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AN ACCOUNT OF

## LOUISIANA,

Being an abstract of Documents in the  
Offices of the Departments of State  
and of the Treasury.

[Continued from our last.]

### Indians on the Missouri.

ON the Missouri and its waters are many and numerous nations, the best known of which are: The Osages, situated on the river of the same name on the right bank of the Missouri at about eighty leagues from its confluence with it: they consist of one thousand warriors, who live in two settlements at no great distance from each other. They are of a gigantic stature and well proportioned, are enemies of the whites and of all other Indian nations, and commit depredations from the Illinois to the Arkansas. The trade of this nation is said to be under an exclusive grant. They are a cruel and ferocious race, and are hated and feared by all the other Indians. The confluence of the Osage river with the Missouri is about eighty leagues from the Mississippi.

Sixty leagues higher up the Missouri, and on the same bank, is the river Kansas, and on it the nation of the same name, but at about seventy or eighty leagues from its mouth. It consists of about two hundred and fifty warriors, who are as fierce and cruel as the Osages, and often molest and ill-treat those who go to trade among them.

Sixty leagues above the river Kansas, and at about two hundred from the mouth of the Missouri, still on the right bank, is the *Riviere Platte*, or Shallow River, remarkable for its quick-sands and bad navigation; and near its confluence with the Missouri dwells the nation of *Otolactos*, commonly called *Otos*, consisting of about two hundred warriors, among whom are twenty-five or thirty of the nation of Missouri, who took refuge among them about twenty-five years since.

Forty leagues up the River Platte you come to the nation of the *Panis*, composed of about seven hundred warriors in four neighboring villages; they hunt but little, and are ill provided with fire-arms: they often make war on the Spaniards in the neighborhood of Santa Fe, from which they are not far distant.

At three hundred leagues from the Mississippi and one hundred from the River Platte on the same bank are situated the villages of the *Mahas*.—They consisted in 1799 of five hundred warriors, but are said to have been almost cut off last year by the small-pox.

At fifty leagues above the *Mahas* and on the left bank of the Missouri dwell the *Ponces*, to the number of two hundred and fifty warriors, possessing in common with the *Mahas* their language, ferocity, and vices. Their trade has never been of much value, and those engaged in it are exposed to pillage and ill-treatment.

At the distance of 430 leagues from the Mississippi, and on the right bank of the Missouri, dwell the *Aricaras*, to the number of 700 warriors, and 60 leagues above them, the *Mandane* nation consisting of about 700 warriors likewise. These two last nations are well disposed to the whites, but have been the victims of the Sioux, or *Nandowessies*, who being themselves well provided with fire-arms, have taken advantage of the defenceless situation of the others, and have on all occasions murdered them without mercy.

No discoveries on the Missouri, beyond the *Mandane* nation, have been accurately detailed, though the traders have been informed, that many large navigable rivers discharge their waters into it, far above it, and that there are many numerous nations settled on them.

The Sioux, or *Mandowessies*, who frequent the country between the north bank of the Missouri and Mississippi are a great impediment to trade and navigation. They endeavor to prevent all communication with the nations dwelling high up the Missouri, to deprive them of ammunition and arms, and thus keep them subservient to themselves. In the winter they are chiefly on the banks of the Missouri and massacre all who fall into their hands.

There are a number of nations at a distance from the banks of the Missouri, to the north and south, concerning whom but little information has been received. Returning to the Mississippi and ascending it from the

Missouri, about 75 leagues above the mouth of the latter, the River *Moingona* or *Riviere de Moine* enters the Mississippi on the west side, and on it are situated the *Ayons*, a nation originally from the Missouri, speaking the language of the *Otatachas*: it consisted of 200 warriors, before the small-pox lately raged among them.

The *Sacs* and *Renards* dwell on the Mississippi, about 300 leagues above St. Louis, and frequently trade with it—they live together, and consisted of 500 warriors—their chief trade is with the *Michilimackinac*, and they have always been peaceable and friendly.

The other nations on the Mississippi higher up, are but little known to us. The nations of the Missouri, tho' cruel, treacherous, and insolent, may doubtless be kept in order by the United States, if proper regulations are adopted with respect to them.

It is said that no treaties have been entered into by Spain with the Indian nations westward of the Mississippi, and that its treaties with the *Creeks*, *Choctaws*, &c. are in effect superseded by our treaty with that power of the 27th October, 1795.

### Of Lands and Titles.

The lands are held in some instances by grants from the Crown, but mostly from the Colonial government. Perhaps not one quarter part of the lands granted in Louisiana are held by complete titles; and of the remainder a considerable part depends upon a written permission of a Commandant. Not a small proportion is held by occupancy with a simple verbal permission of the officer last mentioned. This practice has always been countenanced by the Spanish government, in order that poor men, when they found themselves a little at ease, might at their own convenience apply for and obtain complete titles. In the mean time such imperfect rights were suffered by the government to descend by inheritance, and even to be transferred by private contract. When requisite they have been seized by judicial authority and sold for the payment of debts.

Until within a few years, the governor of Upper Louisiana was authorised to make surveys of any extent. In the exercise of this discretionary power, some abuses were committed: a few small monopolies were created. About three years ago, he was restricted in this branch of his duty; since which he has been only authorized to make surveys to emigrants in the following manner: Two hundred acres for each man and wife, fifty acres for each child, and twenty acres for each slave. Hence the quantity of land allowed to settlers depended on the number in each family; and for this quantity of land they paid no more than the expense of survey. These surveys were necessary to entitle the settlers to grants; and the governor, and after him the Intendant at New-Orleans, was alone authorized to execute grants on the receipt of the surveys from the settlers. The administration of the land-office is at present under the care of the Intendant of the province.

There are no feudal rights nor noblesse.

It is impossible to ascertain the quantity of lands granted, without calling on the claimants to exhibit their titles; the registry being incomplete and the maps made by the different surveyors general having been burnt in the fires at New-Orleans of 1793 and 1794. No estimate has been obtained.

All the lands on both sides of the Mississippi, from the distance of sixteen leagues below New-Orleans to Baton Rouge, are granted to the depth of forty acres, or near half a league, which is the usual depth of all grants. Some have double and triple grants;—that is to say, they have twice or thrice forty acres in depth; and others have grants extending from the Mississippi to the sea or the lakes behind them. In other parts of the country the people, being generally settled on the banks of creeks or rivers, have a front of from sixty to forty acres, and the grant almost invariably expresses a depth of forty acres. All the lands granted in the island of New-Orleans or on the opposite bank of the Mississippi, are souken, inundated, and at present unfit for cultivation; but may, in part, be reclaimed at a future day by efforts of the rich and enterprising.

### Cultivation of Sugar.

The sugar-cane may be cultivated between the river Iberville and the city, on both sides of the river and as far back as the swamp. Below the

city, however, the lands decline so rapidly that beyond fifteen miles the soil is not well adapted to it. Above the Iberville the cane would be affected by the cold, and its produce would therefore be uncertain. Within these limits the best planters admit that one quarter of the cultivated lands of any considerable plantation may be planted in cane, one quarter left in pasture, and the remaining half employed for provisions, &c. and a reserve for a change of crops. One Parisian Arpent of one hundred and eighty feet square may be expected to produce on an average twelve hundred weight of sugar, and fifty gallons of rum.

From the above data, admitting that both sides of the river are planted for ninety miles in extent and about three fourths of a mile in depth, it will result that the annual product may amount in round numbers to twenty-five thousand hogsheads of sugar, with twelve puncheons of rum. Enterprising young planters say that one-third, or even one-half of the arable land might be planted in cane. It may also be remarked that a regular supply of provisions from above at a moderate price, would enable the planter to give his attention to a greater body of land cultivated with cane. The whole of these lands, as may be supposed, are granted; but in the *Atacapas* country, there is undoubtedly a portion, parallel to the sea-coast, fit for the culture of the sugar cane. There vacant lands are to be found, but the proportion is at present unknown.

In the above remarks the lands at *Terre aux Boeufs*, on the *Fourche*, *Bayou St. Jean* and other inlets of the Mississippi, south of the latitude supposed to divide those which are fit from those which are unfit, for the cultivation of the cane, have been entirely kept out of view. Including these and taking one-third instead of one-fourth of the lands fit for sugar, the produce of the whole would be fifty thousand instead of twenty-five thousand hogsheads of sugar.

The following quantities of sugar, brown, clayed and refined, have been imported into the United States from Louisiana and the Floridas, viz.

In 1799	775,342 lb.
1800	1,510,865
1801	961,619
1802	1,576,933

### Of the Laws.

When the country was first ceded to Spain, she preserved many of the French regulations, but by almost imperceptible degrees they have disappeared, and at present the province is governed entirely by the laws of Spain and the ordinances formed expressly for the colony. Various ordinances, promulgated by general O'Reilly, its first governor under Spain, as well as some other laws, are translated and annexed in the appendix, No. 1.

### Courts of Justice.

The governor's court has a civil and military jurisdiction throughout the province. That of the lieutenant governor has the same extent in civil cases only.

There are two Alcaldes, whose jurisdiction, civil and criminal, extends through the city of New-Orleans and five leagues around it, where the parties have no *fuero militar* or military privilege; those who have can transfer their causes to the governor.

The tribunal of the Intendant has cognizance of admiralty and fiscal causes, and such suits as are brought for the recovery of money in the king's name or against him.

The tribunal of the *Alcalde Provincial* has cognizance of criminal causes, where offences are committed in the country, or when the criminal takes refuge there, and in other specified cases.

The ecclesiastical tribunal has jurisdiction in all matters respecting the church.

The governor, lieutenant governor, Alcaldes, Intendant, Provincial Alcalde, and the Provisor in ecclesiastical causes, are respectively sole judges. All sentences affecting the life of the culprit, except those of the *Alcalde Provincial*, must be ratified by the superior tribunal, or captain general, according to the nature of the cause, before they are carried into execution. The governor has not the power of pardoning criminals. An auditor and an assessor, who are doctors of law, are appointed to give counsel to those judges; but for some time past there has been no assessor. If the judges do not consult those officers or do not follow their opinions, they make themselves responsible for their decisions.

The common assessor of districts have

also a species of judicial power. They hear and determine all pecuniary causes not exceeding the value of one hundred dollars. When the suit is for a larger sum, they commence the process, collect the proofs and remit the whole to the governor, to be decided by the proper tribunal. They can inflict no corporeal punishment except upon slaves; but they have the power of arresting and imprisoning when they think it necessary; advice of which and their reasons must be transmitted to the governor.

Small suits are determined in a summary way by hearing both parties *vi-va voce*; but in suits of greater magnitude the proceedings are carried on by petition and reply, replication and rejoinder, reiterated until the auditor thinks they have nothing new to say. Then all the proofs either party chooses to adduce are taken before the keeper of the records of the court, who is always a notary public.

The parties have now an opportunity of making their remarks upon the evidence by way of petition, and of bringing forward opposing proofs. When the auditor considers the cause as mature, he issues his decree, which receives its binding force from the governor's signature, where the cause depends before him.

There is an appeal to Havana, if applied for within five days after the date of the decree, in causes above a certain value. An ulterior appeal lies to the Audience which formerly sat at St. Domingo, but which is now removed to some part of Cuba, and from thence to the council of the Indies in Spain.

Suits are of various durations. In pecuniary matters the laws encourage summary proceedings. An execution may be had on a bond in four days, and in the same space on a note of hand after the party acknowledges it, or after his signature is proved. Movable property is sold after giving nine days warning, provided it be three times publicly cried in that interval. Landed property must be likewise cried three times, with an interval of 2 days between each, and it may then be sold. All property taken in execution must be appraised and sold for at least half of the appraisement. In pecuniary matters the governors decide verbally without appeal, when the sum does not exceed one hundred dollars. The Alcaldes have the same privilege when the amount is not above twenty dollars.

In addition to these courts 4 years ago there were established four Alcaldes de Barrio, or petty magistrates, one for each of the four quarters of the city, with a view to improve its police. They hear and decide all demands not exceeding ten dollars, exercise the power of committing to prison, and in case of robbery, riot, or assassination, they can, by calling on a notary, take cognizance of the affair; but when this is done they are bound to remit the proceedings to some of the other judges, and in all cases whatever, to give them information when they have committed any person to prison.

Most of the suits are on personal contracts rights to dower, inheritances, and titles to land. Those arising from personal quarrels are generally decided in a summary way. The inhabitants are said not to be litigious.

### Lawyers and Costs of the Courts and their Officers.

The number of lawyers is small, not exceeding three or four attorneys. Their fees are small. Suits are carried on in writings called *escritos*, which may be drawn up by the parties themselves, if they please, but they must be presented by the *escribano* or notary who is the keeper of the records of the court.

The fees of the judges are twenty-five cents for every half signature or flourish (which is usually affixed on common occasions,) fifty cents for every whole signature, and two dollars and three-fourths for every attendance, as at a sale or the taking of evidence.

The fees of the *Abogado*, or person consulted by the judges on law points, are twelve and a half cents for every leaf of which the process consists, and four dollars for every point of law cited. Those of the attorney, when employed, are sixty-two and a half cents for a simple petition or *escrito*, but if it should be necessary to read a process in order to form his petition, and it should require much time and labour, he is compensated in proportion, besides twelve and a half cents per leaf for perusing the papers. For attending on any business he is allowed one dollar and fifty cents for the *assist*.

ance of two and a half hours. The notary has fifty cents for each decree or order of the judge, twenty-five cents for a notification in his office, and fifty cents for one out of it; but within the city; one dollar and seven eighths for every attendance of two and a half hours on business; and twenty-five cents additional for every leaf of paper written by him.

A counsellor or two have sometimes resided at New-Orleans; but, being generally found obnoxious to the officers of the government, they have not continued there. The counsellor values his own services and in general exacts large sums. The attorney generally receives from the party who employs him more than is allowed by law.

### Crimes, criminal Jurisprudence and Punishments.

In cases of petty crimes the cognizance of the proper court may be said to be final and without appeal; and most commonly such causes are decided in a summary way. With respect to crimes of deeper die more solemnity is used. A person skilled in the laws is always nominated by the court to defend the accused. The trial is not public; but examinations and depositions in writing are taken privately by the auditor at any time most convenient to himself, at which, nevertheless the counsel of the accused is admitted to be present. He has also every kind of privilege granted to him in making his defence. Such suits are generally very tedious and expensive, when he is wealthy. The condemned is entitled to an appeal as in civil cases, provided he gives security for the payment of the future costs. There appears, however, to be a virtual appeal in every capital condemnation, because a stay of execution takes place until the confirmation of the sentence returns from St. Jago de Cuba, where there is a grand tribunal established consisting of five judges, before whom counsellors plead as in our courts.

Crimes of great atrocity are very rare. Murder by stabbing seems to be confined to the Spanish soldiers and sailors. The terror of the magistrate's power restrains assaults, batteries, riots, &c.

Punishments are generally mild. They mostly consist of imprisonment and payment of costs, sometimes the stocks. White men, not military, are rarely, perhaps, never degraded by whipping; and in no case do any fines go into the public treasury. Murder, Arson and aggravated robbery of the king's treasury or effects, are punished with death. Robbery of private persons to any amount is never punished with death, but by restitution, imprisonment, and sometimes enormous costs. Crimes against the king's revenue, such as contraband trade are punished with hard labor for life, or a term of years, on board the galleys, in the mines, or on the public works.

### Learning.

There are no colleges, and but one public school, which is at New-Orleans. The masters of this are paid by the king. They teach the Spanish language only. There are a few private schools for children. Not more than half the inhabitants are supposed to be able to read and write, of whom not more than two hundred perhaps are able to do it well. In general the learning of the inhabitants does not extend beyond those two arts; though they seem to be endowed with a good natural genius, and an uncommon facility of learning whatever they undertake.

### The Church.

The clergy consists of a bishop, who does not reside in the province, and whose salary of four thousand dollars is charged on the revenue of certain bishoprics in Mexico and Cuba; two canons having each a salary of six hundred dollars; and twenty-five curates, five for the city of New-Orleans, and twenty for as many country parishes, who receive each from three hundred and sixty to four hundred and eighty dollars a year. Those salaries, except that of the bishop, together with an allowance for sacristans and chapel expences are paid by the treasury at New-Orleans, and amount annually to thirteen thousand dollars.

There is also at that place a convent of Ursulines, to which is attached about a thousand acres of land, rented out in three plantations. The nuns are now in number not more than ten, were formerly about the same number of Spanish ladies belonging to the order; but they retired to Havana during the period when it was expected