

THE TERRITORIAL PAPERS OF THE UNITED STATES

Compiled and edited by
Clarence Edwin Carter

VOLUME IX

The Territory of Orleans
1803-1812



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of his application are only within the competence of Congress, to whom they must apply by petition, if they chuse it. perhaps it would be but kind & candid to add that as there has been no example of such measures taken by Congress as they ask, they should consider whether it would not be wise in them to act for themselves as they would do were no such measures expected. I expect daily to recieve answers from the principal officers for the Orleans government. these recieved, I will proceed to make out the whole arrangement, and inclose it to you, asking your counsel on it without delay. it will not be practicable to submit it to the other members, but I have so often conversed with them on the subject as to possess their sentiments. as we count on the favor of a family visit could you accomodate that in point of time so as that we might be together at making out the final list? Affectionate salutations & assurances of friendship

TH: JEFFERSON

THE SECRETARY OF STATE.

[Endorsed] Aug^t 3, 1804

DOMINIC A. HALL TO THE PRESIDENT

[SD:Appt. Office Files:ALS]

COLUMBIA S^o CAROLINA Aug. 9. '04

SIR I have had the honor to receive your letter expressing a desire to appoint me District Judge of the territory of Orleans.⁴⁵ Should you be pleased to make the appointment I will accept it and immediately prepare to proceed to the territory. Permit me Sir, to avail myself of the occasion to offer you my warmest thanks for the confidence with which you have honored me, and to assure you that I

⁴⁵ Not found. Hall to Pierce Butler, Nov. 28, 1803, asking the latter to support his candidacy for an Orleans judgeship, is in SD (Appt. Office Files). Hall informed the Secretary of State, Sept. 18, 1804, *loc. cit.*, that he had not yet received his commission, but would start for New Orleans as soon as he received it. He was nominated Nov. 30 and his appointment confirmed Dec. 11, 1804 (*Senate, Exec. Journal*, I, 476, 477). His temporary commission has not been found; his permanent commission, Dec. 11, 1804, is printed, *post*, p. 349. Letters of applicants and their endorsers for positions as judge, attorney, or marshal of the Orleans District Court, found in SD (Appt. Office Files), are as follows: P. R. Gilmer to the President, Feb. 17, 1804, to be attorney; John Kuns to *id.*, Mar. 3, 1804, to be marshal; John Heath to the Secretary of State, Mar. 10, 1804, to be judge; William Coeke and Joseph Winston to the President, Mar. 26, 1804, recommending John Williams to be judge; John D'antignac to the Secretary of War, Apr. 13, and to the President, Apr. 21, 1804, to be marshal; Samuel Hammond to the Secretary of War, Apr. 20, 1804, recommending D'antignac; and Joseph Barnes to the Secretary of the Treasury, Sept. 26, 1804, to be attorney.

am with Sentiments of the greatest Respect and Consideration Your
very Ob^t hmb^l Serv^t

DOM: A: HALL.

[*Endorsed*] Hall Dominic A. Columbia S. C. Aug. 9. 04. rec^d Aug
21. accepts as Distr. judge Orleans.

JOSEPH BRIGGS TO THE PRESIDENT

[SD:Appt. Office Files:ALS]

NEW-ORLEANS 17 August 1804

SIR, I have the honor to enclose to you, by order of His Excellency
Governor Claiborne, a list of persons recommended for the Legislative
Council of the Orleans Territory. He finds it difficult to state with
certainty more of these Gentlemen than the country which gave
them birth, and education, and their situation in society:—Their
political bias is believed to be in favor of republicanism and their
affections attached to the United States.

The Governor's illness was for a short time alarming; its Severity
has much abated and left him extremely debilitated; but I am happy
to inform you Sir that he is pronounced to be in a State of Conva-
lescence.⁴⁶

I am Sorry to add that M^{rs} Claiborne has also been so much re-
duced by sickness that her life was at times despaired of, but the
critical moment is passed and she is declared by her Physicians to be
out of danger 'tho' she yet appears but a few steps from the brink of
the grave.

The Governor is impressed with an opinion that unless you permit
him to retire for a Short period from the fatigues of business and to
enjoy a change of air that the time will be long indeed before his
health will be perfectly reestablished.

I am Sir with the highest respect Your most obd^t serv^t

JOS: BRIGGS

THOMAS JEFFERSON President of the United States.

[*Endorsed*] Claiborne Gov^r (J. Briggs.) N.O. Aug. 17. 04. rec^d Sep.
18. Members of Legislative Council of Orleans Territory Recomd.
1804

⁴⁶ Cf. Briggs to the President, Aug. 16, 1804 (Jefferson Papers, LC).

[Enclosure: DS]

A list of the Gentlemen recommended to compose the Legislative Council

Benjamin Morgan	William Donaldson
D ^r John Watkins	James Pitot
D ^r Robert Dow	Francis Duplessis &
William Kenner	Peter Petit of New-Orleans.

James Mather, Colonel Bellechasse & Le Breton D'orgenoy—residing on the coast between the city and Manshac.

D^r John Sibley of Nachitoches.

William Wykoff & Theophilus Collins of Opelousas.

Messrs Loviell, Dubuche, Foutenet & Durall of Atakapas.

Julien Poydras of Point Coupé. and William Wykoff Junior Opposite Baton Rouge.⁵³

WILLIAM C. C. CLAIBORNE

NEW-ORLEANS August 30^h 1804.

THE PRESIDENT TO GOVERNOR CLAIBORNE

[LC:Jefferson Papers:ALS]

August 30. 1804.

DEAR SIR Various circumstances of delay have prevented my forwarding till now the general arrangements for the government of the territory of Orleans. inclosed herewith you will recieve the commissions. among these is one for yourself as Governor. with respect to this I will enter into frank explanations. this office was originally destined for a *person whose great services and established fame would have rendered him peculiarly acceptable to the nation at large.⁵⁴ circumstances however exist which do not now permit

⁵³ Relative to appointments, see Claiborne to the Secretary of State, Oct. 8, Oct. 16 and Nov. 5, 1804 (Rowland, ed., *Claiborne Let. Bk.*, II, 349, 352-360, 390-392).

* la Fayette [Marginal note]

⁵⁴ The offer of the governorship to Lafayette, and the latter's reasons for refusing it, are discussed in the following: the President to Lafayette, Nov. 4, 1803, Feb. 14, 1806, May 26, and July 14, 1807; Lafayette to the President, Feb. 26 and Oct. 8, 1804 (Chinard, ed., *Letters of Lafayette and Jefferson*, pp. 225-226, 227-229, 230-234, 241-242, 257-259, 260-262). Monroe was also offered the appointment. See the President to Monroe, Jan. 8, 1804 (Ford, ed., *Writings Jefferson*, VIII, 286-292); *id.* to *id.*, May 4, 1806, and Mar. 21, 1807 (Washington, ed., *op. cit.*, v, 9-13, 52-54); Monroe to the President, Mar. 15, 1804 (Hamilton, ed., *Writings Monroe*, IV, 153-163); *id.* to *id.*, July 8, 1806 (Jefferson Papers, LC). Andrew Jackson had been informed that the appointment might be offered to him (Jackson to his wife, Apr. 6, to Coffee, Apr. 13 and Apr. 28, and to Campbell, Apr. 28, 1804, Basset, ed., *Corresp. Jackson*, I, 87, 89-92). See also Hunt, "Office-Seeking during Jefferson's Administration", *Amer. Hist. Rev.*, III, 270-291. Further mention of the appointment of a governor is found in Gates to the President, July 7, 1803,

his nomination, & perhaps may not at any time hereafter. that therefore being suspended, and entirely contingent, your services have been so much approved as to leave no desire to look elsewhere to fill the office. should the doubts which you have sometimes expressed, whether it would be eligible for you to continue, still exist in your mind, the acceptance of the commission gives you time to satisfy yourself by further experience, and to make the time and manner of withdrawing, should you ultimately determine on that, agreeable to yourself. be assured that whether you continue or retire, it will be with every disposition on my part to be just & friendly to you.⁵⁶

James Brown of Kentucky is appointed Secretary for the territory. his distinguished understanding, his legal knowledge, & his possession of the languages, will, I trust, render him an useful aid. Dominic A. Hall, late a district judge of S. Carolina, accepts the office of judge of the district of Orleans: as does Mahlone Dickerson of Pensylva, that of Attorney of the district. Commissions for Col^o Kirby of Connecticut & mr Prevost of New York as judges of the Superior court are also sent. the other commission for that bench cannot go at this time, because it's acceptance is not known. the office of Marshal being one which could probably be discharged by a native Creole, I should like to avail ourselves of it to shew my desire that they should have a fair participation of office in all cases where their education & line of life qualifies them. the character given me of a mr Clouet & a mr Guillot, had suggested one of them to my mind for the office: a mr Urquhart is represented as still more fit. whether his long standing in the place would be equivalent to his being a native in the view of the inhabitants may be doubted. I leave to you therefore to select which of the three you think best.

In the legislative council I think it necessary to place a majority of Americans, say 7. Americans and 6. French, or persons of such long standing as to be considered as French; that there should be some mixture of the mercantile with the planting interest; and a representation of the different settlements in the country, justly proportioned, as far as they can furnish proper materials, to that of the city. on this account I was particularly anxious to get your information & recommendation, & wrote to you for it at a very early period.⁵⁶

and the Secretary of the Treasury to *id.*, Aug. 11, 1803 (Jefferson Papers, LC); the President to the Secretary of State, July 31, 1803 (Ford, ed., *op. cit.*, VIII, 260); and in Brown (ed.), *Const. Hist. La. Purchase*, p. 152, n. In a letter to Dickinson of Jan. 13, 1807, the President said there were characters superior to Claiborne whom he would have appointed, but they had refused, and he knew of no better person who would accept the office (Ford, ed., *op. cit.*, IX, 8-10).

⁵⁶ This first paragraph is printed also in Randolph (ed.), *Jefferson's Correspondence*, IV, 25-26, and in Washington (ed.), *Writings Jefferson*, IV, 558 (under date of Aug. 13, 1804).

⁵⁶ Apr. 17, 1804, *ante*, p. 225.

United States. For a continuance of your Health and happiness, I pray you to accept the best wishes of your Faithful friend

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE UNITED STATES

[Endorsed] Claiborne Gov^r N.O. Dec. 8. 04. rec^d Jan. 23.

GOVERNOR CLAIBORNE TO THE PRESIDENT

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

NEW ORLEANS 8th Dec. 1804

SIR, On the fourth Instant the Legislative Council formed a Quorum; and on the following day I delivered to them an address of which the enclosure Marked A is a copy

The meeting of the Council has had a happy effect, it has checked a spirit of Anarchy that had made its appearance, and given to the good disposed Citizens a Confidence in the Government.

The Answer of the Council to my address, you will find in the News-Papers enclosed.⁷

I am Sir very Respectfully your Humble Servant

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE UNITED STATES.

[Endorsed] Governor Claiborne 8 Dec^r 1804. rec^d 23 Jan^r

GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS December 10th 1804.

DEAR SIR, I have the pleasure to announce the arrival of Judge Hall; he reached this City three days ago, and on this Morning, I delivered him his Commission, and administered the Oaths of Office.

The death of Colonel Kirbey is really an event I greatly lament;—But I persuade myself his vacancy will soon be filled by an able and judicious Judge.—M^r Prevost is attentive to his duties, and his decisions (I believe) have hitherto given general satisfaction— I am however enclined to think, that M^r Edward Livingston's intimacy with M^r Prevost will prove injurious;—they lodge in the same House, and have already purchased in co-partnership, some property in this City of Considerable value.—When M^r Livingston first came to this City, I received him as an old Congressional friend, and I must confess that for a little while, I was disposed to serve him; But he soon discovered his Views;—they were hostile to what I thought the Interest of the

⁷ Enclosures not present.

regain his strength in this Country until the cold weather sets in, in Decemb^r—It is therefore his wish, thro' you to obtain permission from the President to leave the Colony on the arrival of Judge Duffield, and the moment that such leave is obtained he will take the first vessel that offers whithersoever she may be bound—the very great interest I take in this event induces me to solicit an early answer—with many apologies Sir I have the honor to be with great respect your very humb^lo Serv^t¹²

T. W. PREVOST

NEW ORLEANS. *July*. 8. 1805.

[*Endorsed*] T. W. Prevost 8 July 1805. Rec^d 13 Aug^t Quer. what controul has the President over the Judges?¹³

THE SECRETARY OF THE TREASURY TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

[*July 9, 1805*]

SIR I have the honor to enclose for your decision a letter from Mr Hall district judge at New Orleans in which he requests that a certain public building should be appropriated to the use of the courts.¹⁴

Applications have been several times made by the custom house officers for some similar appropriation, the building heretofore used for that purpose being an old wooden one and very unsafe for the keeping of the books, accounts & bonds.

¹² The following excerpt is from a letter from Judge D. A. Hall, of the Orleans Superior Court, to the President, Aug. 6, 1805 (SD, Appt. Office Files), in which he recommended Capt. James Stille, U. S. A., for appointment to the Orleans bench:

"I have seen with regret, that several gentlemen whom you have nominated to the bench have declined the appointment. The lowness of the salary wh is by no means sufficient to support a family and apprehensions of the climate have no doubt been amongst the causes of their Non acceptance. It is important that a judge of the superior court should be immediately appointed. Mr Prevost has been and still is very ill. No business has been done in the territorial court for some time past. The number of causes is considrable & the docket is daily swelling to an enormous size."

¹³ Answered Aug. 28, 1805 (NA, SD, Dom. Letters, xv). The relevant portion of the letter reads:

"Though such a request on the part of an Officer, placed under the controul of the President, would be readily acceded to, as far the public service might permit, so on the other hand as Judge Prevost holds an office in a separate branch of the Government, he must be at liberty to act according to the urgency of circumstances."

¹⁴ Letters from Hall and Claiborne on this subject were forwarded to the President by the Secretary of the Treasury, July 30, 1805 (Jefferson P^{ap}ers, LC), but they have not been found.

It had also been stated that a part of the public or military hospital might be spared for the marine or sick seamen hospital. A ward of the Charity hospital has heretofore been obtained from the trustees for that purpose.

It might be desirable & I respectfully beg leave to suggest the propriety of obtaining a general return & description of all the public buildings there in order that such as are wanted may be applied to such uses as you will be pleased to direct & that such as are inconvenient or useless, such indeed as the old custom house, may be disposed of.¹⁵

I have the honor to be respectfully Sir Your most obed^t Ser^t

—ALBERT GALLATIN

TREASURY DEPARTMENT 9th July 1805

THE PRESIDENT OF THE UNITED STATES

[Endorsed] Departm^t Treas^y July 9. 05. rec^d July 9. public build^{gs} in N.O.

(Enclosure:LS)

Judge Hall to the Secretary of the Treasury

NEW ORLEANS 3. June '05.

SIR Since my arrival here I have suffered much inconvenience for want of a proper Court room. I have been hitherto obliged to hire rooms, which the Marshal informs me he is compelled to leave. There is in the city a house belonging to the United States in every way suitable to the accomodation of the Court. It contains a large hall, rooms for juries and an office for the Clerk. It was formerly used as a school house, in the establishment of the King of Spain for teaching the spanish language. Since Colo. Freeman's arrival, the Governor has permitted him to occupy it. I have suggested to the Governor the propriety of appropriating it to the purpose of holding the Court of the United States. Colo. Freeman can be very handsomely accomodated in the military quarters, which are excellent. The Governor agrees with me, that this is the only building of the U: S: here, fit for a Court house. I must request, Sir, y'r interference on this subject and that some order be made directing that the building be applied to the purpose of holding therein the district Court. I am, Sir, with great Consideration and respect,

Yr most obedient humble Servant.—

DOM: A: HALL

¹⁵ A return was requested in the President to Claiborne, July 10, 1805, *loc. cit.*, and supplied by the latter, Oct. 23, 1805 (Rowland, ed., *Claiborne Let. Bk.*, III, 207-211).

United States, and it therefore became impossible for me any longer to be his friend;—Hence has arisen his opposition to me, & I have now to contend against his Talents, Address, Intrigue, and all his Influence.—

M^r Briggs is still in New-Orleans, and I am sorry to add extremely indisposed; he is sanguine in his expectations that a short, direct & good Road may be obtained between Washington & this City, & proposes to forward a Draft of the Route by the next Mail.—I believe M^r Briggs's Indisposition may be attributed to the fatigue of his Journey, & his attention to Business since his arrival.—

I must again express to you, my solicitude, that my Conduct in relation to the Council may be approved;—Things really Sir, were in a situation calculated to excite uneasiness;—The Territory was in a great measure without Law, and Judge Prevost had given an Opinion (which was probably correct) that the Commandants, and former Justices of the Peace, had no Judicial Powers. In this state of things, I did suppose you would excuse me, in filling up three of the blank Commissions, with a view of forming a Council.—

The Gentlemen first named were advised of their appointments, & informed that their Commissions were in my possession, and would be delivered, whenever they appeared and took the Oaths of Office; eight declined serving, & there remained in my possession eight blank Commissions, three of which I have filled up with the names of Eugene D'Orcier, George Pollock and James Mather.

Every thing is now quiet in this City, and the Council progressing in Business with expedition & care.

Accept my Dear Sir, the best wishes of Your faithful friend.

WILLIAM C. C. CLAIBORNE

[Endorsed] Claiborne Gov^r N.O. Dec. 10. 04. rec^d Jan. 23.

COMMISSION OF DOMINIC A. HALL AS JUDGE

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

[December 11, 1804]

THOMAS JEFFERSON, President of the United States of America,
To all who shall see these presents, Greeting:

Know ye, That reposing special Trust and Confidence in the Wisdom, Uprightness and Learning of DOMINICK A. HALL, of South Carolina, I have nominated, and by and with the advice and Consent of the Senate do appoint him Judge of the District Court in and for the Orleans District; and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and Laws of the United States; and to Have and to Hold the said office with all the powers, privileges and Emoluments to the same of right

appertaining unto him the said Dominick A Hall during his good behaviour.

In Testimony whereof, I have caused these Letters to be L.S made Patent and the Seal of the United States to be hereunto affixed. Given under my hand at the City of Washington the Eleventh day of December in the year of our Lord one thousand Eight hundred and four; and of the Independence of the United States of America, the Twenty Ninth.

TH: JEFFERSON

By the President
JAMES MADISON
Sec^y of State.

COMMISSION OF JUDGE PREVOST

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

[December 11, 1804]

THOMAS JEFFERSON, President of the United States of America,
To all who shall see these presents, Greeting:

Know ye, That reposing special Trust and Confidence in the Wisdom, Uprightness and Learning of JOHN B. PREVOST, of New York, I have nominated, and by and with the advice and consent of the Senate do appoint him One of the Judges of the Superior Court in and over the Territory of Orleans,⁷⁸ and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and Laws of the United States; and to Have and to Hold the said Office, with all the powers, privileges and Emoluments to the same of right appertaining for the term of four years from the 30th day of September last.⁷⁹

⁷⁸ Nominated Nov. 30 and confirmed Dec. 11, 1804 (*Senate, Exec. Journal*, 1, 476, 477). An earlier recess appointment and commission had been given to Prevost according to a statement by the President to the Senate, Nov. 30, 1804, *ibid.*, pp. 475-476. Prevost, in a letter to the Secretary of the Treasury, not dated, found with his salary account (GAO, Misc. Treas., acct. no. 21349, 1809), said his first commission was dated Aug. 18, 1804. However, his formal tenure of office began Oct. 1, 1804, according to the account cited. The discrepancy is explained by the following excerpt from Pleasonton to Sheldon, not dated, *loc. cit.*:

"Mr Prevost I presume from the date he states his commission to have borne, was one of those Judges appointed under the act of 26 March 1804 and whose Commissions were sent from this office blank and have never been since filled up in the record. . . . It is rendered highly probable that he was app^d under That act, for all those Commissions, I recollect, were made out & forwarded in June or July succeeding, and were dated perhaps soon after they reached Orleans by Gov^r Claiborne, which might have been in Aug^t. It may be proper to observe that we had to renew all those Commissions, conformably to another act, and those it were which were dated June 10 1805."

⁷⁹ Cf. commission of June 10, 1805, *post*, p. 455.

GOVERNOR CLAIBORNE TO THE SECRETARY OF STATE

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

NEW ORLEANS *November 27th* 1805

DEAR SIR, M^r Cobourn has not Yet arrived in this City, and it is apprehended, that he either has or will decline accepting the Commission which has been offered him.⁹

The Economy observed in the Salaries of the Judicial Officers of this Territory, will I fear effect the respectability of our Judiciary; the Compensation of a Supreme Judge is really Sir inadequate to a comfortable support. Judge Hall altho' by no means extravagant in his mode of Living, cannot I am sure, make his Salary meet his expences, and as for Judge Prevost, who has a large Family to maintain, he cannot possibly avoid making inroads on his private Fortune.

From a principle of duty to the Government, and Justice to the Judges, I have been induced to address You this Letter.—Permit me to add, that the same reasons, which suggest the propriety of encreasing the Salary of the Judges, will apply to the Secretary for the Territory.

I have the Honor to be Sir, With sentiments of Great Respect and sincere Esteem Your Most obedient Sert

WILLIAM C. C. CLAIBORNE

THE HONBLE JAMES MADISON Secretary of State

[Endorsed] Orleans Gov^r 27 Nov^r 1805

 JAMES BROWN TO SAMUEL SMITH ¹⁰

[NA:SF, 9 Cong., 1 sess.:ALS]

NEW ORLEANS *Nov. 28th* 1805

DEAR SIR, The liberty which I take of inclosing you the Petition of the Bar of New Orleans will I hope be attributed to its true cause, a conviction that no one would enter more readily than yourself into the just and liberal views upon which the application is founded. The necessity of an enlightened and independant Court is acknowledged in every part of the world where the rights of property and personal security are respected; but in this part of the United States where the duties of the Judge are arduous and complicated, the importance of his possessing intelligence and firmness, is more sensibly felt than in any other.

For twelve months the efforts of our worthy President to complete the number of our Judges have been unavailing. An ignorance of the

⁹ Coburn did not serve. He was subsequently commissioned as judge of Michigan and Louisiana territories. His commission as judge of Orleans Territory, dated July 13, 1805, is in SD (Temporary Comms., 1).

¹⁰ A Senator of the United States from Maryland.

[*Addressed*] The Honorable The Secretary at War Washington City
 [*Endorsed*] New Orleans, Jan: 22—1807 Gov^r Claiborne—Inclosing an account for horses purchased by him for public service. Account and vouchers returned—Ap. 6—1807 inadmissable Rec. Feb^y 24—1807

Sir, no expences incurred by a Gov^r of a Territory in the mere organisation of the Militi can be allowed by this Department, there being no provision for pay to any officers of the Militia except when in actual service, with a command according to his rank, and the organization of the Militi is considered as a part of the ordinary duties of the Gov^t—your actual expenses while at Natchatoches would in my opinion be an equitable charge against the public altho you had not a Military command, but I do not consider myself authorised to pay such a demand.

JUDGE HALL TO THE SECRETARY OF STATE

[SD:Appt. Office Files:ALS]

NEW ORLEANS 23. *Jan.*: '07.

SIR Judge Mathews of this territory being desirous to change his situation from the bench of the Superior Court of this territory for that of the Mississippi is anxious that his wish should be communicated to you. He understands that a Seat on that bench is now vacant. I take the liberty, Sir, to state to you, that the Judge Since his arrival here has given general satisfaction—He possesses talents and learning—his knowledge of the civil law would render him a very useful officer in the Mississippi territory where many of their titles and contracts depend on that system. Permit me to add that M^r Mathews is a man of the strictest integrity. I am with the greatest respect and consideration Sir,

Your most obedient Servant

DOM: A: HALL.

[*Endorsed*] Hall Dominic A. N. Orleans Jan. 23. 07. recd Feb. 23. Matthews judge of N. O. to be judge Misipi 1807

THE SECRETARY OF THE TREASURY TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

[*February 1, 1807*]

DEAR SIR I believe that the section with the few alterations which I have introduced will answer for the present. Instructions to the Register, the President's proclamation therein contemplated and another law next session if necessary will supply the details omitted. I have preferred writing again the Section rather than to interline your's. If we can get a surveyor general in lieu of Briggs to be on the

the mean time, I will thank you to return to this Office, the commission now in your possession.

I have &^{ca}

P.S. I understand that a first commission in your joint name with that of M^r Sprigg/Cocke, had been sent by the President, which was correctly expressed—

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GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:LS]

Private & confidential.

NEW ORLEANS *May* 19. 1807.

MY DEAR SIR Since my letter of the 3^d instant,⁶⁰ I am completely disappointed in my contemplated visit to the United States; I had made all the arrangements for my departure, and even taken my passage—when the unexpected summons for M^r Graham, as a witness in Burr's trial, rendered my continuance in the Territory indispensable. I regret the disappointment the more on account of the ill health of M^{rs} Claiborne, and the hope I had entertained that a voyage to sea and change of climate would tend to her speedy recovery; but I trust that a journey to Opelousas, which I contemplate, may produce the desired effect.

I anticipate very considerable opposition in the administering of this government; the intrigues of the Associates of Burr will be continued, and will principally be levelled against me. General Wilkinson having gone, I am perhaps the only officer of the general Government, now here, who supports the late proceedings in this Territory; proceedings which were influenced by the purest motives and of the propriety of which, taking them in the aggregate, I have now no doubt.

I inclose you the debate in the House of Representatives on a memorial to Congress.⁶¹—A greater tissue of falsehood I will be bold to say never before disgraced the deliberations of a legislative body; the rejection however of the memorial was grateful to those whose feelings it so unjustly lacerated, and whose conduct it so cruelly misrepresented.

I am much afflicted at the course which Doctor Watkins has taken; I had long entertained the best opinion of his Talents and intentions and given him a great share of my confidence and patronage; but the intrigues of designing men have, I fear made him abandon those principles which he once professed and practised.

Some of Burr's associates have lately been heard to say that the plan of Revolution was not at an end; nor can I disguise from you

⁶⁰ *Ante*, p. 729.

⁶¹ Not present.

my firm belief that this is true; I do not know nor do I believe that an open attempt at Rebellion will in any short time be made; but I am firmly persuaded that some restless, unprincipled men, whose native language is English, are now secretly employed in this and the adjoining Territory in alienating the affection of the people from the government.—Under this impression I deem it my sacred duty to suggest to you the expediency of selecting with caution the officers of this Territory; I earnestly intreat that the new Secretary may be decidedly devoted to the Government and union; and that he may detest, to the bottom of his heart, the designs of Burr, and approve the conduct observed towards him and his associates.

I am sorry to interfere with the wishes of any individual; but I deem it my duty to solicit that Colonel Freeman may not again be intrusted with the command at this Post; I long since gave an opinion to one of the Secretaries of the Government, that Freeman had neither energy of mind or body sufficient for this command; but there are other objections to him, of which General Wilkinson will advise you.

I believe Mr Brown the Collector an honest man and an attentive officer; but I fear he is greatly influenced in his opinions by men who hate both the Government and the Administration.

I inclose you an address signed by a number of respectable citizens of the County of Attakapas;⁹² it is approbatory of the conduct of General Wilkinson, and evinces a sincere attachment to the government.

Peter Pedesclaux, whose memorial I once inclosed to you,⁹³ continues to think that he had a right of property in certain offices and papers which he had formerly purchased under the former government of Spain; on account of which, and a distrust on my part of his fidellity in office, I lately removed him from the Office of Recorder of Mortgages; he refused to deliver the records to his Successor, and I have been obliged to apply to the supreme Judiciary for their interference; the question however is not decided, and I much doubt whether the decision will not be such as to humiliate the government. The Attorney General for the Territory, Mr Gurley, supports the authority of the Executive,—and Edward Livingston, R R Keene, Alexander, Workman and Kerr are Counsellors for Pedesclaux; they may perhaps be induced to defend Pedesclaux for a Fee; but I understand that he himself says that these Lawyers all volunteer in his favor.

General Wilkinson sails tomorrow; but I know not whither he will be enabled to take with him many witnesses.—Persons who are here, and who have been subpoenaed—yielding to the advice of Lawyers, refuse to answer to interrogatories put to them by Judge Hall, or to

⁹² Not present.

⁹³ Pedesclaux to the President, April, 1804, *ante*, p. 236.

enter into a recognizance for their appearance at Richmond.—The Judge talks of sending them on board of the vessel per force—but I know not what his ultimate decision may be.

I informed Judge Hall, the other day, of my intention to request of him to cause to be called before him, all such persons who may have descended the river with Burr and shall remain in this city, for the purpose of binding them to their good behaviour; and immediately a Lawyer who was present, desired that he might be notified of the time when the application was to be considered; this measure of precaution therefore will be opposed, and I presume defeated.

Accept my best wishes. I am dear, Sir, your faithful friend.

WILLIAM C. C. CLAIBORNE

THE PRESIDENT OF THE UNITED STATES.

[*Endorsed*] Claiborne Gov' N. O. May 19. 07. rec^d June 20.

GOVERNOR CLAIBORNE TO THE PRESIDENT

[NA:SD, Batture Papers:LS]

NEW ORLEANS *May* 20th 1807.

DEAR SIR, When a Secretary for this Territory shall have been named, and entered on the duties of his office, I trust my temporary absence may be permitted;—I could wish to proceed direct to the U. States; but if M^{rs} Claiborne's present state of health, should continue, it would be my desire, to call either at Pensacola, or the Havannah.—

If a Citizen of this Territory, should be appointed Secretary, I know of no one, with whom, I should be more pleased than Julian Poydras or John Baptist Macarty; they are both honest men; the former is a Frenchman by birth; the latter a Creole of the Country, and would on that account be more acceptable to the people.—

I understand that on this morning, an important cause has been determined by the Superior Court of this Territory; It was one, in which Edward Livingston was the real Plaintiff & the City of New Orleans defendant; it involved a question as to the right of property, to some Land in front of the Fauxbourg, of New Orleans; Land made by the River and over which the City has heretofore exercised a right of ownership:—The decision however is in favour of M^r Livingston,* and gives to him & those concerned with him, a property which is estimated by some at two hundred thousand Dollars.—I will obtain from M^r Gurley a statement of this case, and will transmit it

* M^r Livingston's Interest in the Land is said to be one third; I am myself of opinion that its value is over-rated—I do not suppose it can be worth more than 150 thousand dollars.—[Footnote in Claiborne's hand on the MS.]

19th 1810.

ELIGIUS FROMENTIN Clerk to the
house of Representatives of the
territory of Orleans.

Agreed to in the Legislative Council on friday the 19th of January
1810.

P DERBIGNY Secretary to the Legislative
Council of the Territory of Orleans.

GOVERNOR CLAIBORNE TO THOMAS JEFFERSON

[LC:Jefferson Papers:ALS]

NEW-ORLEANS 24^h Jan^y 1810

My D^r SIR, I have the honor to enclose you a paper containing a late Report of the Adjutant General of this Territory upon the subject of the Militia;⁵⁵ It will shew you the great difficulty which will attend the rendering of that force efficient.---

Assured as I am, that in your retirement the welfare of your Country will be most dear to you, I shall do myself the pleasure from time to time, to acquaint you with such events, as shall most concern the Territory of Orleans.

The Gun Vessel I sent to Jamaica in pursuit of Brown, has returned, without accomplishing the object for which she was dispatched;— The enclosed Account furnished by the Captain of the Vessel to a Printer, will acquaint you of the particulars.⁵⁵---

I am D^r Sir, With great respect Your faithful friend

WILLIAM C. C. CLAIBORNE

M^r THO^s JEFFERSON Monticello Virginia.---

[Endorsed] Claiborne Gov^r N.O. Jan. 24. 10. rec^d Feb. 22

JUDGE HALL AND JUDGE LEWIS TO [THE SECRETARY
OF STATE]

[SD:Appt. Office Files:ALS 59]

NEW-ORLEANS Feb. 10. 1810.

SIR The district attorney having some time since accepted the office of Attorney General of the territory has we understand expressed an intention (of which he will no doubt notify the Secretary of State) to resign that of district attorney.

⁵⁵ Not present.

⁵⁹ This letter is in Hall's hand.

We take the liberty of offering to your consideration M^r Tully Robinson as a proper person to succeed him. Maj. Robinson came here with the army. He shortly afterwards resigned & has since industriously applied himself to the study and practice of the law. He is in our opinion well qualified to discharge the duties of the office, being a very good lawyer, a gentleman of education & of amiable Manners.⁶⁰

We have the honor to be with the greatest respect and consideration
Your most obedient Servants.

DOM: A: HALL.
JOSHUA LEWIS

[*Endorsed*] Lewis J. & A Hall D April⁶¹ 10th 1810 Robinson T.
recomm⁶¹ Tully Robinson 1810

FRANCIS X. MARTIN TO THE SECRETARY OF STATE

[SD:Appt. Office Files:ALS]

[*February 15, 1810*]

SIR, When I was Spoken to, on the Subject of the Judgeship, which I since accepted, it was pressed on me by my friends as a circumstance which influenced my determination that M^r Jefferson had mentioned to M^r Blackledge, my friend, his regret that the vacancy was not in the Orleans territory, in which from my education & other circumstances, my Services could be more useful than in the Mississippi Territory—and M^r Jefferson added that if I was desirous to be removed to the territory of Orleans, government would soon have it in their power to gratify that wish, as there was a gentleman on the bench of Orleans desirous of an exchange, but circumstances, he said, did not allow government to favour the exchange for the present.

In refering to the files in your office the recommendation which produced in your predecessor the determination of nominating me, you may perhaps be induced to consider me in so favourable a light, as to place my name before the President, amongst those of such Citizens who you may deem proper to be considered in making choice of a Successor for the late Judge Thompson of the territory of New Orleans. Should that be the case, I will gladly consent to my removal.

I am, Sir, very respectfully Your obed^t humble Serv

F. X MARTIN

NEW-ORLEANS *Feb^y* 15. 1810.

THE HON^{ble} R SMITH, Secretary of State

[*Endorsed*] F. X. Martin—the judgeship of Orleans

⁶⁰ Robinson was nominated district attorney for Orleans Apr. 17, and his appointment was confirmed Apr. 18, 1810 (*Senate, Exec. Journal*, II, 145, 146).

⁶¹ As on the original.