

Bitter Legacy: Spanish Colonial Policies and the Tradition of Extra-legal Violence in Louisiana's Florida Parishes

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On a steamy August morning in the summer of 1804, hundreds of armed men concentrated near the Spanish fort at Baton Rouge. Palpable tension filled the air as the men, angry and agitated in varying degrees, streamed into the small river town from the expansive districts that comprised what was then known as Spanish West Florida. The region, which today is known as the Florida parishes of Louisiana, included the territory within the “toe” of Louisiana between the Pearl and Mississippi rivers, bordered on the north by the Mississippi territory and on the south by lakes Pontchartrain and Maurepas. The discontent evident among the overwhelmingly Anglo-Saxon Protestant mob of men proved a curiosity to observers across the border in American controlled territory. The crowd had gathered not to express grievances against the Spanish government but instead to visibly *support* it!

The men arriving that sultry morning had travelled to Baton Rouge in reaction to an abortive rising against the Spanish colonial government known as the Kemper Rebellion. Though unsuccessful, the Kemper rising revealed the deep fissures and factions that plagued a region crawling with foreign agents, and rife with intrigue, occasioned by its dubious territorial identity. It also highlighted a singularly defining characteristic of the people in the area, specifically their fiercely independent nature and intense proclivity toward personal and collective violence.

The Spanish period in West Florida is often considered more from the perspective of what was not done rather than from what results did occur. Scholars traditionally have attributed the sources of the troubled history characterizing the Florida parishes to instability originating in the Civil War era that continued into the early twentieth century. Less revealed, though profoundly relevant, are the precedents set during the

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Spanish era that directly contributed to the chronic instability, if not chaos, of later generations. This study presents evidence suggesting that the extraordinary levels of collective and interpersonal violence that plague the region into the modern era originated in policies and jurisprudence established in the Spanish period.¹

Through the course of its history, West Florida endured an extraordinarily complex and convoluted pattern of development. Among the curious aspects of growth, the region endured governance by every major European power that intruded into the North American wilderness. Successive French, British, and Spanish overlords paved the way for an armed insurrection and the creation of the West Florida Republic in advance of the region's forcible annexation by the United States. The resulting social and legal turmoil produced by the parade of competing governments is difficult to overstate. Suffice it to say that the conflicting land grants awarded by each governing power alone contributed mightily to the chaotic conditions that consumed the region in the late nineteenth and early twentieth century.

The initial French period offered little realistic infrastructure development and essentially no efforts to introduce a legal system in a territory where one observer declared "the influence of the law is scarcely felt." West Florida became a British territory in 1763 as part of the treaty concluding the Seven Years War. Incipient English efforts to develop the region and establish a presence in the lower Mississippi Valley were cut short in September 1779 when Bernardo de Galvez led an expedition that captured all British posts along the lower Mississippi and placed the region under Spanish control.²

Compared to their arrival in nearby New Orleans, Spanish ascendancy in West Florida resembled a clandestine maneuver. Following the brief and failed effort at governance performed by the

1. For studies detailing the enduring pattern of violence that plagued the region see William Bankston & David Allen, *Rural Social Areas and Patterns of Homicide: An Analysis of Lethal Violence in Louisiana*, 45 *RURAL SOC.* 223, 223-37 (1980); JOHN V. BAIAMONTE, JR., *SPIRIT OF VENGEANCE: NATIVISM AND LOUISIANA JUSTICE, 1921-1924* (1986); HODDING CARTER, *Not Much of a Man if He Hadn't*, in *SOUTHERN LEGACY* 48-63 (1950); SAMUEL C. HYDE, JR., *PISTOLS AND POLITICS: THE DILEMMA OF DEMOCRACY IN LOUISIANA'S FLORIDA PARISHES, 1810-1899* (1996).

2. VI OFFICIAL LETTER BOOKS OF W. C. C. CLAIBORNE, 1801-1816, at 161-62 (Dunbar Rowland ed., 1917); ROBIN F. A. FABEL, *THE ECONOMY OF BRITISH WEST FLORIDA, 1763-1783* (1988); Robin F. A. Fabel, *Boom in the Bayous: Land Speculation and Town Planning in the Florida Parishes Under British Rule*, in *A FIERCE AND FRACTIOUS FRONTIER: THE CURIOUS DEVELOPMENT OF LOUISIANA'S FLORIDA PARISHES, 1699-2000*, at 44-57 (Samuel C. Hyde ed., 2004) [hereinafter Fabel, *Boom in the Bayous*]; King Robinson, *Sustaining the Glory: Spain's Melting Pot Army in the Lower Mississippi Valley, 1779-1781*, 1 *SE. LA. REV.* 5-23 (2008).

initial Spanish governor at New Orleans, Antonio de Ulloa, Spanish power arrived in force in August 1769 under the determined leadership of General Alejandro O'Reilly. At the head of more than 2000 troops, O'Reilly skillfully neutralized resistance to Spanish ascendancy among the resident French population, executing the ring leaders and sending others to imprisonment at Morro Castle in Havana, effectively establishing firm and determined governance.

Galvez's arrival in West Florida a decade later served as merely an initial step in his successful bid to drive the British from the Floridas. Following the capture of a British post at Bayou Manchac along with the larger British fort at Baton Rouge, Galvez concentrated on the main prize of the expedition Pensacola, with the added inducement of securing Mobile on the way. Accordingly, from the outset Spanish authority in that portion of West Florida that would later become Louisiana's Florida parishes remained limited. And, despite its prized location along the Mississippi River, the region would continue to serve as an afterthought to Spanish policy planners. As Galvez focused on Pensacola, British sympathizers staged a briefly successful rising at Natchez, which had been relinquished to the Spanish as part of the negotiations concluding the surrender at Baton Rouge. In contrast to O'Reilly's harsh treatment of the rebels at New Orleans, Galvez sought to establish Spanish authority through accommodation rather than intimidation. The rebels at Natchez were spared the "iron fist" of Spanish rule, a decision which set the tone for Spanish governance of West Florida.³

The very terms of the treaty confirming Spanish authority in West Florida advanced the ambiguous nature of their rule. More significant, the fact that the Spanish accepted such uncertainties suggested that problems would undoubtedly soon arise. The treaty ceding the territory to Spain did so without confirming the territorial borders. The failure to establish firm boundaries, especially to the north, reflected Spain's interest in the territory primarily as a buffer to contain American expansionism. Vicente Folch, Spanish governor at Pensacola, insisted that its proximity to New Orleans, extensive contact with the American frontier, and control of the mouths of key waterways demanded that "West Florida must be considered an object of greatest importance to Spain, just as the American government is certain to eventually endeavor to acquire it at almost any cost or risk." Despite such warnings, the

3. Robinson, *supra* note 2, at 5-23; PA. EVENING POST, & DAILY ADVERTISER, June 6, 1783; John W. Caughey, *The Natchez Rebellion of 1781 and Its Aftermath*, XVI LA. HIST. Q. 57-83 (Jan. 1933).

policies Spanish government would adopt once their authority was established would aggravate an increasingly troubled state of affairs.⁴

In the fall of 1795 the Treaty of San Lorenzo (Pickney's Treaty) established the thirty-first parallel as the northern boundary of West Florida. American desire to secure the entire east bank of the Mississippi River and the ever growing numbers of adventurers from Kentucky and Tennessee traversing the great river lent credence to Spain's acceptance of the contracted border. With the exception of the region in immediate proximity to the Mississippi River, the bulk of the territory extending east to the Pearl River remained woefully under populated. Like the British before them, the Spanish encouraged immigration among their countrymen enjoying some success, especially among Canary Islanders, who established small yet viable communities along the lower Amite and Tickfaw rivers. The pressure created by the burgeoning populations of the surrounding American controlled territory nonetheless encouraged the Spanish to consider the ever increasing numbers of Anglo-Protestant "Caintucks" as less desirable, yet necessary, inhabitants to advance Spanish control of the region.⁵

Hoping to also tap into the migration of disaffected British loyalists from the east coast seeking a home in territory not controlled by the Americans, the Spanish offered generous land grants as an added inducement. The possibility of populating the territory with people on poor terms with the United States mitigated the distaste for Anglo-Protestant settlers. In exchange for a generous grant of land, often in parcels of 800 arpents or roughly 640 acres, the settlers were required only to pledge loyalty to the Spanish Crown and embrace Catholicism, or at least avoid openly practicing their Protestant faith. Offered a substantial amount of tax free land, few found it difficult to embrace in word what they may quickly ignore in practice. Through such an arrangement Spain had opened her territorial doors to an influx of settlers gaining access through subterfuge. In essence, Spain now based her fortunes in West Florida on scores of individuals harboring at best

4. ISAAC J. COX, *THE WEST FLORIDA CONTROVERSY, 1798-1813: A STUDY IN AMERICAN DIPLOMACY* 16-17 (1918); 29, II BALANCE, & COLUMBIAN REPOSITORY (Hudson, N.Y.), July 19, 1803, at 227; DAVID NARRETT, *ADVENTURISM AND EMPIRE: THE STRUGGLE FOR MASTERY IN THE LOUISIANA-FLORIDA BORDERLANDS, 1762-1803*, at 111 (2015).

5. Fabel, *Boom in the Bayous*, *supra* note 2, at 44-57; Gilbert Din, *Proposals and Plans for Colonization in Spanish Louisiana, 1787-1790*, 11 LA. HIST. 197, 197-213 (1970); Gilbert Din, *The Canary Islander Settlements of Spanish Louisiana: An Overview*, 27 LA. HIST. 353, 353-73 (1986); STANLEY C. ARTHUR, *THE STORY OF THE WEST FLORIDA REBELLION* 25 (1935).

suspect loyalty whose newfound wealth had been largely obtained through deceit.⁶

Spanish policy encouraged the settlers to reside on their land and cultivate as much as they could. Yet from the outset Spanish land distribution policies sowed the seeds for future discontent. In their haste to encourage settlement, the Spanish offered grants that conflicted with or overlapped earlier British grants, which the Spanish had promised to honor. Making matters even worse, both the Spanish and British land grants were almost always vague and confusing. Illustrative of the imprecision inherent in the British titles is a 1776 grant along the Amite River:

Elihu Bay receives all that tract of land situated on the east side of the River Amit [sic] about four miles back from said river upon a creek called the Three Creeks butting and bounding southwesterly unto land surveyed out to Joseph Blackwell and on all other sides by vacant land.

An 1804 Spanish grant similarly proclaimed that “Luke Collins claims four hundred superficial arpents nine leagues up the east bank of the Tickfaw River, bounded on one side by William George and by public land on the other two.”⁷

With no background check on new arrivals, the region quickly became a magnet for army deserters and other desperadoes eager to claim the free land and/or prey upon others who did. The virtual absence of entertainment or any source of amusement rendered military service along the Gulf Coast a breeding ground for disaffection. Troops unfortunate enough to be assigned to the garrisons from Pensacola to Baton Rouge complained of uninhabitable barracks and miserable sanitary facilities that in many cases emitted a “stench sufficient to knock

6. Din, *Proposals and Plans for Colonization in Spanish Louisiana, 1787-1790*, *supra* note 5, at 197-98, 201; ALVIN L. BERTRAND, *THE MANY LOUISIANAS: RURAL SOCIAL AREAS AND CULTURAL ISLANDS* (1955); H. M. BRACKENRIDGE, *VIEWS OF LOUISIANA: TOGETHER WITH A JOURNAL OF A VOYAGE UP THE MISSOURI RIVER, IN 1811*, at 281 (1814); ARTHUR, *supra* note 5, at 16.

7. Letter from William Ogilvy to My Dear Sir, (Nov. 29, 1805) (on file with the Daniel Hicky Papers, Louisiana and Lower Mississippi Valley Collection, Louisiana State University) [hereinafter LLMVC]; William Wilton Map of Landholdings in British West Florida, 1774, made for Governor Peter Chester (on file with the Donald Sharp Collection, Center for Southeast Louisiana Studies, Southeastern Louisiana University) [hereinafter CSLS]; Petition of John McDonogh to the Honorable District Judge of the State of Louisiana, Holding Sessions in the Parish of Orleans in Said State, concerns disputed land claims in West Florida (on file with the West Florida Collection, Box 3, folder 1, CSLS); *Documents Covering a Royal Land Grant and Other Transactions on the Mississippi and Amite Rivers During the English Rule*, XII LA. HIST. Q. 638 (Henry Dart ed., 1929); JOHN H. NAPIER III, *LOWER PEARL RIVER'S PINEY WOODS: ITS LAND AND PEOPLE* 31 (1985); NEWS DIG. (Amite City), Aug. 7, 1975.

a man down.” Such conditions were augmented by an ever present fear of the native tribes. Reports of atrocities committed by the tribes surrounding the outposts of West Florida, including the Choctaw and fierce Tunicas, kept British soldiers in a constant state of unease. A 1764 British expedition up the Mississippi River headed by Major Arthur Loftus suffered 37 desertions from approximately 340 men before they even made contact with native warriors south of Natchez. Loftus blamed his poor showing partly on “the great desertions we had.” French reports reflected similar numbers of desertions among troops stationed in the area. Following the abortive French rising against Spanish ascendancy at New Orleans, 130 French soldiers were reported to have deserted and taken refuge in West Florida.⁸

With colonial resources stretched beyond capacity, Spain lacked both the ability and will to discourage fugitives from locating in West Florida. Spanish policy nonetheless reflected something far more foreboding for the future stability of the territory. Concerned more about American encroachment upon their far more lucrative territories to the west, Spanish officials seemed more interested in quantity rather than quality. Spanish efforts to attract industrious and disgruntled former British loyalists as well as other anti-American Anglo-Protestant settlers worked hand-in-glove with their tolerance of varying degrees of fugitives. The presumed loyalty secured from the more industrious settlers through liberal land grants was matched by the protective shield Spanish tolerance offered rogue elements. The creation of community, based on such unlikely neighbors, could work only if an effective legal system was put in place capable of efficiently protecting productive residents *and* enforcing respect for the law among the more desperate. The bold gamble to create a loyal population among such diverse elements was doomed to failure before it began.⁹

8. Letter from Hugh Davis to David Holmes (Sept. 25, 1810) (on file with the Governor David Holmes Territorial Administration Papers, Mississippi Department of Archives and History) [hereinafter MDAH]; Robert R. Rea, *Military Deserters from British West Florida*, 9 LA. HIST. 123, 123-37 (1968); James Peacock, *Historical and Statistical Sketches of Louisiana*, XI DE BOW'S REV. 265 (1851); Thomas D. Clark, *The Piney Woods and the Cutting Edge of the Lingerin Southern Frontier*, in MISSISSIPPI'S PINEY WOODS: A HUMAN PERSPECTIVE 64 (Noel Polk ed., 1986).

9. Proclamation to the Inhabitants of the District of New Feliciana (July 1, 1810) on file with the Philip Hicky Letter Book, Hicky Family Papers, LLMVC); Sets of Orders Signed by Charles de Grand Pre Concerning Opposition to Admission of Deserters and Bandits to Spanish Territory (Apr. 29, 1805) (on file with the Philip Hicky Letter Book, Hicky Family Papers, LLMVC); Letter from Edw. Randolph to David Holmes (Feb. 5, 1811) (on file with the Holmes Territorial Administration Papers, MDAH).

Nothing about Spanish ascendancy in West Florida suggested they were engaged in a noble experiment to improve the character of some through intermingling with more productive and purposeful others. Instead, blind self-interest revealed Spanish governance as flawed and unimaginative. The Spanish relied on *alcaldes*, magistrates who conducted both judicial and administrative functions, to offer a visible presence of their authority. In 1805 approximately 200 Spanish troops manned the fort at Baton Rouge and a small garrison of no more than two dozen soldiers remained stationed at the twin river towns of Bayou Sara and St. Francisville in the Feliciana District north of Baton Rouge. Outside of an occasional posting of a handful of men at the river port of Springfield in the lower St. Helena District to the east, no troops were present to sustain Spanish authority in the remaining expansive Chifoncte' District, later St. Ferdinand, that stretched between the Tangipahoa and Pearl rivers.¹⁰

With only three garrisons of any substance in the vast 300-mile expanse between Baton Rouge and Pensacola, criminal activity thrived. Marauders, including newly arriving deserters from the American army also seeking safe haven in the territory, were free to raid with impunity. Moreover, the absence of a visible Spanish presence diminished any claims of loyalty expected among the residents. Instead, whether intentional or merely the product of an overstretched empire, Spanish neglect contributed to the emergence of a fiercely independent people whose self-reliance extended to personal, and frequently violent, resolution of perceived injustices and grievances.¹¹

In such a potentially volatile situation weak leadership could be catastrophic. In command at Baton Rouge as the situation came to a head in 1804 was Don Carlos de Grand-Pre'. French by birth and regularly accused of pro-French sympathies, Grand-Pre' was generally

10. Regulations To Be Observed by the Syndics and Alcalds, of the Jurisdiction of Baton Rouge, Signed by Vicente Folch (Oct. 30, 1804) (on file with the West Florida Republic Collection, CSLS); Resolution of the Undersigned Delegates of the District of Baton Rouge (Sept. 4, 1810) (on file with the Philip Hicky Letter Book, Hicky Family Papers, LLMVC); *William C. C. Claiborne to James Madison, March 26, 1805*, in 6 STATE DEPARTMENT TERRITORIAL PAPERS, ORLEANS SERIES, 1764-1813, JANUARY 1-JUNE 21, 1805 (1958); COX, *supra* note 4, at 153-54; Copy of Map of Spanish West Florida (1810) (on file with the West Florida Revolt Collection, CSLS).

11. Letter from Hugh Davis to David Holmes, *supra* note 8; Letter from Joseph Kennedy to the Convention of the State of West Florida (Nov. 3, 1810) (on file with the Documents and Papers Concerning Transactions During Civil Commotions in West Florida, 1799-1827, container no. 15, reel 4, West Florida Collection, Library of Congress); COX, *supra* note 4, at 153-55; ARTHUR, *supra* note 5, at 29. For an explanation of the character of the people residing in the region and their historic tendency for violent resolution of grievances, see HYDE, *supra* note 1, at chs. 1, 5, 6.

well regarded by pro-Spanish residents despite the claims of duplicity. Others regarded him far differently. Among the regional residents who were not considered friends to the Spanish commandant were the notorious Kemper brothers: Reuben, Nathan, and Samuel. Since their arrival in the area, the Kempers had endured some failed business ventures along with some property disputes. In June 1804 Alexander Stirling, the local alcalde, sought to evict one of the Kempers from a piece of property provoking a series of incidents that eventually resulted in the local militia chasing the Kempers and a small gang of followers across the border into the Mississippi Territory.¹²

Through the summer of 1804 the Kempers, at the head of thirty to forty followers, launched a series of raids into West Florida from their base just across the border in the Mississippi Territory near Pinckneyville. The gang burned some homes, including the attempted arson of the home of alcalde and captain of the militia Vicente Pintado, intimidated Spanish loyalists, and stole property including slaves. The Kempers claimed to have the authority of territorial governor William C. C. Claiborne behind their efforts. In early August the gang took their troublemaking to a new level by launching a political rebellion. On August 7 Nathan and Samuel Kemper crossed the border with thirty followers and captured Pintado, along with two other militia captains, and successfully torched Pintado's house and gin. Carrying a blue and white striped flag with two white stars on a field of blue, the rebels marched on Baton Rouge initiating the Kemper Rebellion.¹³

As they advanced, the rebels posted a proclamation urging West Floridians to "throw off the galling yoke of tyranny and become freemen by declaring ourselves a free and independent people, and by supporting with our lives and property that declaration." The rebels camped near the fort at Baton Rouge exchanging a few shots with the defenders who dared not venture from their garrison and awaited reinforcement from supporters who never came. On August 9 the rebels withdrew to Bayou Sara before withdrawing into the Mississippi territory utterly dismayed that their actions had failed to provoke any semblance of a popular rising from the people of West Florida.¹⁴

12. COX, *supra* note 4, at 152-54; Andrew McMichael, *The Kemper "Rebellion": Filibustering and Resident Anglo American Loyalty in Spanish West Florida*, 43 *LA. HIST.* 133, 147-48 (2002).

13. COX, *supra* note 4, at 155-56; ARTHUR, *supra* note 5, at 26.

14. Copy of the Proclamation, *CHARLESTON COURIER*, Sept. 2, 1804; McMichael, *supra* note 12, at 154-55.

Instead of joining the revolt, hundreds of local men flocked to Baton Rouge in support of the Spanish. Others maneuvered to cut off the raiders and report on suspicious activities. Governor Folch, who upon hearing of the potential for trouble along the Mississippi, authorized the construction of a road between Mobile and Baton Rouge, hurried from Pensacola with a force of 150 men. By the time he arrived in September the rebels had long dispersed. Folch nonetheless remained in the area a few weeks to monitor the situation and make a show of Spanish strength. Before he departed, lingering concerns encouraged Folch to issue a series of directives designed to “protect innocence against the attacks of calumny . . . and to punish the wicked.”¹⁵

Despite such forthright efforts to suppress seditious elements and encourage loyalty to Spain among the people, the indecision and timidity that characterized Grand Pre’s later years as commandant at Baton Rouge would be dramatically amplified by his successor. In the spring of 1807 another French born officer in the Spanish service assumed command at Baton Rouge. Carlos Dehault DeLassus had enjoyed a variety of postings amid Spain’s holdings in North America including service as lieutenant governor of the upper Louisiana territory prior to the Louisiana Purchase. Almost immediately upon assuming command at Baton Rouge, DeLassus commenced practices that would doom Spanish authority in West Florida and further a troubling pattern for the region’s future development.¹⁶

The neglect that characterized Spanish governance at Baton Rouge in the years prior to his arrival proved immediately apparent to DeLassus. Unimpressed by the small river town itself, the new commandant was dismayed by the condition of the fort. Despite some efforts at repair, the fort, the very symbol of Spanish power on the lower Mississippi, was utterly dilapidated and suggestive of the condition of Spanish affairs in the territory. Aside from a handful of soldiers at St. Francisville, the little more than two dozen troops stationed at the fort were all that remained

15. Letter from M. Moore to David Holmes (Oct. 1, 1810) (on file with the Holmes Territorial Administration Papers, MDAH) (noting power of pro-Spanish supporters); Letter from William Cooper to Vicente Folch (Sept. 12, 1810) (on file with the Papeles de Cuba, Legajo 1568 B, letter no. 982, Library of Congress, West Florida Collection, CSLS); St. Helena Volunteer Militia in Spanish Service, (1805) (on file with the Papeles de Cuba, Legajo 142B, folios 144-46, West Florida Collection, CSLS); Regulations to be Observed by the Syndics and Alcalds, of the Jurisdiction of Baton Rouge (Oct. 30, 1804) (on file with the West Florida Republic Collection, CSLS); COX, *supra* note 4, at 157-58.

16. COX, *supra* note 4, at 325; WILLIAM C. DAVIS, *THE ROGUE REPUBLIC: HOW WOULD BE PATRIOTS WAGED THE SHORTEST REVOLUTION IN AMERICAN HISTORY* 118-19 (2011).

available to DeLassus; Folch at Pensacola remained a long distance away. Leary of antagonizing any of the myriad of factions that swirled about him in his new assignment, DeLassus bided his time. He neglected to advance some decrees initiated but not yet enacted by his predecessor Grand Pre and failed to enforce the collection of debts due the government particularly regarding state sanctioned land surveys. Of greatest concern to those supporting order and the need to ensure public safety, DeLassus proved inept at directing his own garrison troops whose officers soon reached a state of near revolt against his botched leadership. In short, DeLassus did virtually nothing, and in the absence of firm leadership residents of varying stripes began to take matters into their own hands. Spanish neglect allowed for the flowering of notions of independent minded action and a warped impression of individual rights as necessary attributes for survival among many residents.¹⁷

Rather than decisive action that would have at least galvanized support among one faction or the other DeLassus practiced accommodation, if not cooperation, with the most dangerous faction challenging his authority. Beyond those who longed for a revival of French or British authority, if for no other reason than to protect their land claims, as well as the deserters and desperadoes who favored no authority whatsoever, three distinct factions jockeyed for influence. The American faction included disgruntled settlers who were disappointed that the region had not been included in the Louisiana Purchase of 1803. The pro-Spanish faction preferred things to remain as they were. This group wanted to secure their Spanish land grants but also enjoyed the hands-off manner of Spanish governance in opposition to the obligations of citizenship, such as voting and jury service, certain to come with American control. The final faction may best be regarded as “Independents.” This group saw in the possibility of creating an independent nation from Baton Rouge to Pensacola opportunity for self-aggrandizement free of the demands of American citizenship amid better security than what could be provided by Spain. Confirming the chaos that the uncertainties of Spanish governance had provoked in West Florida, Governor William C. C. Claiborne, of the neighboring Orleans Territory advised the American government, “the people of Florida will

17. *Proceedings of the First Convention of West Florida*, entry July 27, 1810, in THE TERRITORIAL PAPERS OF THE UNITED STATES 9:893-95 (Clarence E. Carter ed., 1934-62); *Journal of the West Florida Convention and Legislature* (July 26-29 & Sept. 22, 1810), and *Convention of Florida to His Excellency Governor David Holmes* (Sept. 22, 1810) (on file with the West Florida Collection, container 14, reel no. 4, Library of Congress); COX, *supra* note 4, at 369-71; DAVIS, *supra* note 16, at 122, 161-64.

be assailed by a host of intriguers. There will perhaps be a French party and an English party, and a party who would wish to set up for themselves!”¹⁸

By the summer of 1810, events in Europe offered a subterfuge for actions that could exploit DeLassus’ neglect. Napoleon Bonaparte’s incursion into Spain and usurpation of the Spanish throne provided the pretext for direct action. Proclaiming their loyalty to the Spanish king Ferdinand VII, a group of Feliciana planters gathered and called for a “convention” to be created to support the Spanish officials should their official capacities be compromised by the French actions. Perhaps to no one’s surprise, this independence of action quickly progressed further. In late July anonymous broadsides, signed “A Friend of the People,” were found posted about the Feliciana District. The broadside declared “the time has come for us to look out for ourselves,” and called upon the Convention to declare independence. Rather than seek to identify and punish such treasonous actions, DeLassus sought accommodation.

When I learned of the movements there existed, tending to cause a revolt in this city, I did not doubt for a moment the loyalty of those who have never ceased giving proofs of said loyalty since the very moment they took the oath pledging to defend the Spanish flag.

DeLassus further called upon his “loyal” subjects to “declare and give full information” as to “who is author of the filthy writings.”¹⁹

As the Convention methodically usurped authority under the guise of support for Spain, even offering to authorize a salary for DeLassus, the intentions of their anti-Spanish supporters began to emerge. An August 13, 1810, letter from eighteen respected residents of St. Francisville to their Convention representatives proclaimed,

18. Letter from William C. C. Claiborne to William Wykoff (June 14, 1810), in *OFFICIAL LETTER BOOKS OF W. C. C. CLAIBORNE, 1801-1816*, at 5:31-4 (Dunbar Rowland ed., 1917); Letter from Harry Toulmin to David Holmes (Aug. 19, 1810) (on file with the Governor David Holmes Territorial Administration Papers, Doc. No. 1075, MDAH); Letter from Hugh Davis to Holmes (Sept. 25, 1810) (on file with the Governor David Holmes Territorial Administration Papers, Doc. No. 1097, MDAH); Proclamation to the Inhabitants of the District of New Feliciana, *supra* note 9; Letter from Frederick Kimball to Dear Friends (Mar. 5, 1811) (on file with the Kimball Letters, LLMVC); Letter from Kimball to Dear Sir (Dec. 9, 1810) (on file with the Kimball Letters, LLMVC); Samuel C. Hyde, Jr., *Consolidating the Revolution: Factionalism and Finesse in the West Florida Revolt, 1810*, 51 *LA. HIST.* 265-67 (2010).

19. Letter from Carlos DeLassus to Don’s Thos. Lilly, Juan Johnson, Juan Leonard, Philip Hicky, and Juan Mills (July 30, 1810) (on file with the West Florida Rebellion Papers, LLMVC); Letter from Harry Toulmin to David Holmes (Aug. 19, 1810) (on file with the Holmes Territorial Administration Papers, MDAH); DAVIS, *supra* note 16, at 158.

you are the true representatives of the people, we consider you empowered to act independent of any other authority whatever if that authority refuses to adopt or sanction such measures as you may conceive necessary for our future welfare and respectability. And we pledge ourselves to support you in whatsoever you may do that shall have a tendency to promote the desirable objects of your delegation.

Twelve days later the increasingly emboldened Convention took matters to the next level. In a letter to the Convention dated August 25, 1810, a clearly frustrated DeLassus rejected their request to provide a full accounting of all arms and forces in the area and their suggestion that Fulwar Skipwith, a recent arrival in West Florida who had not pledged loyalty to Spain, be named general of the militia. Increasing calls for independence emerged in Bayou Sara and in the adjoining village of St. Francisville where hostility to the Spanish was now barely concealed. The Spanish commandant at Bayou Sara, Thomas Estevan, begged DeLassus to send him a boat so that he and his command of “four unhappy soldiers” could flee if the enmity for Spain flared into open revolt. Shepherd Brown, alcalde in the St. Helena district further east, reported on growing tension in the area advising DeLassus that he no longer trusted his militia officers.²⁰

In the face of mounting evidence that a revolt was coming, DeLassus continued to procrastinate. Other than penning a couple of letters to known Spanish supporters inquiring of conditions in their areas, his only forthright action was to host a series of dinner parties in honor of the Convention. Ostensibly hosted to celebrate loyalty to Spain, the gatherings outraged his officers and conclusively revealed Spanish authority as weak and ineffective. With the intimidation of government seemingly complete, on September 22, 1810, the Convention unanimously declared that “Carlos Dehault Delassus be divested of all authority as governor of this jurisdiction and that the colonel commandant of the militia be subject to the orders of this convention only.” As icing on the cake of humiliation and defeat, a woefully tardy appeal for aid from DeLassus to Folch fell into enemy hands when a rebel patrol intercepted the courier. With Spanish duplicity revealed, shortly before sunrise the following morning rebels stormed the fort at

20. Proclamation to the Inhabitants of the District of New Feliciana, *supra* note 9; Letter from Carlos DeLassus to Don's Thos. Lilly, Juan Johnson, Juan Leonard, Philip Hicky, and Juan Mills, *supra* note 19; Letter from the Inhabitants of St. Francisville to Their Representatives Assembled at St. John's Plains (Aug. 13, 1810) (on file with the West Florida Rebellion Papers, LLMVC); Letter from DeLassus to the House of Representatives (Aug. 25, 1810) (on file with the West Florida Rebellion Papers, LLMVC); COX, *supra* note 4, at 371-74.

Baton Rouge, and following a brief firefight that left two Spanish dead and five wounded, raised the Lone Star flag initiating the short lived Republic of West Florida, the original Lone Star state. In proclaiming the Republic, the rebels revealed their understanding that legal authority can be intimidated and that violent resolution of grievances is an effective solution to perceived injustice—a legacy of Spanish governance that would have profound implications for future generations in southeast Louisiana.²¹

Spanish policies and jurisprudence including land grant regulations and loosely enumerated title surveys, toleration of suspect residents including known deserters from multiple armies, lack of resources, especially troops, to enforce the necessary mechanisms of governance, and timid, if not ineffective, leadership doomed their authority in West Florida. Land policies that sought to curry loyalty through large grants that frequently overlapped existing French or British grants contributed directly to a number of vicious family feuds in the late nineteenth century. Permitting lawless elements to assume residency necessarily advanced social instability and the absence of resources to enforce legal authority set a precedent for ignoring or resisting the rule of law among many multi-generational resident families in the region. Worst of all, the absence of a forthright commandant willing to take risks to enforce the law signaled that legally constituted authority can be cowed just as the violent overthrow of the government demonstrated armed resistance to authority could be an effective means for resolving grievances.

In the 100 years following the West Florida Revolt of 1810, Louisiana's Florida parishes suffered some of the highest rural homicide rates recorded in American history. The violence included large scale family feuds that co-opted the legal system and rendered the system of justice impotent. As context, in the same period the great Hatfield-McCoy feud witnessed twelve murders in a twelve-year period with at least some of the perpetrators brought to justice, the Florida parishes witnessed 133 feud related murders with few of the criminals ever successfully prosecuted. The violence, much of it occurring over the ruins of a collapsed legal system, also included mass race riots, union

21. Letter from John Johnson, William Barrow, John Mills, and John Rhea to Philip Hicky, George Mather, Richard Deval, and Thomas Lilly (July 3, 1810) (on file with the Hicky Family Papers, LLMVC); Proclamation to the Inhabitants of the District of New Feliciana, *supra* note 9; Journal of the Convention and Legislature of West Florida, 1810 (Sept. 22, 1810) (on file with the West Florida Collection, container no. 14, reel no. 4, Library of Congress); Letter from Philemon Thomas to John Rhea (Sept. 24, 1810) (on file with the West Florida Rebellion Papers, LLMVC); COX, *supra* note 4, at 370-71.

busting, and a precursor to what we know today as ethnic cleansing in addition to scores of bushwhackings and other murders. In an effort to explain the seemingly endless chaos that prevailed in the Florida parishes, the New Orleans *Picayune* described the residents as peculiar people “exceedingly jealous of what they deem their rights, and it was mainly through their misconception of what those rights really were that the troubles originated.” In a scathing 1909 demand for the establishment of order in the region, the same paper offered a list of reasons the region should be a model of progress, adding “these would seem to be highly civilizing instruments and influences, yet cowardly assassination and savage human slaughter are as rife there as when the country was densely covered with pine forests and modern development was unknown.” The *Picayune* noted if the majority of people were not peaceable “it would be the duty of state authorities to go into that region with sufficient force and subdue it savage people into a condition of civilization and order. What then is the matter?” Grimly answering its own queries the newspaper bemoaned the region’s future.

Even if the lawless element is in the minority it is able to so terrorize the balance of the community to such a degree, that the bloody outlaws work their will while everybody submits. As to the courts apparently they punish none of the worst criminals, if indeed they ever get possession of them, but the defaults of the criminal courts are wholly chargeable to the juries.²²

Even today the region groans under the burden of its past toleration for violent resolution of perceived grievances. In 1996 the Federal Bureau of Investigation released criminal statistics confirming the United States status at the forefront of violence among industrialized nations. The South led in rates of violent crime among the various regions of the nation contributing inordinately to the national homicide rate of 7.4 per 100,000 deaths. Louisiana led the nation with a rate of 17.5 per 100,000 deaths which contrasted sharply with last place South Dakota’s 1.2 per 100,000. Federal Bureau of Investigation statistical reports for 2012 confirmed Louisiana’s leadership in national homicide rates at 10.8 per 100,000 deaths over second ranked South Carolina at 6.8. When broken down by parish in state reports to the FBI, the Florida parishes continue as leaders in rural homicide in the Bayou State. Statistical analysis included in the 2013 Louisiana Supreme Court Annual Report further identify the Twenty-First and Twenty-Second Judicial Districts, both

22. DAILY PICAYUNE, Apr. 12, 1899, Feb. 28, 1909. For a comprehensive explanation of the chaotic circumstances characterizing the Florida parishes in the late nineteenth century, see HYDE, JR., *supra* note 1, chs. 5, 6.

located in the Florida parishes, as state leaders in per capita criminal cases filed in rural districts. Despite a dramatically changed economic and political landscape, the Florida parishes continue to manifest a grim commitment to an enduring tradition of violent resolution of grievances.²³

Scholarly explanations for this enduring pattern of behavior have traditionally assigned blame to lessons internalized by regional residents during a brutal period of Civil War and Reconstruction. Following the fall of the Confederate bastion at Port Hudson in the summer of 1863, the War entered a new level of savagery highlighted by guerrilla operations and vicious reprisals. Reconstruction witnessed the rise to ascendance of terroristic organizations such as the Ku Klux Klan and Knights of the White Camellia who employed collective violence to effectively overthrow the Reconstruction government. The brutality of the Civil War and Reconstruction did provide additional lessons in the effectiveness of violence and reinforced the belief that legal authority can be cowed. The sixteen years of instability from secession to redemption nonetheless proved but a reinforcement of traditions dating back to antecedents originating in the years preceding American annexation. A period where legal authority failed the law abiding and residents routinely resorted to personal and collective violence to right perceived injustices even to the point of overthrowing the government. The chronic social instability, along with armed insurrections such as the Kemper Rising and West Florida Revolt, resulted from policies and practices first evident in the Spanish era. A proper understanding of the troubled history of Louisiana's Florida parishes accordingly demands consideration of precedents that originated in the Spanish period whose legacies remain evident to this day.

23. FBI homicide statistics reprinted in Fox Butterfield, *Why the South's Homicide Rate Is So High*, N.Y. TIMES, July 26, 1998; FED. BUREAU OF INVESTIGATION, UNIFORM CRIME REPORT (2012, 2015); LA. COMM'N ON LAW ENF'T, LOUISIANA INDEX CRIMES REPORTED TO THE FBI THROUGH THE LOUISIANA UNIFORM CRIME REPORT (2006, 2007); CTR. FOR DISEASE CONTROL, LOUISIANA HOMICIDE DEATH RATE, 1999-2014; CTR. FOR DISEASE CONTROL, LOUISIANA LIFE EXPECTANCY REPORT (2015); SUPREME COURT OF LA. OF THE JUDICIAL COUNCIL OF THE SUPREME COURT, ANNUAL REPORT 44-47 (2013); TIMES-PICAYUNE, Sept. 27, 2016.