining of these evils. Therefore, you should compel the proprietors of the said lots to terrace them to ground level.

Another place which needs special care is the Batura de la Villa, opposite the barracks, where people dump trash and debris, which causes a continuous infection that is as disagreeable as it is unhealthy and makes Public Road (Royal Road) hateful and unsalutary, due to the rotten stench of the filth—particularly in hot weather.

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21 Julia Brion was a free woman of color. She was the daughter of Renato Brion and Juana María Piquery. Renato was a tobacco examiner under the administration of Governor Miró. He retired in 1790 and was given an old age pension with half pay. AGI, Santo Domingo, leg. 2555, Miró to Pedro de Lerena, no. 13, October 6, 1790; "Cemetery Records of St. Louis No. 1."

Very little is known about Julia Brion. She was living on Toulouse Street in 1791 and later moved to Pensacola with her four children. Here the children were given the rites of confirmation. Spanish Census of 1791; Libro primero de confirmaciones, 83.

After the death of her mother, she came back to live with her father until his death. He left her all of his worldly goods and a small lot in the St. Mary Suburb in uptown New Orleans. "Notarial Archives," Group II, Carlos Ximenez, VI, February 4, 1794, 46.

Today the street where she once lived bears her name. Cable, Creoles, 212, 223; Paxton, Directory, 7. After a few years, she went back to Pensacola and never returned to New Orleans.

22 La Batura de la Villa (Batture du Ville) was an area of
For this reason, it would be suitable to clear the place, to severely prohibit its use as a dumping ground because it is so harmful to the health, to order that trash

ground which was situated between the river and the levee. It extended from present-day Common Street to St. Joseph Street in New Orleans. It was formed by alluvial deposits made by the Mississippi River and had a length of 3,400 feet and an average depth of 470 feet.

The heirs of Daniel Clark claimed possession of this piece of land, and their case was represented by Edward Livingston, the Jurist. It turned out to be one of the longest litigations in the history of Louisiana. When the State Supreme Court ruled in his behalf, riots ensued, caused by the people who had always considered this a public area. Governor Claiborne, in order to calm the people, promised to take the case to the United States Federal Courts.

After this incident, the City Council of New Orleans issued a number of regulations pertaining to the Batture. It stipulated that owners of the land could improve it to make a profit, but it had to be made useful to the public. Furthermore, all the lands between the river and the levee were to be sold by the City for the purpose of navigation and the construction of large buildings. Cable, Creoles, 158; Paxton, Directory, 1-2, 17-18, 32; James E. Padgett (ed.), "Some Documents Relating to the Batture Controversy in New Orleans," Louisiana Historical Quarterly, XXIII (July, 1940), 879-80.

The Barracks (Cuartel) in this case is the one belonging to Fort St. Louis, one of the five forts which guarded the City at the Southern riverside gate, from where the Public Road (today Tchoupitoulas Street) began, around present-day Canal Street by the river, and continued through the Suburb of St. Mary and terminated by present-day Audubon Park. The barracks of Ft. St. Louis housed about one hundred fifty men who manned twelve cannons. General Victor Collot, Voyage dans L'Americque Septentrionale, ou Description des pays Arroses por le Mississippi...2 vols. (Paris, 1926), II, 125-128; Wood, "Life in New Orleans," 644; Cable, Creoles, 212.

The main barracks at this time was located on the ground floor of the Cabildo building constructed by Almonaster and was capable of housing anywhere from twelve hundred to fourteen hundred men. Previously, the main garrison was situated near the levee facing present-day Barracks Street (Calle del Cuartel), but it burned down in the Fire of 1794. Actas del Cabildo, Libro IV, t. 2, ff. 184-89, December 7, 1798; An Account of Louisiana [Washington, 1803-?], 18-19; Samuel Wilson, Jr. and Leonard V. Huber, The Cabildo on
be thrown in the river at that distance from the bank where the current would take it away, and to construct the necessary bridges on barges for this purpose. 23

The outskirts of the City do not deserve less attention


The Public Road or Royal Road was composed of various branches which gave it a Y-shape. One section ran on top of the levee from Terre Aux Boeuf (St. Bernard Parish) and entered the City where it traversed the City at the intersection of present-day Esplanade Avenue. At this point, one branch continued upriver parallel to the levee passing through Canal Street and ending in Audubon Park. The other continued along Esplanade Avenue and exited on the back side of the City by the intersection of Esplanade Avenue and Rampart Street. It continued through various plantations until it reached the upper section of Bayou Gentilly, where once more it branched off into two sections: One section continued along the Bayou, running in a northeasterly direction, and was called the Gentilly and Chef Menteur Road; the other branch, which was called Metairie Road, continued in a northwesterly direction and crossed Bayou St. John through a drawbridge and ran into the Metairie District. During the American period, the plantation owners of the section of Metairie claimed it was a private road, but the territorial legislature and Governor Claiborne put an end to their pretensions by proclaiming it to be a public facility. Wood, "Life in New Orleans," 644; "Paul Alliot's Reflections," Robertson, Louisiana, I, 97; Mayers, "Terre Aux Boeuf," I, 14; "An Act for Opening the Road of Metairie...," Acts Passed at the First Session of the Legislative Council of the Territory of Orleans, 1804, Chapter XIII, 74-79; Berquin-Duvallo, Vue de la colonie espagnole, 35-37.

Garbage and trash in the streets became a serious problem when the population increased out of proportion to the expectation of the officials. In 1779, the attorney general brought this problem to the attention of the Cabildo, for the filth was so bad that the pigs were roaming the streets in search of food. Finally in 1785, a street cleaning gang of six convicts and one sergeant was sent to pick up the garbage. It proved inadequate and, in 1798, Governor Gayoso de Lemos ordered a garbage collection department to be composed of one wagon and a mule with driver at a cost of twenty-five pesos per month. In 1800, a second wagon was added to make collection more efficient. In spite of these efforts, people continued to throw filth in the streets,
with regard to its cleanliness. To be able to obtain it, it is absolutely necessary that the debris which is daily taken out of the City and thrown near the entrance of San Juan, almost at the edge of the Public Road, be transported farther down the road and disposed of in wells of certain depth, surrounded by trees, in order to reduce the unhealthfulness which threatens the City, due to the lack of these precautions.^{24}

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such that four ditches were excavated leading to the river for the trash to be thrown in. One of the ditches had a fall towards the City, and the filth stagnated. This ditch was enlarged to make a canal, and a small boat was bought so that the trash could be taken somewhere in the middle of the river where the currents would take the garbage downstream. Nevertheless, these measures proved inadequate, and people continued to throw their garbage in the streets and the Batura de la Villa. This practice continued into the American period, causing great danger to health. Harkins, "The Regulatory Functions of the Cabildo," 152-155; Claiborne to James Madison, December 17, 1809, in Clarence E. Carter (ed.), The Territorial Papers of the United States, IX: The Territory of Orleans, 1803-1812 (Washington, 1940), 859-60; Actas del Cabildo, Libro IV, t. 2, ff. 137-38, May 11, 1798; Ibid., ff. 169-70, September 14, 1798; Ibid., t. 3, ff. 25, April 19, 1799; Ibid., ff. 20-21, March 29, 1799; Ibid., f. 127, January 24, 1800; Ibid., f. 192, July 11, 1800; Ibid., f. 197, July 18, 1800; Ibid., f. 216, August 26, 1800; Ibid., t. 4, f. 125, August 7, 1801; Ibid., t. 5, f. 16, September 10, 1802; Ibid., f. 99, September 2, 1803; Also, see Document 354 for the auction of the second wagon.

^{24}There were four iron gates in the City which were closed at nine o'clock in the evening, and no one could enter or leave the City without permission from the governor. The two most important, however, were the Gates of San Carlos and San Luis, which were on the river side of the City. The Gate of San Ferdinando was located in back of the City on Rampart Street, and the Gate of San Juan was located at the intersection of Rampart Street and Esplanade Avenue. The Gate of San Juan opened into the part of the Public Road which was known as Bayou and Chef Menteur Roads. Amos Stoddard, Sketches, Historical and Descriptive of Louisiana
Heat from the sun, operating on the decay of the filth and on the stagnant waters, is one of the causes of the evils we have suffered. It seems that the only remedy against this great inconvenience is to plant groves of trees in a circuit with the result that the branches, impeding the action of lightening and the heat of the sun, would serve as protection. The willows, without a doubt, are the best suited for this purpose, owing to the ease with which they uproot and grow, and because their branches are denser and more pleasant.

Other objects which deserve the most serious attention, particularly in countries which are so low and wet as this one, are the cemeteries, which are the source of the most dangerous illness, if the proper precautions are not taken. Here, being the greatest cause over any other place, they should be situated the farthest possible place from the City, in places the least damp and with ample room. Swampy places, graves and the scanty spaces which surround them are three factors sufficient to infect the whole City, owing to the burial mode, especially in hot weather. Even if the pestilent fumes from the corpses burried near the surface are dispensed with, the fumes from the marshy lots, being so near the City, are more than sufficient to immediately

contaminate it.25

25Burial techniques have always been a problem in New Orleans due to the characteristics of its topography, which places the City, particularly the area where the cemeteries are located, about ten to fifteen feet below the level of the river. Consequently, the cemeteries usually become flooded after heavy rains. Bennet Dowler, Researches upon the Necropolis of New Orleans (New Orleans, 1850), 5, 7; John E. Semmes, John H. B. Latrobe and His Times, 1803-1891 (Baltimore, 1917), 82; Actas del Cabildo, Libro IV, t. 2, f. 62, September 30, 1797. To try to overcome this problem of topography, burials were made above ground in tombs. This custom appeared wherever the Spaniards or French settled and was not exclusive to New Orleans. Leonard V. Huber and Guy I. Bernard, To Glorious Immortality; The Rise and Fall of the Girod Cemetery: New Orleans First Protestant Cemetery, 1822-1957 (New Orleans, 1961), 13.

The procedure of burying in tombs is economic and sanitary. Usually a family leases or buys a vault; and, when a new body is to be placed, the remains of the last occupant are gathered and pushed to the back of the vault, and the decayed casket is burned. Other families usually have two vaults, one on top of the other; and, if subsequent burials are necessary, the occupant of the upper vault is moved to the lower one.

When the French came to New Orleans, burials were made along the road banks. However, in 1721, when Adrien du Pauger laid out the City, he set aside a block outside the City limits alongside St. Peter and Toulouse Streets and between what is now Rampart and Burgundy Streets. Soon this cemetery became full due to the numerous deaths caused by the Natchez Massacre, and it was moved in 1729 to the square bounded by Bienville, Chartres, Conti and Royal Streets (the block adjacent to the Monteleon Hotel), where it remained until 1743, when it was again moved. Actas del Cabildo, Libro IV, t. 4, ff. 34-37, November 7, 1800; Ibid., ff. 38-41, November 14, 1800; Samuel Wilson, Jr. (F.A.I.A.) and Leonard V. Huber, The St. Louis Cemeteries of New Orleans, 5th ed. (New Orleans, 1968), 7.

In 1784, the old cemetery of the French period was closed, and St. Louis Cemetery Number I came into existence. It was located on the block surrounded by Basin, Conti, St. Louis and Treme Streets. This is the cemetery used during the Spanish domination. Royal approval was asked by Governor Miró in 1788 and granted on May 2, 1789. AGI, Santo Domingo, leg. 2553, Miró to Porlier, no. 17, November 12, 1788; Actas del Cabildo, Libro IV, t. 4, f. 41, November 14, 1800.

The St. Louis Cemetery was built by Antonio Guidry, who was paid five hundred twenty-three pesos and seven reales.
If this point is examined with all the reflection which it demands, it should cause consternation; and, although no greater evils than those already suffered have been experienced up to now, these could be prevented, if the proper precautions were undertaken; but, if not, then we should fear what may befall.

For the full attainment of such an important end, it should also be fitting to enclose the cemeteries with the trees already mentioned, as they would intercept the fumes and vapors, thus, preserving the City. The expounder omits to mention, because it is too obvious, how much attention this problem has been given by more venerable nations, municipal bodies and magistracies.

It is also necessary for the preservation of the human

Furthermore, the bricks from the old cemetery were assigned to Almonaster who used them to build the Cathedral of St. Louis and soon a controversy over the ownership of the old cemetery (1743) developed. Both the Cabildo and the Church claimed ownership, and, when the Cabildo took the initiative by leasing the lots, the Church, by orders of Bishop Penalver y Cardenas, refused to move the bodies and transfer them to the new cemetery until the problem was resolved. Ibid., f. 147, December 4, 1801; Ibid., ff. 158-59, January 29, 1802; Ibid., ff. 199-200, April 9, 1802.

Besides the cemetery, the Cathedral had its own burying ground where prominent people were buried, as well as inside the Church. This practice was discontinued after strong complaints were made by Francisco Caisergues, the Attorney General in 1797. Ibid., t. 2, ff. 5-6, July 21, 1797.

During the Spanish period, a burial site for non-Catholics and Negroes was allotted by the City in the rear of the St. Louis Cemetery No. I. However, it was not until 1822 that the City officially gave Christ Church (Episcopal) a lot in which to establish a cemetery for Protestants. This was the beginnings of the Girod Cemetery. Wilson, The St. Louis Demeteries, 11-12; Huber, To Glorious Immortality, 14.
race that a place may be assigned and fenced, at a distance from this capital, in which to bury the corpses of those persons who have the misfortune of dying in other beliefs than that of our Holy Catholic Religion; for the places where they are ordinarily buried are not only too near the City, but are opened and exposed so that carnivorous birds and beasts may feed with the greatest ease, because the burial pits do not have the necessary depth. These conditions cause great harm to the health and inconvenient defects.

That which equally contributes to the situation is the general way in which the coffins are prepared---without sufficient lime for the consumption of the corpses. This causes pernicious fumes to diffuse at the opening of the grave when others have to be buried. Moreover, the quality of wood used in this country preserves the human remains for a long time. For these reasons it would be better not to transport and bury bodies inside other coffins. One might fix coffins, boxes or portable platforms to transport the dead and bury them simply shrouded. In this manner, the bodies would be rapidly consumed, and one would save the cost of coffins, which is so onerous to many poor families. 26

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26 Charity Hospital by custom was given exclusive rights to manufacture coffins. However, when Almonaster became its patron, he abolished the custom, because the hospital had sufficient funds. When Governor Carondelet took away the appointive power from Almonaster, the new administrator resumed the monopoly. When the King resolved that Carondelet had no right to remove Almonaster, he abolished the coffin
In place of that expense, they would pay only a small sum for the said coffins, according to the type used. Such is the practice in almost all of Spain.

The expounder cannot neglect to express another point, of no less importance and analogous to the one already mentioned, which deserves the consideration of Your Lordships. No one ignores the fact that epidemic diseases are transported or transferred from far distant places by seamen and merchandise, especially that made of wool, in which the miasmata or the infected putrid atoms are preserved for a long period of time; and, at disembarkation in another climate, they are disseminated by the air and, as they multiply, cause disastrous effects.

Having more than enough substantial information to suspect that this is one of the major causes of the mentioned malady which has afflicted us so much, prudence advises us that we should try to prevent it henceforth by taking the necessary measures should be the establishing of some type of hospital at a great distance below the river, or seeing that there are a certain number of beds to receive the afflicted persons from each dock before entering the City; that a surgeon might be employed who, besides taking care of his duties in the said hospital, will have the obligation

business. Actas del Cabildo, Libro IV, t. 1, f. 60, November 6, 1795; Ibid., t. 2, f. 73, October 20, 1797; Ibid., f. 39, September 7, 1797; AGI, leg. 2677, no. 1, New Orleans, 1794-1796, ff. 1-50.
of boarding all ships that may enter and issue an inspection of sanitation, as practiced in all ports, and he will be authorized not only to detain any of the individuals he may suspect of having contagious diseases, but also the ships until they have undergone the period of quarantine and taken all necessary precautions to preserve the public health by making them unload the cargo when they come from countries where epidemics reign, and making them open bales, boxes and trunks to aerate and purify the merchandise by means of the sun and air. Above all, woolen fabrics, after entry, must be unloaded with the necessary precautions to secure a certificate of sanitation from the appointed physician—without which no ship will be permitted to dock without the risk of a very heavy fine to the captain who fails to follow the procedure.\textsuperscript{27}

\textsuperscript{27} There were three hospitals during the Spanish period: the Royal Hospital, located by the barracks near the Fort of San Carlos; Charity Hospital (Hospital de San Carlos) founded by Almonaster; and the Leper's Hospital (Hospital de San Lázaro), located just outside of the Gate of San Juan along the Public Road before it branched off into the Metairie Road and Bayou Road. Paul Alliot, "Historical and Political Reflections on Louisiana," in Robertson, Louisiana, I, 97; Harkins, "The Regulatory Functions of the Cabildo," 144-49; Duffy, Medicine, 224-65; AGI, Santo Domingo, leg. 2553, Miró to Porlier, nos. 18, 19, November 30, 1788.

In cases of epidemics, facilities were provided across the river to isolate the patients, particularly those suffering from smallpox. The first time that a separate building was used for smallpox patients was in 1779 when Governor Gálvez ordered a building to be constructed, but the Cabildo refused to make any great expenditures and decided to rent a small house to be used when it was needed. Here suspected carriers were isolated and quarantined until the danger was over.

To determine whether the quarantine should be removed,
The expounder knows that, for the execution of all that he has expressed, it is absolutely necessary to obtain the aid of this Superior Government and of the Intendancy to support the Department of Sanitation where a detachment of troops should reside. A Royal Customs Official should be appointed to prevent frauds, in case someone demands the provisional landing of ships.

I again ask Your Lordships to implore the aid of your respective superiors. I am delivering copies of this letter to Your Lordships so that you will be informed of the points which the Attorney General advances, points which are equally beneficial for the public welfare. For the best interest of both sovereignties, you should strive to attain them with the zeal and liveliness which duly characterizes the said Honorable Superiors. Not doubting the expounder, you should support and enforce the points already cited with all your accustomed efficiency and with the proven patriotism of Your Lordships, calm the inquietude and

the Cabildo sent two commissioners accompanied by a surgeon to decide what to do. The practice of inspecting incoming ships was given official recognition on August 23, 1799, when acting Governor Nicolás María Vidal inaugurated it, but it was soon discontinued. With the advent of a smallpox epidemic in 1802, it was re-established by Governor Salcedo. *Actas del Cabildo*, Libro IV, t. 4, ff. 175-77, February 19, 1802; *Ibid.*, ff. 178-79, February 26, 1802.

During the American period, the Board of Health was continued under the mayor, who was the president ex-officio. It met every Thursday afternoon at the Custom House, until the first of June; and, thereafter, it met every day, except Sunday, until the first of November. It was composed of twelve men, besides the president, who received no pay. Paxton, *Directory* 22-23.
uneasiness of the public.

New Orleans*

*Another translation of this document can be found in Laura L. Porteous (trans.), "Sanitary Conditions in New Orleans Under the Spanish Regime, 1799-1800," Louisiana Historical Quarterly, XV (October, 1932), 610-17.
Document 338

Letter from the Attorney General, Don Pedro Dulcido Barran, to the City Council, requesting the reduction of public dance halls and the prohibition of excessive gambling.
February 7, 1800

MOST ILLUSTRIOUS CABILDO

Don Pedro Dulcindo Barran, the Attorney General of this community, wishing to bring before the eyes of Your Lordships three points of great importance for the tranquility, order, good habits and neatness of this City, demands, at this moment, the most serious consideration of Your Lordships of observations which I believe I must submit to your wisdom. Being convinced that you bear the same interest that you have always manifested for the benefit of this community, you will not hesitate over the means which I shall offer you to repress some abuses which can cause and have caused the most fatal consequences to its people.

The government wished to give the people of this City the pleasure of a theatre, but, being short of funds, could not hope to subsidize it, due to its misuse.²⁸ Unfortunately, the government was forced to undertake another means

²⁸The Theatre (El Coliseo) in New Orleans was established during the administration of Governor Carondelet. It was a small wooden building located at 732 St. Peter Street, and it was purchased by Louis Macarty from Juan Doroteo del Postigo, the Auditor of War. Landry (trans.), C. C. Robin, Voyage to Louisiana, 95; Berquin-Duvallon, Vue de la colonie espagnole, 29-31; Nellie Warner Price, "Le Spectacle de la Rue St. Pierre," Louisiana Historical Quarterly, I (January, 1918), 215.

Performances were given by a troupe of exiled actors who had come to New Orleans from Santo Domingo in 1791. They performed such distinguished plays as the "Death of Caesar," in private homes as well as in the Coliseo, which was also
as pernicious to morale as it was vicious in its start. It granted to the theatre businessmen permission to open a public hall for the gaming of lottery, a game of chance, as all those which the severity of the law have always prohibited in well-regarded countries, and in which the magistrates and persons in charge of the government have always kept their eyes open to protect from its risks those who submit themselves to these disorders because of a blind passion under the deceiving pretext of diversion, or those

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known as La Sala de Comedias. They were headed by Louis Blaize Tabary. Nathaniel Cox to Gabriel Lewis, December 16, 1806, in "Letters of Nathaniel Cox to Gabriel Lewis," Louisiana Historical Quarterly, II (April, 1919), 182; Arthur, Old New Orleans, 64; Rene J. Le Gardeur, The First New Orleans Theatre, 1792-1803 (New Orleans, 1963), 1-15.

In order to maintain the Theatre, which was not a profitable venture, the governor usually leased it out and granted special privileges, such as the maintenance of a dance hall. The Cabildo, however, was jealous of this prerogative; and it caused the Theatre to be closed for some time. During the American period, the Theatre manager was obliged to give the funds from four performances for the benefit of the Charity Hospital. "An Act to Regulate the Administration of the Charity Hospital of the City of New Orleans," in Acts Passed at the Third Session of the First Legislature, 1814, 82-89; Also, see Document 34I.

A new and more elegant Theatre was proposed by Bartolomé Lafond, a local contractor, in 1802, which was to be financed by ninety shares, but nothing developed. Le Moniteur de la Louisiana, September 4, 1802. Performances continued but not on a regular basis. The building was sold in 1821, and a new one was built which still stands today.

The Coliseo on St. Peter Street was a wooden structure which had a box in front of the stage. The box was later separated and made into two boxes to accommodate the members of the Cabildo on the right side and the governor and his family on the left side. Governor Gayoso de Lemos continued this setup, but Acting Governor Vidal decided to remove the partition and have both the Cabildo members and the governor sit together.

When Salcedo became governor, the boxes were once more separated, and the members of the Cabildo were so insulted
with the misleading appearance of being good, who scorn integrity. They ought to shed the tears of those whom they take advantage of, for, under the cover of this permission, they are playing in this privileged hall every type of game of chance and venture; and this frenzy is firing up the various classes of citizens as an epidemic which extends its havoc to every part; and any person may come there daily to risk his money, the peace of mind of his family, and that which should not be any less expensive—his honor.

Gambling was prohibited by the French and Spanish authorities in Louisiana, but it was difficult to enforce the ordinances. After the affairs of the day, the businessmen of New Orleans went to gambling houses. Fortunes were thrown away and sometimes a ship captain would lose even the cargo with which he was entrusted. Planters came to the City to sell their harvest, from which they had to purchase clothing and provisions for their families and slaves, but usually returned home without anything, unless they borrowed from usurers. Gambling was a passion, as well as the only pastime in which most of the inhabitants indulged, because there was "nothing" else to do. They could not participate in intelligent conversations, because they "were ignorant to art and sciences or even to the most ordinary items of knowledge." Landry (trans.), Voyage to Louisiana, 95.

The favorite card game played was Black Jack (veinte y uno). Whenever persons were caught, the penalty was not severe. In one case, there was a raid in 1791, conducted by Juan Ventura Morales, who was then a junior judge (alcalde ordinario) of the Cabildo, and some of the culprits were arrested. The fine was twenty-five pesos, which was divided into three parts—one for the denouncer, another for Morales, and the last for the City Treasury. Henry Plauché
It seems useless to me to reveal to Your Lordships a picture of the disorders by which this liberty of gaming can expose to ruin all of the citizens of this City. None of you gentlemen have seen it with less feeling than myself, for every day it comes before your eyes. I shall content myself by observing that it is a public school of vice and passions, and that the persons in charge of the government seem to tolerate the young people going to that place, when, by the nature of their employment, they have from the Sovereign the responsibility of watching over the young


Gambling continued to be tolerated throughout the Spanish period, and even in the dance halls it was openly practiced. In spite of the denunciations by various attorneys general, no effective action was ever taken by the governor.

In the American period, ordinances and laws were issued against gambling in 1806 under the penalty of twenty dollars for each incident. This law did not discourage those who wished to gamble; and in 1811, another law was issued with a penalty of no less than one hundred dollars and no more than one thousand dollars. In spite of this penalty, gambling continued to even greater degrees; and by 1814, the State of Louisiana conceded defeat and tried to make something good of the evil. An act passed on March 7, 1814, states "realizing that it is impossible to stop gambling, it was decided to turn the evil for the benefit of the poor..." New Orleans, however, was exempted from the Act and given special permission for the mayor and the members of the city council to issue all the regulations for the gambling establishments. The money from licenses was to go to the charity hospital, and the money for forfeiture was to be divided among the informer, the hospital, and the police in charge of maintaining order in the gambling houses. "An Act to Regulate Inns and Other Houses of Entertainment," Acts Passed at the First Session of the First Legislature of the Territory of Orleans, 1806, Chapter X, 34-35; "An Act Against Gambling Houses," Acts Passed at the Second Session of the Third Legislature of the Territory of Orleans, 1811, Chapter XVIII, 60-63; "An Act to Amend the Act
people of trying to instill in them virtues and good manners. This observation will be enough, I say, that Your Lordships may immediately undertake a resolution concerning this unfortunate wrong, to impose a remedy, which prudence and enlightenment should not fail to provide you, and which can not be other than the absolute abolishment of a privilege that should never have existed.

Upon this point, then, I make the proposition to Your Lordships to formally solicit the Honorable Civil Governor, in order that he may immediately prohibit gambling at the house of the mentioned [José Antonio] Boniquet, that he permit no other game of chance but that of the lottery specified in the privilege granted him; and, equally, that he be reminded that even the privilege of the miserable lottery has to expire irrevocably the day the theatre is closed.30


30José Antonio Boniquet was born in 1751 in the city of Barcelona, Spain. He came to New Orleans in the 1770's and made his home at 64 Rue Bienville. He joined the New Orleans Militia in 1780 and rose to the rank of sergeant second class. While in the militia, he went on the campaign against Pensacola in 1781. He fought so well that a notation of proven valor was inserted in his record. Nevertheless, he was of average application and conduct, and he never rose in rank above the level of sergeant. "Cemetery Records of St. Louis No. I; Holmes, Honor and Fidelity, 169-70; New Orleans in 1805.

When he came to New Orleans, he immediately became a partner of Santiago Bernardo Coquet. The partnership received the right to manage the public dance halls for colored and whites, together with the privilege of having a
I particularly insist on two dispositions. Bitterly I regret not having been able to solicit them earlier, yet, I believe I shall have attained some good if I save the public twenty days from this danger.

The first, it seems to me essential to remove in the future all hope of re-establishing the theatre upon such a pernicious foundation, for I do not doubt that all the honest citizens will think as I do, in that it is better to deprive oneself of a diversion, than to pay for it at the expense of one's happiness and peace.

The second object to which I am calling the attention of Your Lordships is the dance which is also given with governmental permission at the house of the mentioned lottery on the premises. In return for these concessions, they were to keep the Theatre (Coliseo) open by subsidizing it with the earnings of the dance hall and lottery. When the attorney general tried to do away with this privilege, they petitioned Governor Vidal, who permitted them to continue their operations, because their contract had not expired. Vidal summoned both Boniquet and Coquet to his chambers and reprimanded them for allowing excesses in the public dance halls. In 1801, they lost their concession to the public dance hall, which was city property, and it reverted to the Cabildo. However, they still retained permission for the privilege of giving a dance for blacks at the house of Coquet until the American period.

José Antonio Boniquet, during the American period, entered the business of importing brandy, and, on January 26, 1823, he died at the age of seventy-two, leaving no heirs, since he never did marry. See Document 391; Actas del Cabildo, Libro IV, t. 1, f. 83, January 22, 1796; Ibid., ff. 85-86, January 29, 1796; Ibid., t. 3, ff. 130-31, February 24, 1800; Ibid., t. 4, ff. 93-94, May 29, 1801; Ibid., f. 106, June 26, 1801.

Santiago Bernardo Coquet was born in Marseilles, France in 1759. He was the son of Santiago Coquet and Dame Roberteau. He married María Sofía Deharpe and together they came
Coquet. I am not ignoring any of the reasons which militate in favor of the permission, but I find them to weigh very little in respect to the kind of abuses so injurious to the families of these men whom the dance always attracts. As I have been convinced, through experience, I solicit with equal urgency that you may prohibit the following: Notwithstanding having given entrance to this dance to the individuals of both races, Your Lordships know that this is the

to New Orleans and established their residence at 27 St. Philip Street. From this marriage, there were several children born, but most died while they were still infants, and, of those who survived, he outlived them and his wife as well.

After the dance hall was taken away from him and José Antonio Boniquet, but not the privilege of giving dances for blacks at his house, he bought a hotel at 24 Conti Street from where he conducted his business. Then he bought the lots adjacent to his home and, in 1808, erected the Theatre de la Rue Saint Philippe, the third oldest theatre in New Orleans.


In 1792, a public dance hall for whites was established, and soon after, Governor Carondelet gave Santiago Bernardo Coquet the privilege of giving weekly a public dance for the blacks, whose number consisted of about six thousand inhabitants out of an estimated ten thousand for the City of New Orleans and its suburbs.

However, the white men began patronizing the dance hall for blacks, because most of them preferred black women, since they were less demanding. Perrin du lac, F.M., Voyage dans les deux Louisianes, et chez les nations Sauvages du Missouri, por les Etats-Unis, l'Ohio et les Provinces qui le bord, en 1801, 1802 et 1803 (Paris, 1805), 393-94; Landry (trans.), Voyage to Louisiana, 56-57; Berquin-DuvalIon, 42-44; Harkins, "Regulatory Functions of the Cabildo," 95-102; "William Johnson's Journal," 38.

To correct this situation, Gabriel Fonvergne, the Attorney General, asked the Cabildo to petition Governor Carondelet to prohibit the slaves from coming into the dance. The
meeting place for the largest number of slaves in this City. It is true that they should not be admitted there without written permission from their master, but I ask whether or not Coquet recognizes the signature and handwriting of all of the owners. What are the means with which he can verify them, in case he wishes to comply with the prescribed conditions? These conditions are not void, and are they not openly encouraging the abuse of those same games of gambling that we have wished to prohibit? This dance, because of a ridiculous invitation, has placed itself on the same Governor, because of strong complaints from slave owners, refused the request of the Cabildo but decided instead to prohibit white people from going into the dances for blacks. Permission to continue the dances was given by the following administration, which was that of Governor Gayoso, but after his death, Attorney General Barran asked the Cabildo to petition the governor to abolish the dances; however, Vidal refused. *Actas del Cabildo, Libro IV, t. 1, ff. 83-84, January 22, 1796; Ibid., ff. 85-86, January 29, 1796; Ibid., t. 3, ff. 130-31, February 7, 1800; Ibid., ff. 137-40, February 8, 1800; Ibid., ff. 142-43, February 24, 1800.*

By the middle of 1800, the public dance hall, which belonged to the Cabildo, was taken away from the partnership of Coquet-Boniquet, and the dances for colored people were suspended. A petition by some of the black soldiers requested that Governor Vidal continue the dances at the house of Santiago Bernardo Coquet, until the new governor decided on the matter. Vidal conceded, but the Cabildo was once more displeased. In 1801, the new attorney general once more had the Cabildo petition Governor Salcedo to abolish the dances; but the governor, through a recommendation of his Lieutenant Governor and Auditor of War, Nicolás María Vidal, refused the petition and permitted the dances for colored people to continue. The dances continued to be given during the American period, but soon after, they were discontinued. Nathaniel Cox to Gabriel Lewis, December 16, 1806, *Louisiana Historical Quarterly, II* (April, 1919), 182; *Actas del Cabildo, Libro IV, t. 4, f. 128, August 14, 1801; Ibid., ff. 137-38, September 18, 1801; Also, see Document 367.
footing with the one given at the house of Farge.33 There they openly imitate the extravagance of the whites, and the same frenzy has taken possession of those who visit often. And with what do Your Lordships think some slaves can maintain this luxury and feed this series of amusements? You may say it with me, Your Lordships---by no other means than stealing that which belongs to their masters can they maintain one and another of these vices. It would be easy to cite many proofs of this, but it would be useless, for all of you members of the Council are proprietors of slaves. I could question one after another, and I am convinced that there are few among us who do not have reasons to complain about it.

33 Filiberto Farge was born in 1740 in Lyons, France. He was the son of Pedro Farge and María Mayard. He came to Louisiana in the 1770's, where he married Margarita Justa Monget, daughter of Juan Bautista Monget and María Francisca Robinete in 1780. From this union two daughters named María and Angelica were born. A son named Mauricio was born in 1792 at the Farge residence on St. Louis Street. "Cemetery Records of St. Louis No. I"; "Notarial Archives," Group I, Leonardo Mazange, II, August 9, 1780, 833; Spanish Census of 1791.

Filiberto established himself as an upholsterer, doing business with the Cabildo, and, in 1792, he was granted permission to build a public dance hall on a lot belonging to the City. In 1796, the contract was extended for five years. He also petitioned the Cabildo for another lot on which to construct a warehouse for the storing of flour; but he was refused the request in 1795, until the following year when he made the request to store rice instead of flour. He rented space in his warehouse, not only for the Cabildo, but also for private individuals. A shortage was discovered in his transactions with the Cabildo, and two commissioners were appointed to investigate the matter. By 1797, he was cleared of any wrong doings.

He died on October 12, 1804, at the age of sixty-four, but his wife lived for another twenty years. Actas del
Would Your Lordships be fulfilling your obligations if you permit some of these abuses, as pernicious as they are intolerable, to continue? We must not overlook it; if a longer period of silence over the matter must exist, we will deserve the most bitter chastisements. I hope then, that Your Lordships will join opinions with me to be able to obtain from the Honorable Political Governor the indispensable prohibition of these assemblies; or, at least, that some rigorous measures may be taken, so that in the future no one will be admitted into the dance halls except well-known, free individuals, and that all kinds of gaming be prohibited.

The third object which I entrust in the care of Your Lordships with the same urgent request concerns the number of cabarets authorized by the government with special permits to sell beverages and strong liquors to the lower classes and to the slaves. There is almost no street, inside or outside the portals of the City, that does not have a cabaret. The citizen is surprised at the sight of this multitude of open shelters for idleness and other vices.

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34 Taverns and cabarets were a lucrative business in the colony. The governor issued the licenses, which cost forty pesos per annum, but it was the duty of the Cabildo to collect the fees for its own use, as well as for the benefit of the charity hospital. The hospital, however, took the initiative and collected its own fees directly from the tavern keepers. Actas del Cabildo, Libro IV, t. 1, f. 215,
so lewd in their excess as to be degrading to humanity.

These public houses are always filled with soldiers, seamen, workers and slaves who would be better off at their headquarters, ships, offices or the houses of their masters.

It is in those houses that the first two classes daily sharpen their knives and, in their drunkenness, cut open the chests of their companions. And the last class comes to meditate over the robberies that they will undertake at

June 2, 1797; Ibid., t. 2, f. 6, July 21, 1797; Ibid., f. 73, October 20, 1797; Ibid., t. 3, ff. 139-40, February 8, 1800; Harkins, "Regulatory Functions of the Cabildo," 95-98.

In 1797, there were only ten taverns, but by the end of the Spanish period, the number had increased to twenty-four, and by 1820, there were close to two hundred taverns in the City of New Orleans. Wood, "Life in New Orleans," 671; Paxton, Directory, 45.

The tavern keepers bought wine, brandy, rum and other spirits, which were sold at public sales. However, they monopolized the trade by agreeing among themselves as to the maximum price they would pay for each casket of spirits, and they were able to retail it at a moderate price. Alliot, "Reflections," in Robertson, Louisiana, I, 79; Berquin-Duvallon, Vue de la colonie espagnole, 42.

During the American period, the number of taverns increased in proportion to the influx of population, prompting the issuance of numerous regulations to control the taverns. In 1805, the mayor of New Orleans received the right to issue the licenses by the legislature of the territory, and at the same time he tried to keep undesirables from receiving a license by making the applicants present themselves to a judge to verify his character and deposit five hundred dollars. Also, penalties were to be imposed on those tavern keepers who sold liquor to slaves, Indians, or soldiers without leave. "An Act to Incorporate the City of New Orleans," Acts Passed at the First Session of the Legislative Council of the Territory of Orleans, 1804, Chapter XIX, 60-63; "An Act to Regulate Taverns and Other Houses of Public Entertainment," Acts Passed at the Second Session of the Legislative Council of the Territory of Orleans, 1805, Chapter IX, 52-55; "An Act to Regulate Inns and Other Houses of Entertainment," Acts Passed at the First Session of the First Legislature of the Territory of Orleans, 1806, Chapter X, 38.
the houses of their masters to be able to satisfy that insatiable passion for the drink which oftentimes is with them at birth, because of the easiness with which they give themselves to it.

I shall not invite Your Lordships to solicit from the Honorable Political Governor the total suppression of those cabarets, since some of them, unfortunately, have been recognized as being useful in some degree, but I do invite you to limit, according to your judgement, the number that can reasonably be indispensable for the needs of the City. I solicit from the Honorable Political Governor that he reduce them to the number specified, subjecting them, besides, to an ordinance shaped by Your Lordships which would prevent all the abuses that are committed in them, and would prevent in the future their being used as a refuge for the slaves of the City, as well as those of the field.

I hope Your Lordships will understand how embarrassed I am to have to bring these three objects to your attention and to have to remind you that you are authorized to protect those whom you govern, and that you may not hold office as councilmen except as intermediaries between the royal government and the people. It is equally painful to me to point out to Your Lordships that, when you granted the license, you did not use some of the authority which the Sovereign has deposited in your hands for the happiness of his people.

What would a stranger think who, examining among us our
customs and good-breeding, would come to a hall (I am speaking of the houses where gaming is tolerated) opened to all types of citizens, and see it promptly begin to gulp his fortune and hear the resonant imprecations of those who have just buried theirs? And, what would he think of that hall filled with slaves who had escaped the vigilance of their masters with their possessions, only to lose them at a gaming table—a public school of ignorant lewdness, offered to the youth who are not ashamed to become involved in these disorders which the authorities seem to ignore, due to its license? The stranger would find at every step of the way the numerous taverns opened to drunkenness, to lewdness, and maybe, to other things more reprehensible. Those who patronize them are dulled and degraded and forget their obligations because of their loss of reason; for it is here that the slaves come every day to forget the fidelity and the precision of the labors they owe their masters.

I shall not permit myself to answer this question. Your Lordships, without doubt, will arrive at the same answer as myself, and, maybe, one that is harsher than mine. There is no time to lose in suppressing these disorders, maintaining the good habits and tranquility of this City, and securing the fortune and happiness of its people.

From the enlightenment and prudence of Your Lordships should emanate, Gentlemen, all these benefits; and, I am hoping that my complaint will not be in vain.

New Orleans
Furthermore, I ask that this letter be copied in the register of the Council, and that proof of it be given to me by its scribe.
Document 339

Petition from Don Juan María Godofredo du Jarreau, contractor, to the City Council, requesting payment for work done on the Royal Jail. 35

35 Very little is known about Juan María Godofredo du Jarreau, except that he was married to Cecilia Murin, and that he was a contractor-architect of some distinction. Besides the numerous times he worked for the Cabildo, he constructed private homes as well. One such house was that at 409 Royal Street which he built and sold to Ramón López y Angulo. The house later became known as the "Haunted House." Arthur, Old New Orleans, 33-34, James, "Marriage Contracts, 1802-1803," New Orleans Genesis, I, No. 3 (June, 1962), 282.

He received the contract to repair the Royal Jail on May 24, 1799. He finished the first part by February, asked for an inspection and requested payment of one-third of the price. Jayme Jordá and Gilberto Andry were the two commissioners who inspected the work and approved it. Payment was ordered and du Jarreau was paid on March 7, 1800. Actas del Cabildo, Libro IV, t. 3, ff. 143-44, February 21, 1800; Ibid., f. 147, March 7, 1800.
February 7, 1800

MOST ILLUSTRIOUS CABILDO

Don Juan María Godofredo du Jarreau, contractor for the work in the Royal Jail, with due respect to Your Lordships, expounds: That at the end of December he petitioned for a third of the payment for the addition in order to be able to complete the work which was ordered by Your Lordships.  

The petitioner ignores the fact that the payment may have been unintentionally refused him, but its delay has caused him to believe otherwise. Besides being abetted by a pledge which is much more important that the object, you could have removed all obstacles for him to be paid, for it is very difficult to acquire the necessary materials to do the work.

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36The Royal Jail (Calabozo) was located on St. Peter Street in the rear of the Cabildo building. It was the same site on which the French established the "Guardhouse" in 1726 and O'Reilly in 1769. In 1794, it burned down and had to be rebuilt. It was in use during the American period as both a city and a state prison. Celestine M. Chambon, The St. Louis Cathedral and its Neighbors (New Orleans, 1938), 108; Edward Alexander Parsons, "The Latin City: A Plea for its Monuments," Louisiana Historical Quarterly, III (July, 1920), 366; Paxton, Directory, 15, 46; Heloise Hulse Cruzat, "Cabildo Archives: Report of Attorney General Fleurian to Superior Council Regarding Rules for the Management of the Jails and Cost Allowed to the Jailer," Louisiana Historical Quarterly, III (January, 1920), 80-82. Although it was called a Royal Jail, which implies that it was the responsibility of the royal government, the Cabildo had the burden of maintaining it in good order. There were separate rooms to house the women inmates, as well as the hangman; but eventually, the hangman was moved out,
The expounder pleads to Your Lordships to send him the said third of the payment—two hundred pesos—which covers only the cost of the bricks, that was owed to him since last time, in order that he can, maybe, complete the work.

He hopes to receive benevolence from your noble office.

New Orleans

(Rubric) du Jarreau

because he continued to provide liquor to the prisoners and was himself constantly in a state of drunkenness. The Royal Jail was built in 1796 by Domingo Parsigny. Actas del Cabildo, Libro IV, t. 1, f. 73, December 4, 1795; Ibid., f. 97, March 11, 1796.

The funds to maintain the jails were supposed to come from fines imposed by the judiciary, but this was not sufficient, and the Cabildo had to seek other means of paying for the expenses. Harkins, "Regulatory Functions of the Cabildo," 93-94.

Besides the confinement of prisoners, the jail served as temporary headquarters for the troops after the Fire of 1794 had destroyed the main barracks. It also served as the station where the fire pumps were stored. Actas del Cabildo, Libro IV, t. 1, f. 50, September 11, 1795. Today, the site of the Calabozo belongs to the Louisiana State Museum, and it is used to house relics of all the wars in which Louisianians participated. Arthur, Old New Orleans, 67-68.
Document 340

Letter from Don Juan Manuel de Salcedo, to the City Council, informing it of his appointment as Civil and Military Governor of Louisiana. 37

Juan Manuel de Salcedo was the last Spanish governor of Louisiana. He was appointed on November 18, 1799, but he did not take office until July 15, 1801. The Cabildo did not hear of his appointment until February 10, 1800, and immediately sent their congratulations to Havana, where Salcedo had to go to be sworn in by the Captain General. Actas del Cabildo, Libro IV, t. 3, f. 199, August 1, 1800; Ibid., t. 4, ff. 109-14, July 15, 1801.

Before his appointment as governor of Louisiana, he served as governor of the Island of Tenerife with the rank of lieutenant colonel. He was an old man upon his appointment and he verged upon the point of senility. He has been described (by Frenchmen) as an imbecile and a superstitious old gaffer who permitted his subordinates, particularly his son, to govern the colony. Landry (trans.), Voyage to Louisiana, 69; Perrin du Lac, Voyage dans les deux Louisi-"anes, 391-99; Alliot, "Reflections," 71-73; Alcée Fortier (ed.), Louisiana; Comprising Sketches of Parishes, Towns, Events, Institutions, and Persons, Arranged in Cyclopedic Form, 3 vols. (Century Historical Association, 1914), II, 425-26.

As governor, he was weak. He did not get along with the Cabildo. Its ill-will toward him started with his requirement that all members of the Cabildo go to Mass and then, to trigger things off, he permitted the blacks to continue their dances and made the members of the Cabildo sit in separate boxes away from the governor when they attended the theatre. By the time his administration came to an end, the Cabildo rebelled to the point that it refused to grant him money to pay some militia men who had captured the bandit Samuel Mason. Finally, he ordered the Chief Constable to forcibly take the money from the city treasury. Actas del Cabildo, Libro IV, t. 4, f. 118, July 24, 1801; Ibid., ff. 137-38, September 18, 1801; Ibid., ff. 154-69, January 29, 1802; See also Documents 420 and 421.

After he transferred Louisiana to the Prefect Lausat, he wanted to become governor of West Florida, but he was appointed governor of Texas and was succeeded by his son when he retired to the Canary Islands. Isaac J. Cox, The West Florida Controversy, 1798-1813 (Massachusetts, 1918), 149-50; Mrs. Eugène Soniat du Fossat, Biographical Sketches of Louisiana's Governors, From Iberville to McEnery (New Orleans, 1885), 18-19; AGI, Santo Domingo, leg. 2678, No. 9,
February 10, 1800

MOST ILLUSTRIOUS CABILDO

My dearest gentlemen: The King having condescended to appoint me as the Civil and Military Governor of this province of Louisiana and this City, I can do no less than notify you of this benevolence so pleasing to me due to many reasons, in order that, flattering myself as a member of such a respectable body, you may call upon me, from now on, as soon as you may see it useful, for general or particular matters, for you shall find me ready to serve you.

I am not delaying, only waiting for the ship to transport me to Havana, where I must go to give the corresponding testimony in the hands of our Captain General, and having received his orders, instructions and other things which he may have that are necessary, return to board for that destination [New Orleans] where I vehemently wish to arrive with health as soon as possible.

I am annoyed that some time will elapse, against my wishes, before the departure with my family is verified; since the mailboats that pass are filled with people, and since I do not anticipate a cargo expedition for that destination; these are delays which annoy me with no less arbitrariness than my patience.

February 20, 1801, ff. 358-73.
May Our Lord grant Your Lordships long life.

Santa Cruz de Tenerife

Your staunch and courteous servant who kisses the hands of Your Lordships.

(Rubric) Manuel de Salcedo
Document 341

A petition from Don José Antonio de Boniquet and Don Bernardo Coquet, lessees of the theatre (Coliseo), to the Acting Civil Governor, Don Nicolás María Vidal, requesting that the permit granted them by Don Manuel Gayoso de Lemos to hold public dances for the black people be honored and renewed.38

38 See Document 338 and notes numbers 28, 29, and 32.
February 13, 1800

HONORABLE CIVIL GOVERNOR

Don José Antonio Boniquet and Don Bernardo Coquet, business associates of the Theatre House of this City, with due respect and humility, expound: That they have been informed by the Government Scribe, Don Pedro Pedesclaux, of a decision prompted by the Cabildo to prohibit the dances for the black people and other diversions annexed to the public dances for the two types of people [slaves and freemen]; and, due to the great harm that is inferred, they find it necessary to declare this to the Honorable Civil Governor. It is a public and well-known fact that the previous businessmen who managed the Theatre [Coliseo] experienced considerable losses; and, for this reason, the stockholders, not finding anyone to manage the Theatre because of what has already been said, found it necessary to ask the now deceased Honorable Governor, Don Manuel Gayoso de Lemos to grant them some favors. In order not to deprive the

39 Manuel Luís Gayoso de Lemos y Amorín was born on May 30, 1747, at Oporto, Portugal. It is believed that he was educated in England and then entered the Spanish service. Then he became an aide to Governor Alejandro O'Reilly when he was governor of Cádiz. In 1787, Gayoso was appointed Governor of the Natchez District, where he remained until he became governor of Louisiana in 1797. He died in 1799, and the office was taken over by Nicolás María Vidal, who assumed the civil powers, and Francisco Bouligny, who assumed the military powers. Bouligny was almost immediately replaced by the Marquis of Casa-Calvo. Jack D.L. Holmes,
public of the diversion of the Theatre, the Governor was kind enough to accede to the concern of the said stockholders by interceding for them as is shown in the accompanying document. Under certain conditions, he consented to dances year-round for the black people; and it is equally true and apparent that he offered the said stockholders to permit public night-dances, the diversion of blackjack, and, during Carnival, two dances weekly for the black freemen. Therefore, the expounders proceeded to carry on the contract, making themselves responsible for keeping the Theatre open during the current year. We beg Your Lordship to honor the decision of the deceased Governor, your predecessor, to protect the petitioners and to maintain the benefits granted, without which they would not have undertaken the contract to keep the Theatre open, which they resent up to now, due to the considerable loss of four thousand or more pesos. If necessary, you can ascertain this truth by comparing the account which has been made and that which has been spent in increases of costs, salaries paid to the operators and work done.

Benevolence and justice we expect to receive, which, fortunately, is dispensed by Your Lordship.

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After having studied the accompanying document, I attest that it is clearly stated that the deceased Governor, Don Manuel Gayoso de Lemos, conceded to the petitioners the exclusive right to give public dances for the black people, so that with this concession they might be able to maintain the expenditures of the Theatre. With these understandings, they undertook the contract with the stockholders and representatives; so permission is granted them to continue the said dances until the end of the Carnival festivities, without admitting slaves or having other games than those for pure diversion which are not prohibited. Considering that the government did not have in its possession the circumstances of the referred privilege, it acceded to the petition presented by the Cabildo on behalf of the request of the Attorney General [Pedro Dulcido Barran], in session celebrated the seventh of the current month, to do away with said dances. Notice of this decree is to be given to the members of the Illustrious Cabildo and the other interested
parties, and, as soon as they are informed, the original
document is to be returned to the public scribe. The Cabil-
do and the petitioners also should keep a certified copy of
the documents at hand for their convenience.

(Rubric) Vidal

The Honorable Don Nicolás María Vidal, Acting Civil
Governor and Royal Vice Patron of these Provinces of Louisi-
am and West Florida, decreed it and signed it in the City
of New Orleans, the thirteenth of February of eighteen hun-
dred.

(Rubric) Pedro Pedesclaux
Public Scribe

The same day I informed Bernardo Coquet and Antonio Bo-
niquet of it. I certify it.
Copy of the decree issued by the late Governor Manuel de Gayoso relative to the Theatre (Coliseo) and the public dance hall for the black people.

Don Manuel Gayoso de Lemos, Brigadier of these Kingdoms, Governor General, Royal Vice Patron of these Provinces of Louisiana and West Florida, and Inspector of the Veteran Troops and Militia by His Majesty.

Inasmuch as the stockholders of the Theatre of this City have set forth before me that for the past years they have suffered losses and considerable heavy damages, and, if they would open it for the current year, the result would be the same—therefore, they will be forced to close the Theatre, suspending all public diversion, if the Government does not grant them some means with which they can defray expenditures which are necessary to maintain the Theatre. For this reason, Don Bernardo Coquet and Don José Antonio Boinquet have come before me, proposing that, if through the Honorable Governor they would be granted the privilege of running a public dance hall for black people, they would maintain and operate the Theatre for the period of one year. Thus, they would not deprive the public of these diversions in a country destitute of all modesty; and also, the Theatre would entertain the young people who would otherwise be idle. It would distract them from vice, which is where
idleness originates.

I have resolved to concede to the said Coquet and Boniqueet the privilege of a public dance hall for black people under the following conditions:

First, that they shall give a dance every Sunday night.
Second, that no slaves may be admitted to the said diversion, unless they have a leave of absence from their owners, in order to prevent the harm that can result.
Third, that no other person shall be able to give dances for the black people in any other hall than that specified by the said Coquet and Boniquet.

The said conditions will be precisely observed, without any obstruction, under penalty to the transgressors.

Having signed the present by my hand, sealed with the seal of my coat of arms, and countersigned by the scribe, the Acting Head of the Department of War, and Government Scribe of these Provinces by His Majesty, in the City of New Orleans on the thirteenth of April of the year one thousand seven hundred ninety-nine.

Manuel Gayoso de Lemos
Andrés López Armesto

40Andrés López de Armesto came to Louisiana in the early years of the Spanish period. He was appointed Secretary to the Government (Secretario de Gobernación) at a salary of one thousand pesos per annum. In 1780, he was appointed by Bernardo de Gálvez to replace the deceased Josef Foucher as Director of Schools and was later appointed as Director of the Orphan Asylum. AGI, Santo Domingo, leg. 2547, Bernardo de Gálvez to José de Gálvez, no. 380, June 5, 1780; Ibid., leg. 2611, Martín Navarro to José de Gálvez, no. 457,
A letter from Acting Governor Nicolás María Vidal, to the Cabildo, informing it that he has resolved to permit the dances for the black people to continue.

February 14, 1800

MOST ILLUSTRIOUS CABILDO

By virtue of the petition of the Attorney General, and that which Your Lordships made to me in consequence of it, I consented that the public dances for the black people may be prohibited, and, later, the prohibition was made known to José Antonio Boniquet and Bernardo Coquet. They brought before me the grant which had been conceded by the deceased Brigadier and Governor, Don Manuel Gayoso de Lemos, at the asking of the stockholders, in order to support the expenditures of the Theatre.

I had to suspend the referred order and permit that the public dances cited may be continued for the remaining few days of the Carnival festivities, in accordance with the cited privilege, and with the extension of the dances during February 12, 1787; Actas del Cabildo, Libro IV, t.4, ff.115-116, July 16, 1801.

He made his residence on Dumaine Street, but he also had some land in the Natchez District which he had received from Governor Miró, and later sold it to Charles Percy. When the Spanish period was over, he left for Cuba and retired to Spain. Spanish Census of 1791; May Wilson McBee (ed.), The Natchez Court Records, 1767-1805; Abstracts of Early Records, 7 vols. (translated and abstracted by David Turner, 1817-1818), II, 465, 467.
Carnival, which they proved to have been granted by word of mouth by the same Governor. I executed the order, after being informed by the two interested gentlemen that, if the prohibition subsisted, they would suspend the play in the Theatre the same day they were denied the principal condition under which they took the contract. And I did not want it believed by the public that I had used that pretext, in order to close the Theatre. And I advise Your Lordships, of this matter for your knowledge and compliance. Furthermore, you are to return the documents to me as soon as you have made copies of them.

May God grant Your Lordships long life.

New Orleans

(Rubric) Nicolás María Vidal
Document 342

A letter from Don Nicolás María Vidal, Acting Civil Governor, to the Cabildo, recommending the construction of sidewalks, repairing of bridges and cleaning of gutters.41

41 When the city was laid, gutters were dug alongside the streets to drain the excess water from the city to Bayou St. John. These gutters were in a constant state of disrepair, but, nevertheless, they remained in the city until 1900, when the streets were paved. Sidewalks, which were only about four feet wide and ran along the front of each house, terminated at the end of the block. The bridges were usually made of large planks laid at the intersections to cover the gutters and were used to cross the street, since the sidewalks did not go any farther than the end of each block. Henry E. Chambers, A History of Louisiana, 3 vols. (New York, 1925), I, 108; Berquin-Duvallon, Vue de la colonie espagnole, 23-24; Perrin du Lac, Voyage, 392-93.

One observer described the condition of travel in the city in 1803, claiming that in many places the bridges and sidewalks were broken and covered with so much mud that one had to be an expert in the art of equilibrium to follow them, because they (the bridges) were inclining to one side or the other. Landry (trans.), Voyage to Louisiana, 31.

The major problem in keeping the gutters, sidewalks and bridges in a state of repair was constantly one of finances. The Crown had issued royal orders in which the people who benefited the most would bear the burden of the expense throughout the Americas. Recopilación, Libro IV, Título XVI, Leyes I, IV; Alemparte, El Cabildo en Chile, 80-92; Moore, Cabildo: Bourbons, 108; John Fisher, "The Intendant System and the Cabildos of Peru, 1784-1810," Hispanic-American Historical Review, XLIX (August, 1969), 437-38.

The practices of financing the maintenance of city works through individuals was established by Governor O'Reilly and continued in New Orleans throughout the years of the Spanish period with the exception of 1785, when Governor Gálvez gave a dispensation, because the inhabitants had suffered great losses due to a hurricane. Actas del Cabildo, Libro III, t. 1, ff. 64-65, August 26, 1785.

Maintenance of city works continued to be a problem. Finally, a contract was given to Roberto Jones for a period of six years to keep them in good condition. He defaulted, and the contract was then awarded to Bartolomé Lafond, another local contractor. Ibid., Libro IV, t. 1, f. 39, July 3, 1795; Ibid., ff. 46-47, August 29, 1795; Ibid., f. 52, September 18, 1795; Ibid., f. 135, July 1, 1796; Ibid., f. 199, March 17, 1797; Ibid., f. 219, June 23, 1797.
February 21, 1800

MOST ILLUSTRIUS CABILDO

Since last year, I have been clamouring in various sessions of the Cabildo over which I have presided as Civil Governor, for the Honorable Deputies to have sidewalks constructed—either through public auction or through a contract, whichever way is more convenient. It is the responsibility of Your Lordships and the Cabildo to see that this is done through the regular administrative channels. A standard must be set for the surface level of the sidewalks for the engineers who will be in charge of building them. Since this has not as yet been done, Your Lordships must decide on the surface level immediately, because many people will not build their sidewalks until they have a model to go by, for fear of being obliged to undergo the expense again.

By 1799, the contract system failed, and the city works again were in need of repairs. The Cabildo felt that the system of financing the work by charging individuals was inadequate and inefficient, owing to the difficulty of supervising and collecting the money from each inhabitant; thus, it was resolved that the Cabildo would pay the cost from the city treasury and petition the Crown for its approval. Governor Gayoso gave his approval, but it was with the understanding that the inhabitants would be informed that, if the King did not give his royal approval, the respective people would have to bear the burden. The Spanish period ended, and the King never did resolve the issue; thus, the city treasury continued to pay for the maintenance. Ibid., Libro IV, t. 4, ff. 30-32, October 31, 1800; Ibid., ff. 67-70, February 6, 1801; Ibid., ff. 151-52, January 8, 1802; Ibid., f. 157, January 29, 1802; Harkins, "Regulatory Functions of the Cabildo," 128-36.
as was previously pointed out to me by the justices of the peace of the wards [alcaldes de barrios]. Only yesterday they reminded me of it again.

There are several bridges in the City that are always in bad condition, and others that need immediate repairs. Also the ditches they span must be cleaned. Being full of dirt, they impede the course of the waters; and the people of the two extreme ends of town are complaining that the streets can not drain into the ditches. As a result, the water stays in the streets forming puddles and mires, making the streets impassable. Since the water can not drain into the canals, it is useless for the people to dig ditches by their houses.

Because of these conditions, I urge Your Lordships to order, without delay, the construction and repairing of bridges and the installation of ducts underneath them for the waters.

May God grant Your Lordships long life.

New Orleans

(Rubric) Nicolás María Vidal
A letter from Don Nicolás María Vidal, Provisional Governor, to the Cabildo, requesting information concerning the value of the Cabildo building and the amount owed to the succession of Don Andrés Almonaster y Rojas, so that he could render a report to the King.\textsuperscript{42}

\textsuperscript{42}The Almonaster family can be traced to 725 A.D. to the city of León, where one of their ancestors, Álvaro de Almonaster, helped in capturing the city from the Moors. Since his family had then fortified themselves in a church, from which the Moors were unable to remove them, the family manor became known as Monasterios or Almonasteres, and the family motto then became known as "a pesar de todo, venceremos Go­dos" (In spite of all, we Goths shall conquer"). \textit{Actas del Cabildo, Libro IV, t. 2, ff. 4-10, July 21, 1797.}

Don Andrés Almonaster y Rojas was born in 1725 in Mayrena, Spain. He was the son of Don Miguel Almonaster y Rojas and Doña María Juana de Estrada. He married Doña María Martínez while he was in Spain. From this union a child was born but died in infancy. Upon her death, he came to Louisiana with O'Reilly in 1769. \textit{King, Creoles, 305-12; "Notarial Archives," Group II, Carlos Ximénez, VII, August 20, 1794, ff. 326-30.}

Don Andrés was appointed colonel in the Battalion of Disciplined Provincial Infantry Militia of New Orleans, but he was not well liked by all. When Carondelet reorganized the militia, Almonaster opposed it vigorously. There was a mass exodus of members from his battalion, and drills and parades had to be halted for lack of sufficient personnel. Carondelet, nevertheless, took away two of his best detachments, and upon the death of Almonaster, his battalion was taken over by Pedro Marigny. \textit{Holmes, Honor, 50-51, 163.}

Besides his military appointment, he bought the commission of notary in 1773, and in 1791, he bought the office of commissioner (regidor) and the office of Royal Standard Bearer (Alférez Real). \textit{AGI, Santo Domingo, leq. 2539, no. 1, March 11, 1773, ff. 1-2; Ibid., no. 34, November 19, 1791, ff. 69-70.}

Through numerous positions, he became the wealthiest man in the colony. He bought the property flanking both sides of Jackson Square and constructed several buildings which he rented. Also, he was the owner of a large brickyard. \textit{Actas del Cabildo, Libro IV, t. 2, ff. 120-21, April 3, 1798; Clayton Rand, Stars in Their Eyes: Dreamers and Builders in Louisiana (n.d.), 44-45.}
February 21, 1800

MOST ILLUSTRIUS CABILDO

To investigate for a report sent by the King, it is necessary to know the value of the Cabildo building, and what amount of the total sum is owed to the succession of the deceased Honorable Colonel of Militia and Royal Standard

With his advancement in age and his accumulation of wealth, he devoted most of the last years of his life to philanthropic projects. Through his efforts and money, he built the Charity Hospital in 1779, which had been destroyed by a hurricane and later built the Hospital for Lepers (Hospital de San Lázaro). In 1787, he built a chapel for the Ursuline convent, and, a few years later, he built the Cathedral of St. Louis, the Presbytery (Casa Curial), and the Cabildo for which his successors were partially paid. AGI, Santo Domingo, leg. 2563, Carondelet to Eugenio Llaguno de Amirola, no. 3, June 28, 1794; Ibid., leg. 2613, Rendón to Gardoqui, no. 98, January 30, 1796; Pontalba to Miro, May 7, 1792, in Cruzat (trans.), "Letters in Journal," 404; Landry, Voyage, 35; Actas del Cabildo, Libro IV, t. 1, ff. 60-63, November 6, 1795.

In his old age, he became deaf and partially senile, such that in the sessions of the Cabildo he had to have the reports written, so that he could follow. Also, he felt that the other members of the Cabildo were trying to exclude him from participating in the capitular sessions, and he refused to attend some of them until they apologized. Actas del Cabildo, Libro IV, t. 2, ff. 72-73, October 20, 1797; Ibid., ff. 75-76, October 27, 1797; Ibid., ff. 80-81, November 3, 1797.

At the age of sixty, he married a sixteen year old girl named Luisa LaRonde y Broutín, daughter of Don Pedro LaRonde and Doña Magdalena Broutín. As part of her dowry, he gave her property amounting to twenty thousand pesos. From this union, two children were born. In 1795, a girl was born whom they named Micaela Leonarda Antonia, who later married Josef Xavier Celetín Delfau de Pontalba. A second daughter was born in 1799, whom they named Andrea, but she died in 1802.

Don Andrés Almonaster, having been honored with the title of Knight of the Order of Charles III, died on April 26,
Bearer, Don Andrés de Almonaster y Rojas.  

In this respect, I entrust Your Lordships to try to make, without any delay, the assessment of the Cabildo which has been ordered, commissioning the Honorable Councilmen, who shall be delegated for the matter cited, to forward and conduct the expressed business.

1799, at the age of seventy-three. He was buried on the grounds of the parish church, but on November 11, his remains were transferred and buried in the Cathedral.

In his will, he left money to the hospitals, to the poor, and to two of his nephews who were living in Spain. The rest of his property went to his wife and children. James F. Jameson (trans.), "Almonaster's Will," Louisiana Historical Quarterly, VI (January, 1923), 21-34; Libro primero de confirmaciones, 100; "Cemetery Records of St. Louis No. 1"; Renshaw, "Jackson Square," 38-43; "Notarial Archives," Group I, Juan Bautista Garic, V, March 31, 1774, ff. 66-70.

Since by royal order it was prohibited to hold the capitulary sessions anywhere but in the Cabildo House (Casa Capitular), Governor O'Reilly ordered one constructed on the site of the old Superior Council. It was built by Francisco Hery for the price of one thousand eight hundred pesos. It was completed by August 17, 1770. In the fire of 1788, however, the Cabildo building burned down, but it was not reconstructed for lack of funds. In 1793, Andrés Almonaster petitioned the Crown to build the Cabildo at his own expense, provided the Crown loan him fifteen thousand pesos, which he would repay at the rate of two thousand pesos annually. The Crown, however, was not too enthusiastic about giving such a large loan, and it refused the request by not answering. Recopilación, Libro IV, Título IX, Leyes I, II; Samuel Wilson, Jr. and Leonard V. Huber, The Cabildo on Jackson Square, (New Orleans, 1970), 13-18, 27-29; AGI, Santo Domingo, leg. 2563, Carondelet to Llaguno, no. 3, June 28, 1794; Charles P. Dimitry, "The Story of the Ancient Cabildo," Louisiana Historical Quarterly, III (January, 1920), 58-59.

In 1795, Almonaster proposed to build the Cabildo at his own expense, provided the city council would pay him the appraised value of the building whenever city funds were available. The councilmen readily agreed, since the treasury was empty. The Crown, on condition that the first floor be used as the headquarters for the main troops, agreed to give Almonaster two thousand pesos, and all the bricks from the burned barracks. AGI, Santo Domingo, leg. 2613,
May God grant Your Lordships long life.

New Orleans

(Rubric) Nicolás María Vidal

Rendón to Gardoqui, no. 98, January 30, 1796; Actas del Cabildo, Libro IV, t. 1, f. 58, November 6, 1795.

The building was designed and supervised by Lieutenant Colonel and Sergeant-Major of the Post, Don Gilberto Guillermard; and, for his services, he was paid five hundred pesos. A month before the Cabildo was occupied by the councilmen, Almonaster died. It was not finished, for the ceiling and the stairways still had to be built. The widow of Almonaster, Luisa LaRonde, took the responsibility of completing the building, but soon found out that it was a difficult task; thus, she requested that the councilmen finish the work and appraise it as it was. The city council agreed and completed the building. After numerous delays in getting appraisals, it was finally estimated to have cost thirty-four thousand three hundred forty-eight pesos and six reales. In various installments, the city paid for the Cabildo, making the final payment of four thousand three hundred forty-eight pesos and six reales on August 19, 1803. Actas del Cabildo, Libro IV, t. 2, ff. 84-85, November 10, 1797; Ibid., f. 135, April 27, 1798; Ibid., f. 140, May 18, 1798; Ibid., ff. 179-80, November 23, 1798; Ibid., ff. 182-84, December 3, 1798; Ibid., t. 3, f. 143, February 21, 1800; Ibid., ff. 190-91, June 27, 1800; Ibid., t. 4, ff. 66-67, February 6, 1801; Ibid., ff. 200-201, April 9, 1802; Ibid., t. 5, f. 77, June 3, 1803; Parsons, "The Latin City," 366; Also, see Documents 404 and 422.
Document 344

A petition from Don Claudio Francisco Girod, merchant, to the Civil Governor (Nicolas Maria Vidal), requesting him to interpose his influence near the Viceroy of Mexico, to secure free transportation of mules.44

44Claudio Francisco Girod was a successful merchant in New Orleans who bought a lot in the Fauburg St. Marie from the Gravier Family. After the fire of 1788, the streets were laid, and one was named in his honor, which name bears it to the present. He married Margarita Paris and from this union, there is a record of only one son named Pedro Nicolas, born in Sardinia in 1805. Cable, Creoles, 212; "Cemetery Records of St. Louis No. I."

As a merchant, his dealings were varied, not only in New Orleans but also in the Natchez District where he bought slaves which he sold in New Orleans at a profit. In New Orleans he established a vinegar factory, but his competitors tried to put him out of business by spreading false rumors that he adulterated his vinegar by adding harmful chemicals. Later, he petitioned for a grant of land to establish a flour mill, but it was flatly denied. If in this attempt he was unsuccessful, he was partially vindicated in 1801, and again in 1803 when he was elected by the Cabildo to serve as ward commissioner (alcalde de barrio) of the Santa Maria Ward (Fauburg St. Marie). McBee, Natchez Court Records, II, 62, 472; "Notarial Archives," Group I, Pedro Pedesclaux, VIII, October 10, 1789, f. 966-68; Actas del Cabildo, Libro IV, t. 2, f. 42, September 15, 1797; Ibid., t. 4, f. 58, January 1, 1801; Ibid., ff. 97-98, June 5, 1801; Ibid., t. 5, f. 37, January 7, 1803.
February 24, 1800

HONORABLE CIVIL GOVERNOR

Don Claudio Francisco Girod, dweller and tradesman of this City, with all due respect to Your Lordship, expound:
That because of the entreaties of the indigo farmers of Louisiana who for many years have been harvesting smaller and smaller crops on land ideally suited for the cultivation of sugar cane, I went to New Spain in order to get mules for them. Mules are abundant there, and I contracted for

45 Indigo (ahil) was also called the "scarlet cochineal dye." It was the most valuable staple crop during the French period and through most of the Spanish period. During the Spanish period, Louisiana indigo had to compete with that of Guatemala, México and most of the West Indies. Nevertheless, it commanded a large market in some European countries such as Germany, Sweden and others. Clark, Economic History of New Orleans, 187-88; Brian R. Hamnet, "Dye Production, Food Supply, and the Laboring Population of Oaxaca, 1750-1820," Hispanic-American Historical Review, LI (February, 1971), 59; Alliot, "Historical Reflections," in Robertson, Louisiana, I, 43; Gayarré, History, III, 436-37; Gremillion, "St. Bernard Parish," 1.

Indigo was cultivated on both sides of the river as far north as Baton Rouge and only by large plantation owners who had large gangs of slaves, for it was a labor-consuming process. Slaves were in constant demand because their life span in an indigo plantation was only five years. It was customary to send them to New Orleans at that time and sell them before they died. V. Alton Moody, "Slavery on Louisiana Sugar Plantations," Louisiana Historical Quarterly, VII (April, 1924), 197; Actas del Cabildo, Libro IV, t. 1, f. 131, June 17, 1796.

In 1769 and throughout the 1780's, the production of indigo was over four hundred thousand pounds, and it commanded a price ranging from as low as one peso to a high of seven pesos per pound. However, in the 1790's, a series of cala­mities destroyed the crop. These started with bad weather conditions from 1791 to 1793. This caused a great amount of
three hundred head with Don Josef Pérez and Don José de Larante. I paid a certain sum to them for the mules; then I returned to Louisiana to await the arrival of the mules. I have now received notice from Don Gil Guillermo de Labarre, Licenciado, in charge of the Royal Presidio of San Antonio de Bexar, that I have been denied the right to bring mules into Louisiana. I have written about this matter to the

dampness which was conducive to the rapid reproduction of an insect which devoured the roots of the plant, such that by 1794 indigo cultivation had almost come to a halt and continued to decline. By 1801, there were only eighty thousand pounds exported from Louisiana. Wood, "Life in Louisiana," 663, 667; Le Moniteur, March 12, 1803; "William Jonhson's Journal," 30; Landry (trans.), Voyage, 200.

46 The principal area of livestock raising in Louisiana was west of the Mississippi River and South of the Red River, particularly in the settlements of Attacapas, Opelousas, Natchitoches, Rapides and others. Large herds of horses, mules, cattle and hogs from the grasslands of Attacapas and Opelousas kept New Orleans adequately supplied with meat. The ranchers tried to establish a monopoly of exclusively supplying New Orleans but were strongly opposed by the inhabitants of the ranching areas, as well as the residents of the city. The trade also expanded to the presidios (mission-forts) of Texas, particularly Los Adaes and San Antonio de Bexar. This trading accessibility led to horse and mule stealing by the Indians who supplied both the Louisiana and Texas traders, to the extent that Governor O'Reilly issued a law forbidding the buying of livestock from the Indians. Actas del Cabildo, Libro IV, t. 1, f. 103, April 8, 1796; Ibid., ff. 125-29, June 17, 1796; Ibid., IV, t. 2, ff. 42-43, September 15, 1797; Clark, Economic History, 184-85; Hodding Carter, Lower Mississippi, 92; Winston Deville, Rapides Post-1799: A Brief Study in Genealogy and Local History, (Baltimore, 1968), xii; Herbert Eugene Bolton, Athanase de Mézières and the Louisiana-Texas Frontier, 1768-1780, 2 vols. (Cleveland, 1914), I, 61, 102-104; De Mézières to Unzaga, February 16, 1776, in Bolton, Mézières, II, 120-21, 61.

47 San Antonio, the Presidio de Bexar, was laid out by Don José Antonio de Villa in the early eighteenth century. It was settled by industrious Canary Islanders who soon developed the area into one of the largest livestock areas in the Americas, in spite of a disastrous flood late in the century
Honorable Viceroy of Mexico, to Your Lordship, to the Most Illustrious Cabildo, and to Honorable Attorney General.\textsuperscript{48}

The farmers of Louisiana are in urgent need of these mules with which they will be able to produce sugar and enrich not only themselves but the Royal Treasury.\textsuperscript{49}

which killed over fifty thousand head of cattle.

Trade with Louisiana and other parts of Texas was jealously guarded, and large scale smuggling developed. Several mule trails existed at that time which extended in a north-easterly direction to Natchitoches in Louisiana, and from Natchitoches it continued in a northwesterly direction to Santa Fe in New Mexico forming a triangle with the trail coming from San Antonio in the south. San Antonio also had mule trails stretching to the Río Grande, Saltillo, San Luis Potosí, Querétaro and Mexico City. John Henry Brown, History of Texas, 2 vols. (St. Louis, 1892), I, 27-34; Noel M. Loomis and Abraham P. Nasatir, Pedro Vial and the Roads to Santa Fe, (Norman, Oklahoma, 1967), 264-66, 321-23; Bolton, Mezieres, I, 31.

\textsuperscript{48}Louisiana, Florida, Cuba, and other areas were under the authority of the viceroyalty of New Spain (Mexico). However, Louisiana and Florida were not governed directly by the viceroy of Mexico, but rather through the captain general of Cuba.

Miguel José de Azanza was the Viceroy of New Spain from 1798 until 1800 when he was succeeded by Felix Berenguer de Marquina. Azanza was not a great viceroy, but he had some noteworthy accomplishments. Two of the most important accomplishments during his administration were the founding of a colony in Nuevo León and the permitting of women to join the quilts in 1799. In 1799, he suppressed a conspiracy, and he ordered a strict enforcement regulating the entrance of people from other areas for the purpose of trade, thus we see the commandant of the Presidio de San Antonio de Bexar deny the exportation of mules to Louisiana. Lillian Estelle Fisher, Viceregal Administration in the Spanish-American Colonies, (Berkeley, California, 1926), 3, 56, 90, 119, and 344.

\textsuperscript{49}It is traditionally believed that sugar cane was introduced by the Jesuits in 1751, but either Iberville or Bienville may have introduced it. Davis, History of Louisiana, 72.

Nevertheless, the Jesuits brought some sugar cane in 1751 from Santo Domingo and attempted to grow it on their
Therefore, the expounder hopes that Your Lordship will persuade the Viceroy of Mexico to permit me to bring the mules into Louisiana, so that this Province may prosper as our benign Monarch intended that it should.

Will Your Lordship be kind enough, not only to intercede with the said most-excellent honorable viceroy for the purpose of removing all obstacles, giving the corresponding plantation without success. In 1758 a wealthy planter by the name of Joseph Villars Dubreuil attempted a large scale manufacture of sugar cane but was unsuccessful. In 1790 a Spaniard named José de Solís tried but was only able to make tafia. He sold his plantation to Antonio Méndez, who was able to make a few barrels of granulated sugar, thus laying the foundation for the future Louisiana industry. Then, in 1794, Étienne de Bore' bought some of his sugar cane and was successful in profitably manufacturing sugar the following year. Actas del Cabildo, Libro IV, t. 3, ff. 24-25, April 19, 1799; Francois Xavier Martin, The History of Louisiana from the Earliest Period, (New Orleans, 1882), 198; Gayarré, History of Louisiana, III, 347-50.

The cultivation of sugar cane, which was the staple crop that saved the economy of Louisiana by replacing the faltering indigo crop, developed at such a rapid rate on both sides of the river, from around English Turn in the south to about fifteen miles above New Orleans, that the number of sugar plantations rose from about five in 1766 to over sixty by 1803. The rapid expansion earned Louisiana the sobriquet of "the northermost banana republic in the Americas." Wood, "Life in New Orleans," 668-69; Clark, Economic History of New Orleans, 218-22; Morning Advocate (Baton Rouge, Louisiana), January 25, 1971, Section B, p. 7; The New Orleans Times Picayune, November 15, 1971, Section 1, p. 14.

Due to the utilization of bagasse as a fertilizer, sugar production rose rapidly from a few thousand pounds in the 1790's to over five million pounds by 1803. At the same time, over one million pounds were exported at a price of nine or ten cents per pound. Le Moniteur, March 12, 1803; J. Carlyle Sitterson, Sugar Country: The Cane Sugar Industry in the South, 1753-1950 (Lexington, 1953), 9-10; Perrin du Lac, Voyage, 381-83; Account of Louisiana, 31-32.
orders to permit free transit to this province for the mules
destined for the cultivation and production of sugar; but,
also, will Your Lordship present this petition to the Illus-
trious Cabildo and to the Honorable Attorney General, so
that they may be informed of the truth of my letters.

I plead with Your Lordship, whose patriotic zeal and
superior judgment are unquestioned, to consider the merits
of my petition and to use your great authority to influence
the Viceroy. Thus, I entrust this petition to the renowned
equity and justification of Your Lordship.

New Orleans

(Rubric) Claudio Francisco Girod

Let it be shown to the Attorney General of this City.

(Rubric) Pedro Pedesclaux
Public Scribe

The Honorable Don Nicolás María Vidal, Chávez Echavar-
ría de Madrigal and Valoci, Lieutenant-Governor and Military
Legal Advisor of this Province of Louisiana and West Florida,
Provisional Civil Governor of them, Vice Royal Patron and
Judge Subdelegate of the Royal Post Office by His Majesty,
decreed it and signed it in New Orleans the sixth of March
of the year eighteen hundred.

(Rubric) Pedro Pedesclaux
Public Scribe

The antecedent decree was made known, in New Orleans,
to Don Claudio Francisco Girod, on the said day, month and year. I certify it.

(Rubric) Quiñones

The same day I informed the Attorney General [Pedro Dulcido Barran]. I certify it.

(Rubric) Quiñones

50Esteban José Quiñones was born in 1749 in Havana, Cuba. His father was José Quiñones and his mother was Juana La Madrid. Esteban came to Louisiana with Governor O'Reilly and bought a house on Bourbon Street. In 1773, he married María Durieux, daughter of Don Juan Bautista Durieux and Catarina Fontaine. From this union a child named María Gertrudes was born on March 15, 1778. Other children were born, but they died in infancy. "Cemetery Records of St. Louis No. I."; Spanish Census of 1791; New Orleans in 1805; "Notarial Archives," Group I, Juan Bautista Garic, IV, August 2, 1773, 219-21; Libro primero de confirmaciones, 158.

In 1777, Quiñones was appointed by Governor Bernardo Gálvez to be a teacher (maestro de escuela de primeras letras) in the Spanish school upon the death of Don Francisco de la Colina. However, animosity developed between Quiñones and Governor Miro, and he was dismissed from this office in 1789, being replaced by Fernando Ybanez. AGI, Audiencia de Santo Domingo, leg. 2547, Bernardo de Gálvez to José de Gálvez, no. 113, December 30, 1777; Ibid., leg. 2553, Miró to Antonio Porlier, no. 25, July 31, 1789.

After his dismissal from the school position, he continued practicing his profession of public notary and, in 1796 he applied and bought the commission of royal notary which he received in 1798. His notarial career extended from 1778 in the Spanish period until his death in 1815. During this time, he certified thousands of documents which fill ten volumes. Most of his work, however, was done in the judiciary department, recording the proceedings. Ibid., le. 2539, no. 46, ff. 92-93, September 16, 1797; Actas del Cabildo, Libro IV, t. 2, ff. 149-54, June 28, 1798.
March 7, 1800

HONORABLE CIVIL GOVERNOR

Don Pedro Dulcido Barran, Attorney General, having examined, with mature consideration, the request of Don Claudio Francisco Girod, from this vicinity and commercial district, that Your Lordship interpose your good offices with the Most Excellent Honorable Viceroy of Mexico, in order that His Excellency will be kind enough to permit him to bring three hundred head of mules and horses from the kingdom of New Spain. With due respect to Your Lordship, I declare that the motives upon which the said Girod bases these favors should be granted not only to Girod, but to anyone from this Province who wishes to enter the Kingdom of New Spain for the same trade, as well as all those from the referred kingdom who would like to import the said animals. From this trade immense benefits would result to the inhabitants and residents of both provinces. Those of Louisiana would get the animals which are to them indispensable, and those of New Spain would get higher prices.

I entreat Your Lordship to be kind enough to interpose your influence with the Most Excellent Honorable Viceroy of Mexico, in order that he may permit the commerce of the said animals to all individuals of the province who wish to undertake it. For the sake of the benefits of this colony which I expect to receive, I submit this request.
New Orleans

(Rubric) P. D. Barran

I presented this expedient to the Most Illustrious Cabildo, Court of Justice and Administration of this City, so that it may do whatever seems convenient over the petition of Don Claudio Francisco Girod.

(Rubric) Quiñones

The Honorable Don Nicolás María Vidal, Chávez Echavarría of Madrigal and Valoci, Lieutenant-Governor and Military Advisor [Auditor de Guerra] of this Province of Louisiana and West Florida, Provisional Civil Governor of them, Royal Vice-Patron and Judge Subdelegate of the Royal Post Office by His Majesty, decreed it and signed it in New Orleans the seventh day of March of the year eighteen hundred.

(Rubric) Pedro Pedesclaux
Public Scribe

I made the antecedent decree known in New Orleans to Don Pedro Dulcido Barran, the Attorney General, on the said day, month, and year. I certify it.\(^5\)

(Rubric) Quiñones

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\(^5\)The Cabildo had no objections to the petition of Girod, provided the privilege was made available to anyone who desired it. *Actas del Cabildo*, Libro IV, t. 3, ff. 152-53, March 14, 1800.
At the same time, I made it known to Don Claudio Francisco Girod. I certify it.

(Rubric) Quiñones
Resignation of Don Baltasar Dusseau, as Syndic for the District of Cañas Quemadas, presented to the Cabildo.

Baltasar Dusseau de la Croix was a member of the wealthy plantation owners who profitably cultivated large amounts of sugar cane in the suburbs of New Orleans.

In 1787, he was married to María Doricourt, a native of New Orleans. From this marriage several children were born, but there is a record of only a girl named Adelaida and a son with the same name as the father. The son eventually joined the militia of the territory and achieved the rank of sub-lieutenant in the 4th Regiment commanded by Juan Bautista Macarty.

In 1800, Baltasar was elected as a syndic (alcalde de la hermandad) to enforce law and order in his district, as his father had done in previous years. Due to ill health, he asked to be excused. In 1803, when he had recuperated sufficiently, he was elected again, and this time he served the office until the end of the Spanish period.

Actas del Cabildo, Libro IV, t. 3, f. 121, January 3, 1800; Ibid., t. 5, f. 37, January 7, 1803; "Notarial Archives", Group I, Fernando Rodriguez, XIII, December 1, 1787, f. 1126-1128; Libro primero de confirmaciones, 72; James, "Le Diamant", 310; Pierson, Louisiana Soldiers, 41.
February 24, 1800

MOST ILLUSTRIOUS CABILDO

Don Baltasar Dusseau, resident of the District called Cañas Quemadas, before Your Lordships with due respect, I say that I have been elected Syndic of the district where I make my residence; but no matter how much I want it, I can not undergo the strenuous exercises which the position demands, due to the inconveniences and illness to which I am subject.

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Cañas Quemadas (Cannes Brûlees) was one of the seven districts in which New Orleans and its suburbs were divided during the Spanish period. It was also one of the districts in which the elite of the colony established their plantations.

Cañas Quemadas, which originally had been given by Antoine Crozat to the Marquis D'Artagnac, was located about fifteen miles above and across the river from the city of New Orleans and was situated at the terminal point of that section of the Public Road called the Metairie Road. Today, it forms the city of Westwego in Jefferson Parish. "An Act for Opening the Road of Metairie, from the Bayou St. John, along the Metairie Bayou, to the Settlement of Cannes Brûlees, on the Mississippi, about five leagues above New Orleans", Acts Passed at the First Session of the Legislative Council of the Territory of Orleans, 1805, Chapter XIII, 74-79; Gayarré, History of Louisiana, III, 241, 354; Clark, Economic History, 183.

The office of syndic (alcalde de la hermandad) was created to maintain law and order in rural areas outside of the municipality. The officer was annually elected by the Cabildo and exercised both judicial and executive authority. Whenever he apprehended a wrong-doer, he held court on the spot and administered justice, as well as collected the fines which helped to pay for his salary. Moore, The Cabildo Under the Hapsburgs, 103-104; Recopilación, Libro V, Título IV, Leyes I, II; Bayle, Los cabildos seculares, 170-71; Gayarré, History of Louisiana, III, 11; Alemparte, El
I plead with Your Lordships to be kind enough to re-examine and free me from the duty of Syndic, and to substitute and put in my place another person, for the certificate which I am sending from the surgeon, Don Luis Fortín, with due respect, makes my indisposition apparent.\(^5^5\) Mercy I hope to receive from the equity of Your Lordships.

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**Cabildo en Chile, 245-47.**

In cases when the Cabildo did not elect alcaldes de la hermandad to patrol the rural districts, the alcaldes ordinarios (judges) assumed the responsibility. *Recopilación, Libro V, Título III, Ley XVIII.*

New Orleans was divided into seven districts, in each of which two alcaldes de la hermandad were elected. The districts were as follow: The Tchoupitoulas District was the area above the river on the east side along the Tchoupitoulas Road as far as Audubon Park; the second district, Cañas Quemadas, was across the river, running parallel to the first; the third district was comprised of the area of Terre aux Bouefs (St. Bernard); the fourth district was the immediate area outside of the gates of St. Charles (located around the intersection of Decatur Street and Esplanade Avenue); the fifth district was the Metairie District; and the sixth and seventh were the Bayou St. John and the Gentilly Districts. *Actas del Cabildo, Libro IV, t. 1, ff. 187-88, January 13, 1797; Ibid., t. 3, ff. 121-22, January 3, 1800.*

\(^5^5\)Dr. Luis Fortín was one of the various French surgeons who practiced medicine in the city. He lived on Royal Street, where he settled with his wife Genoveva Durant. James, "Marriage Contracts", 281; Duffy, Medicine, 166, 257.

He served in numerous examinations of other surgeons and physicians and was appointed director of the Charity Hospital by Luisa La Ronde (patroness and widow of Almonaster). He was one of the founders of the College of Orleans in 1805 and, soon after, became a member of the city council of New Orleans, representing the First Ward. Later, he became vice-president of the New Orleans Medical Society and, shortly thereafter a member of the House of Representatives, where he was instrumental in getting an act passed to create a Medical Board of Examination for the state. *Actas del Cabildo, Libro IV, t. 1, f. 106, April 22, 1796; Gazette de la Louisiane, June 25, 1805; New Orleans First Directory, 1807, 81; Paxton, Directory, 88; "An Act Prescribing the Formalities to be Observed in order to Obtain the Right of Practicing Physic or the Profession of Apothecary within the State
(Rubric) B. Dusseau, Jr.

Enclosure - Medical Certificate.\footnote{The accompanying medical certificate was too faded to be read.}
Document 346

Resignation of Don Carlos Antonio Sandre, as Public Cryer (Pregonero) of New Orleans, to the Cabildo.\textsuperscript{57}

\textsuperscript{57}Carlos Antonio Sandre lived on a street which later became Canal Street, where he resided with his wife, Marion Smith, and one slave. He was appointed Town Cryer (Pregonero) by the Cabildo, but he resigned the post and was succeeded by Francisco Pavana. Actas del Cabildo, Libro IV, t. 3, f. 159, March 21, 1800; \textit{New Orleans in 1805}; James, "Marriage Contracts, 1792-1793", 282.
March 21, 1800

MOST ILLUSTRIOUS CABILDO

Carlos Antonio Sandre, Public Cryer of this City, with due respect to Your Lordships, expounds: That having bought a lot in the confines of the District of San Luis and having established there a factory of spirituous liquor, it makes it impossible for me to carry on, totally, the duties of the position of Town Cryer, because my constant assistance is needed at the factory.

For that reason, I plead with Your Lordships to review his continuation of the said office, being kind enough to

58 The District of San Luis was also known as the Fauburg St. Marie (Villa de Santa María), which was the area located immediately above present-day Canal Street. It was called San Luís, because it led from the gate and fort by that name. Part of this land had been given to the Jesuits during the French period, but when they were exiled from Louisiana, the land was given by the Spanish Crown to John Gravier who parcelled it and eventually had an area as large as New Orleans with about two to three hundred houses. Its limits ran along the river from Gravier to St. Joseph Streets, and its boundary on the back of the river was present-day O'Keefe Avenue, according to a map of the city drawn in 1798 by Carlos Trudeau. Wood, "Life in New Orleans", 644; Cable, Creoles, 212, 223.

59 The factory of spirituous liquor was a small rum distillery, although most of the rum came from Havana. It is not known how many such distilleries were in existence during the Spanish period, but by 1820, there were six large ones and numerous small ones in New Orleans and its suburbs. Pontalba to Miró, April 11, 1792, in Cruzat (trans.), "Letters in Journal", 398; Paxton, Directory, 18.
nominate someone else in my place.60

Mercy I hope to obtain from the equity of Your Lordships.

New Orleans

(Rubric) C. A. Sandre

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60 The town cryer (pregonero) was a minor official on the payroll of the Cabildo who would dress in a colorful costume and proclaim, in the Plaza de Armas and in strategic areas of the city, the decrees and ordinances of the Cabildo. If the matter was of some importance, he was accompanied through the streets by a squad of militia in dress uniform. Also, he announced the news that came from Spain or any of the other provinces belonging to Spain, but particularly from the captaincy-general of Cuba and the viceroyalty of New Spain. Since newspapers were not published in New Orleans until late in the Spanish period and since most of the inhabitants could not read, he was an indispensable source of disseminating information. He also accompanied the person sentenced by the judicial arm of the Cabildo and publicly proclaimed his sentence. Moore, Cabildo Under Hapsburgs, 112; Bayle, Los cabildos seculares, 274-75; Actas del Cabildo, Libro IV, t. 2, ff. 41-42, September 15, 1797.
Document 347

A petition from Don José García, caretaker of Canal Carondelet, to the Cabildo, requesting that he be granted a portion of land on which to build a house.⁶¹

José Antonio García was born in Spain in 1751. He came to Louisiana and established his residence on St. Ann Street, where he lived with his wife, María Richard, whom he married in 1792. From this marriage there is a record of two sons named José and Antonio, who fought in the War of 1812. 

"Cemetery Records of St. Louis No. I"; Spanish Census of 1791; James, "Marriage Contracts, 1792-1793", 282; Pierson, Louisiana Soldiers, 49.

José Antonio became a dealer of dry goods and, upon his retirement in 1797, he replaced Pedro Herrera as caretaker of the canal built in 1795 by Governor Carondelet. There is no record of his receiving the lot of land he requested, because the colony was transferred before his petition was taken into consideration. Actas del Cabildo, Libro IV, t. 2, f. 6, July 21, 1797.

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José Antonio became a dealer of dry goods and, upon his retirement in 1797, he replaced Pedro Herrera as caretaker of the canal built in 1795 by Governor Carondelet. There is no record of his receiving the lot of land he requested, because the colony was transferred before his petition was taken into consideration. Actas del Cabildo, Libro IV, t. 2, f. 6, July 21, 1797.
March 28, 1800

MOST ILLUSTRIOUS CABILDO

Jose García, resident of this City, with the great respect which he owes, before Your Lordships, says: For the past two years I have taken care of the Canal titled "Baron de Carondelet" without pay and without any reward but voluntarily to help the public. I now desire to obtain in this district a piece of land in which I can build a small house, where I can make a home in order that I may be in the look-out of the cited canal.62

62 In 1727, Governor Perier attempted to dig a canal from New Orleans to Bayou St. John, but, lacking sufficient resources, it was doomed to failure until 1795, when Governor Carondelet succeeded with the aid of labor contributions from slave owners and from convicts in the jails. Its original purpose was to drain the excess water from the city and swamp but, as the excavation continued, it was enlarged to serve the purpose of navigation. The canal later connected with Bayou St. John from where small ships would conduct trade with Mobile and Pensacola via the lakes. It was officially named "Canal Carondelet" by the Cabildo in 1796.


The canal began at the headwaters of Bayou St. John (Estero de San Juan), near a draw-bridge built for the benefit of the inhabitants of both New Orleans and the District of Metairie. It rose through the swamps for about two miles until it reached the center gate (San Fernando) in the rear of the city rampart. Here a basin was dug. Intended as a reservoir, it was later extended and roughly followed the...
I humbly plead to Your Lordships to be kind enough to render me the grace and favor of the said piece of land, adjacent to the one which was conferred upon Don Francisco Bermúdez, by virtue of being uncultivated and unappropriated lands belonging to His Majesty. That it shall be kindness path of present-day Basin Street and Loyola Avenue until it reached Howard Avenue. It was six feet in depth and about fifteen feet in width with an embankment of ten feet. Stoddard, Sketches, 165; Cable, Creoles, 104, 290; Paxton, Directory, 35-36; Chambers, History of Louisiana, I, 374; Landry, Voyage, 5, 95; See also the "Carondelet Papers", (consisting of ten letters, of which one pertains to claims made by a citizen for remuneration for land taken away to construct the canal), deposited at Louisiana State University Department of Archives.

In 1805, the Orleans Navigation Company was chartered and given the rights to operate the canal. The company issued two thousand shares at one hundred dollars each, but it faltered because it did not have sufficient resources. It was later re-organized and made an expenditure of over three hundred thousand dollars in dredging the canal, increasing its width to thirty feet and providing three half-moons for the convenience of vessels passing each other. "An Act for Improving the Inland Navigation of the Territory of Orleans", Acts Passed at the Second Session of the Legislative Council of the Territory of Orleans, 1805, Chapter I, 2-31; Hart, "New Orleans", 362; Paxton, Directory, 87; Charles L. Dufour, Ten Flags in the Wind; The Story of Louisiana, (New York, Evanston, and London, 1967), 119.

63 Very little is known about the personal life of Francisco Bermúdez and about his career. In 1796, he received the title of royal notary, but, according to the records, he never did exercise it to any extent. AGI, Santo Domingo, leg. 2539, Título no. 44, November 28, 1796, ff. 89-90; Actas del Cabildo, Libro IV, t. 2, f. 13, July 28, 1797.

In 1797, he asked the Cabildo for a lot of land to start an apiary to make wax, which was a new industry of for which there was great demand. The Cabildo, however, after consulting Francisco Caisergues, the Attorney General, told him that it was not within its jurisdiction to grant royal land. It recommended that he petition the Crown and, by 1800, the Crown, anxious to encourage new industries, granted him the land petitioned. AGI, Santo Domingo, leg. 2531, Consulta no. 16, June 4, 1798, ff. 453-62; Actas del Cabildo, Libro IV, t. 1, f. 214, June 2, 1797; Ibid., t. 2, f. 1, July 14,
which I hope to receive and which Your Lordships daily dis-
 pense. 64

1797; Ibid., f. 7, July 21, 1797.

The land granted by the Crown was much larger than what
Bermúdez had requested, and a problem developed. It proved
impossible to be able to fulfill the specifications of the
royal grant, because it would comprise of part of Canal Ca-
rondelet, as well as part of the burial grounds where non-
Catholics were buried. To meet the dimensions of the royal
grant, he proposed that his land run parallel to Canal Ca-
rondelet with two arpents fronting the city. The Cabildo
informed him that it did not have the authority to alter the
royal grant and advised him to petition the Crown for the
second time. The Spanish period terminated before it was
able to resolve the issue. Actas del Cabildo, Libro IV,
t. 3, ff. 145-46, February 28, 1800; Ibid., f. 63, April 4,
1800; Ibid., f. 183, June 6, 1800.

64 After a town was established, the Cabildo assumed the
authority to distribute land which was subject to royal con-
firmation. As a corporation, the Cabildo was assigned its
own land (bienes municipales) as a source of revenue, but it
was also in charge of supervising the common lands (bienes
comunales) for the use of the community as a whole. However,
the distinction between the two types of land became so ob-
scure that the Cabildo considered them its own private do-
main. Moore, The Cabildo Under the Hapsburgs, 150-59; Rec-
copilación, Libro IV, Título XII, Leyes V, VI, VII; Bayle,
Los Cabildos seculares, 79-100.

When O'Reilly came to Louisiana, he issued the ordi-
nance of 1770 which made land concessions subject only to
the approval of the governor. Then he gave the Cabildo the
land on both sides of the Plaza de Armas as part of its bie-
nes comunales, but soon after it sold it to Don André's Almo-
naster y Rojas. To conciliate some of the large property
holders, he disregarded the royal order (cédula) of 1646 is-
sued by Philip IV, by which those who had received land
grants from the government could not sell them within a per-
iod of ten years, and the earlier ones by Charles V in 1525
and 1536, which made a time limit of three months for taking
possession of the land grant. Recopilación, Libro IV, Tí-
tulo XII, Leyes III, XI, XIX; Ameda Ruth King, Social and
Economic Life in Spanish Louisiana, 1763-1783, (Urbana, 1931)
35-38; Gayarré, History, III, 33-35; Gustavus Schmidt,
"O'Reilly's Ordinance of 1770; Concerning Grants of Land in
Louisiana to New Settlers, Fencing of Same, Building of
Roads and Levees and Forfeiture of Stray Cattle", Louisiana
Historical Quarterly, XI (April, 1928), 237-40 (reprinted
from the Louisiana Law Journal).
In 1799, Intendant Juan Ventura Morales received royal orders dated on October 22, 1798, giving the Intendant the right to dispose of all royal lands by taking this privilege away from the governor, according to Article 81 of the Intendancy of New Spain. He had several thousand copies printed and asked Governor Gayoso to give him some troops, so that he could make the royal order public. Gayoso received numerous objections from the Cabildo and other property holders and refused the request of Morales. The intendant wrote to the Crown about the incident, and it conceded his request. However, the governors continued to exercise their previous prerogative, as in the case of conflict between the Church and the Cabildo over the right of ownership of the old cemetery. The governor decided to let Cabildo rent the lot until the Crown resolved the matter. The Church, however, refused to remove the corpses, and nothing was done by the time the colony was retroceded to France. During the American period, all of the land grants held during the French and Spanish period were recognized, but confusion continued because many of the landholders had lost their titles during the fires of 1788 and 1794.

A letter from Don Francisco Caso y Luengo, Chief-Aide-de-Camp of Regiment Infantry of Louisiana, to the Cabildo, offering to lend it the sum of one thousand pesos.  

Francisco Caso y Luengo was born in Castilla la Vieja, Spain in 1761. He joined the Louisiana Infantry Regiment in 1785, and by April, 1800 he had risen to the rank of captain and chief-aide-de-camp. He was noted for valor, intelligence and excellence in accounting. Besides being an intimate friend of Governor Carondelet, which may give an insight as to why he rapidly rose in rank in the military, he tried to improve the situation by offering to lend the Cabildo a sum of money he had inherited from an uncle, who specified that the money should be used exclusively for the advancement of his career. AGI, Santo Domingo, leg. 2560, Casas to Campo de Alange, no. 199, July 2, 1792; Spanish Census of 1791; Carondelet to Caso y Luengo, (n.d.), "Carondelet Papers", (deposited at Louisiana State University Department of Archives); Holmes, Honor and Fidelity, 99.
April 3, 1800

MOST ILLUSTRIOUS CABILDO

Don Francisco Caso y Luengo, Chief-Aide-de-Camp of Regiment Infantry, settled in this province, before Your Lordships, present myself with due respect, and say that it has come to my knowledge that the Illustrious Cabildo needs to put some money in the capital of Madrid;\textsuperscript{66} and, anyway, I

\textsuperscript{66}After the Seven Years's War (1756-1763), Spain decided to overhaul the imperial defense policy, because the old system of permanent fortifications had proven inadequate. Spain was afraid that England would not be content with the territory it had acquired. Therefore, in 1764, Spain began to overhaul the old system in New Spain. The new system was to station permanent troops (fijos) in strategic colonies, supplemented by rotating troops from Spain. Inspector-generals were appointed to supervise the infantry units in every respect. Lyle N. McAlister, \textit{The "Fuero Militar" in New Spain, 1764-1800}, (Gainesville, University of Florida Press, 1957), 1-5; Ibid., \textit{"The Reorganization of the Army of New Spain, 1763-1767"}, \textit{Hispanic-American Historical Review}, XXXIII (February, 1953), 9-10.

One of the inspector-generals sent to organize the defenses of Cuba and Puerto Rico was Don Alejandro O'Reilly. His regulations were to govern Louisiana and Florida when they were taken over by the Spaniards. Antonio de Ulloa arrived in Louisiana with only few troops, because of the understanding that the French troops would be permitted to join the Spanish service. The French were resentful of the Spaniards and, when Ulloa reduced the pay of soldiers to the level of that which French soldiers had been paid, no one volunteered. Meanwhile, more troops were waiting to be sent to Louisiana. These troops were the units that formed the Louisiana Infantry Battalion which had been trained in La Coruña, Spain. John Walton Caughey, \textit{Bernardo Galvez in Louisiana, 1776-1783}, (Berkeley, 1934), 21; Gayarre, \textit{History}, II, 161-62; Davis, \textit{History}, 99-101.

In 1769, O'Reilly arrived in Louisiana with the Louisiana Infantry Battalion and troops from Spain, Mexico and Havana. He took possession of Louisiana and established military posts at the Balize, Arkansas, Illinois, and New Orleans.
find myself with the power of attorney from Lieutenant-Colonel Don Martín Luengo, Secretary of the Viceroyalty and Captaincy General of Navarre, as it is affirmed in the document which I present. I offer the money to the disposition of the Illustrious Cabildo with interest, which is the usual procedure, as surety of this sum which immediately shall be turned over to a backer satisfactory to the Cabildo.

New Orleans

(Rubric) Francisco Caso y Luenqo

Districts. Later, other troops were sent to Natchitoches and San Marcos de Apalache near the boundary of East and West Florida and other posts. The Louisiana Infantry Regiment was composed of about five hundred men, commanded by a sergeant-major and assisted by an adjutant-major. The Louisiana troops were greatly increased and strengthened by Governor Carondelet during his administration. The force consisted of about one thousand troops scattered throughout the province of Louisiana, but his effective force was only about eight hundred, since illness and other disabilities constantly kept the remaining number in the hospital. Arthur S. Aiton, "Spanish Colonial Reorganization under the Family Compact", Hispanic-American Historical Review, XII (August, 1932), 275-78; Vicente Rodríguez-Casado, Primeros años de la dominación española en la Luisiana, (Madrid, 1942), 268-80; Carondelet to Casas, no. 34, November 24, 1794 (A Military Report of the Province of Louisiana from the Papeles de Cuba), translated by Robertson, Louisiana, I, 344-45; "William Johnson's Journal", 36; Holmes, Honor and Fidelity, 9-17.
Antonio de Hesa, Royal Scribe for His Majesty, may God bless him, in all this kingdom of Navarre, and Secretary of War of the Captaincy General of the same, resident of the City of Pamplona in Navarre, I certify that, in the testament at my disposition, Don Sebastián Luengo, Honorary Head of the Commissariat of the Royal Armies, died last month, the twenty-eighth of April, and declared, the sixth of January of last year, seventeen hundred ninety-eight, by testimony of Juan Francisco de Yribarren, Royal Scribe, and ordered in short sentences the following: To maintain good order; I bequeath a legacy of twenty-five thousand small coins [reales de vellon], to Don Francisco Caso, my nephew, who is to be found as Chief-Aide-de-Camp of Regiment Infantry of Louisiana, and who resides in the Indies, so that, with the aid, he may obtain a promotion in the military service; and I want him soon after my death to be informed of this legacy, so that he may carry out my last wishes.

67 The real de vellón was a Spanish copper coin which was minted during the reign of Philip III in 1609. Its value relative to the United States dollar of 1936 was $0.1633. Thus, twenty-five thousand reales de vellon would be worth $4,082.50 in United States currency. J. Villasana Haggard, Handbook for Translators of Spanish Historical Documents, (Austin, Texas, 1941), 107.

In Louisiana, the monetary unit which circulated during the Spanish period was the Mexican silver peso (peso de ocho), which was divided into eight reales (bits). French-speaking people, however, still retain the preference of referring to the peso as the piastre and to the real as escalin. One real (escalín) was worth 12 1/2 sueldos. Two reales would be what we call two bits, and four reales would be four bits and so on. The unit below the real was known as medio real or picaillon (picayune), which was worth 6 1/4 sueldos. Berquin-Duvallon, Vue de la colonie, 42-43;
All of this is a valid transcription of the testament, and referred clause, given by the cited Yribarren, who has required it of me, and made it known to Lieutenant-Colonel Don Martín Luengo, Secretary of the Viceroyalty and Captaincy General of this Kingdom, whose certification, and whatever may be suitable, I give the present which I seal and sign in the accustomed manner of Pamplona the first of June of seventeen hundred and ninety-nine. In true testimony, Antonio de Hesa, Scribe. The Royal and Public Scribe of the King, Our Lord, may God bless him, in all this Kingdom of Navarre, who does seal and sign it, certify, attest and give true testimony that the antecedent testimony was sealed and signed by Antonio de Hesa, Royal Scribe of all this Kingdom, and Secretary of War of the same Captaincy General, Legal Public Inspector and of complete trust, and by whom so great and so many testimonies and other instruments have been given, and gives in good faith and trust judgments as though they were his own, and the same trust is deserved in this certification which we give in the city of Pamplona, Capital of the Kingdom of Navarre, the sixth of June of seventeen hundred ninety-nine. In truthful testimony, Josef Carlos Favar. In truthful testimony, Simón de Garde. In truthful testimony, Blas Antonio del Rey, Scribe.

A letter from the Bishop of Louisiana, to the Cabildo, indicating the hours arranged for the religious services of Holy Week and other celebrations. 68

68 Luís Ignacio María Peñalver y Cárdenas was the first bishop of Louisiana. He was appointed in 1793, but he did not reach Louisiana until July 17, 1795, with a generous salary of fifteen thousand pesos. As bishop of Louisiana and West Florida, he was appalled at the faithful, who were only nominal Catholics. He began his work by setting aside a special hour on Sunday for the members of the Cabildo to attend the services and to set a good example. He then entered into a dispute with the Cabildo over the ownership of the site of the old cemetery, but it was never resolved. In 1801 he was appointed Archbishop of Guatemala, which archbishopric had been established in 1742, and left Vicar General Don Tomás Hasset in charge of the Diocese. Actas del Cabildo, Libro IV, t. 1, ff. 86-87, February 5, 1796; Ibid., t. 3, ff. 165-66, April 18, 1800; Ibid., t. 4, f. 34, November 7, 1800; Ibid., ff. 84-86, April 24, 1801; Ibid., ff. 142-143, November 6, 1801; Berquin-Duvalon, Vue de la colonie, 174-75; Perrin du Lac, Voyage, 392; Hubert Howe Bancroft, History of Central America, 3 vols. (San Francisco, 1886-1887), II, 712; Also, see Document 387, Part II, for a translation of the letter sent by the Bishop to the Cabildo, announcing his appointment to the Archbishopric of Guatemala.
April 17, 1800

MOST ILLUSTRIOUS CABILDO

With the object of arranging a schedule of hours for the Cathedral by which the festivities may be governed, I have ordered that, from the Equinox of March to the one in September, Mass should start at ten in the morning, except for the longer services of Holy Week. The Mass for Palm Sunday shall commence at nine in the morning, those of Holy Thursday at eight-thirty in the morning, those of Good Friday at seven-thirty in the morning, and those of Holy Saturday at sunrise, as the traditional custom demands, following the toll of the government bell until there is a public clock.

And, since Your Most Illustrious Lordships have to attend to some of the festivities, I have informed the clergy of the other churches of this new schedule for masses.

May God grant Your Most Illustrious Lordships long life.

New Orleans

(Rubric) Luís, Bishop of Louisiana
March 31, 1801

MOST EXCELLENT GENTLEMAN:  
DOCTOR DON LUÍS DE PEÑALVER Y CÁRDENAS

The Most Illustrious Cabildo of this city, having informed itself of the new schedule for the services that Your Excellency sent to the Cabildo on the seventeenth of April of last year, in which you pointed out what you had set as the hours for the festivities of the Church; the said Illustrious Body deliberated the following day; and after having discussed the matter for a long time, resolved that the hours assigned for the days of Holy Thursday and Good Friday did not seem appropriate for its concurrence.

I, as Governor and President of the Cabildo, should agree and come to an agreement with Your Most Excellent Lordship over the hours in which the services for the said two days should commence, as Your Most Excellent Lordship will admit by the evidence which I enclose of the record of proceedings; but, immediately Your Excellency absent himself from the capital to undertake your pastoral visit to the interior ports of the province. Due to the fact that you did not reply and due to the continuous and serious business of my position, I completely forgot about this matter.

In your letter to the Cabildo you said that, from the Equinox of March until that of September, the schedule for Mass would be ten in the morning, with the exception of the
services of Holy Week. On Palm Sunday services would begin at nine in the morning; on Holy Thursday, at eight-thirty in the morning; on Good Friday, at seven-thirty in the morning; and on Holy Saturday, at sunrise as the custom dictates.

Your Most Excellent Lordship informed the Cabildo that it would have to participate in some of the divine services. The Cabildo, having discussed this matter, decided that since the cold season starts regularly at the middle or at the end of the month of October and ends in April it would be more convenient for the people if the services would begin at ten in the morning from the fifteenth of October to the same day in April. For the remaining months of the year the services should be at nine in the morning; but, since the Cabildo did not have the aid of an index for the referred two days, Your Most Excellent Lordship could determine what would be most convenient.

With regard to the services of Holy Week, the members of the Cabildo said that they could not attend the services for Holy Thursday and Good Friday at the hours scheduled. For this year the Cabildo has already made its calendar and would prefer that the time of mass on Holy Thursday be changed to nine in the morning and that for Good Friday be changed to eight in the morning.  

69 Throughout the French period, Louisiana was under the spiritual leadership of the Bishop of Quebec. However, when Louisiana became a Spanish colony, the spiritual administration was placed under the authority of Santiago José de Echevarría, Bishop of Cuba. Since it was impossible for the
May God grant Your Most Excellent Lordship long life.

New Orleans

(Rubric) Nicolás María Vidal

Bishop of Cuba to visit the vast domain, the Crown and the Pope decided to appoint Father Cirilo de Barcelona as Auxiliary Bishop with residence in New Orleans. In 1793, the Pope and the Crown erected Louisiana as a separate diocese and appointed Bishop Luis Peñalver y Cárdenas as its first bishop. He left in 1801, and no bishop was appointed to replace him. The affairs of the Church were left in the charge of Fathers Tomás Hasset and Francisco Pérez y Guerrero, canon of the Cathedral. During the American period, the diocese was made subject to the authority of the Bishop of Baltimore. In 1815, he appointed Father Guillaume Dubourg as Bishop of Louisiana. He served until his resignation in 1826. Actas del Cabildo, Libro IV, t. 4, f. 147, December 4, 1801; Ibid., f. 158, January 29, 1802; Alcee Fortier, A History of Louisiana: The French Domination, 4 vols. (New York, 1904), II, 161-67; St. Louis Cathedral: Metropolitan Centennial, 1850-1950, (New Orleans, 1950), 27-29; Chambon, The St. Louis Cathedral, 31, 49-50; Gilbert c. Din, "The Irish Mission to West Florida", Louisiana History, XII (Fall, 1971), 331-32.
A letter from Don Nicolás María Vidal, the Civil Governor, to the Cabildo, communicating a letter from the Marquis de Casa-Calvo, the Military Governor, with regard to money needed for the capture of runaway slaves.  

Sebastián Calvo de la Puerta y O’Farril, Marquis of Casa-Calvo, was an Irishman like O'Reilly who had entered the service of Spain. He was born in Havana and in 1769, he came with O'Reilly to Louisiana. He rapidly rose to the rank of lieutenant colonel and brigadier in the Regiment of Cuba. In 1793, he was put in charge of Ft. Dauphin in Santo Domingo. Soon thereafter, he became a Knight of the Order of Santiago. When the Marquis de Someruelos became Captain-General of Cuba, he appointed Casa-Calvo to be the provisonal military governor of Louisiana to succeed Francisco Bouligny, who had assumed the military command upon the death of Governor Gayoso de Lemos. AGI, Santo Domingo, leg. 2567, Someruelos to Álvarez, no. 27, October 31, 1799; Ibid., leg. 2617, López y Anqulo to Soler, no. 37, July 13, 1801; Actas del Cabildo, Libro IV, t. 4, ff. 86-87, April 24, 1801; Ibid., t. 5, f. 78, June 4, 1803; Fortier, Louisiana Sketches, I, 172-73; Miriam G. Reeves, The Governors of Louisiana, (New Orleans, 1962), 22; Soniat du Fossat, Biographical Sketches, 18.

In 1801, Casa-Calvo was succeeded by Governor Salcedo and returned to Havana. He returned to Louisiana in 1803, when he was appointed joint commissioner with Morales to transfer the colony and settle the boundary problems. While he was in New Orleans acting as a commissioner, Governor Claiborne became suspicious that Casa-Calvo was trying to cause dissension among the Spanish sympathizers. Claiborne informed President Madison of the situation, and the President advised the governor to expedite the departure of Casa-Calvo. In 1805, Casa-Calvo went to the Spanish settlement of Los Adaes, near Natchitoches, and Claiborne sent some soldiers to make sure that the commissioner would not do anything out of the ordinary. By 1806, Claiborne felt that Casa-Calvo had finished his business and gave him a safe conduct passport. He went back to Havana and then went to Spain, but he became involved in the civil strife in Spain and ended up as an exile in Paris until his death in 1820. Raymond Martínez, Jr., Pierre George Rousseau: Commanding General of the Galleys of the Mississippi. With Sketches of the Spanish Governors of Louisiana (1777-1803) and Glimpses of Social Life in New Orleans, (New Orleans, Hope Publications, P.O. Box 10062, n.d.), 96-97; Claiborne to Casa-Calvo,
April 30, 1800

MOST ILLUSTRIUS CABILDO

With date of the twenty-eighth of the current month, the Honorable Marquis of Casa-Calvo, Military Governor of this Province, tells me the following:

"Captain Don Josef Vidal, Commander of the Concordia Post in front of Natchez, tells me, with date of the fourteenth of the current month, that it is of great importance for the Most Illustrious Cabildo to provide the funds they have offered to take care of the expenses of capturing runaways—-that he can not continue the apprehension as he has up to the present. 71


71 José Vidal was born in Galicia in 1765. He was the son of Antonio Vidal Montener and María Vásquez de Castro. He married Sarah Chambers, and from this union, there is a record of two sons, whose names were Ciriaco and José. Ciriaco was born in 1809 but died the following year, and his brother José was born in 1816 and lived until 1849. "Cemetery Records of St. Louis No. I."

Vidal came to Louisiana and became employed as a secretary of the intendancy in 1786. The following year, he became storekeeper (guarda-almacén) at San Marcos de Apalache. In 1789, he became acting-secretary of the Natchez governor (Gayoso) and became his official secretary in 1792. AGI,
"I, Casa-Calvo, inform Your Lordships, so that you may take the means which seem most convenient concerning this matter, informing me of any news you get for Captain Don Josef Vidal."

I, Nicolás María Vidal, wish the Most Illustrious Cabildo to inform me of the actions it is going to take in this matter, so that I can inform the Military Governor who in turn will notify Captain Vidal.

Santo Domingo, leg. 2539, Título 174, ff. 72-73, December 26, 1792; Ibid., leg. 2562, Casas to Campo de Alange, no. 266, April 10, 1793; Ibid., leg. 2605, Carondelet to Gardoqui, no. 65, May 13, 1793; Jack D. L. Holmes (ed.), Documentos Inéditos para la Historia de la Luisiana, 1792-1810, (Madrid, 1953), 114.

Besides his work in the treasury and accounting departments, he worked in the mail ships and was a commander of the galley La Victoria, which patrolled the river from Nogales to New Orleans. In the militia, he became an adjutant-major of four squadrons of Natchez cavalry. Later in 1795, he rose to the rank of captain of artillery in the militia of Natchez. He was also appointed secretary of the negotiations with the Indians, leading to the signing of the Treaty of Natchez. Holmes, Honor and Fidelity, 228; Abraham P. Nasatir, Spanish War Vessels on the Mississippi, 1792-1796, (New Haven and London, Yale University Press: 1968), 38, 241-42; Adams (ed.), Dictionary, IV, 57.

Since he spent most of his life in the Natchez district, he bought land for a plantation but later sold it to Stephen Minor. He founded the post of Concordia and became its commander until he was replaced by Stephen Minor. He also laid the town which was officially named Vidalia in 1811. When the Spanish period terminated, he remained as consul in the district, representing Spanish interests. Later, during the American period, he petitioned the Governor of the Territory of the Mississippi to grant him exclusive rights for a ferry between Vidalia and Natchez. He died in 1828, at the age of sixty. McBee, Natchez Court Records, II, 96; "An Act to Establish the Town of Vidalia", Acts Passed at the Second Session of the Third Legislature of the Territory of Orleans, 1811, Chapter VII, 22-33; New Orleans Courier, August 20, 1828, p. 1: "Vidal Papers (José), 1795-1936", deposited at Louisiana State University Department of Archives; Holmes, Gayoso, 50.
May God grant Your Lordships long life. 72

72 As the number of slaves increased during the Spanish period, the problem of runaways (cimarrones) became more acute. To alleviate this problem, the Cabildo resolved in 1773 to impose a tax on slave owners to establish a fund with which to meet the expenses of capturing the runaways, as well as to compensate the owners in case the slaves were incarcerated or killed. In an extraordinary session in which the inhabitants (vecinos) were invited to participate in the discussion of an open Cabildo (Cabildo abierto), the remuneration for the capture of runaways was resolved. The reward ranged from three pesos if the slave was captured in the city to twelve pesos for the distant districts of Natchitoches, Opelousas, and Attakapas. During the American period the taxes levied were less but, due to a better collection system, the reward was made larger, being a flat fee of ten dollars plus fifty cents per league. Actas del Cabildo, Libro I, ff. 129-31, August 6, 1773; Ibid., f. 132, August 27, 1773; Harkins, "Regulatory Functions of the Cabildo", 102-116; Wood, "Life in New Orleans", 661; "Black Code: An Act Prescribing the Rules and Conduct to be Observed with Respect to Negroes and Other Slaves of this Territory", Acts Passed at the First Session of the First Legislature of the Territory of Orleans, 1806, Chapter XXXIII, 164-70; "An Act Imposing a Tax on Slaves", Acts Passed at the First Session of the Legislative Council of the Territory of Orleans, 1805, Chapter XXXII, 336-38; "An Act for Levying a Tax on Lands and Slaves in the Territory of Orleans", Acts Passed at the Second Session of the First Legislature, 1807, Chapter XXI, 156.

Although the penalties specified in the French Black Code (Code Noir) of 1724, (which both the Spaniards and the Americans retained) were severe, the punishment of runaways was mild compared to that in other areas. It usually consisted of twenty-five lashes and the placement of an iron collar for a specified period of time. "An Act for the Punishment of Crimes and Misdemeanors", Acts Passed at the First Session of the Legislative Council of the Territory of Orleans, 1804, Chapter 1, 416-55; "An Act to Amend the Act, Entitled 'An Act for the Punishment of Crimes...'", Acts Passed at the First Session of the First Legislature, 1806, Chapter XXIX, 127-27; Francois Xavier Martin, The History of Louisiana from the Earliest Period...., Rev. ed. (New Orleans, 1963), 257; Berquin-Duvallon, Vue de la colonie, 212; Moody, "Slavery on a Louisiana Plantation", 217-31.

In the late 1780's and early 1790's, the problem of runaways became more acute because of the increase in the number of slaves from the American possessions who were under the impression that they would be free men if they escaped into the Spanish possessions. To make the problem worse,
the Cabildo had insufficient funds with which to apprehend the cimarrones; thus, it made a proposal in 1787 to levy a tax of one peso on all slaves imported into the colony. The Crown delayed its approval, but made the situation worse by issuing a royal order (cédula) in 1789, prohibiting the giving of refuge to runaways. AGI, Santo Domingo, leg. 2552, Miró to José de Galvez, no. 214, March 24, 1787; Ibid., leg. 2545, Miró to Valdés, no. 126, no. 126, October 20, 1788; Ibid., leg. 2554, Miró to Porlier, no. 42, August 20, 1790; Ibid., leg. 2555, Miró to Lerena, no. 4, November 25, 1790; Ibid., leg. 2588, Cédula no. 13, ff. 1130-37, April 14, 1789.

In 1791, the United States issued a proposal for the mutual return of the runaways, but no action was taken by the Crown until 1799, when an agreement was reached between Governor Gayoso de Lemos and the governor of the Natchez district. Gayoso requested three hundred pesos from the Cabildo to cover the expenses of building a jail and to pay the bounty for those slaves who were being returned to the post of Concordia. The Cabildo agreed to give him the money, provided that it would be reimbursed in the near future. However, the commandant of Concordia delayed in collecting the money, and when he, through the Marquis of Casa-Calvo, requested the money, the Cabildo had second thoughts and informed him that the expenses for capturing slaves outside of the Spanish possessions was to be a matter between the governors of Louisiana and the Mississippi Territory. Nevertheless, the mutual agreement of 1799 continued in force, even after Louisiana became an American possession. AGI, Santo Domingo, leg. 2556, Casas to Campo de Alange, no. 131, November 30, 1791; Actas del Cabildo, Libro IV, t. 3, f. 21, March 29, 1799; Ibid., ff. 170-71, May 2, 1800; Ibid., f. 174, May 16, 1800; "An Act to Provide for the Delivery of Fugitive Slaves to their Owners, Inhabitants of the Spanish Provinces Adjacent to the Territory of Orleans", Acts Passed at the Second Legislature of the Territory of Orleans, 1809, Chapter II, 4-7.
A petition from Don Francisco Ortiz, Second Corporal of Night Watchmen (Serenos), requesting raise of salary.

Francisco Ortiz was born in 1745 in Granada, Spain. He married Francisca Blanca while in Spain, and he brought his family with him to Louisiana. From this marriage, a first son, whom they named Francisco, was born in 1781. Later a second son and two daughters, named Jose, Salvador, and Ana, were born. "Cemetery Records of St. Louis No. I"; Libro primero de confirmaciones, 191.

Francisco was employed in various types of jobs until he joined the service of the night patrol (serenos). Eventually, he became one of the two corporals in charge of the unit. When he applied for the raise, the Cabildo was in no mood to grant raises for it was not only short on funds, but it was carrying on a verbal dispute, which almost turned into a feud, with the governor over the question as to which authority had the right to call for an extraordinary session. Francisco died in 1811 at the age of sixty-six, and his wife died three years later, at the age of sixty-three. Actas del Cabildo, Libro IV, t. 3, ff. 177-78, May 23, 1800.
May 9, 1800

THE HONORABLE GOVERNOR
and other
GENTLEMEN OF THIS MOST ILLUSTRIOUS CABILDO

Francisco Ortiz, resident of this city, and employed as Second Corporal of Night Watchmen, lay this petition before the said Gentlemen with all due respect, and expounds: That considering that my toil is more laborious than that of other night watchmen because I have to walk throughout the city for a quarter of the night, and that I set an example to the other watchmen by taking greater care to maintain the peace and be on the alert for fires on my patrol; and because of the toil, I wear out my shoes twice as fast as do

74 After the fires of 1788 and 1794, measures had to be taken to prevent any further catastrophes of this nature; thus, Governor Carondelet lit the streets of New Orleans by placing oil lanterns, bought in Philadelphia, at every intersection. He inaugurated a corps of night watchmen (serenos) whose duty consisted of patrolling the streets and lighting, mostly in winter, the lanterns of the city. His proposal was to be financed by a tax on chimneys. Furthermore, the serenos were to be under the jurisdiction of the Lighting Department (Departamento de Alumbrado), which in turn was directly under the city treasury. Royal permission was not received until 1796, and, by this time, the tax on the chimneys had proven inadequate, in spite of the Crown having given permission to lease royal lands to garden crop farmers. The Cabildo then petitioned the Crown to impose an extra tax on meat and bread, but again it did not get approval until 1802. AGI, Santo Domingo, leg. 2565, Carondelet to Llaguno, no. 18, March 30, 1796; Ibid., leg. 2531, Consulta no. 14, ff. 423-30, December 20, 1796; Actas del Cabildo, Libro IV, t. 3, f. 128, April 25, 1794; Ibid., ff. 136-38, May 23, 1794; Ibid., t. 2, ff. 122-23, April 16, 1798; Ibid., ff. 175-76, October 19, 1798; Ibid., t. 4, f. 223, June 18, 1802; Ibid., ff. 224-25, June 25, 1802;
the other watchmen; and, not making any more money than they, I humbly plead that you Gentlemen take into consideration how tiring this task is and increase my wages of fifteen pesos by two or three pesos, so that I may be able to provide myself with shoes without having to deprive my family of food.75

I await benefaction and justice.

New Orleans

(Rubric) Francisco Ortiz

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The corps of serenos originally was comprised of eight patrolmen and one corporal, but it was increased to twelve patrolmen and two corporals. They wore bright uniforms and carried the badge of their office, as well as sabers or scabbards. They were rewarded with a bounty of twenty-five pesos if they discovered a fire and gave the alarm before it could cause too much damage. In other cases, a reward as high as five hundred pesos was offered for the capture of a suspected arsonist, but they were never able to apprehend one. Actas del Cabildo, Libro III, t. 3, ff. 159-61, October 10, 1794; Ibid., Libro IV, t. 1, f. 31, May 29, 1795; Ibid., t. 3, ff. 116-17, December 13, 1799.

By the time of the American period, the corps of serenos came under the authority of the mayor of the city, and the number of lanterns increased from eighty during the Spanish period to two hundred fifty. One traveler said that New Orleans was the most brilliantly illuminated and patrolled city in the United States. "An Act to Incorporate the City of New Orleans", Acts Passed at the First Session of the Legislative Council of the Territory of Orleans, 1804, Chapter XII, 62-65; "William Johnson's Journal", 36; New Orleans in 1805, 9; Paxton, Directory, 22.

75 The Mexican peso, which was in circulation in Louisiana, was worth $1.45, relative to the 1936 United States dollar. Thus, the fifteen pesos received by the serenos as a monthly salary was equivalent to $21.75. Villasana-Haggard, Handbook, 106; Also, see Note no. 67 of Document 348 for further details on the money in use throughout the Spanish period in Louisiana.
Document 352

A letter from Don Nicolás María Vidal, Acting Civil Governor, to the Cabildo, communicating the answer of the Marquis of Casa-Calvo to the letter of the Cabildo regarding the money needed for the capture of runaway slaves.\textsuperscript{76}

\textsuperscript{76}Please note that this document and the following one are both numbered 352. Also, for further details on runaway slaves, see Note no. 72 of Document 350, Part I.
May 14, 1800

MOST ILLUSTRIOUS CABILDO

Having informed the Marquis of Casa-Calvo, Military Governor of this Province, the answer Your Lordships gave me, pertaining to his letter of the sixth of the current month, pertaining to the claim made by Captain Don Josef Vidal, the said Marquis answered me with another letter, the twelfth of the month, with what follows:

"Captain Don Josef Vidal was soliciting the three hundred pesos which was promised him to pay in cash for the runaway slaves that might be captured in the Mississippi Territory, whose constable demands his fee before handing them over; thus, he had accomplished it up to the present...

77After the American Revolutionary War and by the Treaty of San Lorenzo (Pinckney's Treaty) of 1795, Spain ceded to the United States the territory north of the 31° parallel of latitude. In 1798, Congress organized the Territory of Mississippi which was bounded on the north by a line east from the mouth of the Yazoo River, on the south by the 31° parallel of latitude, on the east by the Chattahoochee River, and on the west by the Mississippi River. Its first governor, Winthrop Sargent, with whom Governor Gayoso had signed the mutual agreement for the return of runaways, served as governor from 1798 until 1801, when he was replaced by Governor William C. C. Claiborne. Arthur P. Whitaker, The Spanish-American Frontier, 1783-1795: The Westward Movement and the Spanish Retreat in the Mississippi Valley, (Boston, 1927), 201-202; Edward Alexander Parsons, "Louisiana Completa: A Centenary Relation of West Florida and the Treaty with Spain, 1819-1821", Louisiana Historical Quarterly, III (October, 1920), 458; Cox, West Florida, 32-63; Gayarré, History of Louisiana, III, 366-71; Holmes, Gayoso, 84; for a copy of the Treaty of San Lorenzo, see Samuel F. Bemis, Pinckney's Treaty, (rev. ed., New Haven, 1960).
"by having obliged the owners to reimburse, in secret, the expenses before turning them over; but, since he does not have any funds at hand and does not want to allow the harm of the delay, he demanded that they give him the funds to help the inhabitants immediately.

"But not judging the Most Illustrious Cabildo in its purpose for doing this small benefit on behalf of all those people, I find myself in the necessity to advise Vidal not to take part, hereafter, in reclaiming any slaves while he does not have any funds to be able to do it."

I communicate it to Your Lordships for your understanding and ruling on the matter.

May God grant Your Lordships long life.

New Orleans

(Rubric) Nicolás María Vidal
A letter from Don Nicolás María Vidal, Acting Governor, communicating to the Cabildo a resolution from the King, declaring that Don Gilberto Andry and Don Josef LeBlanc may serve as councilmen, even though they are army officers.

Gilberto Sosthene Andry was born in New Orleans on November 5, 1763. He was the youngest child of Louis Antoine Andry and Marie Jeanne Latierre. His father, however, died in Matagorda Bay, while fighting a campaign against the Indians. In 1793, Gilberto married Mary Taylor Farar, a native of London, and they went to Spain for their honeymoon. AGI, Santo Domingo, leg. 2562, Casas to Campo de Alange, no. 251, February 9, 1793; Ibid., leg. 3554, Domingo Cabello to Valdés, no. 26, June 2, 1790; Ibid., leg. 2566, Casas to Campo de Alange, no. 674, March 4, 1797; "Notarial Archives", Group II, Carlos Ximénez, IV, July 16, 1793, f.392; Libro primero de confirmaciones, 73; "Cemetery Records of St. Louis No. 1."

At the age of thirteen, Gilberto entered the military service of Spain as a cadet and rapidly rose in rank. After the successful campaigns against Ft. Bute of Manchac and Baton Rouge in 1779, and against Mobile in 1780, he became a captain in 1795 and a colonel of the Louisiana Infantry Regiment (fijo) in 1800. AGI, Santo Domingo, leg. 2560, Casas to Campo de Alange, no. 179, June 4, 1792; Holmes, Honor, 163-64.

In 1797 when the Cabildo increased the number of regidores from six to twelve, Andry bought one of the commissions. Objections were raised by Almonaster, but Governor Gayoso signed the commission, nevertheless. In 1799, he was elected as one of the two annual commissioners (comisarios anuales), whose duty was to officially represent the Cabildo, particularly in its dealings with the governor or the intendent and to audit the accounts of the city treasury. In December of 1800, due to his numerous military duties and inability to devote much attention to his duties in the Cabildo, he resigned his commission of regidor, which was immediately bought by Domingo Bouligny. He died on January 11, 1841, at the age of seventy-eight, leaving behind a number of children and grandchildren who carried on the military tradition of the family. AGI, Santo Domingo, leg. 2531, Consulta no. 26, May 18, 1799, ff. 548-52; Ibid., leg. 2539, Título no. 51, November 27, 1799, ff. 102-103; Actas del Cabildo, Libro IV, t. 2, ff. 44-54, September 22, 1797; Ibid., t. 3, f. 3, January 4, 1799; Ibid., t. 4, f. 2, September 19, 1800; "The Partial List of American Forces in the Battle of
April 30, 1800

MOST ILLUSTRIOUS CABILDO

Having given, on my part, due obedience to the Royal Order dispatched by His Majesty and the Gentlemen of the Royal and Supreme Council of the Indies, on the twenty-seventh of July of last year, in which it declares that, being officers of the military, the gentlemen, Don Gilberto Andry and Don Josef LeBlanc, should find no impediment in performing their duties of councilmen of this City and the rest that is mentioned. 79

79 Most of the LeBlancs settled in Nova Scotia and came to Louisiana after the expulsion of the Acadians during the Seven Years's War. When the family came to Louisiana, it changed its name from DeBlanc to LeBlanc, because the former appeared too bourgeois to them. Landry, Voyage, 210-11; Dale Greenwell, Twelve Flags—Triumph and Tragedies, (Mississippi, 1968), I, 144.

Josef LeBlanc was a descendant of the founder of Natchitoches. Josef was born in 1761 in Natchitoches, Louisiana. He was the son of Luis Carlos LeBlanc and Elizabeth Pouponne d'Erneville. He first married Madeleina La Cour and, upon her death, married María Adelia Olivier de Vezin. From these marriages, three daughters were born. Stanley C. Arthur (ed. and comp.), Old Families of Louisiana, Reprint (Baton Rouge, 1971), 211-13.

He entered the military service of Spain in 1777, and, in 1794, he became adjutant-major of the Louisiana Regiment. In 1796, he applied for the rank of captain and soon received it. He fought with distinction in several campaigns against Ft. Bute of Manchac, Baton Rouge, and Mobile. During the last years of the Spanish period, he was appointed commandant of the Attacapas Post after his release from prison, due to a confrontation between him and a powerful merchant named Arturo Morgan. He bought the commission of regidor in
I direct to Your Lordships the enclosure of the copy of cited Royal Order for your knowledge, and that you arrange to file it whenever it corresponds, in order that you have it at hand in cases which may come about, pertaining to the letters you have in your possession.

May God grant Your Lordships long life.

New Orleans

(Rubric) Nicolás María Vidal

1797, at the same time as Gilberto Andry, but, unlike his superior, he retained it until the end of the Spanish period. He was also elected as an annual commissioner in 1800, along with Gabriel Fonvergne. His career came to a climax when he was asked by Prefect Laussat to speak at the ceremony for the transfer of Louisiana to France. Andry stated that they "were gathered there to promise eternal remembrance of the unceasing paternal affection of His Catholic Majesty, manifested by acts of beneficence for the general prosperity of our country and for the individual well-being of all of us." AGI, Santo Domingo, leg. 2531, Consulta no. 26, May 18, 1799, ff. 548-52; Ibid., leg. 2539, Titulo no. 52, November 27, 1799, ff. 104-105; Ibid., leg. 2565, Casas to Campo de Alange, no. 595, April 9, 1796; Actas del Cabildo, Libro IV, t.2, ff. 54-55, September 22, 1797; Ibid., t. 3, f. 17, January 1, 1799; Ibid., f. 121, January 3, 1800; Ibid., t. 4, f. 198, April 2, 1802; Ibid., t. 5, f. 6, July 30, 1802; Holmes, Honor and Fidelity, 131; Landry, Voyage, 66-67.
FOURTH SEAL, YEAR OF ONE THOUSAND SEVEN HUNDRED AND NINETY-NINE.

THE KING

To the Civil and Military Governors of the Province of Louisiana, and City of New Orleans. In the letter of the twenty-sixth of October of the year one thousand seven hundred and ninety-six, you gave account of the petition of Don Josef LeBlanc, Chief-Aide-de-Camp of the Infantry Regiment, and Don Gilberto Andry, Captain of the same corp, in which they said that two of the six aldermen of that Cabildo recently engendered had sent a solicitation declaring that the opposition made by the Royal Standard Bearer of the Cabildo, Don Andrés de Almonaster (that the officers may not be admitted to the performance of their duty by reason of being military officers) is without merit.  

By the royal laws (Cédulas) of 1523, 1568, and 1610, the maximum number of aldermen (regidores) was limited to twelve for the large cities and six for the smaller ones. Throughout the Spanish period, the Cabildo of New Orleans was composed of the minimum, until the population grew, and it was necessary to augment it. In 1795, Governor Carondelet sent the petition of the Cabildo to increase its number of regidores by six, or at least four more, and the following year, the crown gave its permission to auction six new positions. Recopilación, Libro IV, Título X, Ley II; AGI, Santo Domingo, leg. 2564, Carondelet to Llaguno, no. 8, March 28, 1795.

Since no one bought the offices at auction, it was decided to appraise them and sell them. The office was appraised at sixteen hundred pesos, forty-six reales, and six and two-thirds silver maravedís, plus one-half of the annual salary (media anata) and eighteen per cent for bureaucratic
The cited Don Gilberto Andry and Don Josef LeBlanc manifested in their petition of the twenty-second of October of the year one thousand seven hundred and ninety-seven, that having deigned myself to concede them the privilege of their office of aldermen, two of the aldermen present were completely out of place, they were obnoxious, and having presented themselves to the Cabildo to exercise their duties, they were admitted by all the members of the Cabildo, with the exception of the Royal Standard Bearer, Don Andrés de Almonaster, who was opposed to their admission, declaring that such officers could not obtain positions of this type and transportational expenses. The six new regidores were Gilberto Andry, Josef LeBlanc, Francisco Riaño, Jayme Jordá, Juan Castanedo, who also served as city treasurer (mayordomo de propios), and Louis D'Arby d'Anicant. Almonaster, who was a commissioner and the alferez real, objected to the granting of the commission to Andry, LeBlanc, and Castanedo. His objection to the first two was on the grounds that their military duty would interfere with their office, and to the last because he held the office of city treasurer. The senior judge (alcalde de primer voto), Manuel Serrano, opined that there was no conflict and cited the case in which Don Matías de Armona held the dual position of commissioner and brigadier general in the royal army. Furthermore, and in reference to Castanedo, he said that there was no conflict in the dual position, provided that Castanedo would put up a large bond to be forfeited in case of malfeasance in office. Almonaster was obstinate and demanded an appeal to the crown after Governor Gayoso went along with the majority opinion which was that of the senior judge. In June of 1799, the crown sent a royal order, informing the governor that military men could serve in the Cabildo and to admonish Almonaster for his obstinacy, but it did not arrive until 1800, and by that time the alferez real was dead. Actas del Cabildo, Libro IV, t. 2, f. 13, July 28, 1797; Ibid., ff. 44-49, September 22, 1797; Ibid., t. 3, ff. 218-20, August 26, 1800; AGI, Santo Domingo, leg. 2529, Cédula no. 6, June 27, 1799, ff. 7-8; Recopilación, Libro IV, Título IX, Ley XI; Ibid., Título X, Ley X.
for the reason that, being on the alert and in military posts, they would be subject to campaign whenever necessary, and thus they could not discharge their respective duties. In spite of this opposition, the majority of the voters agreed that they could serve.

Protesting this insult to my Royal Person and adding the testimony of the said Andry and LeBlanc that there is no law prohibiting the officers of the army and fleet to be aldermen, as various cases have been seen, I declare the opposition of Almonaster to be without merit, and confirm that the military officers can exercise the duties of aldermen. The majority of the members should have restrained the Standard Bearer from making such a preposterous contradiction; but having asked for a deposition of the capitular document, without doubt to have recourse to the Supreme Council, it seemed to be equitable that you should have conceded the petition of these officers.

I, having been advised by my Council of the Indies, declare that the military officers Don Gilberto Andry and Don Josef LeBlanc may serve as aldermen, and the Cabildo is to disregard any opposition and protest which is said to have been made to their tenure by the referred Standard Bearer, Don Andrés de Almonaster. Officers may not make use of the testimony given in the capitular document, except on condition that the military fuero ceases for anyone who might hold office or be in political charge in the commonwealth in everything that might be related to management or government,
according to what we have decided, on the fifteenth of September of the year one thousand seven hundred and ninety-eight, by the Ministry of War in council with the committee in charge in the government of this matter—my will being so—and, that from the present, let the stated accountancy register it.  

81 The fuero was a privileged jurisdiction enjoyed by various classes of society such as the military, the clergy, the merchants, and others. Each of these groups possessed its own tribunal which functioned outside of ordinary jurisdiction.

The fuero militar de guerra, which was enjoyed by the military, was perhaps one of the most powerful and widely sought privileges. The fuero enjoyed by the regulars and some of the militia also extended to their families and servants. The privileges were numerous—they could not be imprisoned for debt or have their property attached for the purpose of satisfying a debt; they could not be forced to accept local offices against their will; they were exempt from numerous taxes and did not have to provide lodging or accommodations to civil and ecclesiastical officials. Furthermore, they could lose the privilege only in rare instances, and in cases which greatly affected the public interest. McAlister, The "Fuero Militar", 7-15; AGI, Santo Domingo, leg. 2551, Bernardo de Gálvez to José de Gálvez, no. 105, August 27, 1789; Ibid., leg. 2564, Casas to Campo de Alange, no. 505, June 20, 1795.

In Louisiana, those who enjoyed the fueros abused it to such an extent that numerous complaints were made to the Cabildo. The commissioners complained that the ordinary judges were unable to cope with those who were accused of being debtors and who secluded themselves in the barracks to avoid the penalties. The Cabildo petitioned the civil governor, but he informed it that he would have to petition the military governor. However, he stated that he was of the opinion that military men could not waive their privilege and that their conduct was subject to the rules and regulations established in the Isle of Cuba, which were also applicable throughout the Spanish dominions. Furthermore, he informed them of the only royal order available, dated January 24, 1799, in which the holder of the fuero would lose his privilege, if he held a municipal public office, and he was charged with malfeasance. The abuses continued throughout the Spanish period, because no other royal order was received to clarify the situation. Actas del Cabildo, Libro
I, The King

By order of the King, Our Lord.

Francisco Cerda

To the Governor of Louisiana, informing him that it has been decided that being officers, Don Gilberto Andry and Don Josef LeBlanc, is no impediment to fulfill their duties of aldermen of that city with the rest that is expressed.

It was registered in the Septentrional Office of General Accountancy of the Indies.

Madrid
August 6, 1799
Pedro Apaxici

On account of having received this Royal Decree from His Hand and the Gentlemen of his Royal and Supreme Council of the Indies, and seen: I obey it with the due respect and accustomed formalities as letter from our King and Original Lord, and let it be sent to the Most Illustrious Cabildo, Justice and Administration of this city for its knowledge; and that it may be ordered that it be filed, in order that it be at hand and observed in cases which may arise.

(Rubric) Nicolás María Vidal

IV, t. 3, ff. 76-82, September 27, 1799; Ibid., ff. 224-25, September 5, 1800; Ibid., f. 226-27, September 12, 1800; AGI, Santo Domingo, leg. 2567, Santa Clara to Álvarez, no. 136, May 12, 1799.
I register and certify that, in Cabildo celebrated on date of this day, that having informed the gentlemen present for the context of this royal decree, they were in agreement, that it be filed whenever it corresponds, putting this certification in continuity, and having complied with the pre-arranged, I place it in the city of New Orleans the second of May of the year one thousand eight hundred. Being witness to the context.
Document 353

A petition from Don Juan Bautista Carraby, manufacturer of hair powder, requesting exemption from certain taxation, which he paid in the purchase of some barrels of flour. 82

82 Juan Bautista Carraby was born in New Orleans in 1760. He was the son of Estevan Carraby and Maria Genoveba Rivarde. He had two younger brothers named Achilles and Pedro Estevan. Both Pedro and Estevan, the father, served in the Spanish militia, attaining ranks of sergeants. Furthermore, Pedro Estevan became a member of the American City Council. "Cemetery Records of St. Louis No. I"; Holmes, Honor, 236; Paxton, Directory, 81.

Juan Bautista Carraby married Francisca Renne, who was also a native of New Orleans. He bought a house at 4 Rue Bourbon South, where he lived in a household composed of his wife and four slaves. He established a factory for the manufacturing of hair powder, in direct competition with three of the most important manufacturers named Desaubry, Cassagnard, and Picard. The latter went out of business in 1800, because he refused to pay the four reales tax imposed in 1798 on every barrel of flour for the upkeep of the lighting department. Although the petition of Carraby to have the tax refunded was denied, he continued to manufacture hair powder, until his death on October 15, 1802, at the age of forty-two. He was survived only by his widow, since there were no issues from this union. Actas del Cabildo, Libro IV, t. 2, ff. 122-23, April 16, 1798; Ibid., t. 3, ff. 196-97, July 18, 1800; Ibid., ff. 216-17, August 26, 1800; Ibid., t. 5, f. 37, January 7, 1803; Spanish Census of 1791; New Orleans First Directory, 1807.
July 4, 1800

MOST ILLUSTRIOUS CABILDO

Juan Bautista Carraby, resident of this City and manufacturer of hair powders, to Your Lordships with all due respect petitions that, in order to stock my factory, I find it necessary to buy flour from the warehouses. The flour which costs one and one-half to two pesos per barrel is hard and completely useless. The warehouse owners should dispose of this decayed flour, rather than sell it. For this reason, I wish to be reimbursed for the four reales of tax which I paid on each barrel. 83

As I must use the flour not only for my business but also for food for my family, I feel that it is only fair that you reimburse me for the taxes paid on the flour which

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83 The Cabildo had assumed the responsibility of regulating the supply of flour for New Orleans throughout the Spanish period, to try to prevent a scarcity. In 1770, it issued the first ordinance pertaining to flour, in which it prohibited the merchants from buying their flour outside the province. It also limited the dealers and the bakers to a maximum profit of twenty and ten per cent respectively per barrel of flour. In spite of the numerous regulations issued by the Cabildo, the dealers and bakers tried to overcome these limitations to their profits by mixing the two grades of flour and by making the loaves of bread smaller. Actas del Cabildo, Libro I, f. 24, April 20, 1770; Ibid., Libro IV, t. 1, f. 54, October 2, 1795; Ibid., f. 77, December 18, 1795; Ibid., ff. 106-107, April 22, 1796; Ibid., t. 4, f. 199, August 1, 1800; Harkins, "Regulatory Functions", 54-55.

Since the people of New Orleans consumed an average of 450 barrels of flour monthly, severe shortages developed throughout the Spanish period in 1774, 1775, 1779, 1792, and 1796. The first two scarcities were due to an increase of
I was unable to use.

I humbly plead to Your Lordships to be kind in taking care of my situation.

New Orleans

(Rubric) Carraby

troops, as well as the mismanagement of the Cabildo, and the third to the inability to import flour from Santo Domingo, due to the civil turmoil on the island. The last two shortages were due to the influx of Acadians and other immigrants and the disastrous fire of 1794, respectively. The Cabildo and the governor tried to cope with the situation by forcefully buying all of the flour available in the colony and by sending ships to buy thousands of barrels from Havana, Vera Cruz, Philadelphia and Kentucky, spending at one time over thirty thousand pesos. Eventually, however, a large surplus developed, such that the Cabildo then tried to sell it by auctioning it, and by exporting it out of the country, particularly to Yucatán, where in 1802, one thousand barrels were sent. By the time of the American period, flour was available in abundance, and there were no serious scarcities; yet, the city council continued to regulate its quality and sale. Actas del Cabildo, Libro I, f. 191, June 7, 1774; Ibid., f. 209, March 3, 1775; Ibid., f. 311, March 12, 1779; Ibid., Libro IV, t. 1, ff. 108-109, April 26, 1796; Ibid., ff. 154-56, October 21, 1796; Ibid., ff. 189-90, January 20, 1797; Ibid., t. 2, f. 33, September 1, 1797; Ibid., t. 3, f. 25, April 19, 1799; Ibid., f. 199, August 1, 1800; AGI, Santo Domingo, leg. 2559, Carondelet to Gardouqui, no. 23, August 28, 1792; Ibid., leg. 2613, Morales to Gardouqui, no. 22, July 20, 1796; Ibid., leg. 2618, Morales to Soler, no. 86, April 30, 1802; "An Act Regulating the Inspection of Flour, Beef and Pork", Acts Passed at the First Session of the Legislative Council of the Territory of Orleans, 1805, Chapter XLV, 398-402; Arthur P. Whittaker, The Mississippi Question, 1795-1803: A Study in Trade, Politics, and Diplomacy, (New York, 1934), 83-84; Berquin-Duvalion, Voyage, 118.
Document 354

Record of the public auction of a contract for the cleaning of the streets of the city.\textsuperscript{84}

\textsuperscript{84}See Note 23 of Document 337, Part I for more information on the garbage department; also, see Document 355 for the auction for an additional wagon.
July 4, 1800

I certify and swear that on the tenth day of the current month the contract for a man with a cart, driver and mule, for the cleaning of this city will have been auctioned. The Cabildo could not meet on this fourth day of July, because there was no one who could preside over it. The gentlemanly alderman, Juan de Castanedo, having reported this to the Honorable Civil Governor, his Lordship ordered that it should be proclaimed publicly for three consecutive days, and that the auction should be held on the eighth day of the current month, and that one of the annual honorable deputies should undertake the business.

New Orleans

New Orleans: The same day I made it known to Francisco Pavana. 85

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85 Francisco Pavana was born in Cataluña, Spain in 1734. He married a lady named Catarina, but there is no record of any issue from this union. He was appointed jailor of the city jail, but he was discharged in 1796 by the chief constable for personal reasons. His place was taken by the former court bailiff, José Antonio Ruby. In 1800, he petitioned the Cabildo for the position of town-cryer (pregonero) which was vacated by Carlos Antonio Sandre, and received it and held it throughout the Spanish period. He died on 31 August 1815, at the age of eighty-one. "Cemetery Records of St. Louis No. 1"; Actas del Cabildo, Libro IV, t. 1, f. 116, May 13, 1796; Ibid., f. 134, July 1, 1796; Ibid., f. 159, March 21, 1800; See also Note 60 of Document 346 for further details on the office of town-cryer.
In the city of New Orleans, on the seventh of July of the year one thousand eight hundred, I certify and swear that Francisco Pavana, Public Cryer, came before me: that on this day, and that of the fourth and sixth of the current month, he proclaimed in the accustomed places of this city, concerning the cart for the cleaning of the city which is referred to in the antecedent document; and I sign and swear to it.

In the city of New Orleans, the eighth of July of the year one thousand and eight hundred. Being by the doors of the capitular halls [the Cabildo], the Honorable Don Pedro de La Roche, Captain of Militias, and Regidor [Councilman],

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86 Pedro de la Roche was born in Vizcaya, Spain and came to Louisiana in 1784. He married María Luisa Josefa Bouligny, the only daughter of Francisco Bouligny and María Luisa le Senechal d'Auberville. He held the position of custom inspector (vista) for the Royal Custom House at a salary of seven hundred pesos, but resigned in 1797 after his return from a visit to Spain. At the same time, he petitioned for an equivalent position in New Spain. When it was granted, he changed his mind and stayed in Louisiana, due to the illness of his wife. King, Creoles, 298; Pontalba to Miró, May 9, 1792, in Cruzat, "Letters in Journals", 411; AGI, Santo Domingo, leg. 2561, Carondelet to Gardoqui, no. 55, February 23, 1793; Ibid., leg. 2563, Carondelet to Gardoqui, no. 97, January 24, 1794; Ibid., leg. 2614, Morales to Varela, no. 112, March 31, 1797.

In 1793, he was appointed captain of the New Orleans Battalion of Disciplined Provincial Regiment, but it was until March 29, 1796 that he received royal confirmation. On February 14, 1798, he bought the commission of regidor and chief provincial judge combined for the sum of 17,000 reales of silver plus 677 reales as his media anata and eighteen per cent of the total for transportation and processing. He was elected to fill the vacancy of annual commissioner in 1800, due to the illness of Josef LeBlanc, and was duly elected annual commissioner in 1802, along with Rodolfo Ducros. A few months later, he was arrested and imprisoned in the Fort of San Juan by orders of Dr. Luis Carlos de Jaén,
and Chief Provincial Judge [Alcalde Mayor Provincial], and Acting Annual Commissioner, due to the illness of the Honorable Don Josef LeBlanc, Captain of Regiment of Louisiana, and commissioned to proceed with the business of the auction

Juez Pesquisidor, who conducted the residencia (audit) of the administration of Governor Miro. The following year, however, he was exonerated and returned to duty. Holmes, Honor, 179; Actas del Cabildo, Libro IV, t. 2, ff. 109-110, February 16, 1778; Ibid., t. 4, f. 150, January 8, 1802; Ibid., t. 5, f. 6, July 30, 1802; Ibid., ff. 93-98, August 19, 1803; AGI, Santo Domingo, Leg. 2539, Título no. 54, October 9, 1802, ff. 108-109.

Throughout the American period, de la Roche was an officer in a Masonic lodge and captain and commander of the Grenadier Infantry of the Louisiana Militia. During the War of 1812, he was a captain of the company of Carabineers of New Orleans Battalion commanded by Juan Bautista Plauche. Jane Lucas de Grummond, The Baratarians and the Battle of New Orleans, (Baton Rouge, Louisiana State University Press, 1960), 163; "The Partial List of American Forces in the Battle of New Orleans"; "The Louisiana Militia: The Carabineers", deposited at the Louisiana State Museum Library; Marie Cruzat (Mrs. Edwin X.) de Verges, American Forces at Chalmette: Veterans and Descendants of the Battle of New Orleans, 1814-1815, (Published by the Battle of New Orleans 150th Anniversary Committee, 1966), 29; Paxton, Directory, 77, 79.

The title of Chief Provincial Judge (Alcalde Mayor Provincial was also known in the other Spanish colonies as alcalde de la hermandad. Besides enforcing the laws in the rural areas, the alcalde made sure that merchants and tavern and innkeepers did not overcharge the travelers. In criminal cases, there was no appeal from his decision. One of the holders of this title was Pedro de la Roche. As Alcalde Mayor, he assumed the responsibility of administering the oath of office to new officers when the alferez real was absent, and acted as supreme justice in a tribunal in which it was ruled that Manuel Serrano, as senior judge, could not exercise said office the moment Serrano was appointed acting intendant. Recopilación, Libro V, Título IV, Leyes I, III; Gayarré, History, III, 11-12; Also, see Note 54 of Document 345, Part I; Actas del Cabildo, Libro IV, t. 2, f. 145, June 8, 1798; Ibid., f. 170, September 14, 1798.
of the cart for the city for the period of one year, without further proclaiming what was acted, saying that whosoever desired to obligate himself to supply a horse and a Negro and another driver to guide the cart, with all the accessories which will be provided for the said cleaning, and to maintain this in good condition at his expense for all the year, which shall commence the eleventh of the current month, and it shall terminate the same day of the month of the year one thousand eight hundred and one, and appeared, his bid shall be accepted, and it shall be given to the one who obligates himself to undertake it for the lowest sum.\(^8\)

In this state, after various bids and outbids, appeared Don Juan Lugar and offered for the cleaning, the horse, and Negroes or said drivers, and to maintain the cart and accessories in good condition to be able to return them at the conclusion of his contract, for the sum of twenty-four pesos

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88 Commissioners (comisarios) were elected by the Cabildo from among the regidores. There were two types of commissioners elected. The first was the monthly commissioner (comisario mensual) whose duties were to carry out municipal works such as auctions and contracts let out by the Cabildo. Usually, there was one elected every month, but in 1801 Governor Salcedo recommended that a second be added due to the increase in population. The other type was the annual commissioner (comisario anual), who was elected every year, along with the other elected officials. Two were elected. Their primary duties were to represent the Cabildo in matters dealing with the governor and the intendant, and, most important, in auditing the accounts of the city treasurer (mayordomo de propios). Actas del Cabildo, Libro IV, t. 1, f. 188, January 13, 1797; Ibid., t. 2, ff. 60-61; September 30, 1797; Ibid., f. 79, October 27, 1797; Ibid., t. 4, ff. 18-19, July 24, 1801; Ibid., ff. 178-179, February 26, 1802.
monthly; whose bid being accepted, it was proclaimed again until the twelve o'clock bell rang, without anyone appearing to underbid it.\textsuperscript{89}

Without any more notice, I advised and made known to the cryer, that the bid was extended, that for twenty-four pesos monthly, the bidder would oblige himself to supply a horse, Negro and said driver for one year for the cleaning of the city, and to maintain the cart and accessories that will be supplied to him in good condition, so that he can return them thusly. Before concluding the contract, whoever wish to underbid it should appear, for it is going to be auctioned at one, at twelve, and at three—there is no one who will underbid nor oblige themselves for a smaller sum—very well, very well, very well—that issue be made to the bidder who obliges himself in every way and manner to comply with the conditions of this auction—I sign and swear it.

(Rubric) Pedro de la Roche

\textsuperscript{89}Juan Antonio Lugar was born in 1756 in Alicante, Spain. He entered the Spanish Navy in 1775, but soon left it and came to Louisiana, where he enrolled in the militia and rose to the rank of sergeant 1st class. He served on the warship Santísima Trinidad, and when he came to Louisiana, he took an active part in the campaign against Pensacola. When the Garbage Department was established by Governor Gayoso, Lugar successfully bid for the contract, and it was awarded to him in 1798 at the rate of twenty-five pesos. He continued to hold this job until July, 1801, when he turned in the equipment and resigned, due to poor health. Actas del Cabildo, Libro IV, t. 3, f. 45, July 5, 1799; Ibid. f. 127, January 24, 1800; Ibid. f. 192, July 11, 1801; Ibid. t. 4, f. 109, July 10, 1801; Holmes, Honor, 203; Harkins, "Regulatory Functions", 155; "Notarial Archives", Group II, Pedro Pedesclaux, XXXII, September 13, 1798, f. 709; Also, see Notes 23 and 41 of Documents 337 and 343, Part I.
Document 355

Record of a public auction, conducted by Commissioners Don Pedro de la Roche and Don Pedro Denís de la Ronde, to let out a contract to add a second wagon for the cleaning of the streets of the city.90

The de la Ronde family is one of the oldest to have settled in St. Bernard Parish. Pedro Denís de la Ronde was born in New Orleans in 1762 to Colonel Pierre de la Ronde of Canada and María Magdalena Broutin, the daughter of the royal engineer under Bienville and the widow of Luis Xavier Delino. "Index to the Spanish Judicial Records", Louisiana Historical Quarterly, III (July, 1923), 532; King, Creoles, 316-19; Seebold, Plantations, II, 132-39; John Berton Gremillion, St. Bernard Parish, (n.d.), 1.

He was the brother of Luisa de la Ronde, wife of Almonaster, and related to the Marigny and Mandeville families. He petitioned the crown in 1787 to marry, and received permission the following year. He married Eulalia Guerbois, child of Louis Guerbois and Elizabeth Trepagnier. From this union, ten children were born—nine girls and one boy. AGI, Santo Domingo, leg. 2552, Miró to José de Gálvez, no. 218, March 24, 1787; Ibid., leg. 2545, Miró to Valdés, no. 34, February 20, 1788; "Cemetry Records of St. Louis No. I."

At the age of sixteen, he entered the Spanish military service and soon after received the commission of 2nd lieutenant of infantry (banderas). He fought in the campaigns against Ft. Bute of Manchac and Baton Rouge in 1779, Pensacola in 1781, and participated in several expeditions to capture runaway slaves in 1784. He was commended for his valor and application. AGI, Santo Domingo, leg. 2551, Bernardo de Gálvez to José de Gálvez, no. 67, January 31, 1786; Holmes, Honor, 108.

In 1794, Almonaster, his brother-in-law, relinquished his offices of regidor and alferez real to Pedro Denís de la Ronde, but it was not until 1798 that Pedro took the oath of office. Since it was a gift from a relative, he paid only one-third of its assessed value, which amounted to 5,333 silver reales plus the media anata (one-half annual salary) and other expenses of transaction which amounted to about two thousand pesos. Actas del Cabildo, Libro IV, t. 2, ff. 145-48, June 8, 1798; AGI, Santo Domingo, leg. 2570, Salcedo to Caballero, no. 6, September 13, 1803; Jameson, "Almonaster's Will", 25.

As alferez real (royal standard bearer), he held the most important functions of the Cabildo. Due to the rank and prestige of this office, he assumed the duties of annual
July 18, 1800

I certify and swear that the Cabildo in session on this day, having decreed a second cart necessary for the cleaning of the city from the beginning of June until the end of October, the Gentlemen of the Cabildo present agreed to have the contract for said cart made in proper terms according to the act of the twenty-seventh of March of last year—-one thousand seven hundred and ninety-nine. These terms are that he who takes the bid should supply the cart, horse, and the remaining necessities. Don Pedro Denís de la Ronde and Don Pedro de la Roche, Gentlemen of the Cabildo, were commissioned to undertake this business for three consecutive days. The following Tuesday, the fifteenth of the current month, was set as the date for the auction. In the city of New Orleans in the month of July of the year one thousand and eight hundred.

commissioner when that officer was incapacitated due to illness, as well as assuming the role of senior judge (alcalde ordinario) upon the suspension of Nicolás Forstall in 1802. Actas del Cabildo, Libro IV, t. 2, f. 170, September 14, 1798; Ibid., f. 172, September 22, 1798; Ibid., t. 3, f. 159, March 21, 1800; Ibid., t. 5, f. 1, July 19, 1802.

During the American period, de la Ronde continued with the military tradition and served in the militia. In the War of 1812, he was a colonel of the 3rd Regiment of Louisiana Militia and distinguished himself. He later became a major-general on the General Staff of the American Militia. He died in 1824 on the beautiful plantation of "Versailles" at the age of sixty-four, and his wife died in 1831. De Grummond, The Baratarians, 84-85, 88-89; "Partial List of American Forces in the Battle of New Orleans"; Pierson, Louisiana Soldiers in the War of 1812, 34; Paxton, Directory, 78; "Cemetery Records of St. Louis No. I."
The same day I made it known to Francisco Pavana, Public Cryer. I certify it.

In the city of New Orleans, on the fourteenth of July of the year one thousand eight hundred, Francisco Pavana, Public Cryer, came before me and said: That on this day, and on the eleventh and thirteenth of the current month, he had proclaimed, in the accustomed places of this city, the auction of the cart which is referred to in the antecedent document---and I sign and swear it.

In the city of New Orleans on the fifteenth of July of the year one thousand eight hundred, the Gentlemen, Don Pedro Denís de la Ronde, Lieutenant of Regiment of Louisiana and Royal Standard Bearer, and Don Pedro de la Roche, Captain of Militia and Chief Provincial Judge---being by the portals of the Cabildo for the purpose of proceeding with the auction of the cart that is referred to in the antecedent document, the said gentlemen said:

Whosoever shall wish to supply a cart, horse, asses, and Negro or driver for the cleaning of the city, from this date until the end of next October, before this court appear and make a bid that can be accepted. The contract will be granted to the person who makes the lowest bid. The City Treasurer of this city, Don Juan de Castaneda, will pay him monthly.
After various bids and rebids, there appeared Don Lázaro Latille.\(^{91}\) He offered to provide the cart, horse, and said driver for all the period specified, for the sum of twenty-six pesos monthly. His bid being accepted and no one appearing with a lower bid, and the twelve o'clock bell having rung, the magistrates sent notice to the cryer to proclaim what had been executed, saying: That for twenty-six pesos monthly, they oblige themselves to provide a cart, horse, harnesses, driver and other things necessary for the cleaning of the city, from this date until the end of October; and whosoever wishes to oblige himself for less, let him appear, for the offer that he should make will be admitted, for it is going to be auctioned---it is going once, twice, thrice---since there is no one to underbid, nor to obligate himself for less---let it belong to the bidder who obliges himself to comply with the conditions of this auction---and I sign and swear it with said gentleman.

(Rubrics) Pedro Denís de la Ronde

Pedro de la Roche

\(^{91}\)Lázaro Latille was a successful businessman in New Orleans. Since the Cabildo needed a second wagon to clean the streets, he made a bid and received the contract, which he immediately turned over to one of his workers by the name of Andrés Lavigne. When Juan Lugar resigned the year-round task of collecting the garbage in 1801, Lavigne assumed the contract, which he held throughout the Spanish period. Ac­tas del Cabildo, Libro IV, t. 3, f. 197, July 18, 1800; Ibid., f. 216, August 26, 1800; Ibid., t. 4, f. 125, August 7, 1801; Ibid., t. 5, f. 16, September 10, 1802; Ibid., f. 99, September 2, 1803; Harkins, "Regulatory Functions", 155-56.
Proposal to the Cabildo by Don Bartolomé Lafond, contractor for the construction of the bridges of the city, proposing means for payment and construction of the new bridges.\(^92\)

\(^92\)Bartolomé Lafond was born in France in 1769 to Pedro Lafond and Juana Roumieux. He and his brother came to Louisiana and established their residency at 7 Rue Royale Sud. He was a master contractor who did numerous works for the Cabildo, repairing the royal jail, the fish market, the drawbridge of Bayou St. John, repairing and building new bridges, and grading the streets. He ran into difficulties, however, with the Cabildo over the contract of 1796, in which Lafond replaced Roberto Jones to build and repair the new bridges. When the commissioners went to inspect his work, they found that he had not been using the type of lumber specified and demanded that he fix it. Lafond refused, and the Cabildo cancelled his contract. Evidently, he got in the good graces of the Cabildo by 1800, because he was again awarded a contract to repair and build bridges, with the condition that the Cabildo would furnish the materials. "Cemetery Records of St. Louis No. I"; Actas del Cabildo, Libro IV, t. 1, f. 27, May 22, 1795; Ibid., f. 219, June 23, 1795; Ibid., t. 2, f. 58, September 30, 1797; Ibid., ff. 63-64, October 6, 1797; Ibid., f. 94, December 7, 1797; Ibid., f. 110, February 16, 1798; Ibid., f. 114, March 2, 1798; Ibid., t. 3, f. 143, February 21, 1800; Ibid., t. 4, ff. 6-7, October 3, 1800; New Orleans in 1805.

Besides his work for the Cabildo, he served in the Company of Distinguished Carabineers, and, during the American period, he became a captain of the 2nd Regiment of Infantry of the Militia of the Territory. Furthermore, he was a member of the American City Council, representing the 3rd Ward. He died on September 30, 1820, at the age of fifty-one. Holmes, Honor, 246; James, "Le Diamant", 309; New Orleans First Directory, 1807.
July 11, 1800

MOST ILLUSTRIOUS CABILDO

Don Bartolomé Lafond, resident of this city and contractor for its bridges, with great veneration comes before Your Lordships and says: That the lack of good materials for the construction of the new bridges which are being made is delaying me; therefore, I am submitting my old contract and presenting a new one with decreased expenses for the city, in order to proceed with the work and regain losses due to the delays I have experienced. These delays make me see no advantage in carrying out the old contract.

In this letter, I propose to Your Lordships a contract which is most advantageous to the treasury, and which would relieve me of the fear of losses. The actual number of bridges to be made is 180. According to the original contract, I am to be paid about eight pesos for the construction of every bridge, which makes a total of 1440 pesos; and, this sum is to be paid to me within the period of two years.

It would be more advantageous to me and the city if I were to receive one thousand pesos cash. For this sum I would bind myself to conduct the work according to my last contract.

I do not fear making this proposition, for seeing the advantage that will result for the treasury, both over the
construction of the task which will gain you 440 pesos, as over the extra materials which I estimate at two pesos for every bridge---which is 360 pesos; that, together with the 440 pesos, comes to a total of 800 pesos of savings for the treasury, whose sum could be used for other related projects, no less useful, as I shall prove, if Your Lordship desires.

Why is it that I make such a sacrifice? The answer is simple. My dealings require cash, and the sum that I will receive, although small, would be more lucrative to me than what I would receive on a long term.

I hope that Your Lordships will take this request into consideration, for I am bound by the terms of my first contract, and you gentlemen know that I carried out the tasks with which I have been charged---although oftentimes to my detriment. After seeing the advantages to the treasury of my new request which proves my interest and concern for the public welfare, I hope that Your Lordships will grant my petition.93

New Orleans

(Rubric) Lafond

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93 This contract to repair and build the new bridges was awarded to him on March 24, 1797, but it was cancelled, because he failed to meet the specifications. However, the same contract, with some modifications, was awarded to him on April 19, 1799. When he tried to get a lump sum, the Cabildo refused to even consider his petition. *Actas del Cabildo*, Libro IV, t. 3, ff. 25-26, April 19, 1799.
Letter of Governor Don Nicolás María Vidal, transmitting to the Cabildo a letter from the Marquis of Casa-Calvo in regard to a controversy over the collection of anchorage and pilot fees, and requesting records of this case.\(^\text{94}\)

\(^{94}\)In order for the city to have an income with which to repair and maintain the levee where the ships usually moored, Governor O'Reilly gave it the right to collect anchorage fees of three pesos per ship, as had been done in the French period. The city was constantly repairing the levee, because the ships kept destroying it with their anchors and cables. To alleviate the situation, the Cabildo proposed that a cement wharf be built and appointed two commissioners, Juan de Castanedo and Domingo Bouligny, to get the opinion of the merchants who were the ones who paid the fees directly. The Chamber of Commerce of the merchants refused to consider the additional facility, and the Cabildo reverted to the system of placing poles along the levee to which the ships could tie. Actas del Cabildo, Libro IV, t. 2, ff. 139-40, May 18, 1798; Ibid., t. 3, ff. 194-95, July 18, 1800; Ibid., t. 4, f. 118, July 24, 1801; Ibid., ff. 123-24, July 31, 1801; Ibid., f. 125, August 7, 1801; Ibid., ff. 129-130, August 21, 1801; Caughey, Bernardo de Galvez, 32.

The Spanish period came to an end, and the Crown never did resolve the issue; thus, when Louisiana was purchased by the United States, the city of New Orleans retained its right to collect the fees inherited from the French and Spanish period. In 1811 and in 1813, the Congress of the United States challenged the prerogative, but the city retained control. "An Act Relative to the Harbour-Master, and Master and Warden, and Pilots of the Port of New Orleans", Acts Passed at the First Session of the Legislative Council of the Territory of Orleans, 1805, Chapter XXIV, 122, 130; Clark, New Orleans, 282; AGI, Santo Domingo, leg. 2568, Someruelos to Cornel, no. 121, November 21, 1801.
July 16, 1800

The Honorable Marquis of Casa-Calvo, Military Governor of this Province, tells me in his letter of the sixteenth the following:

"The Honorable Captain General of these Provinces informed me on the third of last February as follows: 'Your Lordship's official letter number sixteen, of the eighth of last January, informed me that the Captain of that port demanded the anchorage and pilot fees allotted to the treasury of that city by royal approval. Owing to the action taken by the interested party, based on an ordinance of marine, and the authorized tenure of the said privilege which has been for so long considered within our realm, it would be advisable for Your Lordship to instruct the Civil Governor to have the Cabildo investigate this case and explain what has brought about this threat to the right to the anchorage fees; and, in accordance, to pass it to my power through Your Lordship, and I shall equally inform the captain of that port, so that, on his part, he will state what is more appropriate of which two documents I shall send to the court for a resolution from the affable sovereign.' I move the matter to Your Lordship, so that he will be kind enough to order the Cabildo
"to draw up the necessary instructions and send them to me, so that I may verify what the Captain General has asked. May God grant you long life."

In virtue of this unexpected event, Your Lordships will formally make the investigation requested by the Captain General; and Your Lordships will send the results to me, along with the testimony in the minutes of the meeting concerning this matter.

May God grant Your Lordships long life.

New Orleans

(Rubric) Nicolás María Vidal
A Letter from the Governor, Don Nicolás María Vidal, requesting the Cabildo to order the auditing of the accounts of the city treasury.\footnote{The municipal accounts were placed in the charge of the mayordomo de propios (treasurer), whose duties were to collect the rents, taxes, and to keep the receipts of all funds spent and collected; and, particularly in New Orleans, he was in charge of the lighting department. The mayordomo was annually elected by the Cabildo, and in New Orleans Juan de Castanedo held the position from 1793 until the end of the Spanish period. He petitioned the Crown to combine his office of regidor with that of mayordomo, but the Crown refused on the ground that corruption might ensue. Actas del Cabildo, Libro IV, t. 1, ff. 65-68, November 13, 1795; Ibid., ff. 74-75, December 11, 1795; AGI, Santo Domingo, leg. 2529, Cédula no. 5, f. 9, May 18, 1799.}

The treasurer was allowed one and one-half per cent of the total amount collected, but in New Orleans he was given five per cent because they could not find anyone else to do it for less. The Crown was petitioned for the approval, but it never did arrive. Annual accounts had to be given, and the two annual commissioners were entrusted to audit the accounts. After the accounts had been approved, they were sent to the governor or to the intendant who, in turn, remitted them to the Junta Superior de Hacienda (Supreme Tribunal of Accounts) in Havana. If there were a surplus after all expenses had been met, it would go into the "Box of the Three Keys" which could be opened only when the three holders of the keys were present---the governor, the treasurer, and the alférez real (standard bearer). Actas del Cabildo, Libro IV, t. 2, ff. 74-75, October 27, 1797; Ibid., t. 3, f. 106, November 15, 1799; Recopilación, Libro IV, Título XIII, Ley III; Lillian E. Fisher, The Intendant System in Spanish America, (Berkeley, 1929), 118-22; John Lynch, Spanish Colonial Administration, 1782-1810; The Intendant System in the Viceroyalty of the Rio de la Plata, (London, 1958), 208-209; John Fisher, "The Intendant System", 436.

During the American period, at both local and territorial levels, the treasurer continued to receive a commission of five per cent and posted a bond of $20,000. His tenure was for one year, as it had been during in the Spanish period. The bond, however, was larger. "An Act to Regulate the Duties of a Treasurer for the Territory of Orleans", Acts Passed at the First Session of the Legislative Council of the Territory of Orleans, 1805, Chapter V, 20-25; "An Act to Incorporate the New Orleans", Ibid., Chapter XII, 52-53.
August 1, 1800

MOST ILLUSTRIOUS CABLIDO

Having informed the Honorable Regidor, the City Treasurer, Don Juan de Castanedo, that several months of this year have passed and he has not yet given me a statement of the accounts of last year, he informed me that the fault lay in the fact that the accounts of the year before last have not been settled by the deputies in charge of them. Since this is a matter that should not have been neglected for a long period of time, Your Lordships will order that the audit be made without delay, so that the extra funds that should result can be placed in the treasury as they should be.

May God grant Your Lordships long life.

New Orleans

(Rubric) Nicolás María Vidal
Document 359

A letter from Governor Don Nicolás María Vidal, instructing Don Pedro de la Roche of the course the Cabildo must follow, with regard to the bond that should be furnished by the governor before taking office.96

96Governors and other royal officials who were usually subject to a final audit (residencia) had to give an account of all of their worldly possessions before the tribunal of the royal audiencia before they took office. Furthermore the royal cédula of 1551 ordered that a bond (fianza) be deposited by each governor before he took office. However, by another royal order of December 30, 1777, the royal appointees were permitted to meet their fianza by depositing one-fifth of six thousand pesos as bond, until it was fulfilled. Louisiana, on the other hand, was an exception, because it received this privilege as early as 1770; and, when the privilege was revoked in 1795 for the rest of the colonies, it was retained in Louisiana. The fianza was used to meet the final expenses of the residencia but, if the official was cleared, it was returned. Recopilación, Libro III, Título II, Ley LXVIII; Ibid., Libro V, Título II, Leyes VIII, IX; Ibid., Cédulas Reales of December 30, 1777 and June 14, 1800; Ibid. f. 196, July 18, 1800; Ibid., f. 201, August 8, 1800.
August 1, 1800

Honorable Don Pedro de la Roche

In reply to your request, date July thirteenth, on behalf of and as Annual Commissioner of the Most Illustrious Cabildo, I requested that you send me a copy of the royal decree pertaining to the finances of the governors for the Juicio de Residencia. I enclose the one that was brought

97 The Juicio de Residencia was a final audition of the acts of royal officials at the close of their tenure. The first recorded instance in America was when Nicolás Ovando conducted the residencia of Francisco Bobadilla. Haring, The Spanish Empire, 138-42; Also, see Documents 399 and 405, Part II.

Close to the end of the tenure of a royal official, the audiencia (the royal judicial tribunal) sent a magistrate to conduct the investigation. Clerks, notaries, secretaries, regidores, and alcaldes ordinarios were also investigated when the governor was investigated. Although the audiencia was forbidden to conduct residencias of governors and other high officials by a royal order of 1639, the Council of the Indies (Consejo Real y Supremo de las Indias) seldom interfered and then only in appeals of the decisions rendered by an audiencia. By 1799, a royal order was issued in which lesser officials were not universally subject to the residencia, and only in cases when charges were made against them. The residencia was completed in four months, and the judge conducting it pronounced sentence. If the penalty did not exceed twenty-five thousand maravedís, it was non-appealable. However, if it exceeded that sum, the defendant could appeal the sentence to the tribunal of the audiencia and then to the Council of the Indies. Furthermore, the judge of the residencia was empowered to arrest those sentenced. Charles Henry Cunningham, The Audiencia in the Spanish Colonies as Illustrated by the Audiencia of Manila, 1583-1800, (Berkeley, 1919), 129-59; Lillian Fisher, Viceregal Administration, 44-50; Recopilación, Libro II, Título XV, Ley LXIX; Ibid. Libro V, Título XIV, Leyes IV-VI, XV, XX-XXI, XXIV, XXIX, XXXIX; Ibid., Cédula Real of August 24, 1799, 23; Haring, Spanish Empire, 135-42.
to me, so that you may present it in fulfillment of your charge. It states that if the honorable governors do not give the referred security of three thousand pesos, the fifth part of their annual wages will be deducted by the Royal Treasury. Since this applied not only to the Honorable Don Luís de Unzaga, but also to his successors, it is clear to me that it was in effect with the Honorable Baron de Carondelet; and when his term was over, the remaining funds were returned to him.

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98 Luís de Unzaga y Amézaga was born in 1721 in Málaga. He was a military man who had been in the Spanish service since 1735. He rose to the rank of colonel in the Regiment of Havana and, when O'Reilly came to Louisiana in 1769, Unzaga accompanied him with the understanding that he would be made governor of Louisiana as soon as the situation was under control. Officially, his administration began on December 1, 1769, when O'Reilly installed him as presiding officer of the Cabildo and announced his appointment as governor. Caughey, Bernardo de Galvez, 43-57; Gayarre, History of Louisiana, 107-108.

The administration of Unzaga was fruitful. He began the reconciliation of the French Creoles by marrying a St. Maxent, a relative of one of the executed rebels of 1768. He permitted illegal trade, was able to weather the civil strife between the Spanish and French Capuchins, and issued ordinances to protect the citizens from disastrous fires. In 1777, he was appointed Captain General of Caracas and then served as governor of Havana from 1783 to 1785. Chambers, History of Louisiana, I, 310-18; Henry P. Dart, "Ordinance of Governor Unzaga Requiring Mechanics to Attend Fires", Louisiana Historical Quarterly, IV (April, 1921), 201-202; William O. Scroggs, The Story of Louisiana, (rev. ed., Indianapolis and New York, 1953), 122-24; Holmes, Documentos, 160.

99 Francisco Luís Hector, Baron de Carondelet, was born in Flanders in 1747. He was named governor-intendant of San Salvador in the Captaincy-general of Guatemala in 1789. He was then appointed governor of Louisiana in 1791, where he continued his tireless administration. He was a dynamic man whose achievements in Louisiana were monumental. He made the fortifications stronger and improved the regulars and
In the future when a governor arrives, the Most Illustrious Cabildo should send an official letter to the Intendant General of the Treasury; notifying him of the date the governor takes possession of the civil government. If he does give the cited security, the expressed deduction may be omitted.\textsuperscript{100} If he does not, the deduction is to be made

militia, encouraged immigration, and successfully coped with the Jacobins in the city and the slave revolt at Pointe Coupée (Punta Cortada).

In New Orleans he built a canal, illuminated the city, founded a newspaper, divided the city into wards (barrios), established an effective system of rural police (sindicós) and a night patrol (serenos). In 1796, he was appointed president of the Royal Audiencia of Quito and was given the grade of field marshall. He died in 1805. Holmes, Documents, 144-45; Reeves, The Governors of Louisiana, 19-20; Rand, Stars in their Eyes, 32-33; Soniat du Fossat, Biographical Sketches, 16-17; Wood, "Life in New Orleans", 46; Carondelet, "Military Report on Louisiana and West Florida", in Robertson, Louisiana, I, 293-345.

\textsuperscript{100} The institution of the intendancy was one of the main reforms which the Bourbons began in Spain and the Americas to accomplish a more centralized system of government. Philip V borrowed it from France and generally established it in Spain on July 4, 1718, but opposition from bureaucratic interests made him do away with it by 1721. In 1749, the system was once more established, this time by Ferdinand VI.

The duties of the intendant were immense. He was responsible for general administration, economic affairs, supervision of government and for the maintenance of law and order. The responsibility for judicial affairs, however, was taken away from the intendants in 1766 by Charles III, because the burden was too great. Lynch, Spanish Colonial Administration, 46-61; Lillian Fisher, The Intendant System, 12-18; John Fisher, "The Intendant System and the Cabildos in Peru", 430-53; Moore, Cabildo: Bourbons, 130-32.

In America, the system was first introduced in Cuba by a recommendation of Alejandro O'Reilly and then spread to the other provinces, including Louisiana in 1780, where Martín Navarro served until 1788. The intendancy was then placed under the jurisdiction of both Governors Miro' and Carondelet until 1794, when Francisco Rendón took over on September 1, 1794. From 1796 until 1799, Juan Ventura Morales and Manuel Serrano served as acting intendants, until the appointment
according to the aforesaid Royal Decree—and a legalized copy of the proceeding be notarized.

May God grant Your Lordships long life.

New Orleans

(Rubric) Nicolás María Vidal

of Ramón de Lopez y Angulo, who served until 1801. Upon his resignation, Morales once more assumed the office ad interim and served until the end of the Spanish period. AGI, Santo Domingo, leg. 2609, Navarro to José de Gálvez, no. 28, December 17, 1780; Ibid., leg. 2545, Miro to Valdés, no. 75, May 15, 1788; Ibid., leg. 2606, Carondelet to Gardoqui, no. 123, September 1, 1794; Ibid., leg. 2613, Morales to Gardoqui, no. 1, May 3, 1796; Ibid., leg. 2615, Morales to Gardoqui, no. 253, January 31, 1799; Ibid., leg. 2539, Título no. 47, June 7, 1799, ff. 94-95; Actas del Cabildo, Libro IV, t. 2, f. 170, September 14, 1798.

In Louisiana, the intendancy was composed of an intendant, who was the chief in the financial and commercial departments; an accountant (contador de ejército y hacienda), who kept accounts and documents respecting receipts and disbursements, with the aid of four clerks; an interventor (interventor de almacenes), who supervised all public purchases and bargains; and an administrator of customs (vista). Besides the import and export duties collected by the intendancy, it was responsible for collecting the media anata, paying the military, royal officials and the clergy, repairing public buildings, maintaining the royal galleys, and administering the money for the presents given to the Indians. Chambers, History, 298-99; An Account of Louisiana, 41-45; Ordenanza de Intendentes: Nueva-España, Artículos IV-VI.
Lieutenant General Don Alejandro O'Reilly reported in his letter of December tenth of last year that, having complied with the orders he took, he had turned over the civil and military government to Your Lordship on the first of the same month; and he notified the Treasurer of the salary payment of six thousand pesos due to the civil governor. This is the salary apportioned by the king for the governor of this province, with Your Lordship responsible for seeing that this is paid.

101 Alejandro O'Reilly was born in Ireland. The date of his birth is estimated to be either 1722 or 1735. He went to Spain and joined the service of the king. The wound he received in the War of the Austrian Succession never did heal properly, because he retained a limp throughout his life. He then joined the French and Austrian services, but before long returned to Spain. He soon rose to the rank of brigadier and then major-general. He was in the good graces of Charles III for having acted quickly and saving the king from a street riot; so, he was given the title of count. In 1759, he was sent as inspector-general of Havana, and due to his efforts it was fortified. In 1769, he was sent to Louisiana with the titles of captain general and governor. He established Spanish rule by first bringing to trial the conspirators of 1768, then establishing the Cabildo, dealing with the Indians, enforcing regulations against illegal trade, fortifying the colony, and establishing an abbreviated code of the laws of the Indies (Recopilación) which was titled "Code O'Reilly." Having completed his work and having installed Governor Unzaga in power, Governor O'Reilly departed in March, 1770. In 1774, he was given command of a large expedition against Algiers, but he was defeated. He later was appointed to a military school, then commander-general of the Province of Andalucía and then Governor of Cádiz. After the death of Charles III, he fell from the favor of the Crown. He soon retired. However, when Napoleon was invading Spain, O'Reilly was appointed to the Army of the Pyrenees, but he died in 1794 before he could take command.

Among the governors of Louisiana, O'Reilly can be ranked in the category of "great", although previous historians,
At the same time, he deposited the proper securities which the governor is obliged to deposit for his *residencia* at the end of his term, as well as the *media anata*. With regard to these matters, His Majesty has resolved that the salary of Your Lordship be the six thousand *pesos* annually which was assigned from the beginning of that office, and this is to be paid to you from the cited day—the first of December—on which you took possession; that Your Lordship is to be relieved of the tax of the *media anata* in consideration of your services; and this being a new law, do not let it be used as an example later; that your security for residence be reduced to three thousand *pesos* in order that you will be relieved of the inconvenience of looking for a neighbor to put up the sum of three thousand *pesos*, whose


102 The *media anata* was the one-half of the salary for one year of all royal officials, except ecclesiastics who were exempted by a cédula of June 2, 1632. Eventually, however, the holders of ecclesiastical benefices had to pay the *media anata*. In 1664, the system was reorganized so that one-half of the sum was paid at the court before departure, and the second half within eighteen months after the official received his commission. On December 28, 1846, the *media anata* was abolished. *Recopilación*, Libro VIII, Título XIX, *Leyes* I, III-IV; Cunningham, * Audiencia*, 165-66; L. Fisher, *Viceregal*, 141,179; Moore, *Cabildo: Bourbons*, 35; Ibid.,
fifth part shall be deducted and retained in the treasury every year, so that at the end of the five years of office, the sum will be on hand in cash.

I inform Your Lordship for your knowledge, and also that you may send to those offices the corresponding notice; and pray to God to grant you long life.

Prado
March 24, 1770
The Marquis of Grimaldi
To Don Luis de Unzaga

This is a copy of the Royal Order that is deposited in the archives of this government office in my charge—which I certify, and which is taken out for the Honorable Civil Governor.

New Orleans
(Rubric) Andrés López Armesto

Cabildo: Hapsburgs, 259.
Document 360

A petition from Don Juan María Godofredo Du Jarreau, requesting payment for work done in the Royal Jail.\(^{103}\)

\(^{103}\) Du Jarreau received the contract on May 24, 1799, to do the repairs to the Royal Jail and received one-third of the sum in advance, after he posted the necessary securities. By February of 1800, he had finished the first part of the repairs, with some minor deviations from the original contract, but the work was approved by Commissioners Jayme Jordá and Gilberto Andry, and payment was ordered. By May, he completed the second part of the work and again received approval, but the payment was delayed. Du Jarreau became busy with other outside projects and almost abandoned the work on the jail. By July, however, the Cabildo ordered him to complete the work, or it would do it itself and present the bill to Du Jarreau. Du Jarreau completed the work the following month but, when he presented his bill for 610 pesos, 4 1/2 reales, the Cabildo refused to pay it, claiming that it owed him only 434 pesos 7 reales. Du Jarreau brought suit to the court, but the Cabildo claimed that Du Jarreau had not complied with the contract. Eventually, partial payment was made, but the litigations to recover the rest of the money continued throughout the Spanish period and was never settled. *Actas del Cabildo, Libro IV, t. 2, ff. 35-36, August 24, 1799; Ibid., t. 3, ff. 143-44, February 21, 1800; Ibid., f. 147, March 7, 1800; Ibid., f. 171, May 2, 1800; Ibid., f. 172, May 9, 1800; Ibid., ff. 192-93, July 11, 1800; Ibid., ff. 195-96, July 18, 1800; Ibid., f. 217, August 26, 1800; Ibid., ff. 220-21, August 29, 1800; Ibid., f. 227, September 12, 1800; Ibid., t. 4, f. 128, August 14, 1801; Ibid., t. 5, f. 87, July 30, 1802; Ibid., f. 108, November II, 1803; Also, see Documents 380, Part II and 432, Part IV.*
August 1, 1800

MOST ILLUSTRIOUS CABILDO

Don Juan María Godofredo Du Jarreau, to Your Lordships humbly expounds: That besides the repairs mentioned in the adjudication of May twenty-fourth of the year one thousand seven hundred ninety-nine, pertaining to the Royal Jail, I made other repairs which were ordered by Don Castaneda on behalf of the Most Illustrious Cabildo—which consist of a wall twenty-one inches in width, eighteen feet, two inches in length, and about fifteen feet high; the filling of a ten foot arcade with a wall of the same length to enclose a kitchen; the erecting of an outside wall over the old one near the far end of the new corridor with a height of nine feet by ten feet in length and of the same width, to secure that part. I am now finishing the bricking of the porch outside the cell blocks; furthermore, I have performed other small works, such as having plastered the ceiling of the Hall of the Cabildo, straightened the walls of the same hall, and prepared them with smooth plaster so that they are ready to be painted. Furthermore, a deficit of a bill remains owed to me whose amount was posted by Don Guillemard.  

104 Gilberto Guillemard, a nephew of Antonio de Sedella, was born in Longwy, France on September 17, 1749. He was the son of Arnaldo Guillemard and Elizabeth Marechal. He came to Louisiana and married María Felicitas Barbeau Boisdore. He established his residence at 4 Rue d'Orleans.
In this matter, the expounder pleads that Your Lordships be kind enough to give the order to your treasurer to estimate the amount due me and to pay me that sum, without my having to present another petition which is very onerous to me. And while the treasurer is seeing and verifying the

From this union, one son named Arnaldo was born. Pontalba to Miró, May 8, 1798, in Cruzat (trans.), "Letters in Journal", 408; Spanish Census of 1791; New Orleans in 1805; AGI, Santo Domingo, leg. 2551, Miro to José de Gálvez, no. 138, August 1, 1786; Ibid., leg. 2552, Miro to José de Gálvez, no. 234, June 1, 1787; Holmes, Documentos, 334-35.

Guillemard had a distinguished career—he was both a military officer and an engineer. He entered the Spanish military service in 1770 and reached the rank of lieutenant-colonel by 1795. He served ten years in the militia and over twenty in the regulars. In the campaign against Mobile, he was the first to enter the defenses and, against Mobile, he killed five soldiers and officers. Unfortunately in the campaign against Pensacola, he was wounded by a bomb shell and became partially crippled. Nevertheless, he continued his military activities and, in 1784, he led an expedition of three hundred men against runaway slaves and captured three hundred and twenty-three. In 1788, he received the title of sergeant-major for the Post of New Orleans. Militarily, this title made him second in command. AGI, Santo Domingo, leg. 2553, Ezpeleta to Valdés, May 3, 1788; Holmes, Honor, 126-27.

As an engineer and architect, his work was unsurpassed. Besides the numerous fortifications, he designed the Cathedral of St. Louis, Charity Hospital, the Presbytere, the Petit Theatre, and the Cabildo. He not only designed the Cabildo, but he supervised the construction after the death of Almonaster. For this labor, he was paid five hundred pesos by Luisa La Ronde, the widow of Almonaster. He remained in New Orleans after the Spanish period, and in 1806, he asked and was given permission to go to France, where he died. Actas del Cabildo, Libro IV, t. 2, ff. 84-85, November 10, 1797; Ibid. f. 135, April 27, 1798; Ibid., ff. 179-180, November 14, 1798; Ibid., t. 3, f. 159, March 21, 1800; Ibid., t. 4, f. 216, May 14, 1802; Samuel Wilson, Jr., A Guide to Architecture of New Orleans, 1699-1959, (New Orleans, 1960), 12-17; AGI, Santo Domingo, leg. 2571, Someruelos to Caballero, no. 613, May 13, 1806.
related works, the expounder hopes that Your Lordships will be kind enough to immediately count a sum of four hundred pesos which I need to discharge my obligations to those people who supplied me with the materials necessary for the undertaking of your work.

This benevolence I hope to receive from the equity of Your Lordships.

New Orleans

(Rubric) Du Jarreau
Document 361

A letter from Don Nicolás María Vidal, communicating a letter from the inhabitants of the upper and lower coasts to again introduce novice (bozales) Negroes.

The lower coast consisted of the area on both sides of the river from New Orleans down river to the Balize. It was a sparsely populated area in which the number of inhabitants was estimated at about 2,500 and of which one-half were slaves. Their principal crop was sugar.

The upper coast was the area on both sides of the river from New Orleans to Bayou Manchac. It was subdivided into the coast of Tchoupitoulas, the two German coasts and the two Acadian coasts. It was extensively populated with about 9,000 inhabitants and was the area that produced large crops due to its numerous plantations. An Account of Louisiana, 6-8; Marietta Marie Le Breton, "A History of the Territory of Orleans, 1803-1812" (Ph.D. Dissertation, Louisiana State University, 1969), 14-19; Moody, "Slavery on Louisiana Sugar Plantation", 192-93.

Black slavery is believed to have been introduced into Louisiana in 1708 by Bienville, but the French government did not make its importation legal until 1712. By the end of the French period, the total population, both whites and blacks, was only about six to seven thousand. Davis, History of Louisiana, 80, 97.

During the Spanish period, black slaves were classified into criollos (creoles) and bozales (bush). The former were those born in America, and the latter were those born in Africa, mostly in Angola and the Congo. The criollos were described as being more clever and intelligent than the bozales but lazier. Furthermore, they differed in that the African-born slaves were used in domestic and mechanical pursuits. Gonzalo Aguirre Beltrán, La población negra de México, 1519-1810: Estudio etnohistórico, (Mexico, 1946), 245; Berquín-Duvallon, Vue de la colonie, 255-56.

Throughout the Spanish period, slaves were imported in adequate amounts to supply the labor force needed for the cultivation of tobacco, indigo, and, later, sugarcane. The Cabildo petitioned and received permission to introduce slaves from Santo Domingo, Cuba, Puerto Rico, and Caracas. A surplus of labor soon developed, and the owners had to hire out their own slaves to prevent them from becoming idle in the plantations. Soon the slaves became uncontrollable, and many ran away; thus, the Cabildo petitioned the Crown to permit them to impose a tax of one peso for each slave introduced to help finance the expeditions sent out to capture
August 8, 1800

MOST ILLUSTRIOUS CABILDO

I direct to Your Lordships the petitions which have been made to me by the inhabitants of the upper and lower coast over the re-introduction of bush Negroes, which they urgently need for the cultivation of their lands; and, likewise, the letter of the Intendant-General of the Treasury, Don Ramón de López y Angulo, in support of the solicitation, is included, so that Your Lordships, being acquainted with everything, can inform me of whatever help you may need in coming to a decision. The Civil and Military Governments and the Intendancy are in accord on this matter.

the runaways. In the 1790's, the turmoil in Haiti and the slave uprising in Pointe Coupée (Punta Cortada) ended the importation of slaves into Louisiana. In 1800, the need for labor became acute, and some of the planters petitioned Acting Governor Vidal, with the blessings of Intendant Ramón López y Angulo, but the Cabildo refused. Eventually, the Crown was petitioned to resolve the matter, but the Spanish period came to an end before any action could be taken. Nevertheless, by the end of the Spanish period, the total population of the territory was about 50,000, of which twenty per cent were slaves. Actas del Cabildo, Libro I, f. 35, August 27, 1770; Ibid., f. 65, June 21, 1771; Ibid., f. 269-70, October 31, 1777; Ibid., Libro III, t. 1, f. 153-54; February 9, 1787; Ibid., t. 3, ff. 8-10, July 16, 1792; AGI, Santo Domingo, leg. 2621, Morales to Soler, no. 225, November 30, 1803; LeBreton, "Territory of Orleans", 12, 274; Harkins, "Regulatory Functions", 102-116; Wood, "Life in New Orleans", 658-59.

107 Ramón López y Angulo was born in Galicia, Spain to José Antonio de López y Angulo and Ana Fernández y Angulo. He came to Louisiana, where he married María Delfina Macarty, the daughter of Luís Bartolomé de Macarty and María.
May God grant Your Lordships long life.

New Orleans

(Rubric) Nicolás María Vidal

Juana Lovable. From this marriage a daughter was born, whom they named María Delfina Borja. Arthur, Old New Orleans, 89-90.

In Louisiana, López y Angulo was appointed Chief Accountant of the Intendancy (Contador de Ejército) and in 1799, as Intendant. In 1801, however, he resigned his post and was ordered to Spain via Havana. He returned to Louisiana during the territorial period and became the Spanish consul in the area, but once more he was recalled in 1804. While he was on his way to Spain from Havana, he died and his wife, who had remained in Havana, gave birth to his only child. Delfina returned to New Orleans and married two more times. In 1834, her house caught fire, and the people discovered that the slaves were chained in their quarters. The indignation of the people at seeing the helpless slaves chained caused Delfina and her husband to leave the city and go to France. Her house became known as the "Haunted House." She died in 1842, and her body was secretly returned to New Orleans and buried in the St. Louis Cemetery. Arthur, Old New Orleans, 91; AGI, Santo Domingo, leg. 2539, Título no. 47, June 7, 1799, ff. 94-95; Ibid., leg. 2616, Morales to Soler, no. 338, October 15, 1799; Ibid., leg. 2546, Salcedo to Soler, no. 2, February 28, 1802; Ibid., leg. 2569, Someruelos to Caballero, no. 1, April 28, 1802; Actas del Cabildo, Libro IV, t. 4, f. 116, July 16, 1801.
Document 362

Certificate issued by Don Andrés López de Armesto, Honorary Commissary of War, etc., stating that no royal order was issued in regard to the importation of Negroes into Louisiana, but only a notice from the Attorney General. ¹⁰⁸

¹⁰⁸ This document and the preceding one must be read in conjunction with Documents 363 and 366, Part I. Document 363 gives a detailed and emotional defense by the attorney general against lifting the ban to introduce slaves, and Document 366 gives the reaction of Governor Vidal to the imperious tones of the defense.
August 9, 1800

Don Andrés López de Armesto, Honorary Commissary of War and Secretary, by His Majesty, of the General Government of the Province of Louisiana.

I certify that in the index of the Royal Orders of the Ministry of Justice---communicated to Field Marshal of the Royal Armies, Baron de Carondelet, who was the Governor General of these provinces from the first of January of 1792, to the fifth of August of 1797---no Royal Order exists in this government office in my charge, signed by the said Baron, pertaining to the prohibition of introducing Negroes into this province, but only a notice from the said Ministry of Justice, dated the eleventh day of June of 1796, which is as follows:

"The indices from Your Lordship dated the sixth and twenty-ninth of February, and the twentieth and thirteenth of last March, numbered from fourteen to eighteen inclusively, have been received; and I shall keep Your Lordship informed of what the King might deign to resolve in this matter. May God grant Your Lordship long life.

Aranjuez
Eugenio de Llaguno\(^{109}\)

To the Honorable Governor of Louisiana."

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\(^{109}\)The Council of the Indies (Real y Supremo Consejo de
It should be observed that, in the index of the twenty-ninth of February, representation [official letter] number 16 is included, from which the cited Baron de Carondelet made the temporary provision to prohibit the introduction of Negroes into this Province. Since I have informed you that there is no Royal Order in this matter, you may do as you please. I give the present in New Orleans the ninth of August, 1800.

(Rubric) Andrés López Armesto

LAS INDIAS) was organized in 1524. It was the supreme authority for the governing of America throughout the Hapsburg dynasty. However, in the eighteenth century, it was considerably reorganized under the Bourbons by the appointment of a cabinet minister of Marines and Indies (Marina e Indias), who had almost all of the authority. In 1787, the authority was divided by adding a second minister to handle matters pertaining to justice and patronage (Gracia y Justicia). Three years later, the two-minister system was abolished, and the authority was relegated to five ministers who were individually placed in charge of Commerce (Comercio), War (Guerra), Marines (Navegación), Finance (Hacienda), and Justice (Gracia y Justicia). The last mentioned ministry was the one in which Eugenio Llaguno de Amirola was appointed to preside. Moore, Cabildo: Bourbons, 29, 39; Haring, Spanish Empire, 107; Actas del Cabildo, Libro IV, t. 2, f. 158, July 20, 1798.
Document 363

A letter from the Attorney General, Don Pedro Dulcido Barran, to the City Council, opposing the repeal of the law prohibiting the importation of Negroes into Louisiana.
August 14, 1800

MOST ILLUSTRIOUS CABILDO

A great and important matter subject to dispute has been presented for the consideration of Your Lordships in last Friday's Council, the eighth of the current month, and your decision has been referred to the assembly that is today meeting for that purpose. Before the discussion begins of a matter which, under the present circumstances, always seemed to me of great consequence, it is my duty as Attorney General of this city to expound to Your Lordships observations which I think should be considered before undertaking a resolution which can maintain the tranquility of this colony, if you have the strength to undertake it; or which, if you give in to the desires of those inhabitants whose petition the governor sent to you, could open the abyss which has already swallowed so many.

In this light, I shall express my feelings with the confidence that Your Lordships can not deny that I sacrifice my private interests for the general welfare of this colony.

None of you can ignore the fact that the prosperity of my business dealings is not based on any other thing than on the fortune of the farmers and the greater quantity of crops that they can harvest; that I am in partnership with various families, and my father-in-law, too, whose interest is dear to me, as are those of my sons. But I have to
comply with obligations which are more urgent. Through an
election of this Most Illustrious Cabildo, I am representing
the people of this community. I could speak about my own
interests, but I remain silent about them, because another
interest is more powerful---that of the public good.

I shall say more, Gentlemen, that perhaps there is not
one member of the Illustrious Cabildo who is not in this
same situation. Proprietors and inhabitants, there are
none among you whose happiness does not depend on the execu-
tion of the law whose revocation is being solicited.

I have every reason to hope, Gentlemen, that you favor
my motives, for you have manifested prudence and wisdom in
your deliberations up to now. Since you are all magistrates,
citizens, and proprietors, Your Lordships should not under-
take a resolution which could bring immeasurable calamities
to this province and bring upon your own heads those multi-
tudes of misfortunes which have been suffered by the unhappy
settlers of the Antilles. Your fellow citizens would have
the right to accuse you of being the authors of those cala-
mities.

In 1795, there was a small insurrection of slaves in
Pointe Coupée [Punta Cortada], incited by those who caused
the insurrection in the Antilles. There is no doubt that

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110 Pointe Coupée (Punta Cortada) was established in 1717
by Iberville. It was settled mostly by Acadians from Nova
Scotia, but there was also a large minority of other French-
men. It was a prosperous area with numerous plantations
which produced cotton and indigo to a lesser degree. The
such insurrection could spread to all the populated areas of this province and envelop it like a whirlwind. This was about to happen when a citizen named Richet stopped it by denouncing the conspirators and the conspiracy which would have overturned the whole province. 111

population was composed of 545 whites and 1,603 slaves. The area was claimed by Spain in 1803, as being a part of the Province of West Florida. Perrin du Lac, Voyage dans les deux Louisianes, 86; "Alliot's Reflections", in Robertson, Louisiana, I, 1121; Gremillion, Pointe Coupee Parish, (n.d.), 2; LeBreton, "Territory of Orleans", 19; Account of Louisiana, 8.

In 1791, an attempted uprising occurred in Pointe Coupée but was stopped immediately. In the spring of 1795, on the plantation of Julién Poydras, a more successful slave uprising took place, but the plan was given away by an informer named Federico Richet. The commandant, Guillermo Duparc took immediate action, and with the reinforcements sent by Governor Carondelet under the command of Captain Josef Bahamonde, the uprising was rapidly put down. Carondelet sent secret instructions that, at a specified hour, all the houses and Negro huts were to be searched, and all arms were to be confiscated, thus ending all possibilities of the uprising spreading out from the immediate area. Furthermore, Carondelet sent Manuel Serrano, advisor to the intendant (asesor), with authority to investigate and prosecute all who were involved. The Cabildo, not wishing to be left out, decided to send its own investigators, headed by the senior judge (alcalde de primer voto), Ignacio José de Lovio. The total number convicted was fifty-seven, of which twenty-three were hanged, and the rest were whipped and exiled. Carondelet had instructed Serrano to be lenient; thus, the property of those condemned was not confiscated, in order not to deprive their families. AGI, Santo Domingo, leg. 2612, Rendón to Gardoqui, no. 54, June 15, 1795; Ibid., leg. 2564, Casas to Campo de Alange, no. 556, November 14, 1795; Actas del Cabildo, Libro IV, t. 1, ff. 2-7, April 25, 1795; Ibid., ff. 13-21, May 2, 1795; Ibid., f. 36, June 20, 1795; Ibid., f. 196, March 3, 1797; Ibid., t. 3, ff. 98-99, October 18, 1799.

111 The Richet family came to Louisiana from Santo Domingo before the turmoil erupted in that Island. Branches of the family settled in both New Orleans and Pointe Coupée. Federico Richet settled in Pointe Coupée and married Mariana Porche. Several children were born from this marriage, of
The government smothered the fire the instant it was about to break out, but it did not destroy the heart of it. A number of live roots still remain which could destroy the whole society which harbors it.

The Attorney General of this community, therefore, because of the justified fear of his constituents, asked through a petition inserted in the registry of this Most Illustrious Cabildo that the introduction of Negroes of any kind be prohibited until general peace be established, and that His Majesty be supplicated to give his Royal Consent to this prohibition.

Terrified by the fatal consequences that the conspiracy discovered in Punta Cortada could have, and recognizing the urgent necessity of taking measures to arrest the progress of an uprising that seemed ripe, I asked this Most Illustrious Cabildo not only to solicit the orders of His Majesty over the particular matter, but also to publish the provisional prohibition of introducing slaves into this colony until other more favorable circumstances could permit their introduction without the risk of endangering the tranquility and security of the people.

which two girls were named Adelaida and Julia. Adelaida married Antonio Desautels in 1789, and Julia married José Bourgeat in 1794. There was also a son who bore the same name as the father and was a corporal second-class in the Royal Mixed Legion of the Mississippi. Winston De Ville (trans.), Colonial Louisiana Marriage Contracts: Post of Pointe Coupee, 1736-1803, 4 vols. (Baton Rouge, 1962), III, 48; Libro primero de confirmaciones, 25; Holmes, Honor, 254; "Cemetery Records of St. Louis No. I."
This resolution was as prudent as it was urgent and indispensable; it had the general approval of the colony, which then knew how to sacrifice its interests for its peace. It is true that it restricted the inhabitants to more modest profits, but it maintained for them their properties, security, existence, and other benefits much more precious, which more than compensate for the one thousand or more pesos profit they might have made.

His Majesty notified this Most Illustrious Cabildo that he had received the resolution and, likewise, that he intended to consider it. The silence of the court since that time can only be construed as a tacit approbation of the resolution taken by this Most Illustrious Cabildo; otherwise, the King would have hastened to revoke it. He must have considered this resolution as proof of the lively interest with which this Illustrious Cabildo looks after the preservation of that part of his dominion which he has entrusted to its care; and his silence is a sanction as powerful as a formal written approbation.

It should not be believed that this Illustrious Cabildo has the authority to revoke this law which it sent to the King. At the time, there was an urgent necessity to take vigorous measures to protect the security of the dominions of His Majesty; the life and property of the inhabitants also. You could and did act before receiving the royal sanction, but now you can not permit the introduction of slaves without the approval of the Sovereign, because the
danger still exists; and, furthermore, the colony has less obligation to increase its production with slaves than it has to maintain tranquility and order.

Yes, Gentlemen, the danger still exists today in its full strength, and I believe that there is no one among you who can persuade himself that present circumstances are such that he can approve the resolution to open the Mississippi for new shipments of slaves.

To convince you of this truth, Your Lordships should gaze at those vast theatres of desolation, anarchy and revolution devoted always to the madness of some ferocious and sanguine parties which surround us. Let us question it to see whether we should abolish a prudent law; one to which we are indebted for our tranquility and existence. All of Europe is in arms. England refuses open peace, due to the destruction of the French and Dutch colonies. She is at war with Spain, and we have just seen, through England's capturing of Fort Apalache, a sample of what she could do against this colony. The torches of Indians surrounds us everywhere,

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112 On March 7, 1793, France declared war on Spain, and Spain made an alliance with England. That year, Spain invaded Rousillon and Navarre, but the following year France took the offensive and invaded Catalonia and Guipuzcoa. The war was settled in 1793 by the Treaty of Basel. The following year, Spain decided to join France in another war against England. The Franco-Spanish fleet was defeated at Cape St. Vincent, Portugal, and the British seized Trinidad. In 1802, the war was settled by the Treaty of Amiens, but Spain lost Trinidad and was only able to have Minorca returned. William L. Langer (ed. and comp.), An Encyclopedia of World History, (rev. ed., Tennessee, 1948), 452; Gayarre, History, III, 365-66.
and our slaves are waiting for the moment to light them.  

Let us now move from those spectacles which always stain with blood the most fertile countries of Europe, to those that still are seen on the principal islands of the Antilles where revolutions are becoming more important than the products of the islands. The beasts, still agitated by the revolutionary spirit which has ruined them, are banishing all whites for no other crime than that of owning slaves.

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113 Ft. San Marcos de Apalache was located in northwestern Florida and served as the Spanish defense to the entrance of the Apalachicola River. It is the area of old Tallahassee. In 1791, William Augustus Bowles, an adventurer under British auspices, began his depredations on the coast of Florida. His primary goal was to gain the allegiance of the various tribes of Indians (Seminoles, Creeks, and Tlapoosas). He was arrested and placed in jail at San Marcos and taken to prison in Madrid and then to Manila. In 1797, however, he escaped, and he returned to continue his depredations along the Gulf Coast. He captured Ft. San Marcos, which was commanded by Thomas Guillermo Portell. Various expeditions were sent against him, but it was not until 1803, when the Spaniards, with the aid of the Indians, captured him and sent him to Havana, where he died in the Castillo del Moro. AGI, Santo Domingo, leg. 2556, Casas to Campo de Alange, no. 121, November 30, 1791; Ibid., leg. 2559, Campo de Alange from Casas, no. 16, March 28, 1792; Ibid., led. 2616, Morales to Soler, no. 355, December 22, 1799; Ibid., leg. 2621, Morales to Soler, no. 222, June 11, 1803; Gayarré, History, III, 315-20; Holmes, Documentos, 111, 370; Carondelet, "Military Report", in Robertson, Louisiana, I, 343-44; John Francis Bannon (ed.), Bolton and the Spanish Borderlands, (Oklahoma, 1964), 137.

114 Santo Domingo (Haiti) was discovered and founded by Columbus, but, by the middle of the seventeenth century, it was abandoned, and the French took control of it. It became the most prosperous of the French possessions in America, due to its sugar plantations. The slave population, the majority being born in Africa, outnumbered the whites by a ratio of 9 to 1. During the turmoil of the French Revolution, the grands blancs (the white creoles), who were
Here, Gentlemen, my heart is in anguish, and perhaps
I shall not be able to express all my feelings. Your Lord­ships should have seen, as I have, those unfortunate set­tlers of Santo Domingo, of Martinique, of Guadalupe, and of Santa Lucía who arrived in such a miserable condition on the coasts of the American Continent that even the most insensi­tive inhabitant of the United States could not watch them without shedding tears. As these unfortunates embraced those who offered them hospitality and an asylum where they could escape the flames and daggers of their barbarous
descendants of adventurers and pirates and who had been de­nied political and military offices by the Frenchmen, tried to take control, but at the same time failed to maintain rigid control of the slaves. Thus in 1790, a French-trained mulatto, Vincent Ogé, led an uprising but was stopped and executed. The execution aroused the National Assembly in France to grant the extension of suffrage to all free per­sons, including the blacks in 1791. The grands blancs, how­ever, rejected the decree, thus ending a possible alliance of the blacks and whites against the black slaves. When the slaves revolted the same year, there was no group of suffi­cient force to stop them. In September of 1792, the French government sent 60,000 troops to restore order, but most of the officials, who were Jacobins, sided with the blacks and defied the royalist governor and the creole assembly. The creoles found the situation so intolerable that about 10,000 sailed to the United States.

Many continued to come to the United States, including free blacks; but, in 1806, the influx of blacks was prohib­ited by Governor Claiborne; and those who were already present had to prove that they were free, or they would be deported or made into slaves. Cardinal Goodwin, "The Louisiana Ter­ritory from 1682-1803", Louisiana Historical Quarterly, III (January, 1920), 1213; Robert C. West and John P. Augelli, Middle America: Its Lands and Peoples, (New Jersey, 1966), 100; "An Act to Prevent the Introduction of Free People of Color from Hispaniola, and Other French Islands of America in the Territory of Orleans", Acts Passed at the First Ses­sion of the First Legislature of the Territory of Orleans, 1806, Chapter XXX, 128-130.
assassins, each one thought painfully of his father, mother, brother, son, friend, and of the lost fortune which he had accumulated. He cast his eyes across the vastness of the oceans that separated him from the land where his labor and industriousness had made him rich and from which he was now separated.

The ferocious and treacherous perpetrators of so much evil still enjoy the spoils of their crimes. They keep the whites under an iron rod by a continuous dread of renewed destruction. Examples of their triumphs still fan the desire to imitate them; and disloyal emissaries of Negromania still run through the sugar colonies to incite those sparks of passion which have surely caused such violent fires. Jamaica is obliged to guard her slaves; and Havana herself is not without unrest because of hers. These are the circumstances under which we are asked to admit more slaves into this colony; and with their number multiplied, they can stab a dagger into every heart and light the fires with which they will devastate our homes.

No, Gentlemen, only an Englishman, an enemy who desires the destruction of this colony, could give Your Lordships advice that is so dangerous; who but an Englishman could make a demand which is so unwise; and, if Your Lordships are so pusillanimous as to agree to such an outrageous proposition, the mildest accusation that could be made would be to charge Your Lordships as an accomplice.

But why should we look for examples in foreign and
faraway countries when we can find them in our bosom? Let us look at the state of this same colony in respect to its slaves, and we shall see with fright the abuse that has already deeply penetrated far under our own feet—which, if not corrected promptly, will bury us. A normal observer could not but be terrified at seeing the licentiousness, abuses and indolences which have been permitted, and which are being manifested daily among this class, and which now no brake whatsoever can stop. If it were possible to call upon the testimony of all the colony, a clamoring sound would instantly resound in the ears of Your Lordships, and it would make an eerie forecast of the disorders which would be inflicted on this colony by the insubordination of the slaves.

I ask that the letter which I have received from the Post of Ouchita and which I have sent to the Honorable Alderman, Don Juan Bautista Poeyfarre be read as a part

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115 Settlements along the Ouchita River were made after the Natchez Massacres. In 1783, the Spaniards established the post, when they sent Juan Filhiol as commandant of the district of Ouchita and founded a permanent settlement at Prairie des Canots, where Monroe now stands. In 1796, Governor Carondelet appointed Carlos Luís Boucher de Grand-Pré as its lieutenant-governor. In 1816, a town was established and named Ft. Miro, but its name was changed to Monroe in 1819. The Ouchita Post of the Spanish period was later subdivided into the parishes of Morehouse, Richland, Franklin, Union, Carrol, Lincoln, and Jackson. Louisiana Tombstone Inscription: Ouchita Parish, 10 vols. (Compiled and published by Louisiana Society-NSDAR, 1954-1957), I, introduction; Holmes, Documentos, 186; Davis, History of Louisiana, 203.

116 Juan Bautista Poeyfarre was born in 1732 in France. He was the son of Juan Bautista Poeyfarre and Juana Lauroy.
of my petition. Perhaps it will open the eyes of Your Lordships to some of the dangers which, in vain, are being concealed. This is not the time to remain silent for the longer we delay in taking the necessary precautions, the more pronounced and incurable will the evil become, if Your Lordships concede to the introduction that is solicited. No, Gentlemen, I will never believe that you will approve of the requested repeal, for I have a different opinion of the prudence and discretion of Your Lordships. I am convinced that Your Lordships will feel as I do, that it would be unwise to admit new and "bush" blacks here without knowing what course they would take among their companions, and without being sure that those in authority have the proper

He came to Louisiana during the French period and established himself as a merchant in the post of Rapides. Later, he moved to New Orleans. His first marriage was to María Anna de Cantrelle, daughter of Santiago Cantrelle and Margarita Hahenmusicau. Upon the death of his first wife, he married Luisa Forstall, daughter of Nicolás Forstall and Pelagia de Lachaise. From these two unions, no children were born. "Cemetery Records of St. Louis No. I"; King, Créoles, 358; Seebold, Plantations, II, 12; Winston De Ville, Marriage Contracts of Natchitoches, 1739-1803, (Tennessee, 1961), 18; Arthur, Old New Orleans, 46-47.

In 1795, during the Pointe Coupée uprising, Poeyfarre was elected by the Cabildo as one of the witnesses (testigos) to conduct the investigation, and, in 1798, he was appointed as ward commissioner (alcalde de barrio) for the newly created ward of St. Mary (Santa María). By 1800, he was elected junior judge (alcalde ordinario) by the Cabildo, although he received only a majority of the votes, with three aldermen voting for Josef Dusseau. During the American period, he devoted his full attention to his plantation, and, on April 28, 1824, he died at the age of ninety-two. Actas del Cabildo, Libro IV, t. 1, f. 5, April 5, 1795; Ibid., t. 2, f. 101, January 5, 1798; Ibid., t. 3, f. 119, January 1, 1800; Ibid., ff. 201-202, August 8, 1800; Paxton, Directory.
means to put down any insubordination.

The condition of introducing into the colony only bush blacks [bozales] is another ruse by which they wish to make Your Lordships grant the permission they are soliciting, but this can not escape the sagacity of Your Lordships. We should not ignore the fact that jails in the English colonies are filled with rebellious subjects, and they want to remove this pestilence from their midst and cast it on the banks of the Mississippi River. Your Lordships would be convinced of this, if only you could see from whom the petition is coming, and for whom some of the inhabitants have permitted themselves to be used.

Some greedy individuals, from whatever fort they might come, dissatisfied with the benefits a licit commerce has to offer in the actual state of things, have counted on making a huge fortune which they have not yet realized with the ruin of the country which to them is nothing, for they are propertiless and strangers in it. They see it only as a theatre for their commercial operations and do not care whether they bloody it, if they can take the spoils. They have taken unawares the good faith of some forty citizens, who, being limited in their agricultural pursuits due to the lack of laborers, have not seen the trap that is being sprung; and their interest is so astutely hidden that they have directed a petition to the Honorable Governor to obtain from him permission to introduce black slaves.

Your Lordships have been placed by His Majesty between
the people and the government to maintain the rights and protect the interests of the former, to prevent the abuses that the latter could allow itself to do, and to uncover its short-comings and errors. It would be a case of abusing the trust that the Sovereign has placed in the prudence of Your Lordships, if, at the first sign given by some individuals, Your Lorships would destroy the course dictated by prudence and the urgency of the circumstances on which the tranquility and prosperity of this colony depend.

Your Lordships should not deceive yourself in this matter, for the prosperity of this colony at such a decisive moment does not depend, as Your Lordships wish to believe, on the maximum or minimum quantity of sugar it can produce. What would be an axiom in calmer times is no other than a paradox in the present state of things. The true prosperity, the one which Your Lordships should always have in mind, is the tranquility which Your Lorships can preserve; it is the protection of property, however moderate, during the course of events; it is the manner of life which should be assured to the inhabitants, so that they can dedicate themselves to some cultivation which, perhaps, greed will find limited at the moment.

A true gratitude for the favors that God has bestowed should make you realize the value of tranquility. You have before you the example of so many unhappy settlers from the Antilles who were deceived by blind confidence; and who, having escaped from fires and daggers, have no other
consolation but to grieve in the midst of the smoky ruins of their plantations, and of the scattered fragments of their fortunes which the blind fury of those barbarians has destroyed.

In order not to take any more of your time and attention, I shall summarize in a few words the essential results of the arguments which I have just brought before the eyes of Your Lordships.

This colony was on the verge of experiencing the destiny which befell the greater part of the Antilles. The same source of rebellion existed in this colony; but, fortunately, we managed to arrest it in its beginnings for the authorities took decisive action, due to the well-founded fears of the inhabitants. The introduction of Negroes was prohibited until general peace was established in Europe; and the Sovereign tacitly approved this resolution, because it was urgent, wise, discreet and advantageous to the security and general welfare, and it assured the tranquility of this portion of the dominions of His Majesty.

At this moment in which the introduction of Negroes is solicited, the conditions are the same on the exterior and worse in the interior of the province. Europe has not ceased to be the theatre of this war of opinions in which the buds of rebellion have blossomed among the slaves of this colony. The Antilles are in their greatest fermentation. There the rebellious slaves enjoy their crimes with impunity and openly look for means to extend their horrible
and destructive elements to other colonies. For this reason Havana is in a state of apprehension. Jamaica and the greater part of the British Islands are forced to be continuously on guard over their slaves, whom they have been able to hold down only because of their squadrons and superior forces.

The British jails are overfilled with Negroes who have ideas of rebellion. In the United States the slave trade is prohibited, but French Corsairs make it impossible to enforce this prohibition because of their continuous devastation of the seaports on the coasts of Africa.117

Our enemies will go to Jamaica to look for slaves, because there they will cost them only forty or fifty pesos each. These slaves will further inoculate the fields of Louisiana with the pestilence of rebellion. In our own bosom we have a number of Negrophiles who blow into the hearts of Negroes and mulattos the seductive venom and place in their hands iron and fire with which to destroy the whites. The progress of this perfidious doctrine is rapid

117 During the American period, Governor Claiborne did not take any action to abolish the foreign slave trade, because he did not feel that he had the authority to do so. However, after October 1, 1804, when the foreign slave trade into the territory was prohibited as one of the provisions of the act creating the Territory of Orleans, he tried to enforce it to the best of his ability. Illegal entries were continued by enterprising contrabandists who acquired most of their slaves from the town of Regla in Cuba and other ports in the West Indies. John S. Kendall, "Piracy in the Gulf of Mexico, 1816-1823", Louisiana Historical Quarterly, VIII (July, 1925), 342-43; Claiborne to President Jefferson, January 16, 1804, Carter (ed.), Orleans Territory, IX, 163-64; Claiborne to Madison, July 12, 1804, Rowland (ed.), Letter Books of W.C.C. Claiborne, II, 245-46.
like the path of a cloud that many times bursts in an in-
stant over our heads---the progress of the doctrine is vis-
able and eerie---and the slaves will take the next step and
impose on the whites the same law by which they took posses-
sion of their properties in the Antilles.

Slaves refuse to obey their masters everywhere, and
they even have the audacity to raise their hands against the
whites. The number of runaway slaves increases daily, and
the inhabitants are helpless in the fields. We do not have
any law to restrain and bring the slaves back to their sta-
tions. There is no vigilance nor energy and, in this parti-
cular matter, the government would be abandoning itself to
the same sleep that lulled the unhappy settlers of Santo Do-
mingo, except that in this colony the machinery to prevent
it is on guard.

Such, Gentlemen, is the present condition of things.
Some say that the time is ripe to solicit the revocation of
a law to which, up to now, the colony owes its peace and
existence. Your Lordships can not permit the revocation of
this law. The King expects the prosperity of this colony
to continue because of the wisdom of this law, which he ex-
pects to remain in effect without any vexations; and he
counts on the zeal of Your Lordships to administer it. Only
he can indicate the appropriate time to abolish it.

This dominion is yours---in the King's name Your Lord-
ships guard it---and you shall be responsible to the King
for the danger to which you would expose the country and
the calamities that you would bring to its bosom. Nothing has been manifested to Your Lordships but a private opinion of forty inhabitants whose number could never be representative of the public opinion of a province. You would not even have an excuse to offer His Majesty when he asks for an account of the disorders that would surely devastate this colony.

Therefore, Gentlemen, it is my duty as Attorney General of this community, on behalf of the particular interests of the Sovereign, and on behalf of the general welfare of this province, to formally oppose the revocation of the law which prohibits the introduction of slaves until general peace is established. I expressly ask the following:

First, that the deliberation over the signed petition from the forty inhabitants be ended, because they are an insufficient number to represent the general opinion of the province; which is indispensable in a matter of such importance.

Second, that the law that prohibits the introduction of Negroes into this colony until general peace is established be kept and confirmed in all its force and tenor.

Third, that this Most Illustrious Cabildo take, with the greatest promptitude, the most prudent and efficacious measures to insure the entire and perfect execution of the law.

Fourth, that the necessary investigation be made to uncover the slaves that have been introduced here illegally,
so that they can be removed immediately.

Fifth, that stringent rules be established, as well as slave reformers, so that they can train runaway slaves, both of the city and of the field, to the subordination which the common good and general tranquility of the province demand, and to endow the masters with the legitimate authority that they should have over their slaves.

Sixth, that the rules be sent to the King, Our Lord, to obtain his approval, so that they can be established and serve as the law, henceforward, for the policing of the slaves.

Seventh, that a copy of the letter from the Post of Ouachita, which now shall be read to Your Lordships be translated into Castilian by the public scribe and be sent to the Honorable Civil and Military Governors [Vidal and Casa-Calvo respectively], so that they may give the necessary orders for the tranquility and re-establishment of good order in that port.

Eighth, that, in view of the report from the Commandant of Ouachita, the persons who have occasioned, fomented and nourished such dastardly disorders be prosecuted to the full extent of the law; and, further, let them be banished forever from this colony, after their crime has been thoroughly examined and proven.

Ninth, that my petition be transcribed in the Record Book of Deliberations of this Illustrious Cabildo and that I be given a certified copy and, likewise, a copy of the
deliberation of last Friday and that which shall be made today, so that I may further whatever is fitting for the general welfare of the colony.

Such are, Gentlemen, the urgent measures which you can take to save the colony once more, for it is rapidly heading towards its ruin, if general peace is not proclaimed soon. I have too much confidence in Your Lordships to fear that you will hesitate in adopting them. The action of Your Lordships is before the eyes of the Court of Madrid and the public, two stringent judges who do not forgive errors, but know how to praise the firmness of the magistrates into whose custody they have entrusted their interests.\footnote{118}

New Orleans

(Rubric) D. Barran

\footnote{118}{After hearing the petition of the Attorney General and having studied all the documents available, the Cabildo put the issue for a vote at the session of August 16, 1800. The vote was five in favor of importing the slaves and six against it, with Manuel Perez, the alcalde de primer voto, casting his opinion to the majority, because he could not vote. The pros were cast by Pedro Denís de La Ronde, regidor and alférez real; Francisco Pascalis de la Barre, regidor and alguacil mayor; Nicolás Forstall, regidor; Rodolfo José Ducros, regidor and depositario general; and Francisco Riaño, regidor. The cons were cast by Juan Bautista Poeyfarre, regidor and alcalde ordinario; Pedro de la Roche, regidor and receptor de penas; Jayme Jordá, regidor; Gilberto Andry, regidor; Juan de Castanedo, regidor and mayordomo de propios; and Gabriel Fonvergne, regidor. Josef LeBlanc was absent and did not cast a vote. Actas del Cabildo, Libro IV, t. 3, ff. 201-202; Ibid., ff. 203-215, August 16, 1800.}
Document

A letter written by Mr. Baudín, from Ouachita, to an unknown person, regarding the misconduct of a man named Chevalier (knight) D'Annemour.

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This document is not numerated, and it is too faded to be read.

Alejandro Baudín was a merchant and a contractor who lived in the Ouachita district but spent equal time in New Orleans. He married Julia Maisoneau. There were several children from this union, but there is a record of only one in New Orleans. He was a corporal second-class in the Mobile Infantry Militia in 1792. As a businessman, he received permission to import fifty black slaves from the Guinea Coast in 1793, but, due to the war with England, he was not able to carry out this endeavor. In 1796, he brought the slaves, but the Cabildo refused to give him permission to sell them because of the ban on the importation of slaves issued by Carondelet after the Pointe Coupée uprising. He tried to get the Cabildo to reimburse him for the slaves and the boat, but the Illustrious Body refused, and Baudín took a heavy loss. After this financial setback, he went into the construction business and undertook a contract to repair the levee for the Cabildo. The same year (1798), he was elected as a sindico for the Metairie district. After the Spanish period, he returned to Ouchita to spend the rest of his life. Libro primero de confirmaciones, 137; Holmes, Honor, 233; Actas del Cabildo, Libro IV, t. 1, ff. 122-23, June 10, 1796; Ibid., ff. 130-33, June 17, 1796; Ibid., ff. 136-37, July 15, 1796; Ibid., t. 2, f. 10, January 5, 1798; Ibid., f. 104, January 19, 1798.

Carlos Le Paulinier, Chevalier D'Annemours was born in Normandy, France in 1735. Absolutely nothing is known about him, except that he came to Louisiana and settled outside of New Orleans, but he came back to live in the city during the American period. He died on February 23, 1806, at the age of seventy-five. "Cemetery Records of St. Louis No. I."
A petition from Don Bartolomé Lafond, Contractor, requesting payment for the bridge on Bourbon and Bienville Streets.\footnote{Lafond received the contract to build two bridges to be used as models for further construction. The contract was given to him by Commissioners Juan de Castanedo and Josef LeBlanc on March 21, 1799. Lafond suggested on April 19, 1799 that the specifications requiring the bridges be constructed with bricks, drawn by the two engineers, Gilberto Guillemard and Nicolás Finiels, would be too expensive and suggested that stones be used in their place. The Cabildo consented, but Lafond delayed the construction until 1800, when he was ordered to proceed at once. He completed the work and was paid. \textit{Actas del Cabildo}, Libro IV, t. 3, ff. 25-26, April 19, 1799; \textit{Ibid.}, ff. 161-62, March 28, 1800.}
September 5, 1800

MOST ILLUSTRIOUS CABILDO

Don Bartolomé Lafond, contractor of this city, before Your Lordships, with the greatest respect and veneration appears and says: That, according to the accompanying bill, the sum of thirty-five pesos and two reales is owed to me by the Treasury of this city for the bridges I built on Bourbon and Bienville Streets two months ago; and, although it had been decided by Your Lordships that payment be made for this work without the petitioner having to present himself through legal formalities, I have not been paid. In this respect, I humbly plead that Your Lordships be kind enough to order payment to the petitioner from funds of the Treasury through its overseer. It is benevolence that I expect to receive from Your Lordships.

New Orleans

(Rubric) B. Lafond

123 Originally, Bienville Street was called Rue d'Anguin, on behalf of the eldest son (Prince of Condé) of the duc d'Enghien, but, by 1728, it was given its present name. Similarly, Bourbon Street was called Conti Street; but, by 1728, the name "Bourbon" was affixed to it and has been retained to the present time. Arthur, Old New Orleans, 21; King, Creoles, 6; Hart, "New Orleans", 358; John S. Kendall, History of New Orleans, 3 vols. (Chicago and New York, 1922), I, 7.
A report to the Cabildo by Doctor Luís Giovellina of an inspection made of the hospital for lepers (San Lázaro).¹²⁴

¹²⁴Luís Giovellina was appointed chief resident surgeon of the San Carlos Hospital (Charity), founded by Almonaster, to succeed Dr. Josef Labie. However, Governor Carondelet took the administration away from Almonaster and appointed Dr. Santiago Le Duc, instead of the appointee of Almonaster. The Crown was petitioned and ruled in favor of Almonaster, and Dr. Giovellina was reinstated in 1794, at a salary of thirty pesos per month. He held this position until 1804, when he was replaced by Dr. Louis Fortín. Actas del Cabildo, Libro IV, t. 1, ff. 61-62, November 6, 1795; Duffy, Medicine, I, 257; Stella O'Conner, "The Charity Hospital of Louisiana of New Orleans: An Administrative and Financial History, 1736-1941", Louisiana Historical Quarterly, XXXI (January, 1948), 21-28.

Giovellina undertook an active role in various aspects of administering the hospital. Furthermore, his petition to correct the ills of the hospital for lepers (San Lázaro) was sent to the governor, but no action was taken. Also, he brought various suits against those people who were reluctant to pay for his services. In 1802, when the city was in hysteria for fear of having a smallpox epidemic, Dr. Giovellina was unjustly charged with wishing to have the epidemic spread. He was indicted for having treated some slaves of M. Otrayén, who later proved to have had the contagious disease, and he failed to quarantine them. He was immediately arrested by orders of Governor Salcedo, but there is no account of the results of the trial. Nevertheless, by 1804, he was still the surgeon at the hospital, and soon after he left New Orleans. Actas del Cabildo, Libro IV, t. 3, ff.163-64, April 4, 1800; Ibid., ff. 168-69, April 25, 1800; Ibid., f. 171, May 2, 1800; Ibid., t. 4, f. 2, September 19, 1800; Ibid., ff. 183-84, March 5, 1802.
September 18, 1800

MOST ILLUSTRIOUS CABILDO

Don Luís Giovellina, Professor of Surgery of this city, with all due respect to Your Lordships expounds: That having served, by a request of the Civil Governor, at the hospital for lepers in the curing of the sick whose ulcerated legs were threatened by gangrene, I noted during various visits that the poor lepers of the said hospital, who number seven to a room, are in great distress owing to the narrowness and maltreatment of the building, and owing to the lack of someone to care and cook for them and to clean the said quarters. Because of the crowded conditions, it is not possible to admit other individuals who may have leprosy without risk to the public health, due to the contagiousness of the illness. In this respect, the petitioner feels that it is his duty to make known the situation to Your Lordships, so that you will take opportune measures for the most convenient remedy. It is absolutely necessary that the hospital be repaired and enlarged, that the rooms be better ventilated, that both sexes be segregated and provided with an assistant to take care of the chores already mentioned, and that the road, which is not passable, be repaired.

125 The hospital for lepers (Hospital de San Lázaro) was built by Almonaster in 1785. It was a small structure located a short distance outside the Gate of San Juan and near the

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If, for the expenditures of an object which is as pious as it is beneficial to the public, there are not sufficient funds pertinent to the hospital, some pious persons will help. Some have already promised the expounder to do so, and there shall be no lack of good deeds, for there appeared to the petitioner a number of donors who will furnish a monthly stipend for a Negro and Negress. They are absolutely

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a canal to facilitate the bathing of the patients. Eventually, the Cabildo appraised the hospital and paid Almonaster in order to take control of its administration. Harkins, "Regulatory Functions of the Cabildo", 145-47; Alliot, "Reflections", in Robertson, History, I, 97; Wood, "Life in New Orleans", 644; Jameson, "Almonaster's Will", 24.

When the Cabildo took over the administration of the hospital, it placed it under the supervision of the city treasurer. It had petitioned to have the use of the surplus funds of the orphanage, but it was denied. In place of it, the captain general of Cuba permitted it to use rents from the market and a house it owned across the river to maintain the hospital. The money amounted to about 2,000 pesos and was loaned out in sums of 1,000 pesos at five per cent interest. The money was loaned out to people of means, such as Luis Beauregard, Magdalena Cartier, Nicolás Forstall, Jayme Jordá, Pedro Denís de La Ronde, and Pedro Jaude. AGI, Santo Domingo, leg. 2553, Miró to Porlier, no. 19, November 30, 1788; Actas del Cabildo, Libro III, t. 1, f. 142, December 22, 1786; Ibid., Libro IV, t. 1, f. 164, December 2, 1796; Ibid., f. 209, April 21, 1797; Ibid., t. 2, ff. 28-29, August 23, 1797; Ibid., ff. 42-43, September 15, 1797; Ibid., ff. 96-97, December 22, 1797; Ibid., t. 5, f. 39, January 14, 1803; Ibid., f. 41, January 21, 1803; Ibid., f. 77, June 3, 1803.

The patients were kept isolated and guarded by a corporal who was in charge of providing them with their daily needs. Each inmate was allotted one real per day for food and given his own cooking utensils. By 1804, the City Council appointed a committee of four physicians to inspect the five patients in the hospital. They concluded that the patients were all well and released them. The hospital remained vacant and was later disposed of by the City Council. Leprosy had disappeared and would not return until late in the nineteenth century. Some authorities conclude that the disease diagnosed as leprosy may have been African Yaws, which was common among the slaves arriving from Africa. Duffy, 259.
necessary for the caring, cleaning, washing and cooking for the lepers. And, likewise, we can cheerfully offer our services, not only by attending the ill of the said hospital as often as it is possible when necessity demands it, but also by providing free medication, not doubting that through this act of kindness other physicians of this city will donate their services, particularly in times when it becomes impossible for the expounder to fully attend his patients.

Therefore, I beg that Your Lordships be kind enough to take into consideration such an important matter, not only for the alleviation of humanity, but also to protect the public from the harm to which it is exposed in the city as well as in its outskirts, from those having leprosy. Let Your Lordships, both patriotic and kind, take whatever steps are necessary to avoid pestilence and to alleviate the ills which ought to be feared.

New Orleans

(Rubric) Luís Giovellina
A letter from Nicolás María Vidal, the Civil Governor, rebuking the City Council and the Attorney General for the way in which they acted, pertaining to the importation of blacks into Louisiana.\textsuperscript{126}
October 21, 1800

MOST ILLUSTRIUS CABILDO

In consequence of the official letter which I directed to Your Lordships last August eighth, asking that you notify me if you needed some advice in permitting the introduction of field-hand Negroes into this province, the legality of which I had verified, I was given by the public scribe testimony of the capitulary acts over the particular matter in Cabildo which met on the eighth and sixteenth of the same month, and a judgment of the petition which was produced by the Attorney General.

In my cited letter I signified with the utmost clarity that the gentlemen of the governing body were to precisely limit themselves to the matter indicated; and, in the resolution which I originally forwarded, I indicated that, by agreement of the civil and military governments and the Intendancy with whom I had corresponded, they could gauge the merit of the arguments presented in favor of or against the petition presented by the landowners, and make the convenient and proper decisions which they judged to be best.

Therefore, I could not be but shocked at seeing that some of the gentlemen present at the meeting, deviating from the subject-matter to which they should have confined their opinions, overstepped their authority by dictating decisions in an imperative and oracular tone, supposing that their
authority had originated from the one which was given in years gone by in which the introduction of Negroes and mulattoes of every type was eternally prohibited. In reality this was not so—it was an expedient of the government suggested by a petition from the Illustrious Cabildo. Consequently, the decision which the then Attorney General made was approved for just and well-founded reasons; but, that the law was not extended until general peace was established in Europe, as you were mistakenly informed, for it was limited by the Honorable Baron de Carondelet until another decision was made. Therefore, the government retained the right to revoke the decision to prohibit the introduction of blacks whenever the circumstances permitted.

I have also noticed that, following the idea of wishing to grant the Cabildo the power of arbitrator in disposing of this matter as well as others, the Attorney General said that the privilege of voting should be reduced to petitioning, if a chance was offered. He also complained about the introduction of blacks who previously had been freed by His Majesty, and about decisions being changed without the consent of the Illustrious Cabildo whose resolutions and deliberations he said were thereby useless. Therefore, what the Cabildo resolves it should enforce. From this, it would be deduced that no superior could ask information from tribunals, magistrates or other offices without a precise formal resolution of the matter in question.

The thing which I wonder at the most, and which has
disturbed my spirit to a great extent, is the indecorous written style of the Attorney General, and the expressions which are full of pride and arrogance, as offensive as they are insulting to the government in general. I am shocked that Your Lordships admitted and permitted such great defamatory libel of superior authority without reproaching its author as he deserved.127

Therefore, having put myself in accord with the Honorable Marquis of Casa-Calvo, that, as Military Governor, he should take the measures necessary for the preservation of the tranquility of the colony, as requested by the landowners, I sent him, with the corresponding letter, the testimonies of the capitulary acts and the petition of the Attorney General so that, being briefed with everything, he could take the necessary steps. His reply of the twenty-fourth of September last, which Your Lordships will see, is included in the original letter; and I expect it to be returned to me in the same manner.128 In it, Your Lordships

127 Governor Vidal recommended that the attorney general be reprimanded, but the Cabildo refused. However, Barran, on his own initiative, apologized for the tone of the letter on the grounds that he had to write it in Spanish, the official language. He added that, if he had written it in French, the indecourous style would not have occurred, but he would have been just as zealous about the matter. Actas del Cabildo, Libro IV, t. 4, ff. 44-45, December 12, 1800.

128 Vidal sent the petition of the inhabitants for the introduction of slaves and the proceedings of the Cabildo to the Military Governor, Casa-Calvo, asking him for his opinion.

Casa-Calvo replied that the dangers of revolt in Santo
will see the acute complaint that he makes, and that he will send his protest to His Majesty. I consider that his remarks pertaining to the arrogance of some of the gentlemen from the voting-committee, who wish to assume airs of superiority which they do not have, are well-founded and justified; and, especially, the improper and disrespectful expressions contained in the petition from the Attorney General. I expect that, in the same record book where other discourtesies are recorded, you will enter your opportune refutations for the satisfaction and vindication of the authority of both the civil and military governments.

I have resolved to advise Your Lordships that the letter from the Honorable Marquis of Casa-Calvo and this one which accompanies it is to be copied in the register; and

Domingo were exaggerated by the attorney general, as he had been there personally. He stated that the only reason that much damage was done by the uprising slaves was because the whites armed them and incited them to kill others. The primary cause of the revolt, he continued, was due to the effects of the French Revolution which imbued all the classes with the spirit of liberty and equality, of which they understood very little; that the slaves revolting in Havana was not but a rumor, and that the Captain General, Don Luis de las Casas, had already issued a public edict to that effect. Finally, in respect to the statement that the slaves considered themselves only one step from being equal to the white people, this is true. However, he feels that it is closer than that, because the white men, including the nobles, have forgotten their principles and freely mingle and live in concubinage with the black women. The offspring of these illicit unions, which are the seeds of insurrections, grow up hating their mothers for their lack of self-respect and their white fathers for having seduced them. Actas del Cabildo, Libro IV, t. 4, ff. 13-23, October 24, 1800; "The Journal of Dr. John Sibley", 479; Stoddard, Sketches, 131.
that you are to warn the Attorney General of his faults and reprimand him, so that he will behave with due respect, attention and civility; and, furthermore, that you will not permit such excesses in the future.

What has been said is the principal object of my letter, omitting other matters, for the government should not enter into arguments, nor is it obliged to give explanations of its conduct except to the Sovereign. But, in passing, in addition to the judicious reflections which have been made by the Military Governor, I shall add a few more concerning the matters about which the Attorney General spoke. The Attorney General accuses the government of being neglectful, negligent and dormant; and he attributes errors to the government which he pretends to correct, or which the Most Illustrious Cabildo is to reform with the power of authority which he imputes to it; but he fails to specify which are the errors of omission and neglect of which he accuses the government. The truth is that, in the midst of my duties, of which I am overburdened, there has not been an economic or governmental case upon which I have not given decisions, and in many cases repeatedly, since I took charge of the civil government of this province; but, unfortunately, some have remained without any result for the lack of zeal and prompt action of the same subjects who should have executed them.

Besides this, how can the Attorney General be sure, if no decisions have been made over the points which he cites,
when, without his notice, the government was aware of it, although it was not required to communicate this to him? Furthermore, sensible men know that some errant voices from well or evil-intentioned persons are not sufficient for the judges to take action; but only to gather a confidential report on such grave issues as require it. But, in many cases, a formal deletion or arraignment is necessary to shelter their conduct from danger.

I now ask what the decision is which has been made and through whom have mischievous slaves been introduced from foreign dominions? The Attorney General is certain that some citizens have purchased some of these slaves; but he does not specify who these persons are. He should have immediately informed the commandant or respective judges about these transgressors of the published order. And, if the situation is true, to whom should the investigation and inquest be made, if the same persons who should have uncovered the truth are more interested in hiding it. Thus, it would be necessary to commission a private person who will not only cover the area thoroughly, but who knows every inch of the province, so that he may go from house to house to discharge his duty. And who would pay for the excessive costs which would be incurred, if the investigation does not find those guilty who are accused, because none of the accusers would be willing to sign the incriminating results. Answers to an inquest will be given only by prudent people who are free from any preoccupation of having done wrong.
The most appropriate remedy would be, as the Honorable Military Governor points out, that, if the commandants and landowners bought foreign slaves as it is supposed, it was through necessity; and, furthermore, owing to this need, they would not have bought those who harbor evil thoughts, but those field-hands free of any bad habits.

Finally, it is asked through a petition that a new set of rules be established for slaves, because they have become too insolent. I am of the opinion that the conduct of the slaves is the same as it has always been; and, besides, I consider that they are more docile than previously; however, if it is true that they are insolent, there is no one else to blame but their masters, for they have the power to remedy the situation in their hands.  

129Regulations for treatment and punishment of slaves by their owners came under various royal orders, particularly Libro VII, Título V, of the Recopilación, which is exclusively devoted to slaves and free blacks. Some of the regulations forbid the slaves to carry arms, even in the presence of their masters, forbidding them to wander away from their homes at night, punishments for runaways, and others. In spite of all the regulations, enforcement rested with the local officials. Recopilación, Libro VII, Título V, Leyes XII, XV, XVII, XXI, XXIII, XXIX.

In 1784, the Cabildo issued a set of recommendations to modify and amplify the existing royal decrees. It forbade slaves from traveling without passes, the sale of liquor, powder, assemblages, receipt of horses as gifts, and others. On May 31, 1789, a royal order was issued for the regulation and treatment of slaves. It provided that a priest must attend to the religious education of the slaves on every plantation, that slaves be segregated by sexes, that they be allowed to enjoy their holidays, that marriages be permitted between slaves, and that in cases of excessive punishment by masters or overseers the slaves be allowed to bring their cases before the judiciary. The Cabildo found all of the above regulations intolerable and asked the governor to
Masters, be on guard and supervise the conduct of your slaves. Try to give them a good Christian education. Furnish them with adequate meals and provide them with sufficient clothes for the appropriate season of the year, in order that the men will not commit any robberies, nor the women prostitution to provide themselves with the necessities for subsistence. Subject them to a regular schedule without oppressing them so much that they become exasperated. Correct and punish them whenever they deserve it, without their losing any time from work; however, if the transgressions were grave or of great importance, the masters should appeal to the corresponding judges, so that they may proceed with such action as is required.\textsuperscript{130}

What is the complaint raised by the masters against

to suspend the royal decree until His Majesty would resolve the petition. The Spanish period ended, and the royal decree was never enforced. "Índice Cronológico", Recopilación, IV, 18; Gayarré, History, III, 301-305; Actas del Cabildo, Libro II, ff. 215-17, April 30, 1784; Ibid., Libro III, t. 2, f. 96, February 23, 1790; Ibid., f. 115, July 23, 1790; Harkins, "Regulatory Functions of the Cabildo", 102-16.

\textsuperscript{130}The slaves were poorly fed and clothed. They received an allotment of one barrel of ear corn per month, which amounted to one-third barrel of grain. If a slave labored on Sundays, then he would be able to supplement his diet with rice and beans boiled without salt. Also, he ate a little meat, if he was able to capture it himself. His clothing consisted of a wool coat during winter and a pair of pants for the summer. He had to pay for these garments by working on Sundays. Governor Carondelet had issued regulations by which masters had to provide two shirts, one coat, several pairs of pants and some handkerchiefs for the men and other appropriate clothes for the women, but it was not enforced. Perrin du Lac, Voyage, 410-12; Wood, "Life in New Orleans", 658-60; Robertson, Louisiana, I, 179-84.
their slaves which has not been heeded according to the ur-
egency of the case and its circumstances? For what purpose,
then, will a new set of regulations serve? Will there be in
our colony someone who can formulate it in a wiser, more
just and more equitable manner than that which our present
laws and common rights provide? It would be a delusion to
think so. Above all, this new ruling which is asked for
under the deceiving pretext of what happened in the French
Islands is narrowed down, according to the manifestation of
inflamed passions, to inventing punishments and torments
for the slaves. The petition is asking that the slaves not
be heard when they complain of the cruelties inflicted upon
them by their masters; that the masters be authorized to op-
press and inflict injury on the blacks at their own whims,
and even to shoot and kill them if they attempt to run away
and fail to halt, as was done in the past; that this be also
applicable to the free black people; and that those persons
be tolerated who inflict ill-treatment and trample under
foot those black people without any investigation or justi-
fication of the truth of their disrespect, because they are
white. The Spanish government is far from lending its as-
sistance to this chicanery, for it is diametrically opposed
by the Sovereign.

May God grant Your Lordships long life.

New Orleans

(Rubric) Nicolás María Vidal
Document 367

A petition from Captain Juan Bautista Saraza of the Battalion of Octoroons, and Ensign Pedro Galafate of the Battalion of Octoroons, and Captain Pedro Tomás and Juan Bautista Bacusa of the Battalion of Quadroon of the Disciplined Militia of

Juan Bautista Saraza (Scarasse) must have migrated from Santo Domingo during the race turmoil there and joined the Spanish military service. He is listed as sergeant first-class in the New Orleans Mulatto Militia for 1792, and soon rose to the rank of captain in command of the Battalion of Octoroons (Batallon de Octorones). After Louisiana was ceded to France, he went with the troops to Florida and returned to New Orleans. Later the Mulatto Militia was sent to Cuba to be incorporated into the Havana Regiment. When he returned to New Orleans, he established his residence at 89 Dauphin Street and opened an upholstery shop. Holmes, Honor, 255; Paxton, Directory.

Pedro Galafate (Calpha) joined the New Orleans Mulatto Militia in the early 1790's and became a corporal first-class in 1793. His uncle was the captain and commandant of the Mulatto Militia. In the War of 1812, he was a corporal in the Third Regiment of Louisiana Militia. He established his residence at 67 Toulouse Street and was employed as a lamp-lighter for the city. Holmes, Honor, 236; Paxton, Directory; Pierson, Louisiana Soldiers, 21; Abraham P. Nasturf, "Government Employees and Salaries in Spanish Louisiana", Louisiana Historical Quarterly, XXIX (October, 1946), 924.

Pedro José Tomás was born in 1767. He was the son of Juan Tomás and Margarita Millot. When he came to Louisiana, he established his residence at 41 Rue St. Ann. He married María Francisca Benjamín Gespere. From this marriage, a daughter named Agata was born in 1797. She died in 1816, and her father died on November 29, 1815, at the age of forty-eight. "Cemetery Records of St. Louis No. I"; New Orleans in 1805; Holmes, Honor, 256.

Juan Bautista Bacusa (Bacuse) was born in Gonaïves, Haiti in 1738. He established his residence at 7 Levee North in New Orleans when he came to Louisiana. He married Luisa Catarina Landrony. From this union, a son was born whom they named Bartolomé. Juan Baustista entered the Spanish military service in the early 1790's, and, by 1793, he was a sublieutenant of the New Orleans Negro Militia.
Louisiana, requesting the Cabildo to grant them permission to hold a weekly public dance. 135

Eventually, he became a captain and commanded the Battalion of Quadroons (Batallón de Cuerterones). He died on February 11, 1817 at the age of seventy-nine. "Cemetery Records of St. Louis No. 1:; Holmes, Honor, 233; New Orleans in 1805.

135See Note 32 and Document 338, Part I, for further details on the dance halls for blacks.
October 24, 1800

MOST ILLUSTRIOUS CABILDO

Captain Juan Bautista Saraza and Ensign Pedro Galafate of the Battalion of Octoroons, and Captain Pedro Tomás and Captain Juan Bautista Bacusa of the Battalion of Quadroons of the Disciplined Militia of the Province of Louisiana, with the greatest reverence and due respect to Your Lordships, come before you and expound: That various individuals came in our company from the recent expedition executed in accepting Fort San Marcos de Apalache where the men experienced bad times such as irregularity of weather and nourishment, blistering heat due to the harsh season in which the expedition was undertaken, mosquitoes, night air, humidity, and other nuisances harmful to human nature, and, finally, shelling from the cannons which they expected to receive at any moment.136

136 Free black men were a substantial minority of about two thousand in 1803 in Louisiana. New Orleans had the largest number, for it had about one thousand three hundred fifty. They were usually involved in small business or engaged in some of the mechanical trades. There is also a record of one who was permitted to practice medicine, although he did not have a license. Wood, "Life In New Orleans", 656-57; LeBreton, "Territory of Orleans", 12; Cable, Creoles, 158; Davis, History of Louisiana, 131; Actas del Cabildo, Libro IV, t. 4, f. 127, August 14, 1801.

Non-whites were racially classified into various groups. At the top of the social scale was the octoroon (octorón), who was a mixture composed of seven-eights white and one-eight Negro blood. The second place was occupied by the quadroon (cuarterón), who was the offspring of a mulatto and
The men give infinite thanks to the Most High for granting them their wish to come back to their homeland. To recompense them in some manner, to cheer up their spirit, so that they can forget the hardships of the expedition which they undertook---for which some people compared them to irrational animals who are only led and take shelter under the hot sun which bakes their brains---we jointly solicit the permission of the President of the Cabildo [the governor] and Your Lordships to give weekly a public dance on Saturdays until the end of the next Carnival, beginning on the day of our most august Sovereign Charles IV, which falls on the fourth of the coming month. The dance will not interfere with the one the white people regularly have, for they have their dance on Sundays.

Through the kindness of Don Bernardo Coquet, we have his permission to use his house for the dances. We ask that you be kind enough to the petitioners to provide them with the guards of the city who previously guarded the house when dances were given to prevent disorders. When we were a white person. The third category was the mulatto, who was the offspring of a white and a black person; and, finally, the Negro was at the bottom. In other Spanish colonies, where there was a large number of Indians, there were other categories composed of Pardos, a mixture of white and Indian; mestizos, the offspring of whites and Indians; and, finally, the castizos, the offspring of whites and mestizos. Ángel Rosenblat, La población indígena y el mestizaje en América, 2 vols. (Buenos Aires, 1954), II, 137; A.J. Navard, Why Louisiana Has Parishes, Policejurymen, Redbones, Cajuns, Créoles, Mulattos, Quadroons, Octoroons, Griffes, (New Orleans, 1943), 7; Love, "Marriage Patterns of Persons of African Descent", 81-82.
on the expedition, we were informed that some people came to
the dances that were given there, determined to disrupt the
peaceful diversions—some by provoking fights, others by
chewing vanilla and spitting it out for the purpose of pro-
ducing an intolerable stench, others by putting chewed to-
bacco on the seats so that the women would stain their gar-
ments—in short, doing and causing as much havoc as they
could. This example of maliciousness was never experienced
in the innumerable dances that were given in the chosen
house while the guards were present. The guards, once you
give them orders to attend, will be anxious to come, owing
to the special privileges we shall offer them on the nights
the dance is given.137

Therefore, we humbly plead that Your Lordships be kind
enough to concede this solicitation which has nothing to do
with violence and consequently will not cause any harm.
This is the season for such diversion, both in America and

137 White men, both Creoles and North Americans, preferred
to go to the quadroon balls which were held on Saturday
night. These did not conflict with the ball given for the
whites on Sunday. One traveler believes that the white men
preferred the quadroon women because they were less demand-
ing than the white women. Eventually, the poor whites, who
had been given the sobriquet of "Cajuns" by the Creoles, re-
taliated and called the Creoles "Boug-a-lees" for their pre-
ference of quadroon women. Governor Miró, who was married
to a Creole woman, was forced to issue some regulations
against the quadroons in his bando de buen gobierno (inaugu-
ral proclamation). He forbade concubinage, prostitution,
and even prohibited quadroons from dressing in an ostenta-
tious manner, wearing coiffures, French caps, plumes, and
mantillas. Perrin du Lac, Voyage, 393-94; Nathaniel Cox to
Gabriel Lewis, December 16, 1806, "Letters of Nathaniel Cox
to Gabriel Lewis", 182; Chambers, Louisiana, I, 341-43.
in Europe. We shall always keep in our hearts your renowned benevolence and kindness.\footnote{At first the Spanish government prohibited blacks from entering the military service, but, by mid-sixteenth century, they were permitted to join because they manifested better resistance than others to disease and the ability to adjust to tropical climates. Recopilación, Libro III, Título X, Ley X; McAlister, The "Fuero Militar", 43.}

New Orleans

(Rubrics)

Cpt. Jean Baptiste Scarasse

Pierre Tomás

Pierre Calpha

\footnote{When Governor O'Reilly came to Louisiana, he brought two companies of black militiamen—one of mulattos and the other of blacks (morenos). During the American Revolution, the Colored militiamen served with distinction in the campaigns against Manchac, Baton Rouge, Mobile, Natchez, and Pensacola. When Carondelet reorganized the militia, he divided it into two battalions consisting of one hundred troops each. The militia had a commandant, with the rank of breveted captain of infantry, two adjutants, and other officers. After the Seven Years's War, the troops were assigned throughout the various posts, including the one in Illinois. Furthermore, they served in various expeditions against runaway slaves. After Louisiana was ceded to France, a large number of the Negro militia was transferred to Pensacola and were later mustered into the Havana Battalion. Holmes, Honor and Fidelity, 54-57.}

When the militia was organized during the American period, the blacks were excluded. Governor Claiborne was apprehensive of the situation and informed the Secretary of State, James Madison, that the free black men who had distinguished themselves in the Spanish service were bitter towards the government of the United States because of their exclusion from service. It was in 1812, however, that by an act of the Legislature of the state of Louisiana, the governor was empowered to organize a corps of free black men to be composed of four companies of sixty-four men each. This act came at an opportune time because the black militiamen served well and with distinction in the War of 1812. One of them, Captain Joseph Savary, is given credit for having been the one who killed General Packenham. Claiborne to Madison, December 27, 1803, Rowland (ed.), Official Letter Books, I, 314; "An Act to Organize in a Corps of Militia for the Service of the State of Louisiana, as Well as for its Defense
Document 368

A letter from Don Juan María Godofredo Du Jarreau, Contractor, to the Cabildo, correcting the interpretation of the word "ídem" used in an estimate he presented of work to be performed for the Cabildo. 139

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139See Note 103 and Document 336, Part I, for more details on the controversy over the Royal Jail. See also Document 369, Part I.
October 31, 1800

MOST ILLUSTRIOUS CABILDO

Having been informed that I should have some difficulty relative to the planks which I ordered some time last spring to use on the floors of the addition to the Royal Jail upon which I am presently working, I expound to Your Lordships that this notion comes from a misinterpretation of the word *idem* in article seven, page two, of the qualifying estimate which I previously submitted.

The antecedent article states: 206 feet of one and one-half inches of planks to support the ends of the rafters at a cost of 8 *sueldos* per foot, comes to a total of sixteen *pesos* and 1/2 *real*; 2,266 feet of *ídem* for the partitions of the gallery, lined both on the inside as well as the outside; 1,540 feet of *ídem* for the partitions of seven compartments, lined in the same manner and at 1/2 *real*.

I plead with Your Lordships to be kind enough to look into this matter, for it can lead to damaging consequences, not only to Your Lordships and to me, but also the Most Illustrious Cabildo because it would delay the conclusion of

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140 A *sueldo* was a Spanish silver coin minted under the reign of Ferdinand III in the thirteenth century. Twelve and one-half *sueldos* were equivalent to one silver *real* (bit); and each *sueldo* had the value of $0.0407, relative to the United States currency of 1936. Villasana-Haggard, *Handbook*, 108.
the work and would be going against its wishes to have the work completed immediately. As for myself, the delay would cause me infinite damage.

Your Lordships can clearly see that the planks for 6 1/2 sueldos are not of the same quality as those for 8 sueldos. The price, not the name, is what determines the difference. I am aware that on two walls I must install one and one-half inch boards—I have complied with this condition—and, if Your Lordships send someone to examine the boards, he will see that the boards are only fifteen or sixteen lineas thick; but it is due to their being planed on both sides; the boards prepared for the partitions are from fourteen to fifteen lineas thick; and the rest of the boards are more than one inch in thickness.141

The planks which are one and one-half inches thick by twenty or more feet in length are the type of wood that has to be fastened with braces, for which reason they come out very uneven, and, by the time they are narrowed down and planed to an equal thickness, which is desirable for a double floor, they are only fourteen or fifteen lineas in thickness. Besides this, these planks are very rare, and it is necessary to have someone make them to order.

When I was preparing to carry on the work, I was instructed to use only green lumber; but, in actuality, the

141 The linea is a Spanish linear measurement equivalent to 0.0769 inch (approximately one-twelfth of an inch). Villasana-Haggard, Handbook, 79.
most appropriate lumber is the dry type. To comply with my obligations, but it was only at the warehouse of Mr. Macarthy that I found the greater part of the materials in some planks which measured twelve and one-half feet in length by fifteen to eighteen lineas in width. These boards have, however, been exposed to the air for two years like scaffolds. Because these boards have undergone rigorous tests for seven or eight months, they are of excellent quality for the present job.

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142 The ancestors of the Macarty (Macarthy) family came to Louisiana in 1732. One of the descendants, Juan Bautista Macarty, was a pioneer in the lumber business. He was born in New Orleans on March 7, 1750 to Bartolome Daniel Macarty and Francisca Helena Pellerin. He married Heloisa Carlota Fazende, a native of New Orleans. From this union, three children were born—two sons and one daughter. The daughter, Maria Celestina de Macarty, married Pablo Lanusse, a prominent merchant and attorney general of the Cabildo. "Cemetery Records of St. Louis No. I"; Arthur, Old Families, 332.

Juan Bautista was a military officer in both the French and Spanish service, and he rose to the rank of captain in the Spanish Militia. Since he had strong political connections, being the brother-in-law of Governor Miró, he was able to secure large land concessions in the Natchez District to provide lumber for his mill; and large loans, as much as fifty-thousand pesos, from the Royal Treasury. Nevertheless, he was a troublesome man, and, at one time, he was arrested by Governor Gayoso. Juan Bautista died on November 10, 1808, at the age of fifty-eight. AGI, Santo Domingo, leg. 2545, Miro to Valdés, no. 19, January 8, 1788; Holmes, Gayoso, 104, 251; McBee (ed.), Natchez Court Records, II, 23.

Lumbering was one of the earliest industries to have developed in Louisiana because of the natural advantage of having vast forests and a great demand from the West Indies, which had an insufficient amount to meet its needs. At first, the pine tree was utilized, and products such as boards, pitch, tar and others were produced. Later, cypress trees, which were more durable and serviceable, were exploited. From these trees the colonists made their pirogues, houses and shingles, until the advent of the great fires,
I pleaded with Your Lordships to examine them and let me know if I could use them. The persons that you commissioned to investigate the matter left without any doubts of its quality.

At a convenient time, the Gentlemen that Your Lordships commissioned to undertake the investigation, Don Jayme Jordá and Don Gilberto Andry, were invited to come and inspect the lumber yard and the works which have been completed. Since I did not hear anything against my work, I assumed that they found it to their satisfaction. If they observed something that did not conform to good workmanship, let them inform me, so that I will undertake to correct it for the betterment of the project.

I have tried to do my best. This is seen in the manner

when wooden shingles were prohibited in New Orleans. The trade that existed with the West Indies came to a halt during the early years of the Spanish period; but, in the 1780's, it was resumed. The commercial damage, however, was practically irreversible. Chambers, History, I, 143; Martín Navarro, "Political Reflections on the Present Condition of the Province of Louisiana", in Robertson, Louisiana, I, 237; AGI, Santo Domingo, leg. 2610, Navarro to José de Gálvez, no. 318, September 9, 1785.

The first sawmill was constructed in 1716, and soon after, others were built. Most of the sawmills were powered by water and had to built near the river. When the river was low, the sawmills could not operate. There was, however, a wind-operated sawmill which was built during the Spanish period and sold in 1807. By the end of the Spanish period, there were about thirty sawmills operating throughout Louisiana, but there is no record of a steam-powered sawmill until the American period. John A. Eisterhold, "Lumber and Trade in the Lower Mississippi Valley and New Orleans, 1800-1860", Louisiana History, XIII (Winter, 1972), 72; Gayarré, History, III, 439; Clark, Economic History, 192-93; Alliot, "Reflections", in Robertson, Louisiana, I, 142; Paxton, Directory, 18.
in which I omitted putting iron on the lower part, because it was unnecessary; and, instead, I put it on the upper part where it was needed. I have fastened the capitals of the pilasters, as was indicated; and I have caulked with lint all of the parts of the woodwork which had cracks. I still have one hundred and fifty pounds of iron left, which I am going to apply to reinforce the members of the structure which supports the roof above the stairs, for I have informed Your Lordships that this roof is exposed to the action of the winds and that the roofing material which covers it is very heavy.\textsuperscript{144} I reported this matter to the Gentlemen commissioned to inspect the work, and they entrusted me upon my honor and conscientiousness to do what I thought was appropriate and best.

New Orleans

(Rubric) Du Jarreau

\textsuperscript{144}Juan Dumaine, Master Blacksmith, was paid 217 pesos and 5 1/2 reales for the 1,171 pounds of iron used in making the iron bars for the jail and other iron works. Actas del Cabildo, Libro IV, t. 4, ff. 33-34, November 7, 1800.
Document 369

A petition from Don Juan María Godofredo Du Jarreau, Contractor, requesting the Cabildo to grant him additional money to complete work being performed at the Royal Jail.  

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145Du Jarreau presented a bill for 610 pesos 4 1/2 reales for the partial work done on the Royal Jail on August 26, 1800, but the Cabildo informed him that they owed him only 434 pesos 7 reales. When Du Jarreau confronted the commissioners with the work on the roof, which they had omitted in their estimation, the commissioners gave him a credit of twenty pesos more than their previous estimate. Actas del Cabildo, Libro IV, t. 3, f. 217, August 26, 1800; Ibid., ff. 220-21, August 29, 1800; Ibid., t. 4, f. 30, October 31, 1800; Also, see Note 103 and Document 360, Part I, for further details on the controversy over payment.
October 31, 1800

MOST ILLUSTRIOUS CABILDO

Don Juan María Godofredo Du Jarreau, Contractor for the work on the Royal Jail of this city, to Your Lordships expounds: That, I had the honor to ask from Your Lordships in my last petition for a sum of eight hundred pesos to pay expenses for the continuation of the work. At the same time, however, another objective of the petition was that Your Lordships would pay for the roof-tile which I had then received.

It seems, however, that the said petition was written with such ambiguity that you did not understand its true meaning; and, as a result, Your Lordships only conceded me the specified four hundred pesos. An incident has come about which makes it imperative for me to receive the sum of money; and, since much time has elapsed since I sent the petition, my needs have increased from day to day.

Notwithstanding the malicious and inconsiderate play Mister Baudin made against me, I did not abandon the work, although it was in my best interest to do so, for fear of incurring the displeasure of Your Lordships.¹⁴⁶ With this thought in mind, I exhausted the last recourse that was in

¹⁴⁶See Note 120, Part I, for more details on Alejandro Baudín.
my power; but the embargo that Mister Baudín imposed on me has taken away all of my credit. I owe, and payment is demanded, but I can not comply with it.

The person who was kind enough to act as my backer has already advanced me too much money, and he is ready to stop it, owing to the scarcity of money which reduces everything to an austere mode of living. In such an embarrassing situation, Gentlemen, I find no other recourse but to resort to and plead with Your Lordships to be kind enough to pay Madam de Sarpy the sum of four hundred pesos for forty thousand bricks, of which the amount for thirty thousand bricks has been owed to her for quite some time, and the other ten thousand I need to finish paving the patio.\(^{147}\) I am completely behind schedule because of the rise in the cost of materials, and I owe money to other people; but they are willing to wait until the work is completed.\(^{148}\)

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\(^{147}\) Madam Sarpy was Francisca Cavelier, wife of Juan Bautista Sarpy. Francisca was born in 1774 to Antonio Cavelier and Francisca Carrier. She became a widow in 1798 and died in 1818, at the age of forty-four. "Cemetery Records of St. Louis No. I"; Seebold, Plantations, II, 72-74.

\(^{148}\) There were not many brickyard in Spanish Louisiana, but the few that existed supplied the city with the necessary number of bricks it required for the construction of its buildings. One of the largest yards was located immediately outside of the Gate of San Juan. The bricks made in the yards were of a sandy clay found along the banks of the river. The bricks had a soft texture and could be reduced to the desired shape by rubbing them together. They were subject to moisture; thus, when used in construction of buildings, they had to be covered with an exterior of plaster, or they would erode. By the first two decades of the American period, there were twelve brickyards to manufacture bricks, but this proved inadequate to meet the needs of the
It is benevolence which I await from the equity of Your Lordships.

New Orleans

(Rubric) J. M. G. Du Jarreau
LETTERS, PETITIONS, AND DECREES OF THE CABILDO OF NEW ORLEANS, 1800-1803: EDITED AND TRANSLATED

VOLUME II

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

The Department of History

by

Ronald Rafael Morazán
B.A., Louisiana State University, 1967
M.A., Louisiana State University, 1969
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PART II

THE YEAR 1801
Document 371

A letter from the Attorney General, Don Pablo Lanusse, urging the Cabildo to order the repairs of the City bridges and to take other measures to prevent epidemics.  

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1Document 370 is missing from the original manuscripts.

2Pablo Lanusse was born in Orthez, France in 1768. He was the son of Armando Lanusse and María Lanret. He married María Celeste Macarty, a prominent member of a Creole family. From this marriage, two girls were born, whose names were María and Luisa. A son was born in 1814, but he died at the age of six months. "Cemetery Records of St. Louis No. I"; Arthur, Old Families, 332.

Lanusse bought a lot and built a house at 44 Rue Royale South (presently 339 Royal St.) where he established his residence as well as his mercantile business. His house later became a bank and has had the honor of being the oldest structure in New Orleans that has housed such an institution. Arthur, Old New Orleans, 30-31; New Orleans in 1805.

In the municipal elections of 1801, he received all of the votes for the position of attorney general, with the exception of that of Jayme Jordá. As attorney general, he was an indefatigable man. His first act was to petition for the repairs of the bridges and gutters, at which time the Cabildo appointed Commissioners Pedro Roche and Juan Castanedo to undertake the work. Next, he turned his attention to the issuance of license plates for the carts—the beginning of a source of revenue which would later become lucrative in Louisiana and other states. He also attempted to have the dances for blacks stopped and bitterly complained of the lack of decorum shown in the dances for whites by people who did not dress appropriately. After his term of office as attorney general expired, he devoted his time to his mercantile business. In the elections of 1803, he was unanimously elected senior judge (alcalde ordinario). Actas del Cabildo, Libro IV, t. 4, f. 54, January 1, 1801; Ibid., ff. 67-70, February 6, 1801; Ibid., ff. 72-73, February 27, 1801; Ibid., t. 5, f. 34, January 1, 1803; Also see Documents 380 and 381, Part II.

During the American period, he was a founder and a director of the New Orleans Navigation Company, as well as the Bank of Louisiana. He served with distinction on the City Council from 1812 to 1814 and in the militia of the Territory, in which he served in the capacity of captain of the 1st Regiment of Infantry. Soon after, he went to Mexico where he died in 1825. James, "Le Diamant," 309; Clark, Economic History, 293, 343.
February 6, 1801

MOST ILLUSTRIous CABILDO

Don Pablo Lanusse, Attorney General of this City, with the utmost respect expounds: That, in spite of the repeated orders issued by His Lordship, the Governor, for the repairs of the sidewalks and bridges of the City and the requirements suggested to the inhabitants by the Ward Commissioners [Alcaldes de Barrios], the streets are intransitable. Since the waters become stagnant, because the streets do not have proper declivity, this condition can be very harmful for the public health, particularly during the summer when the sun decomposes the waters. The inhabitants can not be blamed for disobedience, because they have stated that they are unable to repair their own sidewalks and bridges until the canals or covered gutters are repaired by the City.

3See Documents 337 and 342, Part I, as well as Notes 14 and 41, Part I, for more details on the controversy over the repairs of the bridges and sidewalks. Also see Document 381, Part II, for another petition from Lanusse pertaining to the bridges (gutters).

4Besides the gutters which were in need of repair, there were six canals with flood gates that had been built in the rear of the city by orders of Carondelet in 1796, which were also badly deteriorated. The canals were built, because there was the fear that the city would be flooded, if the recently built levee of Tchoupitoulas did not hold the high waters of the river. The work was supervised by Gilberto Guillemard, the Sergeant-Major and Chief Engineer. Hilario Boutet, the blacksmith, built the gates for one hundred twenty pesos. Actas del Cabildo, Libro IV, t. 1, f. 101, April 1, 1796; Ibid., ff. 120-21, June 3, 1796; Harkins, "Regulatory Functions of the Cabildo," 126.
At the capitulary session held on January 30, 1799, which was presided over by the Brigadier and Governor, Don Manuel Gayoso de Lemos, and in the presence of the Honorable Judges, ten Councilors and the Attorney General, it was resolved that said gutters be made at the expense of the Treasury, and an account of it be given to His Majesty for his Royal approval.\(^5\) The resolution was not carried out at that time because of the various misunderstandings originated by the contractor who should have made said works, as well as by the commissioners of this Illustrious Cabildo in charge of them.\(^6\)

After the death of Don Manuel Gayoso de Lemos, Acting Civil Governor Don Nicolás María Vidal, seeing that the

\(^5\)The statement of the attorney general that ten of the commissioners (regidores) were present and one was missing at the extraordinary capitulary session of January 30, 1799 is misleading. There were eleven commissioners present, including the Senior Judge, Francisco Riaño, who was also a commissioner. The other ten commissioners were Pedro Denís de La Ronde, Pedro de La Roche, Francisco Pascalis de la Barre, Nicolás Forstall, José Rodolfo Ducros, Luis Darby Dannicant, Jayme Jordá, Gilberto Andry, Josef LeBlanc, and Juan de Castanedo. The twelfth commissioner was Juan Arnoult, but the party whom he named as his successor upon his retirement in the late 1780's never did officially receive the position because of a litigation initiated against him by the treasury official. Actas del Cabildo, Libro IV, t. 3, ff. 8-9, January 30, 1799; \[Ibid., f. 223, August 29, 1800.\]

\(^6\)Two sample gutters were constructed by Juan María Godofredo Du Jarreau, but the actual contract to build the gutters was given to Bartolomé Lafond in 1799. However, the work was abandoned on the gutters, due to the urgency of repairing the levee of Tchoupitoulas. Actas del Cabildo, Libro IV, t. 3, f. 12, February 15, 1799; \[Ibid., ff. 25-26, April 19, 1799; \[Ibid., f. 35, May 31, 1799; \[Ibid., ff. 42-43, July 1, 1799; \[Ibid., ff. 192-93, July 11, 1800.\]}
residents were justly complaining about the streets being impassable and taking into consideration that the resolution adopted in the said meeting of January 30, 1799, had not been carried out, sent official letters to this Illustrious Cabildo, urging it to rebuild and repair the bridges and gutters of the streets of this city. The only result of these official letters was a session on October 31, 1800, which was presided over by the Senior Judge [Alcalde Ordinario], with the assistance of the Junior Judge [Alcalde Ordinario de segundo voto], five Councilmen and the Attorney General. In this capitulary session, it was resolved that the gutters be made at the expense of those who would benefit the most from them. I am speaking with due respect when I suggest that you consider this last resolution. It can not be carried out because it does not revoke nor does it contradict the resolution adopted at the session of 30 January 1799, since it was presided over by the Governor himself with all but one of the Councilmen in attendance. In the event that the last resolution could revoke the first, it would be impossible to put it into effect because for the past eighteen years the gutters have been made at the expense of the City Treasury.

Although the funds of the Treasury have been greatly increased by means of new taxes which have been added to it without the approval of His Majesty, and which funds are customarily spent for the benefit of the residents of this City, the Cabildo resolved to build the bridges at the
expense of the Treasury in spite of the decree of Count O'Reilly to let the burden fall upon the residents. Ac­counts of that resolution were made to His Majesty for ap­proval, and, if it is not granted, the citizens will have to reimburse the Treasury.

I plead with Your Lordships to take into consideration the present season and the harm that can be caused to the public health by the stagnant waters. In order to prevent the epidemics that are experienced almost every year during this season, please undertake the repairs of these bridges immediately, either through our own Commissioners or by pub­lic auction under the vigilance of two Aldermen. Let the cost be paid from the funds of the Treasury for the present time, rendering account of it to His Majesty. If His Royal Highness does not approve it, the right to demand reimburse­ment of these expenditures from the residents can be re­served to the Cabildo.

It is justice that this petition asks of Your Lordships on behalf of the people of this City.

New Orleans

(Rubric) Pablo Lanusse
A letter from the Marquis de Casa-Calvo, informing Don Gabriel Fonvergne and Don Domingo Bouligny, Annual Commissioners, of the manner in which they should receive the new Governor of Louisiana.7

Gabriel Fonvergne established his residence on St. Louis Street in 1791. In 1796, he was elected attorney general and immediately issued a petition asking that the lessee of the public dance hall for blacks be forced to close his establishment on the grounds that he was permitting slaves to enter without passes from their masters. Through his initial petition to the Cabildo, Governor Carondelet was made aware that the people of the colony did not want any more slaves imported into Louisiana after the Pointe Coupee uprising. Also, he was concerned about the lack of enforcement of the earlier building codes; thus, he drafted a new code which was approved by the Cabildo and put into effect in 1796. Spanish Census of 1791; Actas del Cabildo, Libro IV, t. 1, f. 78, January 1, 1796; Ibid., ff. 83-84, January 22, 1796; Ibid., ff. 91-92, February 19, 1796; Ibid., ff. 130-33, June 17, 1796; Ibid., ff. 141-42, July 29, 1796.

In the municipal elections of 1799, he was elected junior judge (alcalde ordinario), and in the same year he bought the office of permanent commissioner (regidor perpetuo) upon the resignation of Louis Darby Dannicant. He paid five hundred silver pesos, plus the media anata, and eighteen percent of the value for bureaucratic and transportation expenses. Ibid., t. 3, f. 1, January 1, 1799; Ibid., ff. 101-105, October 25, 1799.

In 1800, he was elected one of the annual commissioners (comisarios anuales) along with Josef LeBlanc. As annual commissioner, the official representative of the Cabildo, he was appointed to select the committee to examine Jorge Pfeiffer as a physician, to appraise the Cabildo, and other matters. However, he became ill early in the year, and his duties were taken over by the Royal Standard Bearer (Alférez Real), Pedro Denís de La Ronde. In 1801, when de La Ronde was the annual commissioner and became ill, Fonvergne took up the responsibility. Ibid., f. 121, January 3, 1800; Ibid. f. 125, January 17, 1800; Ibid., f. 143, February 21, 1800; Ibid., f. 159, March 21, 1800; Ibid., t. 5, ff. 61-62, March 11, 1803.
April 3, 1801

HONRABLE GENTLEMEN:
DON GABRIEL FONVERGNE AND DOMINGO BOULIGNY

I have received the letter of the 27th of the current

8Carlos José Domingo Bouligny was one of the four children born to Francisco Bouligny and María Luisa LeSenechal d'Auberville. He was born in New Orleans in 1773. Like his father, who had come with O'Reilly to Louisiana, Domingo had an illustrious career in Louisiana. King, Creoles, 298; Holmes, Documentos, 216.

He married Ana María LeBlanc in 1802 and established his home at 7 St. Philip Street. Many children were born, of which twelve survived. Ibid., 299; "Cemetery Records of St. Louis No. I"; "Notarial Archives", Group II, Carlos Ximénez, XVIII, July 12, 1802, f. 141; Paxton, Directory.

He entered the military service of Spain in 1786 as a cadet and the following year was appointed sub-lieutenant of the Louisiana Infantry Regiment. During the war between Spain and France in the early 1790's, he was in the river squadron in command of the land troops. He was placed second in command at New Madrid, and he served as commander of La Flecha, La Felipa, and other ships of the river squadron. Also, he helped in establishing the Fort of Barrancas de Margó, which was one of the posts ordered established by Governor Carondelet for the defense of the Spanish frontier.

During the American period, he continued his military career by serving on the Committee on Defense and in the 4th Regiment of Infantry in the militia of the territory as a major. Nasatir, Spanish War Vessels, 257; Holmes, Honor, 97; "The Partial List of American Forces in the Battle of New Orleans"; James, "Le Diamant", 310; AGI, Santo Domingo, leg. 2566, Carondelet to Álvarez, no. 8, March 20, 1797.

His political career was even more impressive than his military credentials. In 1800 he purchased the municipal office of permanent councilman (regidor perpetuo) upon the resignation of Gilberto Andry. He paid only eight hundred silver pesos, which was one-half of the appraised value of the office, plus other minor expenses. In 1801 he was honored by the Cabildo when it selected him and Pedro Denis de La Ronde as its annual commissioners. In the American period, Domingo was elected to Congress to represent the Third Senatorial District in 1824 and served until 1829. When he left politics, he devoted his time to his plantation and his work as director of the Louisiana State Bank. He died on March 6, 1833 at the age of sixty. Actas del Cabildo, Libro Iv, t. 4, ff. 49-52, December 19, 1800; Ibid., f. 55, January 2, 1801; Paxton, Directory, 76,84; Bee, March 6, 1833.
month, addressed to me by Your Lordships in the name of the Illustrious Cabildo, requesting that I manifest my intentions as to whether or not I shall offer a reception with a dinner to the new Governor [Salcedo] of the Provinces on the day of his arrival and whether or not I shall furnish him with the furniture necessary for his domestic use until he is able to get his own. I must admit that it is a truly unusual situation, and I doubt that anything similar has previously occurred, even though it is a matter of mere goodwill and courtesy which should be handled or treated officially when it pertains to the Royal Service or for those who are of general interest to the State. Laying that aside, I shall inform Your Lordships so that you may convey my answer to the Illustrious Cabildo that, at the arrival of the new chief of these Provinces, I shall comply with my duties and with all the other attentions demanded by urbanity and other motives to please him. The Illustrious Cabildo, on the other hand, is at absolute liberty to show its generosity through its gifts and to inform His Majesty of its intentions.9

9Ceremonies to welcome royal officials usually took precedence over other administrative activity. The expenditures for these ceremonies to welcome officials such as viceroyes became so large that the Crown issued a royal cédula in 1573 to limit the outlay to twelve thousand pesos for Peru and eight thousand pesos for New Spain. In spite of these regulations, the local officials continued to spend more than the sum specified, for they spent over forty-six thousand pesos in welcoming Viceroy Croix. Recopilación, Libro III, Título XIII, Ley IV; John Fisher, "The Intendant System", Moore, Cabildo Under the Hapsburgs, 269.
May God give Your Lordships many years of life.

New Orleans

(Rubric) El Marq. de Casa Calvo

After the Cabildo inquired about the intentions of Casa Calvo relative to the reception of the incoming governor, it decided to hold a reception on the day Salcedo would arrive. It verbally invited Casa Calvo to the reception, but he informed the Cabildo that he was also giving a reception the same day. To show his goodwill, Casa Calvo gave the Cabildo permission to use the Government House for its reception. The Cabildo asked Casa Calvo to change the date of his reception because it conflicted with the one it had planned. When Casa Calvo refused, the Cabildo turned down the offer to use the Government House and decided to hold the reception in the chambers of the Cabildo building. Furthermore, it decided to follow the prescribed rules and to go a certain distance from the city to welcome the new governor and to present him with the keys to the city. At this time the governor would be asked which of the ceremonies he would like to attend. Eventually, Salcedo attended both receptions to keep the peace. Actas del Cabildo, Libro IV, t. 4, ff. 86-87, April 24, 1801.
Petition from Urbano Gaignie, Master Carpenter and contractor for the construction of the planks for the city gutters, requesting that the Cabildo grant him permission to build a sawmill.10

10 Urbano Gaignie was born in Brulon, France in 1750. He was the son of Julián Gaignie and Renata LeBrun. He came to Louisiana and established his residence on Orleans Street. Shortly after, he married Eulalia Manette Sardet and moved his residence to 46 Rue de Toulouse. Here he lived with his large family and nine slaves. One of his sons, Francisco, became a member of the American City Council, representing the sixth ward. "Cemetery Records of St. Louis No. I"; Spanish Census of 1791; New Orleans in 1805; Paxton, Directory, 81; Libro primero de confirmaciones, 97.

In his capacity as master carpenter, Urbano Gaignie did numerous works for the Cabildo. He inspected the work done in the Royal Jail by Lafond, repaired the dance hall, repaired some of the sidewalks, made a large table for the use of the councilmen and built all the tables and large shades for the fish market. Actas del Cabildo, Libro IV, t. 1, f. 72, December 4, 1795; Ibid., t. 3, ff. 27-28, May 10, 1799; Ibid., f. 71, September 20, 1799; Ibid., t. 4, ff.139-40, September 25, 1801; Ibid., t. 5, f. 31, November 26, 1802; Ibid., f. 93, August 19, 1803.

He joined the militia in the 1780's, but the only record available is that in 1792 he was a corporal 1st class of the grenadiers of New Orleans.

The Cabildo granted him the site to construct his sawmill at 339 Tchoupitoulas Street, and by 1822 he was the owner of one of the largest steam-operated mills in Louisiana.

He died on December 8, 1824 at the age of seventy-four and was honored by having a street in New Orleans named after him. Holmes, Honor, 243; Paxton, Directory.
May 21, 1801

MOST ILLUSTRIOUS CABILDO

Urbano Gaignie, artificer of this City and contractor for the planks necessary to construct the gutters of the City streets, to Your Lordships with due respect expounds: That, to be able to store the wood properly for sawing and planing the planks, he needs an appropriate place such as the one which was fenced to hold the dirt used in the works of bricklaying and in refilling the holes caused by the rains in the streets of this City.

Such a site, is situated at the edge of the river and far from the Public Road. It does not cause any inconvenience to the public and offers the expounder the comfort of performing his work by establishing there a sheltered saw-mill with a machine which he intends to construct for this purpose. I expect of the well-known equity of Your Lordship that you will please grant me the above mentioned piece of ground which will enclose the sawmill for the term of six to eight years. At the expiration of this lease, if Your Lordships do not deem it convenient that the mill should remain there, you may order that my wood and manufactures be removed or subject the ground to the tax or contribution judged to be applicable.

Therefore, I plead with Your Lordships to grant me this important request which is useful for the good of the public.
I expect to receive this favor of the well-known propensity of Your Lordships to all that will contribute to the benefit of the country.

New Orleans

(Rubric) Urbano Gaignie
A petition from Claudio Francisco Girod, merchant, requesting that the City Council grant a portion of land to him on which to build a flour mill.\textsuperscript{11}

\textsuperscript{11}See Document 344 and Note 44, Part I for another petition written by Girod to obtain mules from New Spain and for a biographical sketch. Also, see Note 83, Part I for more details on the flour industry in Louisiana.
May 28, 1801

MOST ILLUSTRIOUS CABILDO

Don Claudio Francisco Girod, a resident and merchant of this City, with due respect to Your Lordships says: That, in order to establish a flour mill, he has made a contract with a mill builder who is about to depart to attend to the construction of other works, and the petitioner hopes that Your Lordships will be kind enough to grant him the necessary plot of land for this purpose. The land which I request is on the extension facing the front of my house, on the outskirts of the District of San Luís between the River and the Public Road.

Since the District of San Luís is very large, the project can not cause any inconvenience to anyone. On the contrary, it will benefit the public to a great degree, particularly those individuals who possess a large number of slaves. Because of their habitual idleness and laziness, the slaves do not go to the trouble of crushing [at a mill] the ration of corn given them by their masters. They crush their own corn on wooden mortars, then they roast it on live

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12 The pioneer in the four mill industry was Bartolomé Tardiveau and his associates who borrowed several thousand pesos from the Royal Treasury to construct various mills throughout Louisiana. His backer was Juan Bautista Sarpy. AGI, Santo Doming, leg. 2612, Rendón to Gardoqui, no. 17, November 5, 1794; Ibid., no. 69, September 1, 1795.
coals or boil it, which methods, besides being unsanitary, produce a considerable amount of waste. Besides the savings that will be attained by reducing the corn to flour at the mill, it will be healthier and easier to use, and the slaves will not have to go to the trouble of crushing or pealing it. They will only have to cook it.

For the better service of those residents who send their grains to be ground, I promise to have a supply of flour from which they may take, comparable to the portion of grains that they would bring, without any other deduction than that of the moderate fees that may be fixed as rates or compensation for the work of milling according to the usages and customs prevailing in all the Spanish Dominions.

In cases of poverty or scarcity of bread, the flour may serve to augment the public supply, either by mixing it with wheat or by making corn bread, as is done in many other countries.

In view of the proposed advantages which may be expected from the flour mill which will benefit the public, I hope to secure from Your Lordships the necessary help to accomplish this practical enterprise. I am willing, if Your Lordships deem it necessary, to make a moderate contribution that would be just as a tribute for the land that the mill would occupy. It would be reduced to a front of forty feet to house the mill and the lodging place for the miller and and his family, and a small place destined for the sumpter which is to make the machine and grinding stones move.
Therefore, I petition Your Lordships to accede to this respectful request in attention to the reasons already stated. I so expect of the reknowned justice and equity of Your Lordships.  

New Orleans  

(Rubric) C. F. Girod

13 His petition was denied, because the governor and the Cabildo had decided that no buildings were to be erected between the Public Road and the levee and had issued instructions to demolish all those which were already constructed. *Actas del Cabildo*, Libro IV, t. 4, ff. 97-98, June 5, 1801.
Document 375

A letter from Governor Nicolás María Vidal communicat­
ing to the City Council a letter sent him by the Bishop of
Louisiana and West Florida, regarding a dispute between the
Church and the Cabildo over the ownership of a certain piece
of land.14

14 The cemetery in question was the one built during the
French period in 1743 and abandoned in 1788 when the St.
Louis Cemetery Number I was built. Huber, The St. Louis
Cemeteries of New Orleans, 7.

In 1797, Almonaster complained that the Cabildo should
do something about repairing the old cemetery because there
were many opened caskets and the bodies were being eaten by
birds and dogs. The other commissioners explained that this
resulted from leaving numerous caskets which were to be
transferred to the new cemetery under the direction of Fa­
ther Antonio de Sedella, near the edge of the canal. Howev­
er, the good father was uncooperative. Juan Castanedo, the
Treasurer, was commissioned to speak with the pastor, and
eventually the bodies which were above ground were removed.
Actas del Cabildo, Libro IV, t. 2, ff. 75-77, October 27,
1797.

When the Cabildo decided to subdivide the old cemetery
into twelve lots and lease them out, they received the per­
mission of Governor Vidal. Bishop Peñalver wrote to the
governor on October 4, 1800, informing him that he did not
find the title to the land, but that he had the sworn testi­
mony of seven old men of unimpeachable character that the
property had belonged to the Church for more than fifty
years. Vidal then wrote to the Cabildo, informing it that,
as Royal Vice-Patron, he was in accord with the Bishop.
Ibid., t. 5, ff. 34-37, November 7, 1800.

The Cabildo countered the claims made by the Bishop that
it had always owned the site, and that the cemetery had been
within the boundaries of the city, which is considered mu­
inicipal property. If the Church had owned the cemetery site,
it could make claim to all of the four locations which the
cemetery once occupied. Furthermore, the Cabildo claimed
that it had fenced the old cemetery with bricks at its own
expense and had received Royal permission on May 2, 1789 to
subdivide the property into twelve lots at six pesos per
month each. Finally, it asked the governor to suspend its
consent to the Bishop. The Governor agreed but made it clear
that the funds from the rents of the cemetery would have to
be maintained separately, in case His Majesty resolved the
June 25, 1801

MOST ILLUSTRIOUS CABildo

The Most Illustrious Bishop of this Diocese, Don Luis de Peñalver y Cárdenas, by official letter of the 19th of the current month relative to the resolution adopted by the Cabildo on the 5th of the same month, informs me of the following:

"I have before me the letters of the 23rd of April by which Your Excellency was kind enough to lend me assistance with regard to my petition, requesting that the Secretary of the Most Illustrious Cabildo issue a copy of the acts of the issue in favor of the Church. Ibid., ff. 38-42, November 14, 1800; Ibid., f. 91, May 22, 1801; Ibid., ff. 92-93, May 29, 1801; Ibid., f. 97, June 5, 1801; Ibid., ff. 101-105, June 26, 1801.

By the end of 1801, Bishop Peñalver was appointed to the Archdiocese of Guatemala and left Thomas Hasset as acting bishop. The Cabildo asked him to remove all of the bodies from the old cemetery, but he refused on the grounds that His Majesty had been petitioned, and nothing would be done until the petition had been resolved. By 1802, the Cabildo was in a state of exasperation. It asked its legal advisor, José Martínez de la Pedrera, to render an opinion. Martínez opined that, since the Church had been petitioned three times to have the bodies removed and had not complied, the Cabildo was justified in taking any means it deemed necessary for the removal of the bodies. The Church countered with a legal opinion from Manuel Serrano, the legal advisor of the intendancy, and the matter remained in the status quo through the end of the Spanish period. Ibid., f. 147, December 4, 1801; Ibid., ff. 158-159, January 29, 1802; Ibid., f. 170, February 12, 1802; Ibid., f. 193, March 18, 1802; Ibid., f. 198, April 2, 1802; Ibid., ff. 199-200, April 9, 1802; Also, see Notes 25 and 64 of Part I for more information on the cemeteries."
"first meetings of the Cabildo [the organization of the Cabildo by Governor O'Reilly in 1769] by which this body was formed and wherein matters concerning lands that were assigned to the City Treasury were discussed, all of which were approved by His Majesty, and a certificate of the expenses incurred by the fencing and grading of the new cemetery.

"Likewise, I have before me the ensuing refusal of the Most Illustrious Cabildo to make those documents available, and the documents pertaining to the resolution of the 14th of November of 1800 in which the sale at public auction of the old cemetery located opposite the Charity Hospital was ordered and which is under way at present.

"I would be failing in the performance of my duty and in the frankness with which I should act, if I would not inform Your Excellency, as President of the Most Illustrious Cabildo, of what I am going to state. The documents solicited by the Church were to be used to file a recourse before His Majesty to prove that the land that is intended to be auctioned does not belong to the Cabildo; that the City Government does not own any land other than that the King granted it, among which the old cemetery is not included; that the Royal Order of the 2nd of May of 1789 was obtained through misrepresentation; and that the Church has well-founded rights to the ownership and possession of the land in question. It is not to be presumed that the justice of the King will adjudge [this land] to the City Treasury with
"detriment to a Cathedral which is without endowments and which has subsisted with its own revenues ever since its erection.

"To this must be added the fact that the Illustrious Cabildo has not built a brick fence around the new cemetery, as it has proposed to His Majesty by memorial of the 12th of November of 1788; neither has it graded the cemetery, as it was then considered necessary and still is so at present. The Honorable Baron de Carondelet, in view of the flooding of the new cemetery by the waters of the River in 1797, which made it necessary to again use the old cemetery temporarily, informed me by official letter of the 26th of July that it had been resolved to have the new cemetery raised three feet above the normal level of the water. This has not yet been done, and every time there is a similar flood, the same thing will happen. As long as a road is not built from the Gate of San Fernando to the new cemetery, the priests attired with their sacred vestments will have to pass through a swamp which forms immediately after the slightest rain and forces the people attending the burial to remain at the door. I could add that the new cemetery is very small for this community. Its size is not even half of the other; it is already crowded with corpses, and the Church has taken upon itself the task of continuously fencing it, which is very onerous, especially now that it has no funds.

"To prove some of these facts, I have requested the
"aforementioned documents, and inspite of having been refused the use of them, I shall endeavor to file the recourse in such a manner that His Majesty, once informed of the whole matter, may intervene with his accustomed justice. I wish that once my claim has been proven, with this knowledge, the proceedings instituted for the auction be carried forward, and consequently the damages caused by it befall upon whoever the law designates. As it is not in my character to promote arguments, and it is not proper of my ministry to do so, besides having other reasons that restrain me from going into them, I have not allowed, on the part of the Church, a formal dispute on the matter be made; and I limit myself to beg Your Excellency by this means to acknowledge receipt of these statements, so that my responsibility may be safeguarded, and Your Excellency may determine whatever you deem convenient.

"May God give You long life."

I inform Your Lordships of this, so that, with this information you may resolve whatever you deem convenient; and I order that, on your part, proceedings be instituted and formalized with the necessary documents, gathering the proper information and forwarding the whole matter, with competent representation, to His Majesty, so that he be kind enough to determine whatever is His Royal pleasure.

May God give Your Lordships long life.

New Orleans

(Rubric) Nicolás María Vidal
Document 376

A petition from Don Santiago Fletcher, merchant, offering to sell a brigantine to the Cabildo.  

Santiago Fletcher was a prominent merchant in New Orleans. He established his residence at Chartres Street, but later moved it to 33 Rue d'Orleans. He was married to a native Louisianian whose name was Fidelia. She gave birth to a girl in 1819, but the child died at the age of one. "Cemetery Records of St. Louis No. I"; Spanish Census of 1791; New Orleans in 1805.

As a merchant and businessman, he was highly successful. He had acquired vast amounts of property in the Natchez District and had received permission from Gayoso de Lemos to import over two hundred slaves after the prohibition made in 1796 by Governor Carondelet. He purchased large amounts of tobacco and flour from the American colonies and shipped it in his boat, La Josefina, to the Spanish colonies of Louisiana, Vera Cruz, and Cuba. In 1796 he sold three hundred ninety-seven barrels of flour to the Cabildo, but had difficulty collecting his money because the commissioners claimed that seventy-eight of the barrels were spoiled. Eventually, he was given credit for all of his barrels of flour with the exception of two. In 1801 he tried to sell the boat he owned, so that the Cabildo could use it to fill a hole in the levee. The Cabildo refused it on the grounds that the waters of the river were low, and it was not necessary. The following year he was elected as alcalde de la hermandad for the district across the river from Tchoupitoulas. After the Spanish period, he remained in New Orleans, but retired from public life. Actas del Cabildo, Libro IV, t. 1, ff. 154-56, October 21, 1796; Ibid., f. 159, November 11, 1796; Ibid., t. 4, f. 108, July 10, 1801; Ibid., f. 150, January 8, 1802; AGI, Santo Domingo, leg. 2613, Morales to Gardoqui, no. 62, December 1, 1796; Ibid., leg. 2614, Morales to Gardoqui, no. 87, March 3, 1797; McBee, Natchez Court Records, II, 388, 397, 538; Holmes, Documentos Inéditos, 139; Nasatir, Spanish War Vessels, 261.
July 10, 1801

MOST ILLUSTRIOUS CABILDO

Don Santiago Fletcher, a resident and merchant of this City, with due respect to Your Lordships states: That, he is ready to dispose of a brigantine which is in bad condition, because he lacks the funds to repair it. He believes that it might be useful for the repair of the break caused by the river in front of the houses of Don Miguel Fortier.  

16Miguel Fortier, Jr. was born in New Orleans in 1751. He was the son of Miguel Fortier, Sr. and Perina Langlois. Miguel, Jr., one of seven brothers, was married to Maria Rosa Durel. They had three children—Miguel, III, Edmundo and Francisca Aimée. "Cemetery Records of St. Louis No. I"; Seebold, Plantations, II, 16-18.

Miguel Fortier, Jr. joined the Spanish military service in 1774 and rose to the rank of captain and commandant of the New Orleans Artillery Militia by 1781. He fought in the campaigns against Ft. Bute of Manchac and Baton Rouge in 1779 and distinguished himself. He was commended for having his company well-instructed and at full strength. In the American period, he became a colonel and an aide-de-camp in the militia of the Territory. He also commanded the Corps of Men of Color in the War of 1812. Arsène Lacarrière Latour, Historical Memoir of the War in West Florida and Louisiana in 1814-1815, (Philadelphia, 1816), 135; Holmes, Honor, 188-89; "Partial List of the Soldiers in the Battle of New Orleans"; Pierson, Louisiana Soldiers, 47; James, "Le Diamant", 309.

In 1795 he was elected attorney general of the Cabildo, and when Louisiana was retroceded to France, Prefect Laussat appointed him to the City Council. Inspite of his municipal duties, he was able to conduct his business successfully. He and Gilberto St. Maxent received a contract to import 380,000 pesos of goods from French and Spanish ports into Louisiana. He also had dealings with other posts in the colony, such as Arkansas; but one of his boats from that post was confiscated by the British at Natchez in 1778, and this trade was temporarily halted until Spain drove the English out. He sold a batch of tiles to the Cabildo to repair the
To Your Lordships he pleads that, in the event this brigantine can be used for this purpose, you may be kind enough to purchase it, which sale he will make at a fair price, and he hopes to receive the benevolence of Your Lordships.

New Orleans

(Rubric) S. Fletcher

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Royal Jail and imported many slaves, both during the Spanish and the American period. He died on September 20, 1819, at the age of sixty-nine. *Actas del Cabildo*, Libro IV, t. 1, ff. 1-2, January 1, 1795; *Ibid.*, f. 51, September 18, 1795; AGI, Santo Domingo, leg. 2553, Miro to Valdés, no. 236, September 12, 1789; *Ibid.*, leg. 2555, Miro to Valdés, no. 273, March 10, 1790; Cruz, "Index to the Spanish Judicial Records: XI", *Louisiana Historical Quarterly*, VIII (October, 1925), 735-36; Clark, *Economic History*, 196-97; Also, see Document 407, Part III for a petition by Fortier and other inhabitants of the City requesting the governor to order the Cabildo to repair the levee in front of their houses.
Document 377

A letter from Governor Nicolás María Vidal communicating to the Cabildo a letter sent him by Don Ramón de López y Angulo, Intendant General of Louisiana, regarding the use of certain funds of the Orphan Asylum.\(^\text{17}\)

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\(^\text{17}\) The orphan asylum was established by Bernardo de Gálvez in 1785. He placed twelve orphan girls under the care of the Ursuline nuns and provided them with an endowment consisting of the rents of seventeen houses located on the levee, which were to be administered by the governor. The funds from the rents were to provide the orphans with an education and their sustenance. The endowment, which was very large, soon acquired a large surplus, such that in 1796 it amounted to four thousand nine hundred twenty-five pesos. Carondelet borrowed the money to construct a warehouse for rice, but the funds were never used because the granary was never constructed. By 1801 the sum had increased to almost seven thousand pesos, and, since the Intendancy was short of funds they were made available to it. During the American period, the Ursulines continued to administer the orphanage, and a second orphanage was founded with an endowment made by Julien Poydras. AGI, Santo Domingo, leg. 2552, Miró to José de Gálvez, no. 210, April 24, 1787; Ibid., leg. 2565, Carondelet to Llaguno, no. 20, May 31, 1796; Actas del Cabildo, Libro IV, ff. 115-16, July 16, 1801; Ibid., ff. 184-85, March 5, 1802; Paxton, Directory, 14-15; New Orleans First Directory, 1807, 4.
July 11, 1801

MOST ILLUSTRIOUS CABILDO

The Honorable Don Ramón de López y Angulo, Intendant General of the Royal Treasury of these Provinces, by an official letter addressed to me on March 30 of the current year, informed me as follows:

"The shortage of funds of the Royal Treasury is so extreme that I have begun to borrow, and must continue to do so in pressing situations, funds which have been sent to me by the Viceroy [of Mexico] to be for the acquisition of certain items which could not be purchased immediately, as they were not available.\(^{19}\) Consequently, I am obliged to request that Your Excellency be kind enough to order that the surplus funds set aside for the subsistence of the orphan girls, which funds belong to a department under your direction, be sent to the Royal Treasury, with the understanding that these funds will be available to Your Excellency at all times to use for the purpose for which they were intended whenever necessary. May God give you long life."

Consequently, on April 18 I ordered the Administrator

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\(^{18}\)See Note 107 of Document 361, Part I for a biographical sketch of Don Ramón López y Angulo.

\(^{19}\)The Viceroy of Mexico in 1801 was Félix Berenguer de Marquina, who succeeded Miguel José de Azanza in 1800. See Note 48 of Part I for more information on the viceroy.
of the funds, Don Andrés López Armesto, to forward six thousand seven hundred forty-nine pesos and five reales to the Intendant. These funds were received from the succession of the late Brigadier Don Manuel Gayoso de Lemos and belong to this department. I have informed the Intendant on this date of the disposition of these funds, in order that he may issue a receipt for this money as soon as it is convenient.20

On the 15th of June, when I assumed that the money had already been delivered, I was informed by the Intendant that the Administrator had sent only one thousand pesos to the Royal Treasury, and I have been trying to get the Administrator to forward the remainder as promised. Included in this sum is an amount granted by His Majesty for the construction of a little public well, over which this Illustrious Council has gathered the necessary data. I am informing Your Lordships of this situation, so that you may begin proceedings to insure the delivery of these funds to the Royal Treasury to cover the present shortage. In the event this is not done, place the funds for safe keeping in the Public Fund or in the City Treasury until the time comes to use it for the purpose for which it was originally intended.

May God grant Your Lordships many years of life.

20 See Note 40 of Part I for a biographical sketch of Don Ramón López de Armesto.
New Orleans

(Rubric) Nicolás María Vidal
A letter from Don Juan Ventura Morales informing the Cabildo of having taken charge of the Intendancy of Louisiana, in the absence of Intendant Ramón de López y Angulo.  

21 Juan Buenaventura Morales was born in Málaga, Spain in 1756. He came to Louisiana during the early years of the Spanish period, where he married María Catalina Guesnon, daughter of Pedro Guesnon and Andrea Petronila D'Auville. A daughter of Morales, Ana Matilda, married Bernardo Marigny, a member of one of the Creole families of New Orleans. "Cemetery Records of St. Louis No. I"; Arthur, Old Families, 318-20; Holmes, Gayoso, 218.

In 1782 Morales became the accountant and treasurer of the Department of Immigration and Indian Affairs, and a few years later he was elected to the municipal office of alcalde ordinario. In 1795 he was appointed as Comptroller of the Army and Treasury, a position for which he was well qualified. He served as Acting Intendant from 1796 to 1799, when Ramón de López y Angulo was appointed to the Intendancy. Upon the resignation of López y Angulo in 1801, Morales once again assumed the provisional position until the end of the Spanish period. AGI, Santo Domingo, leg. 2539, Título no. 16, ff. 33-34, September 7, 1782; Ibid., Título no. 42, ff. 85-86, July 23, 1795; Ibid., leg. 2613, Morales to Gar- doqui, no. 1, May 3, 1796; Ibid., leg. 2616, Morales to Soler, no. 1, July 28, 1801; Actas del Cabildo, Libro IV, t. 4, f. 116, July 16, 1801; Dart, "Episodes of Life", 42-45.

As acting intendant, Morales made enemies of Governor Gayoso and Governor Casa-Calvo over the introduction of slaves, and of the merchants of the city and the people of the Western area of the United States, because he was going to deny them the "right" to deposit their goods in New Orleans, in accordance with the Treaty of San Lorenzo of 1795. Gayarré, History, III, 398-405; Davis, History, 128; Chambers, History, I, 474-75; Fortier, Louisiana Sketches, II, 178.

After Louisiana was sold to the United States, Morales remained as one of the boundary commissioners, along with Casa-Calvo. He continued to perform the duties of Intendant, claiming that he was still the officially-designated Intendant ad interim of West Florida. His doings eventually earned the displeasure of Governor Claiborne, but it was not until 1806 that the American governor issued to Morales a safe-conduct pass to leave the country. Morales went to Pensacola, the capital of West Florida, where he resumed his duties at the displeasure of Governor Vicente Folch y Juan. Nevertheless, Morales remained as Intendant of West Florida.
July 14, 1801

MOST ILLUSTRIOUS CABILDO

As the Honorable Don Ramón de López y Angulo has left for Spain, in accordance with the Royal Order of His Majesty dated the 7th of January of this year, I have again temporarily taken charge of the Intendancy of these Provinces, under the same terms existing prior to the arrival of said gentleman. I am informing Your Lordships of this situation in order that you may contact me in matters pertaining to this office.

May God give Your Lordships long life.

New Orleans

(Rubric) Juan Ventura Morales

until 1811. AGI, Santo Domingo, leg. 2608, Morales to Soler, no. 398, February 28, 1806; Ibid., leg. 2546, Vicente Folch to Soler, no. 11, November 15, 1806; Madison to Claiborne, November 18, 1805, Carter (ed.), Territorial Papers, IX, 533-34; Claiborne to Madison, January 27, 1806, Ibid., 664-65; Cox, West Florida, 181-83; Also, see Note 100 of Part I for more information on the intendants of Louisiana.
Document 379

A letter from Governor Manuel de Salcedo communicating to the Cabildo a letter sent him by the Bishop of Louisiana, regarding the necessity of securing the vital accoutrements for the celebration of mass in the chapel of the City Jail.  

22Manuel de Salcedo, the last Spanish governor of Louisiana, was inaugurated on July 15, 1801, although his appointment had been made on November 18, 1799. Actas del Cabildo, Libro IV, t. 4, ff. 109-111, July 15, 1800; Also, see Note 37 of Document 340, Part I for a biographical sketch.
July 30, 1801

MOST ILLUSTRIOUS CABILDO

Today I was informed by the Most Illustrious Bishop of this Diocese of the following:

"After the rebuilding of the jail was completed, a room was set aside for a chapel.23 However, it has been impossible to celebrate the Holy Sacrifice of the Mass on the holidays when a priest is available for the necessary accessories, such as an altar and ornaments, are lacking; thus, the prisoners are left without this spiritual help.

"I believe that the Most Illustrious Cabildo, taking into consideration Ley III, Título VI, Libro VII of the Recopilación of the Indies, will honor the request.24 I am informing Your Excellency of this situation so that, if you find it convenient, you may convey my request to the Most Illustrious Cabildo or determine whatever you see fit."

23 The Royal Jail was rebuilt in 1795 by Domingo Parsigny after the fire of 1794. Most of the interior work was done by Juan María Godofredo Du Jarreau, who received the contract in 1799. Actas del Cabildo, Libro IV, t. 1, f. 73, December 4, 1795; Ibid., f. 97, March 11, 1796; Also, see Notes 36, 103 and 145 and Documents 360 and 369, Part I, for more details on the Royal Jail.

24 Ley III, Título VI, Libro VII of the Recopilación was issued in 1563 by Philip II. The law was again issued in 1593 and 1596 with some minor modifications. It ordered that all the Audiencias, cities and towns were to provide the necessary accouterments for a priest to give Mass. Although the law did not specify the party who should bear the burden of the expense, Ley I of the same Título and Libro,
I am forwarding this information to Your Lordships, so that you may discuss it and decide how to comply with the wishes of the Most Illustrious Bishop.

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo

Issued in 1578, explicitly stated that the jails were to be constructed in every place, but not at the expense of the Royal Treasury, which implied that it was a municipal responsibility. *Recopilación*, Libro VII, Título VI, Leyes I, III.

The Cabildo, in the session of 31 July 1801, resolved that the law cited by the bishop explicitly placed the financial burden on the Royal Treasury, which was to use the funds from the fines that had been forfeited to it. The matter was dropped until the summer of 1802 when the judge conducting the residencia of Miro ordered that the Cabildo pay for all the accouterments necessary for the service of Mass. The judge also, ordered that the priest must be given one peso for each Mass he performed. *Actas del Cabildo*, Libro IV, f. 123, July 31, 1801; Also, see Document 405, Part III, for the report of the residencia conducted by Dr. Jaén.
Document 380-A

A letter from the Attorney General of the Cabildo, Don Pablo Lanusse, urging the Council to ask the governor to prohibit the dances for black people.²⁵

²⁵See Notes 32 and 137, as well as Documents 338 and 367, Part I, for a full discussion on the controversy over the dances for black people. Also this document and the following are numerated "380", thus for convenience, I have taken the liberty of classifying them as 380-A and 380-B.
August 14, 1801

MOST ILLUSTRIOUS CABILDO

I, Don Pablo Lanusse, Attorney General, in the fulfillment of my duties, to Your Lordships expound: That in the session of the Cabildo held on February 8, 1800, my predecessor, Don Pedro Dulcido Barran, presented a petition pertaining to the damage caused by the public dances given for the black people every Sunday by Bernardo Coquet, with the permission of the Government [the governor].

Furthermore, my predecessor stated that he was aware of the favorable reasons for the granting of this permission, but that these reasons were insignificant compared to the abuses arising from it because the free people and the slaves of both sexes and races were admitted to the dances, notwithstanding the fact that attendance without permission from their owners was prohibited to the latter. Even under these circumstances, although Coquet had the good intentions of refusing admittance to the slaves, it was an easy matter for them to deceive him with false permits.

Since illegal gambling was a common thing in the dances, and one thing in which as much luxury was displayed as in

26 The dances held for the black people were held on Saturday rather than Sunday, as stated by the attorney general. They were held on Saturday, so that they would not conflict with the dance held on Sunday for the white people.
the dances for the white people, it was almost necessary for the slaves to steal from their owners, as well as elsewhere. In view of these disclosures, Barran requested and expected that this Illustrious Body would use the most efficient means to stop an abuse of such consequence by prohibiting the dances. Because of Barran’s petition, it was decided that Coquet would not be allowed to continue giving the public dances for black people. If these people wished to enjoy themselves by having a dance, they had to apply to the governor for special permission and agree to hold it in a private home, not allowing white people to attend, even as spectators.

However, in the capitulary session of February 21, 1800, the governor made it known that Bernardo Coquet and Antonio Boniquet had been informed that they would no longer be allowed to give the dances for black people. Coquet and Boniquet informed the governor of the privilege granted to them by the late Brigadier Don Manuel Gayoso de Lemos at the request of the shareholders of the Theatre [Coliseo], in order to be able to cover its expenses. The governor, seeing all this evidence, had to revoke the prohibition resolved by the Cabildo and permit the dances to continue during the few remaining days of the Carnival season. This action was taken by the governor because he was informed [by Coquet and Boniquet] that they would discontinue the performances at the theatre, if the prohibition against the dances remained in force. The Cabildo members opined that
they would uphold their decision reached in the earlier ses-
sion of February 8, 1800.

It appeared that, after such facts were presented and
decisions reached by the Illustrious Cabildo, and since
there were only a few days left of the Carnival Season, the
dances would cease. However, I am sorry to report that the
dances are still being held, and the abuses committed, the
aggravation inflicted, and the lack of discipline among the
slaves has increased.

I shall augment what my predecessor had claimed by
stating that the number of slaves of both sexes attending
the dances is the same as or larger than the number of free
people; that the soldiers, failing in their duties, attend
the dances dressed as civilians to disguise themselves and
mingle with sailors from galleys and vessels, some of these
sailors probably being criminals. To hide this terrible
situation, the guards do not permit decent citizens to enter
the premises. This can be verified by Don Zenón Cavelier,
a militia officer and the man in charge of the city patrol
who, to determine if any of the members of the patrol were
inside, tried to enter but was not admitted.27 The junior

Juan Bautista Zenón Cavelier was born on January 14,
1776. He married Margarita Luisa Poree, a native of New Or-
leans. With their several children, Zenón and Margarita es-
tablished their residence on property owned by his father.
This beautiful home became known in the late nineteenth cen-
tury as the "Courtyard of the Two Sisters." "Cemetery Re-
cords of St. Louis No. II"; Arthur, Old New Orleans, 54.

In 1797 he joined the Spanish militia of New Orleans and
rose to the rank of sublieutenant. During the American
judge [alcalde ordinario] experienced the same treatment when his jurisdiction was questioned by the corporal of the guard who prevented him from exercising his authority.\textsuperscript{28}

I am presenting these facts with the hope of exposing the disorders which exist in this house. For this reason, I humbly petition Your Lordships to be kind enough to ask His Excellency, the Governor, to order an end to the public dances. In spite of previous futile efforts, I hope that Your Lordships will lend your best efforts and take the proper steps to discontinue these dances. If your labors prove in vain and the dances continue indefinitely, I feel that it would be a waste of our time in issuing other useless and futile petitions and resolutions. I ask Your Lordships that, after this representation and the resolution of the capitulary session have been copied, I be given copies so that I may send them to His Majesty. Furthermore, I swear in accordance with all laws, that I protest against

\textsuperscript{28}The junior judge (alcalde ordinario) elected for the year 1801 was Francisco Caisergues. \textit{Actas del Cabildo}, Libro IV, f. 54, January 1, 1801.
any resolution which might be issued, presently or in the future, which is contrary to this just petition.

Justice is what I ask on behalf of the community and hope that it will not be denied me.

New Orleans

(Rubric) Pablo Lanusse
Document 380-B

A petition from Don Juan María Godofredo du Jarreau, Master Architect, requesting the Cabildo to release him and his backer from all responsibility, after having completed the works on the Royal Jail. 29

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29 See Notes 103 and 145 and Documents 360 and 369 of Part I for full details on the controversy over the works performed in the Royal Jail by du Jarreau.
August 14, 1801

MOST ILLUSTRIOUS CABILDO

Don Juan María Godofredo du Jarreau, Architect, before Your Lordships appears and says: That the Most Illustrious Cabildo, for the past six months, has been in custody of the buildings and repairs made by the petitioner in the Royal Jail, in accordance with his contract and, as yet, he has not been able to obtain a release of liability. For this reason, I plead with Your Lordships to kindly order the commissioners appointed to inspect this work and make their findings known, so that my backers and I can be completely released of all liability.30

I hope to receive benevolence from the equity of Your Lordships.

New Orleans

(Rubric) G. du Jarreau

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30 The Cabildo refused to absolve du Jarreau at this time, because it claimed that various commissioners had been sent to inspect the work at least five or six times and reported that he had not complied with his contract. It was not until September that he was absolved of the responsibility. Actas del Cabildo, Libro IV, t. 5, f. 128, August 14, 1801; Ibid., ff. 136-37, September 11, 1801.
Document 381

A letter from Don Pablo Lanusse, the Attorney General, urging the Cabildo to expedite the work on the gutters and bridges of the city. 31

31 See Notes 14, 41, and 122 and Documents 337, 342 and 364, Part I for more details on the repair and financing of the gutters and bridges and sidewalks. Also see Document 371, Part II.
August 14, 1801

MOST ILLUSTRIOUS CABILDO

Don Pablo Lanusse, Attorney General, with due respect and in the fulfillment of my duties to Your Lordships expounds: That in the session of the Cabildo held on 6 February 1801, anticipating the illnesses which we are now experiencing, he recommended that it was urgent to procure the proper sanitation and cleanliness of this city. He especially recommended that the streets be drained by constructing appropriate gutters and bridges and by requiring that the residents build sidewalks and wells. This is the only means of preventing the noxious fumes produced by the waters which stagnate on the streets, and from which diseases originate.

My petition initiated the resolution by which it was decided to proceed with the repairing of the gutters and bridges. In order to accomplish this, two commissioners were appointed to undertake the task. They were overly conscious of the City Treasury with regard to cost and did not complete the task with which they were entrusted because the contractor, who had agreed to supply them with the planks, refused to accede to their price. They should have

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32 The two commissioners appointed to carry on the work in February of 1801 were Regidores Pedro de La Roche and Juan de Castanedo. Actas del Cabildo, Libro IV, t. 5, ff. 67-70, February 6, 1801.
expected this to happen, because the price they stipulated to him was almost one-third of the actual value of the planks. They should have realized that it would be impossible for him to comply with his contract, as was the case.

The commissioners, having no other recourse, were compelled to negotiate with another contractor at a much higher price than that agreed upon by the first contractor. The second contractor, complying with his obligation, ordered a considerable number of planks and piled them on the square [plaza] and the streets of the city. The Attorney General, as well as the residents of this community, have painfully observed the fact that, in spite of there being sufficient materials to repair the gutters and bridges, the task will never be completed, as the commissioners have been doing it so slowly and are employing only a few workers without the benefit of a chief foreman.

The City Treasury, by economizing this way, has caused great damage to public health and inconveniences to the

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33 The contractor who was offered the task of building the bridges was Bartolomé Lafond, but the commissioners asked him to build them at thirteen pesos each as had been done previously by du Jarreau. Lafond informed the commissioners that, at that price, he would only provide twenty-seven hours of work and the same number of workmen, as had the previous contractor. Actas del Cabildo, Libro IV, t. 4, ff. 6-7, October 3, 1800; Ibid., f. 8, October 10, 1800; Also, see Note 122 of Document 364, Part I for more details on the model bridges constructed by du Jarreau.

34 The new contractor to whom the commissioners gave the task of providing them with the necessary materials was the master carpenter Urbano Gaignie. See Document 373, Part II.
residents in their walks through the City because of the poor condition of the streets and gutters.

In virtue of the aforementioned and because of the numerous complaints of the residents, I plead with Your Lordships to order that two capable and honest contractors examine the gutters in the presence of the Secretary and the Attorney General of the Cabildo and, if they discover that the gutters are well built, let them be empowered to carry on repairs to the others. Also, Your Lordships should notify all of the other councilmen of this resolution, as well as the ward commissioners, so that they may hire a sufficient number of foremen and workmen and proceed with and complete the work in the shortest possible time.

I am convinced that a sufficient number of foremen and workmen willing to work for such a beneficial project will be found, if they are paid the same wages that they could earn elsewhere. The City Treasury will not be greatly affected by this large expense because it is no more expensive to perform the work gradually than to do it all at once. Finally, in the event that the experts find the gutters beyond repair, I suggest that they be empowered to draft a plan and proceed with the construction of new gutters, without the need of a new resolution. I believe that this is all I have to report, as one of the indispensable duties of my office, and I hope to receive the justice of Your Lordships.

New Orleans
After the controversy as to whether the residents or the City Treasury would pay for the repair and construction of the bridges, the Cabildo abandoned the contract system and undertook the task itself by means of commissioners. Owing to the petitions of February and August of 1801, presented by Attorney General Pablo Lanusse, the Cabildo once more resumed the responsibility of repairing the bridges. By the end of the year, all of the work was completed, with the exception of grading the streets which was done the following year by Bartolomé Lafond. The Treasurer reported that one hundred forty-eight new bridges had been constructed at a cost of three thousand five hundred fourteen pesos and one-half real. *Actas del Cabildo*, Libro IV, t. 4, f. 43, December 12, 1800; *Ibid.*, ff. 67-70, February 6, 1801; *Ibid.*, ff. 151-52, January 8, 1802; *Ibid.*, f. 157, January 29, 1802; *Ibid.*, f. 185, March 5, 1802.
Document 382

A proposition made by the Cabildo to the merchants of the City to construct a cement wharf, and the reply from the representatives of the merchants guild.\(^{36}\)

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\(^{36}\) The merchants guild or consulado had its origin in 1543, when the merchants of Seville petitioned the Crown to be incorporated as a guild. This corporation eventually was able to affect the trade between the Indies and Spain to a great degree, because it received the exclusive monopoly to outfit and dispatch the merchant fleet. In America, merchant guilds were also established and served as tightly closed organizations whose members tried to prevent other merchants outside their area from joining. Haring, \textit{Spanish Empire}, 300-301; Moore, \textit{Cabildo: Hapsburgs}, 283.
August 6, 1801

THE HONORABLE DEPUTIES OF THE MERCHANTS GUILD

In the capitulary session celebrated this day, the Illustrious Members of the Cabildo discussed the advantages to the commerce of this City from the construction of some wharves which the Most Illustrious Cabildo anticipates building to provide better facilities for the process of loading and unloading ships. Since this project would be a major expense, it was resolved to communicate this resolution to you by means of the annual commissioners who would notify the merchants of this City in order to determine the sum of money that the owners of the ships would be willing to contribute. Since the ship owners would benefit from the construction of the wharves, it is only just that they provide the Treasury with a small contribution so that it can

37 As early as July, 1801, the Cabildo discussed the problem of an insufficient number of tie-up-to posts along the levee for all the vessels which were coming to the city. It also stated that, because there was no wharf, the people were being deprived of the recreation area provided by the levee, as the loading and unloading of ships occupied all of the area. In order to remedy the situation, it appointed Juan de Castanedo and Domingo Bouligny to devise two plans to fence the area with wooden posts or brick posts. The following session, the plan was presented, but it was decided to have a brick wharf constructed. After the merchants refused to bear any of the burden, the Cabildo abandoned the plans entirely and, in its place, added more wooden stakes to facilitate the mooring of the boats. Actas del Cabildo, Libro IV, t. 4, f. 118, July 24, 1801; Ibid., ff. 123-24, July 31, 1801; Ibid., f. 125, August 7, 1801; Ibid., ff. 129-130, August 21, 1801.
compensate itself for the expenses that will result from the construction and maintenance of the wharves and the levees.

We duly communicate the above to the Honorable Deputies of the Merchants Guild.

May God give you many years of life.

New Orleans

(Rubrics) Gabriel Fonvergne

Domingo Bouligny
An acknowledgment by Felix Arnaud and Juan Cortés of having received the resolution of the Cabildo from the Annual Commissioners.  

August 6, 1801

DON GABRIEL FONVERGNE AND DON DOMINGO BOULIGNY

We have reviewed all of the information that Your Lordships have stated in your official letter of this date and will relay its contents to the Merchants Guild, so that we may inform you of the results.

May God give Your Lordships long life.

New Orleans

(Rubrics)  

Felix Arnaud

Juan Cortés

Juan Bautista Cortés was born in 1771 in Natchitoches, Louisiana. He was married to Marcelina Rouquier. He came to New Orleans and established his residence at 35 Rue de Chartres. He became a partner of Juan Bautista Lille Sarpy and established their Maison de Commerce at 534 Royal St. In the municipal elections of 1801, he was elected to the office of treasurer, but he declined it on the grounds that his business demanded his full attention and, furthermore, that he was an officer in the militia and did not wish to lose the privilege of the military fuero. He died on 16 March 1829 at the age of fifty-eight. Actas del Cabildo, Libro IV, t. 4, f. 59, January 9, 1801; "Cemetery Records of St. Louis No. 1"; New Orleans in 1805; Arthur, Old New Orleans, 43-44.
A letter from the representatives of the Merchants Guild communicating their decision to the Annual Commissioners.

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August 21, 1801

THE HONORABLE ANNUAL COMMISSIONERS OF THE CABILDO

In the meeting of the Merchants Guild which was held yesterday, the members present were informed of your official letter dated the sixth of the current month. Also, they were shown the attached plan for the wharves that the Most Illustrious Cabildo intends to build for the loading and unloading of ships. After weighing the matter carefully, it was decided that, as the task had been done with no major difficulties and without the necessity of new wharves up to the present, the merchants would refuse to obligate themselves to contribute any money for that purpose, for they felt that there would not be any increase in benefits to their business.

We dutifully inform Your Lordships of this resolution for your knowledge and guidance.

May God give Your Lordships long life.

New Orleans

(Rubrics) Felix Arnaud

Juan Cortés
A letter from Governor Don Manuel de Salcedo to the Cabildo enclosing copies of official documents exchanged between the government (governor) and the intendancy, explaining the reason that the intendancy refused to pay for certain executions.\(^{39}\)

\(^{39}\)The old scaffold had been located in the Plaza de Armas (Jackson Square), but in 1801 it was moved outside the city near the Fort of San Fernando where the Coliseum stands today. It was at this place that criminals were hanged and others given lashes as their sentences demanded. Also, the bodies of those who had committed suicide were dragged through the streets from here. St. Louis Cathedral, 19-21.

The headquarters of the hangman was located on the site where the Cabildo stands today, but it was moved in 1795 when Almonaster began to construct the Cabildo. The following year, the hangman was moved to a room in the Royal Jail which had been built especially for his use by Domingo Parsigny. In 1797, Lieutenant Governor Vidal complained that numerous escapes had occurred from the jail, because the hangman was providing the prisoners with alcoholic drinks, and it was decided to move his quarters once more. A room with a chimney was built on the patio outside of the jail by du Jarreau at the cost of eighty pesos. Actas del Cabildo, Libro IV, t. 1, f. 73, December 4, 1795; Ibid., f. 97, March 11, 1796; Ibid., t. 2, f. 83, November 10, 1797; Ibid., f. 88, November 24, 1797; Ibid., t. 3, f. 56, August 9, 1799; Ibid., f. 87, October 4, 1799.

When the executioner resigned his job in 1798, he was replaced by Juan Bautista Peytavin (alias "Joe"), who was a slave of Antonio Peytavin. Juan Bautista had been serving a jail sentence since 1791 for several robberies he had committed, when he petitioned for and received the job. As a hangman, he received fifteen pesos monthly and an allotment for his food from the City Treasury. A few months later, Juan Bautista Peytavin died, and his place was taken by Antonio Sousa, who served until the end of the Spanish period, when he left for Havana. Ibid., t. 2, f. 41, September 15, 1797; Ibid., f. 121, April 3, 1798; Ibid., f. 159, July 20, 1798; Ibid., t. 3, ff. 6-7, January 18, 1799; Ibid., t. 5, f. 104, September 30, 1803.
August 22, 1801

MOST ILLUSTRIOUS CABILDO

Enclosed are copies of the official letters which were exchanged between the Government and the Intendancy which will manifest to Your Lordships the reasons that the Intendancy had for refusing to make payment for the last four hangings which have recently taken place. Since it is not only unjust to withhold payment, but also since it is strictly ordered by the law, I have ordered payment to be made by the City Treasury to the hangman for the executions. This payment is to be reimbursed by whomever may be held liable by His Majesty, to whom I have forwarded this case. With this in mind, I have ordered that the Honorable Councilman and Treasurer, Juan Castanedo, render an account to me in triplicate of the expenses incurred by the executions.40

I am advising Your Lordships of this matter for your information, so that you may give the corresponding voucher to Juan Castanedo for the payment he made on my orders.

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo

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40. The Cabildo, in session of September 4, 1801, resolved to honor the request made by Governor Salcedo to pay for the gallows from the funds of the City Treasury, provided the money would be returned by the Department of Judicial Expenses or by whomever His Majesty assigned. Actas del Cabildo, Libro IV, t. 4, ff. 133-34, September 4, 1801.
A copy of the letter sent by Governor Manuel de Salcedo to Intendant Juan Ventura Morales for payment requested by Antonio Duverné, Master Carpenter, for constructing the new gallows.41

41 Antonio Duverné was the son of Francisco Duverné and Felicidad Duverné. He married Margarita Euphrosina Boquot. Several children were born from this union, one of them was named Isabel. Antonio Duverné established his residence at 236 St. Charles Street. The whole family, including his father and grandfather had been carpenters since they came to Louisiana during the early years of the French period. He died on November 20, 1831. "Cemetery Records of St. Louis No. I"; "Notarial Archives", Group II, Narciso Broutín, V, June 14, 1803, f. 280; Paxton, Directory.
August 14, 1801

HIS EXCELLENCY JUAN VENTURA MORALES

The carpenter Duverné claims that payment of thirty-two pesos and four reales is due for the erection, as well as the planks, of the new gallows which have just been completed adjacent to the Fort of San Fernando. Since the expenses pertain to judicial matters, the expenses must be borne by the Department of Judicial Expenses or by the Royal Treasury, in case of default by the former. I am notifying Your Excellency, so that you may order payment to me. I am enclosing the original account of Duverné, in case you are reimbursed by the Department of Judicial Expenses.

May God give Your Lordship long life.

New Orleans

(Rubric) Manuel de Salcedo

The above is a copy of the original.

(Rubric) Andrés López Armesto
A copy of the letter sent by the Intendant Juan Ventura Morales to Governor Manuel de Salcedo, giving his reasons for the Royal Treasury having refused to honor the request. Also, the opinions of the legal advisor and the chief accountant.

August 21, 1801

GOVERNOR MANUEL DE SALCEDO

After having received the official letter of Your Lordship dated the 14th of August, requesting that I order payment of thirty-two pesos and four reales claimed by the carpenter Duverné for the planks and the erection of the new gallows which have been recently completed and stand adjacent to the Fort of San Fernando, I asked the legal advisor to render an opinion of the request. Having received his judgment I ordered the head accountant to notify me if the Department of Judicial Expenses, responsible in matters relating to justice, had any funds. In case it did not, he should look into the Department of Collection of Fines and render to me an opinion regarding the payment being granted by the Royal Treasury, with the understanding that it was to be reimbursed.

Since the opinions of these officials were not in agreement, I personally studied the case. I discovered that Ley XXIX, Título XXV, Libro II of the Recopilación, which is of
a later date than the one cited by the legal advisor, grants the ministers of the Royal Treasury the authority to deny payment of expenses which should be paid by the Department of Collections of Fines, even with the authorization of a Viceroy or President of the Audiencia. Furthermore, Ley V of the same Título and Libro orders that the accountants may not divert the funds of the Department of Collection of Fines, which belong to the Royal Treasury, unless they have explicit permission of the Crown.

In view of this and the opposition of the accountant, I regret to inform you, although I do not wish that there be the least motive for ill-feelings between us, that I do not feel I have the authority to allow the funds of the Royal Treasury to be used to defray for the construction of the gallows. Furthermore, I have been informed by Secretary Don Carlos Ximénez that, in the City of Havana, expenses such as this are paid by the City Treasury when necessary.\(^{42}\)

May God give Your Lordship long life.

\(^{42}\)Carlos Ximénez was a notary public whose work started in 1791 and continued throughout the American period. He and Pedro Pedesclaux held custody of all of the Spanish archives, particularly the land grant titles, during the American period. His notarial acts for the Spanish period consist of nineteen volumes, which are deposited in the new Civil Courts Building in New Orleans. "An Act Providing for Removal and Safe Keeping of Certain Papers, Records and Documents, Now in the Possession of Peter Pedesclaux and Charles Ximenez", Acts Passed at the First Session of the Legislative Council of the Territory of Orleans, 1804, Chapter XIV, 80-83; "An Act to Repeal in Part an Act, Entitled 'An Act Providing for the Removal..."", Acts Passed at the First Session of the First Legislature of the Territory of Orleans, 1806, Chapter XVII, 72-75.
New Orleans
Juan Ventura Morales

The above is a copy of the original.

(Rubric) Andres Lopez Armesto
A copy of the opinion rendered by Don Manuel Serrano, Legal Advisor to the Intendancy.

August 18, 1801

HONORABLE INTENDANT

According to the spirit of Ley XXVI, Título VIII, Libro VII of the Recopilación, the expenses of the Department of Judicial Expenses can be defrayed from the Department of Collection of Fines, whose funds belong to the Royal Treasury, when it pertains to judicial matters, such as the punishment of delinquents, provided the money is reimbursed to the Royal Treasury.

Although Ley XXVIII, Título XXV, Libro II of the Recopilación, explicitly prohibits all loans from the Royal Treasury, even though it will be reimbursed by the Department of Collection of Fines or the Department of Judicial Expenses. An earlier statute, Ley XXI, which also supercedes the orders from the Viceroy, permits the loans to be made for urgent matters when the aforementioned departments are lacking in funds.

I am of the opinion that these Royal Orders do not revoke one another and, since Your Lordship enjoys the same supervisory faculties as His Excellency the Viceroy, you may order, if you desire, the payment of the expense, provided it will be reimbursed to the Royal Treasury. New Orleans.

Licenciado Manuel Serrano

The above is a copy of the original.

(Rubric) Andrés López Armesto
A copy of the opinion rendered by Gilberto Leonard, Head Accountant of the Intendancy. 43

August 20, 1801

HONORABLE INTENDANT

The Department of Judicial Expenses and the Department of Collections of Fines do not have any funds, owing to the small income received from fines and seldomly imposed

43 Gilberto Leonard, the Chief Treasurer and Acting Head of the Accountancy (Contaduría), had entered the Spanish service shortly after Spain took possession of Louisiana. He served as secretary in the treasury during 1778, helped to draft peace treaties with the Indians, and helped Martín Navarro arrange the necessary papers for the establishment of the Intendancy in Louisiana. Holmes, Documentos, 284.

In 1787 he was appointed secretary of the Intendancy by Governor Gálvez, and in 1790 he was made the Chief Treasurer upon the death of Vicente José Nuñez. He received his official confirmation the following year. When Morales assumed the provisional role of the Intendancy in 1796, he appointed Leonard to head the accountancy department (comptroller). When Rendón was appointed to the Intendancy, Morales and Leonard went back to their jobs of comptroller and treasurer respectively, until Morales once more assumed the Intendancy in 1801. After the Spanish period, Leonard applied for a position in New Spain, but instead of getting it, he was sent to West Florida where he continued his duties of Head Treasurer. AGI, Santo Domingo, leg. 2611, Navarro to José de Gálvez, May 4, 1787; Ibid., leg. 2590, Miró to Valdés, no. 7, October 8, 1788; Ibid., leg. 2555, Miró to Lereña, no. 15, October 26, 1790; Ibid., leg. 2539, Título 35, f. 71, March 16, 1791; Ibid., leg. 2613, Morales to Gardoqui, no. 3, May 3, 1796; Ibid., leg. 2622, Morales to Soler, no. 392, December 31, 1805; Ibid., Morales to Soler, no. 396, January 24, 1806.
sentences. Due to these shortages, the expenses of the departments have always been subsidized by the Royal Treasury, and the sums owed will never be reimbursed, because they amount to thousands of pesos.

In view of this, and taking into consideration the existing laws, the Royal Treasury should not pay for these expenses, because there are other sources, such as the City Treasury, from which they could be obtained. It is the opinion of the Accountancy that you should deny the request to make payment, and petition His Majesty for his decision.

New Orleans
Leonard

The above is a copy of the original.

Cayetano Valdés

The above is a copy of its original.

(Rubric) Andrés López Armesto

Cayetano Valdés was born in 1759. He joined the military service and by 1797 had risen to the rank of captain in the Battalion of Disciplined Militia. Holmes, Honor, 225.

He was appointed Government Secretary (Secretario de Gobierno) but resigned from the position when he was officially appointed as Secretary of the Intendancy in 1795. When Gilberto Leonard assumed the role of Acting Head Controller, Valdés assumed his position as Head Treasurer ad interim. In 1802 he went to Spain for several years. When he returned, he lost the goodwill of Morales because he took sides with Casa-Calvo in their dispute as boundary commissioners. In 1806 he went to Pensacola, and from there he retired to France, where he was later joined by Casa-Calvo and never returned. AGI, Santo Domingo, leg 2612, Rendón to Gardoqui, no. 3, August 26, 1794; Ibid., no. 50, June 1, 1795; Ibid., leg. 2613, Morales to Gardoqui, no. 3, May 3, 1796; Ibid., leg. 2619, Morales to Soler, no. 126, July 31, 1802; Ibid., leg. 2623, no. 456, August 31, 1806.
A letter from Governor Manuel de Salcedo communicating to the Cabildo a letter sent to him by the Provisional Intendant, Juan Ventura Morales, regarding four accounts presented to him by the jail keeper, Blas Puche. 45

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45 Blas Puche was born in 1762 in the Canary Islands. He was the son of Beltrán Puche and Micaëla Fao. He married Francisca Aguilar with whom he established his residence on Decatur Street. From this marriage eight children were born, but they all died at a very young age. "Cemetery Records of St. Louis No. I"; Libro primero de confirmaciones, 132.

Puche was a member of the militia and was one of the corporals in charge of the night patrol (serenos). In 1800 he was appointed warden of the Royal Jail by the Chief Constable, Francisco Pascalis de la Barre, with the approval of the governor. He retained the position of warden throughout the Spanish period and part of the American period. He died on March 20, 1815, at the age of fifty-three. Actas del Cabildo, Libro IV, t. 1, ff. 74-75, December 11, 1795; Ibid., f. 115, May 13, 1796; Ibid., t. 3, f. 118, December 20, 1799; Ibid., f. 127, January 24, 1800; Holmes, Honor, 253; New Orleans in 1805.
September 2, 1801

MOST ILLUSTRIOUS CABILDO

The Acting Intendant of these Provinces, Don Juan Ventura Morales, on this day informed me of the following:

"The jail-keeper, Blas Puche, has come and has presented to me four accounts totalling one hundred twenty-six pesos and three reales for the month of August. Since there is a serious shortage of funds available in the Royal Treasury, I am to economize by all possible means. In view of this situation, I am also taking into consideration that in similar as well as less urgent matters, the City Treasury has advanced payment, so as not to deprive the jailor. I ask Your Lordship, as President of the Cabildo, to honor my request, so that the little funds remaining in the Royal Treasury could be liberated for more urgent matters. I shall await the decision of Your Lordship, so that I may be able to settle the account with Puche."

I am passing on this information to Your Lordships, so that you may resolve to honor the request of the Intendancy by contributing your share to alleviate it from its financial difficulties.46

46 The Cabildo decided to partially honor the request of the intendant through the governor. It decided to pay one-half of the sum in cash from the funds of the City Treasury, and to give him a credit voucher for the second half which the treasury would pay him when it received more funds.
May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo

Furthermore, the sum that the Cabildo was advancing was to be reimbursed to the City Treasury. *Actas del Cabildo, Libro IV, t. 4, f. 135, September 4, 1801.*
Document 385

A letter from Governor Manuel de Salcedo to the Cabildo regarding certain petitions made by the attorney general of the Cabildo.47

September 15, 1801

MOST ILLUSTRIOUS CABILDO

In reference to the petition made by the Attorney General to do away with the dances for the black people, which you forwarded to me by the resolution of the capitulary session of August 14, 1801, I requested the legal opinion of the Lieutenant Governor and Auditor of War [Nicolás María Vidal], which I am enclosing, along with the order to permit the dances to continue.48

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo

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47 See Document 380-A, Part II for the translation of the petition sent by Attorney General Pablo Lanusse.

48 Neither the order nor the copy of the opinions rendered are to be found in these Documents nor recorded in the capitulary session of September 18, 1801, when the Cabildo acknowledged and read the Documents. Actas del Cabildo, Libro IV, t. 4, ff. 137-38, September 18, 1801.
Letter from Governor Manuel de Salcedo to the Honorable Annual Commissioners Don Domingo Bouligny and Don Gabriel Fonvergne, regarding import and export duties on goods to be paid by Americans.⁴⁹

⁴⁹ After the United States and Great Britain signed the Jay Treaty in 1794, Spain felt that it was time to come to an agreement with the United States for fear that it would not be able to defend the posts from the American frontiersmen who desperately needed an outlet to transport their goods to the markets in the East. Thus in 1795 it signed the Treaty of San Lorenzo el Real (Pinkney's Treaty) granting to the United States the right of Americans to deposit their goods in New Orleans or another suitable port for the period of three years. When the three years of grace expired, Spain tacitly extended the right of deposit to the United States, because it was at war with Great Britain and feared that the United States might consider the closing of the port of New Orleans as a pretext to declare war against her and attack her defenseless possessions. Even in 1799, when a royal order was issued to prohibit free trade with all neutral countries, as well as between her colonies, Spain made an exception of the United States. By 1802, when Spain had come to terms with Great Britain, Intendant Morales decided to terminate the right of deposit, which had expired on October 27, 1798, according to the provisions of the Treaty of San Lorenzo. The Crown never did revoke his orders, which makes it plausible to think that Napoleon, who was the master of Spain, may have had something to do with it in his design of an American empire. Davis, History of Louisiana, 127-28; AGI, Santo Domingo, leg. 2616, Morales to Soler, no. 333, October 15, 1799; Ibid., leg. 2619, Morales to Soler, no. 151, October 21, 1802; Actas del Cabildo, Libro IV, t. 3, ff. 77-82, September 27, 1799; Ibid., ff. 101-102, October 18, 1799; Also, see Bemis, Pinckney's Treaty for a detailed analysis of the agreement.
September 30, 1801

THE ANNUAL COMMISSIONERS OF THE CABILDO:
DON DOMINGO BOULIGNY AND DON GABRIEL FONVERGNE

The second paragraph of Article Twenty-two of the Treaty of Friendship, Boundaries, and Navigation negotiated between the King, Our Lord, and the United States of America, signed at San Lorenzo el Real on October 27, 1795, clearly prohibits any import or export duties on goods placed on deposit by the Americans. In virtue of this, the solicitation made by the Honorable Councilman Don Juan de Castanedo, can not be granted unless His Majesty is petitioned and decides to that effect.

However, in regard to the matter pertaining to the introduction and sale of goods by Americans in this City, I do not hesitate to declare that they should pay the tax imposed by Count O'Reilly.

I notify Your Lordships, so that you may inform the Cabildo that this is my reply to the official letter dated the second day of the month but received on the twenty-fifth.

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo
Document 387

A letter from the Bishop of Louisiana informing the Cabildo that the King has appointed him Archbishop of Guatemala, and that he is leaving.50

October 29, 1801

MOST ILLUSTRIOUS CABILDO

The King has been kind enough to appoint me to the Archbishopric of Guatemala, and I must leave at the first opportunity. I am informing Your Most Illustrious Lordships of this situation, so that you may give me your orders, as well as be informed that I am leaving my Vicar General, Don Tomás Hasset, in charge of the Ecclesiastic government.51

Regardless of the distance I may be, I shall await the orders of Your Most Illustrious Lordships to honor your

50 See Note 68, Part I for a biographical sketch of Bishop Luis Peña­lver y Cárdenas. Also, see Note 69, Part I for a discussion of the hierarchy of the ecclesiastical government of Louisiana.

51 Tomás Hasset was born in Ireland in 1754. He was the son of Thomas Hasset and Catharine Dalton. Bishop Peña­lver appointed the Reverend Tomás Hasset to take over the duties on November 6, 1801 as Vicar General with the Reverend Francisco Pérez y Guerrero as his assistant. On April 24, 1804, Vicar General Hasset died at the age of fifty and was buried in the St. Louis Cathedral. He was succeeded by another Irishman, the Reverend Patricio Walsh. "Cemetery Records of St. Louis No. I"; Din, "The Irish Mission to West Florida", 331-32; St. Louis Cathedral, 29; Chambon, The St. Louis Cathedral, 50; Actas del Cabildo, Libro IV, t. 4, f. 142, November 6, 1801.
wishes. I pray to God that He may be kind in granting Your Lordships long life.

New Orleans

(Rubric) Luis Bishop of Louisiana

His Excellency the Archbishop of Guatemala
Document 388

A letter from Don Juan de Castanedo, Councilman, informing the Cabildo of the abuses committed by the sellers of firewood, and requesting that measures be taken to stop the abuses.\textsuperscript{52}

\textsuperscript{52} In 1796 some of the firewood cutters were extracting their woods from public lands, but the Cabildo put a stop to it by issuing an ordinance by which the cutters had to present their title to the land anytime they were caught. Regulations to establish the price of firewood were attempted after the initiation of the petition of Juan Castanedo in 1801. The Cabildo ordained that the price of three pesos four reales per cord of firewood would be advantageous to the seller and the consumer. However, it realized that, because the demand was great, there would be little that could be done to prevent people from paying more than the fixed price. In order to avoid this problem, it appointed commissioners Pedro de La Roche and Juan de Castanedo to find a contractor who would be willing to be the exclusive supplier at the price stipulated. The commissioners never did find anyone to take the contract, and the abuses continued until 1803 when the Cabildo ordained that all firewood sellers had to display their prices on the side of their wagons. Actas del Cabildo, Libro IV, t. 1, ff. 135-36, July 15, 1796; Ibid., t. 4, ff. 143-44, November 13, 1801; Ibid., f. 145, November 17, 1801; Ibid., t. 5, f. 42, January 21, 1803.
November 13, 1801

MOST ILLUSTRIOUS CABILDO

Don Juan de Castanedo, Councilman of this Illustrious Cabildo, with due respect to Your Lordships says: That, because of the nature of his office, one of his duties must be to be on the look out for the public welfare. I must inform you that the greedy monopolists, as well as some of the residents who sell firewood, are taking advantage of the scarcity of firewood by raising their prices to twenty reales per cart load, and these carts do not carry the required one-half cord of wood. The sellers arbitrarily load their wagon and tell the buyer they want so much for it (any price that pleases them).

The carts which come loaded with firewood from outside the City are supposed to contain a load of one-half cord of firewood, but only a few of them comply with the specification. The lowest price the wholesaler asks is four pesos, and by the time the retailer sells it, the price has increased to more than five pesos. I have personally witnessed this abuse with my own eyes, while I was at the levee. There I encountered the Master Carpenter, Urbano Gaignie,

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53 Both the American cord and the Spanish cord (cuerda) are equivalent to a pile eight feet long by four feet high by four feet wide and having a total volume of one hundred twenty-eight cubic feet.
who told me that he was shocked when he inquired from a cart
driver the price of his load and was informed that it was
twenty reales.\textsuperscript{54} To verify this accusation, I stopped the
cart driver and asked him about the firewood. The cart dri-
ver informed me that it was already sold. I then told him
that I did not wish to buy the firewood but was interested
in its cost. The cart driver then informed me that his mas-
ter, Esteban Debón, had established the price at twenty rea-
les for the load.\textsuperscript{55}

It seems to me that the sellers are committing an out-
rage and acts of insubordination by arbitrarily ignoring the
ordinances established in 1796 by a petition initiated by
the Attorney General, with the cooperation of the retailers.
The price was fixed at thirteen reales per one-half cord of
firewood at that time.

In respect to what I have stated, I fear that, if Your
Lordships do not take the appropriate measures to correct
these abuses, the poorer people will not be able to afford

\textsuperscript{54}See Note 10 and Document 373, Part II for information
on Urbano Gaignie.

\textsuperscript{55}Esteban Claudio DeLavere Debón was a successful mer-
chant who had established his residence on Levee Street (De-
catur). He was married to widow Catherine Feneteu, daughter
of Juan Feneteu and María Frelillier. From this union three
children were born, of whom two were boys and one was a
girl. His wife died in 1824 at the age of seventy-five, and
he followed soon after. "Cemetery Records of St. Louis No.
I"; New Orleans in 1805; Paxton, Directory; "Notarial Ar-
chives", Group II, Narciso Broutin, IV, March 23, 1802,
f. 175; Also, see Document 407, Part III for a petition he
signed to have the levee in front of his house repaired.
to buy the firewood and will resort to other means, such as taking fences from other houses and all the construction materials they can gather. I hope Your Lordships will manifest your justice in issuing the regulations necessary to avoid such consequences.

New Orleans

(Rubric) Juan de Castanedo

56 See Note 79, Part III for a biographical sketch of Juan de Castanedo.
Document 389

Document 389 had been inserted in this volume out of a chronological order. Since the Document belongs to the year 1799, it should be in a separate volume.
PART III

THE YEAR 1802
Document 390

1This document is chronologically out of context and belongs to the year 1803. I have taken the liberty of renumbering it and classifying it as Document 414-A.
A letter from Attorney José Martínez de la Pedrera to Don Pedro de La Roche and Don Rodolfo José Ducros, Annual Commissioners of the Cabildo, regarding a consultation made by them on behalf of the Cabildo.

José Martínez de la Pedrera was graduated from the Royal Audiencia of Seville and then was employed at the Royal Audiencia of Castile, on condition that he take the bar examination. He then went to Cuba where he was employed as a legal counselor to the subdelegate of the Royal Treasury and to the officials of the tobacco office in the town of Bayamo. He then was employed by the Royal Audiencia at Puerto Príncipe and soon came to Louisiana in 1801. Here he presented his papers, so that he could practice as a lawyer, and Governor Vidal, as Auditor of War, judged that he could practice his profession provided he received another permit from the Royal Audiencia of Puerto Príncipe, until his license could arrive from the Council of the Indies. In view of the difficulty of travel, as there was a war in progress at the time, Vidal suspended the requirement until the war was over. Actas del Cabildo, Libro IV, t. 4, f. 117, July 24, 1801; Ibid., te 7 t. 4, f. 119-22, July 31, 1801.

On several occasions the Cabildo turned to Licentiate Martínez for legal advice in matters pertaining to the legality of house construction on the levee, the seating arrangement for the governor and members of the Cabildo in the theatre, the controversy over the cemetery lands between the Cabildo and the Church and other matters of interest to the Cabildo. As a reward for his services, he was appointed as the permanent legal advisor to the Cabildo in 1802 at a salary of five hundred pesos per year, provided His Majesty approved it. Governor Salcedo refused to recognize Martínez as the legal counselor of the Cabildo and arrested him and placed him in the jail of Fort San Carlos. The Cabildo objected and petitioned the Royal Audiencia of Puerto Príncipe. While Martínez was incarcerated, the Cabildo tried to have him taken out of the prison in the fort and pleaded with the governor to let him be detained in one of the rooms of the capitulary house (Cabildo), so that they could use his services of counselor for matters pertaining to the Cabildo. Governor Salcedo refused to honor the request and Attorney Martínez remained in jail. By the end of 1803, the Audiencia of Puerto Príncipe handed down a decision in his favor and ordered that the Cabildo pay him for services rendered which amounted to over three hundred pesos. Actas del Cabildo, Libro IV, t. 4, ff. 156-61, January 4, 1802; Ibid.,
February 10, 1802

DON PEDRO DE LA ROCHE AND DON RODOLFO JOSÉ DUCROS

ANNUAL COMMISSIONERS OF THE MOST ILLUSTRIOUS CABILDO

Your Lordships will find enclosed my answer to the consultation which you requested from me on January 30, 1801. I am also returning the official letter which His Excellency, the Governor, sent to you on the twentieth of the same month.

May God give Your Lordships long life.

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Rodolfo José Ducros was one of the early settlers of St. Bernard Parish. There he established one of the largest plantations, having over sixteen hundred acres. Rodolfo married María Lucía de Reggio, the daughter of Francisco María de Reggio and Helena de Fleurieu in 1785. They had several children, one of whom eventually became Senator of the United States. "Cemetery Records of St. Louis Nos. I, II"; Seebold, Plantations, I, 65; Arthur, Old Families, 399; Paxton, Directory, 76; "Notarial Archives," Group I, Fernando Rodríguez, IV, February 17, 1785, f. 154; Libro primero de confirmaciones, 157.

Rodolfo was a wealthy planter, and one of the pioneers in the sugar cane business. He served in the Spanish militia and was one of the first to have purchased the title of Regidor and Receiver of Fines. In 1797 and in 1802 he was appointed annual commissioner, along with Nicolás Forstall and Pedro de La Roche respectively. However, since he lived outside the city, although he had a house on Royal Street, he was unable to discharge his duties adequately. At one time, Pedro de La Roche asked that Ducros be removed from office. Actas del Cabildo, Libro IV, t. 1, f. 22, May 8, 1795; Ibid., f. 188, January 13, 1797; Ibid., t. 2, ff. 60-61, September 30, 1797; Ibid., t. 4, f. 150, January 8, 1802; Ibid., f. 204, April 23, 1802; Holmes, Honor, 65.
The legal advise rendered by Licentiate Martínez pertained to the refusal of Governor Salcedo to permit the members of the Cabildo to occupy the box in the center-stage next to the one belonging to him. Governor Salcedo based his argument on a Royal Order issued on January 28, 1788, in the city of Coruña, Spain, and the custom practiced in Havana in which the Captain-General occupied the most important seat in the theatre, while the members of the Cabildo used a box on the side of the stage. Licentiate Martínez countered with an argument based on Roman Law that, if the custom was contrary to the law, the former must prevail, as it was done in all Spanish provinces. Inspite of his elegant argument, the Governor retained the most important place in the theatre, while the members of the Cabildo boycotted it and attended only when the governor was unable to go. Actas del Cabildo, Libro IV, t. 3, ff. 48-52, July 27, 1799; Ibid., t. 4, ff. 154-55, January 15, 1802; Ibid., f. 156-69, January 29, 1802; Ibid., ff. 170-73, February 12, 1802; Also, see Note 28, Part I for more information on the theatre.
Document 392

A letter from Governor Manuel de Salcedo to the Cabildo regarding the epidemic of smallpox.\(^5\)

\(^5\)The first recorded instance of a smallpox epidemic occurred in 1778 in the area of Natchitoches. Measures were taken to prevent the disease from reaching New Orleans, but, by 1779, it was widely spread in the city. At this time, a building was secured across the river from New Orleans, and the afflicted were isolated. *Actas del Cabildo*, Libro I, ff. 304-305, February 8, 1779; *Duffy, Medicine*, I, 198-99.

In 1787 another epidemic occurred in New Orleans, and Governor Miró took the appropriate measures earlier taken by Gálvez. Furthermore, this epidemic witnessed the first use of inoculating patients with the smallpox virus in Louisiana. This process, which was known as variolation, was introduced in the eighteenth century and consisted of inoculating patients with the smallpox virus. *Duffy, Medicine*, I, 202-203.

In 1802 the third and last smallpox epidemic occurred in Louisiana during the Spanish period. This epidemic caused a serious confrontation between Governor Salcedo and the Cabildo because of their different approaches to the problem. Governor Salcedo wanted to prevent the spread of the disease by the means of isolation, and the Cabildo wished to use the method of inoculation. Governor Salcedo re-established the Board of Health, because it was believed that the disease was brought into New Orleans by a slave ship. Meanwhile, the cases were increasing and the people became panicky. Some of the prominent merchants and businessmen petitioned to permit their families to be vaccinated with the new miracle drug---cowpox. The Cabildo sent word to Natchez, where it was reported that the vaccine was to be found, but it was in vain. Hope was renewed when Santiago Livaudais reported that he might have uncovered some cowpox in his cattle and asked the governor for permission to vaccinate some of his slaves. However, the results were discouraging, because Livaudais reported that six out of the eight slaves he had vaccinated had contracted the disease. In desperation, the Cabildo, with the consent of the doctors and the governor, agreed to the old system of variolation to prevent catastrophe. It is estimated that over one thousand five hundred people died during this epidemic. *Actas del Cabildo*, Libro, IV, t.4, ff.173-74, February 12, 1802; *Ibid.*, ff.175-77, February 19, 1802; *Ibid.*, ff.178-79, February 26, 1802; *Ibid.*, f.186, March 5, 1802; *Ibid.*, ff.186-88; Harkins, "Regulatory Functions," 149-52; Also see Document 394, Part III for the petition from the inhabitants who wished to be vaccinated.
February 12, 1802

MOST ILLUSTRIOUS CABILDO

After the Honorable Deputies of the Most Illustrious Cabildo, Don Francisco Riaño and Don Domingo Bouligny, along with the Attorney General Don Pablo Lanusse, presented to me a resolution to take the appropriate measures to stop the spread of smallpox, which is presently affecting this city, I immediately appointed Don José Montegut, Chief Surgeon of the Royal Hospital, and Don Joaquín Ablanedo, Chief Surgeon of the Battalion of Infantry of México, to go to the houses of suspected cases and place them in isolation across the river.

Francisco Riaño was born in Santander, Spain in 1755. He was the son of Pedro Riaño and Teresa Guemas. Francisco married María Desalles and María Roquet. No children were born from this union. "Cemetery Records of St. Louis No. I."

Francisco joined the Spanish military service and attained the rank of captain in the New Orleans Disciplined Provincial Militia. By 1798 he was appointed second in command of the militia of New Orleans. He purchased the commission of regidor in 1797, but he did not receive Royal confirmation to it until 1800. As a member of the Cabildo, he was elected senior judge (alcalde mayor) in the elections of 1799 and on numerous occasions was elected monthly commissioner. He was also honored in 1803 by being elected one of the two annual commissioners to represent the Cabildo. Francisco died on October 30, 1813, and his wife followed two years later. Holmes, Honor, 216; AGI, Santo Domingo, leg. 2539, Título 48, November 27, 1799, ff. 96-97; Actas del Cabildo, Libro IV, t. 2, f. 44, September 22, 1797; Ibid., t. 3, f. 1, January 1, 1799; Ibid., t. 4, f. 44, December 12, 1800; Ibid., t. 5, f. 37, January 7, 1803.

Don José Montegut was born in 1739 in Bordeaux, France.
By taking this early precautions, I believe that the disease will be stopped, as it has been in the past, before it has the chance to afflict all of the people. At the same time, I have avoided the costly necessity of having to resort to general inoculations, which very few of the poor people would be able to afford.

I hope that, through your patriotic inclinations, Your Lordships will continue to help me with your recommendations in order to accomplish our objective.

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo

He married Francisca De Lisle Dupart, from which union several children were born. He established his residence on Royal Street but also built a plantation home in St. John Parish. "Cemetery Records of St. Louis No. I"; Seebold, Plantations, I, 107-109; Spanish Census of 1791; New Orleans in 1805; Arthur, Old New Orleans, 78.

Dr. José Montegut was one of the oldest and most respected surgeon who had been active in his profession from the French period well into the American period. He served on the medical staff of the Charity Hospital during the French period and was appointed by Governor O'Reilly as Chief Resident Surgeon of the same hospital. In 1781 he was appointed to the Royal Hospital. During the American period, he was held in high esteem by Governor Claiborne, who appointed him to the Board of Health. Dr. Montegut died on November 2, 1819, at the age of eighty. Who's Who in Louisiana and Mississippi: Biographical Sketches of Prominent Men and Women of Louisiana and Mississippi, (New Orleans, 1918), 179; Gustave Montegut to Gustave Pitot, February 5, 1917, in "The History of Louisiana and Some of its Leading Families," Louisiana Historical Quarterly, I (January, 1917), 97; AGI, Santo Domingo, leg. 2548, Bernardo de Gálvez to José de Gálvez, no. 444, July 19, 1781; Ibid., leg. 2609, Navarro to José de Gálvez, no. 42, March 1, 1781; Duffy, Medicine, I, 248, 306.
Document 393

A letter from Attorney José Martínez de la Pedrera to the Annual Commissioners, Don Pedro de La Roche and Don Rodolfo José Ducros, thanking them for his appointment as the legal advisor to the Cabildo.  

8See Note 2, Part III for a biographical sketch on José Martínez de la Pedrera and his accomplishments as legal advisor to the Cabildo.
February 13, 1802

THE HONORABLE ANNUAL COMMISSIONERS OF THE MOST ILLUSTRIOUS CABILDO

DON PEDRO DE LA ROCHE AND DON RODOLFO JOSÉ DUCROS

I am most grateful for the honor which the Most Illustrious Cabildo has bestowed upon me, and I accept the appointment of Legal Advisor [Asesor] under the conditions contained in the official letter of Your Lordships dated today. I promise to respond to your trust in a manner which will clearly show my gratitude.

May God give Your Lordships long life.

New Orleans

(Rubric) Licenciado José Martínez de la Pedrera
Document 394

A letter from Governor Manuel de Salcedo to the Cabildo informing it that he had decided to establish a permanent Board of Health.⁹

⁹The Cabildo resolve in the capitulary session of February 26, 1802 that only one councilman would be necessary to attend to the duties of the Board of Health, with the aid of one of the two monthly commissioners who must remain in the City at all times. In addition, it recommended that all the surgeons of the City serve by alternating monthly, because the appointment of only one would be too much of a burden for that person. Actas del Cabildo, Libro IV, t. 4, ff.178-79, February 26, 1802; Also, see Note 5, Part III for more information on the conditions that led to the establishment of the Board of Health; Also, see Note 27, Part I for more details on the earlier Board of Health established in 1799.
February 25, 1802

MOST ILLUSTRIOUS CABILDO

To prevent the terrible consequences which resulted from the lack of a permanent Board of Health, which has only existed in times of extreme necessity, I have decided to appoint the personnel who will compose it and who will be obliged to visit all incoming vessels.

Therefore, the Board of Health must be established tomorrow, and it is to be composed of two councilmen, one of whom must have a good attendance record, the Commandant of Customs, a surgeon, an interpreter, and the Secretary of the Cabildo. Your Lordships must submit their names to me, so that I may issue to them their corresponding appointments.

In order to facilitate the work to be performed by the Board of Health, I have ordered the Captain of the Port to detain all vessels on the other side of the river, until the inspectors of the Board of Health have issued them a certificate of clearance. In addition, the Captain of the Port is to collect the sum of four pesos from each vessel, in order to cover the expenses of the inspection.

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo
Document 395

A copy of a Royal Order [Cédula] sent to the Governor of Louisiana and communicated to the Cabildo, pertaining to the return of a sum of money confiscated by the Intendant of Louisiana, trade concessions, and the encouragement of agriculture.  

10 After the small fire of 1792 and the various hurricanes which hit New Orleans in 1793 and 1794, foodstuffs in the warehouses and crops in the fields were destroyed, and New Orleans was left in a state of scarcity. By the Royal Order of 1793, trade was permitted between New Orleans and all the neutral and friendly countries of Spain on all goods with the exception of silver. Silver was to be used only for the payment of slaves. The merchants of New Orleans, facing a lack of provisions, bought some foods from Philadelphia. When the ship, the Arca de Noe, was about to depart from New Orleans with its payment of 46,560 pesos and 1/2 real, Intendant Francisco Rendon confiscated it. Carondelet wrote to the Crown and asked that it be lenient with the culprits, because the City was desperate for food, it would bankrupt the merchants, and it could cause an insurrection. In 1797 the Crown favorably decreed on behalf of the memorial sent by Carondelet, but the Royal Order was lost. In 1800 a copy of the Royal Order was despatched to the Governor of Louisiana, but he did not receive it until 1802. AGI, Santo Domingo, leg. 2606, Carondelet to Gardoqui, no. 1, October 31, 1794; Ibid., leg. 2612, Rendón to Gardoqui, no. 13, November 5, 1794; Actas del Cabildo, Libro IV, t. 4, f. 218, May 21, 1802.
March 9, 1802

MOST ILLUSTRIOUS CABILDO

I am enclosing a certified copy of the Royal Order dated on 10 April 1800 from the Ministry of Finance, which deals with matters pertaining to the confiscation of the Bringantine Arca de Noé, and the privileges and protection which His Majesty has been kind enough to grant for the benefit of the commerce of this city.\(^{11}\)

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo

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\(^{11}\) In 1782 a Royal Cédula had legalized trade between New Orleans and all the French Ports where there was a Spanish consulate. The duty paid for all imports and exports was six per cent. Silver could be exported only to pay for slaves. In 1793 Spain was at war with France and voided the Royal Cédula of 1782 and issued a new one. The new order opened the commerce of Louisiana to all the neutral and allied nations of Spain. Louisiana, however, was prohibited from trading with other Spanish colonies. The duty was fifteen per cent for imports and six per cent for exports. In 1796 Spain was at war with Great Britain and continued the policy of free trade with neutral countries by a Royal Order of 1797, but it tried to nullify these orders in 1799 and again in 1800 when temporary peace was declared. When the war broke out again, free trade was once more resumed until 1802 when general peace was established. In that year, Intendant Morales not only suspended trade with neutrals, but also the privilege of deposit which had been granted to the United States by the Treaty of San Lorenzo in 1795 and tacitly extended beyond the expiration date. Clark, New Orleans; The Economy of New Orleans, 224, 238-43; Actas del Cabildo, Libro IV, t.3, ff.77-82, September 27, 1799; Ibid., f.89, October 8, 1799; Ibid., ff.101-102, October 18, 1799; AGI, Santo Domingo, leg. 2616, Morales to Soler, no.151, October 15, 1799; Ibid., leg. 2619, no. 151, October 21,1802; Also, see Note 49, Part II, for more details on the aspect of trade between Louisiana and the United States.
March 9, 1802

THE GOVERNOR OF LOUISIANA:

A Royal Order dated April 2, 1797 was sent to the Government of Louisiana and states the following:

"Having rendered an account to the King of the letter from Baron de Carondelet, dated October 31, 1794, pertaining to the sum of money confiscated by the Intendant from the Brigantine Arca de Noé, and, also, the petition from the Cabildo and the merchants asking the King to be lenient with them, because they had to buy goods from Philadelphia when the Province of Louisiana suffered three successive hurricanes and destroyed all the crops, the King has been kind enough to exempt all those persons from the penalty of confiscation and to void their mortgage bonds.

"In consideration of the discrete observations you have made relative to the economic setbacks you have experienced because of the free trade concessions granted in the Royal Order of June 9, 1793, especially the increase in import duties and the prohibition of exporting silver, His Majesty has been kind enough to decree that the duties on imported foreign goods be reduced to six per cent. Also, He decrees that, in addition to the concessions granted by the Royal Order of the Supreme Council of State on June 11, 1796, silver may be exported to pay for the goods needed to sustain the Province at the same rate as foreign goods."
"Furthermore, His Majesty has ordered me to recommend to Your Lordship, as well as the Intendant of that Province, that they endeavor to promote agriculture, especially the cultivation of tobacco, cotton, and rice, because a very profitable trade could develop with Spain by supplying its snuff and textile factories, together with supplying the other Spanish colonies with nutritious rice, where there is a great demand."\(^{12}\)

Since no other reply has been received, and all the interested parties have made their representation, I am forwarding this Royal Order to Your Lordship for your knowledge and fulfillment.

May God give Your Lorship long life.

Aranjuez

\(^{12}\) Rice was one of the products which the Cabildo purchased and stored, because, on numerous occasions, the merchants would export a large amount to create an artificial scarcity. It purchased its rice from the local suppliers as well as Americans such as Daniel Clark. It was renting warehouses to store the crop, but in 1796 it petitioned Governor Carondelet to send a representation to the King to grant it the funds and the lot to build its own granary. The same year the Crown, which was interested in encouraging agriculture, granted the Cabildo the lot and 4,925 pesos, which was the surplus funds from the Orphan Asylum, to construct the granary. The Royal Order arrived the following year, but by this time there was an abundant supply of rice, because it was being imported from the Americans. The Cabildo never did build the granary. Actas del Cabildo, Libro IV, t. 1, f. 99, March 11, 1796; Ibid., f. 107, April 22, 1796; Ibid., ff. 165-66, December 18, 1796; Ibid., ff. 208-209, April 21, 1797; Ibid., t. 2, ff. 1-2, July 14, 1797; Ibid., t. 3, f. 55, August 3, 1799; Ibid., f. 165, April 18, 1800; Ibid., t. 4, f. 100, June 19, 1801; AGI, Santo Domingo, leg. 2650, Carondelet to Llaguno, no. 20, May 31, 1796; Harkins, "The Regulator Functions of the New Orleans Cabildo, 1769-1803," 70-74.
April 1, 1800

Soler\textsuperscript{13}

The above is a copy of the original which is located in the Archives of the Office of the Secretary of this Government, which I have jurisdiction over and to which I certify.

New Orleans

\textit{(Rubric)} Andrés López de Armesto

\textsuperscript{13}Miguel Cayetano Soler was the Secretary of State in the Royal Ministry of Finance at this time.
Document 396

A petition from some of the residents of New Orleans to the Governor requesting that he give them permission to be inoculated to save them from the smallpox disease.\textsuperscript{14}

\textsuperscript{14}See Note 5, Part III for information on the epidemic of smallpox which struck New Orleans during the Spanish period.
March 20, 1802

THE HONORABLE GOVERNOR GENERAL

The undersigned fathers of families and residents of this City, to Your Lordship with the utmost respect come before you and expound: That unfortunately the epidemic of smallpox has continued to spread daily in the City and, lacking any means to arrest it, they plead with Your Excellency to permit them to be inoculated, the only other recourse left, in order to save their children and families from the disastrous effects of the epidemic.

In view of the number of petitioners and their vital motives, they hope to obtain this grace from your just and prudent administration.

New Orleans
(Rubrics)

Js. Pitot
Ygnacio Delino

15 Jacques François Pitot was born in France in 1761 and came to Louisiana during the turmoil of the French Revolution. He became a successful merchant and is given credit for having established the first cotton press in the City. He was elected ward commissioner in 1802 and later was appointed a judge for the Court of Probate for the Parish of Orleans. He died on November 5, 1831 at the age of seventy. "Cemetery Records of St. Louis No. II"; King, Creoles, 429-34; Seebold, Plantations, I, 108; Wilson, The St. Louis Cemeteries of New Orleans, 32; Actas del Cabildo, Libro IV, t. 4, f. 150, January 8, 1802.

16 See Note 75, Part III for a biographical sketch of Ignacio Delino.
Pedro Derbigny was born in France in 1767. He came to Louisiana and married Felicidad Odille de Hault de Lassus. During the Spanish period, he was the official interpreter for the English language with the rank of captain. During the American period he continued in his role of interpreter, when he was appointed by Governor Claiborne. Pierre was also a successful lawyer, a Secretary of State, a member of the State Supreme Court, and governor of Louisiana. He was killed in 1829 in an accident when his carriage horse went berserk and ran away. Seebold, Plantations, II, 37-42; "Cemetery Records of St. Louis No. I"; Holmes, Honor, 240; Everett S. Brown, "The Orleans Territory Memorialists to Congress, 1804," Louisiana Historical Quarterly, I (January, 1917), 100; Paxton, Directory, 76; New Orleans in 1805; AGI, Santo Domingo, leg. 2567, Santa Clara to Alvarez, no. 67, August 11, 1798; Ibid., leg.2616, Morales to Soler, no. 303, July 8, 1799; Actas del Cabildo, Libro IV, t. 4,f. 200, April 9, 1802; Arthur, Old Families, 342-46.

Juan Francisco Merieult was born in 1760 in France. He was the son of Carlos Merieult and Mariana Babkin. Juan came to Louisiana during the early years of the Spanish period and married Catarina Carlota McNamara in 1791. From this union several children were born in his home on Royal Street. He was a successful merchant whose dealings carried him to the United States, Vera Cruz, and other Spanish provinces. On numerous occasions he sold whale oil to the Cabildo for the upkeep of the lighting department. From 1794 to 1795 he served as alcalde de barrio, representing the second ward of New Orleans, and in 1803 he served as alcalde ordinario. He died on July 14, 1818, at the age of sixty. "Cemetery Records of St. Louis No. I"; "Notarial Archives," Group II, Carlos Ximénez, I, November 17, 1791, f. 487; AGI, Santo Domingo, leg. 2617, Lópe de Armento to Soler, no. 119, July 13, 1801; Actas del Cabildo, Libro IV, t. 1, ff. 24-25, May 16, 1795; Ibid., f. 41, July 17, 1795; Ibid., f. 52, September 18, 1795; Ibid., t. 5, f. 34, January 1, 1803.

Evan Jones was born in New England on August 17, 1739. He came to Louisiana in 1765 and married Maria Verret, a native of Louisiana. From this marriage numerous children were born. He entered the Spanish military service in 1779 and eventually rose to the rank of captain in the militia. He was also appointed commandant of the Acadian Coast of La-fourche de Chetimachas from 1797 to 1798. He was also one of the officers who were sent to Pointe Coupée in 1795 to search for the blacks who had rebelled. As a businessman,
he established a mercantile company which dealt with another commercial house in Philadelphia and was the first president of the Bank of Louisiana in 1804. He also served on the City Council during the American period and was one of the committee men who drafted a memorial to Congress to protest the slave trade, commercial restrictions, and the government in general. He died on May 11, 1813, at the age of seventy-four. "Cemetery Records of St. Louis No. I"; Libro primero de confirmaciones, 14; Holmes, Honor, 193-94; Clark, Economic History of New Orleans, 165, 287; Brown, "The Orleans Territory Memorialists," 99-102; Actas del Cabildo, Libro IV, t. 1, f. 5, April 25, 1795.

20 Juan Bautista Dolhonde married Gertrudis Decallongne in 1785. He was also a lieutenant of the militia and served in the Mississippi Galleys. He died sometime between 1802 and 1805. The records do not show the precise date of his death, but his wife died in 1805, and by that time she was a widow. "Cemetery Records of St. Louis No. I"; Spanish Census of 1791; "Notarial Archives," Group II, Fernando Rodríguez, VI, December 2, 1785, ff. 1140-42; Holmes, Honor, 240; AGI, Santo Domingo, leg. 2567, Serrano to Alvarez, no. 5, January 10, 1799.

21 Josef Dusseau was a wealthy plantation owner who profitably cultivated sugar cane in the suburbs of New Orleans. In 1797 he was elected by the Cabildo as one of the two syndics of the district to represent the area across the Mississippi River above New Orleans. This area is today occupied by the City of Westwego in Jefferson Parish. In 1800 he received three votes for the office of ordinary judge, but he was not elected. Actas del Cabildo, Libro IV, t. 1, f. 188, January 13, 1797; Ibid., t. 3, f. 119, January 1, 1800.

22 Juan Bautista Deslandes was born in 1753. He was married to a Madame Jaomine, from which union there is a record of a son who died in 1799. Juan Bautista was a merchant who lived on Bourbon St. He had also served in both the militia of New Orleans and that of the German Coast. He died on October 16, 1838, at the age of eighty-four. "Cemetery Records of St. Louis No. I"; Spanish Census of 1791; Homes, Honor, 180.

23 Carlota O'Brien de Cowperthwait was born in North Carolina in 1769. She married a merchant dealing in whale oil named Santiago Cowperthwait, from which union there is a record of three daughters. She and her husband established
their residence at 529 Royal Street, which later became known as the "Spanish Comandancia." When her first husband died, she married James Sterret. She died on September 19, 1835, at the age of sixty-six. "Cemetery Records of St. Louis No. II"; Libro primero de confirmaciones, 97; "Notarial Archives," Pedro Pedesclaux, Group I, XVII, ff.509-11, June 17, 1793; McBee, Natchez Court Records,II, 63, 130; Arthur, Old New Orleans, 44.

24See Note 89 of Document 407, Part III for a biographical sketch of Pedro Rogues.

25See Note 78, Part I for a biographical sketch of Gilberito Andry.

26Luis Docqueniul de Morant was the youngest son of Captain Carlos de Morant and María Catherine de la Chaise. Luis and his brother, Carlos, went to live with their sister, María, upon the death of their father, since her husband was appointed their guardian. When Luis was emancipated, he inherited a large part of the estate of his father, which consisted of two plantations, one on Bayou Road and the other on the Tchoupitoulas Road. He married Susana Perrault in 1777, and several children were born to them at their residence on Ursuline Street. Also, he was appointed to the office of ward commissioner (alcalde de barrio) in 1799 to represent the Third Ward, upon the resignation of Simón Ducournay. "Cemetery Records of St.Louis No.I";"Index to the Spanish Judicial Records, X," Louisiana Historical Quarterly, VII (July, 1925), 534-42; "Notarial Archives," Group I, Juan B. Garic, VI, February 6, 1777, ff. 6-8; Actas del Cabildo, Libro IV, t. 3, f. 17, March 1, 1799; Ibid., f. 18, March 8, 1799; Ibid., f. 22, March 15, 1799.

27Santiago Vienne was a wealthy merchant and a native of Normandy, France. He was married to Juliana L'Allemand. "Cemetery Records of St. Louis No. II."

28Francisco Duchamp was listed as a merchant in 1805, living in a household composed of three men and three women and six slaves. New Orleans in 1805.

29Honore Landreaux was born on September 15, 1771. His
first wife was María C. Picou of St. Charles Parish. When she died in 1817, Honoré married Melizante Rillieux. He was a merchant who established his business at 9 St. Ann Street but later moved it to 33 Chartres St. He was also one of the directors of the Bank of Orleans. Honoré died on January 30, 1848, at the age of seventy. "Cemetery Records of St. Louis No. I"; New Orleans in 1805; Paxton, Directory, 85.

30 Jacques Guesnón lived at 9 Levee in a household composed of his wife, children and four slaves. No other information had been located on him. New Orleans in 1805.

31 Samuel P. Moore lived at 51 Rue de Bourbon. He is listed as a cotton broker in the company of Moore & Saul. Later he moved his establishment to 46 Common Street. New Orleans in 1805; Paxton, Directory.

32 See Note 74 of Document 405, Part III for a biographical sketch of Narciso Broutín.

33 Juan Bautista Labatut was born on March 15, 1755, in Bayonne, France. He came to Louisiana in 1781 and soon after married María Felicidad Bauchet St. Martin, from which union numerous children were born. Labatut served as attorney general of the Cabildo, as well as city treasurer during the short time that France regained possession of Louisiana in 1803. He also was a successful businessman and at one time held thirteen directorships in banks, insurance, and other business establishments. He was a captain in the militia in 1808 and served as a general in the War of 1812. He died on March 10, 1839. "Cemetery Records of St. Louis No. I"; Seebold, Plantations, I, 290-91; Clark, Economic History, 342; "Partial List of the Battle of New Orleans"; Libro primero de confirmaciones, 136; Actas del Cabildo, Libro IV, t. 2, ff. 72-73, October 20, 1797; Ibid., t. 4, ff. 57-59, January 9, 1801.

34 Juan Bautista Durel was born in New Orleans in 1760. He was married to Cecilia Lebreum in 1790, and several children were born to them at their residence at 12 Rue Royale. Durel joined the Spanish militia of New Orleans and rose to the rank of captain by 1792. He also fought in the campaign against the British in Mobile in 1780. In 1802 he was elected alcalde de barrio to represent the first ward of New Orleans. Soon after he died. Holmes, Honor, 185; New
There are too many persons with the surname of Olivier to be able to determine which one is the signer.

The only available information was that the name of the signer was Miguel Bonabel and that he was married to Juana Royán. "Cemetery Records of the St. Louis No. I."

Joseph Tricou was born in Bordeaux, France in 1759. He married María Marchand, daughter of Pierre Marchand and Catherine Bernard in 1786. Joseph was a successful businessman who became a director of the New Orleans Navigation Company and the New Orleans Insurance Company. He died on February 28, 1834 at the age of seventy-five. "Records of the St. Louis Cemeteries Nos. I and II"; Clark, Economic History, 293; "Notarial Archives," Group I, Fernando Rodríguez, VII, March 18, 1786, ff. 333-36.

The only biographical information uncovered about Joseph Shanot was that he was married to Luisa Drouet. "Records of St. Louis Cemetery No. I."

Modeste Lefèvre was married to Victoria Marateau. He was a successful merchant. He located his business establishment at 47 Royale Sud. Also, he was the president of L’Etaile Polaire, a Masonic Order in Louisiana. "Cemetery Records of St. Louis No. I"; New Orleans First Directory, 1807; Paxton, Directory, 75.

William Wykoff was a native of Opelousas. He married Susana Watts, from which union a number of children were born. Governor Gayoso de Lemos was the godfather of one of his children. William also served as an officer in the militia of the Territory of Orleans with the rank of captain. He was a successful businessman and was one of the founders the Orleans Navigation Company. "Cemetery Records of St. Louis No. I"; James (Mrs.), "Le Diamant," 309; Libro primero de confirmaciones, 73; "An Act for Improving the Inland

41Juan Vignaud was born in 1780 in Bayonne, France. He married María Ana Fouequet, from which union several children were born. He was an apothecary at 84 Chartres St. He died on August 22, 1829, at the age of forty-nine. Spanish Census of 1791; "Records of St. Louis Cemetery No. I"; Libro primero de confirmaciones, 156; Paxton, Directory.

42Nicolás Lauve was born in 1769 in the Opelousas Post. He was the son of Nicolás Lauve and Catarina Coulleret. Lauve, Jr. was married to Sofía Hollier, a native of the same area. He was a merchant and broker at his business establishment at 22 Levee Sud. Also he was a director of the Louisiana State Bank. Nicolás died on March 30, 1826 at the age of fifty-seven. "Cemetery Records of St. Louis No. I"; New Orleans in 1805; Paxton, Directory, 84.

43Cristobal de Armas y Arcila was born on April 16, 1754 in the Canary Islands. He was the son of Miguel de Armas y Arcila and Petronila de Salazar. Cristobal came to Louisiana and married María Amirault Duplesis, from which marriage numerous children were born. He joined the militia and by the end of the Spanish period had risen to the rank of captain. He was also a merchant during the Spanish period and a notary public and clerk of court during the American period. He died on June 4, 1828, at the age of seventy-four. "Cemetery Records of St. Louis No. I"; Paxton, Directory; Libro primero de confirmaciones, 5, 147; Holmes, Honor, 165.

44The only biographical information which has been located on William Henry is that he was a grocer. New Orleans in 1805; Paxton, Directory.
Document 397

A letter from Governor Manuel de Salcedo communicating to the Cabildo a letter sent to him by the Captain-General of Cuba, the Marquis of Someruelos, regarding an incident between Captain Josef LeBlanc and the merchant Arturo Morgan.\(^{45}\)

\(^{45}\)No information has been located on Arturo Morgan.
March 30, 1802

MOST ILLUSTRIOUS CABILDO

Enclosed is a certified copy of a letter, which I have just received from His Excellency, the Captain-General of these Provinces, in which he renders a favorable verdict on behalf of Captain Josef LeBlanc, Councilman of this Most Illustrious Cabildo. I forward this information to Your Lordships for your knowledge.\(^\text{46}\)

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo

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\(^{46}\)See Note 79, Part I, for a biographical sketch of Captain Josef LeBlanc.
THE GOVERNOR OF LOUISIANA

In view of the indictment of Captain Josef LeBlanc, initiated by a complaint from the merchant Arturo Morgan, and the last judicial procedures undertaken with the advice of your Auditor of War, which you enclosed in your letter number 49 dated 15 January 1802, I consulted the legal advisor of this City. He informed me, and I am in agreement with his judgment, that the judicial process of the case must be continued until a final solution is rendered. I inform Your Lordship of this decision for your knowledge and compliance. Furthermore, I am ordering the freedom of Captain LeBlanc, because at this point the documents indicate that the fault lies with Arturo Morgan and his associate Edmond Forstall, unless it is otherwise proven in the final stages of the judicial proceedings.47

May God give Your Lordship long life.

Havana

El Marqués de Someruelos48

I certify that this is a copy of the original.

New Orleans

(Rubric) Andres Lopez de Armesto

47Edmond Forstall was born in New Orleans on July 16, 1776. He was the son of Nicolás Forstall and Pelagia de la Chaise. Edmond married Margarita de Morant, but no children resulted from this union. He died on January 8, 1802. King, Creoles, 359-60; Seebold, Plantations, II, 11-15; "Cemetery Records of St. Louis No.I"; Arthur, Old Families, 114.

48Salvador Muro y Salazar, the Marquis of Someruelos was the Captain-General of Cuba from 1799 to 1812.
Document 398

A copy of a Royal Order by the King regarding the new mode of taxation for the lighting of the city.\textsuperscript{49}

\textsuperscript{49}See Note 74, Part, for more details on the establishment of the lighting and night patrol (serenos) systems of the city by Governor Carondelet.
March 20, 1802

Copy 398

The King to the Civil and Military Governor of the Province of Louisiana, who resides in the City of New Orleans. On December 21, 1797, I deemed it convenient to dispatch to your predecessor the following Royal Order:

"The King. To the Civil and Military Governor of the Province of Louisiana, who resides in the City of New Orleans. By the official letter of March 13, 1796, your predecessor, El Barón de Carondelet, informed me that he was compelled to propose to the Cabildo that it install a lighting system for the City, similar to the one in Havana, because of the numerous thefts committed in the City by the vagrants and sailors who come from the western states of the United States and other friendly European nations for the purpose of trade.

"Since the population was not quite six thousand, it was necessary to devise a system by which all of the inhabitants would be obliged to contribute to the costs and expenses in proportion to their means. The Cabildo estimated that the cost necessary for the annual upkeep of the eighty lamps and the salaries of the thirteen night patrolmen [serenos], would amount to 3,897 pesos and 4 reales, resolved that a tax of nine reales per chimney would serve for that purpose. Furthermore, the
"City Treasury incurred the initial expense of 2,168 pesos for the purchase of the lamps and accessories."

"The results of the illumination of the City were immediately observed in the drastic reduction of thefts committed. However, the Cabildo wished to do away with the lighting system, because the Fire of 1794 destroyed one-fourth of the City, and there was not sufficient revenue to meet the expenses because of the decrease in the number of houses. Governor Carondelet was determined to retain the lighting system, for it was a necessity due to the conditions at the time. The War required that he closely watch the French and slave population and prevent them from having secret meetings at night. In view of this danger, he proposed and received the approval of the Cabildo to raise the chimney tax to twelve reales, until the burned houses could be reconstructed. The tax could then revert to its original rate or be reduced some more, if there was an increase in the construction of new houses.

"In order to help pay for the new expenses incurred and reduce the tax, he asked if I would be kind enough to allocate three hundred toesas of common Royal land which are presently useless, as they are continuously inundated during the rainy season. The land is to be subdivided into small lots measuring sixty toesas of frontage and one hundred and fifty toesas of depth and leased for the purpose of growing vegetables and
"other garden crops. The results of this grace will be the following: First, that, after a number of years, the land which is located outside the City will be raised and drained by a system of ditches which will discharge into the recently built canal [Carondelet] at the expense of the owners. Second, that the dangerous tertian and quartan fevers caused by stagnant waters in the summer will be eradicated from the City. Third, that many poor people who did not have adequate means for subsistence will be able to devote themselves to the cultivation of garden crops, as abundance in warm and humid countries is of the utmost necessity for the prevention of scurvy. Fourth, that the taxes on coming crops from the farms would increase the inadequate revenue of the City which only amounts to seven thousand pesos, in case I decide not to allocate the land to reduce the chimney tax for the maintenance of the lighting system.

"Inspite of all of the benefits which would result from this concession, Governor Carondelet informed me that there was a strong minority opposition by the

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50 The Spanish toesa (toise) is equivalent to one yard and 30.35 inches. On the other hand, the toesa in Perú is equivalent to two yards and 4.63 inches. Villasana Haggard, Handbook, 84.

51 Tertian and quartan diseases are intermittent fevers which return every other day and every fourth day respectively.
"Planters and residents who have their homes outside the City, for the increase in the cultivation of garden crops would deprive them of having an exclusive monopoly and reduce their profits which they obtain by charging exhorbitant prices, thus depriving the poor people of purchasing vegetables.

"After having considered the resolution of my Council of the Indies and the information from the General Accountancy presented to me by my Fiscal on December 20, 1796, I decree and approve the lighting and night patrol services, the expenses by the City Treasury for the purchase of the lamps, the taxes on the chimneys for the upkeep of the services, and the allocation and partition of three hundred toesas of land, provided the Cabildo and the Attorney General are informed, and you remit to me a statement of the entire proceedings—this is my will. Dated in Madrid on December 21, 1797. I the King. By Order of the King, Our Lord. Antonio Ventura de Faranco."

After I had decreed the above Royal Order, you rendered me a report dated May 9, 1798, in which you informed me of the difficulty of collecting the chimney tax, as the burden was greater on the poor. Furthermore, you convoked the Cabildo to discuss your proposal to remove the tax on the chimneys and transfer it to meat and bread. The tax would be imposed on the high profits of the butchers and the bread of the bakers, and the poor would not be affected greatly,
because their diet consists mainly of rice and corn and have bread only when it is given to them. The transients who are numerous and enjoy these goods will be the ones who must bear the burden.52

After having considered the resolution of my Council of the Indies and the information of my General Accountancy reported by my Fiscal, I reiterate and warn you, as I did in my previous order, that you have gone beyond the bounds of your authority by imposing such taxes without my Royal approval and that you were in violation of Ley LIII, Título III, Libro III and Ley I, Título XV, Libro IV of the Recopilación.53

Also, I order that you, in conjunction with the Cabildo and your advisor, compile all the facts pertaining to the tax on the chimneys, a statement of the revenues produced by

52The taxes imposed by the Cabildo on meat and bread in 1798 for the upkeep of the lighting department consisted of four reales for every head of cattle and two reales for every pig, sheep or calf slaughtered. The bakers, on the other hand, had to pay a flat rate of four reales per barrel of flour. Actas del Cabildo, Libro IV, t. 2, f. 122-33, April 16, 1798; Also, see Document 353, Part I in which one of the merchants petitioned the Cabildo to refund him the tax on his flour, because it was spoiled.

53Ley LIII, Título III, Libro III of the Recopilación was issued on 16 April 1618 by Philip III. It ordered that all royal officials, from the viceroy to the governor, must not exercise any initiative on new situations without petitioning the Crown, unless the situation was serious and the damage that might be caused by the lack of prompt action would be irreversible.

Ley I, Título XV, Libro IV of the Recopilación issued on 1 August 1653 and again reissued in 1610 by Philip III ordered that no community or individual could impose excise taxes, assessments or contributions without special permission from the Crown unless the laws permitted it.
the taxes on meat and bread, the expenses of the lighting
department, and the salaries of the night patrol, so that,
after having assessed this information, you may increase or
decrease the taxes as you deem most convenient. This is my
will. Also let this Royal Order be recorded in the General
Accountancy. Dated in Aranjuez on May 19, 1801. I the King.
By order of the King, Our Lord. Antonio Porcell. Three
Rubrics. To the Governor of Louisiana, repeating to him the
approval of the Royal Order issued to his predecessor per-
taining to the establishment of the lighting system, the
night patrols, the expenses for the lamps, and other mat-
ters. ACCORDANCE: It was recorded in the Septentrional
Department of Finance of the Indies. Madrid, 18 June 1801.
Pedro Aparici.

DECREE:

Having received this Royal Order from His Majesty and
his ministers of the Council of the Indies, His Lordship,
the Governor, following the formalities, read it and stated:
That with due respect he obeys the Royal Cédula, and orders
that its provisions be complied with and executed. In order
to carry out the provisions, he orders that a copy of the
Royal Cédula be forwarded to the Cabildo, so that it may re-
solve whatever it deems appropriate to this matter and, also,
to inform the Attorney General of the cédula, so that he may
compile the necessary documents required of him. Manuel de
Salcedo. Nicolás María Vidal. This was ordered by the Hon-
orable Don Manuel de Salcedo, Colonel of the Royal Armies,
Civil and Military Governor of the Provinces of Louisiana and West Florida, Inspector of the Regular and Militia Troops, Royal Vice-Patron and Judge Subdelegate of the General Superintendency of the Post Office by His Majesty. He signed it with the advice of the Lieutenant Governor and Auditor of War. Pedro Pedesclaux, Public Notary.

The above copy of the Royal Order is in accordance with the original which is in my possession in my office. In compliance with the provisions of the Royal Cédula, I made the present copy in the City of New Orleans on 20 April 1802.

(Rubric) Pedro Pedesclaux
Secretary of the Government
Document 399

A letter from Don Luís Carlos de Jaén informing the Cabildo that he has a special commission from the King to conduct the residencia of Don Esteban Miró.\(^{54}\)

Dr. Luís Carlos de Jaén was a native of Santiago, Cuba. He was married to María Mercedes Herrera y Langas. He held two doctoral degrees, one in theology and the other in philosophy. He was also a lawyer, for which he was confirmed on 12 March 1778. Later he became a lawyer for the Audiencia of Cuba and a district judge. He received the commission to conduct the residencia of Esteban Miró on 21 June 1796, but because of the delays caused by the wars and the British having control of the seas, he was not able to reach Louisiana until April of 1802. He immediately began the residencia and completed it within three months. After the results of the investigation, he ordered the suspension from office and arrest of Nicolás Forstall, the senior judge, Juan de Castanedo, the City Treasurer, Pedro de La Roche, the Alcalde Mayor Provincial, and Francisco Pascalis de la Barre, the chief constable. Actas del Cabildo, Libro IV, t. 4, ff. 203-206, April 23, 1802; Ibid., ff. 209-210, April 30, 1802; Ibid., f. 212, May 7, 1802; Ibid., f. 227, July 9, 1802; Ibid., t. 5, ff. 1-5, July 19, 1802; Ibid., f. 6, July 30, 1802; Also, see Document 405, Part III for a report of the residencia of Miró; and Document 406, Part III for a protest by Juan Castanedo against his arrest.
April 23, 1802

MOST ILLUSTRIOS CABILDO

I have the honor of having arrived at this City by order of our King and Lord, Charles IV (may God guard him), for the purpose of conducting the residencias of the Honorable Don Esteban Miró for the time he served as Intendant and Governor of this Province, and of his lieutenants, judges and other officials. I have also been entrusted with a confidential matter. In addition, I wish to be useful in anything pertaining to the services rendered to the people of this City and to Your Most Illustrious Lordships in my capacity of Attorney-at-Law.

I would have arrived here at an earlier date to conduct the investigation, but I was delayed, as the English pirates were blocking our ports. This will be clearly shown in the documents which I am presenting to Your Lordships, and I would like you to return them as soon as you have read them.

May God give Your Lordships long life.

Your Most Attentive Servant.

(Rubric) Don Luis Carlos de Jaén
Document 400

A letter from Governor Manuel de Salcedo to the Cabildo disapproving of a memorial presented by the Attorney General and a petition granted by the Cabildo in connection with the imprisonment of Attorney José Martínez de la Pedrera.  

See Note 2, Part III for details on José Martínez de la Pedrera.
May 6, 1802

MOST ILLUSTRIOUS CABILDO

I am astonished by the petition of the Attorney General and the notarized copy of the capitulary session which you forwarded to me on 23 April 1802. The Attorney General, assuming to express the will of the people, petitioned that I commute the prison term of Attorney José Martínez, who is presently in Ft. San Carlos, and allow him to serve the sentence at his home. It is also regrettable that Your Lordships granted the petition of the Attorney General on the grounds that Martínez would be able to continue to counsel the judges [alcaldes ordinarios] and proceed with the cases he has pending. Attorney Martínez should have informed you that, when a person is imprisoned, he loses all of his rights to continue practicing his profession. Furthermore, he has been treated well and given all consideration by being placed in the prison of the fort which is usually reserved for military officers.

There is a Royal Order which explicitly prohibits the heads of corporations from making recommendations to other judges in cases involving them or their subordinates. Furthermore, the Cabildos are not to make similar recommendations in cases which involve private individuals.

I expect that in the future Your Lordships will refrain from meddling in any way in the judicial matters pending
before my court, for, regardless of the recommendations, I shall continue to try the cases with due justice and equity as I have always done before.

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo
Document 401

A letter from Governor Manuel de Salcedo enclosing a copy of a Royal Order pertaining to trials of military officers. 56

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56 See Note 81, Part I, for a discussion of military privileges (fueros). Also, see Document 352, Part I for a case in which the King sent a Royal Order permitting military officers to serve in the Cabildo.
May 21, 1802

 MOST ILLUSTRIOUS CABILDO

Enclosed is a copy of the Royal Order of December 8, 1800, forwarded to me by the Captain General on June 25, 1801. His Majesty is pleased to decree that military officers employed in the Cabildo, Royal Treasury, or any other civil office be judicially tried in the courts with jurisdiction where the crime was committed.

I inform Your Lordships of this matter for your knowledge and compliance.

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo
THE GOVERNOR OF LOUISIANA

On December 8, 1800, His Excellency the Secretary of State of the Ministry of War, communicated to me the Royal Order which is as follows:

"To the Honorable Don José Antonio Caballero, I communicate the following: Some military officers, who are employed in the judiciary, have broken the law. They have misinterpreted the Royal Order of February 9, 1793, because they are unaware that in such transgressions they forfeit their military privileges [fueros] and have continued to demand that their cases be handled by the military courts. The King, bearing in mind that in these civil transgressions military officers can not claim the military privilege, which applies only to those officers who have no other employment but in the military service, was kind enough to decree that all military officers who are employed in the Cabildo, the Royal Treasury, or any other civil position must be tried by a judge belonging to the jurisdiction to which the offender is attached in order to avoid the prolonged delays which have previously existed.

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57 José Antonio Caballero was the Secretary of State for the Ministry of War.
"In order to avoid dishonor to the military service, an account of all serious offences, before sentence is rendered, must be reported to the King through the Ministry of War in my charge, so that the military officer may be separated from the service and deprived of his commission.

"Furthermore, the King has ordered that this Royal Cédula be made known to the Army, the Navy, and the Superior and Lower Tribunals of Justice for their knowledge and obedience."

I am forwarding this copy to Your Lordship for your knowledge and compliance with the part that applies to you.

May God give Your Lordship long life.

Havana

El Marqués de Someruelos

The above is a copy of the original which is in the archives of the Office of the Government Secretary, which is in my charge.

New Orleans

(Rubric)  Andrés López Armesto
Document 402

A copy of a letter from Nicolás María Vidal, Auditor of War, to Governor Manuel de Salcedo, pertaining to the imprisonment of Don José Martínez de la Pedrera, Attorney-at-Law. 58

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58 See Note 2 and Documents 393, 400-401, and 408, Part I, for more information on the controversy over the appointment of Attorney Martínez de la Pedrera as counselor for the Cabildo and the refusal of Governor Salcedo to admit that the Cabildo had the right to hire an advisor on a retainer.
May 26, 1802

THE GOVERNOR OF LOUISIANA

It is a remarkable affair to even consider that the Attorney General, assuming to express the will of the people, and the Cabildo have requested of Your Excellency that he commute the sentence imposed on Don José Martínez de la Pedrera to his home or the Cabildo building. It is also remarkable that they have had the audacity to make this request on the pretext that Don José Martínez would be able to continue to counsel the ordinary judges and continue to prosecute his own cases, when they should have been immediately informed by Attorney Martínez that a man loses the right to practice his profession when he is imprisoned. Furthermore, the Cabildo should be aware that Attorney Martínez has been shown every leniency and respect by being imprisoned in a fort, which is usually reserved only for officers of the military service.

According to Ley XXV, Título IV, Libro II and Ley XVII, Título VI, Libro VII of the Laws of Castile, as well as Ley LVII, Título IV, Libro II, which is in accordance with the Civil Law [Derecho Común] manifested by Ley I of the Codice Ne liceat Potentioribus Patrecimium litigantibus praestare Vocifio, superior officials, such as the presidents, governors, and judges of the councils and Audiencias have been explicitly forbidden to forward letters or official
requests to judges presiding over official matters, asking that they intercede on behalf of any person, regardless of the nature of the case in question. In addition, the judges who are hearing the case are explicitly forbidden to accept such letters. Such laws pertaining to intercession apply even more so to municipal bodies and to heads of other similar institutions. Under no circumstances are they to intercede on behalf of their subordinates or any other private citizens.

By Royal Order of November 11, 1752, His Majesty declared that he would consider such transgressions equivalent to that of a grave military crime—on both the transgressor and the judges who tolerate it by failing to take immediate action to stop it.

With respect to the intercessions and petitions made by the Cabildos on behalf of private citizens, as in the case

59 The Iberian Peninsula incorporated the customs and laws, although modified, of its conquerors, the Romans and the Visigoths, in their own laws. These laws were codified in 506 A.D. as the Lex romana visigothorum. In 1255 Alfonso X issued the Fuero Real, as the first attempt to organize the laws and customs of Castile. Ten years later another set of laws, the Siete Partidas, was established with a great deal of Roman and canon law. The Siete Partidas was not binding until 1348. Other revisions followed in the fourteenth and fifteenth centuries, with the Ordenanzas reales de Castilla issued in 1484. Eventually, all of these sets of laws and fueros, with the exception of the Siete Partidas, became subsidiary laws when the Leyes de Toro, written in 1502, were promulgated in 1505. The Leyes de Toro and all other laws were later incorporated into the Recopilación. Moore, Cabildo: Hapsburgs, 14-15; C. Russel Reynolds, "Alfonso el Sabio's Laws Survive in the Civil Code of Louisiana," Louisiana History, XII (Spring, 1971), 142-43.
of Attorney Martínez, Señor Bovadilla, in Book III, Chapter VIII, Numbers 104 and 105 of his Política, states that the Cabildos are showing a lack of respect and understanding, which eventually leads to contempt for the judges. The judges, on the other hand, accede to these intercessions because of their pusillanimity or fear of the intercessors. With regard to the judges, Señor Bovadilla instructs them to be strong and disregard the intercessions in Chapters X and XI.

Consequently, I am of the opinion that Your Excellency may communicate this judgment to the Cabildo and, at the same time, emphasize the fact that, in the future, it should refrain from meddling in any way with the judicial matters of your court, for you will continue, as you always have, to render justice impartially. I am at liberty to state my conscience, and I attest that this is my true feeling.

Signed at my office in New Orleans on 5 May 1802. Nicolás María Vidal. I am in accord with the judgment rendered by my Auditor of War and let it be done as it is stated. Manuel de Salcedo.

I certify that the above is a copy of its original.

New Orleans

(Rubric) Andrés López Armesto

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60 The work to which reference is made is that of Jerónimo Castillo de Bovadilla, Política para corregidores y señores de vassallos en tiempo de paz y guerra y para prelados en lo espiritual y temporal entre legos, jueces de comisión, y regidores...2 vols., rev. ed. Madrid, 1775.
Document 403

A letter from Don Francisco Pascalis de la Barre, the Chief Constable (Alguacil Mayor), presenting a list of repairs needed at the Royal Jail. 61

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61 Francisco Pascalis de la Barre was born in France in 1725. He migrated to Canada, and, when France lost possession of it, he came to Louisiana. He married Carlota Volant and established his residence on a plantation, White Hall, on the east side of the Mississippi River. From this union, four children were born—two boys, Francisco, Jr., and Pedro, and two girls, Aimée and María. "Cemetery Records of St. Louis No. I"; Arthur, Old Families, 98-100; Seebold, Plantations, I, 86-88.

In 1780 Francisco Pascalis bought the offices of regidor and alguacil mayor (Chief Constable). As chief constable he was in charge of supervising the Royal Jail and its employees, as well as the bailiffs, guards, mace bearers and other functionaries of the municipal court. He was elected annual commissioner in 1796, along with Andrés Almonaster. The same year, Francisco petitioned and received a house in back of the jail, so that he could be closer to the jail and supervise it more efficiently. In 1802 he was indicted by Don Luis Carlos Jaén, who conducted the residencia of Miro and was suspended from his position as chief constable. Francisco died on December 24, 1803 at the age of seventy-eight. AGI, Santo Domingo, leg. 2539, Título 12, March 16, 1780, ff. 27-28; Actas del Cabildo, Libro IV, t. 1, f. 80, January 8, 1796; Ibid., f. 85, January 29, 1796; Ibid., t. 5, ff. 1-4, July 19, 1802; "Notarial Archives," Group II, Narciso Broutín, II, May 23, 1800, f. 142.
June 25, 1802

MOST ILLUSTRIOUS CABILDO

Don Francisco Pascalis de la Barre, Chief Constable of this City, presents a list of needed repairs to the Royal Jail in his charge to the Most Illustrious Cabildo.

ADVICE:

First, that the largest portion of the wood on the doors of the cells facing the yard is decayed.

Second, that the balusters inside are in similar condition. Also, the doors need several more iron sheets which were removed by the contractor, Mister Pizarro, and were never replaced.\(^{62}\)

Finally, that the wood on the ceiling of the upper rooms is warped, for it is very thin and needs to be replaced, as it has already broken in several places.\(^{63}\)

New Orleans

(Rubric) Frco. Pascalis de la Barre

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\(^{62}\) The name of the man who did some work on the Royal Jail was Gabriel Martín Pizarro, but no other information has been uncovered about him or the work he did.

\(^{63}\) As a result of the petition, the Cabildo appointed Commissioners Pedro de la Roche and Gabriel Fonvergne to inspect the jail. They reported on numerous things which had to be repaired, such as the windows, the staircase, the porch, and some areas which needed to be paved with bricks. The Cabildo, upon hearing the recommendations, appointed Fonvergne and Domingo Bouligny to hire a contractor and to supervise the repairs. *Actas del Cabildo, Libro IV, t. 4, f. 75, March 6, 1802; Ibid., ff. 76-77, March 13, 1802.*
Document 404

A letter from Governor Manuel de Salcedo to the Cabildo communicating to it a petition sent to him by Luisa de la Ronde, pertaining to the money owed her for the construction of the Cabildo building.64

64 See Notes 42-43, Part I, for more details on Luisa de la Ronde and the Cabildo building respectively. Also, see Document 422 for another order to pay another installment to the widow of Almonaster (Luisa de la Ronde).
July 10, 1802

MOST ILLUSTRIOUS CABILDO

Luisa de la Ronde, widow of the late Colonel of Militia and Permanent Regidor and Alférez Real, Don Andrés Almonaster y Rojas, to Your Excellency states: That, although the Cabildo building has been appraised at more than thirty-two thousand pesos, the Most Illustrious Members have only remitted to me a little over ten thousand pesos.

Since the contract between my late husband and the Gentlemen of the Cabildo explicitly specified that he would be paid for the cost of the structure from the annual surplus of funds in the City Treasury, I beg Your Excellency to request that the Cabildo remit to me the surplus of ten thousand pesos which has accumulated this year, in order that the debt may be partially satisfied.

I beg Your Excellency to present this petition at the first meeting of the Cabildo, so that my request may be honored.

New Orleans

(Rubric) Luisa de la Ronde,
Va. de Almonaster

[The executive order from the governor to honor the petition was written below on the bottom of the petition itself].

I decree as petitioned and order that this petition be
forwarded to the Most Illustrious Cabildo for the purpose requested and order that I be informed of its resolution.  

New Orleans

(Rubric) Manuel de Salcedo

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65 The Cabildo at this time decided to advance her only six thousand pesos and promised her that more would be sent, if there was a larger surplus in the City Treasury. Actas del Cabildo, Libro IV, t. 5, f. 3, July 19, 1802.
Document 405

Copies of the Heading, Declaratory Statements, Conclusion of the Report of Dr. Luís Carlos de Jaén, pertaining to the Residencia of Governor Esteban Miro, and the petition requesting such copy by Gabriel Fonvergne, Regidor of the Cabildo.  

66See Note 7, Part II for a biographical sketch of Gabriel Fonvergne and Note 54, Part III for a sketch of Doctor Luís Carlos de Jaén. Also see Note 97, Part I for more details of the judicial process known as residencia.
July 10, 1802

THE HONORABLE DR. LUÍS CARLOS DE JAÉN

Don Gabriel Fonvergne, Regidor Perpetuo [Permanent Councilman] of the Most Illustrious Cabildo, with due respect to Your Excellency states: That, having been read the judgment you have rendered on the administration of Don Esteban Miró, which you completed on July 6, 1802, the Cabildo has ordered him to request a copy of the heading, declaratory statements, and conclusion of your investigation. The petitioner begs Your Excellency to order the secretary of the residencia to deliver to him a copy as requested.

(Rubric) G. Fonvergne

The petition is granted.

(Rubric) Dor. Jaén

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Esteban Rodríguez Miró y Sabater was born in Cataluña, Spain in 1744. He entered the military service in 1760 and soon rose to the rank of adjutant major and helped to organize the army in Mexico. He came to Louisiana with the rank of lieutenant colonel and fought with Governor Gálvez in the campaigns against the British during the American Revolutionary War. Miró served as governor ad interim on various occasions and was officially appointed as governor and intendant on December 9, 1785. On December 30, 1791 he turned the province over to Governor Carondelet and left for Spain in the summer of the following year. Miró was appointed as a field marshall and fought in the war with France in 1795. By June of the same year, he died at the age of fifty-one. Holmes, Documentos Inéditos, 5-8; Gayarre, History of Louisiana, III, 167-311; Rand, Stars in Their Eyes, 30-31; Reeves, The Governors, 18-19; Also, see Caroline M. Burson, The Stewardship of Don Esteban Miró, 1782-1792, (New Orleans, 1940), for the best and most detailed work on Miró.
It was so decreed by the Honorable Don Luís Carlos de Jaén, Attorney of the Royal Audiencia and Chancillery of the District of Havana and Judge of Residencia, and signed by him in New Orleans on July 10, 1802.

(Rubric) Pedro Pedesclaux
Secretary

The same day I informed Don Gabriel de Fonvergne.

(Rubric) Pedesclaux
JUDGMENT

HEADING:

In the investigation of residencia which I am conducting on the administration of Field Marshall Don Esteban Miró, who was Governor and Intendant of the Provinces of Louisiana and West Florida for the period of nine years and nine months, as well as his Auditor of War, Don Juan del Postigo, I have carefully and scrupulously examined the notarial archival deposits and the eighty-three criminal causes which have been delivered to me.

After having heard and studied the charges and countercharges filed against the above mentioned gentlemen, as well as those filed against the alcaldes ordinarios [Judges], Attorneys General, Chief Constable and his Lieutenant, Receiver of Judicial Fines, Notaries, Attorneys who were involved in the cases, and the legal advisors who gave counsel, I filed all the statements in the same document in order to avoid confusion. As a result of the investigation, I now render judgment by absolving, condemning, and warning the defendants as follows:

DECLARATORY STATEMENTS:

In view of the entire proceedings, I have deemed it convenient to make the following recommendations:
First, that from the funds of the City Treasury, which amount to almost twelve thousand pesos annually, I order that a chapel be built in the Royal Jail and the appropriate ornaments be provided for a priest who will be in charge of celebrating Mass every feast day. Furthermore, the priest is to be given the alms of one peso every time he celebrates Mass, and he is to remind the prisoners to attend the service of the Mass and remind them that they are to bear their affliction with patience.

Second, that every night the jailor, or another competent person, if he is busy, is to lead the prayers of the Holy Rosary and the Litanies for the Blessed Virgin on behalf of the prisoners.

Third, that, from the funds of the City Treasury, the bars of the Royal Jail are to be constructed, and the Jail is to remain closed while the work is being performed.

Fourth, that, from the same funds, two crosses and two images be purchased. One of the images is to be of Our Lady of Mercy, in recognition of the great favors she had guided His Majesty to bestow upon this Province, such as its exemptions from the use of paper money, the playing cards monopoly, the tithe [diezmo] to the King, the sales tax [alcabala], and others. His Majesty, manifesting his fatherly love, has

68See Document 379, Part II for the petition from the Bishop to the Governor of Louisiana, requesting that the Cabildo buy the necessary accoutrements for the service of Mass in the chapel of the Royal Jail.
also bestowed upon the inhabitants of this Province other 
graces such as those stipulated in the Royal Order of Janu-
ary 22, 1782. 69

The other image shall be of the Saint that is most 
often invoked by the people, and the one for whom they have 
the greatest devotion. 70 Furthermore, I order that the pur-
chase of the images and crosses, as well as twenty-four 
glass lanterns, is to be entrusted to the Franciscan Father, 
Ubaldo Delgado, and Don Fernando Ybánez.

Fourth, that, from the funds of the Royal Treasury, a 
public school building is to be purchased and the salary of 
six hundred pesos is to be paid to Father Delgado as First 
Teacher of the school, and a salary of three hundred pesos 
is to be paid to Don Fernando Ybánez as Second Teacher of 
the school. 71 Father Delgado is also entrusted to lead a

69 The Royal Order of 1782 gave New Orleans the right to 
trade with all French ports in which there was a Spanish 
consulate. It also provided that the import and export du-
ties be reduced to six per cent. See Note 11, Part III, for 
more details on the trade concession granted to Louisiana by 
the Crown.

70 The most invoked saint would probably have been Saint 
Louis, the Patron Saint of New Orleans.

71 The first public school was established in 1771 in Lou-
isiana. The Crown appointed Manuel Andrés Lopez de Armesto 
as its director, along with three other teachers. In 1789 
Director López de Armesto appointed a Franciscan, Fray Ubal-
do Delgado as maestro principal de primeras letras (pri-
ncipal teacher), and Don Fernando Ybánez as the assistant tea-
cher. By the end of the year, the Crown approved their ap-
pointments and ordered the intendant to pay Father Delgado 
and Señor Ybánez the annual salaries of seven hundred pesos 
and three hundred fifty pesos respectively. Early in 1803, 
Father Ubaldo asked the Crown to be appointed as a chaplain
procession of the Holy Rosary from the school which is to be illuminated with twelve of the glass lanterns and accompanied by one of the crosses and one of the images, as it is done in Havana. In case Father Delgado becomes incapacitated due to illness, the procession is to be directed by Don Fernando Ybánez.

Fifth, that the remainder of the lanterns, crosses and image is to be delivered to the Holy Cathedral, from where a second procession is to proceed. The school children must attend the procession in order to inculcate in them the best Christian sentiments.

Although a procession has not been held in this City for at least fourteen years, I order it to be celebrated, inspite of scandalous mockery or ridicule which may be displayed by the people. Also, I order the authorities to severely punish those persons who commit such transgressions.

Sixth, that, although I have disregarded the allegation made by Father Antonio de Sedella, the priest in charge of the Ciborium, to exempt the councilmen and other officials in one of the forts in Havana or as a teacher to one of its schools. The Crown granted his petition, and he sailed for Havana. The school established by the Spanish government never did develop to any great lengths, because the French-speaking people refused to patronize a school system in which the curricula was entirely in Spanish. AGI, Santo Domingo, leg. 2553, Miró to Porlier, no. 25, July 31, 1789; Ibid., leg. 2555, Miró to Valdés, no. 283, March 10, 1790; Ibid., leg. 2570, Salcedo to Caballero, no. 6, February 16, 1803; Ibid., leg. 2621, Morales to Soler, no. 256, November 30, 1803; Davis, History of Louisiana, 152-53; Chambers, History, I, 313-15.
from participating in the procession, I do not consider
their presence as necessary to lead the procession, because
any other devoted citizen could assume the duties, and
others will follow him, provided the priest serves as an
example himself. 72

Seventh, I order that the processions are to be held
on Mondays and Fridays of each week. The ones held on Mon­
days should be to commemorate the souls of the dead of this
City, and the ones held on Fridays should be for the souls

72 Fray Francisco Antonio Ildefonso Moreno y Arze, who was
known as Father Sedella during the Spanish period and later
as Père Antoine, came to Louisiana in 1779. In 1787 Father
Sedella was appointed commissary of the Holy Office of the
Inquisition by the Tribunal of Cartagenas, which had inqui­
sitorial authority over the Spanish possessions of the West
Indies, Louisiana, and Florida. He was instructed to estab­
lish it in Louisiana. Governor Miró became alarmed and
wrote to the captain-general of Cuba informing him that, if
the Holy Office were to be established in Louisiana, the
policy of the Crown to encourage the migration of Americans
would be undone. The Captain general consulted with the
Bishop of Havana, Cirilo de Barcelona, and soon ordered Miró
not to permit the establishment of the Holy Office until the
King resolved the matter. In 1788 the Crown resolved to
prohibit the Holy Office in Louisiana, but Father Sedella
secretly tried to establish it in 1790, and Governor Miró
immediately arrested him and sent him back to Spain. The
following year, the King sent a Royal Order to Miró dated on
22 July 1791, in which he approved of the immediate actions
taken by Miró and once more prohibited the establishment of
the Holy Office in Louisiana. By 1795 Father Sedella re­
turned and was placed as the pastor of the Cathedral by
Bishop Peñalver. Father Sedella died in 1829 and was buried
in the Cathedral of St. Louis. Davis, History of Louisiana,
122; St. Louis Cathedral, 23; AGI, Santo Domingo, leg. 2673,
Cirilo de Barcelona to José de Gálvez, no. 1, June 12, 1788;
Ibid., leg. 2554, Miró to Porlier, no. 39, April 30, 1790;
the following references are the "Sedella Collection" depos­
itcd at Howard-Tilton Memorial Library (New Orleans): José
de Espeleta to Miró, July 21, 1787; Sedella to Miró, April
28, 1790; ibid., April 29, 1790; and the Royal Order of 22
July 1791.
of our deceased Kings for the favors and graces granted by them to this Province.

Eight, I order that all members of the Cabildo, with no exceptions, must attend the processions instituted by Pope Saint Gregory on behalf of the famine and pestilence which devastated Rome. I am also in accordance with the doctrine established in the Política of Señor Bovadilla in which he states that it is the duty of the governor to make the officials and even the priests attend the processions. Furthermore, Señor Bovadilla continues and states that by orders from the Holy Council of Trent, the priests should be the first to pray to God on behalf of everybody, thus setting themselves as primary examples. If the Gentiles are capable of having public prayers and giving thanks to their false gods for their welfare, it should be more compelling for Christians to do the same.

Ninth, I order that henceforth no councilman is to be elected to the offices of ward commissioner [alcalde de barrio] or treasurer, as it is prohibited by law because of the great inconveniences it causes. These offices should be held only by competent and zealous private individuals.

Tenth, I order that the deposits of any amount of money or effects resulting from any judicial lawsuit are to be entrusted to an honest and well-to-do individual, officially

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73 See Note 60, Part III for reference to Jerónimo Castillo de Bovadilla.
appointed by the authorities. However, if the litigating parties request that the deposits be entrusted to some other individual, you must honor their request, and at the same time you must abolish the office of General Depositary and permit its official to retain only his title of regidor.

Eleventh, I order that judicial cases which pertain to slight wounds, disputes and misdemeanors shall not be tried with prolonged litigations. The court shall consider the time already served by the defendant as sufficient punishment, but, at the same time, it must be very careful to provide for the proper indemnification, medical expenses, and other matters which it considers justifiable. The court must also observe and comply with the Royal Order of 8 December 1796, in which His Majesty was kind enough to decree that, in criminal cases involving disputes and misdemeanors, an admonition and small fine shall be sufficient punishment in order to avoid a great detriment to the inhabitants. The cases to which the Royal Order refers are those in which it is not necessary to appeal to a higher tribunal.

Twelfth, I order that, after the City Treasury pays the balance owed to Widow Almonaster [Luisa la Ronde] for the elegant Cabildo building constructed by her husband, the sum of two thousand pesos be appropriated to cover the expenses of the criminal cases now pending before the courts. The money is to be equally divided among all the cases, so that each case may be brought to court with all due formalities and ceremonies. Also, I believe that, if some of the money
which is now carelessly spent for inconsequential matters could be applied to the prisoners, it would be considered well invested. This matter shall be subject to the approval of His Majesty.

Thirteenth, I order that the contention held by the Notary Public, Don Narciso Broutín, that he has the right to handle all the cases of those who claim military privileges [fueros], is without any basis. Since at present he is extremely busy with cases involving the Royal Treasury and the Department of War, he does not have any time left to devote to other cases. Numerous persons have complained of the long delays they have suffered, because Senor Broutin has been unable to attend to them, as he is presently inundated with work from the Royal Treasury. Furthermore, Señor Broutín has been given only the right to attend cases

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\[74\] Narciso Broutín was the son of Francisco Broutín and Mariana Carriere. Narciso married Francisca Rocheaux and, upon her death, married Rosalía Zerengue. From these unions several children were born. "Cemetery Records of St. Louis No. I."

Like his father, Narciso became a notary public in 1799 when he inherited the title and paid the Crown one-half of the appraised value of the office which amounted to two thousand pesos plus transactional expenses. Narciso received an extension of time from the Crown to verify his title because of the difficulties of the wars which made communications between Spain and her American provinces almost impossible. During the American period, he rose to the rank of captain of militia and later was the commander of the Company of the 7th Regiment of Infantry in charge of the defense of Fort St. Philip in the War of 1812. He died on April 6, 1818. Actas del Cabildo, Libro IV, t. 3, ff.29-34, May 17, 1799; AGI, Santo Domingo, leg. 2529, Cédula no. 9, March 13, 1802; ff. 17-18; "Partial List of American Forces in the Battle of New Orleans"; James (Mrs.), "Le Diamant", 309; Libro primero de confirmaciones, 74.
pertaining to court martials and not to all private cases has the right to select his own notary public whom he can trust, as it is done in the Island of Cuba.

CONCLUSION:

Finally, I declare that all the persons involved in the residencia are to be considered of good repute and name, with the exception of those whom I have singled out.

I also order that all those persons who have been sentenced pay their fines within ten days or be arrested and held in the Royal Jail. I am also communicating this judgment of residencia to the Honorable Governor and Colonel of the Royal Armies, Don Manuel de Salcedo, so that it can also act accordingly. This is my final judgment which I resolve and order. Don Luis Carlos de Jaén.

The preceding judgment was pronounced and rendered by Don Luis Carlos de Jaén, Judge of Residencia, and signed by the Honorable Doctor [Jaén] in the City of New Orleans on July 6, 1802, and witnessed by Don Ignacio Delino; Don

Ignacio Delino de Chalmette was born in 1745. He was the son of Luis Xavier Delino and Magdalena Broutin. Ignacio married Victoria Vaugine, from which marriage several children were born. He was a successful military officer in the service of Spain, rising to the rank of captain of infantry. He died on 11 February 1815 at the age of seventy at his plantation home, the place where the Battle of New Orleans was fought. "Cemetery Records of St. Louis No. I"; Holmes, Honor, 101; Libro primero de confirmaciones, 88, 100; New Orleans in 1805; King, Creoles, 318-20.
Antonio Méndez, Captain of the Regiment of Louisiana; Don Francisco de la Rua; and Don Juan Bautista Ramírez, before me, Pedro Pedesclaux, Secretary of the investigation.

The above copy is in accordance with the Heading, the Declaratory Statements, and the Conclusion of the Judgment referred to in the petition and in compliance with the preceding decree. I issued this copy in the City of New Orleans on July 15, 1802.

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76 Antonio Rafael Méndez was born in Cuba. He was the son of José Méndez and Ana Munoz de Lara. He came to Louisiana and married Felicidad Ducros. Together they established a plantation in what is today St. Bernard Parish. On his plantation, Antonio became one of the pioneers of the sugar cane industry by successfully planting various varieties of this crop. Although he never succeeded in manufacturing granulated sugar, he laid the foundations upon which Étienne de Boré would succeed in 1795. Although Antonio received the title of notary, he never appears to have used it. He died on December 6, 1829. "Cemetery Records of St. Louis No. I"; Gremillion, St. Bernard Parish, 1; Census of 1791; Moody, "Slavery on Louisiana Sugar Plantations," 198; AGI, Santo Domingo, leg. 2539, Título no. 30, August 9, 1789, ff. 62-63.

77 Francisco de la Rua was married to Josefa Falcón. Several of their children were born in Pensacola, where they received their confirmation from Bishop Peñalver. When the Spanish period concluded in Louisiana, Francisco was appointed by the Marquis de Casa Calvo to compile and turn over the notarial documents to the American Government. After he finished his work, he left for Pensacola. Libro primero de confirmaciones, 80; AGI, Santo Domingo, leg. 2622, Morales to Soler, no. 342, October 31, 1804.

78 Juan Bautista Ramírez was born in Havana in 1773. He was the son of Juan Bautista Ramírez and María Melchora del Castillo. The younger Ramírez married María Durand, from which union several children were born at their residence at 51 St. Philip Street. He was a contractor whose main work was done in painting buildings. He died on April 30, 1809 at the age of thirty-six. "Cemetery Records of St. Louis No. I,"; Actas del Cabildo, Libro IV, t. 5, f. 83, June 17, 1803; New Orleans in 1805.
Pedro Pedesclaux
Secretary of the Investigation
A letter from Don Juan de Castanedo, Councilman and City Treasurer, protesting his removal from office by orders of Luis Carlos de Jaén, judge of the residencia of Governor Miró. Also the capitulary session in which the contents of the petition were resolved is included.79

79 Juan de Castanedo was born in Spain in 1762. He was the son of José de Castanedo and Manuela Quintanilla. Juan married Josefa de Lisa, and they had several children. "Cemetery Records of St. Louis No. I"; Libro primero de confirmaciones, 146.

When he came to Louisiana, he was employed as a storekeeper in the Natchez District, where he bought large tracts of land. In 1793 he came to New Orleans and was elected City Treasurer (Mayordomo de Propios), replacing Miguel Roig y Girona. Juan served in this capacity until the end of the Spanish period, with the exception of a few months in 1802 when he was arrested and suspended from the office by the judge conducting the residencia of Governor Miró. Unlike other City Treasurers who received a commission of one and one-half per cent of the funds of the Treasury, Castanedo was given five per cent, for the Cabildo could not find anyone else who would take the job for less. A memorial was sent to the King to approve this salary, as the sum granted was in excess of the limits imposed by royal laws, but the King never resolved the issue, and Castanedo continued to receive the five per cent commission. Actas del Cabildo, Libro IV, t. 1, f. 30, May 29, 1795; Ibid., t. 2, ff. 59-60, September 30, 1797; Holmes, Gayoso, 51; McBee (ed.), Natchez Court Records, II, 148.

In 1797 Castanedo bought the commission of regidor, when the number of councilmen was increased by six. Almonaster objected on the grounds that Castanedo could not hold the dual position of regidor and city treasurer at the same time. However, Attorney Manuel de Serrano rendered an opinion which stated that there was no incompatibility and that it was not against the laws. Later, Castanedo petitioned the Crown to combine the two offices as one unit, but the Crown refused. Besides discharging the duties of these offices, Castanedo had time to join the militia and eventually rose to the rank of sub-lieutenant. After the Spanish period, he left for Havana. Actas del Cabildo, Libro IV, t. 2, ff. 45-57, September 22, 1797; Ibid., t. 3, ff. 77-86, September 27, 1799; Ibid., ff. 218-20, August 26, 1800; AGI, Santo Domingo, leg. 2529, Cédula no. 5, May 18, 1799, ff. 9-10; Ibid., leg.
July 19, 1802

MOST ILLUSTRIOUS CABILDO

Don Juan de Castanedo, Permanent Councilman of this Illustrious Body and Sub-lieutenant of militia and Treasurer of this City, with due respect to Your Lordships comes and states: That, in the preceding letter of July 16, 1802 which he forwarded to the Cabildo, he informed Your Lordships that, as a result of the sentence rendered by the Tribunal of Residencia, the secretary of the Cabildo came to his home on the seventh of the current month and informed him that he had been suspended from the office of City Treasurer. The purpose of this letter is to make a formal protest, because the judge of the residencia, who had exceeded his authority. It is not for the purpose of having Your Lordships intercede on his behalf.

On May 28 he was accompanied by the Honorable Councilmen Don Pedro de La Roche, Don Jayme Jordá, and Don Gabriel Fonvergne, as a request was made by the judge of the residencia to come to the Royal Jail to discuss some business. 80

2539, Título no. 53, November 27, 1799, ff. 106-107; Holmes, Honor, 172-73; Also, see Note 95, Part I for more details on the office of the city treasurer (Mayordomo de propios).

80Jayme Jordá was born in Catalonia, Spain in 1760. He was the son of Jayme Jordá and Doña María Ana Jordá y Reggio. He was married in 1793 to Carlota Constancia de Reggio, a native of Catalonia, and upon her death he married her sister, María Elena, in 1800. "Cemetery Records of St. Louis
Immediately upon arriving at the Royal Jail, the judge of the residencia instituted judicial proceedings and forced them to testify against themselves on certain matters, although he lacked the appropriate jurisdiction to do so. Since his transgression was an affront to the Cabildo by depriving its members of certain privileges and immunities under law, the City Treasurer made the appropriate protest to Your Lordships, so that His Majesty may be petitioned to resolve this matter in case of similar future occurrences.

With the sole assistance of this letter, Your Lordships will be able to ascertain that the proceedings instituted against him are not valid, because they do not represent a formal trial. Furthermore, since the proceedings did not prove that the Treasurer had committed a crime, for there


He came to Louisiana in the early years of the Spanish period and joined the militia. By 1798 he had earned the rank of captain in the New Orleans Battalion of Disciplined Militia. He was elected City Treasurer in 1795, but he refused it on the grounds that office demanded its holder to remain stationary. In 1797 he was elected ward commissioner, but once more he declined the office. The same year, however, he purchased the office of permanent regidor, when the number of councilmen was increased by six. In 1798 he accepted the position of ward commissioner, representing the third ward, and the following year and in 1803, he served as annual commissioner of the Cabildo. He died on March 26, 1833. Actas del Cabildo, Libro IV, t. 1, f. 65, November 13, 1795; Ibid., f. 170, January 1, 1797; Ibid., ff. 187-88, January 13, 1797; Ibid., t. 2, ff. 51-52, September 22, 1797; Ibid., t. 3, f. 3, January 4, 1799; Ibid., f. 125, January 17, 1800; Ibid., t. 5, f. 37, January 7, 1803; AGI, Santo Domingo, Leg. 2539, Título 50, November 27, 1799, ff. 100-101; Holmes, Honor, 194.
was no crime perpetrated, the judge of the residencia could not have pronounced sentence and imposed a penalty without the defendant having had the benefit of a trial by an authorized judge.

Inspite of all of the illegal obstacles imposed upon the Treasurer, the judge, who lacked the appropriate authority, committed the outrage of including the Treasurer in the final judgment of residencia and declared (Which the Treasurer can not say without being horrified) that he was unsuitable for the office of Treasurer and other accusations.

In regard to the transgressions committed by the judge, the Treasurer has appealed to the Governor to obtain all the facts of the case and declare the sentence null and void, taking into consideration his military and other privileges. Also, the petitioner is initiating a criminal suit against the judge, because he violated the rights of the councilman by forcing him to appear before him and changing his status from that of a witness to that of a defendant. Furthermore, the petitioner has also appealed to the Governor to restrain the judge from leaving the Province, as he is shortly bound for Cuba, in order that the judge be punished for violating the privileges granted the petitioner under Royal Law.

The petitioner is without any doubt that Your Lordships are aware that the judge has usurped the jurisdiction of the government. When the judge presented his commission dated June 21, 1796, it clearly specified that he was to investigate the administration of Governor Esteban Miró, who died
in 1791; however, the judge went beyond his authority when he included the petitioner in the residencia, for he did not take office until 1797; thus, the sentence is ipso facto nula. This usurpation of authority is severely punishable by law.

The petitioner was informed that a capitulary session was to be held today to elect a new City Treasurer as a result of the judgment against him. He begs Your Lordships to withhold the adoption of any resolution pertaining to this case until his appeal is acted upon, and judgment rendered by the appropriate tribunal.

Also, he begs Your Lordships to grant him in the meantime the request he made in the previous petition he sent to Your Lordships and to order the secretary of the Cabildo to give him a copy of it, as well as the resolution adopted.

He hopes to receive grace from the well known benevolence of Your Lordships.

New Orleans

(Rubric) Juan de Castanedo
CAPITULARY SESSION OF THE CABILDO OF NEW ORLEANS

I register and attest that the capitulary session of the Cabildo of this City, held on this day, was presided over by the Honorable Don Manuel de Salcedo, Colonel of the Royal Armies and Governor of the Provinces of Louisiana and West Florida, and assisted by the Honorables Don Francisco Caisergues, 81 Alcalde Ordinario; Don Pedro Denis de la Ronde, Lieutenant of the Regiment of Louisiana, Regidor, and Alférez Real; Don Francisco Pascalis de la Barre, Alguacil Mayor; Don Rodolfo José Ducros, Regidor and Depositario General; Don Francisco Riano, Captain of Militia and Regidor; Don Gabriel Fonvergne, Regidor; Don Domingo Bouligny, Lieutenant of the Regiment of Louisiana and Regidor; and Don

81 Francisco Caisergues was married to Luisa Birot, and several children were born to them at their residence on Bienville Street. Later, he moved to a more sumptuous residence when he purchased a house on Chartres Street, at which time he was listed as a gentleman and planter. "Notarial Archives," Group II, Rafael Perdomo, IX, February 10, 1787, f. 89; Spanish Census of 1791; New Orleans in 1805; Paxton, Directory.

In 1796 he was elected alcalde de barrio to represent the second ward. In the summer of 1797 he was appointed to serve the unexpired term as attorney general, upon the death of Beltrán Gravier, and the following year he was elected to serve in the same office. As attorney general, he petitions the Cabildo to prohibit the burying of people in the Cathedral of St. Louis. Also, he accused the monthly commissioners of gross negligence in their supervision of the fish and meat market. In 1801 he was appointed alcalde ordinario and again served in this office the following year. Actas del Cabildo, Libro IV, t.1, f.78, January 1, 1796; Ibid., f.220, July 7, 1797; Ibid., t.2, ff.5-6, July 21, 1797; Ibid., ff. 60-61, September 30, 1797; Ibid., f. 99, January 1, 1798; Ibid., t. 4, f. 99, January 1, 1798; Ibid., t. 4, f. 99, January 1, 1801; Ibid., f.148, January 1, 1802.
The Honorable Governor and President gave notice that, since the Regidor and Treasurer of this City has been arrested and removed from his office, it was necessary to proceed and appoint another City Treasurer.

At this time I, the Secretary of the Cabildo, presented two petitions, one dated on the sixteenth of the current month and the other dated today, both pertaining to the arrest and removal from office of Don Juan de Castanedo. Furthermore, the petitioner requests that the Cabildo withhold the election of a new City Treasurer, in view of the appeal he has made and to permit his brother, Jose de Castanedo, to assume his duties until a final judgment is rendered on his case.

Having been informed of the petitions and taking into consideration the proposal made by the Governor to appoint a new City Treasurer, the Honorable and distinguished members

\footnote{See the index of this work for a listing of all of the other persons mentioned in this document for their biographical sketches and other information.}

Jose Castanedo was born in 1769 in Spain. He married Rosa Ramis, and they had five children, but none of them lived past the age of five. Jose settled in the Natchez District, along with his brother Juan, the City Treasurer. Jose owned a cattle ranch and slaughter house at Nogales. When he came to New Orleans, he settled in the District of Bayou St. John, and in 1801 and 1803, he served as its alcalde de barrio. He died on 24 April 1819, at the age of fifty, and his wife died in 1860 at the age of eighty-four. "Cemetery Records of St. Louis No. I"; Libro primero de confirmaciones, 146; McBee (ed.), Natchez Court Records, II, 513; Actas del Cabildo, Libro IV, t. 4, f. 58, January 9, 1801; \textit{Ibid.}, t. 5, f. 37, January 7, 1803.
of this Illustrious Cabildo proceeded to vote, and, once the votes were counted, it was discovered that Don José de Castanedo was unanimously elected as the new City Treasurer. Don José de Castanedo posted the necessary bonds and was assigned the same five per cent of the funds collected by the Treasury as his commission and salary, provided His Majesty approved it.

It was also resolved that Don Juan de Castanedo be given the certified copies of the petitions and resolutions he requested and to have him deposit the money he had on hand in the box of the three keys on the twenty-first day of the current month at four o'clock in the afternoon.

All of this was resolved on the nineteenth of July of the year one thousand eight hundred two.

(Rubric) Pedro Pedesclaux
Document 407

A petition from Don Miguel Fortier and several residents of New Orleans, requesting the Governor of Louisiana to instruct the Cabildo to repair the levee to prevent destruction of their houses, as well as the public buildings, in case of high waters.\textsuperscript{84}

\textsuperscript{84}See Note 16 of Document 376, Part II, for a biographical sketch of Miguel Fortier.
August 6, 1802

GOVERNOR GENERAL

The undersigned persons, residents of this City and owners of houses fronting the river levee, with due respect to Your Lordship state: That the levee in the area of the orange groves [Los Naranjos] and immediately in front of the house belonging to the Captain of Artillery of Militia, Don Miguel Fortier, has been considerably damaged by the receding flood waters of the river. Because the levee is in such condition waters from the river threaten to cause considerable damage not only to the house of Captain Fortier, but also to those adjacent to it, as well as to the City, if the levee is not immediately repaired before the waters rise again.

Since the expenses for repairing the levee are borne by the City Treasury, the petitioners appeal to Your Lordship to be kind enough to instruct the Most Illustrious Cabildo to repair the levee without delay. Also, we beg Your Lordship to recommend to the Illustrious Cabildo that this time the levee be repaired with more firmness, in order that it may be able to withstand the annual swellings of the river which are endangering the public buildings of the City by making

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Los Naranjos (orange groves) was the area that ran upriver from the head of the Tchoupitoulas Road to present-day Orange Street in New Orleans. Paxton, Directory, 9-10.
their foundations weaker.

Therefore, the petitioners beg Your Lordship to lend your attention to this respectful request, for it concerns important matters of the country, but, more urgently, it requires the protection of the interests of His Majesty for the preservation of the Royal buildings fronting the river.\footnote{The levee by the naranjos, in front of the home of Captain Miguel Fortier, broke in the summer of 1799. Attorney General Felix Arnaud reported the immediate danger, and the Cabildo appointed two engineers, Gilberto Guillemand and Nicolás Finiel to inspect it and make their recommendations. The engineers reported that the levee needed to be repaired immediately, before the waters of the river rose. The Cabildo resolved that delays would be caused by permitting the repairs to be done by auction of the contract, so it decided to repair it itself under the supervision of Juan de Castanedo and Felix Arnaud. \textit{Actas del Cabildo, Libro IV, t. 3, f. 100, October 18, 1799; Ibid., ff.102-103, October 25, 1799.}}

The petitioners hope to receive grace from the rectitude
and justice of Your Lordship.

New Orleans
(Rubrics)

M. Fortier
P. Rogues
Alex. Milne
Etienne Debon
P. Paillet
Chopin

Pedro Rogues came to Louisiana during the French period. He was a successful merchant, as well as a member of the Superior Council. During the Spanish and American periods, he continued his successful mercantile business, which he conducted from 14 Levee Street. He lived very sumptuously, because he had in his house thirteen slaves who helped him with his business. New Orleans in 1805; New Orleans First Directory, 1807; Clark, Economic History, 92.

Alexander Milne was born in Scotland in 1744. He was a successful merchant and one of the directors of the Orleans Navigation Company. His wealth eventually enabled him to purchase about twenty miles of land on the border of Lake Ponchartrain, and this area became known as Milneburg. It is on part of this land that the present campus of Louisiana State University in New Orleans is located. When Milne died on October 21, 1838, he left vast sums of money and large tracts of land for the establishment of homes for destitute boys and girls. "Cemetery Records of St. Louis No. II"; New Orleans in 1805; Paxton, Directory, 86; Wilson, The St. Louis Cemeteries of New Orleans, 21; New Orleans States-Item, October 15, 1971, Sec. 1, p. 8.

See Note 55, Part II, for a biographical sketch of Etienne Claudio Delavere Debón.

Pedro Jorge Paillet was born in France. He married Susana Roy, with whom he established their residence on Chartres Street. He died around 1803-1804. Deville, Marriage Contracts of Natchitoches, 48; New Orleans in 1805.

No information has been located on Juan María Chopin, but his name and that of his wife who was Celeste Cenas. They had one child in 1806 who died when he was only four days old. "Cemetery Records of St. Louis No. I."
Document 408

A letter from Attorney José Martínez de la Pedrera entrusting his family to the care and protection of the Cabildo, as he has to forcibly go to Havana.92

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92See Note 2, Part III for a biographical sketch of Don José Martínez de la Pedrera. Also, see Documents 391, 393, 401, and 402 for more details on his appointment by the Cabildo as its legal advisor, his arrest by Governor Salcedo and other information.
September 14, 1802

MOST ILLUSTRIOUS CABILDO

Having been insulted and mistreated by the military authorities, I am now forced to leave this country. I am the victim of the inhumanity of the enemies of Your Lordships, because, inspite of the distressing circumstances confronting my beloved family, the authorities are compelling me to leave by disregarding the sacred bond of father and husband.

For this reason, I entrust and place a wife who is about to give birth to a second child and a seriously ill girl in the care of Your Lordships. During my absence, I ask Your Lordships to provide for their needs from the fees you may deem just to pay me for the consultations I have rendered at your request as your legal advisor.

For this favor, I shall be obligated to you forever and shall await the orders you wish to forward to me in Havana.

May God give Your Lordships long life.

New Orleans

(Rubric) Lic. José Martínez de la Pedrera
A letter from José Hurtado de Saracho offering his services to the Cabildo to handle all of its judicial cases in Madrid.  

In order to protect its interests in the court in Spain or the seat of government where the viceroy resided, the Cabildo appointed a solicitor (Procurador) who presented petitions or asked for a special favor from the Council of the Indies or other authority. Moore, The Cabildo Under the Hapsburgs, 106-107; See also Document 410, Part III for another solicitor hired by the Cabildo to represent its interests in the Audiencia of Havana.

At first the Cabildo was prohibited from sending solicitors to the court in Spain, but by a Royal Order of November 14, 1519, issued by Charles V, the privilege was granted to every city or town. This privilege became less effective in the sixteenth century when numerous restrictions were placed upon it. The Cabildo, for example, could not send one of its regidores as a solicitor at the expense of the City Treasury, and, later in the same century, it prohibited the Cabildo from sending as a solicitor any member of the Audiencia which had jurisdiction over its affairs. Fortunately, this restriction was abolished in 1795, so that the Cabildo could appoint people who were more familiar with its problems. Another Royal Order, which for all practical purposes destroyed the little effectiveness the solicitor system had, was issued in 1621 and again in 1692. This law made the system inefficient, because it required that, before the Cabildo appointed a solicitor, a petition had to be sent to Spain and explain the urgency of the matter to be solicited. If the Crown felt it was of sufficient importance, then permission would be given to appoint a solicitor. Recopilación, Libro IV, Título IX, Leyes I, III-V.
September 22, 1802

GENTLEMEN OF THE CABILDO

As an attorney, I have established myself in this capital as a solicitor in order to be able to handle judicial cases in any of its tribunals. I am informing Your Lordships, so that, if you have any matters pending before these tribunals, you may avail yourselves of my services and rest assured that I will discharge them with the utmost rapidity.

May the Lord give Your Lordships a long and happy life.

Madrid

Your most attentive servant kisses the hands of Your Lordships.

(Rubric) José Hurtado de Saracho
Copies of letters exchanged by Nicolás María Vidal, the Legal Advisor (Auditor de Guerra), Governor Manuel de Salcedo, and Juan de Castanedo, the City Treasurer, regarding payment of a sum of money made to Attorney Domingo Pina for his services as attorney empowered to represent the interest of the Cabildo at the Audiencia of the District.  

94Domingo Pina was appointed to represent the interests of the Cabildo at the Royal Audiencia by a resolution of the Cabildo on July 30, 1802 and two weeks later three hundred pesos was forwarded to him as part of his fee. Actas del Cabildo, Libro IV, t. 5, f. 7, July 30, 1802; Ibid., f. 19, September 17, 1802.
COPY I: A letter from Nicolás María Vidal, the Auditor of War, to Governor Manuel de Salcedo, rendering his opinion of the case.

September 23, 1803

HIS EXCELLENCY THE GOVERNOR

Enclosed is the copy of the minutes of the capitulary session celebrated on September 17, 1802, which Your Excellency forwarded to me. The minutes indicate that the Most Illustrious Cabildo resolved to issue the payment of three hundred pesos to Don Domingo Pina of Cuba for his services rendered on behalf of the Cabildo at the Royal Audiencia of the District of Puerto Prínipe.95

95 The first audiencia, the royal court of judicial appeals, was established in Santo Domingo on the Island of Española in 1511. Unlike the audiencias in Spain, the Americanaudiencia had more extensive powers, because its jurisdiction was not limited only to judicial affairs. At one time the audiencia of Santo Domingo exercised judicial authority over a vast geographic area extending from Nicaragua to Perú. However, due to the creation of new audiencias and the territorial encroachments of other European nations in the Caribbean, the jurisdiction of the audiencia of Santo Domingo became limited. Haring, The Spanish Empire in América, 77-78; Ricardo Levene, Introducción a la historia del derecho indiano (Buenos Aires, 1924), 65-66.

About the time Louisiana was ceded to Spain, the Captaincy General of Cuba was created, and Santo Domingo lost even more of its jurisdiction. In 1781 the old audiencia of Santo Domingo was transferred to Havana and by 1797 to the town of Puerto Prínipe in Cuba. The tribunal was composed of the captain general, the intendant, the secretary of the navy, and the legal advisors of the war, navy, intendant and treasury departments. The province of Louisiana, however,
I assume that you sent the copy of the minutes to me, so that I may render an opinion of whether or not the Cabildo was empowered to make such payment. It is my duty to advise Your Excellency that the funds of the City Treasury should be invested only as prescribed by the laws of their authors, and not for any other matters which may be attributed to the Cabildo when in reality it concerns the interests of other individuals who should bear the expense. The funds of the City Treasury are to be spent only on matters pertaining to the welfare of the community and to preserve and augment the funds, because, if they are spent otherwise, the responsibility to reimburse them shall fall not only on the councilmen who order the expenditures, but also on the governors or other officials who authorize them.

If, in the future, there are cases similar to this

continued to send its cases to the audiencia at Havana; however, in 1800 the Cabildo appealed to the Crown to have its judicial cases transferred to Puerto Príncipe, because the delays at Havana were too long. It cited a case of a prisoner in the Royal Jail who had been sentenced to death in 1792, but his appeal had not been processed, and he was still in jail. Also, the Cabildo petitioned that a court of appeals be established in the province of Louisiana which was to handle its own cases. The tribunal was to be composed of the governor, who was to preside over it, all of the judges in the province, and the two lawyers present in the colony. Although the Crown never did accede to this last request, it permitted some of the cases to be transferred from the audiencia of Havana to that of Puerto Príncipe by 1802. AGI, Santo Domingo, leg. 2531, Consulta no. 28, August 14, 1800, ff. 573-82; Actas del Cabildo, Libro IV, t. 3, f. 193, July 11, 1800; Ibid., ff. 221-22, August 29, 1800; Ibid., t. 4, ff. 3-6, September 26, 1800; Dart, "Courts and Law in Colonial Louisiana," 278-79; Chambers, History, I, 300; Har- ing, Spanish Empire, 79; Also, see Note 97, Part I, for more information on the functions of the audiencia.
which require the expenditure of large sums of money, I believe that Your Excellency should not deprive the City Treasury and could approve a certain sum without the benefit of a Royal Order, provided an estimate of the expenses and circumstances of the cases are presented to you for your consideration.

In compliance with my duty to you, I have rendered my opinion to Your Excellency, so that you may resolve whatever may be convenient. New Orleans, September 23, 1802. Nicolás María Vidal.

The above is a copy of the original.

(Rubric) Salcedo
COPY II: A copy of a letter from Governor Manuel de Salcedo to Juan de Castanedo, the City Treasurer, prohibiting him from forwarding the money to the attorney at Puerto Príncipe.

September 25, 1802

HONORABLE DON JUAN DE CASTANEDO, CITY TREASURER

Yesterday I went to the capitular buildings [Cabildo] with the purpose of assisting in the regular session of the Council, but, due to the absence of many of its members, the session was not held for lack of a quorum. The matter which was to be discussed was the three hundred pesos which the Cabildo ordered in the previous session to be paid to its representative in Puerto Príncipe. I wanted to determine if the Cabildo was aware that the laws permit only for the expenses which benefit the community and not for private purposes, for which the individual members of the Cabildo would have to bear the responsibility and reimburse the City Treasury.

Taking the above into consideration, I order Your Lordship not to despatch the sum of three hundred pesos, and, if you have already done so, you must immediately redeem it. In the event you have issued a bill of exchange, instead of the cash, you must cancel it. At the next regular meeting of the Cabildo, the appropriate measures will be taken in regard to this case.
I advise Your Lordship of this matter for your compliance, and I expect that you will acknowledge it.


The above is a copy of the original.

(Rubric) Salcedo
COPY III: A copy of the letter from Juan de Castanedo, City Treasurer, to Governor Manuel de Salcedo, pertaining to the impossibility of reclaiming the money forwarded to the representative of the Cabildo in Puerto Príncipe.

September 27, 1802

HIS EXCELLENCY THE GOVERNOR

By the time I received the official letter from Your Excellency ordering me to suspend the delivery of the money destined for the representative of the Cabildo at the Royal Audiencia, the money was at sea, bound for Havana and registered with Captain Cayetano Olivella on the schooner Nuestra Señora de Regla.\(^96\) I was informed of this situation by the annual commissioners of the Most Illustrious Cabildo, who came to pick up the money and issued me the appropriate receipt. Furthermore, since I am the treasurer of this municipality, I could not very well refuse an order issued to me by the Cabildo.

For the reasons stated, I had no alternatives left to suspend the delivery of the money, nor the right to refuse

\(^{96}\) Cayetano Olivella was married to Margarita Johns, a free woman of color. One daughter was born to them whose name was María Josefina. During the American period, he joined the militia of the territory and became a sublieutenant of the 1st. Regiment of Infantry. "Cemetery Records of St. Louis No. I"; James (Mrs.), "Le Diamant," 309.
it to the annual commissioners, when they demanded it by orders of the Cabildo. This is all I can say in reply to the official letter of Your Excellency. The other matters are for the Cabildo to answer.  

May God give Your Lordship long life.  

New Orleans, September 27, 1802. Juan de Castanedo.  

The above is a copy of the original.

(Rubric) Salcedo

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97An extraordinary session was held by the Cabildo on October 2, 1802, to discuss the orders from the governor. The Cabildo claimed that the expense was on behalf of the City Council and not for personal use. It resolved that it would let the audiencia decide the merits of the case, and, if it rendered a decision contrary to the claims of the Cabildo, the members of the council would reimburse the city treasury for the three hundred pesos. *Actas del Cabildo, Libro IV*, t. 5, ff. 24-26, October 2, 1802.
Document 411

Document 411 has been erroneously numbered and included in the Documents for the year 1802. The Document is a copy of the Royal Order sent to the Cabildo regarding the retrocession of Louisiana. It has been moved and attached to Document 426, Part IV, for the year 1803.
A petition from Jorge Estilet, master saddle maker, requesting the Cabildo to order payment for three hundred leather buckets he made for the extinguishing of fires in the city.\textsuperscript{99}

\textsuperscript{99} Jorge Estilet was born in Germany in 1723. He married Ignes Etlair and established his residence at 81 St. Ann Street. He joined the Spanish militia and rose to the rank of sergeant. As a master leather worker, he repaired the leather buckets of the fire department on numerous occasions and upholstered the benches in the sala capitular of the Cabildo. He died on April 14, 1803, at the age of eighty. "Cemetery Records of St. Louis No. I"; Actas del Cabildo, Libro IV, t. 2, f. 90, December 1, 1797; \textit{Ibid.}, t. 3, f.129, January 31, 1800; Holmes, \textit{Honor}, 242.
November 16, 1802

MOST ILLUSTRIOUS CABILDO

I, Jorge Estilet, Master Saddle Maker of this City, with due respect to Your Lordships come before you and state: That, by virtue of a contract awarded to me, I have completed and delivered three hundred leather buckets for the purpose of extinguishing the fires of the City.¹⁰⁰ Since I

¹⁰⁰ The Fire Department in Louisiana was inaugurated in 1771 when Governor Unzaga issued an order making it mandatory for all craftsmen, free men, and slaves to be present to help fight the fires under the penalty of imprisonment and a fine. The order also required that all the residents must maintain in their houses ladders, buckets, axes, and other fire fighting equipment. Henry P. Dart, "Fire Protection in Unzaga's Time," translated by Heloise H. Cruzat, Louisiana Historical Quarterly, IV (April, 1921), 201-202; Actas del Cabildo, Libro I, f. 61, April 19, 1771.

The Cabildo, with permission from the governor, was authorized to purchase a number of leather buckets and two fire pumps. The pumps however, were not acquired until 1777. Unfortunately, the pumps were destroyed in the fire of 1788 and were difficult to replace. Governor Miro ordered new pumps from Havana, but, when he was unable to locate any, he gave the Cabildo permission to buy them from Oliver Pollock, the American merchant, who ordered them from Philadelphia at a cost of three hundred twenty-six pesos. Eventually, the Cabildo bought four more pumps which proved to be a worthy investment considering that the fire of 1794 destroyed only one-third of the City, as compared to the near total destruction of the previous fire of 1788. Ibid., Libro I, f. 262-63, April 25, 1777; Ibid., Libro III, t. 2, ff. 68-70, June 26, 1789; Ibid., f. 71, June 28, 1789; Lauro A. Rojas, "The Great Fire of 1788 in New Orleans," Louisiana Historical Quarterly, XX (July, 1937), 580-82.

To make the Fire Department more efficient, the Cabildo resolved to pay for all the fire equipment, with the exception of the pumps, from the funds of the Lighting Department. It distributed the equipment among the alcaldes de barrio, who would henceforth be in charge of preventing outbreaks of fires in their wards. The pumps, which at one time were
agreed to make them for the price of fifteen reales each, the total sum amounts to five hundred sixty-two pesos and four reales, as is indicated by the enclosed account. Therefore, I beg Your Lordships to order the City Treasurer to pay the above mentioned sum of money to me. I hope to receive grace from Your Lordships.

(Rubric) Jorge Estilet

I certify and attest that in the session of the Cabildo held on this day, it was resolved to order the City Treasurer to pay Jorge Estilet the sum of five hundred sixty-two pesos and four reales, as well as to have the Treasurer file the documents relating to the matter.

New Orleans

(Rubric) Pedro Pedesclaux

Secretary of the Cabildo

housed in the Royal Jail and at the house of the governor, were placed in strategic areas of the city in the homes of private citizens. During the American period, the same number of pumps and the system of maintaining them at strategic places remained practically intact. The only noticeable change was that the Washington Fire Society was organized by property owners who issued to each of its members two leather buckets and other equipment to protect their property. Actas del Cabildo, Libro IV, t. 2, f. 67-68, October 13, 1797; Ibid., f. 70, October 20, 1797; Paxton, Directory, 10, 22; Harkins, "Regulatory Functions of the Cabildo," 76-81.
ACCOUNT

Account of the three hundred leather buckets to extinguish fires which I, Jorge Estilet, Master Saddle Maker of this City, have made and delivered by order of the Most Illustrious Cabildo of this City and according to the contract awarded to me. That is to say:

I have made and delivered three hundred leather buckets to the Honorable Councilman, Don Francisco Pascalis de la Barre, commissioned to inspect the work, at a price of fifteen reales per bucket, which total amounts to five hundred sixty-two and one-half pesos...562 p.—4 r. 101

(Rubric) George Estilet

101 One-half peso is equivalent to four reales.
Document 413

A petition from Bartolomé Lafond, contractor, requesting the Cabildo to furnish him with a level, stakes, and two slaves so that he may be able to grade the streets.102

102 The Document is undated. The Cabildo furnished a water level, which it purchased for seventy-five pesos from Juan Marcier & Company, and other materials to Don Bartolomé Lafond. Actas del Cabildo, Libro IV, t. 4, f. 185, March 5, 1802; Ibid., f. 213, May 7, 1802.
MOST ILLUSTRIOUS CABILDO

Don Bartolomé Lafond, with all due respect to Your Lordships states: That, having accepted the task of grading the streets to facilitate drainage, at no cost to the Cabildo for expenses, other than the materials which it is to be provided for him, he asks that you furnish him with a level, two hundred stakes, and two blacks to carry them.

Since he is not undertaking the task for other reward than the satisfaction of being able to do something worthwhile for the community, he asks that Your Lordships be kind enough and honor him with his request.

New Orleans

(Rubric) Bartolomé Lafond[d]
PART IV

THE YEAR 1803
Document 414-A

A petition from Don Jayme Jordá, Councilman, requesting the Cabildo to order the City Treasury to accept a sum of money which he had borrowed from the Hospital of San Lázaro.

1This Document is numbered 390, but chronologically should be inserted with those of 1803. Thus, I have taken the liberty of reclassifying it as Document 414-A.

2See Note 80, Part III for a biographical sketch of Jayme Jordá.
January 14, 1803

MOST ILLUSTRIOUS CABILDO

Don Jayme Jordá, regidor of this Most Illustrious Cabildo, with due respect comes before Your Lordships and says: That, on June 6, 1801, he borrowed the sum of eight hundred and ninety pesos and four and one-half reales from the funds belonging to the Hospital for Lepers at the rate of five per cent per annum plus another five per cent to be contributed to charity. However, since he has to go to Spain, he asks Your Lordships to order the Treasurer, Don Juan de Castanedo, to accept the sum and interest and issue him a cancellation receipt in order to free the mortgage he committed to the funds.

He hopes to receive grace from the benevolence of Your Lordships.

New Orleans

(Rubric) Jayme Jordá

3See Note 125 of Document 365, Part I for details on the Hospital for Lepers (San Lázaro) and its financial administration.

4The Cabildo accepted his petition and instructed the Treasurer to lend out the sum of money to a responsible party. Actas del Cabildo, Libro IV, t. 5, f. 39, January 14, 1803.
A letter from Attorney General Salomón Prevost, urging the Cabildo to take effective measures to stop the abuses committed by the harvesters and retailers of rice and the firewood sellers and to have some of the sidewalks repaired.5

Salomón Prevost was born in Paris in 1737. He came to Louisiana and established himself as a planter in the district of St. Bernard. He was married in 1775 to Rosa Duverges and upon her death married Margarita Verret in 1789. "Cemetery Records of St. Louis No. I"; Seebold, Plantations, I, 64; "Notarial Archives," Group I, Juan Bautista Garic, VI, November 20, 1789, ff. 404-406.

He was elected as attorney general of the Cabildo in 1803, but he had been previously appointed in 1797, 1800, and 1802 as syndic of the district outside of the gate of St. Charles. When Louisiana was retroceded to France, Prevost decided not to follow other members of the Cabildo who chose to serve Spain in Havana. In 1805 he became the guardian of Bernardo Marigny, until the young man was emancipated. Salomón Prevost died on April 26, 1818 at the ripe age of eighty-one. Actas del Cabildo, Libro IV, t. 1, f. 188, January 13, 1797; Ibid., t. 3, f. 121, January 3, 1800; Ibid., t. 4, f. 150, January 8, 1802; Ibid., t. 5, f. 35, January 1, 1803; Ibid., f. 81, June 4, 1803; "An Act to Enable the Guardian of Bernardo Marigny to Make the Conveyances Therein Mentioned," in Acts Passed at the First Session of the Legislative Council of the Territory of Orleans, 1804, Chapter XXV, 352-57; Also, see Documents 414 and 416, Part IV for material pertaining to Salomón Prevost.
January 21, 1803

MOST ILLUSTRIOUS CABILDO

Salomón Prevost, Attorney General of this City, with due respect to Your Lordships expounds: That the unusually high price of rice, which is presently being experienced and is causing a great detriment to the people, is due not so much to its scarcity (since it is a known fact that the harvest of the crop has been adequate), but to the manipulation of the unscrupulous cultivators and retailers who are exporting it or using other vicious means to keep the price of rice inflated. Under these circumstances, the Attorney General asks that his Illustrious Cabildo, as Father of the country, take the necessary steps to stop these abuses.

He feels that Your Lordships should immediately inform the governor of the situation, so that he may be kind enough to order that the commandants and syndics of the districts where the crop has already been harvested to make the cultivators ship all of their crops to the City, with a permit specifying the quantity of rice sent in each pirogue or other vessel and, also, that the rice be sold at designated areas on the river levee and under no circumstances is it to be sold to hagglers or, much less, on board vessels that are anchored or moored. In order to accomplish these objectives, the governor should also be requested to petition the Intendancy to prohibit the exportation of the crop, so
that the inhabitants of this City are not deprived of it.

To achieve this desired goal, the Cabildo should enforce and prohibit the dealers of rice from buying any of the crop until the public has had the opportunity to purchase sufficient quantities to cover its needs.6

The petitioner also believes that, in order to prevent the abuses caused by the slaves who come into the City to sell firewood at a higher price than that specified by their masters, the Cabildo should require each of the sellers to carry on the side of the cart a board clearly stating the quantity of firewood contained in the cart and the price asked by the master.

Finally, the petitioner believes that, in order to facilitate an adequate transit system for the public, the Cabildo must compel the owners of houses and lots to repair the sidewalks and charge the expense to them by making them pay a monthly installment until the debt is satisfied.

The petitioner is without doubt that, once the governor is informed of the recommendations petitioned for the general welfare of the public, he will not hesitate to give his approval and issue the necessary orders to accomplish the goals.

New Orleans

(Rubric) Salomón Prevost

See Note 12 of Document 395, Part III for details on the production and other related matters pertaining to rice.
Document 415

A petition from Don Francisco Larosa, lesee of the public dance hall for white people, requesting the governor to prohibit other people from holding dances in other places, except the public dance hall.  

Francisco Larosa was born in Spain in 1769. He was the son of Francisco Larosa and Matia Gomez. Francisco, Jr. came to Louisiana and settled in the Pointe Coupée District, but he later moved to New Orleans. He obtained the lease of the public dance hall for whites in 1801 and retained it until the end of the Spanish period. He died on May 26, 1805, at the age of thirty-six. "Cemetery Records of St. Louis No. I"; Libro primero de confirmaciones, 25; Actas del Cabildo, Libro IV, t. 4, ff. 107-108, July 10, 1801.
February 1, 1803

GOVERNOR GENERAL

Don Francisco Larosa, contractor for the public dance hall for the white people, with due respect and veneration, states: That, ever since the time the building [dance hall] was erected, it has been exclusively used for the specific purpose of holding dances and balls with approval between the Gentlemen Baron de Carondelet, Don Manuel Gayoso de Lemos, and Don Nicolás María Vidal, the predecessors of Your Excellency, and Don Filiberto Farge, the previous lessee of the building. This fact was recently confirmed when a dance was held in honor of the princes of France under the sponsorship of the Permanent Infantry Regiment of this Province and the business community, at which time only those persons who were invited were in attendance. Presently, the building has been leased to the petitioner by the Cabildo for a period of three years, with the condition that the lessee obligates himself to pay the sum of one hundred fifty pesos monthly.

A dance hall for whites was established in 1792 by act of the Cabildo. The contract specified that a private individual was to construct the building on a piece of land belonging to the City, and he was to have a lease for three years. After this time, the person could either continue to lease the building or sell it to the City for its appraised value. The contract was given to Filiberto Farge, and he retained it until 1801. In that year the Cabildo awarded the contract of the dance hall to Celestino Lavergne, but
The petitioner has experienced a considerable loss during the past year, and he was forced to sell one of his houses and lots in order to meet his monthly obligations. He fears that his losses will be even greater, because he had learned that a number of distinguished families are planning to give a society ball in a different building and date than that specified in the contract with the lessee. Under these circumstances, the lessee is willing to provide the families with the building and the dance hall free of rent, provided that they pay for the cost of the music, lights, and any gratuity they wish to give to the petitioner. Furthermore, if they wish to provide the guests with a supper or refreshments, it could be done at the expense of the sponsors; however, if the interested parties are not willing to undergo the trouble, the petitioner could render this service at a very equitable cost.

Under these circumstances, the petitioner, in the interest of justice, begs Your Excellency to be kind enough to continue to observe the terms of the contract, as was done during the administration of your predecessors, by requir-
ing that all the dances be held at the designated building. If this is not possible, the petitioner asks that Your Lordship order the Cabildo to reduce his monthly rent or cancel the lease.

It is grace that the petitioner expects to receive from Your Excellency.

I sign on behalf of the petitioner.

New Orleans

(Rubric) Celestino Lavergne

"Regulatory Functions of the Cabildo," 98-100.

9 Celestino Lavergne was the one who accepted the contract to lease the dance hall in 1801, but in the same year turned it over to Francisco Larosa. Very little is known about Lavergne, except that he was a successful merchant and businessman during the Spanish period in Louisiana.
A letter from Governor Manuel de Salcedo to the Cabildo regarding the removal of black criminals from the Cape. ¹⁰

¹⁰ A number of blacks, who had revolted in Santo Domingo, had been sentenced to die by being thrown overboard at sea. Captain Neble, who was commissioned to transport the blacks to sea, decided to try to sell some of them in Louisiana, but he was immediately apprehended by the commandant at Plaquemine Fort when he tried to come up river. Governor Salcedo took immediate actions and ordered Captain Neble to leave Louisiana with his cargo intact. Actas del Cabildo, Libro IV, t. 5, ff. 51-52, February 18, 1803; Ibid., ff. 53-54, March 4, 1803.
February 19, 1803

MOST ILLUSTRIOUS CABILDO

The Government, having issued the most appropriate orders for the immediate removal of the black criminals from the [French] Cape, who are being transported by Captain Nebble on the brigantine La Joven Lilí, there is nothing else to do regarding this matter, as was recommended by the letter from the attorney general of the Cabildo, which was dated the eighteenth of the current month and brought to me by the Honorable Annual Commissioners Don Jayme Jordá and Don Juan de Castanedo, along with the deliberations of the Cabildo about this matter.

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo
This document is too faded to be read.
Document 418

A letter from Governor Manuel de Salcedo, communicating to the Cabildo a resolution from the Intendant, authorizing importation of flour and other provisions from the United States.¹²

¹²See Note 83 of Document 353, Part I for full details on flour. Also, see Note 49 of Document 386, Part II and Note 11 of Document 395, Part III for details on the trade policy between Spanish Louisiana and other countries.
February 25, 1803

MOST ILLUSTRIOUS CABILDO

Immediately after the Honorable Intendant received the petition of Your Lordships, and having taken into consideration the important and solid reasons on behalf of the convenience and necessity of importing flour and other provisions from the Americans, he acceded to your request, with the approval of the Tribunal of the Royal Treasury. I inform Your Lordships of this matter for your satisfaction.

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo
Document 419

A letter from Governor Manuel de Salcedo to the Cabildo requesting that a sum of money be advanced to Captain Roberto Mackay to meet the expenses he incurred in capturing some river pirates. 13

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13 Samuel Mason, the leader of a band of river pirates which included his son John and the notorious Wiley Harpe, had robbed, murdered, and committed other crimes in the present states of Tennessee, Kentucky, southern Illinois, and Mississippi. In the late 1790's, Samuel Mason and his band were concentrating their activities in the Natchez Trace, but concerted efforts by Governor Claiborne, who was at this time governor of the Mississippi Territory, drove Mason into Spanish territory. R.S. Cotteril, "The Natchez Trace," Louisiana Historical Quarterly, VI (April, 1922), 263; G.G. Hatheway, "Meet Wiley and Micajah Harpe: Unkind Men," Mankind: The Magazine of Popular History, I (June, 1968), 40.

When Mason established his new headquarters in Spanish territory, Roberto Mackay, Captain of Militia in New Madrid, set out and captured him and his gang. Soon after Captain Mackay and twelve other militia men conducted the prisoners to New Orleans, where judicial proceedings were initiated against them. However, Governor Manuel de Salcedo decided to send the pirates to Natchez, so that the American authorities could continue the trial, because all of their crimes were committed on American soil. Actas del Cabildo, Libro IV, t. 5, ff. 54-55, March 4, 1803; Ibid., ff. 73-74, April 22, 1803; also, see documents 420 and 421, Part IV for more details relating to the pirates.

When Captain Mackay was conducting the pirates up river to Natchez, Mason killed him and escaped. At this time Governor Claiborne posted a reward of two thousand dollars for the capture of Mason. In 1804, Wiley Harpe, one of the members of the gang, killed Mason by decapitating him. Wiley took the head to Mississippi in order to collect the reward. Unfortunately, Wiley was recognized as one of the bandits and was immediately arrested, tried, and hanged. Robert M. Coates, The Outlaw Years: The History of the Land Pirates of the Natchez Trace (New York, 1930), 158-63.
March 3, 1803

MOST ILLUSTRIUS CABILDO

Don Enrique Peyroux, Captain of the Army and Commandant of the Post of Nuevo Madrid, has sent, in the custody of the Captain of Militia, Don Roberto Mackay and an escort of twelve militia men, ten criminals, among whom are included the principal leaders of a notorious band of pirates.14 These pirates practically had the navigation of the river blockaded from Nogales to the Ohio and had seriously endangered the lives of the residents on both sides of the river and had caused considerable damage to the properties of both the subjects of His Majesty and the citizens of the United States of America. It is safe to conclude that, if this band of criminals had not been captured, the navigation on the river and travel to upper Louisiana would not have been possible without the protection of an armed guard.

Captain Peyroux, under these compelling circumstances,

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14 Enrique Peyroux was a Frenchman who came to Louisiana and established himself as a merchant in the Pointe Coupée district. Also, he was responsible for encouraging the Spanish and French governments to transport to Louisiana over two thousand Acadians who had been living in France in a state of destitution. For this endeavor, he was rewarded with the rank of captain of infantry and commandant of the post of New Madrid. "Index to the Spanish Judicial Records, No. V," Louisiana Historical Quarterly, VII (January, 1924), 185-86; AGI, Santo Domingo, leg. 2550, Bernardo de Gálvez to José de Gálvez, no. 60, November 26, 1785; Ibid., leg. 2549, Bernardo de Gálvez to José de Gálvez, no. 109, August 27, 1786; Holmes, Honor, 160.
decided to act promptly and send the criminals to this capital under the custody of a chosen guard. Each of the militia men was offered the sum of fifty pesos, for they also volunteered to row the large pirogue which was purchased to transport the criminals. It was understood that the pirogue was to be sold at auction for two hundred pesos or returned to Nuevo Madrid.

After having examined the proceedings instituted at the Post of Madrid against the criminals, it was disclosed that all of the apprehended criminals and the majority of their accomplices were citizens of the United States of America; that the majority of the crimes had been committed on American soil; that on the same soil there lived the principal leaders and accomplices of the bandits; that one of these bandits has already been imprisoned, lashed, and fined; and, finally, that the substantial and indisputable proofs which will bring to light the atrocious crimes with which the bandits have been charged can be obtained only from the Territory of the Mississippi and its adjoining states.

It may also be added, on behalf of the good will existing between two friendly and neighboring nations, that protocol demands that the criminals be placed under the jurisdiction of the nation in whose territory the crimes were committed, so that the public justice be strongly

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15See the statement attached to Document 421, Part IV for a list of the names of the militia men who accompanied Roberto Mackay to New Orleans in conducting the river pirates.
vindicated by administering the appropriate punishment to the culprits. In accordance with these principles and after having consulted with my auditor [legal advisor], I have resolved to send the criminals and the judicial proceedings to the Honorable Governor of Natchez, so that he may complete the case and pronounce sentence.

At any other time and under other circumstances, I would not have delayed in providing the necessary funds to meet the expenses caused by this situation; however, the scarcity of funds available in the Royal Treasury compels me, as President of the Cabildo of this City, to propose, on behalf of a public cause, to have the Cabildo advance the sum of one thousand five hundred seventy pesos to satisfy the salary of the militia men who conducted the criminals from Nuevo Madrid to this City. To safeguard the money you are going to advance, the appropriate securities, of which I shall discuss later, will be furnished.

This request is by no means to be considered inappropriate, because it is intended to benefit the public welfare and, therefore the expense should be borne by the people; and may I ask in which other case can the funds of the City Treasury be employed in a more worthy cause than in the preservation of the safety of the inhabitants of this province? It would be an insult to the patriotism and brilliance of the members who compose the Most Illustrious Cabildo to question the zeal which they have always manifested in matters concerning public welfare and more so when it
concerns the general welfare of the province, which would afford them with an ample opportunity to render a great service to the King.

In reference to the securities which I have already mentioned, I propose that the sum of two thousand pesos be deposited in the City Treasury from the seven thousand pesos in United States bank notes found in the possession of the thieves, until the sum of one thousand five hundred seventy pesos for the expenses incurred in apprehending and transporting the criminals be satisfied by the Government of the United States or the rightful owner of the money. Also, the money received at public auction of the pirogue, which is to conduct the prisoners to Natchez, should be deducted from the expense cited.

Since the present matter is of such seriousness, I have not the least doubt that Your Lordships will immediately, or perhaps with the least possible delay, initiate the necessary proceedings to provide the sum of money so that justice may be done without hindrance and so that the poor people who captured and transported the criminals be not deprived of their just compensation.

Since the general welfare is to be looked after by safeguarding the navigation of the river and protecting the inhabitants, the Government finds it necessary to resort to the City Treasury to advance the sum of money, because the Royal Treasury is short of funds. It may also be said that this sum of money will never be used for a worthier cause
than the present one.

In order that Your Lordships have access to an itemized account of the money, I inform you that six hundred pesos will be used to pay the twelve militia men who helped capture and escort the criminals to this City; two hundred pesos for the pirogue in which they were transported; three hundred twenty pesos for supplies and transportation expenses to conduct the criminals to Natchez; and four hundred pesos to Captain Roberto Mackay who captured and transported them to this City and who has been commissioned to conduct them to Natchez.

Since the gravity of the matter and the advantages which will be derived from the prompt punishment of these criminals should occupy all of the attention of Your Lordships, I leave it up to you to remove all the obstacles for the accomplishment of the desired goal.

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo
Document 420

A letter from Governor Manuel de Salcedo informing the Cabildo that he had issued an order to withdraw the money from the City Treasury to pay the expenses for the capture and transportation of the river pirates.¹⁶

¹⁶See Note 13 of Document 419, Part IV for more details on river pirates. Also, see Document 421, Part IV.
March 7, 1803

MOST ILLUSTRIOUS CABildo

When I had hoped that only love for the public welfare would have been sufficient for the Most Illustrious Cabildo to adopt the necessary measures demanded by the circumstances to maintain the public tranquility, I observed, with the greatest sorrow, that the members of the Cabildo are only interested in putting up obstacles to prevent the adoption of the measure. The obstacles are not only delaying the service that should be promptly rendered on behalf of the public, but they are also exposing the loyal vassals of the King, who abandoned their work and their families to undertake the task of capturing and transporting the pirates, to beg for what they have earned with the sweat of their brows. Furthermore, it may be added that, if the public were to judge the lack of interest the Cabildo is showing on their behalf by depriving them of the measures necessary for their protection, the sentence rendered by the people would be a poor opinion of the Cabildo.

The matter in question is not a matter which directly affects the state, but one which intimately affects the people who must safeguard their properties by removing all obstacles to the navigation of the river.

Since the funds which are sent to this province are only intended for the pay allowed to the soldiers and other
government employees, we should not expect to receive a substantial increase in funds to meet the obligations of the Royal Treasury at a time when the province is about to be retroceded.

Under the present situation, and without going into further considerations, because the gravity and urgency of the matter in question does not permit it, I have ordered that, on this very day, the requested sum of one thousand five hundred seventy pesos be delivered from the funds of the City Treasury, under the terms proposed in my official letter of the third day of the current month.

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo
Document 421

A letter from Governor Manuel de Salcedo informing the Cabildo of having ordered Lieutenant Colonel Don Gilberto Guillemand and Councilmen Don Pedro de La Ronde and Don Juan de Castanedo to withdraw from the City Treasury the money to pay for the expenses of capturing the pirates. 17

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17 See Documents 419 and 420, along with their corresponding notes for more details on the river pirates and the conflict between the Cabildo and the governor over the money to pay the expenses of capturing and transporting the pirates.
March 7, 1803

MOST ILLUSTRIOUS CABILDO

In view of the reluctance and tenaciousness manifested by Your Lordships against the request to advance the sum of one thousand five hundred seventy pesos assigned for the prompt despatch of the criminal proceeding instituted against Samuel Mason and other pirates, I am compelled to order, for the third time, the withdrawal of the money from the City Treasury. In order that my wishes be carried out, I have delivered to Lieutenant Colonel Don Gilberto Guillermard the key which I had in my possession and have ordered the regidor alférez real, Don Pedro de La Ronde and the regidor and City Treasurer, Don Juan de Castanedo, accompanied by the secretary of the Cabildo, to withdraw the specified sum of money and deposit the bank notes for the amounts specified in the attached statement. An account of this matter shall be rendered to His Majesty.

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo
STATEMENT 421

March 7, 1803

Statement of the Bank Notes from the United States which are to be deposited in the City Treasury by the Sergeant Major of this Post, Don Gilberto Guillemard, upon the withdrawal of one thousand five hundred seventy pesos.

The sum of one hundred pesos issued on behalf of:

[Bank Note Numbers]
191..........................A. Robertson..............100 Pesos
172..........................E. Bates..................100 Pesos
177..........................F. William..............100 Pesos
272..........................S. Watson..............100 Pesos
278..........................T. Davis..................100 Pesos
126..........................E. Bates..................100 Pesos
131..........................E. Bates..................100 Pesos
175..........................F. Watson..............100 Pesos
213..........................S. Fisher..............100 Pesos
685..........................S. Fisher..............100 Pesos
684..........................S. Fisher..............100 Pesos
683..........................F. Clibbon..............100 Pesos
217..........................T. Fisher..............100 Pesos
243..........................S. Bentley..............100 Pesos
275..........................Juan Hall..............100 Pesos
271..........................S. Watson..............100 Pesos
179..........................F. William..............100 Pesos
164..................S. Ward..................100 Pesos
129..................W. Jones..................100 Pesos
90..................F. Hall..................100 Pesos

New Orleans

(Rubric) Salcedo
Unnumbered Document

A letter from Governor Manuel de Salcedo to the Cabildo, communicating a letter he received from the Governor of the Territory of the Mississippi, regarding conversion into cash of the bills of exchange and acknowledging receipt of the records of the proceedings initiated against the river pirates. ¹⁸

¹⁸This is an unnumbered Document that does not follow an immediate chronological arrangement, but, in order to facilitate a better understanding of the whole matter, I have taken the liberty of placing it with Document 421.
May 27, 1803

MOST ILLUSTRIOUS CABILDO

The Honorable Governor of the Territory of the Mississippi has acknowledge receipt of the proceedings instituted against Juan Mason and his band of pirates. Also, the Governor agrees to the proposed conversion into cash of the bills of exchange now deposited in the City Treasury.

Furthermore, the merchant, Don Enrique Paillet, has offered the sum of eighty pesos for the pirogue used for the transportation of the criminals from Nuevo Madrid to New Orleans. I inform Your Lordships of this matter, so that you may decide on what you deem appropriate and let me know of your deliberations for my understanding and guidance. Also, I wish to be informed, if there is any balance from the above mentioned transaction, so that I may inform the Governor of the Mississippi Territory.

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo
Document 422

A copy of an order from Governor Manuel de Salcedo, ordering partial payment to the succession of Don Andrés Almonaster.¹⁹

¹⁹In June of 1803 the Cabildo ordered the City Treasurer to pay to Luisa de La Ronde the sum of seven thousand pesos as partial payment of the money owed to her on the building which houses the Cabildo. By August of the same year, the Cabildo ordered the final payment on the building, and its records show that the total cost was twenty-eight thousand pesos. *Actas del Cabildo, Libro IV, t. 5, f. 77, June 3, 1803; Ibid., f. 93, August 19, 1803; Also, see Note 42 and Note 43 of Document 343 for more information on Luisa de La Ronde and the Cabildo.*
March 11, 1803

New Orleans, tenth of March of one thousand eight hundred three---Seeing the stipulations contained in the contract [between Almonaster and the Cabildo], I order that the surplus funds of the City Treasury for the past two years be delivered to the lady petitioner [Luisa de La Ronde] as partial payment of the sum still due the succession of the late Colonel Don Andrés de Almonaster, provided you register the necessary documents, so that you may be insured against the results of the matter which is still pending. Furthermore, you are to retain in the City Treasury the sum of six thousand pesos to cover the expenses that may arise in the very near future.

Make known this resolution to the Regidor City Treasurer and forward a copy of it to the Most Illustrious Cabildo for its understanding and compliance. Salcedo.

Before me---Pedro Pedesclaux---Notary Public.

The above is in accordance with its original. And, in compliance with what has been ordered, I issue the present copy in the City of New Orleans on the eleventh of March of one thousand eight hundred three.

(Rubric) Pedro Pedesclaux

Notary Public
Document 423

A letter of Prefect Pierre Clement Laussat to the Cabildo to announce his arrival as Colonial Prefect of Louisiana.

By the secret Treaty of San Ildefonso of October 1, 1800, Spain agreed to retrocede the province of Louisiana to France. The plan of Napoleon was to send General Claude Victor as the first governor, accompanied by the troops who were putting down the rebellion in Santo Domingo under General Leclerc at this time. The objective was drastically altered when General Leclerc had difficulty in putting down the rebellion, and his army was almost destroyed by yellow fever. To make matters worse, General Victor was delayed, and in his place Prefect Pierre Clement de Laussat was sent ahead to prepare the way and to take possession of the colony. Laussat arrived in Louisiana in March, 1803 and took possession on November 30, 1803, from Governor Salcedo and the Marquis of Casa-Calvo, who were the appointed commissioners. Davis, History of Louisiana, 158-63; Smith, "Napoleon and Louisiana," 21; Actas del Cabildo, Libro IV, t. 5, ff. 559-61, March 11, 1803; Ibid., ff. 64-65, March 28, 1803; Ibid., f. 76, June 3, 1803; Also, see Document 424 for the initial preparations to provide sufficient beds in the Charity Hospital for the French troops which were expected to arrive, Document 425 for the Proclamation issued by Governor Salcedo and the Marquis of Casa-Calvo for the retrocession of Louisiana to the French dominion, Document 426 for a copy of the Royal Cédula ordering the transfer of the province to the appropriate authority, and Document 431 for an inventory of the archives of the Cabildo.
THE COLONIAL PREFECT OF LOUISIANA

TO THE

GENTLEMEN MEMBERS OF THE CABILDO OF THE CITY OF NEW ORLEANS

I am happy to inform you, gentlemen of the Cabildo, that henceforth you shall be honored by being made aware of the intentions and views with which the French Government wishes its agents to be constantly informed.

I have embodied these objectives in a proclamation of which I am sending to you several copies, and I ask that you give them the greatest publicity. I give you the assurance of the pleasure and confidence which I anticipate from our many future relations. I am certain that, in the future, we shall find other causes which will strengthen our reciprocal friendship and esteem.

I have the honor to salute you.

(Rubric) Laussat

New Orleans
Germinal 6, Year 11
(March 28, 1803)
Document 424

A letter from Governor Manuel de Salcedo urging the Cabildo to provide beds in the Charity Hospital to assist the French troops when they arrive in New Orleans.
April 9, 1803

MOST ILLUSTRIOUS CABILDO

I communicate to Your Lordships the contents of the official letter that I have just received from the Honorable Colonial Prefect, in which he suggests that I take the necessary steps to request that persons of means furnish one hundred twenty-nine beds and place them in the Charity Hospital to assist the troops when they arrive in the City.

There is no doubt that it is our duty to provide them with the necessities, and I hope that Your Lordships will do everything within your power to satisfy the needs of the Colonial Prefect. You will notify me during the day as to which measures you have decided to adopt, so that I may order the necessary steps to be taken.

In order to avoid useless expenses, I should inform you that the beds requested by the Colonial Prefect are to be three feet wide by five feet eight inches long, as well as a large blanket, a pillow, and a mattress.

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo
Document 425

The proclamation issued by Governor Don Manuel de Salcedo and the Marquis de Casa-Calvo to the people of Louisiana, instructing them about the retrocession of Louisiana to the French Dominion.
May 18, 1803

Don Manuel de Salcedo, Brigadier of the Royal Armies, Military and Civil Governor of the Provinces of Louisiana and West Florida, Inspector of the Veteran Troops and Militias of same, Royal Vice Patron, Judge Sub-delegate of the General Superintendency of the Post Office, etc., and Don Sebastián Calvo de la Puerta y O’Farrill, Marquis de Casa-Calvo, Knight of the Order of Santiago, Brigadier of the Royal Armies and Colonel of the Regiment of Infantry stationed in Havana, Commissioned by His Majesty to deliver this Province to the French Republic.

We hereby make it known to all the vassals of the King, Our Lord, of any class and condition that they may be, that His Majesty has resolved that the retrocession of the Province of Louisiana be done to the mutual satisfaction of both powers; and that the vassals shall continue to enjoy the same proofs of protection and affection which have always been experienced by the inhabitants of this Province. His Majesty has also been kind enough to determine, among other things, certain points which we believe to be our duty to bring to public knowledge for the guidance and dispositions of those who may be interested.

First, His Majesty, bearing in mind the obligations imposed by the treaties and wishing to avoid the disputes that may arise, had deigned to resolve: That the delivery of the Colony and Island of New Orleans must be made to Division
General Victor, or to another officer legitimately authorized by the Government of the French Republic; that the transfer of the Province be confirmed in the same terms under which France ceded it to His Majesty, by virtue of which the boundaries of both banks of the Rivers Saint Louis or Mississippi shall remain as they were, irrevocably fixed on February 10, 1763, by Article 7 of the Treaty of Paris. Consequently, the settlements from the Rivers Manchac or Iberville to the line which separates the American Territory from that of the dominions of the King shall remain under the power of Spain and be annexed to West Florida.

Second, all the individuals who are presently employed in any branch of government and who wish to continue under the Dominion of the King shall be transferred to the City of Havana or other points in the possessions of His Majesty, unless they prefer to remain in the service of France, which they can freely do. However, if for the present those who wish to be transferred are unable to do so because of other pressing matters, they shall report it to their superiors, so that a decision may be rendered on the case.

Third, due to the generous piety of the King, the pensions of the widows and retired persons shall not be discontinued, and in due time the recipients shall be informed of the manner in which this will be arranged.

Fourth, His Majesty expects from the sincere friendship and intimate alliance between us and the French Republic, and hopes that for the benefit and tranquility of the
inhabitants, the French government will order its governors and other colonial officials to permit the ecclesiastics and other religious groups to continue to exercise their duties and enjoy the privileges, prerogatives, and exemptions granted them in the titles of their establishment; to permit the ordinary judges and established tribunals to continue to administer justice in accordance with the laws and customs of the Colony; to allow the inhabitants to retain possession of their property and to confirm all the concessions granted to them by my governors, although they may not have received my royal confirmation; finally, His Majesty hopes that the French Government will give its new subjects the same protection and affection which they enjoyed while they were under his rule.

Fifth, in order that all the parties be able to make the final decisions on matters pertaining to their interest, we hereby make it equally known that they must come to any one of us, so that we may render judgement in accordance with the Royal Orders and other instructions in our possessions.

And, in order that this proclamation be made known to everyone, we ordered it published and announced with the greatest solemnity and other requisites at the sound of the military drums, as well as having ordered that it be posted in the designated places.

Given in New Orleans on May 18, 1803.
Manuel de Salcedo [and] El Marqués de Casa-Calvo
By order of their Lordships.

Carlos Ximénez, War Notary

This is a copy.

(Rubric) Andrés López Armesto
Document 426

A letter from Governor Manuel de Salcedo and the Marquis of Casa-Calvo to the Cabildo, enclosing a copy of the Royal Order regarding the retrocession of Louisiana to the French government.
May 26, 1803

MOST ILLUSTRIOUS CABILDO

We are enclosing copies of the Royal Order issued by His Majesty for the delivery of this Province to the French Republic and the Proclamation we have issued for the understanding and guidance of Your Lordships, so that you may comply with the parts that concern you. Your Lordships should acknowledge receipt of the copies enclosed and should also inform us of the intentions of each of the members of the Cabildo pertaining to the provisions that apply to them in the orders.

May God give Your Lordships long life.

New Orleans

Manuel de Salcedo (Rubrics) El Marqués de Casa-Calvo
A copy of the Royal Order giving instructions for the retrocession of Louisiana to the French Government.

May 24, 1803

DON CARLOS, by the Grace of God, King of Castile, of León, of Aragón, of the two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Galicia, of Mallorca, of Minorca, of Seville, of Sardinia, of Cordova, of Córsica, of Murcia, of Jaén, of the Algecirians of Algeciras, of Gibraltar, of the Canary Islands, of the East Indies, of the South Sea Islands; Archduke of Austria, Duke of Burgundy, of Brabant, and of Milan; Count of Hapsburg, of Flanders, of Tyrol, and Barcelona; Lord of Biscay, of Molina, etc., has deemed it convenient to retrocede the Colony and Province of Louisiana to the French Republic.

I order that, upon the presentation of this Royal Order by General Victor or some other authorized French official, you place him in possession of the Province and its dependencies, as well as the City and the Isle of Orleans, with its present dimensions, those it had at the time France ceded it to my Royal Crown, and those that were negotiated by the treaties between my commonwealth and those of other sovereignties, so that in the future it will belong to the French Republic to be governed and administered with its own officials and governors with no exceptions.

I order that, after the troops of the French Republic
have taken possession of the Colony, you withdraw all of the officers, soldiers, and the employees who guard and govern the Province, so that they may be sent to Spain or any other of my possessions in America, with the exception of those who prefer to remain in the service of France. Furthermore, under no circumstances whatsoever shall you place any obstacles in the way of those persons who wish to remain.

Likewise, I order that, after the evacuation of the posts and the City of New Orleans, you gather all of the papers and documents pertaining to the Royal Treasury and the administration of Louisiana, so that they may be brought back to Spain, and an account be rendered. Also, you are to turn over to the governor or other French official in charge of taking possession of the colony all of the documents pertaining to the boundaries and demarcations, the uncharted lands, and other Posts of the territory, taking the precaution of requesting the appropriate receipt for your protection when you render accounts. Furthermore, you are to give the French governor all the information he needs to administer the colony to the satisfaction of the Republic.

In order that the cession of the Colony be made to the mutual satisfaction of both sovereignties, you will take an inventory, in duplicate, and signed by both you and the official authorized by the Republic, of all the artillery, arms, ammunitions, assets, warehouses, hospitals, naval supplies, and other effects throughout the various posts in the colony, etc., belonging to me and proceed to make an exact
estimate or appraisal, so that their value will be reimbursed to me by the French Government.

We expect, from the sincere friendship and ultimate alliance between us and the French Government, and hope, that for the benefit and tranquility of the inhabitants, the French Government will order its governors and other colonial officials to permit the ecclesiastics and other religious groups to continue to exercise their duties and enjoy the privileges, prerogatives, and exemptions granted them in the title of their establishment; to permit the ordinary judges and established tribunals to continue to administer justice according to the laws and customs of the colony; to allow the inhabitants to retain possession of their property and to confirm all the concessions granted to them by my governors, although they may not have received my Royal confirmation; finally, we hope that the French Government will give its new subjects the same protection and affection which they received while they were under my rule. Given in Barcelona on October 15, 1802. I the King. Pedro Cevallos.

It is in accordance with the original.

This is a copy of the Royal Order received in the office of the Secretary of the Government in my charge. I certify to it. New Orleans, May 24, 1803.

(Rubric)  Andrés López de Armesto
A petition from Regidor Don Pedro de la Roche, requesting that the Cabildo order the secretary to give him certified copies of the records of his tenure as regidor and alcalde mayor provincial.21

21See Note 86, Part I for a biographical sketch of Pedro de La Roche.
May 27, 1803

MOST ILLUSTRIOUS CABILDO

Don Pedro de La Roche, Captain of Infantry of Militia, Perpetual Regidor and Alcalde Mayor Provincial [Chief Provincial Judge] of this City and its jurisdiction by the grace of His Majesty, with due respect to Your Lordships expounds: That, since His Majesty has deemed it convenient to retrocede this Province to the French Dominion, and it being the wishes of the petitioner to remain in the service of the King, he begs Your Lordships to be kind enough to order the secretary of the Cabildo to give him a certified copy of the day, month, and year in which he had the honor of taking possession of his positions as regidor [councilman] and chief provincial judge and the fact that he has been exercising the authority of the offices to the present day. The petitioner hopes to receive this grace from Your Lordships.

New Orleans

(Rubric) Pedro de La Roche
Document 428

A letter from Governor Manuel de Salcedo communicating to the Cabildo an executive order which he issued regarding the supply of meat in the City.  

In order that the city be adequately supplied with meat, the Cabildo granted a monopoly in 1777 to Juan LeBlanc. However, the abuses were so numerous that the contract was taken away from him and given to another person. In 1782 the Cabildo hoped to do away with the exclusive contract system by inviting the ranchers of Attacapas and Opelousas to make bids for the new stalls in the new market place, but participation was so poor and the quality of meat so below standards that the Cabildo had to go back to the monopoly system. Actas del Cabildo, Libro I, f. 263, May 9, 1777; Ibid., Libro II, f. 134, August 9, 1782; Ibid., ff. 144-45, November 8, 1782.

In 1789 the Cabildo once more attempted to install the competitive method of supplying meat by permitting all of the ranchers to bring their cattle and sell them in the city, but this method not only encouraged the old abuses but also the problem of rustling. In 1796 some of the more prominent residents of the city petitioned the Cabildo to grant them a monopoly, but the Cabildo refused on the grounds that the competitive system was more efficient and provided the meat at lower prices. In 1798 a more substantial offer was made in return for the monopoly, but the butchers of the city, who had enjoyed the privileges of the meat supply, made a counter-offer and theirs was accepted. This situation remained unchanged until 1803 when Governor Salcedo removed all obstacles, so that anyone who wished to supply and sell meat could do so in order to insure an adequate supply for the expected large numbers of French troops which were soon to arrive. Actas del Cabildo, Libro III, t. 2, f. 74, March 22, 1789; Ibid., Libro IV, t. 1, f. 102, April 8, 1796; Ibid., ff. 122-25, June 17, 1796; Ibid., t. 2, ff. 114-15, March 2, 1798; Harkins, "Regulatory Functions," 45-52.
September 3, 1803

MOST ILLUSTRIOUS CABILDO

On this date I have decreed the following order:
"Bearing in mind the propositions made by the Most Illustrious Cabildo, as well as the advice given to me by my legal advisor, weighing the arguments set forth by the contractors of the meat supply, and taking into consideration the detriment suffered by the public owing to the long term contract awarded to supply the meat of this city, I resolve that from October 16, 1803, all the people who wish to supply meat to the city will be able to do so with no one having an exclusive monoply. The price of the meats, however, will be one-half real per pound of beef and eight sueldos per pound of veal. Make this decree known to the Cabildo, so that it may comply with the part which concerns it."

With this object in mind, I forward this decree to Your Lordships.

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo
Document 429

A letter from Governor Manuel de Salcedo to the Cabildo urging it to repair the levee to prevent the building which was being used for the selling of fish and meat from collapsing.

In order to prevent abuses by retailers selling meat, fish, and vegetables, the Cabildo resolved in 1779 to construct a building to be utilized as a market, so that more efficient inspections could be undertaken. The market was destroyed by the fire of 1788, and the Cabildo ordered a new one to be built which was completed by 1790. The new market proved unsatisfactory, because it was not covered with a roof, thus causing much of the meats to spoil from the heat of the sun. In 1797 a new market building was proposed and was completed by 1799 by Contractor Bartolome Lafond. This is the market that needed repairs in 1803, because the levee had given way, and there was the danger of it collapsing.

Actas del Cabildo, Libro I, f. 318, May 21, 1779; Ibid., Libro II, f. 30, June 2, 1780; Ibid., Libro III, t. 2, f. 75, February 18, 1788; Ibid., Libro IV, t. 2, ff. 64-66, October 6, 1797; Ibid., f. 80, November 23, 1798; Ibid., t. 3, f. 38, June 14, 1799; Harkins, "Regulatory Functions," 34-44.
September 16, 1803

MOST ILLUSTRIOUS CABILDO

I have just seen the collapse of that part of the levee on which stands the building used as a meat and fish market. According to the advice of an expert, the building will collapse, if the outer entablature is not immediately supported. I notify Your Lordships, so that you will immediately be made aware of the situation and hasten to make the urgent repairs.

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo
Document 430

\[\text{It is too faded to be read.}\]
Document 431

A letter from Governor Manuel de Salcedo and the Marquis of Casa-Calvo to the Cabildo requesting an inventory of the archives of the Cabildo and a statement of the accounts of the City Treasury to be used in the retrocession of Louisiana to the French Dominion.  

25 See Documents 423, 424, and 425 for more information on the retrocession of Louisiana to France and the preparations that were made to facilitate the transaction.
September 28, 1803

MOST ILLUSTRIOUS CABILDO

Since the date for the retrocession of this Province is getting near and having been authorized by His Majesty to carry it out, we need to be acquainted with the archives of the Cabildo. Your Lordships can provide us with this information by furnishing us with an inventory of the Royal Orders, municipal laws, resolutions, and dispositions of the Cabildo; also, we must have the previous statements of the accounts of the City Treasury, as well as the accounts of the present year, informing us of the revenue on hand to meet the expenses already incurred, as well as those urgent expenses in the immediate future. We expect that, because of the zeal and patriotism of Your Lordships, you will comply with this order.

May God give Your Lordships long life.

New Orleans

Manuel de Salcedo (Rubrics) El Marqués de Casa-Calvo
Document 432

A letter from Governor Manuel de Salcedo to the Cabildo recommending that payment be made on behalf of Juan María Du Jarreau for work performed for the Cabildo. ²⁶

²⁶See Note 35 of Document 339, Part I for a biographical sketch of Du Jarreau. Also, see Notes 103 and 145 of Documents 360 and 369 respectively for the controversy over the repairs made in the Royal Jail. Also, see Document 380-B, Part II for more information on the same topic.
November 11, 1803

MOST ILLUSTRIUS CABILDO

Juan María Du Jarreau claims payment of the money owed to him for work he performed by orders of the Cabildo. I can only recommend to Your Lordships that he be paid, because it is just that all work be remunerated.

May God give Your Lordships long life.

New Orleans

(Rubric) Manuel de Salcedo
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APPENDIX I

OFFICERS OF THE CABILDO FOR THE YEARS 1800 TO 1803

PERMANENT COUNCILMEN (REGIDORES PERPETUOS)

GILBERTO ANDRY
He renounced his title late in 1800, and it was immediately purchased by DOMINGO BOULIGNY.

JUAN ARNOULT
His post was vacant because upon his resignation in the 1780's, the party whom he named as his successor never did receive the title due to a litigation initiated by the officials of the Treasury.

FRANCISCO PASCALIS DE LA BARRE
He also held the permanent title of Chief Constable (Alguacil Mayor).

JUAN DE CASTANEDO

RODOLFO JOSÉ DUCROS
He also held the permanent title of Depositary General (Depositario General).

GABRIEL FONVERGNÉ
He purchased the office in 1799 from the Crown, when Louis Darby Dannicant resigned it.

NICOLÁS FORSTALL

JAIME JORDÁ

JOSEF LEBLANC

FRANCISCO RIAÑO

PEDRO DE LA ROCHE
He also held the permanent title of Chief Provincial Judge (Alcalde Mayor Provincial).

PEDRO DENIS DE LA RONDE
He also held the permanent title of Royal Standard Bearer (Alférez Real).

The permanent councilmen held office for life.
CAPITULARY ELECTIONS OF 1800

Judges (Alcaldes Ordinarios)
MANUEL PÉREZ. Alcalde de Primer Voto
JUAN BAUTISTA POEFARRE

Attorney General (Síndico Procurador General)
PEDRO DULCIDO BARRAN

City Treasurer (Mayordomo de Propios)
JUAN DE CASTANEDO

Annual Commissioners (Comisarios Anuales)
JOSEF LEBLANC

GABRIEL FONVERGNE
Due to ill health, Fonvergne was not able to carry on with his duties; at which time, they were assumed by Pedro Denis de la Ronde, the Royal Standard Bearer and Regidor of the Cabildo.

Ward Commissioners (Alcaldes de Barrios)
GERÓNIMO DEGRANGE...............First Ward
Originally, the Cabildo elected Francisco Landreaux, but he refused it due to ill-health.

PEDRO COLSON...............Second Ward

JUAN BAUTISTA BERMÚDEZ........Third Ward
Originally, the Cabildo elected Juan Bautista Desislet, but he refused it due to ill-health and old age.

DOMINGO LANGUARAND............Fourth Ward
Originally, the Cabildo elected Nicolás Lisana, but he refused it because it interfered with his business.

JACINTO BERNARD..............Santa María Ward
JOAQUÍN LISA..................Bayou Road Ward
LUÍS BRUNEAU GIRANDEAUX.......Outside of the Gate of Saint Charles (San Carlos) Ward.

Justices of the Peace (Alcaldes de la Hermandad)

ROBERTO ASSART................For the District of the Coast
FRANCISCO DORVILLE..........of Tchoupitoulas on the East
( ? ) FORCELLE..............side of the Mississippi River.

BALTASAR DUSSEAU DE LA CROIX..For the District on the West
JUGAY LIVAUDAIS.............side of the Mississippi River
 across from the Coast of Tchoupitoulas.

NICOLÁS VERBOIS............For the District below the
BERNARDO TREMOULET.........Mississippi River.
CIRILO FAZENDE..............

SALOMÓN PREVOST..............For the District outside of
 He resigned and post****the Gate of Saint Charles.
given to Lorenzo Segur.**
CARLOS LACHAISE..............

( ? ) HALAR...................For the District from the
 bridge of Bayou St. John to
Metairie.

PABLO DARCANTEL.............Gentilly District.
CAPITULARY ELECTIONS OF 1801

Judges (Alcaldes Ordinarios)
NICOLÁS FORSTALL. Alcalde de Primer Voto.
FRANCISCO CAISERGUES

Attorney General (Síndico Procurador General)
PABLO LANUSSE

City Treasurer (Mayordomo de Propios)
JUAN DE CASTANEDO

Annual Commissioners (Comisarios Anuales)
PEDRO DENIS DE LA RONDE
DOMINGO BOULIGNY

Ward Commissioners (Alcaldes de Barrios)
JOSÉ PAVIA..................First Ward
GASPAR DUBUYS...............Second Ward
FRANCISCO BERMÚDEZ.........Third Ward
THOMAS DUROFOND.............Fourth Ward
CLAUDIO FRANCISCO GIROD.....Santa Maria Ward
JUAN BAUTISTA VICTOR CASTILLON..Outside of the Gate of Saint Charles (San Carlos) Ward.
JOSÉ DE CASTANEDO............Bayou St. John Ward.

Justices of the Peace (Alcaldes de la Hermandad)
PEDRO LUIS CHAUVIN BEAULIEU...For the District of the Coast (The other name is not legible)...of Tchoupitoulas on the East side of the Mississippi River.

PEDRO SAUVE..................For the District on the West side of the Mississippi River across from the Coast of Tchoupitoulas.

(?) DELERY....................For the Upper Coast District.
ALEJANDRO HARAHAN, Jr........

BERNARDO BERNOUDY............For the Lower Coast District.
THOMAS POREE...................
( ? ) BOISCLAIRE DElERY......

JUAN BAUTISTA VICTOR CASTILLON..For the District outside of the Gate of Saint Charles.

ALEJANDRO CAVELIER DEClOUPET...For the Bayou St. John District
LUIS BLANC......................For the Metairie District.
PABLO DARCANTEL...............For the Gentilly District.
CAPITULARY ELECTIONS OF 1802

Judges (Alcaldes Ordinarios)

NICOLÁS FORSTALL. Alcalde de Primer Voto
He was suspended from office after Dr. Luís Carlos de Jaén conducted the residencia of Ex-Governor Miro'. The duties of Forstall as a judge were assumed by Pedro Denis de la Ronde, the Royal Standard Bearer.

FRANCISCO CAISERGUES

Attorney General (Síndico Procurador General)

PABLO LANUSSE

City Treasurer (Mayordomo de Propios)

JUAN DE CASTANEDO
He was also suspended from office after Dr. Jaén conducted the residencia of Ex-Governor Miro'. New elections were held, and, at his request, his brother José de Castanedo was unanimously elected.

Annual Commissioners (Comisarios Anuales)

PEDRO DE LA ROCHE
He was also suspended from office by Dr. Jaén.

JOSE' RODOLFO DUCROS

Ward Commissioners (Alcaldes de Barrios)

MANUEL LÓPEZ..............First Ward
Originally the Cabildo elected Juan Bautista Durel, but he declined to serve on the grounds that it would interfere with his military obligations.

SANTIAGO (JACQUES) PITOT......Second Ward

FERNANDO ALZAR..............Third Ward

ENRIQUE COUPERY..............Fourth Ward
JUAN MARÍA VERRET .............. Santa María
Refused to serve the office, but the Cabildo complained
to the governor, and Verret was forcibly made to dis-
charge the duties of the position.

CARLOS GRIFFON .......... Bayou St. John Ward

LUÍS BRUNEAU GIRANDEAUX .... Outside of the Gate of Saint
Charles (San Carlos) Ward.

**Justices of the Peace (Alcaldes de la Hermandad)**

JOSÉ WITOS ......................... For the District of the Coast
NORBERTO FORTIER ............... of Tchoupitoulas on the East
SANTIAGO FORTIER ............... side of the Mississippi River.

GERÓNIMO DAUTRIVÉ ............. For the District on the West
( ? ) ZERINGUE ................. side of the Mississippi River
FRANCISCO DELILLE DUPARC .... across from the Coast of
Tchoupitoulas.

BARTOLOMÉ DUVERGER .............. For the Upper Coast District.
SANTIAGO FLETCHER ............

SALOMÓN PREVOST .................. For the Lower Coast District.
JUAN BAUTISTA RIVIÈRE ........

LORENZO FARANCON .............. For the Bayou St. John and
Metairie Districts.

EUFROY DREAUX .................... For the Gentilly District.
CAPITULARY ELECTIONS OF 1803

Judges (Alcaldes Ordinarios)
PEDRO LANUSSE. Alcalde de Primer Voto
FRANCISCO MERIEULT

Attorney General (Síndico Procurador General)
SALOMÓN PREVOST

City Treasurer (Mayordomo de Propios)
JUAN DE CASTANEDO

Annual Commissioners (Comisarios Anuales)
FRANCISCO RIAÑO
JAIME JORDÁ

Ward Commissioners (Alcaldes de Barrios)
DAVID URQUHART.................First Ward
THOMAS RANDAL.................Second Ward
PEDRO CARRABY.................Third Ward
CARLOS LACHIAPELLA..........Fourth Ward
CLAUDIO FRANCISCO GIROD......Santa María Ward
JOSÉ CASTANEDO.................Bayou St. John Ward
JUAN DE LA BISSOTIERRE........Outside of the Gate of Saint Charles (San Carlos) Ward.

Justices of the Peace (Alcaldes de la Hermandad)
PEDRO LARTEGUE................For the District of the Coast
PEDRO FOUCHER....................of Tchoupitoulas on the East
JUAN LUÍS TRUDEAU................side of the Mississippi River.

JUAN LEDUGUE LIVAUDAIS.........For the District on the West
BALTASAR DUSSEAU DE LA CROIX...side of the Mississippi River
across from the Coast of Tchoupitoulas.

(?) CHAUVIN DELEY..............For the Lower Coast.
DENIS BIENVENU...................

FRANCISCO GUERIN...............For the District outside of
EDUARDO FORSTALL..............the Gate of St. Charles.

LUÍS BLANC.......................For the District by the bridge
of Bayou St. John.

PABLO DARCANTEL...............For the Metairie and Gentilly
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