

Immigrant Lawyers and Slavery in Territorial New Orleans

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On March 20, 1804, six men appeared in the newly created Court of Pleas in New Orleans, the first court of the Territory of Orleans, to present their licenses from the Governor-General to practice law and to swear an oath. Nine years later, seven other men swore to “demean [themselves] honestly in the practice as counsellor or attorney” in the first meeting of the Louisiana State Supreme Court. In between, dozens of men practiced law in the various courts of territorial and early statehood New Orleans. Almost all of these men were immigrants and all but a few arrived after the Louisiana Purchase. They came from different countries, and different cultural, educational, and socio-economic backgrounds. They were mostly young, thirty-five or under, but a significant minority of them were middle-aged or older. They had different reasons for coming to New Orleans, different ambitions as lawyers, different expectations about how long they would stay, and met with different levels of success and notoriety. They debated among themselves, and some of them developed deep long-standing rivalries, which sometimes escalated into duels and more than once resulted in death.

Yet, despite of all these divisions and rivalries, the lawyers of early New Orleans shared one common trait—they were all white men. More than just an obvious statement, this is a reminder of the patriarchy and racism that buttressed the burgeoning slave society of the Lower Mississippi Valley in the early nineteenth century. New Orleans was a city of opportunity for white male immigrants from a variety places in both the Anglophone and Francophone Atlantic world, but this opportunity was created at the expense of the enslaved. The burgeoning commercial depot of an expanding plantation hinterland was an attractive place for both ambitious young men looking to start a career in the law and middle-aged men looking to start over and rebuild their fortunes. While these men were influential in shaping the region’s legal system, the expanding slave economy ensured that such influence would be in

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support of the institution of slavery and help ensure its entrenchment and growth for several decades to follow.

This Article examines lawyers practicing in New Orleans during the territorial period and early statehood. Its focus is not on codes, cases, or statutes, or even on the law per se, but on the men who made up the legal profession. First, it will provide a demographic overview of the national, ethnic, and socio-economic make-up of the early lawyers as well as their different visions, involvement, and levels of success in the profession. It will show that other than their race and sex, little else tied these men together. Then, it will briefly examine some specific sources of disagreement among the early lawyers—some personal, some professional, and some political—that occasionally became violent. Finally, it will broaden out again to examine the group of lawyers with respect to their attitudes toward and relationships with the institution of slavery. In the end, it will show that while the immigrant lawyers of New Orleans's territorial period came from a variety of backgrounds and vehemently disagreed on several topics, they remained unified on slavery, the issue that was soon to create national divisions. Among the sixty-plus men who made their living arguing in early New Orleans, not one of them argued against slavery.

The uniqueness of Louisiana's legal system within the United States has driven both legal scholars and historians to try to understand its origins. From the narrative histories of gentlemen scholars of the late nineteenth century (lawyers and judges among them) to the "New Louisiana Legal History" of the early twenty-first, the scholarship of the history of Louisiana law is rich and lively.¹ Early works either criticized or romanticized, but certainly exaggerated, the civilian influence on Louisiana law. By the mid-twentieth century, however, the focus had shifted to the so-called "clash of legal traditions" that ensued after the Louisiana Purchase, when a civil law territory abruptly became part of a common law country.² One of the more specific, long-standing, and involved scholarly debates concerns whether the civilian law of Louisiana had Spanish or French origins. The question was first raised by Rodolfo Batiza in 1972, when he argued that French Law accounted for 85% of the 1808 Code/Digest. Robert Pascal criticized Batiza's

1. For an excellent review of the literature on Louisiana legal history, see Mark F. Fernandez, *Louisiana Legal History, Past, Present, and Future, Introduction to A LAW UNTO ITSELF? ESSAYS IN THE NEW LOUISIANA LEGAL HISTORY* (Warren Billings & Mark F. Fernandez eds., 2001).

2. The thesis is most clearly stated in GEORGE DARGO, *JEFFERSON'S LOUISIANA: POLITICS AND THE CLASH OF LEGAL TRADITIONS* (1975).

methodology, and as a result, a “tournament of scholars” evolved between some of the most notable names in the field.³ More recently, a group of Louisiana legal historians has moved away from the “sui generis” approach to “root their work in the main themes of southern and legal history.”⁴ The legal history of slavery in Louisiana, especially, has benefitted from this approach.⁵

While the body of scholarship on the history of Louisiana law is impressive and growing, there is still a paucity of literature on the men who made up the legal profession in early New Orleans. To be sure, scholars have written books and articles about the most influential among them—men like Edward Livingston, Louis Moreau-Lislet, Pierre Derbigny, and Francois Xavier Martin.⁶ Yet very little has been written on the history of the legal profession in general. Elizabeth Gaspard’s *The Rise of the Louisiana Bar: The Early Period, 1813-1839* is one of the few exceptions. Gaspard covers what she calls the first period of growth of the Louisiana state bar. She claims that during this period, “There were few rules to control admission to the bar, and the question of what constituted adequate training was left open. Ambitious men were unfettered in their efforts to use the law as a springboard into other areas of Louisiana society.”⁷ Working from a database of 565 men, Gaspard provides a sound collective biography of the Louisiana Bar in the first twenty-five years of statehood.

The present article is, in part, a prequel to Gaspard’s *The Rise of the Louisiana Bar, 1813-1829*. It covers the territorial period, before there was a State of Louisiana or a bar per se, and works from a smaller data set of sixty-four lawyers, some of whom are well-known while others

3. See A. N. Yiannopoulos, *The Early Sources of Louisiana Law: Critical Appraisal of a Controversy*, in *LOUISIANA’S LEGAL HERITAGE* (Edward F. Haas ed., 1983).

4. Fernandez, *supra* note 1, at 1.

5. The list of works on the history of slave law in Louisiana is long. Some of the best include Hans W. Baade, *The Law of Slavery in Spanish Louisiana, 1769-1803*, in *LOUISIANA’S LEGAL HERITAGE*, *supra* note 3; JUDITH K. SCHAFER, *BECOMING FREE REMAINING FREE: MANUMISSION AND ENSLAVEMENT IN NEW ORLEANS, 1846-1862* (2003); and VERNON V. PALMER, *THROUGH THE CODES DARKLY: SLAVE LAW AND CIVIL LAW IN LOUISIANA* (2012).

6. See WILLIAM B. HATCHER, *EDWARD LIVINGSTON: JEFFERSONIAN REPUBLICAN AND JACKSONIAN DEMOCRAT* (1940); ALAIN LEVASSEUR, *MOREAU LISLET: THE MAN BEHIND THE DIGEST OF 1808* (2008); *Derbigny, Pierre Augustin Bourguignon*, in 1 *DICTIONARY OF LOUISIANA BIOGRAPHY* (Glenn R. Conrad ed., 1988). Francois Xavier Martin, a member of the American Antiquarian Society, was a “gentleman scholar” himself writing several books on law and Louisiana History.

7. Elizabeth Gaspard, *The Rise of the Louisiana Bar: The Early Period, 1813-1839*, 28 *LA. HIST.* 183 (1987); see also Warren Billings, *Origins of the Louisiana State Bar Association*, 41 *LA. HIST.* 389 (2000).

have been obscured by history.⁸ Yet, this article also differs conceptually from Gaspard's work in two important ways. First, it focuses on New Orleans lawyers as immigrants, examining where these men were from and what drew them to the city. Second, this article connects the men of the legal profession in territorial New Orleans to the institution of slavery. The Louisiana Purchase created opportunities for talented, ambitious men with a knowledge of the law to be very influential in shaping the young government and legal system. But the expanding slave economy played a role in who would get into these influential positions and how the government and legal system would be shaped.

One of the most striking aspects of the legal profession in the territorial period is that it is made up almost entirely of immigrants, and recent immigrants at that. Lawyers (and would-be lawyers) flocked to New Orleans in the era of the Louisiana Purchase from many areas of the Atlantic World. Only four of the fifty-four people for which there is sufficient data were born in Louisiana. Two of them, Alexander Dupuy and Jacques Philippe Ginault, were among the earliest to practice law in the American courts of New Orleans, but none of the four rose to any level of prominence in the profession. Moreover, only seven others had lived in New Orleans prior to the Purchase and, of these, only three for more than a decade.⁹ Only one of these seven men, Pierre Derbigny, who arrived in New Orleans in 1797, went on to make a name for himself in the Louisiana Bar. In terms of both numbers and influence, therefore, the legal profession in territorial New Orleans was dominated by men who had just recently moved to the city.¹⁰

8. The list of lawyers was (primarily) compiled from the names of lawyers who appeared in the New Orleans City Court and/or who were listed as members of the legal profession in the 1811 and/or 1822 City Directories. This certainly does not claim to be an exhaustive list of lawyers who practiced in any court in New Orleans during the period but is likely a representative sample. The information about the lawyers was taken from a variety of sources, including, but not limited to: THE OFFICIAL LETTER BOOKS OF W. C. C. CLAIBORNE, 1801-1816 (Roland Dunbar ed., 1972) (1917); JARED BRADLEY, INTERIM APPOINTMENT: W. C. C. CLAIBORNE LETTER BOOK, 1804-1805 (2002); 42 NATIONAL CYCLOPAEDIA OF AMERICAN BIOGRAPHY (James Terry White ed., 1958); Gwendolyn Midlo Hall, comp., *Louisiana, Slave Records, 1719-1820*, ANCESTRY (2009), <http://search.ancestry.com/search/db.aspx?dbid=7383>; Hunting For Bears, comp., *Louisiana, Marriages, 1718-1925*, ANCESTRY (2004), <http://search.ancestry.com/search/db.aspx?dbid=7837>; *Race and Slavery Petitions Project*, UNCG (2000-09), <https://library.uncg.edu/slavery/petitions/>.

9. The three immigrant men who had lived in New Orleans for over a decade at the time of the Louisiana Purchase were Joseph Henri De Mahy Desmontils, a Frenchman who was in New Orleans at least as early as 1792, Jean Rodriguez, who migrated from the Canary Islands as a young boy in the 1770s, and Pierre (Pedro) Pedesclaux, who migrated from the Basque country as a young man, also in the 1770s.

10. See sources cited *supra* note 8.

While the early New Orleans legal profession was clearly controlled by white male immigrants, it was not, at least not in the territorial period, dominated by any particular ethnicity or by men from any particular part of the Atlantic World. Among the immigrants, there was a good mixture of those from the United States North, the United States South, the British Isles, French-speaking Europe, the French Caribbean, Spain, and even one person from the Canary Islands. Of the people for whom there is sufficient information, English was the primary language for about 56%, French for 37%, and Spanish for 7%. If one were to assume ethnicity based on the names of the ten for which there is not sufficient information, then just over half of the lawyers (thirty-four out of sixty-four) were Anglophone. Four of the English speakers came from the British Isles, but the vast majority came from the Eastern Seaboard of the United States.¹¹

The Northeastern United States sent sixteen men to practice law in New Orleans during the territorial period, which was more than any other region. Five came from Pennsylvania alone, with four coming from Massachusetts, two each from Connecticut, New York, and New Jersey, and one from Rhode Island. Some of the biggest names in early American Louisiana history were among this group. Edward Livingston, from New York, authored a provisional code of judicial procedure in 1805, shortly after he arrived, and later created a new code of criminal law and procedure known as the “Livingston Code.” John Bartow Prevost, from Paramus, New Jersey, was appointed the first justice of the Superior Court of the Territory of Orleans, sitting alone on the bench for half of his four-year term. John Ward Gurley, from Connecticut, served as Attorney General for the Territory of Orleans before he met an early demise in a duel in 1808. Several others had very successful careers, both as lawyers and outside the profession.¹²

Ten more lawyers came from the Chesapeake region, four from Maryland and six from Virginia. Richard Raynal Keene left Maryland for New York City in 1801 to elope with Eleanora Martin, the fifteen-year-old daughter of one of the signers of the United States Constitution, Luther Martin, in whose Maryland law office Keene had been an apprentice. Martin never forgave Keene or Eleanora for this and published a scathing attack on Keene in 1802. The Keenes left for New Orleans shortly after the Purchase, where Keene was named

11. See sources cited *supra* note 8.

12. See sources cited *supra* note 8.

the territory's first Attorney General.¹³ Virginia produced three very important political figures in early New Orleans: James Brown, John Randolph Grymes, and Henry Cox Carleton. Brown arrived in New Orleans in 1804 to serve as the Secretary of the Territory of Orleans, and, the following year, President Jefferson appointed him to be United States Attorney for the Territory. He was one of the authors of the 1808 Civil Digest and was later elected to the United States Senate and served as Minister to France. Grymes arrived in New Orleans in 1808 and quickly rose to become one of the most prominent members of the bar. He was appointed district attorney in 1811 and later served in the Louisiana state legislature. Before he died in 1854, he was involved in several famous cases in Louisiana history. He was well-respected and well-paid.¹⁴ Carleton was a relative late comer to New Orleans, arriving in 1814, at which time he began reading law in the office of Edward Livingston, his brother-in-law. He went on to become the United States Attorney for Eastern District of Louisiana and then Justice on the Supreme Court of Louisiana. The Chesapeake region, therefore, supplied territorial New Orleans with talented and ambitious immigrant lawyers.¹⁵

The other Anglophone lawyers in territorial New Orleans came from the British Isles. At least three men born in Ireland and one born in England practiced law in the courts of territorial New Orleans. Two of the Irish-born men, James Workman and Lewis Kerr, were legal scholars educated and trained in the common law. They played key roles in shaping Louisiana's criminal law to make it better conform to the rest of the United States. Both men's careers were tarnished a couple of years later, however, when they became embroiled in the Burr conspiracy and the Wilkinson "reign of terror" that followed.¹⁶

Francophone Europe sent many more lawyers to territorial New Orleans than Anglophone Europe. Thirteen lawyers in the database, for whom we have sufficient information, were born in France or Belgium, second only to the northeastern United States. Among them was the aforementioned Pierre Derbigny, for whom New Orleans was the last of many stops after leaving his country of birth. Born in Laon, France, in 1769, Derbigny was studying law in Paris when the French Revolution

13. LUTHER MARTIN, MODERN GRATITUDE IN FIVE NUMBERS, ADDRESSED TO RICHARD RAYNAL KEENE, ESQ., CONCERNING A FAMILY MARRIAGE (Baltimore, self-published 1801). Eleanora did not live long after, dying in 1807.

14. Grymes was part of the defense team in the case of *State v. Parker*, the subject of Judith Schafer's article *The Murder of a 'Lewd and Abandoned Woman'*, 44 AM. J. LEGAL HIST. 19 (2000).

15. See sources cited *supra* note 8.

16. See sources cited *supra* note 8.

erupted. He left for St. Domingue in 1791, but found the conditions there even less conducive to establishing a legal career. In the next six years he lived in Pittsburg, the Illinois country, and Havana, among other places, before arriving in New Orleans, his final destination, in 1797. Derbigny was one of the most ardent defenders of both the civil law and the slave trade in the region. Another influential New Orleans lawyer from France was Eligius Fromentin. Born in France in 1767, Fromentin was studying to become a priest when the craftsmen and store owners of Paris attacked the Bastille. He fled during the reign of terror and went first to Pennsylvania and then to the Catholic-friendly Maryland, where he was a schoolteacher and a priest. After the Louisiana Purchase he left the priesthood and moved to New Orleans to become a lawyer. He later served in the territorial legislature and was a United States Senator from Louisiana from 1813 to 1819.¹⁷ More than any other American city, New Orleans was welcoming to French immigrant lawyers, especially for those who may have lacked a solid command of the English language.

Just as the French Revolution drove some men from their homelands who eventually made their way to New Orleans to practice law, so too did the Haitian Revolution. A half dozen men in the database were immigrants from St. Domingue. Four were born there and two others were born in France but had been in the French colony many years prior to the slave uprising in 1791. While all six of these men fled the revolution, they came at different times and took different paths to New Orleans. Philadelphia, Charleston, Kingston, and Santiago all served as temporary homes for refugee lawyers before they arrived in the Lower Mississippi Valley. All six St. Domingue refugee lawyers managed to rebuild their lives rather rapidly, with four of them transitioning into plantation life. The other two men, while perhaps not as rich, were certainly more famous. Auguste Davezac was born in Aux Cayes, St. Domingue, in 1780 to a wealthy planter. His father sent him as a young boy to be educated in France, which is where he was when the French and Haitian Revolutions broke out. Both of his brothers and his uncle died in the Haitian Revolution. The rest of his family fled to New Orleans, including two sisters who would later marry New Orleans lawyers. Davezac took a circuitous route to New Orleans. After studying medicine in North Carolina and opening a medical practice in Virginia, Davezac arrived in New Orleans sometime after 1805 to study law under his brother-in-law, Edward Livingston. Davezac made a name for himself in national politics, where he served in the Jackson and Van

17. See sources cited *supra* note 8.

Buren administrations. Louis Moreau-Lislet was born in Cap Francais in 1766, studied law in Paris, and became an *avocat* just before the beginning of the French Revolution. He returned to Le Cap prior to its burning in 1793 and remained in the colony for most of the next decade, only leaving after the French army had surrendered to Jean Jacques Dessalines' forces in August of 1803. He went first to Cuba, but then sometime between August of 1804 and February of 1805, he arrived in New Orleans and quickly made an impact. He was the official interpreter in the colony, the first judge of the newly formed New Orleans City Court in 1806, and the primary author of the 1808 Civil Digest. Although not as numerous as the group from the northeastern United States, the Chesapeake, or France, the refugee lawyers from St. Domingue were very influential.¹⁸

While a variety of factors may have driven these men away from their homes, the promise of the Louisiana Purchase drew them to New Orleans. Two-thirds of the immigrant lawyers arrived in the years 1803-1805. The "Generation of 1804," as Eberhard "Lo" Faber has labeled them, "were not 'settlers' but educated, urbane professional men: doctors, engineers, and above all, lawyers."¹⁹ New Orleans's burgeoning economy and the implementation of an Anglo-American style adversarial court system helped to create an explosion of the legal profession and new opportunities for aspiring lawyers.²⁰

By and large, the immigrant lawyers were young men seeking to start a career in New Orleans. Nearly three-fourths of the lawyers were in their mid-thirties or younger at the time of the Louisiana Purchase. Many came fresh out of college, such as Charles Bushnell from Salisbury, Connecticut, who graduated from Harvard in 1803 at the age of twenty-one and went to New Orleans immediately afterwards. Bushnell spent several years building a practice and making connections before purchasing land near Baton Rouge in 1811. Later in the decade he served two different stints as District Attorney for the 3rd District of Louisiana. John Randolph Grymes and Alfred Hennen were still teenagers at the time of the Purchase. They waited until 1808 to come to New Orleans, both just twenty-two years old, after having received elite educations—Grymes at the University of Virginia and Hennen at Yale.²¹

18. See sources cited *supra* note 8. Most of the biographical information on Moreau-Lislet comes from LEVASSEUR, *supra* note 6.

19. EBERHARD L. FABER, BUILDING THE LAND OF DREAMS: NEW ORLEANS AND THE TRANSFORMATION OF EARLY AMERICA 119 (2016).

20. See sources cited *supra* note 8.

21. See sources cited *supra* note 8.

Still, not all of the lawyer immigrants were young men pursuing their first careers. After the Purchase, some came to New Orleans seeking a new lease on life after a series of setbacks or a calamitous event. Both Moreau-Lislet and Jacques Paillette had successful careers in St. Domingue before the upheaval of the Haitian Revolution temporarily reversed their fortunes. Edward Livingston had been mayor of New York City and Congressional representative from New York before an embezzlement scandal ruined his finances and reputation. Others were escaping more personal crises. Fromentin left the priesthood in Maryland to become a lawyer in New Orleans. The oldest of the men was an immigrant from England, Edward Nicholls, who was in his late fifties at the time of the Purchase. He also had studied for the priesthood in France but the college closed in 1762. He then switched career paths to the chagrin of his family, studied law, and sailed to the British North American colonies before the American Revolution. He was a lawyer in Prince George's County, Maryland, and, briefly, in the newly created District of Columbia before coming to New Orleans in 1804, "where he was sure his knowledge of the French language would insure his success."²² For a significant minority of the immigrants, the legal profession in New Orleans offered a chance to start anew.²³

One of the attractive features of the legal profession in New Orleans at the time of the Purchase was that it offered a variety of paths to success for the ambitious, well-educated white men of the Atlantic world. The men in the database had different visions about what they could do for the law and what the law could do for them. For at least a dozen of the men, practicing law was just one of several, and not necessarily the most lucrative, means of making a living. In addition to being lawyers, they were also merchants, bankers, educators, translators, soldiers, clerks, wardens, speculators—in land and slaves—and, above all, planters. Knowledge of the law and the ability to navigate the legal system could, of course, assist in most, if not all, of these other vocations.²⁴

Many of the lawyers in territorial New Orleans also doubled as notaries. Both jobs involved many of the same functions, especially in the civil law tradition. But the adversarial court system introduced after the Purchase was less familiar to the civilian notary. Michel D'Armas, Etienne De Quinones, Pedro Pedesclaux, and Pierre Francois Simon Godefroy are better known to historians as names in the archives of

22. Glen Conrad, comp., Biography of Edward Church Nicholls, *Dictionary of Louisiana Biography*, LA. HIST. ASS'N (2008), <http://www.lahistory.org/site31.php>.

23. See sources cited *supra* note 8.

24. See sources cited *supra* note 8.

notaries during the late Spanish and territorial periods in New Orleans, but these men also practiced law. While Godefroy had some success, Pedesclaux and De Quinones, who were among the first to receive their licenses in the Court of Pleas, never fully immersed themselves in the changing legal system and soon left the profession altogether. D'Armas had an extensive law library and some success as a lawyer but was excluded from the Bar in 1818 when the Louisiana Supreme Court ruled that speaking English was a requirement for admission.²⁵

Some men fully immersed themselves in territorial New Orleans's legal profession, only to later leave the city, the profession, or both. Livingston, for example, may have stayed in New Orleans longer than he originally intended, but in the end he used the practice of law in the city as a way of rebuilding his reputation and helping to finance his retirement in New York. Several others retired in the places of their births after pursuing their fortunes in New Orleans. A few took their practices to smaller Louisiana towns or rural parishes. A handful of dispossessed planters from St. Dominique, moreover, used the legal profession in New Orleans as a platform to re-establish themselves as planters in Louisiana.²⁶ For all these men, the legal profession in New Orleans was a jumping off point rather than a final destination.²⁷

Often, the immigrant lawyers used their law practices as platforms to build political careers. Over a quarter of the lawyers in the database held state or federal office at some point in their lives in Louisiana. As a group, the immigrant lawyers occupied many different offices at the state and national levels. At the state level, they comprised one governor, two secretaries of state, four attorneys general, one district attorney, four representatives, four justices of the state Supreme Court, and six judges of other courts. At the National government level, they made up two United States Attorneys, two representatives, three senators, and one secretary of state. Most of these influential lawyer/politicians were American, but five Francophone men represented more than a third of the offices and held some of the most important positions.²⁸

Yet, not all of the immigrant lawyers were aspiring politicians or planters. More than a third of the men who practiced in the New Orleans

25. See sources cited *supra* note 8.

26. Three men were planters or sons of planters in St. Domingue before coming to New Orleans as refugees of the Haitian Revolution: Pierre Ambroise Cuvillier, Jean Baptiste Desdunes, fils, and Jacques Cesar Paillette. Each of them practiced law for a short time during the territorial period before accumulating enough money (either through the law or otherwise) to invest in a plantation.

27. See sources cited *supra* note 8.

28. See sources cited *supra* note 8.

courts were career lawyers with no seeming political ambitions or plans to leave the law after building a fund. About a third of these career lawyers were from French-speaking countries and one of them was Louisiana-born. The rest were English-speaking immigrants from the United States and Ireland. These men did not have codes named after them, hold political office, or otherwise become famous, but most of them had steady careers that were lucrative enough for them to buy real property and slaves.²⁹

However loose were the rules in controlling admission to the bar during the territorial period, restrictions of race and gender were strictly enforced. This, in itself, is a reminder of the racist and patriarchal ideologies that dominated slave societies in the period—and Louisiana was rapidly becoming a slave society in the era of the Louisiana Purchase. The rest of this Article will focus on first, the specific controversies in the territorial period that divided the legal profession in New Orleans, and second, the ways in which the support for slavery united it.

The sudden influx in territorial New Orleans of dozens of immigrant lawyers from a variety of places and with different goals sometimes led to personal and political conflicts and contributed to existing cultural tensions. These conflicts and tensions are the subject of George Dargo's canonical study, *Jefferson's Louisiana: Politics and the Clash of Legal Traditions*. In two parts, the book addresses first, three "problems of colonial rule" and second, the general "clash" of the common law and civil law "traditions." This Part of this Article will discuss some of the immigrant lawyers in territorial Louisiana within the Dargo framework.³⁰

The first "problem of colonial rule" addressed by Dargo centers on the reception of William C.C. Claiborne, Thomas Jefferson's appointed governor of the Orleans Territory who came to New Orleans from the Mississippi Territory. Claiborne brought several lawyers with him from Natchez and encouraged others to come, including Workman, Kerr, and Israel Trask, a Massachusetts-born lawyer purported to have opened the first law practice in American New Orleans. Claiborne gave some of these men positions in the territorial government, thereby gaining their loyalty. But Claiborne was not popular among the French (and Spanish) speaking Louisianans. He did not speak their language and was under instructions to introduce into the territory a foreign legal system. The

29. See sources cited *supra* note 8.

30. See DARGO, *supra* note 2.

few lawyers who had lived in New Orleans prior to the Purchase found it difficult to get a foothold in the new legal system except Pierre Derbigny. The Frenchman took up the cause of the “creole” opposition to Claiborne, even though he was not a true creole himself.³¹ Claiborne had been in the territory less than six months before Derbigny published a scathing rebuke of the governor as incompetent, despotic, and out of touch with the local population. After Claiborne vetoed the Declaratory Act of 1806, which would have kept “Roman law” as the principal law of the land, Derbigny, again acting as the penman of the creoles, renewed his attacks on the governor in a manifesto published in the *Telegraph*. Several common law trained lawyers came to Claiborne’s defense, none more aggressively than James Workman who engaged in a battle of words with Derbigny over the preferred future of Louisiana’s legal system.³²

Dargo’s second controversy pitted some of New Orleans’ most prominent attorneys against each other. If the Claiborne controversy tended to split Anglophone and Francophone lawyers, the Burr conspiracy caused divisions within the Anglophone ranks, with the French-speaking lawyers sitting on the sidelines for the most part. Historians are still uncertain what the former Vice President had planned when he leased land from the Spanish crown in the Texas territory, organized a small army of men, and established contacts in the Louisiana territory and New Orleans. His indictment for treason alleged that he had conspired to forcibly take New Orleans and create a new nation in the middle of North America. Burr answered that he was merely trying to take possession of the land he leased. One of the key figures in the Burr conspiracy was General James Wilkinson, who had initially partnered with Burr but later turned him in to President Jefferson.³³

The Burr affair and its aftermath created divisions within New Orleans’s legal profession. Several New Orleans lawyers were implicated in a conspiracy with Burr, mostly by virtue of their connection to the Mexican Association, a group of American New Orleanians dedicated to “liberating” Mexico. In the so-called reign of terror that followed in the wake of the Burr conspiracy, Wilkinson had several local lawyers arrested, including Livingston, Kerr, Workman, and James Alexander, a

31. Creole is often used to describe the Francophone population in early New Orleans. A true Louisiana creole, however, would have been born in Louisiana.

32. DARGO, *supra* note 2, at 121; FABER, *supra* note 19, at 238; BRADLEY, *supra* note 8, at 396.

33. See MILTON LAMASK, AARON BURR, THE CONSPIRACY AND YEARS IN EXILE, 1805-1836 (1982).

young immigrant lawyer from Massachusetts. Meanwhile, Abner Duncan, John Ward Gurley, James Brown, and Ebenezer Bradish, all American-born lawyers, worked on behalf of Wilkinson. Claiborne named Alexander, Workman, Kerr, and Davezac as members of the “Society of ‘Choice Spirits’” with “friendly dispositions towards the ‘would be Emperor [Burr].”³⁴ Alexander was sent to Baltimore to stand trial. Although he was acquitted of the charge, he committed suicide in 1811, having never recovered from his shame and humiliation.

Edward Livingston was at the center of Dargo’s third controversy during the territorial period that saw him battle two of New Orleans finest Francophone attorneys on the opposite side of the docket. Officially called *Gravier v. City of New Orleans*, it is remembered simply as the “batture case” after the piece of land abutting the Mississippi River that was the subject of the suit.³⁵ Jean Gravier claimed to have inherited the batture land from his brother Bertrand, and in the spring of 1806 he sued the city in the Superior Court to quiet title. Livingston agreed to represent Gravier on the condition that if he won, Gravier would grant him a part of the batture on which Livingston planned to construct a commercial dock. In the trial itself, Livingston took on two heavyweights—Pierre Derbigny and Louis Moreau-Lislet, who, together, represented the city. Livingston won the case in a court of law but lost in the court of public opinion. Crowds occupied the lands and obstructed construction of Livingston’s improvements. Influential members of the community pressed Governor Claiborne to get the national government involved, and Thomas Jefferson, who had no warm feelings for Edward Livingston, claimed the land as federal government property. In the end, the batture controversy was only a temporary setback for Livingston who managed to win back the favor of his community.³⁶

34. Letter from W.C.C. Claiborne to James Madison (Mar. 17, 1808), in 4 THE OFFICIAL LETTER BOOKS OF W.C.C. CLAIBORNE, 1801-1816, *supra* note 8, at 167.

35. “Batture” comes from the French verb “to beat” and refers to the land beaten by the river. The batture in question in the *Gravier* case was upriver from the *Vieux Carre* in Faubourg St. Marie. In the late eighteenth century the land was part of Bertrand Gravier’s plantation, but in 1788, he subdivided much of the land in establishing New Orleans’s first suburb and sold parcels of this estate throughout the 1790s. When Bertrand died in 1797, his brother, Jean Gravier, inherited the land that had not been sold. The batture land bordering Faubourg St. Marie had been neither sold nor improved but was being used by the public. In 1803-1804, Jean Gravier attempted to move the levee on this batture closer to the river in order to claim more land, a practice that had developed throughout New Orleans’s history because the batture was constantly widening by the build-up of soil. This time, however, since Gravier did not own any of the land bordering the batture, the public protested.

36. For a variety of interpretations of the batture controversy, see DARGO, *supra* note 2, ch. 4; FABER, *supra* note 19, at 273-75; and ARI KELMAN, A RIVER AND ITS CITY: THE NATURE OF LANDSCAPE IN NEW ORLEANS 40-47 (2003).

The conflicts among lawyers in territorial New Orleans sometimes spilled over into the dueling field. John Ward Gurley was the most notorious dueler of the group. In his short time in New Orleans, he managed to wage battles of honor with three different men. The first with Richard Raynal Keene in 1804 originated after Claiborne replaced Keene with Gurley as Attorney General for the Territory. Both men survived this duel, but Gurley did not learn his lesson. After that, he had a running two-year feud with Livingston that came close, but never resulted, in a duel. Finally, Gurley met his demise in a duel with Livingston's cousin, Philip Jones, in 1808.³⁷

Dargo's "clash of legal traditions" thesis for the Orleans territory is part of the broader narrative of Creole-American conflict in early New Orleans. Yet, a brief review of the practicing lawyers suggest that the differences between common and civil law were not a big source of conflict among them. The controversies discussed above were, for the most part, personal or political in nature, and it would be a mistake to read them as a clash of legal cultures. Those trained in different legal traditions learned from each other and even practiced together. Knowledge of and training in both traditions, as well as multilingual skills, often distinguished the prestigious lawyers from the pack. Workman and Kerr, although trained in the common law, had broad knowledge of all legal systems. Workman was complimentary of civilian law in general, even if he was at times critical of the law of pre-Purchase Louisiana. Livingston studied civil law after arriving in Louisiana, not only to become a better lawyer, but also because he seemed genuinely interested in improving the Territory's legal system. He was well versed in French and Spanish law, and he based his arguments in the *batture* case on these traditions. He partnered with Mazureau, a French-born lawyer trained in civil law, and trained Davezac and Carleton, from St. Domingue and Virginia respectively. In his time on the City Court bench, Moreau-Lislet acted like a common law judge in his liberal interpretations of existing law and willingness to make decisions based on custom and precedent. Indeed, the respective careers in New Orleans of both Livingston and Moreau-Lislet suggest that each was more concerned with creating certainty in the territory's laws than in pushing for one tradition over the other. Even Derbigny accepted that some elements of the American legal system were unavoidable and perhaps

37. See sources cited *supra* note 8.

preferable. Meanwhile, the law practitioners learned the hybrid system that the lawmakers were creating.³⁸

More recent scholarship has interpreted the legal and political maneuvering of the territorial period differently. Instead of a “clash of legal traditions,” the controversies of the period represented a clash of the local with the national government.³⁹ Faber argues, for example, that “The anti-Livingston arguments [in the *batture* case] . . . share an underlying common denominator: an advocacy, as the terms of the city’s attachment to the American nation were being negotiated, for the primacy of local culture, authority, and autonomy against national power and distant rule.”⁴⁰ While Faber makes an important point about the republican struggle for local rule, John Craig Hammond shows the centrality of slavery to this clash. “By exploiting fears of disunion—not between northern and southern Atlantic states but between the East and West—white Louisianans destroyed congressional efforts to restrict growth of western slavery.”⁴¹ The fight for local rule in the territory, therefore, was, first and foremost, a fight to preserve slavery. New Orleans lawyers were united in this effort. Whatever differences existed between civil law and common law with regard to the issue of slavery, they paled in comparison to their similarities. Both legal traditions developed in the early modern era to support bourgeois values by naturalizing the individual’s right to private property.⁴² In New World slave societies, this meant the right to own enslaved people of African descent.

Indeed, despite all of the conflict among New Orleans’s lawyers during the territorial period, they could all agree on one thing—their support of slavery. As lawmakers and jurists, lawyers in territorial New Orleans fought hard to re-open the transatlantic slave trade in the face of national government restrictions.⁴³ In the aftermath of the Louisiana

38. See *supra* note 8; see also WILLIAM B. HATCHER, *EDWARD LIVINGSTON: JEFFERSONIAN REPUBLICAN AND JACKSONIAN DEMOCRAT* (1940); LEVASSEUR, *supra* note 6.

39. See Peter Kastor, “*Motives of Peculiar Urgency*”: *Local Diplomacy in Louisiana, 1803-1821*, 58 WM. & MARY Q. 819 (2001); John Craig Hammond, “*They Are Very Much Interested in Obtaining an Unlimited Slavery*”; *Rethinking the Expansion of Slavery in the Louisiana Purchase Territories, 1803-1805*, 23 J. EARLY REPUBLIC 353 (2003); FABER, *supra* note 19.

40. FABER, *supra* note 19, at 277.

41. Hammond, *supra* note 39, at 378.

42. Indeed, this is the common socialist law critique of both traditions.

43. Soon after the Louisiana Purchase, the lower Mississippi Valley became an early battle ground regarding the future of slavery in America. Several historians have recently done a good job of historicizing the spread of slavery to what became the Deep South, showing that it was not an inevitable process. See, among others, ADAM ROTHMAN, *SLAVE COUNTRY: AMERICAN EXPANSION AND THE ORIGINS OF THE DEEP SOUTH* (2005); Hammond, *supra* note 39.

Purchase, Congress dealt with several bills designed to eventually eliminate slavery in all of the Louisiana Purchase lands, including the Orleans Territory. First, the Louisiana Ordinance of March 26, 1804, prohibited the introduction of any slaves into the territory except by U.S. citizens who were “bona fide” settlers. In other words, the act forbade the transatlantic and domestic slave trades in Orleans upon the penalty of such slaves being freed. The House introduced and passed a bill that would have prohibited the introduction of slaves altogether, but this bill failed to pass the Senate. Some members of Congress from states that had already abolished slavery saw the immediate post-Purchase period as an ideal time to set the entire nation on a course toward the peaceful abolition of slavery.⁴⁴

While Congress was debating what to do about slavery in the newly acquired territory, local elites in New Orleans, from both the common law and civil law traditions, were united in their opposition to any national government restrictions on slavery in the region. Edward Livingston and Pierre Derbigny, who would later clash in the *batture* case, led the charge to protect local control of slavery. In the summer of 1804, Livingston drafted a *Remonstrance of the People of Louisiana against the Political System Adopted by Congress*, which was delivered to Congress by Derbigny and two other Francophone New Orleanians. The Remonstrance was an attack on the National government’s policies in the territories in general, but its real focus was on the restrictions it had placed on slavery. Livingston was making his case to Congress and, as Faber puts it, “His client, in effect, was the New Orleans slaveholding planter elite.” On July 4, 1804, the first time American independence was celebrated in New Orleans, Derbigny gave a rousing speech celebrating Louisiana’s attachment to the American republic. He also argued for the reopening of the slave trade, tying this to American liberty.⁴⁵ These elite lawyers of different backgrounds were engaged in a form of unofficial nullification, and Congress learned that any laws it passed restricting slavery in the region were useless without the willingness of white Louisianans to enforce and abide by them. Thus, the battle for local control was a battle to preserve slavery and resembles the cries coming from the seceding states half a century later. In the face of strong protests from local elites in New Orleans, the law prohibiting

44. See Hammond, *supra* note 39, at 256 (referring to the collective action of some members of Congress in 1804 as “a bold measure designed to destroy the plantation revolution in the lower Mississippi Valley”).

45. FABER, *supra* note 19, at 181.

the slave trade in Orleans, which expired by its own terms a year after it was enacted, was never renewed.⁴⁶

Once in control, the local legislature took measures to increase the powers of the slaveholding class. In its first session in June 1806, the legislature passed a Black Code that reshaped the law of slavery in the region. Among other things, the laws of the Code deprived slaves of the ability to own property without the consent of their masters and ended the right of a slave to sue and demand to be sold to a new master for cruel treatment. Then, in March of 1807, the legislature amended the Black Code to make it much more difficult for a slave to obtain freedom by prohibiting a master from emancipating his or her slave unless the slave was at least thirty years old and had not tried to run away or commit any other crime in the four years prior to emancipation. It also officially ended *coartación*, the Spanish policy of allowing a slave to purchase his or her own freedom with or without the master's consent.⁴⁷ The increased powers granted to slaveholders over their slaves under the law was a victory for local lawyers from both legal traditions and their "planter elite clients" over National government attempts to place restrictions on the peculiar institution.

The lawyers, as a group, not only spoke out in favor of local rights to own and import slaves but also practiced what they preached. Every lawyer in territorial New Orleans for which there is sufficient information was a slave-owner, and at least eleven of the sixty-four men could be classified as planters. Of course one did not need to be a plantation owner to own slaves and otherwise profit from the institution. At least ten others, even though they were not planters, owned at least ten different slaves at points in their lives in New Orleans. Four engaged in the slave trade.⁴⁸ Whether slaves served as sources of wealth or signs of

46. An Act for the Government of Orleans Territory, Mar. 2, 1805, *in* TERRITORIAL PAPERS OF THE UNITED STATES. VOLUME IX. THE TERRITORY OF ORLEANS 1803-1812, at 406 (Clarence Edwin Carter ed., 1940).

47. Acts Passed at the First Session of the First Legislature of the Territory of Orleans, *in* MOREAU-LISLET, GENERAL DIGEST OF THE ACTS OF THE LEGISLATURE OF LOUISIANA: PASSED FROM THE YEAR 1804, TO 1827, INCLUSIVE, AND IN FORCE AT THIS LAST PERIOD, WITH AN APPENDIX AND GENERAL INDEX (New Orleans, 1828); An Act Prescribing the Rules and Conduct To Be Observed with Respect to Negroes and Other Slaves of this Territory, June 7, 1806, *in* MOREAU-LISLET, *supra*; An Act To Regulate the Conditions and Forms of the Emancipation of Slaves, Mar. 9, 1807, *in* MOREAU-LISLET, *supra*.

48. Of the sixty-four lawyers in the data set, there is clear evidence that fifty-six of them were slave-owners. This does not mean that the other eight did not own slaves, simply that I could not find information on this topic. There is also no evidence that any of these eight men were adverse or opposed to slavery.

wealth, slave owning was an aspiration of the men who made up the legal profession of territorial New Orleans.

Even immigrant lawyers from places where slavery had been abolished seemingly had no moral qualms with the institution in the Lower Mississippi Valley. Three of the ten confirmed planters were from New England. Massachusetts-born Ebenezer Bradish was not a planter himself but his brother George, a merchant and sea captain by trade, partnered with William Johnson to buy the Magnolia sugar plantation in Terrebonne Parish. Abraham Ellery, from Newport, Rhode Island, was involved in slavery even before he even came to New Orleans. While his cousin, William Ellery, spoke out against the slave trade, a common feature of Newport, Rhode Island, during his childhood, Abraham bought and sold slaves in New Orleans and eventually inherited his father's Antigua plantation. He continued to practice law in the city for a while and remained an absentee planter. The immigrant lawyers from the Northern United States immersed themselves in the economy of the Lower Mississippi Valley culture and the slaveholding that came with it.⁴⁹ It is not surprising that northerners coming to New Orleans in this period would support slavery. Indeed, perhaps the opportunities for economic success that slavery offered to white men of ambition had been the reason they left the North in the first place. There was not yet a strong abolition movement anywhere in the United States, and the North was far from galvanized around an anti-slavery position.

French-born Etienne Mazureau, who came from a country that had abolished slavery in all its possessions for a period in the 1790s, explained to Alexis de Tocqueville how he came around on the issue of slavery. De Tocqueville asked, "Do you think that in Louisiana the whites could cultivate the land without slaves?" "I do not think so," replied Mr. Mazureau. "But I was born in Europe and arrived here with the ideas you seem to have on that point. But experience has seemed to me to contradict the theory. I do not think that Europeans can work the land, exposed to this tropical sun. Our sun is always unhealthy, often deadly." Mazureau ended by offering the example of whites from various districts of Louisiana who, unable to labor diligently in the local climate, eked out only marginal existences. "But might not their poverty be attributed to their laziness rather than to the climate?" de Tocqueville countered. The southerner's response was blunt: "In my view the climate is the chief reason."⁵⁰ Mazureau's interaction with de Tocqueville

49. See sources cited *supra* note 8.

50. *Interview with Etienne Mazureau, In Search of Tocqueville*, C-SPAN (Jan. 19, 1998), <https://www.c-span.org/series/?tocqueville>.

is an illustration of at least one rationalization for the exploitation of enslaved people of African descent.

Even reform-minded lawyers of the period, and there were a few, had no interest in anti-slavery causes. Alfred Hennen was by most accounts a pious, reform-minded, philanthropic man. He was born in Maryland, studied at Yale, and apprenticed with lawyers in New Haven and Nashville, before coming to New Orleans in 1808, still only twenty-two years old. A devoutly religious man, Hennen was purportedly “engaged in all the celebrated causes of his time.” He never drank or smoked or wore glasses (all seen as moral weaknesses). He regularly visited orphanages in the city to share the gospel with the children. He was caring, giving, and honest—and by 1830 he had the third largest rice plantation in Louisiana and owned over 100 slaves on over 12,000 acres of land.⁵¹ He is said to have instructed his slaves in the Bible, but the sinfulness of making other human beings into property never seems to have crossed Hennen’s mind.

Of course it is not surprising that elite, and even non-elite, lawyers in New Orleans in the early nineteenth century would be slaveholders. Slave ownership was both a means to and symbol of success in the emerging slave society. Yet the fact that not one of these sixty-four men, former priests, reformers, and philanthropists among them, displayed any anti-slavery sentiment reveals the depth of the hold that the institution had on the region. Many lawyers had built considerable wealth and influence by practicing law in early New Orleans, and never once did any member of the legal profession spend this wealth or influence, or use his oratory skills, to challenge slavery.

After the Louisiana Purchase, aspiring lawyers poured into New Orleans from the United States, Europe, and the Caribbean to take advantage of the city’s expanding economy and newly emerging legal system. They disagreed on many issues and fought among themselves, sometimes aggressively, both within and without the courtroom. Despite their differences, however, they were united on the issue of slavery. Immigrant lawyers from both the civil law and common law traditions were willing to compromise in their creation of New Orleans legal system so that they could combine forces in an effort to maintain local control in the face of national government attempts to place restrictions on slavery in the newly acquired territories. Such was the institution’s importance in building and shaping the profession.

51. Hennen-Jennings Papers (1803-(1850-1870)-1918) (on file with Special Collections, Louisiana State University Libraries).

TABLE: LAWYERS OF THE TERRITORY OF ORLEANS

Name of Lawyer	Where From	When Arrived in New Orleans	When Born	When Died
Alexander, James	Boston, MA	1804	c. 1775: I don't have an exact birthdate, but the sources indicate that he was young when he arrived in New Orleans. He came with A. Ellery, who was born in 1773.	1811 (of suicide)
Arsmery [uncertain of the spelling of this name]	No information [hereinafter N/I]	N/I	1	N/I
Bradish, Ebenezer	Cambridge, MA	1804	1773	N/I
Brown, Henry	N/I	1804	N/I	N/I
Brown, James	Staunton, VA	1804	1766	1835

Where Died	Relationship to Law	Relationship to Slavery	Sources Used:
New Orleans	He held a few civil service jobs when he first got to New Orleans but then looked to be on the path to being a career lawyer.	No evidence that he owned slaves; no evidence he was antislavery; tied to Burr and Livingston wing of the D-Rs	1811 City Directory; Records of the New Orleans City Court; <i>Claiborne Letters</i> ; <i>Debate on a Memorial to Congress</i> ; McCaleb, <i>The Aaron Burr Conspiracy</i> ; <i>The Louisiana Gazette</i> ; <i>The Columbian Centinel</i> ; <i>The Panoplist</i>
N/I	N/I	N/I	City Court Records
N/I	Career lawyer	He owned some slaves while in New Orleans.	City Court Records; District Court Records; Court of Pleas Records; Louisiana Slave Records; <i>Claiborne Letters</i> ; Massachusetts Town and Vital Records; Haynes, <i>The Mississippi Territory and South West Frontier</i> ; <i>Territorial Records</i>
N/I	In addition to practicing law he was also a notary.	N/I	Court of Pleas Records; Thomas Jefferson Papers (Elizabeth Trist to Thomas Jefferson, Nov 26, 1804)
Philadelphia, PA	Lawyer, politician, and scholar	He was a planter.	James Brown Papers, LSU Libraries

Name of Lawyer	Where From	When Arrived in New Orleans	When Born	When Died
Bushnell, Charles	Salisbury, CT	1804	1782	1835
Caune, Charles Robert	N/I	1804	N/I	N/I
Cabell, Charles Joseph (changed his name from Joseph Meggison Cabell)	Abermarle County, VA	c. 1805	1788	c. 1811
Carleton, Henry Coxe	VA	1814	1785	1863

Where Died	Relationship to Law	Relationship to Slavery	Sources Used:
Baton Rouge, LA	Lawyer and politician; he was a judge and a state representative.	Slave owner, but doesn't appear to have been a planter.	1811 City Directory; Michael Beauchamp, diss. "Instruments of Empire"; Baton Rouge Parish Probate Records; Connecticut Deaths and Burials Records
N/I	Career lawyer; his practice appeared to be both lucrative for him and related to slavery.	I found no evidence that he owned a plantation but he bought and sold dozens of slaves.	City Court Records; Court of Pleas Records; <i>Michoud et. al. v. Girod et. al.</i> 45 U.S. 503; Race and Slavery Petitions Project; Louisiana Slave Records
New Orleans	Career lawyer and part time soldier	N/I, but he is from VA and appears to have come from a planter family	1811 City Directory; Encyclopedia of Virginia Biography
Philadelphia, PA	Lawyer politician; he later became a district attorney and a judge. He married Edward Livingston's wife's sister and read law in Livingston's office.	He was a wealthy man and a slaveholder while in New Orleans, but he was opposed to secession.	Papers of Henry Clay; Biographical Sketches of Graduates of Yale College

Name of Lawyer	Where From	When Arrived in New Orleans	When Born	When Died
Cauchoix, Eduard	France then St. Domingue	He likely arrived after Louisiana Purchase in one of the waves of refugees from St. Domingue.	1763 (I think) there is a typo in one of the records—17k3.	1824
Cuvillier, Pierre Ambroise	St. Domingue	by 1808	N/I	1835
D'argy, Francois Bouhourd	France	c. 1804—He was in Tours as late as 1789 as a witness in a wedding. He may have fled during the French Revolution, in which case he likely did not come directly to New Orleans. He probably came after the Purchase.	N/I	1813

Where Died	Relationship to Law	Relationship to Slavery	Sources Used:
New Orleans	Career lawyer; he appeared to have a successful practice.	He was a slave owner: there is evidence that he had a child with a slave in 1792 in SD. The slave was named Edouard and he was freed in 1822. Cauchoix also represented free people of color more than most lawyers.	City Court Records; Louisiana Supreme Court Records; St. Louis Cathedral Records; Race and Slavery Petitions Project; Louisiana Slave Records
Iberville Parish, LA	He did not practice law often. He was also part of a group that petitioned to form a Mason's lodge in New Orleans in 1808. By 1825 he was a planter. He served as clerk for the Louisiana Senate at one point early on. He was a party to a lot of lawsuits.	He became a planter.	City Court Records; 1811 City Directory; Martin's Reports; Louisiana Slave Records; Louisiana Wills and Probate Records; LSU Digital Collections
New Orleans	Career lawyer and little information on anything else he did.	He was a slave owner.	City Court Records; Court of Pleas Records; Orleans Parish Probate Records; Louisiana Slave Records; Civil Records of the canton of Tours-Nord; French National Archives—online edition

Name of Lawyer	Where From	When Arrived in New Orleans	When Born	When Died
De Armas, Michel	New Orleans	1783 (born there)	1783	1823
Davezac, Auguste	Les Cayes, St. Domingue	c. 1805—he came to study law in Livingston’s office. He had been studying in France when the French Revolution broke out.	1780	1851
DeMahy (Desmontils), Joseph Henry	France	He was in New Orleans as early as 1791.	c. 1760s	N/I
Denis, Henry	France	by 1808	1787	1873
DePeyster, William	NJ	by 1807	1783	1817

Where Died	Relationship to Law	Relationship to Slavery	Sources Used:
New Orleans	Notary-lawyer	He was a slave owner.	<i>Biographical and Historical Memoirs of Louisiana</i> ; “The Winged Hourglasses of de Armas and Dupaquier”
New York	Lawyer politician; he served under both Jackson and Van Buren.	He was a slave owner.	<i>American Biographical Dictionary</i> ; <i>John William Ward</i> , <i>Andrew Jackson</i> ; Charles Lanman, <i>Biographical Annals of the Civil Government of the United States</i>
N/I	Career lawyer; he was involved in several lawsuits for unpaid fees. He also appears to have come from at least minor nobility in France. His father got into some trouble in 1790 in France.	I do not have direct evidence that he owned slaves, but he was in communication with Nantes about the rice and indigo trade.	Court of Pleas Records; County Court Records; <i>Justification de M. De Favras</i> ; <i>Archive Grid</i>
New Orleans	Career lawyer	He owned five slaves in the 1830 census.	City Court Records; 1811 City Directory; U.S. Census Records; Louisiana Death Records
New Orleans	Career lawyer	He owned at least two slaves at his death that he left to his infant son in his will.	City Court Records; Louisiana Statewide Death Index; Louisiana Probate Records; Louisiana Supreme Court Records

Name of Lawyer	Where From	When Arrived in New Orleans	When Born	When Died
De Quinones, Etienne	Spain	He arrived in New Orleans "many years" before the Louisiana Purchase.	1770	Territorial period or early statehood
Derbigny, Pierre	France	1797	1769	1829
Desdunes, Jean Baptiste	St. Domingue	c. 1802	1788	1842
Destroil [not sure of the spelling of the name]	N/I	N/I	N/I	N/I
Deweese, George William	Philadelphia, PA	c. 1804	1777	1834

Where Died	Relationship to Law	Relationship to Slavery	Sources Used:
New Orleans	Lawyer notary but not much of a lawyer	He was involved in many slave transactions in the territorial period. Slave trading may have been a source of income.	Court of Pleas Records; St. Louis Cathedral Records; Claiborne Letters; Louisiana Slave Records
Gretna, LA	Lawyer politician	He was a pro slavery politician and had ten slaves in his household in the 1810 census.	<i>Encyclopedia of Louisiana</i> ; Peter Kastor, <i>The Nation's Crucible</i>
New Orleans	He was more of a businessman than a lawyer. He was the son-in-law of Moreau Lislet for a while.	He became a big time planter in Louisiana. His father was known as “one of the cruelest planters of Artobonite plain” in colonial St. Domingue.	City Court Records; Louisiana Slave Records; Louisiana Wills; Carl Brasseaux, <i>The Road to Louisiana</i> ; Baron De Vatsy, <i>The Colonial System Unveiled</i>
N/I	N/I	N/I	City Court Records
Vigo County, IND	He was a dabbler in the law. He moved around a lot, going from frontier to frontier. He appears to have left Louisiana after his wife died. He sold property in Louisiana in 1815.	He owned a lot of slaves while in Louisiana and may have been a planter—or at least an aspiring planter.	City Court Records; Court of Pleas Records; Louisiana Slave Records; Land Records of the United States Congress

Name of Lawyer	Where From	When Arrived in New Orleans	When Born	When Died
Duncan, Abner	Adams County, PA. He moved to Kentucky, then Natchez, then, in 1805, to New Orleans.	1805	1774	1823
Dupuy, L. Alexander	LA	1772—born in LA	1772	after 1850
Ellery, Abraham A.	Newport, RI	1803, as a surveyor at the behest of A. Hamilton	1773	1820
Fromentin, Eligius	France	1803. He lived in a lot of places. He left France during the French Revolution and went to PA, then MD, then LA. He also spent time as a judge in FL near the end of his life.	1767	1822

Where Died	Relationship to Law	Relationship to Slavery	Sources Used:
New Orleans	He was a career lawyer, although he was involved in other business ventures. He received a monopoly in 1820 to run a steamboat ferry across the Mississippi River for five years. By all accounts he was a successful lawyer.	He was a slave owner.	City Court Records; Court of Pleas Records; Claiborne Letters; William Davis, <i>The Pirates Lafitte</i>
Iberville Parish, LA	I do not have much information about what he did outside of the law.	He was a slave owner.	City Court Records; Court of Pleas Records; U.S. Census
Bay St. Louis, MS	Career lawyer; he was one of the first seven before LA state bar in 1813.	He inherited from his father a plantation in Antigua with over 200 slaves.	City Court Records; Court of Pleas Records; Louisiana Supreme Court Records; Claiborne Letters; Bradley, Interim Appointment; Redwood Family Papers
New Orleans	Lawyer politician; Fromentin did lots of things. He was a priest first. He left the priesthood in MD to come to New Orleans and become a lawyer. He later served in the territorial legislature, was a judge and a U.S. senator from LA.	He was a slave owner.	City Court Records; American Antiquarian Society member biography; U.S. Census; Congressional Records

Name of Lawyer	Where From	When Arrived in New Orleans	When Born	When Died
Godefroy, Pierre Francois Simon	France	c. 1804	c. 1785	N/I
Gordon, Martin	VA	N/I	1773	after 1850
Gourrand, Jean Baptiste	N/I	N/I	N/I	N/I
Grymes, John Randolph	VA	1808	1786	1854
Grymes, Philip	VA	c. 1808	1774	1811

Where Died	Relationship to Law	Relationship to Slavery	Sources Used:
N/I	Notary lawyer; he may have been a slave trader as well.	It appears that he traded in slaves. He certainly was involved in a lot of slave transactions.	City Court Records; 1805 and 1811 City Directories; New Orleans Notarial Archives; Louisiana Supreme Court Records; Louisiana Slave Records
N/I	He was a dabbler in the law. He was a “cultured gentleman from Virginia,” a clerk to the Senate, a court clerk, and he bought and sold dozens of slaves.	He was a planter and/or trader. He bought and sold dozens of slaves in the territorial period and early statehood.	City Court Records; Louisiana Slave Records; U.S. Census; Stanley Arthur, <i>Old New Orleans</i>
N/I	N/I	N/I	Court of Pleas Records
New Orleans	Lawyer politician	He owned many slaves.	City Court Records; Louisiana Supreme Court Records; <i>Dictionary of Louisiana Biography</i> ; Davis, <i>The Pirates Lafitte</i>
New Orleans	Lawyer politician	He was a slave owner.	Davis, <i>The Pirates Lafitte</i> ; Thomas Jefferson Papers; <i>The Virginia Magazine of History and Biography</i>

Name of Lawyer	Where From	When Arrived in New Orleans	When Born	When Died
Guinault, Jacques Philipe	New Orleans	1758—born in New Orleans	1758	1838
Gurley, John	CT	1804	1778	1808 (in a duel with Philip Jones, esq.)
Hennen, Alfred	MD	1808	1786	1870
Keene, Richard Raynal	MD	1804	1779	1839
Kennedy, Thomas	MD	1804	1776	1831

Where Died	Relationship to Law	Relationship to Slavery	Sources Used:
New Orleans	Notary lawyer; maybe a slave speculator as well	He bought and sold many slaves.	Court of Pleas Records; Louisiana Slave Records; Cabildo Records; New Orleans City Directories
New Orleans	Aspiring lawyer politician; he was attorney general in 1807; died in a duel in 1808.	He owned a lot of slaves and invested in plantations.	Court of Pleas Records; <i>Louisiana Gazette</i> ; John Gurley Papers, LSU Libraries
New Orleans	Career lawyer and law professor	Planter; by 1830 he was the 3rd largest rice planter in La. with over 100 slaves.	City Court Records; Biographies of Early American Presbyterians; <i>New Orleans Times Picayune</i>
St. Louis, MO—while on a trip	Aspiring lawyer politician; his career was hurt when he was implicated in the Burr Conspiracy.	Slave owner or planter; he bought several slaves during the territorial period. He defended slavery as an aspiring politician.	City Court Records; Court of Pleas Records; Keene, “A Letter of Vindication to Colonel Munroe”; Luther Martin, <i>Modern Gratitude</i> ; Louisiana Slave Records; Obituary
St. Louis, MO—while on a trip	He was dabbler in the law. He was one of Claiborne’s early secretaries, along with Workman. He was also a court clerk of several different courts, including the City Court.	He was a slave owner.	City Court Records; New Orleans Passenger List; New Orleans Slave Manifests; Find a Grave Memorial; Bradley, <i>Interim Appointment</i>

Name of Lawyer	Where From	When Arrived in New Orleans	When Born	When Died
Kerr, Lewis	Dublin, Ireland	1803. He came with Claiborne from Natchez. He made many stops between Ireland and New Orleans, including India, PA, Ohio, and others.	1772	1834
Kidder, John	MA	1804	N/I	N/I
Lozano, Joachim	New Spain	N/I	N/I	N/I
Livingston, Edward	Columbia County, NY	1804	1764	1836
Mace, Abram	NY	N/I	N/I	N/I
Martin, Francois-Xavier	France	1809—via Martinique and NC	1762	1846

Where Died	Relationship to Law	Relationship to Slavery	Sources Used:
Philadelphia, PA	Lawyer scholar. He was implicated in the Burr conspiracy	He was a slave owner.	Claiborne Letters; Bradley, <i>Interim Appointment</i>
N/I	He was a dabbler.	He was a slave owner.	Court of Pleas Records; 1805 City Directory; Louisiana Slave Records; Claiborne Letters; Bradley, <i>Interim Appointment</i>
N/I	N/I	He had a child with a free woman of color named Marie Chalon in 1813. It is unclear if he owned slaves.	City Court Records; Citizenship Affidavits; Louisiana Slave Records; St. Louis Cathedral Records
Dutchess County, NY	Lawyer, politician, and scholar	He was a slave owner.	City Court Records; Court of Pleas Records; Claiborne Letters; William Hatcher, <i>Edward Livingston: Jeffersonian Republican and Jacksonian Democrat</i>
N/I	Career lawyer	He was a slave owner.	City Court Records; Orleans Parish District Court Records; Louisiana Slave Records
New Orleans	Lawyer, politician, and scholar	He was a slave owner.	American Antiquarian Society member biographies; Katry Dugas, "An Immigrant's Story"; Carol Wilson, "Sally Muller, the White Slave"; Louisiana Wills

Name of Lawyer	Where From	When Arrived in New Orleans	When Born	When Died
Mazureau, Etienne	France	c. 1804	1777	1849
McDonough, John	Baltimore, MD	c. 1800	1779	1850
McShane, Robert	Philadelphia, PA	c. 1804	1780	1811
McCurley [uncertain on spelling]	N/I	N/I	N/I	N/I
Meyere, Jean Lamon	N/I	N/I	N/I	N/I
Montesolo, Francisco	N/I	N/I	N/I	N/I
Moreau-Lislet, Louis	St. Domingue	1804	1766	1832
Morel, Pierre Louis	Vilaine, France	c. 1804	1776	1826

Where Died	Relationship to Law	Relationship to Slavery	Sources Used:
New Orleans	Lawyer politician	He was a planter.	City Court Records; Louisiana Slave Records; Louisiana Wills; Alexis de Tocqueville, <i>Democracy in America</i> ; Thomas Ingersoll, <i>Mammon and Manon</i>
New Orleans	He appeared as counsel in the City Court a few times, but was not really a lawyer. He was a very successful businessman.	He was a planter. He developed a system for slaves to buy their freedom in fifteen years.	City Court Records; William Allan, <i>Life and Work of John McDonough</i> ; Louisiana GenWeb Archives, <i>Biography of John McDonough</i>
Pointe Coupée Parish, LA	Lawyer politician; he became a judge in Pointe Coupee.	N/I	City Court Records; Court of Pleas Records; George Brubaker, <i>Families of the Wyoming Valley</i>
N/I	N/I	N/I	City Court Records
N/I	N/I	N/I	Court of Pleas Records
N/I	N/I	N/I	City Court Records
New Orleans	Lawyer, politician, and scholar	He was a slave owner.	City Court Records; Levasseur, <i>Moreau-Lislet: The Man Behind the Digest of 1808</i>
New Orleans	Made the occasional foray into the law but not really a career lawyer. He did serve in House of Representatives.	He owned a lot of slaves.	City Court Records; St. Louis Cathedral Records; Obituary; the Morel Family Papers—Tulane's Howard Tilton Library

Name of Lawyer	Where From	When Arrived in New Orleans	When Born	When Died
Nicholson, John	Philadelphia, PA	c. 1808	1783	1848
Nicholls, Edward	Cornwall, England	1804—via France, back to England, then MD	1746	1812
Paillette, Jacques Cesar	France, then St. Domingue, then Jamaica	c. 1804—via St. Domingue and Jamaica	1764	1847
Pedesclaux, Pedro	Basque Country, Spain	1770s or 1780s	1760	1816

Where Died	Relationship to Law	Relationship to Slavery	Sources Used:
New Orleans	Career lawyer	He was a slave owner. He was involved in "shipping" some slaves but they all seem to involve the same slave named Hannah.	City Court Records; 1811 City Directory; Find a Grave Memorial; U.S. Census; Toledano, <i>New Orleans Architecture</i> ; Louisiana Slave Manifests
Donaldsonville, LA	Lawyer politician; he was a lawyer in Prince George's County, MD, and DC before coming to New Orleans.	He was a slave owner.	City Court Records; Court of Pleas Records; <i>LHA Dictionary of Louisiana Biography</i>
New Orleans	Lawyer businessman; he came from wealth in France, bought a plantation in SD, lost it in the Haitian Revolution, and used the law to rebuild and become a planter in Louisiana—not verified, but very well could have happened this way.	He was a planter.	City Court Records; Court of Pleas Records; Louisiana Slave Records; Guide to the Historic French Quarter
New Orleans	Lawyer notary; he was one of those men who never broke into the New Orleans legal profession.	He was a slave owner.	Court of Pleas Records; New Orleans Notarial Archives; Louisiana Slave Records; Claiborne Letters

Name of Lawyer	Where From	When Arrived in New Orleans	When Born	When Died
Pignon, Claude Benoit	France	c. 1804	1762	1833
Pollock, George	Dublin, Ireland	c. 1804—via New York and Philadelphia	1755	1820
Porter, Andrew	Philadelphia, PA	c. 1804	1770s	N/I
Prevost, John Bartow	Paramus, NJ	1804	1766	1825

Where Died	Relationship to Law	Relationship to Slavery	Sources Used:
New Orleans	Lawyer businessman	He owned a lot of slaves.	City Court Records; Court of Pleas Records; Louisiana Wills; Louisiana Slave Records; Henry Clay Papers
Madisonville, LA	He was a lawyer, but he did dabble in many other jobs as well. He was a port warden, representative on city council and legislative council, and justice of the peace.	He was a slave owner.	City Court Records; Claiborne Letters; Bradley, <i>Interim Appointment</i>
N/I	Lawyer merchant; he was mostly a merchant who dabbled in the law and had a lot of lawyer relatives. He was a port inspector but also operated Porter and Brown proc—and they show up in City Court cases.	N/I	City Court Records; 1811 City Directory; Bradley, <i>Interim Appointment</i> ; <i>Journal of American Irish Historical Society</i>
Peru	Lawyer politician; his mother married Aaron Burr after his father died.	He was a planter.	Find a Grave Memorial; Lolita Buckner Inniss, “A Fugitive Slave in Princeton”; Nancy Isenberg, <i>Fallen Founder</i> ; H.W. Brands, <i>The Heartbreak of Aaron Burr</i>

Name of Lawyer	Where From	When Arrived in New Orleans	When Born	When Died
Roche, Charles (brother of merchant Pierre Roche)	Louisiana born	c. 1780s	c. 1780s	N/I
Rodriguez, Jean	Canary Islands	1778	1770s	N/I
Seghers, Domingue	Brussels, Belgium	c. 1804—not clear exactly when he came. He fled Napoleonic rule, spent some time in Antwerp before coming to New Orleans.	1767	1848
Smith, W.T.	N/I	c. 1804	N/I	N/I
Trask, Isreal	MA	1804—via MS	1773	1835
Workman, James	Ireland	1804—via stops in England, Norfolk, New York, Philadelphia, Alexandria, and Charleston	1770s	1832

Where Died	Relationship to Law	Relationship to Slavery	Sources Used:
N/I	He was a career lawyer and his brother, Pierre, was a merchant.	He was involved in a lot of slave transactions.	City Court Records; Louisiana Slave Records; 1811 City Directory; Jill-Karen Yakubik, "Historical Investigations of the Civilian Occupation of the Chalmette Battlefield"
N/I	Lawyer planter	He was a planter.	City Court Records; Louisiana Death Index; Yakubik, "Historical Investigations of the Civilian Occupation of the Chalmette Battlefield"
New Orleans	He was a career lawyer and owned a great deal of property.	He owned a lot of slaves although it is not clear whether or not he was a planter.	City Court Records; New Orleans Death Records; Louisiana Slave Records; Louisiana State Museum Online Exhibits Madame John's Legacy; Simon Delery, <i>Napoleon's Soldiers in America</i>
N/I	He was a career lawyer.	N/I	City Court Records; 1811 City Directory
MA	Lawyer civil servant	He was a slave owner.	Court of Pleas Records; Adam Rothman, <i>Slave Country</i>
Bay St. Louis, MS	Lawyer, politician, and scholar; he was an early judge of the County Court; part of the "Mexican Association"; one of the lawyers who represented Livingston in Batture Case.	Slave owner and ACS guy	City Court Records; Claiborne Letters; Bradley, <i>Interim Appointment</i>