

LOUISIANA IDENTITY ON TRIAL: THE SUPERIOR
COURT CASE OF PIERRE BENONIME
DORMENON, 1790-1812

by

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ABSTRACT

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Louisiana and Saint-Domingue have intertwined histories with a number of similarities and periods of various interactions, most notably during the Haitian Revolution from 1791-1804 and the flight of refugees from Cuba from 1805-1810. Usually the exchanges of goods, people, and ideas between the two French lands were one-way, from Saint-Domingue to Louisiana. Understanding the pasts of each region and the significance of relations between the two colonies seems daunting without a point of reference. The Superior Court Case of Pierre Benonime Dormenon demonstrates how

the combination of larger events within the western hemisphere influenced the reception of immigrants from the Caribbean by nineteenth century Louisianans.

Dormenon's case involved the curious histories of the three characters whose paths overlapped in France and the Caribbean and finally collided within the parish of Pointe Coupée, Louisiana. L'Abbé L'Espinasse, the parish priest and former Caribbean resident, accused Dormenon of traitorous activity during the Haitian Revolution. Julien Poydras, businessperson, planter, politician, and perhaps the parish's most prominent citizen, and who had lived for a time in Saint-Domingue, came to Dormenon's defense. Both sides attracted sizeable followings. In 1809, the dispute came before the Superior Court of the Territory of Orleans.

Within an expanded scope, Dormenon's case seemed minute and irrelevant to Louisiana's larger history. Dormenon did not in fact bring the Haitian Revolution to the area. It is likely that the territorial government used the personal humiliation of an innocent man for its own benefit by striking fear in other Saint-Dominguan immigrants, much like the questionable rumored slave conspiracies that kept the institution of slavery under control. He returned to civil service and died with honor, so his personal humiliation used to benefit territorial society has gone unrecognized. Dormenon's case illustrates how perceptions of the French and Haitian Revolutions, regime changes, racial prejudices, and reactions to Saint-Dominguan refugees within Louisiana affected an emerging Creole identity. In addition, his case represented an unattractive period of crisis concerning the identity of Louisianans under the United States directly following the Louisiana Purchase.

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CHAPTER 1

INTRODUCTION

Louisiana and Saint-Domingue have intertwined histories with a number of similarities and periods of various interactions, most notably during the Haitian Revolution from 1791-1804 and the flight of refugees from Cuba from 1805-1810. Usually the exchanges of goods, people, and ideas between the two French lands were one-way, from Saint-Domingue to Louisiana. Understanding the pasts of each region and the significance of relations between the two colonies seems daunting without a point of reference. The Superior Court Case of Pierre Benonime Dormenon demonstrates how the combination of larger events within the western hemisphere influenced the reception of immigrants from the Caribbean by nineteenth century Louisianans. My thesis seeks to show how perceptions of the French and Haitian Revolutions, regime changes, racial prejudices, and reactions to Saint-Dominguan refugees within Louisiana affected an emerging Louisiana identity.¹

Dormenon's case involved the curious histories of the three characters whose paths overlapped in France and the Caribbean and finally collided within the parish of Pointe Coupée, Louisiana. Dormenon had served as a municipal officer under the

¹ The Louisiana identity referred to here is that of French, Catholic, white, royalists. This group would emerge with a Creole identity. For more on Creole identity see Joseph Tregle, "Appendix: On the Term

commissioner Étienne Polverel in the southern province of Saint-Domingue, French colony and slave society located on the western third of Hispaniola in the Caribbean. He eventually relocated to Pointe Coupée Parish. Soon after his arrival L'Abbé L'Espinasse, the parish priest and former Caribbean resident, accused Dormenon of traitorous activity during the Haitian Revolution. Julien Poydras, former Saint-Domingue resident, businessperson, planter, politician, and perhaps the parish's most prominent citizen, came to Dormenon's defense. Both sides attracted sizeable followings. When Territorial Governor William C. C. Claiborne appointed Dormenon as the parish judge, he provoked an uproar that brought Pointe Coupée to the brink of a small civil war.² In 1809, the dispute came before the Superior Court of the Territory of Orleans.

Piecing the story together required varied source material. The unpublished primary sources, primarily letters, testify to the character and activities of Dormenon, Poydras, and L'Espinasse. For instance, the *Private and Commercial Correspondence of an Indigo and Cotton Planter, 1794-1800* includes correspondence between Poydras and his brother in Nantes, France. The letters reveal Poydras' beliefs concerning the French Revolution and his reaction to the slave conspiracy on his plantation in 1795. L'Espinasse's nature emerges through his own words found in ecclesiastical correspondence provided by the Associate Archives at St. Mary's Seminary & University of Baltimore, Maryland. Since I was unable to conduct research in France, I relied on the thorough archival research of Gabriel Debien for his biography of L'Espinasse, "Un

Creole," *Louisiana in the Age of Jackson: A Clash of Cultures and Personalities* (Baton Rouge: Louisiana State University Press, 1999), 337-343.

Prêtre Manceau dans l'aventure: Pierre-François de l'Espinasse" in *La province du Maine*. Dormenon comes to life in his defense *Reponse à des calomnies* and Henry Paul Nugent's *Observations on the Trial of Peter Dormenon, Esquire*. The three main characters tie the various layers together in one telling narrative.

Foremost, the lawsuit reflects the larger fear in the parish concerning Saint-Dominguan refugees and revolutionary ideas. According to the court report, the accusers contended that Dormenon "aided and assisted the negroes in Santo Domingo in their horrible massacres, and other outrages against the whites, in and about the year 1793."³ The prosecution sought the disbarment of Dormenon. What role Dormenon played in the Haitian Revolution is not clear, nor is it clear how slaves and free people perceived him. Nonetheless, the stigma of the event and Polverel's reputation stuck to him, regardless of the facts. The fear he engendered served political purposes in the parish. The mention of a connection between Dormenon and the Haitian Revolution associated him with ineffectual slave policy, weakness, and violent insurrections. In deconstructing the histories of the people involved in the controversy, new connections between the southern United States and Saint-Domingue come into view, while assumptions of past historians about the influence of Saint-Domingue are opened to reconsideration.

The superficial facts of the court case are like the outer skin of an onion. By peeling the guise of the case record away, the thickly layered inner core of the community's motivations emerges. However, the layers do not tear away easily and cut

² Charles Gayarré, *History of Louisiana: The American Domination*, Vol. 4. (New York: William H. Widdleton, 1866), 210.

³ François-Xavier Martin, *Orleans Term Reports* (St. Paul: West Publishing, 1913), 129.

unevenly through the larger story. L'Espinasse's involvement raises questions about the involvement of the Catholic Church in Louisiana politics. The political aspects of the case need examination within the context of the regime changes from French to Spanish to United States. The demographics of the community blurred the racial lines beyond black and white, and yet census records and studies based on them indicate a truly rigid racial order in Louisiana by the early 1800s. Understanding the significance of the story requires a variety of sources on the history of Pointe Coupée, the French and Haitian Revolutions, and the connections between Saint-Domingue and Louisiana.

Various authors have written about the connections between Saint-Domingue and the United States, most often emphasizing the perpetuation of French culture by Saint-Dominguan refugees. Alfred Hunt opened this field of study in 1988 with his *Haiti's Influence on Antebellum America: Slumbering Volcano in the Caribbean*. Hunt asserts, "Generally, the refugees from the French West Indies who settled in the antebellum South had the greatest influence on American life."⁴ This is the focus of Natalie Dessen's chapter "From Saint Domingue to Louisiana: West Indian Refugees in the Lower Mississippi Region" in *French Colonial Louisiana and the Atlantic World*. Dessen highlights the influence upon Louisiana's politics, linguistics, music, and agriculture by Saint-Dominguans that distinguished the state from the rest of the American South. Although influence by an immigrant group on their new location of settlement does not guarantee a positive reception, it certainly does not imply a negative response. Most Saint-Dominguan refugees quickly assimilated into Louisianan society

due to the similarities between the two cultures, and Louisianans neutrally integrated the newly arrived émigrés. Despite the close proximity of the two locations, there is not a comprehensive study of the transmission of refugees and ideas between Saint-Domingue and Louisiana. However, historians have written various micro studies concerning the Pointe Coupée slave conspiracy of 1795.

The Pointe Coupée slave conspiracy of 1795 receives the most coverage in the historiography on slavery in colonial Louisiana. Authors, such as Gwendolyn Midlo Hall in *Africans in Colonial Louisiana: The Development of Afro-Creole Culture in the Eighteenth Century* and Caryn Cossé Bell in *Revolution, Romanticism, and the Afro-Creole Protest Tradition in Louisiana, 1718-1868*, attribute the uprising to inspiration, encouragement, or assistance from French and Haitian revolutionary ideas provided by whites, but make no mention of Pierre Dormenon. Dormenon's case must be placed within the context of Pointe Coupéean history, and in particular, of the 1795 conspiracy. White Pointe Coupééans believed Dormenon conspired with people of color in Saint-Domingue, and they feared he would influence the enslaved and free people of color in Pointe Coupée parish. Yet, past authors have not made this connection.

Charles Gayarré devoted only one page to Dormenon's case in his multiple volume history of Louisiana published in 1866, and he did not place the event within *any* larger contexts. Gayarré had a family investment in Louisiana history, beginning with his grandfather, Etienne de Bore, New Orleans' first mayor. He participated in the judicial activities of the city, until he began simultaneously writing fictional and non-fictional

⁴ Alfred Hunt, *Haiti's Influence on Antebellum America: Slumbering Volcano in the Caribbean* (Baton

texts in the late 1840s. For this context, his most notable work was *Histoire de la Louisianne*. In the fourth volume, *The American Domination*, he only vaguely notes that the feud in Pointe Coupée illustrated the “curious social condition then existing in the Territory” of Orleans.⁵ The curious social condition referred to by Gayarré requires further breakdown and analysis.

Gayarré did not detail the full story nor did he explain how Dormenon’s case exemplified society in Orleans Territory. Hence, his mention of the story raises many more questions than it answers, primarily about his own motivations as an author. He published his history of Louisiana in 1866, just after the end of the American Civil War. Following the war, historians began to positively incorporate Louisiana into America’s national identity.⁶ Gayarré sought to separate Louisiana’s history from Anglo-Americans’ negative perceptions of the feeble French monarchy.⁷ He depicted French inhabitants of Louisiana in a flattering light, portraying Louisianans as self-confident throughout colonization. Most important for this context, he omitted the brief identity crisis experienced by Louisianans following the Louisiana Purchase. Dormenon’s case reflected this crisis of identity in regards to the maladjustment to the regime change and reception of Saint-Dominguan refugees. Overall, Gayarré’s account diminishes the weight of this story within Louisiana’s history.

Rouge: Louisiana State University Press, 1988), 45.

⁵ Charles Gayarré, *History of Louisiana*, 210.

⁶ Daniel Usner, “Between Creoles and Yankees: The Discursive Representation of Colonial Louisiana in American History,” In *French Colonial Louisiana and the Atlantic World*, Bradley G. Bond, ed. (Baton Rouge: Louisiana State University Press, 2005), 14.

⁷ Daniel Usner, “Between Creoles and Yankees,” 12.

Only one recent historian, Peter Kastor in *The Nation's Crucible: The Louisiana Purchase and the Creation of America*, addresses the Dormenon case. However, his account disregards chronology and misrepresents the events. Kastor claims, "He [Dormenon] had rejected republican politics."⁸ I would argue that Louisianans persecuted Dormenon precisely for his acceptance of republicanism, because in their minds it threatened the institution of slavery in the territory. Kastor only cites one source concerning Dormenon, the *Journal of the House of Representatives of the State of Louisiana*. The original case record is missing, but testimony for and against was published as *Reponse à des calomnies* by Dormenon and *Recueil des depositions faites pour et contre le Sr. P. Dormenon par-devant la Cour Superieure du Territoire de la Nouvell-Orleans* by the publishing house Chez A. Daudet. In any case, Dormenon's story is only a very minor part of Kastor's much larger study.

The following study and analysis seeks to correct the errors and omissions within the extant historiography. Previous works provide only a fragmented perspective of many interconnected themes, such as perceptions of the French and Haitian Revolutions, regime changes, and racial prejudices within Louisiana. I hope to demonstrate that some Saint-Dominguan refugees did not simply assimilate and reinforce Gallic culture, but received a negative reception from Louisianans.⁹ Although Dormenon's case is a microstudy of this argument, it provides an image of a period of instability in the history

⁸ Peter Kastor, *The Nation's Crucible: The Louisiana Purchase and the Creation of America* (New Haven: Yale University Press, 2004), 199.

⁹ Gallic culture may not have existed as more than fantasy at this time. For more on this concept see Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York: Verso, 1991).

of Louisiana through its implications regarding the diverse reactions of Louisianans toward equally diverse Saint-Dominguan refugees.

CHAPTER 2

COLLISIONS

Dormenon's case does not begin in Pointe Coupée parish, Louisiana in 1809. It is an intricate story of the collision of three distinct men – Dormenon, L'Espinasse, and Poydras. All of these men acquired their peculiar pasts on individual journeys from France, briefly residing in the Caribbean, and making their way to the rural parish of Pointe Coupée in Orleans Territory. Their paths overlapped, but they did not encounter one another until 1807, in the midst of a controversy in Louisiana. The controversy demonstrates how perceptions of the French and Haitian Revolutions, regime changes, and racial prejudices within Louisiana affected reactions to Saint-Dominguan refugees in the area. Understanding the interconnections throughout Louisiana history revealed by Dormenon's case requires some background knowledge of the pasts of the people involved, the history of Pointe Coupée, the connections between Saint-Domingue and Louisiana, and the Haitian and French Revolutions.

In 1789, the French Revolution erupted in Europe, and revolutionary ideas flowed across the Atlantic. In August 1789, the National Assembly approved the *Declaration of Rights and Man*, and a slave revolt broke out in French Martinique (See Figure 2.2) in the Caribbean. In France, the Great Fear raged on in the form of municipal revolutions in the cities and peasant revolts in the countryside. After attempting to persuade French officials in Paris to give equal rights to free people of color throughout the colonies,

Vincent Ogé led the first of many revolts by enslaved and free people of color in Saint-Domingue, effectively beginning the Haitian Revolution. In 1792, revolutionaries declared the first French republic, and then, in 1793, executed the monarch. The ensuing Reign of Terror provoked horror across Europe and the Americas, notably in the United States.¹⁰ The Thermidorian Reaction, or counterrevolution, took power in 1794. Napoleon staged a coup d'état in 1799 that established a consulate, and created an empire in 1804. However, the Haitian Revolution had already advanced beyond a return to power of the white, wealthy, slaveholding planter class.



Figure 2.1 Map of France and Saint-Domingue in relation to one another

By 1792, the citizens of France could no longer ignore the involvement of the West Indies in the French Revolution. Vincent Ogé, a Saint-Dominguan mulatto from Le Cap, campaigned in Paris for the rights of free people of color in Saint-Domingue. Ogé returned to the island, and he organized an abortive rebellion when the Colonial

¹⁰ Alfred Hunt, *Haiti's Influence on Antebellum America*, 37.

Assembly refused to recognize the equal rights of free people of color. In February 1791, whites publicly executed twenty-four of the revolutionaries. As the whites and free coloreds grappled over the status of men like Ogé, the slave population in Saint-Domingue organized a violent and bloody revolt against the masters of the island. In 1792, France sent civil commissioners Etienne Polverel and Léger Félicité Sonthonax to Saint-Domingue to restore order. In the fall 1793, the commissioners abolished slavery on the island. On 4 February 1794, the National Convention abolished slavery in the French empire, with the condition that ex-slaves would continue working on the Saint-Dominguan plantations. This set into motion the defining of emancipation, civil war amongst people of color, and the declaration of Haitian Independence in 1804. Some colonists remained on the island throughout various parts of the revolution, especially as Napoleon reinstated slavery in 1802 or due to the inability to finance an escape from the island.¹¹ However, most fled to nearby Spanish territories, such as Cuba, or the United States (See Figure 2.2).

¹¹ For more information regarding the financial dimensions of refugees fleeing to the United States see Ashli White, “‘A Flood of Impure Lava’: Saint Dominguan Refugees in the United States, 1791-1820” (PhD diss., Columbia University, 2003), 16-68.



Figure 2.2 Map of the Caribbean

From 1791 to 1810, refugees from the Haitian Revolution, like Dormenon and L’Espinasse, flooded into Louisiana. With the continuation of the French Revolution, acceptance of refugees by Louisianans depended upon the political sentiments of the immigrant in regards to the French republic. Most Louisianans preferred the conservatism of royalists. However, politics did not affect the reception of immigrants in the early revolutionary years. The refugees initially received a hospitable welcome. Most U.S. southerners viewed the Haitian Revolution as a natural consequence of an evolving slave society.¹² Slavery was over two hundred years older in the Caribbean than in Louisiana. Louisianans recognized the possibility for revolts, and they lived in fear of a Haitian Revolution in the U.S. South. Louisianans had reason to be fearful, because their society shared many similarities to Saint-Domingue, demographically, topographically, and climatically. It also shared a history of rebellion.

¹² Alfred Hunt, *Haiti’s Influence on Antebellum America*, 42.

Louisianans had a long history about paranoia of slave uprisings.¹³ In 1730, French colonists learned of the first recorded abortive slave rebellion in Louisiana, led by an enslaved man of color named Samba. Eight slave men accused in the conspiracy were broken on the wheel. After the Macandal poisoning conspiracy in Saint-Domingue in 1755, Louisianans feared their own slaves would plan a mass poisoning of whites as well.¹⁴ In the 1790s, while revolution raged in France and the Caribbean, the Spanish governor of Louisiana, Francisco Luis Héctor de Carondelet, attempted to maintain peace in his colony. Carondelet feared the arousal of colonists by revolutionary ideas from France, especially since Spain and France warred against one another, part of the many revolutionary wars in Europe. He advised slaveholders to administer strict subordination without utilizing severe punishment. Despite his efforts, rebellion spread throughout rural Louisiana. On 9 July 1791, a slave killed his master. Soon after, Pointe Coupéeans uncovered a larger conspiracy involving slaves of the Mina and Bambara tribes. The slaves planned to kill the masters with arms and ammunitions taken from a local merchant's store.¹⁵ Other conspiracies surfaced in Pointe Coupée and along the German coast in 1795.¹⁶ In 1804 and 1805, citizens reported possible revolts from New Orleans

¹³ Recently, historians have engaged in a debate over the evidence for slave conspiracies. The primary areas of concern are how and by whom the evidence was obtained and the uncritical reading of the evidence by historians. Some authors believe that planters imagined slave upheavals out of fear. James Dormon briefly addresses the disagreement over actual and rumored conspiracies in "The Persistent Specter: Slave Rebellion in Territorial Louisiana," *Louisiana History* Vol. 18, No. 4 (Fall 1977): 389-404. See also Michael Johnson, "Reading Evidence," *The William and Mary Quarterly*, Vol. 59, No. 1 (January 2002): 193-202.

¹⁴ Paul Lachance, "The Politics of Fear: French Louisianans and the Slave Trade, 1786-1809," *Plantation Society*, Vol. 1 (June 1979): 167.

¹⁵ Gwendolyn Midlo Hall, *Africans in Colonial Louisiana: The Development of Afro-Creole Culture in the Eighteenth Century* (Baton Rouge: Louisiana State University Press, 1992), 319.

¹⁶ I will discuss the 1795 conspiracy in Pointe Coupée at length later in this chapter.

up to Pointe Coupée.¹⁷ For a time, Dormenon, L’Espinasse, and Poydras all lived in Pointe Coupée.



Figure 2.3 Map of Pointe Coupée Parish in relation to the state Louisiana

Pointe Coupée parish, located in east central Louisiana near the Mississippi border, has a complex ethnic history. French missionaries from Canada arrived in 1699, and converted the Tunica Indians to Catholicism in a native village about eighteen miles north of the Pointe Coupée post. In 1717, French immigrants established a settlement Pointe Coupée. Most Pointe Coupéeans settled in the parish for economic opportunities that were not available in other overpopulated places and inhabited the coast along the Mississippi River and the False River.¹⁸ The False River separates the primary area of settlement into three notable geographic and economic divisions: the *Chenal*, the *Poullailler*, and the Island (See Figure 2.4). The waterways provided the necessary irrigation for farming and shipping of surplus crops to New Orleans.

¹⁷ James Dormon, “The Persistent Specter,” *Louisiana History*: 392-393.

¹⁸ Brian Costello, *The Life, Family and Legacy of Julien Poydras* (New Roads, Louisiana: John & Noelle Laurent Ewing, 2001), 3.

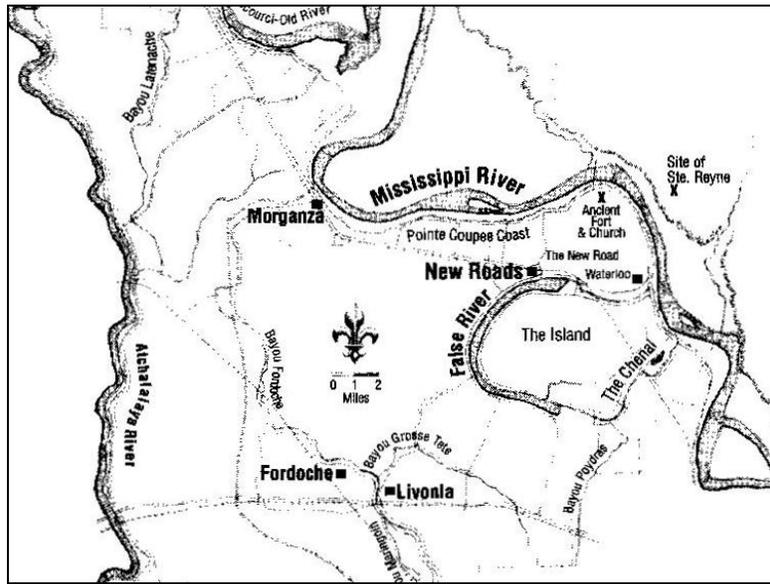


Figure 2.4 Map of Pointe Coupée Parish¹⁹

Early on, the small population of farmers grew subsistence crops without the aid of slave labor. In 1731, whites first brought slaves in the parish to grow indigo and tobacco. Most of the slaves brought into Pointe Coupée were of African descent, although a few were Native Americans.²⁰ In addition to the various Native American and African ethnic groups represented in the parish, numerous European groups inhabited the settlement, including French, Belgian, Spanish, German, and English. One group associated with present-day Louisiana, the Cajuns (French exiles from Acadia, Nova Scotia) did not reside in Pointe Coupée because the Spanish prohibited them from settling there. The Spanish authorities wanted the Cajuns to inhabit unsettled areas of southern Louisiana.²¹ In Pointe Coupée, “red, white, and black met under crisis situations,” while

¹⁹ Brian Costello, *The History of Pointe Coupee Parish Louisiana* (New Roads, Louisiana: n.p., 1999).

²⁰ Brian Costello, *The History of Pointe Coupee Parish Louisiana* (New Roads, Louisiana: n.p., 1999), 35.

²¹ Brian Costello, *A History of Point Coupee Parish, Louisiana*, 36.

settling the Louisiana frontier resulting in a “hybrid race, culture, and language.”²² As residents of a frontier settlement, Pointe Coupéans of all races came to depend upon one another. The whites, blacks, and Tunica Indians allied together against attacks from the Natchez and Chickasaw in the area. At the beginning of the nineteenth century, racial relations became hardened and less fluid, especially in regards to miscegenation.

The Pointe Coupée census for 1807, the year Dormenon, Poydras, and L’Espinasse collided indicates the decrease in the fluidity of racial mixing.²³ According to the data, approximately 1,000 whites, 120 free people of color, and 2,700 slaves inhabited the parish.²⁴ The slave population was more than double than that of whites. The census includes the number of white and enslaved black men, women, and children, but does not differentiate between sex and age in free people of color. Free people of color only made up about three percent of the parish residents. This low percentage reflects the balanced sex ratio, indicative of the development of the settlement amongst whites in Pointe Coupée. In earlier years, imbalanced sex ratios, with greater numbers of white males and black females, the demographic conditions were more conducive for racial mixing in the parish.²⁵ Dormenon’s case demonstrates the change in race relations after the Louisiana Purchase in 1803.

The majority of sources agree that Pierre Benonime Dormenon arrived in Jacmel, Saint-Domingue (See Figure 2.5), in 1790, where he worked drafting legal reports with

²² Gwendolyn Midlo Hall, *Africans in Colonial Louisiana*, 238.

²³ Census records are not perfectly accurate. I used these numbers with caution. The census date is only to provide a general sense of the demography, but not to demonstrate any exact truth.

²⁴ Jacqueline Saizan, “1807 Pointe Coupee Census,” *Le Raconteur* Vol XVII, No. 1 (Baton Rouge: Le Comité des Archives de la Louisiana, 1997), 26.

another attorney and a surveyor.²⁶ It was not coincidental that Dormenon landed in an area that was notorious for maroon activity, the district of Jacmel. Jacmel was located in the South province on the easternmost border with the Spanish part of Hispaniola. The district of Jacmel included the parishes of Jacmel, Baynet, and Cayes de Jacmel. These parishes had small white populations in comparison to the free people of color and slaves.²⁷ In the 1780s, the district had about 1,500 whites, 1,800 *affranchis* (ex-slaves), and 21,000 slaves – of this population, 550 whites, 580 *affranchis*, and 8,500 slaves lived in the parish of Jacmel.²⁸ Free people of color were the dominant cultivators in the West and South provinces of Saint-Domingue, the location of Jacmel, because the more fertile lands for sugar cultivation in the North attracted the majority of whites. Like whites, free people of color also owned slaves, which could become maroons. Free people of color relied on legalisms, such as land documents and notarial records, to assure that contracts were legally binding and protected from whites.²⁹ Therefore, Dormenon's expertise was in higher demand in the more agricultural areas of the southern regions of the island. Upon his arrival in 1790, the role he filled became even more important on the verge of revolution, because free people of color, like Ogé, intensified their pressure upon whites

²⁵ Paul Lachance, "The Formation of a Three-Caste Society: Evidence from Wills in Antebellum New Orleans," *Social Science History* Vol. 18, No. 2 (Summer, 1994): 236.

²⁶ Only the testimony of Antoine Remy disputes the arrival of Dormenon in 1790. Remy claims he knew Dormenon from 1787 to 1793, but was not aware of Dormenon's actual arrival date on Hispaniola. *Recueil des depositions faites pour et contre le Sr. P. Dormenon par-devant la Cour Superieure du Territoire de la Nouvelle-Orleans*, trans. Carol Johnston (New Orleans: Chez [House of] A. Daudet, 1809), 10.

²⁷ *Recueil des depositions faites pour et contre le Sr. P. Dormenon*, 2.

²⁸ Médéric-Louis-Elie Moreau de Saint-Méry, *Description topographique, physique, civile, politique et historique de la partie française de l'isle Saint Domingue* Vol. 3 (Paris: Société de l'histoire des colonies françaises, 1797), 1143-7.

²⁹ Stewart R. King, *Blue Coat or Powdered Whig: Free People of Color in Pre-Revolutionary Saint Domingue* (Athens, Georgia: University of Georgia Press, 2001), 3-15.

in the colonies and in Paris. The district of Jacmel did not lie within the line of communication in the colony because it lay along the far southern border of the island, so it was less known by those outside of the district and Saint-Domingue (See Figure 2.5).³⁰ However, in 1791, the Haitian Revolution reached Jacmel. Dornenon wrote, “We were soon threatened by dangers, and it was necessary to defend ourselves against the insurgent blacks and mulattos.”³¹ Saint-Domingue was in chaos.

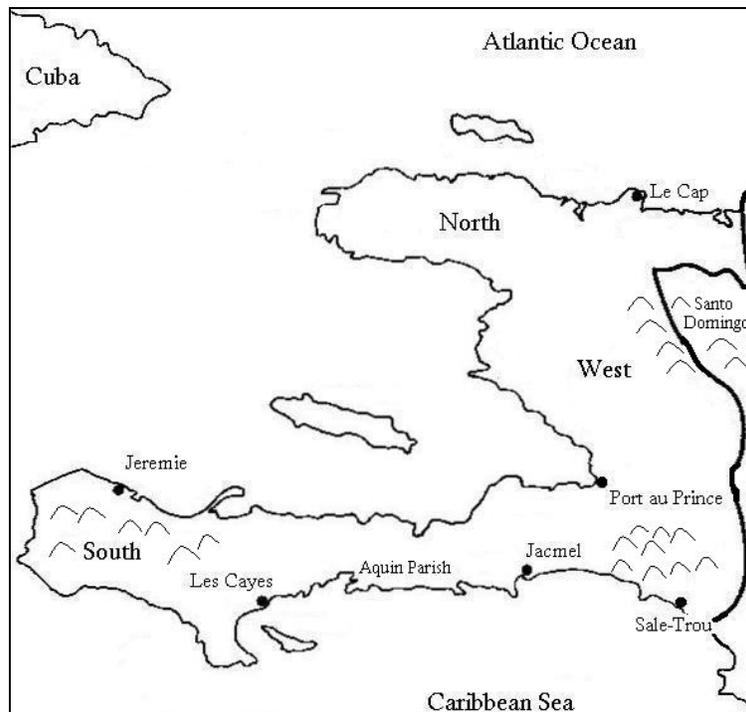


Figure 2.5 Map of Saint-Domingue

In 1792, civil commissioners Polverel and Sonthonax arrived in Saint-Domingue to restore order. Polverel administered the southern peninsula and appointed Dornenon *greffier* (Clerk of the Court), but the relationship between the two men is mysterious. In

³⁰ Médéric-Louis-Elie Moreau de Saint-Méry, *Description topographique, physique, civile, politique et historique de la partie française de l'isle Saint Domingue*, 1127.

1809, Dormenon explained, “Polverel made changes, and while his arrival was marked by persecutions that he instigated against me, he believed it necessary to appoint me Clerk of the Court for the district of Jacmel.”³² Dormenon does not detail Polverel’s “persecutions,” but indicates his fear of disobeying him. He stated, “It was necessary for me to accept it, for after what had just happened, it was doubly dangerous for me to refuse it.”³³ In writing these words in 1809, he was trying to show his reluctance as a revolutionary.

As a municipal officer under Polverel from 1793-1794, Dormenon during the next two years enforced republican decrees, including those of the commissioners in Saint-Domingue. As of 27 August 1793, the newly freed slaves in the western province were required to remain on the plantations, and abandoned habitations became property of the provincial government. In October 1793, when Polverel liberated all the slaves in the southern province, the August decree became applicable to the South as well. On 3 March 1794, Rene François Borna-Déléard, military commander of the parish of Cayes de Jacmel, worked with Dormenon to enforce the regulations established by Polverel. On a plantation located in the heights of Fêlé, the two men explained to the “Africans” the need for them to continue working on the estate even though freed by the National Convention. The ex-slaves assured Borna-Déléard and Dormenon of their intention to

³¹ “Nous fumes bientôt menacés de dangers, et il fallut nous défendre contre les nègres et les mulâtresses insurgés.” Pierre Dormenon, *Reponse à des calomnies* (New Orleans: np, 1809), 3.

³² “Polverel fit des changemens, et quoique son arrivée eût été marquée par les persécutions qu’il me suscita, il crut devoir me nommer Greffier de la Jurisdiction de Jacmel.” Pierre Dormenon, *Reponse à des calomnies*, 3-4.

³³ “Je fus dans le nécessité de l’accepter, car après ce qui venait de se passer il eût été doublement dangereux pour moi de le refuser.” Pierre Dormenon, *Reponse à des calomnies*, 3-4.

work six days of the week on the plantation as decreed by Polverel.³⁴ However, not all free people of color and ex-slaves reacted positively to Polverel's intervention.

Following the emancipation decrees in 1793, blacks and mulattoes committed massacres in Sale-Trou (See Figure 2.5), a remote village located in the mountainous parish of Cayes de Jacmel known for its maroons. Prior to 1793, many people had abandoned the area, because of the threat to people and animals. Moreau de Saint-Mery described an example of the dangers: "There was farming in the Prêcheurs Heights along the Sale-Trou river, but the marooned slaves there killed a white, kidnapping 14 slaves of M. Selle, burned his buildings and carried away 60 *milliers* of cotton, and the people fled this place."³⁵ Upon hearing that Polverel abolished slavery, the blacks started across the district of Jacmel celebrating the general liberty. According to one Saint-Dominguan, Charles Ellinghaus, "They made a big fire and burned all the whips; proclaimed the general freedom of all slaves."³⁶ However, somehow the merriment descended into brutal criminal acts. The blacks began taking white prisoners and shooting them along the roads.³⁷ The assassins cut open the stomach of a Mrs. Daumas.³⁸ In total, most Saint-Dominguans claimed that about eighty whites were brutally murdered. This gruesome

³⁴ Letter from Rene François Borna-Déléard, 3 March 1794, Dxxv 28, Dossier 288 [part 2], Archives Nationale, Paris, France. Dr. John D. Garrigus provided this document.

³⁵ "Les hauteurs des Prêcheurs étaient cultivées le long de la rivière du Sale-Trou, mais les nègres marons y ayant tué un blanc, enlevé 14 nègres de M. Selle, brûlé ses bâtimens et emporté 60 milliers de coton, on a fu ice lieu." Médéric-Louis-Elie Moreau de Saint-Méry, *Description topographique, physique, civile, politique et historique de la partie française de l'isle Saint Domingue*, 1137.

³⁶ "Que là on fit un grand feu et on brûla tous les fouets; et qu'on proclama la liberté générale de tous les Esclaves." Testimony of Charles Ellinghaus, *Recueil des depositions faites pour et contre le Sr. P. Dormenon*, 15.

³⁷ Testimony of Charles Ellinghaus, *Recueil des depositions faites pour et contre le Sr. P.*, 15.

³⁸ Testimony of Charles Ellinghaus, *Recueil des depositions faites pour et contre le Sr. P. Dormenon*, 29.

event did not impede the enforcement of the emancipation decrees by the commissioners or the progression of the Haitian Revolution.

Polverel maintained favorable relations with the mulattoes in the southern peninsula. However, Polverel strongly disliked the mulatto Colonel Hugues Montbrun, denouncing him as a traitor after the loss of Port-au-Prince to the British.³⁹ On 4 February 1794, the National Convention in France abolished slavery and declared French citizenship for *all men* living within the French empire. The commissioners then left Saint-Domingue. Without Polverel on the island, Montbrun took out his anger on Dormenon, a representative of Polverel that he must have seen as a threat to his leadership status. In March, Montbrun imprisoned Dormenon for two to three months. Expelled from Saint-Domingue by colored general André Rigaud, Montbrun departed for France in June 1794. Rigaud had Dormenon released. Dormenon continued to serve as the Clerk of Court. By 1799, he returned to the practice of law as a defense attorney in Aquin Parish, the birthplace of Julien Raimond, a quadroon who strove for political rights in Paris in the late 1780s and co-authored the Saint-Dominguan constitution in 1801 with Toussaint Louverture. Dormenon briefly served as a defense attorney in the Superior Court of the South under Rigaud. In 1800, Toussaint Louverture captured Jacmel, and Dormenon departed for the United States after serving eight years under the French republic.

Dormenon sought employment as a professor at the College of St. Mary of Baltimore, Maryland from 1801-1805. St. Mary's, founded by Sulpician Fathers in 1791,

was the first Catholic seminary established in the United States. Due to the strong anticlerical sentiments of the French Revolution, French priests of the Society of St. Sulpice immigrated to the more tolerant shores of the United States from 1791 to 1793.⁴⁰ When, in the early 1790s, hundreds of black refugees from Saint-Domingue arrived in Baltimore, most of them not speaking English, the Sulpician priests of St. Mary's took care of many, even holding special services for them in the chapel.⁴¹ The French priests and Saint-Dominguan refugees of all ethnicities, including Dormenon, were kindred groups sharing language, culture, religion, and revolutionary experiences. After a four-year professorship at St. Mary's, Dormenon moved to Pointe Coupée, where he befriended one of the parish's most prominent citizens, Julien Poydras.

In 1760, during the Seven Years War, British sailors had captured Poydras, a fourteen year-old Frenchman from the port of Nantes. While a captive in England, Poydras learned English and some German.⁴² Three years later, as the war ended, Poydras managed to escape by boarding a merchant ship headed for Saint-Domingue. At the time of Poydras's arrival, Saint-Domingue had a lucrative and exploitative system of plantation slavery.⁴³ Unfortunately, historians know very little about Poydras's residency

³⁹ Jacques Nicolas Léger, *Haiti, Her History and Her Detractors* (Westport, Connecticut: Negro Universities Press, 1970), 71.

⁴⁰ Diane Batts Morrow, *Persons of Color and Religious at the Same Time: The Oblate Sisters of Providence, 1828-1860* (Chapel Hill: The University of North Carolina Press, 2002), 3.

⁴¹ Mother M. Agatha, "Catholic Education and the Negro," in *Essays on Catholic Education in the United States*, ed. Roy Joseph Deferrari (Washington, D.C.: Catholic University of America Press, 1942), 502.

⁴² Frances Pirotte Zink, *Julien Poydras: Statesman, Philanthropist, Educator* (Lafayette, Louisiana: University of Southwestern Louisiana, 1968), 1.

⁴³ John D. Garrigus, *Before Haiti: Race and Citizenship in French Saint-Domingue* (New York: Palgrave Macmillan, 2006), 53.

in the Caribbean. In 1768, Poydras departed for Louisiana in July before revolt erupted in the South and West Provinces of Saint-Domingue.

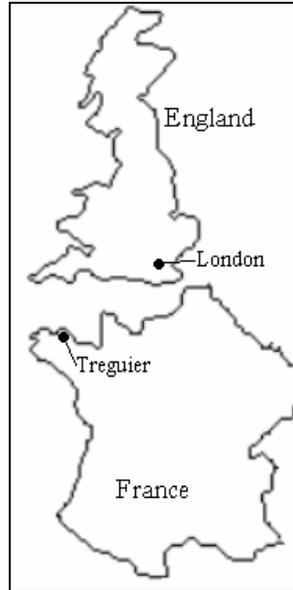


Figure 2.6 Map of England and France

Coincidentally, Louisiana experienced an insurrection in the year of Poydras's arrival. In 1763, France had ceded Louisiana to Spain. The Spanish king did not send a governor for the colony until three years later. In 1765, when Antonio de Ulloa became governor of Spanish Louisiana, he encountered many difficulties because Spain inadequately funded the administration of the colony. In 1768, yellow fever plagued thousands of New Orleanians, the Mississippi River froze, and inflated paper money "completed the catastrophe."⁴⁴ Most importantly, the French Louisianans disliked the mercantile trade regulations established by the Spanish in the colony. The new system greatly decreased the French colonists' ability to trade, affecting their highly profitable

⁴⁴ Edward Laroque Tinker, *Louisiana's Earliest Poet: Julien Poydras & the Pœans to Galvez* (New York: New York Public Library, 1933), 8.

illegal trade with the British. Ulloa's policies sparked anti-Spanish passions throughout Louisiana. On 27 October 1768, a group of colonists took over the city of New Orleans and demanded that the governor leave the colony immediately. Ulloa fled. The next year, Spain sent Alejandro O'Reilly to restore order in New Orleans.⁴⁵

The same year, Poydras arrived in New Orleans without any notable wealth. However, over many decades he earned substantial riches. Early on, Poydras served as a "pack peddler," selling to both blacks and whites.⁴⁶ In 1775, he purchased land in the parish of Pointe Coupée, and his fortune "grew as rapidly as malicious gossip."⁴⁷ Building upon his success as a traveling merchant, Poydras was able to open a store, the first in the parish. Almost a decade after his first land acquisition, Poydras purchased slaves, upon whose labor he assembled one the largest property holdings in the American South.⁴⁸ By 1790, he owned over seventy slaves.

While Poydras prospered in Louisiana, France suffered a violent and bloody revolution. Claude Poydras, Julien's brother, remained in Nantes with his family throughout the French Revolution. The brothers exchanged letters when they could – at times correspondence was politically risky or banned by colonial authorities – and their communication survives for the middle years of the revolution. In his letters, Julien expressed ambivalence about returning to a homeland torn by revolution and war. On 25 August 1796, Julien wrote his brother, "You ask me to return to France...I do not need to

⁴⁵ Bennett H. Wall, et al. eds., *Louisiana: A History* 3rd ed. (Wheeling, Illinois: Harlan Davidson, 1997), 58.

⁴⁶ Sam Mims, *Trail of the Pack Peddler* (Homer, Louisiana: Guardian-Journal, 1887).

⁴⁷ Edward Laroque Tinker, *Louisiana's Earliest Poet*, 9.

⁴⁸ Brian Costello, *The Life, Family and Legacy of Julien*, 17.

be coaxed, I am unfortunately too anxious but how can I go to a country where propriety is not respected...where everyone urges me not to undertake any business as none can be transacted with safety.”⁴⁹ He speculated that he might return to France at the end of the revolution. Meanwhile, rebellion on his own plantation in Pointe Coupée demanded his immediate attention.

As revolution erupted in France, one of Poydras’s plantations barely escaped revolt. In April 1795, colonists in Pointe Coupée discovered a plot amongst the slaves to kill all their masters. The slaves planned the uprising four years into the revolution in Saint-Domingue, suggesting that some revolutionary influence traveled to Louisiana, along with the people. Two white men, Joseph Bouyavel and George Rockenbourg, encouraged the slaves to revolt. In the end, the courts found fifty-seven slaves and three whites guilty. Poydras was in Philadelphia when authorities arrested the conspirators, and convicted fifteen of his own slaves. In a letter to Claude on 25 August 1796, Julien wrote, “Everything went so badly here [Pointe Coupée] during my absence. They hung 20,000 piastres worth of my negroes; the expenses were greater than the revenue of the plantation.”⁵⁰ His response seems to be purely business-oriented, because Poydras invested in republicanism for practical economic reasons, unlike the radical political motivations of Polverel.

⁴⁹ Julien Poydras to Claude Poydras, 9 October 1795, *Private and Commercial Correspondence of an Indigo and Cotton Planter, 1794-1800*. Louisiana State Museum Historical Center, Manuscript Collections, New Orleans, Louisiana [hereafter cited as LSMHC].

⁵⁰ Julien Poydras to Claude Poydras, 25 August 1796, *Private and Commercial Correspondence of an Indigo and Cotton Planter, 1794-1800*. LSMHC.

For the slaves involved, however, the conspiracy was not about business. The alleged leader was Antoine Sarrasin, a *commandeur* (slave driver) of mixed ancestry on one of Poydras's plantations. Sarrasin may have had his own particular reasons for revolting, because he was of French, African, and Indian heritage. In 1769, O'Reilly had prohibited the enslaving of Native Americans. In 1793, Sarrasin's mother attempted unsuccessfully to sue for his freedom, on the grounds that he was of mixed Indian ancestry. Perhaps in response, Poydras and other Louisianan slaveholders petitioned Spain in spring 1794 to revoke the freedom of Indian slaves, claiming that free Native Americans harmed the economy and roused the remaining slave population. Five of the Pointe Coupée planters who appealed to Spain concerning the emancipation of Indian slaves owned black slaves involved in the 1795 conspiracy.⁵¹ For his involvement in the plot, the colonists hanged Sarrasin.

Poydras was active financially and politically in the United States' Territory of Orleans. In 1803, France sold Louisiana to the United States, and Thomas Jefferson appointed William C.C. Claiborne as governor of Orleans Territory. Claiborne and Poydras became close friends, which benefited Poydras politically.⁵² Governor Claiborne chose the parish commandants based upon social status. In 1804, Poydras became the civil commandant of Pointe Coupée. With the depreciation of the territory's currency, New Orleanians established the Louisiana Bank, and the Board of Directors elected Poydras as the bank's president. In 1805, Poydras also served as the parish judge of Pointe Coupée. The parish judge was the most important figure politically, because the

⁵¹ Brian Costello, *The Life, Family and Legacy of Julien Poydras*, 21.

judge oversaw parish documents, the treasury, and law enforcement.⁵³ In addition, Poydras served as the president of the territorial Legislative Council, made up of thirteen members and the Governor.

Poydras believed strongly in a need for public education, which had been almost nonexistent under the French and Spanish, because both nations believed the Church was responsible for educating children.⁵⁴ On 2 May 1806, the Legislative Council passed an act for the establishment of free public schools in the territory, and Pointe Coupée was the first parish to adhere to the act. Claiborne and Poydras shared democratic ideals and enthusiasm for education.⁵⁵ In 1809, Poydras retired as a merchant, and became a delegate to the United States Congress, again upon the recommendation of Governor Claiborne. Three years later, in his late sixties, Poydras presided over the Constitutional Convention of Louisiana and the state Senate.

In 1791, L'Abbé Pierre-François L'Espinasse, another future immigrant from Saint-Domingue, began his multipart journey to Pointe Coupée after the commencement of the French Revolution. In 1786, he had taken over the ecclesiastical duties of the parish of Tréguier (See Figure 2.6), on the northwestern coast of France. Considerable financial support from a wealthy duke came with this clerical position.⁵⁶ After the eruption of the French Revolution, the wealth of the dioceses worked against

⁵² Frances Pirotte Zink, *Julien Poydras*, 10.

⁵³ Michel Beauchamp, "Citizenship and Ethnicity in Early National Louisiana," presented at the Seventh Annual Graduate Student History Symposium on Transatlantic History at the University of Texas at Arlington, 19 September 2006.

⁵⁴ Frances Pirotte Zink, *Julien Poydras*, 11.

⁵⁵ Frances Pirotte Zink, *Julien Poydras*, 16.

⁵⁶ Gabriel Debien, "Un Prêtre Manceau dans L'Aventure: Pierre-François de l'Espinasse," *La Province du Maine* Vol. 73 (1971), 388.

L’Espinasse. In July 1790, the Catholic Church became subordinate to the French government with the Civil Constitution of the Clergy. This law placed the assets of the Church at the disposition of the nation and required an oath to the constitution by all clergymen. L’Espinasse remained in opposition to both of these requirements, until confronted by the local authorities in April 1791. Instead of conceding to the demands of the government and parishioners, L’Espinasse departed from Tréguier to nearby England in June with a grudge against republican ideas. He found work in England as a secretary for a wealthy Saint-Dominguan Antoine-Estuache d’Osmond. D’Osmond claimed to be bishop of the Antilles.⁵⁷ Four priests – L’Espinasse, Provost, Rochanson, and Monchet – sailed to the Caribbean in August 1798, in the supposed service of d’Osmond. Prior to his departure, L’Espinasse wrote to Father Lecun in Jérémie in June 1798, to inform him of his journey to the parish. They landed at Jérémie (See Figure 2.5), the capital city of the department of Grand’Anse, located at the far northwestern end of the southern peninsula of Saint-Domingue, without any resources, and sought refuge at the temporary mission there.

Jérémie was a temporary stop on L’Espinasse’s unpredictable journey. Médéric-Louis-Elie Moreau de Saint-Méry described Jérémie: “In taking a general look at the mass of mountains, one can’t help being struck by their appearance. They are mountains which seem somehow piled up on one another to an even more imposing height.”⁵⁸ The mountainous geography of Jérémie had made it a haven for marooned slaves prior to the

⁵⁷ Gabriel Debien, “Un Prêtre Manceau dans L’Aventure,” *La Province due Maine*, 392.

coffee boom in the 1770s. Following the end of the French and Indian war, the tricaste population increased with the production and exportation of coffee. In 1788, 2,000 whites, 1,000 free people of color, and about 18,000 slaves lived in the parish.⁵⁹ The citizens did not have time to build an official church or public buildings due to the rapid growth of the parish. Jérémie and Jamaica (See Figure 2.2) had engaged in contraband slave trading. In September 1793, the British in Jamaica recognized the vulnerability of the island and invaded Saint-Domingue. In August 1798, Rigaud, who had taken control of Jérémie, perceived L’Espinasse as an Anglophile and removed him from the ministry of the city.⁶⁰ This was his second bad encounter with a revolution. L’Espinasse and the other surviving priests sought refuge from the Haitian Revolution in nearby Kingston, Jamaica.

As a refugee, L’Espinasse briefly invested in a Jamaican coffee enterprise, a bakery business, and a wine shop. In the opinion of one historian, “L’Espinasse was more the greedy business man than the zealous pastor.”⁶¹ In addition to his extracurricular activities, L’Espinasse caused trouble in the Catholic Church in Jamaica by establishing a chapel of his own. British Protestant Jamaicans permitted the Catholic clerics to administer to the French Catholic refugees from Saint-Domingue on the island. In 1800, Pope Pius VII excommunicated him for disobedience within the church and

⁵⁸ Médéric-Louis-Elie Moreau de Saint-Méry, *A Civilization that Perished: The Last Years of White Colonial Rule in Haiti*, trans. Ivor D. Spencer (Landham, Maryland: University Press of America, 1985), 238.

⁵⁹ Keith Anthony Manuel, *Slavery, Coffee, and Family in a Frontier Society: Jeremie and Its Hinterland, 1780-1789*, M.A. thesis, University of Florida, 2005.

⁶⁰ Gabriel Debien, “Un Prêtre Manceau dans L’Aventure,” *La Province du Maine*, 393.

⁶¹ Francis J. Osborne, S.J., *History of the Catholic Church in Jamaica* (Chicago: Loyola University Press, 1988), 153.

community.⁶² However, L’Espinasse befriended Alexander Lindsay, Earl of Balcarres and governor of Jamaica from 1795-1801, who refused to promulgate the excommunication throughout the island.⁶³ L’Espinasse avoided the church’s order for three more years, until a new governor, George Nugent ordered him to “deliver up the Spanish chapel in Kingston..., and you are hereby enjoined in the future not to exercise the holy functions of priesthood in this island.”⁶⁴ L’Espinasse simply relocated to New Orleans, and returned to priestly practice.

In 1804, L’Espinasse arrived in New Orleans, in the middle of a schism in the Catholic Church of Louisiana, and he quickly became involved. With the transfer of Louisiana to the United States in 1803, the clergy of New Orleans – the Spanish Capuchins and the Irish priests, educated at Salamanca, Spain – split over control of the vacant See of Louisiana. Bishop Peñalver appointed Irish Reverend Patrick Walsh vice-vicar-general under Canon Thomas Hassett.⁶⁵ In April 1804, Hassett died, leaving Walsh as administrator of the diocese. Father Antonio Sedella opposed Walsh’s leadership. L’Espinasse supported Walsh in the schism. On 12 September 1804, L’Espinasse wrote to Bishop Carroll in Baltimore desperately seeking his help with the ecclesiastical crisis. L’Espinasse warned, “The Reverend Antoine, Capuchin, priest of this town, has sent to Rome a memorandum signed by several members of the city government in order to obtain for himself the bishopric of this province...but he is obviously and notoriously

⁶² Francis J. Osborne, S.J., *History of the Catholic Church in Jamaica*, 157.

⁶³ Francis J. Osborne, S.J., *History of the Catholic Church in Jamaica*, 157.

⁶⁴ Francis J. Osborne, S.J., *History of the Catholic Church in Jamaica*, 158.

⁶⁵ Stanley Faye, “The Schism of 1805 in New Orleans,” *Louisiana Historical Quarterly* Vol. 22, No. 1 (Jan. 1939): 98-141. John Gilmary Shea, *History of the Catholic Church in the United States, 1763-1815*, Vol. 2 (Akron, Ohio: D. H. McBride & Co., 1888).

unsuited for the position that he seeks.”⁶⁶ After the death of Patrick Walsh on 22 August 1806, Bishop Carroll took over the administration of the Diocese of Louisiana, but Father Sedella maintained his clerical duties in New Orleans.

Sedella’s unconventional practices drew attention to the sentiments of those in opposition to him – Bishop Carroll and L’Espinasse – especially in regards to people of color. Prior to the transfer of Louisiana to the United States, the Spanish Capuchins implemented policies intended to assimilate people of color, free and enslaved. The Spanish clergy offered the sacraments to people of all ethnic backgrounds. Sedella continued the Spanish Church traditions in baptizing and administering to the people of color. Sedella’s actions may have delayed the materialization of conservative proslavery sentiments within Catholicism in New Orleans.⁶⁷ Sedella also demonstrated a great deal of tolerance in regards to Jansenism, freemasonry brought by Saint-Dominguan immigrants, and French radicalism of whites in Louisiana. Under Sedella, the church itself served “liberal social practices and radical French ideas.”⁶⁸ Overall, Sedella’s racial and ideological tolerance troubled conservative Catholics – Bishop Carroll and L’Espinasse. Considering the anti-clerical sentiments of the French Revolution, Sedella’s transmission of radical French ideas may have seemed threatening to the Catholic Church in Louisiana.

⁶⁶ “Le R. P. Antonio, Capuchin curé de cette ville, a envoyé à Rome un mémoire signé par quelques membres de la municipalité, apris d’obtenir pour lui L’Evêché de cette Province...mais il est évidemment et notoirement audessous de la place qu’il brigue.” Father L’Espinasse, Letter to Bishop Carroll, 9 September 1804, Document #6A10, Associated Archives at St. Mary’s Seminary & University, Baltimore, Maryland.

⁶⁷ Caryn Crossé Bell, *Revolution, Romanticism, and the Afro-Creole Protest Tradition in Louisiana, 1718-1868* (Baton Rouge: Louisiana State University Press, 1997), 71.

Through his involvement with the schism, L’Espinasse earned the favor of Bishop Carroll. On 17 November 1806, Bishop Carroll wrote to the United States Secretary of State, James Madison, in regards to the spiritual affairs of Louisiana. On 20 November 1806, Madison replied, “Nothing being known concerning Mr. L’Espinasse except from your account of him in which all due confidence is placed, no objection can lie against the use you propose to make of him.”⁶⁹ Despite Bishop Carroll’s recommendation, it was public knowledge in New Orleans that L’Espinasse had been excommunicated and expelled from Jamaica.⁷⁰ Either Bishop Carroll was unaware of L’Espinasse’s Jamaican history or he deceived Madison. Bishop Carroll’s newly chosen Vicar-General, John Olivier, reported that L’Espinasse explained to the congregation “the duty of obeying the [appointed] authorities in the Church.”⁷¹ Ironically, L’Espinasse had not proven himself dutiful or obedient to his superiors. His support of Father Walsh put him at the head of a faction opposed by a group that included Dormenon. Lines were drawn when Dormenon became the center of a dispute.

The Anglo-American immigrant, Charles Morgan accompanied L’Espinasse in opposing Dormenon. Morgan migrated to Orleans Territory from New Jersey. In 1805, he served as sheriff of Concordia parish, just north of Pointe Coupée. The next year he

⁶⁸ Caryn Crossé Bell, *Revolution, Romanticism, and the Afro-Creole Protest Tradition in Louisiana, 1718-1868*, 70-1.

⁶⁹ James Madison, 20 November 1806, quoted in *Records of the American Catholic Historical Society of Philadelphia* Vol. 20 (Philadelphia: American Catholic Historical Society, 1909), 64.

⁷⁰ “Ex. Tabulario S.C. de Prop. Fide,” *Congregazioni Particolari*, Vol. 145, Folder 44, In *Survey of Federal Archives in Louisiana: Translations of Documents in Spanish and French Relating to Padre Antonio de Sedella*, eds. and trans. P.M. Hamer and Stanley C. Arthur, Louisiana State University and Works Progress Administration of Louisiana, 1937-8, 22.

⁷¹ John Gilmary Shea, *History of the Catholic Church in the United States, 1763-1815*, Vol. II (Akron, Ohio: D. H. McBride & Co., 1888), 593.

served as a parish surveyor for Pointe Coupée.⁷² In 1807, Morgan desired the parish judgeship in Pointe Coupée. Unfortunately for Morgan, Claiborne appointed Dormenon as parish judge.⁷³ On 1 September 1807, Morgan appealed to the U.S. Secretary of War concerning public buildings under dispute in the parish. Morgan claimed, “Sir the Forte at this place was delivered in my care...which I all ways under Sood [sic] & believed belonged to the war department of U.S.”⁷⁴ Claiborne had requested that Dormenon use the buildings in question for official parish business. On 9 March 1808, in a letter to the Secretary of War, Claiborne wrote about the two factions in Pointe Coupée, one led by Poydras and Dormenon, “who have with them two thirds of the People,” and the other consisting of a colonel of the militia, Morgan, Ebenezer Cooley, and other Americans.⁷⁵ Morgan and L’Espinasse each had reasons for disliking Dormenon. They joined forces against him and his ally, Julien Poydras, in a case that went to the heart of an emerging

⁷² 9 March 1808, Governor Claiborne to Secretary of War, In *The Territorial Papers of the United States*, Clarence Edwin Carter, ed., Vol. IX (Washington, D.C.: Government Printing Office, 1940), 776.

⁷³ Oddly, Morgan does not appear in the 1807 census records for Pointe Coupée parish. If he served as the parish surveyor and then sought to become a judge, one would expect that he would be a resident of the parish. In addition, Morgan is an American, and the majority of the residents in the parish were French. These facts indicate the level of dislike the inhabitants possessed for Dormenon. Jacqueline Saisan, “1807 Pointe Coupee Census,” *Le Raconteur* Vol. 27, no. 1 (April 1997): 25-33.

⁷⁴ 1 Sept. 1807, Charles Morgan to Secretary of War, In *The Territorial Papers of the United States*, Clarence Edwin Carter, ed., 762.

debate over Louisiana identity and the meaning of being French, Catholic, and royalist in the United States.

⁷⁵ 9 March 1808, Governor Claiborne to Secretary of War, In *The Territorial Papers of the United States*, Clarence Edwin Carter, ed., 777.

CHAPTER 3

ANATOMY OF DORMENON'S CASE

Dormenon's case dramatically unfolded in Pointe Coupée, the Superior Court of the Territory of Orleans, and the Louisiana House of Representatives. The original charge of aiding in massacres of whites emerged with a greater significance. Louisianans intimated a fear that Dormenon might provoke a recreation of the Haitian Revolution in Orleans Territory. Yet, the testimony in the case revealed accusations that went beyond his assistance to the revolutionaries in Saint-Domingue. The additional allegations reflect the accusers' racism, their negative perceptions of the French and Haitian Revolutions, and the transfer of Louisiana to the United States that had an effect on the acceptance of Saint-Dominguan refugees in the Territory of Orleans.

When Dormenon left Baltimore for Louisiana, he anticipated a negative reception from Louisianans. In 1806, Louis William Dubourg, priest and administrator of St. Mary's, wrote to the U.S. Secretary of State, James Madison, on Dormenon's behalf: "He asked me to request the kindness of your special recommendation in his favor with the governor of New Orleans."⁷⁶ This entreaty seems to indicate the

⁷⁶ "Il m'a prié de solliciter de votre honnêteté une recommandation particulière en sa faveur auprès du gouverneur de la Nlle.-Orléans." Louis William Dubourg to James Madison, In Pierre Dormenon, *Reponse à des calomnies*, 26.

sympathy American Jeffersonian republicans, such as Claiborne, gave French republicans. To justify his request, Dubourg explained that Dormenon, “Having learned that there exists a certain discontent among part of French inhabitants of Louisiana,” desired, “to repulse upon his arrival in this region, all suspicions and fears that could be associated with him because he is French and because of his profession.”⁷⁷ Later events suggest that Dormenon’s apprehensions were not unreasonable, due perhaps to the stigma attached to French immigrants to Louisiana during the period following the French and Haitian Revolutions.

A feud erupted in Pointe Coupée shortly after Dormenon and L’Espinasse relocated to the parish, resulting in two factions, “almost disposed to engage in a petty civil war.”⁷⁸ Each man sought the removal of the other. Dormenon wanted L’Espinasse out of the parish because of his former excommunication; L’Espinasse accused Dormenon of criminal behavior in Saint-Domingue.⁷⁹ In March 1809, numerous residents of Pointe Coupée, including Julien Poydras’s nephew Benjamin Poydras de la Lande, petitioned the governor, demanding protection for their property and themselves from their enemies, those led by L’Espinasse.⁸⁰ In April, Governor Claiborne journeyed to the parish to try to calm the quarrel, but did not believe it within his powers to take any

⁷⁷ “Ayant appris qu’il existait quelques mécontentemoens parmi une partie des habitans Français de la Louisiane, et désirant repousser dès son arrivée dans ce pays, tous les soupçons et des craintes qui pourraient s’attacher à lui, à cause de sa qualité de Français et de sa profession.” Louis William Dubourg to James Madison, In Pierre Dormenon, *Reponse à des calomnies*, 26

⁷⁸ Charles Gayarré, *History of Louisiana*, 209.

⁷⁹ The sources for this thesis do not directly state a motive for Dormenon’s initial opposition to L’Espinasse. It is easy to assume that Dormenon thought it his duty as parish judge. However, it is also possible that Dormenon disliked L’Espinasse’s opposition to Governor Claiborne. It is obvious that L’Espinasse was able to present a counter charge against Dormenon, perhaps in his own defense.

action. Poydras traveled to Washington, D.C., after his election as the territorial delegate to the U.S. Congress in 1809, not to return until the Louisiana constitutional convention in 1812. “I believe every thing is now tranquil at Point-Coupee,” Claiborne wrote to Poydras, “The Vicar General informs me, that he has recalled M^r Lespinasse.”⁸¹ However, L’Espinasse remained in Pointe Coupée until a temporary replacement arrived in 1810, and he took over the priesthood at St. James of Cabahanosse.⁸² L’Espinasse thereby successfully created a diversion from his excommunication and slipped from the center of Louisianans’ attentions. Despite Claiborne’s optimism and the Vicar General’s resolution, more of the Dormenon controversy stirred in New Orleans.

On 7 August 1809, a crowded New Orleans courtroom witnessed the first day of testimony of Dormenon’s case.⁸³ The Superior Court sought Dormenon’s removal from the bar for his alleged aid to the colored insurrectionists in the massacres at Sale-Trou. Judge Joshua Lewis presided. The opposing counsel included Louis Casimir Moreau-Lislet and Etienne Mazureau, both future Attorney Generals of Louisiana. Moreau-Lislet and Mazureau did not utilize L’Espinasse in the courtroom, because his scandalous past tarnished his credit. Olivier aided the case against Dormenon by removing L’Espinasse to another remote parish. None of the attorneys present in the courtroom chose to defend Dormenon, even though New Orleanians rumored that Dormenon offered one thousand

⁸⁰ Pierre Dormenon, *Reponse à des calomnies*, 26-8. Gabriel Debien, “Un Prêtre Manceau dans L’Aventure,” *La Province du Maine*, 409.

⁸¹ Governor Claiborne to Julien Poydras, 4 June 1809, In *The Territorial Papers of the United States: The Territory of Orleans, 1803-1812*, Clarence Edwin Carter ed., 843.

⁸² Baudier, Roger, *The Catholic Church in Louisiana* (New Orleans: n.p., 1939), 287.

⁸³ Throughout the events associated with the controversy, allusions to the French and Haitian Revolutions, the regime changes in Louisiana, and the color lines within the western world emerged; I will present an in depth analysis of these topics in the following chapter.

dollars to anyone willing to aid in his defense.⁸⁴ A translator, Henry Paul Nugent, perceiving the injustice against Dormenon, volunteered to help him, claiming, “By refusing to defend Mr. Dormenon, the lawyers pronounced him guilty before the trial.”⁸⁵ Nugent believed that the burden of proof upon the *accuser* increases with the atrocity of the accusation.⁸⁶ However, the opposing members of the court placed the burden of proof on Dormenon, who was expected to prove that the accusations were false. Nugent reported that Dormenon “was so moved that he burst into tears” during his defense.⁸⁷ At the end of the sixth day, Lewis granted Dormenon four months, until the first of January, to obtain further testimony.⁸⁸

Although local newspapers did not detail the case, many men wrote about the trial and published varied accounts. A. Daudet, the publisher of the newspaper *La Lanterne Magique*, published the depositions of the August proceedings. Governor Claiborne believed Englishmen in the U.S. territory of Louisiana determined to create disunion and turmoil amongst the inhabitants produced *La Lanterne Magique*. He accused the publishers of peddling libelous propaganda against the territorial government.⁸⁹ Nugent published a less formal and more emotional account, *Observations on the Trial of Peter Dormenon, Esquire*. He described Mazureau’s harangue as “like that of a fanatical field-preacher, directed to the nerves, not to the

⁸⁴ Henry Paul Nugent, *Observations of the Trial of Peter Dormenon, Esquire, Judge of the Parish Court of Point Coupee* (New Orleans: Published for the Author, 1809), 8.

⁸⁵ Henry Paul Nugent, *Observations of the Trial of Peter Dormenon, Esquire*, 9.

⁸⁶ Nugent attributes this theory to Cesare Beccaria. Henry Paul Nugent, *Observations of the Trial of Peter Dormenon, Esquire*, 7.

⁸⁷ Henry Paul Nugent, *Observations of the Trial of Peter Dormenon, Esquire*, 5.

⁸⁸ François-Xavier Martin, 1 Mart. (O.S.) 129 Dormenon’s Case, *Orleans Term Reports* (New Orleans: John Dacqueny, 1811), 130.

understanding of his hearers....He pumped up a rancorous flood of frothy declamation, till the bilge-water of his nonsense made me nauseate.”⁹⁰ Despite Nugent’s charged report, the bureaucracy treated Dormenon as a criminal.

In early September 1809, Governor Claiborne dismissed Dormenon as judge of the Pointe Coupée parish. Claiborne believed it “improper” for him to act as judge until the Superior Court deemed him innocent, pending the new testimony promised for January. In an official letter to Dormenon, he wrote, “If...there is no foundation for the charges which tend so greatly to lessen your claims to public confidence, I shall be much gratified, and will certainly be disposed to render your entire justice.”⁹¹ Dormenon stepped down as judge and began collecting witnesses for his defense throughout the territory, primarily among immigrants from Saint-Domingue living in New Orleans.

In January 1810, Dormenon responded to his critics in a widely circulated publication, *Reponse à des calomnies*. It opened with a lengthy foreword filled with emotion: “For a long time people have wanted my place, caused me all kinds of harassment, heaped all manner of disgust on me: I triumphed over everything. But the resources of the intrigue and its perversity are inexhaustible.”⁹² He argued that since his enemies could not attack his judiciary performance, they chose to accuse him of crimes

⁸⁹ Charles Gayarré, *History of Louisiana*, 209.

⁹⁰ Henry Paul Nugent, *Observations of the Trial of Peter Dormenon, Esquire*, 5.

⁹¹ William C.C. Claiborne to Pierre Benonime Dormenon, 9 September 1809, In Henry Paul Nugent, *An Account of the Proceedings Had in the Superior Court of the Territory of Orleans against Thierry & Nugent for Libels and Contempt of Court* (Philadelphia: Printed for the Members of Congress and of the Orleans Legislature, 1810), 102-3.

⁹² “Depuis long tems on en veut à ma place, on m’a suscité, toute espèce de tracasseries, on m’a abreuvé de toute espèce de dégoûts: j’ai triomphé de tout. Mais les ressources de l’intrigue et de la perversité sont inépuisables.” Pierre Benonime Dormenon, *Reponse à des calomnies*, 2.

“dangerous even to speak of” in Louisiana.⁹³ The opposition charged that he had “headed, aided and assisted” the revolutionary people of color in Saint-Domingue in 1793.⁹⁴ Nugent translated Dormenon’s appeal free of charge, because he thought it was his duty “to assist gratuitously a man assailed by a *septembrising* conspiracy.”⁹⁵ The use of the term “septembrising” is significant in this context. Nugent uses a reference to the September Massacre of 1792, in which French republicans, fearful that monarchical Prussians advancing into France might aid a counterrevolution, *preemptively* executed over one thousand prisoners suspected of royalist sympathies.⁹⁶ This allusion dramatizes the perception of the conspiracy against Dormenon. For his part, Dormenon sought to discredit the prosecuting testimony, first by pointing out their minor factual errors and building his case, dramatically, to include those charges he considered especially grave.

First, Dormenon sought to disprove the claims of his enemies regarding the date of his appearance in the Caribbean. For the prosecution, Antoine Remy testified that he knew the defendant in Jacmel from “about 1787 to 1793,” but he was uncertain of Dormenon’s date of arrival.⁹⁷ Remy was the only witness to argue that he knew the accused in Saint-Domingue as early as 1787. To counter, Dormenon presented two witnesses that supported his own chronology. Joseph Belzons stated that he attended

⁹³ “dont il était même dangereux de parler,” Pierre Benonime Dormenon, *Reponse à des calomnies*, 2.

⁹⁴ François-Xavier Martin, 1 Mart. (O.S.) 129 Dormenon’s Case, *Orleans Term Reports* (New Orleans: John Dacqueny, 1811), 129.

⁹⁵ Henry Paul Nugent, *An Account of the Proceedings Had in the Superior Court of the Territory of Orleans against Thierry & Nugent for Libels and Contempt of Court* (Philadelphia: Printed for the Members of Congress and of the Orleans Legislature, 1810), 65. After 1789, many neologisms emerged in France. See Peter McPhee, *The French Revolution, 1789-1799* (New York: Oxford University Press, 2002), 137.

⁹⁶ Peter, McPhee, *The French Revolution, 1789-1799* (Oxford: Oxford University Press, 2002), 98-100.

⁹⁷ Testimony of Antoine Remy, *Recueil des depositions faites pour et contre le Sr. P. Dormenon*, 10.

school in France with the accused and knew him there until the end of 1790. The two reunited in Louisiana around 1806.⁹⁸ Jean Louis Demorcy testified that he knew Dormenon in Jacmel at the end of 1791, and the two men joined forces in combating the colored insurgents.⁹⁹ But Dormenon needed to bring more of the opposing assertions into question for an acquittal of the charges.

The identity of Dormenon's initial employer, the head surveyor in Saint-Domingue, was another matter of dispute. Dormenon had cooperated with the surveyor in drafting reports. Remy named a Mr. Chapui as head surveyor.¹⁰⁰ Dormenon contended that it was actually Ossonne. He wrote, "As for Mr. Chapui, by whom my slanderers claim I was employed, he was no longer in the Colony at the time of my arrival."¹⁰¹ André Chappe de Léonval, brother-in-law of Ossonne, the successor of Chapui, testified about Dormenon's true employer. However, this contradictory testimony did not settle the dispute, because no one in the court confirmed the name of the surveyor.¹⁰² From this smaller inaccuracy, Dormenon grew more aggressive in his argument.

More significantly, Dormenon attempted to separate himself from insurgent leaders, Deslisle de Brissoles, Faubert, and Gay.¹⁰³ Some witnesses testified that Deslisle

⁹⁸ Pierre Benonime Dormenon, *Reponse à des calomnies*, 9.

⁹⁹ Pierre Benonime Dormenon, *Reponse à des calomnies*, 16.

¹⁰⁰ *Recueil des depositions faites pour et contre le Sr. P. Dormenon*, 11.

¹⁰¹ "Quant à Mr. Chapui, chez lequel mes calomniateurs prétendent que j'étais employé, il n'était plus dans la Colonie à mon arrivée." Pierre Benonime Dormenon, *Reponse à des calomnies*, 3.

¹⁰² Only Remi and Léonval testified on this issue. I have not been able to locate independent confirmation of the name of the surveyor at the time of Dormenon's employment.

¹⁰³ The names of these insurgents vary from account to account. Deslisle de Brissoles is also spelled Delisle Brissol. François Xavier Martin lists Deslisle de Brissoles as two separate people as De Lisle and Brissot. Gay is spelled Guay and Gai. It is highly probable that in this context, Guay is Guillaume Guay,

de Brissoles, an ally of the commissioners and a known leader of the massacres at Sale-Trou, visited Dormenon while he was imprisoned.¹⁰⁴ Mr. Bourgeois did not mention such a visit in his testimony regarding his imprisonment *with* Dormenon.¹⁰⁵ To further distance himself, Dormenon presented testimony asserting his absence in the area at the time of the massacres. Three women – Henriette Druihet, Marie MacGille Metayer, and Madeleine MacGille Metayer – swore they did *not* know of Dormenon and only associated the massacres with Deslisle de Brissoles, Faubert, and Gay.¹⁰⁶ If Dormenon were the monster the prosecution claimed, three white women of the district should have known of him.

In addition, the prosecution asserted that Dormenon married a quadroon woman, specifically Deslisle de Brissoles’s daughter, Fachonette Dubois. Remy testified of knowing of the marriage through hearsay. Guiet also stated that he heard rumor of Dormenon’s union with Deslisle de Brissoles’s daughter. However, Charles Ellinghaus claimed that Dormenon married Deslisle de Brissoles’s *goddaughter*, “who was one quarter black.”¹⁰⁷ Judge Lewis determined the inconsistencies irrelevant since the witnesses all agreed upon “the important fact,” an interracial marriage.¹⁰⁸ Despite the similarity between the testimonies of these men, the information spoken in court varied from that in the original affidavit. According to Nugent, “Remi [sic] and Ellingham [sic]

who worked under Polverel in enforcing emancipation on plantations in Aquin. For consistency, I chose to use the spellings utilized by Pierre Benonime Dormenon, In *Reponse à des calomnies*.

¹⁰⁴ *Recueil des depositions faites pour et contre le Sr. P. Dormenon*.

¹⁰⁵ Pierre Benonime Dormenon, *Reponse à des calomnies*, 19.

¹⁰⁶ Pierre Benonime Dormenon, *Reponse à des calomnies*, 10-11.

¹⁰⁷ *Recueil des depositions faites pour et contre le Sr. P. Dormenon*, 16.

swore in their affidavit that Mr. Dormenon was married, in their presence, to a woman of colour; (which it seems is the same thing as to commit massacres;) in court they declared they had only heard of his marriage.”¹⁰⁹ Nugent introduced the true significance of the charge, the woman’s color. Dormenon did not arrive in the United States with a wife, appeared single in all census records, and died a bachelor. He did not even address the supposed marriage in his rebuttal. Despite the lack of evidence, such as a marriage certificate or an eyewitness, the prosecution wanted to emphasize his supposed sympathy with people of color.

Accusing Dormenon of sympathizing with colored people required an ignorance of his *current* way of life, especially slave ownership.¹¹⁰ His life seemed rather similar to those of his accusers. Dormenon befriended the wealthiest planter and slaveholder in the territory, Poydras, who had faced a previous slave conspiracy on his own plantation. Dormenon himself spent years amidst two violent and bloody revolutions. In addition, in the 1809 census of Pointe Coupée, he owned ten arpents of land and nine slaves. If he held malicious insurrectionary intentions, he was not living a life destined for revolutionary leadership or involvement. Yet, Louisianans revealed with the charges brought against him a fear that Dormenon would encourage a replication of the slave revolt of Saint-Domingue in his new home in the territory of Orleans.

¹⁰⁸ Henry Paul Nugent, *An Account of the Proceedings Had in the Superior Court of the Territory of Orleans against Thierry & Nugent for Libels and Contempt of Court* (Philadelphia: Printed for the Members of Congress and of the Orleans Legislature, 1810), 107.

¹⁰⁹ Henry Paul Nugent, *An Account of the Proceedings Had in the Superior Court of the Territory of Orleans against Thierry & Nugent*, 107.

¹¹⁰ It is important to emphasize time here. The rules, both in law and in practice, regarding relations between blacks and whites differed both in Louisiana and in Saint-Domingue in earlier years, in the *past*.

Dormenon addressed the groundless charges brought against him, that is, assisting the insurrectionists of color in Sale-Trou in 1793. The prosecution claimed that after the commissioner's August emancipation proclamation, "the Cannibals charged with executing the secret orders of Polverel committed horrible massacres more generally known under the name of the massacre of Sale-Trou."¹¹¹ The prosecution did *not* accuse Dormenon of killing anyone himself, but of aiding and/or ordering the execution of whites. Jean Baptiste Guiet declared, "Robespierre did not execute people himself."¹¹² Robespierre led the Reign of Terror in France from 1793-4 and was responsible for the death of tens of thousands of people.¹¹³ This drastic comparison made Dormenon the Robespierre of the Haitian Revolution. The charges against him caused a degree of uneasiness amongst some citizens. In his account of the August proceedings, Nugent claimed, "I have heard it observed by several Frenchmen, that the proceedings in the case of Mr. Dormenon, have endangered the reputation and personal safety of every man here who lived in France or in St. Domingo during the reign of terror."¹¹⁴

In comparison to the prosecution, Dormenon utilized much milder tactics in his own defense. Dormenon used his age foremost for his argument. At the time of the massacres in Sale-Trou, he was only nineteen years-old; Robespierre was thirty-five when the Reign of Terror commenced in France. The prosecution applied an odd conflation of time with this comparison, as if none had elapsed between the Terror and

¹¹¹ *Recueil des depositions faites pour et contre le Sr. P. Dormenon*, 7-8.

¹¹² "Robespierre n'exécutait pas lui-même les gens." *Recueil des depositions faites pour et contre le Sr. P. Dormenon*, 24-5.

¹¹³ For more information see David Andress, *The Terror: The Merciless War for Freedom in Revolutionary France* (New York: Farrar, Straus and Giroux, 2005), 6.; Graeme Fife, *The Terror, The Shadow of the Guillotine: France 1792-1794* (London: Portrait, 2003).

1809, as if Dormenon was the same age in 1793 as in 1809. According to Nugent's account, "He [Dormenon] argued from his age, that the charge of having instigated assassination was incredible; he observed that a youth of the age may plunge the dagger himself, but not direct the hand of another."¹¹⁵ As this statement demonstrates, Dormenon attempted a strategy of simple human reasoning. Nugent commented, "When he argued on the calculation of probabilities, and on the general principles of human action, his reasoning appeared to me victorious."¹¹⁶ Dormenon also used character witnesses to emphasize the irrationality of such charges given his demeanor preceding and following the massacres at Sale-Trou.

Multiple witnesses who knew him personally described Dormenon's character favorably. From their education together in France, Belzons noted that instructors used Dormenon as an example for other schoolchildren because of his resolute behavior in class.¹¹⁷ Both witnesses from the prosecution and defense testified that he aided in defending Jacmel in 1791 and that he served as an attorney in the southern province. Jean Baptiste Sainet described, "He [Dormenon] professed the principles of liberality and humanity, courageously taking on the defense of an inhabitant who was to be condemned to death by the agents of Toussaint."¹¹⁸ Alexandre Duhamel, Democry, Jean Louis Lapauze, and the interim Commissioner of French Commercial Relations in Baltimore, Louis François Leloup, confirmed that Dormenon sat on the Council of Notables of

¹¹⁴ Henry Paul Nugent, *Observations of the Trial of Peter Dormenon, Esquire*, 13.

¹¹⁵ Henry Paul Nugent, *Observations of the Trial of Peter Dormenon, Esquire*, 7.

¹¹⁶ Henry Paul Nugent, *Observations of the Trial of Peter Dormenon, Esquire*, 8.

¹¹⁷ Pierre Benonime Dormenon, *Reponse à des calomnies*, 8.

Cayes around 1800, “a responsibility that only called those inhabitants of an irreproachable conduct.”¹¹⁹ Overall, before and after the massacres, Dormenon enjoyed the respect and confidence of the inhabitants of each of the parishes in which he resided. Despite his satisfactory reputation, even the few men associated with Dormenon’s defense – Nugent and Jean Baptiste Thierry, founder and editor of *Le Courier de la Louisiane* – underwent persecution, publicly and legally.

In May and June of 1810, the Superior Court sued Nugent for libel against Judge Lewis during Dormenon’s case and Thierry for contempt of court during Nugent’s trial. Nugent explained that he wrote in Dormenon’s defense in order to silence all his calumniators, “from the buffoon Daudet to the jurisconsults Moreau Lislet and Derbigny.”¹²⁰ Nugent published an account of the proceedings for libel, “to vindicate the freedom of the press, that terror of oppressors,” and to defend his own honor.¹²¹ Judge François Xavier Martin presided. Concerning the charges, Nugent remarked, “Of my having published my opinion concerning the affair of Mr. Dormenon...Does judge Martin presume to maintain the right of an American court to arraign the conduct of Mr. Dormenon while a French municipal officer in St. Domingo, in 1793?”¹²² Statements like these seem to illustrate Nugent’s positive sentiments regarding republicanism and his

¹¹⁸ “Il a professé des principes de libéralité et d’humanité en embrassant courageusement la defense d’un habitant qui devait être condamné à mort par les agens de Toussaint.” Pierre Benonime Dormenon, *Reponse à des calomnies*, 21.

¹¹⁹ “Charge où n’étaient appelés que ceux des habitans d’une conduite irréprochable.” Testimony of Alexandre Duhamel, In Pierre Benonime Dormenon, *Reponse à des calomnies*, 13.

¹²⁰ Henry Paul Nugent, *An Account of the Proceedings Had in the Superior Court of the Territory of Orleans against Thierry & Nugent*, 65.

¹²¹ Henry Paul Nugent, *An Account of the Proceedings Had in the Superior Court of the Territory of Orleans against Thierry & Nugent*, 3.

disdain for the abuse of the judiciary by some Frenchmen in Louisiana. Yet, Dormenon was a French lawyer and judge, which speaks to the question of identity in Louisiana during the transition from France to the United States. Nugent was not alone in his opinions.

On 4 June 1810, Thierry defended Nugent in *Le Courier de la Louisiane*. He began his editorial with a disclaimer explaining his disapproval of Nugent's method of presenting his arguments. However, he addressed the actual libels of daily New Orleanian publications, such as *Friend of the Laws* and the *Orleans Gazette*. He claimed that these newspapers "enjoy the privilege of defaming characters the most respectable and the most sincerely devoted to the prosperity of their country; they shall endeavour to crush them beneath the weight of their virulent and calumnious invectives."¹²³ For instance, in early March, the *Friend of the Laws* printed an article against Dormenon asserting, "Peter Dormenon lies; Peter Dormenon is an impostor; and that is the least of his vices."¹²⁴ Thierry claimed that the court tried Nugent for speaking the awful truth about Judge Lewis, declaring, "*Let others call such a state of things, a state of polished society, I see in it nought but the horrid regimen of a haunt of cut-throats, and the frantic rage of party spirit.*"¹²⁵ Thierry's comment on party spirit most likely reflected a grudge he developed for political parties in previous years.

¹²² Henry Paul Nugent, *An Account of the Proceedings Had in the Superior Court of the Territory of Orleans against Thierry & Nugent*, 15.

¹²³ Henry Paul Nugent, *An Account of the Proceedings Had in the Superior Court of the Territory of Orleans against Thierry & Nugent*, 10.

¹²⁴ Henry Paul Nugent, *An Account of the Proceedings Had in the Superior Court of the Territory of Orleans against Thierry & Nugent*, 90.

¹²⁵ Henry Paul Nugent, *An Account of the Proceedings Had in the Superior Court of the Territory of Orleans against Thierry & Nugent*, 10.

Thierry's publications had received negative attention prior to his alleged libels in support of Dormenon. Claiborne appointed Thierry to print the laws for Orleans Territory around 1807. However, Thierry's work since that appointment displeased the U.S. Secretary of State. In August 1809, State Department clerk Stephen Pleasonton wrote to Governor Claiborne, "Some publications...ascribed to M^r Thierry...of so violent and disorganizing a character...rendered him...an unfit Agent of any kind of this Government."¹²⁶ Pleasonton referred to documents concerning the batture of the Mississippi River in 1808, such as Thierry's *Examination of the Claim of the United States and of the Pretensions of Edward Livingston, Esq. to the Batture in Front of the Suburb St. Mary*.¹²⁷ Thierry acknowledged, "I am well aware that by entering on the examination of this important question, I shall incur the censure of those persons to whose interests, or even to whose prejudices, my sentiments may be adverse."¹²⁸ Nugent shared in Thierry's unpopularity through words and print, but under differing circumstances.

Nugent previously experienced the horrors of a trial for libel, due to his involvement in the case of Judge James Workman in 1807. Nugent states, "If any lawyer denies that in the case of Mr. Workman, judge Lewis committed manifest and horrid injustice, he taxes me with perjury."¹²⁹ Throughout the Burr Conspiracy – an attempt by

¹²⁶ Stephen Pleasonton to Governor Claiborne, 16 August 1809, In *The Territorial Papers of the United States: The Territory of Orleans, 1803-1812*, Clarence Edwin Carter, ed., 849.

¹²⁷ For more information see Ari Kelman, *A River and Its City: The Nature of Landscape in New Orleans* (Berkeley: University of California Press, 2006).

¹²⁸ Jean Baptiste Simon Thierry, *Examination of the Claim of the United States and of the Pretensions of Edward Livingston, Esq. to the Batture in Front of the Suburb St. Mary* (New Orleans: Thierry & Co., 1808), 1

¹²⁹ Henry Paul Nugent, *Observations of the Trial of Peter Dormenon, Esquire*, 22.

Aaron Burr to separate Louisiana Territory and other western states from the United States – Workman warned Governor Claiborne of the actions of General James Wilkinson in various letters.¹³⁰ Workman, county judge of Orleans, issued writs of *habeas corpus* to Samuel Swartwout and Peter Ogden, confidential agents of Burr accused of participation in the conspiracy. Wilkinson had Workman arrested for his implied involvement in the Burr Conspiracy by issuing the writs of *habeas corpus*. In 1807, the court acquitted Workman of the charges, but Judge Lewis expelled him from the bar. In a later affidavit to the grand jury, Nugent wrote, “Deponent believes that the charges of misrepresentation was made through a spirit of falsehood...to injure and oppress said Workman...the affair of the expulsion...if not enquired into no justice can be expected in this city.”¹³¹ The Burr conspiracy made loyalty to the United States a serious issue, which increased the pressure to define Louisiana identity. In February 1808, Nugent received a pardon for the offense of libel in the Workman case, while Dormenon’s case had not even made it to New Orleans.¹³²

On 9 July 1810, Judge Lewis ruled against Dormenon, removing the defendant from the bar. Lewis asserted, “The safety of the country requires that no person who has acted in concert with the negroes and mulattoes of St. Domingo, in destroying the whites, ought to hold any kind of office here, however fair their conduct may since have

¹³⁰ For more on the Burr Conspiracy see Walter Flavius McCaleb, *The Aaron Burr Conspiracy* (New York: Wilson-Erickson, 1936) and Milton Lomask, *Aaron Burr: The conspiracy and years of exile, 1805-1836*, Vol. 2 (New York: Farrar, Straus and Giroux, c1979-c1982). To read the correspondence see James Workman, *A letter to the Respectable Citizens, Inhabitants of the County of Orleans Together with Several Letters to His Excellency Governor Claiborne, and Other Documents Relative to the Extraordinary Measures Lately Pursued in this Territory* (New Orleans: Bradford & Anderson, 1807).

¹³¹ Henry Paul Nugent, *Observations of the Trial of Peter Dormenon, Esquire*, 22-23.

been.”¹³³ The Superior Court of Orleans Territory perceived, or at least labeled, Dormenon as a threat to the security of Louisianans by disbaring him. Despite his inability to practice within the judiciary, Dormenon continued in the political community through the legislature. The stigma attached to him remained with him in the first statewide elections in June 1812, when Pointe Coupéeans disputed his election as a representative for the parish.

During the meeting of the first session of the first legislature of the state of Louisiana, a handful of Pointe Coupéeans petitioned Dormenon’s election. These citizens believed “the said election to be illegal, because it was not held in the manner prescribed by law.”¹³⁴ Their complaints included location, the lack of seals on the election boxes, and eligibility of voters who participated in the election. According to the protestors, non-residents, non-property owners, and under aged citizens were allowed to vote. The committee of elections, headed by Stephen Hopkins of Acadia County, investigated each grievance. The committee found the allegations to be unfounded and declared Dormenon duly elected.¹³⁵ However, the committee’s work continued, because Pointe Coupéeans prolonged their protests by rehashing the controversy concerning Dormenon in Saint-Domingue before the House in early August.

The committee presented its report to the Louisiana House, contradicting Lewis’s earlier ruling. In regards to the affidavit filed by Guiet, the committee declared that if

¹³² *The Territorial Papers of the United States: The Territory of Orleans, 1803-1812*, Clarence Edwin Carter, ed., 796.

¹³³ François-Xavier Martin, 1 Mart. (O.S.) 129 Dormenon’s Case, *Orleans Term Reports* (New Orleans: John Dacqueny, 1811), 132.

¹³⁴ Gongis et al., *Journal of the House of Representatives of the State of Louisiana: First Session – First Legislature* (New Orleans: s.n., 1812), 9.

found therein, “Inconsistency in his testimony, such palpable contradictions in his *relation* of facts as clearly ought to destroy his credibility.”¹³⁶ Similar objections arose against the testimony of Pierre Aicard and Ellinghaus. Overall, the House committee ruled Dormenon innocent of the charges. In addition, Hopkins remarked, “Were your committee a court of justice, vested with the powers and authority to try and condemn a man for crimes committed in a foreign country, they could not from any testimony produced in the present case, pronounce a judgment different from the substance of this report.”¹³⁷ This is an obvious pointed criticism of Judge Lewis.

In fall 1812, the same Judge Lewis who ruled against Dormenon, reversed his earlier opinion. Dormenon presented Lewis with affidavits, obtained through the enquiry by the Louisiana House, disproving the previous testimony. Lewis declared,

Since, then, that branch of the legislature which immediately represents the body of the people, have declared themselves perfectly satisfied that no imputation attached on Mr. Dormenon, in regard to his conduct...there seems to be no good reason to deny his prayer, to be reinstated in his seat at the bar.¹³⁸

Lewis rescinded his 1810 ruling, and Dormenon continued in his elected position in the Louisiana House of Representatives.

At the end of Dormenon’s case, L’Espinasse, Poydras, and Dormenon’s paths diverged again. Dormenon continued his public service until his death in 1833. He worked in the legislature alongside his comrade Poydras in 1812. Poydras went on to serve as the President of the Louisiana State Senate. Dormenon served in the Louisiana

¹³⁵ Gongis et al., *Journal of the House of Representatives of the State of Louisiana*, 11.

¹³⁶ “Appendix – No. 2.,” *Journal of the House of Representatives of the State of Louisiana*, iii.

¹³⁷ “Appendix – No. 2.,” *Journal of the House of Representatives of the State of Louisiana*, v.

House of Representatives again in 1816. L’Espinasse remained in Saint James Parish until 1816, when he returned to the northern coast of France. He lived out the remainder of his life in peace as the chaplain of the fifth infantry regiment of the Royal Guard.¹³⁹ Dormenon became parish judge of Pointe Coupée in 1818, and he maintained that post until 1832. When he died in July 1833, his obituary read, “The loss of this worthy magistrate, who discharged his duties with so much zeal and integrity, has been sensibly felt by all who knew him.”¹⁴⁰ At least by the time of his death, the stigma of the French and Haitian Revolutions that had once been attached to him had disappeared.

¹³⁸ François-Xavier Martin, 2 Mart. (O.S.) 305 Dormenon’s Case, *Orleans Term Reports* (New Orleans: John Dacqueny, 1818), 306.

¹³⁹ Gabriel Debien, “Un Prêtre Manceau Dans L’Aventure, 410.

¹⁴⁰ Obituary for Pierre Benonime Dormenon, *L’Abeille*, 10 July 1833, p. 2.

CHAPTER 4

LANGUAGE, IDENTITY, AND POWER

Although the stigma attached to Dormenon disappeared by the time of his death, the significance of his case still exists in historical memory. Louisianans hoped to make Dormenon's reputation a sacrifice for the security of Louisiana and the lives of other Saint-Dominguan refugees. However, as discussed in the introduction, authors have omitted his story from the historiography. This chapter seeks to provide an in-depth analysis and interpretation of the larger themes and ideas interwoven in the Dormenon controversy, such as perceptions of the American, French, and Haitian Revolutions, Louisianans' identity crises throughout the regime changes, and racial prejudices.

The allusions to the French Revolution in Dormenon's case emerge with a degree of subtlety, but they do not lack significance. In the testimony, Dormenon did not just seek to discredit the prosecution's witnesses by disputing his arrival date; he attempted to diminish his perceived willingness to become republican. On one hand, Dormenon seems to think that if he arrived in Saint-Domingue around or before 1787, without exposure to the outbreak of the French Revolution that would seem to explain his alleged acceptance of the revolutionary ideas. Saint-Domingue was a slave society, and republican sentiments threatened the institution of slavery. On the other hand, he seems to have thought that if he arrived after the commencement of the revolution that

would corroborate his claim that he was reluctant to support the Revolution, as well as his greater fear of refusing an appointment from Polverel, a revolutionary commissioner. While this link to the French Revolution was by allusion only, the references to Maximilien Robespierre must have been frighteningly palpable and meaningful.

Robespierre represents both a positive and negative figure of the French Revolution today, but in the nineteenth century, he embodied all there was to fear from it for those who were anti-republican. Guiet's words, "Robespierre did not execute people himself," had much meaning.¹⁴¹ Most significant for this context was the term "people." Guiet obviously was not referring to all of humankind. He meant *white* people, and even more specifically, white Girondists or anti-republican. In 1793, the French National Convention appointed Robespierre to the Committee of Public Safety, which was responsible for trying and executing by guillotine thousands of French royalists. As a municipal officer in Saint-Domingue, Dormenon was responsible for enforcing Polverel's decrees, Caribbean extensions of the revolutionary government. Mazureau and Moreau-Lislet accused Dormenon of ordering the executions of whites opposed to the revolution in Sale-Trou. Another similarity between these men regarded their sympathies for people of color. Robespierre was a member the Société des Amis des Noirs (Friends of the Blacks) in France. Dormenon supposedly married a mulâtress and aided the blacks in the massacres at Sale-Trou. However, one distinction between the two republicans was the punishment for their crimes. Counterrevolutionaries executed Robespierre on 28 July

¹⁴¹ "Robespierre n'exécutait pas lui-même les gens." *Recueil des dépositions faites pour et contre le Sr. P. Dormenon*, 24-5.

1794. Louisianans did not seek Dormenon's execution; they sought his disbarment through what Nugent called a "*septemberizing* conspiracy."¹⁴²

Nugent chose "*septemberizing*" specifically to counter the analogy of Dormenon with Robespierre. The French Revolution made France vulnerable to outside invasion, because it was a threat to monarchies across Europe and weakened the solidarity of the French people. The September Massacres took place on 2 September 1792, after the French learned that Verdun had fallen to the Prussians. The massacres were a preemptive reaction to fears of an invasion by counterrevolutionary powers. The revolutionaries executed approximately 1,200 previously imprisoned royalists, 240 of which were priests who had refused to take an oath to the constitution. In Nugent's opinion, royalist Louisianans staged their own preemptive *septemberizing* attack on all Saint-Dominguans, whom they lumped into one group, indistinguishable by age, sex, wealth, or political stance. Perhaps, Nugent intentionally used this strong metaphor to raise doubts about who the true "terrorists" or "radicals" were in Dormenon's case. Anti-republican Louisianans made Dormenon into a representative of revolutionary Haiti, and targeted him in a preemptive strike. For other refugees, he was a necessary sacrifice for their own security.

Many Saint-Dominguans fled the island to Cuba after Haitian independence in 1804, but war between France and Spain in continental Europe ended the Spanish hospitality to refugees in Cuba in 1809. Consequently, more refugees went to Louisiana. Louisianans feared that the Haitian Revolution would accompany the refugees in the

¹⁴² Henry Paul Nugent, *An Account of the Proceedings Had in the Superior Court of the Territory of*

form of revolutionary ideas held by whites, blacks, and people of mixed ancestry. Although a continuous flow of refugees entered America and its territories, almost ten thousand new émigrés landed in New Orleans from May 1809 to June 1810.¹⁴³ Dornemon's case came before the Superior Court in June 1809, and Judge Lewis issued his conviction in July 1810. Apparently the scare tactics of New Orleanians worked, because Nugent claimed that many Frenchmen remarked on the dangers faced by former residents of revolutionary France or Saint-Domingue. Nugent described, "There is no man whom some persons will not accuse of having acted a part in scenes of atrocity, all persons of either party having passed in the opinion of those of the other, for *drinkers of blood*, and the *moderates* having been considered as enemies, by all the conflicting factions."¹⁴⁴ Again, Nugent utilized an allusion to the French Revolution with the term "*drinkers of blood*," or *buveurs de sang*. Counterrevolutionaries coined this term for radical participants in the September Massacres.¹⁴⁵ Nugent may have been only slightly overdramatic in his descriptions.

Moreau-Lislet responded angrily in *Friend of the Laws* to accusations about his conduct in Saint-Domingue made by Dornemon. He wrote, "He [Dornemon] seems to insinuate that my conduct in St. Domingo, during the revolution, was not as free from reproach, as I could wish to persuade myself."¹⁴⁶ Moreau-Lislet, born in Le Cap, Saint-

Orleans against Thierry & Nugent, 65.

¹⁴³ Paul Lachance, "The Formation of a Three-Caste Society, 227.

¹⁴⁴ Henry Paul Nugent, *Observations of the Trial of Peter Dornemon, Esquire*, 13.

¹⁴⁵ Peter McPhee, *The French Revolution*, 137.

¹⁴⁶ Moreau-Lislet referred to a second publication by Dornemon concerning his defense. I have not been able to locate such a document at this time, so I do not know exactly how Dornemon formed his argument. Louis Casimir Elisabeth Moreau-Lislet, *Friend of the Laws*, 8 March 1809, translated in Henry Paul

Domingue but educated in France, did not flee the Haitian Revolution for Louisiana until 1803. Apparently, Moreau-Lislet befriended Dormenon in Louisiana, but broke ties after certain Pointe Coupéans complained about Dormenon. Moreau-Lislet explained that his relationship with Dormenon was more intimate than his acquaintance with L’Espinasse; therefore, he maintained his friendship with Dormenon early in the feud. He stated, “Till the moment when Remy and Ellinghaus spoke I was the friend of Mr. Dormenon, and I should be still so, but for the dreadful nature of the accusations brought against him.”¹⁴⁷ Moreau-Lislet lived in the Northern Province during the revolution, so he probably did not hear of Dormenon’s conduct in the South until he arrived in Louisiana. Later analysis in this chapter will reveal Moreau-Lislet’s royalist leanings regarding interracial marriage and Roman civil law. Therefore, his friendship with Dormenon, a republican, was probably rather weak prior to the trial. Other Saint-Dominguan refugees managed to avoid the stigma attached to Dormenon through utilizing caution in the public sphere.

Alexandre Duhamel offered a clear example of how refugees could evade negative attention and still participate in the daily life and politics of New Orleans. During the Haitian Revolution, Duhamel lived in the southern province of Saint-Domingue, befriended by Julien Raimond, Hugues Montbrun, and Pierre Dormenon.¹⁴⁸ As previously noted, Raimond was a wealthy quadroon who spoke on behalf of the rights of free people of color while in Paris. Sonthonax and Polverel had appointed Montbrun

Nugent, *An Account of the Proceedings Had in the Superior Court of the Territory of Orleans against Thierry & Nugent*, 87.

¹⁴⁷ Louis Casimir Elisabeth Moreau-Lislet, *Friend of the Laws*, 8 March 1809, translated in Henry Paul Nugent, *An Account of the Proceedings Had in the Superior Court of the Territory of Orleans against Thierry & Nugent*, 88.

as a colonel of the West, and Dormenon served under Polverel as a municipal officer. Duhamel revealed the side he chose in the Haitian Revolution – republican insurrection – through the friends that he kept. He even testified in Dormenon’s defense in New Orleans in 1809, a bold move for a republican refugee. However, he formed his testimony wisely, leaving out information that would incriminate Dormenon, and more importantly, himself. Duhamel testified to having known Dormenon as an attorney in Saint-Domingue, but he did not mention Dormenon’s service as a municipal officer.¹⁴⁹ He most likely omitted knowledge of Dormenon’s republican involvement to avoid questions and suspicions about his knowledge of and connections to the Haitian Revolution, specifically his friendships with Raimond and Montbrun. Although republicans like Dormenon and Duhamel did not provoke insurrections, it turns out that whites had reason to be fearful of revolution amongst slaves in southern Louisiana.

In 1811, hundreds of slaves and some marooned blacks, both of whom would become examples for other blacks, led by a mulatto slave named Charles, rose up in rebellion in St. John Baptiste and St. Charles parishes. The rebels burned plantations. Claiborne called for a detachment of U.S. troops and two companies of the militia to respond to the uprising. The force killed approximately sixty blacks and took about thirty prisoners.¹⁵⁰ Unlike the slave conspiracy of 1795, the interrogations did not reveal the involvement or influence of whites. However, most people then and now link the 1811 insurrection with the news of the Haitian Revolution. This connection, combined with

¹⁴⁸ “Notre digne ami Duhamel.” Hugues Montbrun to Julien Raymond, Dxxv 50, Dossier 485, Archives Nationale, Paris, France. Dr. John D. Garrigus provided this document.

¹⁴⁹ Testimony of Alexandre Duhamel, In Pierre Dormenon, *Reponse à des calomnies*, 13.

Louisiana's history of slave rebellions, augmented the fears towards immigrants. The parallels between Saint-Domingue and Louisiana most likely influenced the sentiments toward the refugees and urgency behind making an example of Dormenon.

There are striking similarities between the massacres at Sale-Trou and the 1795 conspiracy in Pointe Coupée. Blacks and mulattoes took part in the activities in each area. At Sale-Trou, all the participants were *free*, following Polverel's emancipation decree. In contrast, free and enslaved people of color conspired in Pointe Coupée. Investigators, politicians, and citizens of the era all suggested *white* leadership or persuasion in both events. Louisianans accused Dormenon of aiding the brigands at Sale-Trou, while Spanish investigators believed George Rockemborgh and Joseph Bouyavel rallied the people of color in Pointe Coupée.¹⁵¹ The ideologies and policies of the French Revolution inspired both insurrections. The colored rebels in Sale-Trou reacted violently to the abolition of slavery proclaimed by Sonthonax and Polverel, sent to Saint-Domingue by the French National Convention.¹⁵² Bouyavel supposedly preached to the slaves about the *Declaration of the Rights of Man* and about the events of Le Cap.¹⁵³ These coincidences allowed Louisianans to relate the unknown to the familiar. To highlight the connection, the Spanish banished a Saint-Dominguan free man of color, Luis Benoit, from Louisiana. This link between the two conspiracies heightened the fears of settlers about immigrants from the Caribbean.

¹⁵⁰ James Dormon, "The Persistent Specter," *Louisiana History*, 393-398.

¹⁵¹ Jack D. L. Holmes, "The Abortive Slave Revolt at Pointe Coupée, Louisiana, 1795," *Louisiana History* Vol. 11, No. 4 (1970), 352.

¹⁵² *Recueil des dépositions faites pour et contre le Sr. P. Dormenon*, 7-8.

¹⁵³ Gwendolyn Midlo Hall, *Africans in Colonial Louisiana*, 349-50.

The deepest fear concerned the involvement of white republicans, like Dormenon, in events in Louisiana and Saint-Domingue. In the foreword to *Recueil des Depositions Faites pour et contre le Sr. P. Dormenon*, Daudet wrote, “They [free people of color] put torches and daggers into the hands of their Slaves, and [were] aided by a few whites, the most atrocious of all men.”¹⁵⁴ As racism increased in the late 1700s, whites assumed blacks lacked the agency to complete an insurrection successfully on their own. In earlier failed conspiracies, such as that of Samba (See Chapter 2), the conspirators were identifiable by their black skin color. The first successful slave revolt, the Haitian Revolution, and its resemblance to the abortive slave conspiracy of 1795 in Pointe-Coupée, confirmed the fears of “innocent” whites. Not only did some Louisianans believe whites aided in the insurrections of the 1790s, they believed that these whites seemed to desire to be black.¹⁵⁵

Throughout the primary source material related to Dormenon’s case, the word black appears repeatedly in a prejudiced manner. Yet, the authors did not indicate the significance of their word choices. For instance, Dormenon wrote, “It is necessary to either paint all the blackness of one’s enemies at the risk of passing for a hateful and vindictive man, or to agree, by keeping quiet.”¹⁵⁶ Similarly, Stephen Hopkins asserted, “They [the prosecutors] might have supposed their country degraded by admitting into its

¹⁵⁴ “Il placèrent la torche et le poignard dans la main de leurs Eslaves, et aidés de quelques blancs, les plus atroces de tous les hommes.” *Recueil des depositions faites pour et contre le Sr. P. Dormenon*, 1.

¹⁵⁵ It is interesting to note that there is no mention of Victor Hugues, the prototypical white republican in the Caribbean.

¹⁵⁶ “Il faut aussi ou peindre toute la noirceur de ses ennemis au risque de passer pour un homme haïneux et vindicatif, ou confentir.” Pierre Benonime Dormenon, *Reponse à des calomnies*, 1.

councils a man whose character and reputation they considered blackened.”¹⁵⁷ I suggest that these men unconsciously intended some symbolic implications by the word “black,” although the context creates some ambiguity about the meaning. Usage of the word “black” did not have to refer to race. Historian David Brion Davis explains that the color black evoked “highly negative symbolism” in history, usually in relation to evil in European, African, and Middle Eastern religions.¹⁵⁸ Either way, people did not utilize the color to evoke positive sentiments. Although these instances of the term are problematic, others are clearly about race.

Dormenon’s accusers attempted to depict him as a person of African descent. The most shocking portrayal of Dormenon as black was in the testimony of Remy. Remy recounted a discussion with an innkeeper, a Mr. Prat, in the parish of Cayes de Jacmel. “He [Prat] heard him [Dormenon] say several times that he hated whites and was ashamed to be one of them,” testified Remy. He added, “He [Dormenon] believed that by opening a vein he could take in some black blood.”¹⁵⁹ This testimony is questionable, because Remy based it upon hearsay. However, it was still significant within Dormenon’s case, because it deepened Dormenon’s connection to and sympathy for people of color. If Dormenon could not make himself black, the prosecution could allege that he took a bride of color.

¹⁵⁷ “Appendix – No. 2,” *Journal of the House of Representatives of the State of Louisiana*, ii.

¹⁵⁸ David Brion Davis, *Inhuman Bondage: The Rise and Fall of Slavery in the New World* (Oxford: Oxford University Press, 2006), 57. See also Winthrop Jordan, *White over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, 1968).

¹⁵⁹ “Il lui entendit dire plusieurs fois, qu’il haïssait les blancs, et avait honte d’en être un. Il croyait qu’en s’ouvrant la veine, il pût y faire entrer du sang nègre.” Testimony of Antoine Remy, In *Recueil des dépositions faites pour et contre le Sr. P. Dormenon*, 11-12.

The accusation of an interracial marriage between Dormenon and a quadroon woman is significant in many ways, especially in regards to the racial prejudice in Louisiana and the intentions of the prosecuting attorneys. The Superior Court tried him for involvement in the massacres at Sale-Trou; therefore, the union was completely irrelevant. The opposition did not present any solid evidence of a legal union, such as a marriage certificate or first hand accounts. More significantly, the supposed wedding would have taken place in Saint-Domingue, not in a state or territory of the United States. Saint-Domingue never forbade interracial marriages.¹⁶⁰ The court record does not state if Judge Lewis would disbar Dormenon for marrying a woman of color, although miscegenation laws long in effect in Louisiana would have made it plausible.

Louisiana legal history remained consistent on the matter of racial endogamy. The 1724 *Code Noir* forbade marriages between whites and blacks. The Spanish expanded the regulations to include unions between whites and mulattoes or mixed concubinage in 1777. Violations of the laws resulted in expulsion from the colony or a fine. Yet, these laws did not prevent biracial unions. There was a brief shift in these laws following the Louisiana Purchase. Oddly, the Black Code of 1806, drafted by the territorial legislature, did not include articles concerning intermarriage.¹⁶¹ The *Digest of the Civil Laws Now in Force in the Territory of Orleans* of 1808 prohibited marriages between whites and free people of color in Louisiana.¹⁶² This is not to say that whites

¹⁶⁰ Stewart R. King, *Blue Coat or Powdered Whig: Free People of Color in Pre-Revolutionary Saint Domingue* (London: University of Georgia Press, 2001), 193.

¹⁶¹ First Legislature of the Territory of Orleans, "Black Code," *Acts Passed at the First Session of the First Legislature of the Territory of Orleans* (New Orleans: Bradford & Anderson, 1807).

¹⁶² *A Reprint of the Moreau Lisset's Copy of A Digest of the Civil Laws Now in Force in the Territory of Orleans* (Baton Rouge: Claitor's Publishing Division, 1971), 24.

and people of color did not cohabitate outside of marriage, which was legal under the United States.¹⁶³ Overall, the *Digest* greatly resembled Napoleon's Civil Code of 1804, which sought to remedy instabilities in France. Interestingly, Anglo-American James Brown co-authored the *Digest* with Moreau-Lislet, prosecuting counselor in Dormenon's case.

Before his work on the *Digest*, Moreau-Lislet was involved in the adaptation of Louisiana politics to the regime change from a royal colony to a territory of the United States. In 1805, the United States Congress passed legislation creating an organized government for Orleans Territory.¹⁶⁴ Unlike the French and Spanish colonial governments, which utilized Roman civil law, the United States maintained the British common law of its previous mother country. Despite the traditional style of law in Louisiana, the Treaty of Purchase required the newly acquired territory to adopt American constitutional law. However, some stubborn Frenchmen achieved some concessions. In 1805, Moreau-Lislet, Mazureau, Livingston, and Pierre Derbigny won a judicial decision opposing the instatement of British common law in Louisiana. Each of these men remained involved in politics in the following years. The shift from French to American governing styles took time, and the process was still underway during Dormenon's case.

Thomas Jefferson's Presidency combined Louisianans' fears of republicanism, slavery, and revolution, especially since Louisiana's governor, Claiborne, was friends

¹⁶³ Paul Lachance, "The Formation of a Three-Caste Society: Evidence from Wills in Antebellum New Orleans," *Social Science History* Vol. 18, No. 2 (Summer, 1994): 213.

¹⁶⁴ Bennett H. Wall, et al., *Louisiana: A History*, 94.

with and supported Jefferson politically.¹⁶⁵ Jefferson was a man of the Enlightenment, which challenged monarchical politics and hierarchical religion. In the late 1780s, he served as the United States minister to France, and he celebrated the French Revolution, because he believed it vindicated the American Revolution of the 1770s.¹⁶⁶ Therefore, the United States under Jefferson was a sister republic of France. In addition to the transatlantic relationship, Jefferson, a slaveholder himself, supported a controversial slavery policy common in the American Upper South, conditional termination. This policy called for an end to the foreign slave trade, public emancipation of slaves once they reached twenty-one, and the government-funded transport of free blacks to Africa or the Caribbean.¹⁶⁷ The end of the foreign slave trade affected Louisiana immediately after the Louisiana Purchase, because Jefferson abolished the trade in 1804 due to the Haitian Revolution. In 1806, Jefferson asked Congress to end the foreign slave trade throughout the United States, which took effect in 1808. However, governor Claiborne allowed Saint-Dominguan refugees to bring their slaves into Louisiana in 1809.¹⁶⁸ The French royalists in Louisiana perceived Jeffersonian republicanism as a possible threat to slavery, through abolition or revolution.

Nugent experienced the troubled adjustment of Louisianans to United States constitutional law during his trial for libels against Judge Lewis during Dormenon's proceedings. In his account of his case, Nugent repeatedly cited constitutional rights,

¹⁶⁵ Bennett H. Wall et al. *Louisiana: A History*, 89.

¹⁶⁶ Simon Newman, "American political Culture and the French and Haitian Revolutions: Nathaniel Cutting and the Jeffersonian Republicans," In *The Impact of the Haitian Revolution in the Atlantic World*, ed. David P. Geggus (Columbia, South Carolina: University of South Carolina Press, 2001), 76.

¹⁶⁷ William W. Freehling, *The Road to Disunion: Secessionists at Bay, 1776-1854* Vol. 1 (New York: Oxford University Press, 1990), 126-7.

foremost being the freedom of the press. However, he also referenced French law in his defense. Nugent declared, “In France...it is lawful to discuss in print subjects pending before a tribunal, and therefore that right cannot be taken from the inhabitants of this territory.”¹⁶⁹ Nugent must have understood the difficulties the predominantly French population of Louisiana experienced in accepting American laws, since he referred to rules in France and the United States. However, he appealed to the political sensitivities of recently independent Americans. He described the conduct of Judge Martin, who proceeded over the trial, as tyrannical.¹⁷⁰ During the American Revolution, revolutionaries called the British monarch a tyrant. Nugent did not suffer the stubbornness of the Frenchmen alone; the nature of Dormenon’s trial also speaks to difficulties of the regime change.

Dormenon faced disbarment if convicted by the Superior Court, a mild punishment perhaps considering the charges against him were rather grave. Louisianans could not try him for a crime committed in Saint-Domingue, as they could have while under the French. Trying him for crimes in a United States territory required convincing a jury beyond a shadow of a doubt. Such a conviction would not have been likely. The Louisiana House of Representatives, a democratically elected branch of the U.S. government, declared Dormenon innocent upon reviewing the evidence of the case. Yet, for a man with a long career in the law, disbarment was not a light sentence. Upon

¹⁶⁸ Alfred Hunt, *Haiti’s Influence on Antebellum America*, 47.

¹⁶⁹ Henry Paul Nugent, *An Account of the Proceedings Had in the Superior Court of the Territory of Orleans against Thierry & Nugent*, 50.

¹⁷⁰ Henry Paul Nugent, *An Account of the Proceedings Had in the Superior Court of the Territory of Orleans against Thierry & Nugent*, 37.

Dormenon's removal from the bar, Nugent asserted, "The treatment...proves that the bar is in the most abject state of servitude, and that a lawyer may be expelled as arbitrarily as a slave may be sent by his master to jail, to receive a lashing."¹⁷¹ This dramatic parallel between a lawyer and a slave certainly expressed Nugent's perceptions of the misuse of the judiciary within the territory.

Throughout the documents related to Dormenon's case, those written by Nugent left perhaps the most powerful impression. Biographical information on Nugent is not available today, except for the hints in his own writings. For instance, he remarked on various occasions of his career as a translator, which created the opportunity for his words to be printed. In 1816, he translated Arsène Lacarrière Latour's *Historical Memoir of the War in West Florida and Louisiana in 1814-15*. Perhaps it is appropriate that Nugent's biography remains a mystery, because his story might diminish the amazing power of his words. His employment of specifically chosen code words, such as *septemberizing*, *drinkers of blood*, black, tyrannical, and slave placed the story in greater contexts – the French Revolution, racism, the American Revolution, and the institution of slavery – and created a vivid illustration of the events and, more importantly, the significance of the trial. His use of language with great symbolic weight made his interpretation of Dormenon's case much more powerful, even more so than Dormenon's own account. Since Nugent did not have positive perceptions, his words impress a negative tone on the history of Dormenon's case.

¹⁷¹ Henry Paul Nugent, *An Account of the Proceedings Had in the Superior Court of the Territory of Orleans against Thierry & Nugent*, 36.

However, this is not to say that the entire story was negative for all French republicans in Louisiana. For instance, not all Louisianans reacted to the Louisiana Purchase negatively. Poydras is an ideal example of a Louisianan that adapted well to the transfer of the territory to the United States. Foremost, he was a slaveholder. France had abolished slavery throughout its empire in 1794. The American government offered economic security to those owning slaves through property laws and racism. Poydras also took advantage of the opportunities for self-governance under the United States. He became actively involved in Louisiana politics as early as 1805. Under the French and Spanish, laws were typically royal decrees. Under a constitutional government, Poydras was able to take part in his own government. He had worked hard for his wealth, beginning as a pack peddler, and he was able to protect his own interests and those of men similar to himself. Not from a background of wealth, Poydras understood republican ideals, which connected him to Dormenon.

Governing differences did not just affect politics and economics; it also caused trouble within the realm of religion. The Catholic Church responded negatively to the Louisiana Purchase, because it created chaos within the Church hierarchy. The clergy in New Orleans split in the early 1800s. Yet, the Catholic Church was placed under Bishop Carroll of Baltimore in 1806, religiously incorporating the newly acquired territory into the United States. However, the unity did not prevent corruption. The clergy made scandalous concessions within the Church in order to maintain solidarity against the anti-Catholic sentiments prominent among the Protestant Anglo-American population moving into Louisiana. In 1809, vicar general Olivier willingly moved excommunicated priest

L'Espinasse out of the public eye, because of his support against Sedella during the schism in 1805. L'Espinasse linked Dormenon's case with the Catholic Church.

One particular question echoes throughout my analysis: Why have past historians overlooked Dormenon's story? This case obviously reflects multiple larger issues, illustrating its significance in history. Yet, authors from the nineteenth century through today ignore the mysterious tale. François Xavier-Martin completely omitted the case from his *The History of Louisiana, from the Earliest Period*, and Charles Gayarré provided only a vague one-page description of the story in his four volumes of *History of Louisiana*. Brian Costello, premier Pointe Coupée historian, makes no mention of the sequence of events in *A History of Point Coupee Parish, Louisiana*. Michel-Rolph Trouillot offers a theory as to why historians neglect particular historical occurrences in *Silencing the Past: Power and the Production of History*. Power influences all stages of the past and the recording of history, from the actual events to the creation of sources to the creation of the narrative. Apparently, those with the power to write official accounts about the past chose not to include mention of Dormenon's case.

As naturally biased human beings, historians select topics that interest and gratify them; consequently, the absence of his story implies negative perceptions of Dormenon's case by those with the power to record history. The original case record is missing, but Chez A. Daudet printed *Recueil des depositions faites pour et contre le Sr. P. Dormenon par-devant la Cour Superieure du Territoire de la Nouvelle-Orleans* and Dormenon published *Reponse à des calomnies*, which detail testimony for and against Dormenon. Therefore, the absence of sources should not have affected the inclusion of the story in

Louisiana history, because the information is available. Martin's omission of the incident in *The History of Louisiana, from the Earliest Period* cannot be attributed to a lack of primary sources, and was most likely due to displeasure and embarrassment. He wrote the court report on Dormenon's case, found in *Orleans Term Reports*. As a historian, Martin had the power to control the contents of his text, and Nugent's remarks about Martin during his trial for libel did not reflect upon the judge favorably. Gayarré wrote about events he believed to be significant. By the time he published his volumes of *History of Louisiana* in 1866, Louisianans had secured their identity and the drama associated with Dormenon had dissipated. Without a lasting impression, Dormenon's story and the crisis of Louisiana identity continued to descend deeper into the abyss of unknown histories and was missed by modern scholars.

Within an expanded scope, Dormenon's case seemed minute and irrelevant to Louisiana's larger history. Dormenon did not in fact bring the Haitian Revolution to the area. It is likely that some Louisianans attempted to sacrifice an innocent man to deter other Saint-Dominguan immigrants, much like the questionable tales of rumored slave conspiracies that kept the institution of slavery under control. He returned to civil service and died with honor, so his personal humiliation used to benefit the territorial government has gone unrecognized. Dormenon's case illustrates how perceptions of the French and Haitian Revolutions, regime changes, and racial prejudices within Louisiana affected reactions to Saint-Dominguan refugees in the area.

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BIOGRAPHICAL INFORMATION

Erica Johnson began her higher education at the University of Central Oklahoma (UCO) in August 2001. Initially, she majored in psychology, but soon she recognized her love for history in an introductory level course with Dr. David Webb. Under Dr. Patricia Loughlin and Dr. Kenny Brown, she took *Historical Research*. In fall 2006, the *Chronicles of Oklahoma* published, “Abbie Hoffman’s Controversial Visit to OSU, 1971,” the result of Johnson’s efforts in *Historical Research*. Loughlin and Brown invited Johnson to serve as their research assistant on a history of UCO for two years. She accepted and completed two small writing projects for the larger book, coming out in the summer 2007. Johnson graduated with a Bachelor of Arts in history in May 2005.

In August 2005, she started the master’s program at the University of Texas at Arlington (UTA). In the following spring, Johnson took a *Transatlantic Slavery* colloquium under Dr. Christopher Morris, which opened her mind to her true passion in the field. The History Department at UTA hired Dr. John D. Garrigus in the summer 2006, and Johnson took a *Haitian Revolution* class under him in the fall. Through a combination of classes, readings, and correspondence with Dr. Judith Schafer at Tulane University, recommended by Dr. Steven Reinhardt, Johnson decided upon a thesis topic

in August 2006. While taking undergraduate courses in French, she began work on a writing project filled with translating challenges. While researching, she also applied to doctoral programs throughout the United States. Just after completing her second chapter, Johnson received an acceptance letter from Florida State University (FSU) in February 2007.

Upon completion of her thesis in May 2007, Johnson will board an airplane for Paris, France. While living in the city for one month, she will conduct research in the French National Archive on people of color in Paris during the French Revolution. In July, she will complete an extensive paper under Dr. Garrigus. In addition, she will travel to Florida to seek living arrangements for her doctoral pursuits, beginning in August 2007. She will work under Dr. Matthew Childs at FSU. Johnson is interested in writing a dissertation concerning a topic such as the reception of information and immigrants from Guadeloupe in the United States during the French and Haitian Revolutions. After obtaining her Ph.D., Johnson plans to find a tenure track position in a college History Department.