

“The Spanish Spirit in this Country”: Newcomers to Louisiana in 1803-1805, and Their Perceptions of the Spanish Regime

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The summer of 1803, like many New Orleans summers, was hot, sticky, and miserable, and Pierre Clément de Laussat, the French Prefect sent by Napoleon Bonaparte to take possession of Louisiana, was having a terrible time. His dream of presiding over a modernized, Bonapartist regime in the onetime French colony had been undermined by war with Britain and the failure of the French occupying force to reach the colony. At the same time, he was humiliated by the insubordination of members of his own entourage and infuriated by persistent rumors that Louisiana was to be sold to the United States. Mid-June brought stifling, hundred-degree days, interspersed with fierce tropical storms; then on July 1, Laussat fell victim to the region’s most dreaded disease: yellow fever.¹

As he spent the next twenty-five days confined to bed, seeing his remaining hopes for Louisiana wither away, Laussat’s bitterest words were reserved not for the vulgar Americans who were taking away his colony, nor for his arrogant subordinates with whom he feuded continuously—but for his Spanish hosts, a group of officials who had initially received him with ostentatious courtesy and good will. He considered the governor, Manuel de Salcedo, a witless dotard, and the special commissioner for the cession, the Marquis de Casa Calvo, an intemperate bully. But his harshest judgment was reserved for Nicolás Maria Vidal, the lieutenant governor and judge-advocate, widely rumored to be corrupt, described by the Prefect as “an old stager of justice, who sells his judgments almost openly.”²

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1. PIERRE CLÉMENT DE LAUSSAT, MEMOIRS OF MY LIFE TO MY SON DURING THE YEARS 1803 AND AFTER [. . .] 41-42, 48 (1978); Letter from Laussat to Decrès (July 21, 1803) (on file with Laussat Papers, Historic New Orleans Collection [hereinafter LP-HNOC], no. 227).

2. Letter from Laussat to Decrès (July 18, 1803), *in* 2 LOUISIANA UNDER THE RULE OF SPAIN, FRANCE, AND THE UNITED STATES, 1785-1807: SOCIAL, ECONOMIC, AND POLITICAL CONDITIONS OF THE TERRITORY REPRESENTED IN THE LOUISIANA PURCHASE 42-43 (James Alexander Robertson ed., 1911) [hereinafter 2 LOUISIANA UNDER THE RULE]; LAUSSAT, *supra*

Laussat's further description of Vidal is revealing for the intertwined racial and sexual tropes used to evoke Spanish colonial rule:

There was not a more diseased heart, a more twisted mind, a more mealy-mouthed disposition hidden behind a yellow countenance shaded by black . . . he had as his mistress a foul-smelling mulatto . . . his weakness for African blood was displayed on festival days; his doorstep was a gathering place for Negro dancing. He had two splendid Negro males. In the wintertime, instead of using a warming pan in his bed, he had them get into bed first to warm it up, and then he would get in between them. Sometimes . . . he fell to his knees and cried out, "For God's sake, don't kill me, for I am in the state of mortal sin." I would call this man Vidal the personification of the Spanish spirit in this country . . .³

The "Spanish spirit," in Laussat's view, thus combined senility, corruption, racial weakness, and effeminate degeneracy—in contrast, of course, with Bonapartist austerity, efficiency, and virility. And his contempt for the Spanish regime had a lasting impact when, during his brief twenty days in power in December 1803, before turning Louisiana over to the Americans, he abolished the New Orleans Cabildo, reorganized its militia, and reinstated a law of slave control long desired by the region's wealthiest planters. The incoming American governor, William Claiborne, frequently complained that his job had been made more difficult by these hasty innovations.⁴

Nor was Laussat the only French newcomer to offer severe strictures on Spanish rule in Louisiana. Jacques Pitot, a French merchant whom Laussat appointed to his new-designed Municipal Council, and who eventually became the city's Mayor, had arrived in the late 1790s and in 1802 published a scathing critique of the local regime—touching on everything from corruption to trade restrictions to local officials'

note 1, at 102. Eventually Laussat began to complain about the Spanish to the French minister in Madrid, asking that they be punished by the King; Letters from Laussat to Beurnonville (July 27 & July 30, 1803) (on file with LP-HNOC, nos. 231, 232); Letter from Laussat to Decrès (Oct. 6, 1803) (on file with LP-HNOC, no. 274); *see also* Letter from Laussat to Beurnonville (Nov. 5, 1803) (on file with LP-HNOC, no. 306) (complaining of Casa Calvo's ill will).

3. Letter from Laussat to Decrès (July 18, 1803), *in* 2 *LOUISIANA UNDER THE RULE*, *supra* note 2, at 42-43.

4. *See, e.g.*, Letter from Claiborne to Jefferson (Nov. 25, 1804), *in* 9 *TERRITORIAL PAPERS OF THE UNITED STATES: ORLEANS TERRITORY 338-41* (Clarence Edwin Carter ed., 1934); JARED WILLIAM BRADLEY, *INTERIM APPOINTMENT: W. C. C. CLAIBORNE LETTER BOOK, 1804-1805*, at 100-02 (2002). For a further discussion of Laussat's innovations and their destabilizing effects, *see* MARK FERNANDEZ, *FROM CHAOS TO CONTINUITY: THE EVOLUTION OF LOUISIANA'S JUDICIAL SYSTEM, 1712-1862*, at 18-19 (2001).

alleged indifference to law and order. He lamented the fact that the half million pesos sent annually by Spain to subsidize the colony wound up in the hands of “a thieving treasury, indifferent to the welfare of the country.” And, striking a chord among New Orleans’s merchant class, Pitot dilated at length on the cumbersome regulations the Spanish regime imposed on commerce, condemning the “excessive covetousness” and “annoying pettiness” of Spanish officials, and “the humiliation and discouragement in which [they] can hold the commerce of a country.”⁵

Uninterested in the problems of groups such as slaves, free people of color, or poor whites, Pitot equated Louisiana’s welfare with “the often humiliated and vexed businessman” and “the planters ignored in misery” under Spanish rule. And tellingly, on what would become a contentious issue after 1803, Pitot condemned restrictions on the slave trade, which “left agriculture without an increase in laborers when other Spanish colonies were receiving . . . the slaves necessary for their prosperity.”⁶

Above all, Pitot condemned the absence of law and order, wrapping drinking, gambling, racial mixing, and lawlessness into a synthetic portrait of urban disorder:

The patrols are insignificant; the garrison is inconsequential; the militia not in uniform . . . it must have been seen in order to describe to what extremes they have carried the laxity and neglect of the police. The patrols in town are so poorly organized that nighttime burglaries in the warehouses are frequent, as are murders Hundreds of licensed taverns openly sell to slaves, and, in making them drunk, become . . . the receivers of goods stolen from their masters A public ball . . . organized by the free people of color, is each week the gathering place for the scum of such people and of those slaves who, eluding their owner’s surveillance, go there to bring their plunder . . . and as a crowning infamy one finds even some white people who repeatedly battle with the slaves for places in the quadrilles, and for their share of the household pilferage which they decide by a throw of the dice.⁷

Pitot’s racially tinged call for increased law enforcement was echoed by still another newcomer from France, Dr. Paul Alliot—which was ironic, since Dr. Alliot had been imprisoned for medical fraud. From his prison cell he wrote a long missive to Laussat, full of practical and ideological suggestions for the administration of Napoleonic

5. JAMES PITOT, OBSERVATIONS ON THE COLONY OF LOUISIANA, FROM 1796 TO 1802, at 21, 37-41 (Robert D. Bush ed., 1979).

6. *Id.* at 2, 55. Dr. Alliot agreed that Spanish restrictions on the slave trade had “entirely paralyzed the progress of agriculture”; Paul Alliot, *Reflexions Historiques et Politiques sur la Louysiane*, reprinted in 2 LOUISIANA UNDER THE RULE, *supra* note 2, at 29-232.

7. PITOT, *supra* note 5, at 29.

Louisiana—and complaints about being lodged “pele-mele” alongside black prisoners, a practice which he believed showed why French blood remained pure while Spanish was weakened by mixture with “barbarians and savages.”⁸

In fact, French newcomers to Louisiana—many of whom, like Alliot and Pitot, arrived there by way of St. Domingue—frequently exhibited many of the virulent prejudices against Spanish America often attributed to Anglo-Americans under the rubric of the “Black Legend,” including the belief that Spanish rule was corrupt, venal, violent, and prone to atrocities, and the belief that Spanish-descended creoles were racially and morally compromised because of their alleged proclivity for intimate contact with Africans and Indians. They also characterized Spanish rule as effeminate and impotent in contrast with French masculinity. Finally, many like Pitot believed that Spain’s on-again, off-again restrictions on the slave trade had kept Louisiana from reaching her rightful degree of colonial prosperity.⁹

By contrast, the views of many American newcomers—who began to arrive in New Orleans immediately following its acquisition by the United States—were considerably milder than those of Laussat or Pitot. To be sure, Americans had their own criticisms of the Spanish regime. But they tended to be abstract, impersonal, and legalistic. Extensive reading in the letters and published writings of these American newcomers reveals little evidence of the kind of ethnic prejudice against the Spanish that Laussat and Alliot indulged in, none of the metaphors of impotence and effeminacy, no indignant rants against Spanish “atrocities,” and certainly no complaints about Spain’s regulation of the slave trade.¹⁰

One of the best-known American critiques of Spanish rule in Louisiana took the form not of a pamphlet or book but of a play—and a slapstick comedy at that—by the gifted Irish-born jurist and polemicist, James Workman. Workman was a onetime British Army quartermaster whose first published work, in 1797, advocated a plan to conquer and liberate Spanish America with the use of Irish soldier-settlers. As

8. Letter from Alliot to Laussat (Apr. 14, 1803) (on file with LP-HNOC, no. 128).

9. A third francophone travel account containing similar views, in addition to Pitot’s *Observations* and Alliot’s *Reflexions*, was PIERRE BERQUIN-DUVALLON, *TRAVELS IN LOUISIANA AND THE FLORIDAS, IN THE YEAR 1802 GIVING A CORRECT PICTURE OF THOSE COUNTRIES* (N.Y., I. Riley & Co 1806).

10. In addition to the sources mentioned in the text, the letters read include the complete manuscript papers of Edward Livingston, now held by Princeton University’s Rare Books and Special Collections, and the published Claiborne Letter Books; both contain extensive correspondence with a wide range of “Anglo-Americans” in and around early New Orleans.

Catholics, Workman argued, these soldiers would be opposed “with less fury and acrimony” than Protestant settlers—while at the same time, the venture would provide an outlet for simmering discontent back home in Ireland. Finally, the mission would also emancipate Spain’s African slaves—a goal Workman called “just and glorious,” citing Pennsylvania’s 1780 emancipation law as a model. For Workman, this was win-win-win.¹¹

Discouragingly, however, the Portland ministry showed no interest whatsoever in Workman’s visionary scheme—which may have been why he decided to migrate across the Atlantic, and pitch the plan to Thomas Jefferson instead. Workman’s 1801 letter to Jefferson emphasized the way his plan could dovetail with American national abolition of slavery—or as Workman called it, “an Establishment by which [the United States] is enfeebled, Endangered, contaminated & disgraced”—and suggested the use of Louisiana as a territory for the resettlement of freed slaves.¹²

By 1803 Workman had moved to Charleston, where he continued to advocate for the liberation of Louisiana—now with less emphasis on the liberation of Africans and more on the overthrow of Spanish despotism. His next major literary production, celebrating the Louisiana Purchase, was the stage comedy *Liberty in Louisiana*—which ran for several months and garnered enthusiastic support from Charleston theatergoers. The play is often cited as an instance of anti-Spanish “propaganda”—George Dargo called it “an American caricature of the Spanish system,” and Workman himself in a Preface declared that his intention was to show “the great principles of general and genuine liberty, and [hold] up despotism to alternate derision and abhorrence.” Notably, Workman did not say “Spanish” despotism—and he did go out of his way to explain, in

11. James Workman, *A Memorial, Proposing a Plan, for the Conquest and Emancipation of Spanish America* [. . .], in *POLITICAL ESSAYS, RELATIVE TO THE WAR OF THE FRENCH REVOLUTION 144-74* (Alexandria, Va., Cottam & Stewart 1801) [hereinafter *POLITICAL ESSAYS*]; a mention of the scheme also occurs in *A Letter to the Duke of Portland*, in *POLITICAL ESSAYS*, *supra*, at 138-41. It is also noteworthy that in Workman’s plan, the first step called for the taking of strategically crucial New Orleans, as a base for further operations to the south. See also Ernesto de la Torre Villar, *Dos Proyectos Para La Independencia de Hispano-America: James Workman y Aaron Burr*, 49 *REVISTA DE HISTORIA DE AMERICA* 1 (1960).

12. Letter from Workman to Thomas Jefferson (Nov. 15, 1801), in 35 *THE PAPERS OF THOMAS JEFFERSON* 669-70 (Barbara Oberg et al. eds., 1950), <http://founders.archives.gov/documents/Jefferson/01-35-02-0511>.

a preface, that his major characters “belong[ed] rather to general than to local nature.”¹³

Perhaps an insufficiently mentioned aspect of *Liberty in Louisiana*, among historians preoccupied with its geopolitical significance, is its quality. The play was, after all, a popular success on the Charleston stage. Workman’s style is deft, witty, and good-natured, and remains passably entertaining today; it is also somewhat formulaically Shakespearean, with its parallel plotlines involving disparate social classes, its farcical misunderstandings and conventional episodes of mistaken identity, and its multiple love stories with their joyous final resolution. The light bits of ethnic humor it does contain are aimed mainly at Irish targets, not Spanish.¹⁴

But at the play’s climax—which coincides with the entry of American troops into New Orleans—Workman does veer away from light farce into somewhat heavy-handed political moralizing. Throughout the story he personifies the corruption of the Spanish regime through the character of the scoundrel Don Bertholdo, a Spanish judge who uses his position to extort bribes from hapless petitioners—much as the real judge-advocate, Vidal, was widely believed to be doing at the same time. Bertholdo also comically plots to abduct the lovely heiress Donna Laura to Havana, away from her beloved American Captain O’Brien, to torment her with his lecherous attentions. At the play’s climax, when Bertholdo’s nefarious schemes are exposed, Captain O’Brien presses him to answer the charges against him—but the Don arrogantly replies, “Do you not know that I am a person of the first rank in the province? That alone is a sufficient answer to the calumny of those wretches.” Here Workman showed himself to be either an instinctive sharer or a rapid adopter of Jeffersonian values, stressing Bertholdo’s “rank” and assumption of hereditary privilege in lieu of equality before the law.¹⁵

13. JAMES WORKMAN, *LIBERTY IN LOUISIANA: A COMEDY, PERFORMED AT THE CHARLESTON THEATRE* iv, vi (Charleston, S.C., Query & Evans 1804); GEORGE DARGO, *JEFFERSON’S LOUISIANA: POLITICS AND THE CLASH OF LEGAL TRADITIONS* 211-12 (1975).

14. For a discussion focused on the play’s characterization of Spanish rule, see Charles S. Watson, *A Denunciation on the Stage of Spanish Rule: James Workman’s Liberty in Louisiana (1804)*, 11 *LA. HIST.* 245 (1970).

15. WORKMAN, *supra* note 13, at 94. The widespread and potent Jeffersonian antipathy to “aristocratic” privilege, if it was in any way a cultural prejudice at all, was more an anti-European prejudice than an anti-Spanish one, and applied, of course, to hereditary rank of the English variety above all.

In response, the virtuous O'Brien, speaking for Workman (both as a republican and an Irishman) sternly informs Bertholdo that the era of arbitrary rule is at an end:

Not so, Señor—LIBERTY IS NOW IN LOUISIANA!—The government which now rules here will not admit your rank as the testimony of your innocence; nor suffer it to shelter you if you have acted wrong. Our laws confer no privilege . . . the humblest are shielded by their protection—the proudest oppressor is not beyond the reach of their avenging power.¹⁶

In an essay written in 1804—after he had moved to New Orleans and started a long career as a jurist and legislator—Workman clarified the nature of his judgments on the Spanish system. Spanish rule could be venal, arbitrary, and oppressive, he wrote, not because of any essential underlying racial or cultural quality—but because of the quality of the men who administered it, the predominance of military interests, and the laxness of imperial oversight. In fact, Workman insisted, “[t]he laws of Spain are generally excellent in themselves; for they are founded on the Roman Code, one of the most perfect and elegant systems of jurisprudence ever promulgated to the globe.”¹⁷

Workman's views—that Spanish laws were unexceptionable, and Spanish rule was essentially mild, but prone to corruption because of antiquated practices and insufficient oversight, which had been particularly prevalent in the circumstances of pre-1803 Louisiana—generally prevailed among the American lawyers and jurists, like James Brown and Edward Livingston, who relocated to New Orleans soon after the Purchase. They were also shared by the young governor William C. Claiborne, whose main complaint was not the Spanish laws or systems that he was ordered to maintain in place, but the hasty innovations of Laussat, as well as the continued machinations of Laussat's cronies, like Etienne Boré and Jean Blanque, long after Laussat left the territory.¹⁸

Moreover, these views were developed and amplified by the Connecticut-born Army major, Amos Stoddard, whose 1812 *Sketches of Louisiana* became one of the best known works written from an

16. *Id.* at 94-95.

17. *Letter from LAELIUS*, MISS. MESSENGER, Nov. 30, 1804, *quoted in* DARGO, *supra* note 13, at 217-18. According to Dargo, “Laelius” was an alias for Workman, who wrote the letter to support the position of Governor Claiborne.

18. For Brown's views, see *Letter from James Brown to John Breckinridge* (Jan. 22, 1805), *in* 9 TERRITORIAL PAPERS OF THE UNITED STATES: ORLEANS TERRITORY, *supra* note 4, at 378-80; for Claiborne's views, see *Letter from Claiborne to Jefferson* (Nov. 25, 1804), *in* 9 TERRITORIAL PAPERS OF THE UNITED STATES: ORLEANS TERRITORY, *supra* note 4, at 338-41; BRADLEY, *supra* note 4, at 100-02.

American perspective on the Orleans Territory. Like Workman, Stoddard believed that the Spanish colonial laws comprised “a complete system of wise and unexceptionable rules, calculated to ensure justice, and to promote the happiness of the people.” Going considerably beyond Workman, he continued that Spain’s systems of government amounted to “an extraordinary and magnificent superstructure, duly proportioned in all its parts, and exhibiting the wisdom and ingenuity of the political artists of several centuries.”¹⁹

The real problem with Louisiana’s colonial governance, Stoddard insisted, was neither the legal system nor the actual laws, but the fact that “very few of the public officers . . . were acquainted with them.” The difficulty of finding printed laws

made it necessary for many of the subordinate officers at a distance from the capital to decide according to their conceptions of equity No wonder, then, that the Spanish government in Louisiana was deemed arbitrary, and that it was put and kept in operation more by the military than by the civil power.

And Spain’s governors, too, “neglected the great concerns of the province”; aside from Baron de Carondelet, whom Stoddard singled out for praise, “the accumulation of wealth was the predominant motive of their actions.”²⁰

On the whole, though, Stoddard had little but praise for Spain’s colonial regime and its administrators, who he felt had built the best regime possible given Louisiana’s particular circumstances. In a long chapter expounding on the evils of slavery, he credited the Spanish with a slave regime that was milder than most. He also admired the fact that Louisiana was remarkably free from crime, and freely admitted that the inhabitants’ preference for “summary justice” could be reasonable—particularly when it came to commercial matters. Merchants, he wrote, disliked the delays and unpredictability involved with juries: “[t]hey preferred the judgment of one man to that of twelve; and it is but justice to observe, that their judicial officers were in most instances upright and impartial in their decisions.” Finally, Stoddard concluded his discussion of Spanish government by admonishing his American readers not to

19. AMOS STODDARD, *SKETCHES, HISTORICAL AND DESCRIPTIVE, OF LOUISIANA* 270 (Philadelphia, Mathew Carey 1812).

20. *Id.* at 273, 333-34. The best scholarly analysis of actual Spanish governance in Louisiana appears in GILBERT C. DIN & JOHN E. HARKINS, *THE NEW ORLEANS CABILDO: COLONIAL LOUISIANA’S FIRST CITY GOVERNMENT, 1769-1803* (1996).

“severely condemn the provincial systems of the Spaniards, [simply] because they differ from our own.”²¹

There is no question that views like those of Stoddard and Workman were widely held among American newcomers, whose general impression of the Spanish regime was considerably more benign than that of Bonapartists like Laussat. Although they certainly criticized many aspects of Spanish governance, they usually saw its flaws as deriving more from contingent circumstances than essential qualities, and often expressed respect for its underlying system of laws. Even Thomas Jefferson, when he wrote his massive and deeply researched response to Edward Livingston’s arguments in the *batture* case, showed his respect for the Spanish legal system, which in his view prevailed in Louisiana.²²

But perhaps it is wise to conclude by acknowledging the obvious: that this was not the whole story, that alongside this benign view, there also existed, among Americans in the Orleans Territory, a hostility to Spain and a darker view of Spanish colonial America that had much in common with the ethnic prejudice of the Bonapartists, but also added a dimension of naked territorial aggression. As the nineteenth century wore on, and many Americans in the West and East alike began to covet Spanish territory more openly, cultural prejudices of exactly the sort articulated by Laussat became a major ingredient in the complex array of ideological justifications that supported American expansion. But these attitudes crystallized decades later and gradually, and it would be a mistake to read them back into the century’s earliest years—or to overlook the fact that anti-Spanish sentiments could produce division and chaos among Americans just as easily as they could support the early republic’s territorial aggrandizement.²³

21. STODDARD, *supra* note 19, at 281, 283.

22. In the absence of statutory law to the contrary, that is. THOMAS JEFFERSON, THE PROCEEDINGS OF THE GOVERNMENT OF THE UNITED STATES, IN MAINTAINING THE PUBLIC RIGHT TO THE BEACH OF THE MISSISSIPPI, ADJACENT TO NEW-ORLEANS, AGAINST THE INTRUSION OF EDWARD LIVINGSTON (N.Y., Ezra Sargeant 1812). The present author’s interpretation of the complex *batture* controversy, and Jefferson’s role in it, can be found in EBERHARD L. FABER, BUILDING THE LAND OF DREAMS: NEW ORLEANS AND THE TRANSFORMATION OF EARLY AMERICA 246-81 (2015).

23. On a related note, CAITLYN FITZ, OUR SISTER REPUBLICS: THE UNITED STATES IN AN AGE OF AMERICAN REVOLUTIONS (2016) argues that well into the Jacksonian period, American observers saw revolutions in Spanish America much more as affirmations of their republic than as threats to it—even when, as they often did, these revolutions overtly included slavery abolition in their agendas. There ought to be nothing surprising about this hemispheric republican solidarity, except for the understandable but misguided historiographical impulse to project later Yankee jingoism back into the early national period.

In fact, even in the earliest years following the acquisition of Louisiana, rumors of an imminent war with Spain were a constant and destabilizing factor. Many Americans were infuriated by the continued residence in New Orleans of Spanish officials, like Casa Calvo, and believed—with some reason—that they harbored concealed hopes of retaking the colony. At the same time, Spanish agents on the Louisiana-Texas frontier were believed to be instigating slave rebellions; and the United States’s top Army officer, General James Wilkinson, was accused of being secretly in the pay of the Spanish (an accusation historians have verified).²⁴

It is important to stress that these controversies stemmed not from vague ethnocultural beliefs but from particular actions and provocations on the part of both sides in a moment of very real geopolitical tensions. The Louisiana Purchase’s legitimacy had been questioned by the Spanish ambassador in Washington, imperial officials like Casa Calvo and Vicente Folch had strong reason to believe their machinations might succeed in regaining the territory on the west bank of the Mississippi, and international events seemed to be pushing inexorably toward war between Spain and the American republic. In this context, as Vernon Palmer has described, the 1806 attempt of the Orleans Territory’s creole-dominated Legislative Council to establish Spanish law as the Orleans Territory’s basic legal system met with derision and outrage from many Americans, and a rare veto from governor Claiborne. The outrage, and the veto, had nothing to do with any views, favorable or unfavorable, on Spain and its colonial system—and everything to do with concerns about Louisiana creoles and their questionable loyalties in the event of armed conflict.²⁵

In fact, later the same year, divisions on “the Spanish question” were at the center of the controversy that fatally and permanently split American political unity in the Orleans territory: the famous Aaron Burr

24. DANIEL CLARK, PROOFS OF THE CORRUPTION OF GEN. JAMES WILKINSON AND OF HIS CONNECTION WITH AARON BURR: WITH A FULL REFUTATION OF HIS SLANDEROUS ALLEGATIONS [. . .] (Philadelphia, Wm. Hall, Jr. & Geo. W. Pierie 1809); ANDRO LINKLATER, AN ARTIST IN TREASON: THE EXTRAORDINARY DOUBLE LIFE OF GENERAL JAMES WILKINSON (2009).

25. VERNON VALENTINE PALMER, LOUISIANA: MICROCOSM OF A MIXED JURISDICTION 33-34 (1999). For various other views on the so-called “Manifesto of 1806,” also sometimes styled as the Declaratory Act, see Elizabeth G. Brown, *Legal Systems in Conflict: Orleans Territory, 1804-1812*, 1 AM. J. LEGAL HIST. 35 (1957); DARGO, *supra* note 13, at 239-44; Mitchell Franklin, *The Eighteenth Brumaire in Louisiana: Talleyrand and the Spanish Medieval Legal System of 1806*, 16 TUL. L. REV. 514 (1941), which rather intemperately declaimed against the Act as “not merely snobbish, pretentious, and insolent, but provocative, disruptive and counter-revolutionary.” The document itself is printed in both French and English in 9 TERRITORIAL PAPERS OF THE UNITED STATES: ORLEANS TERRITORY, *supra* note 4, at 643-57.

expedition of 1806, and the so-called “reign of terror” which followed. While some, notably including James Workman, allegedly embraced the idea of a filibustering project to “liberate” Spanish territory under the banner of the controversial ex-Vice President, others, like Claiborne and Wilkinson, opposed it with a degree of forceful repression that caused resentments and divisions in the American community for years thereafter.²⁶

Nor did the question of aggression against Spanish territories end there, of course; nor did it remain a local issue; and nor did it lose any of its formidable capacity to divide Americans against each other. In West Florida in 1810, East Florida in 1817-1818, and Texas in the 1830s, Anglo adventurers conducted incursions of various kinds on Spanish and Mexican territory, in each case adding to the territory of the American nation but also bringing about bitter opposition in the arena of American politics—a process which only culminated with a war of unconcealed aggression against Mexico in the 1840s, a war whose architects and enthusiasts imagined it would strengthen American unity, yet whose aftermath, in turn, indirectly and ironically, precipitated the near-collapse of the American union itself in the cataclysm of the Civil War.

26. Among many Burr biographies, the most balanced and scholarly can be found in NANCY ISENBERG, *FALLEN FOUNDER: A LIFE OF AARON BURR* (2007); the most comprehensive treatment of the “western adventure” and subsequent Burr trial, albeit somewhat prosecutorial, is BUCKNER F. MELTON, *AARON BURR: CONSPIRACY TO TREASON* (2001). On the “reign of terror” and its effects on local power struggles, two primary documents remain the best guide: JAMES WORKMAN, *A LETTER TO THE RESPECTABLE CITIZENS, INHABITANTS OF THE COUNTY OF ORLEANS [. . .]* (New Orleans, Bradford & Anderson 1807); *A FAITHFUL PICTURE OF THE POLITICAL SITUATION OF NEW ORLEANS, AT THE CLOSE OF THE LAST AND THE BEGINNING OF THE PRESENT YEAR 1807* (Boston, no pub. 1808).