

Additional reading for "The Disestablishment of the Catholic Church in Louisiana Territory and Religious Liberty."

1. Letter to James Madison from W.C.C. Claiborne, May 29, 1804.
2. Letter to James Madison from Thomas Jefferson, July 5, 1804
3. Letter to Patrick Walsh from W.C.C. Claiborne, July 12, 1805

dict seems to have been directed by a Sound discretion, and was certainly a prudent measure; you have therefore my entire approbation.

The whole affair is now before the Revd. Mr. Welsh the Head of the Catholic Church in Louisiana, and from his good intentions and timely interference, I persuade myself the dispute will be promptly and amicably Settled.

In the mean time and until you hear further from me on the Subject you will retain in your possession the Keys of the Church.

I am Sir very respectfully your obdt. Servant

Wm. C. C. Claiborne

Mr. Henry Hopkins

Commandant of Atakapas & Opelousas

To James Madison.

New Orleans 29th May 1804

Sir,

In the District of Atakapas a very great dispute has arisen between two Priests. A Man of the name of Barrier was Superceded by Mr. Laussat and a Priest of the name of Veal named his Successor. Lately the Head of the Catholic Church in Louisiana, a Mr. Welsh, recalled Veal, declared his powers under Mr. Laussat Nul, and reinstated Barrier.

A few Sundays Since, the rival Priests appeared at the Church attended by their different partizans who were numerous and very much inflamed. Lieutenant Hopkins the Civil Commandant of the District, apprehending that the public peace was endangered, took upon himself to Shut the Doors of the church and deny entrance to either party, until the matter was reported to me, and my instructions received. This expedient pre-

served the public peace and was I learn very pleasing to all parties. I have referred the affair to the Bevd. Mr. Welsh, the Head of the Catholic Church in Louisiana, and addressed to Lieutenant Hopkins a Letter of which the enclosed No. 1 is copy.

I have now certain information that the Privateer I mentioned in my last, took on her passage two prizes—the one an American, and the other an English Vessel. The first is Anchored at the Mouth of the Mississippi, the Second is in the River a little below Plaquemines, it is not improbable but an attempt may be made to Sell the prize goods in this City.

Accept assurances of my Respect and Esteem
(Signed) Wm. C. C. Claiborne

The Honble.
James Madison
Secty. of State

To William Cooper.

New Orleans 29th May 1804

Sir,

You will permit the French Vessel called L'Ugene, Captain Loiseau to pass Fort Plaquemines. I will thank you however to visit the Vessel, and remark the number of Guns and other Military implements on Board, and also the number of men.

I wish this to be done in order that on her return She may again be examined by you, and if she should be found to have augmented her Military force, She may be detained until you make Special report to me, and receive my further instructions

I am Sir with Esteem and respect

your obdt. Servt.

Capt. Cooper
Commandant of Plaquemine

(Signed) Wm. C. C. Claiborne

extended, it might from its source run N. W. as the most eligible direction; but a due north line would produce no restraint that we should feel in 20 years. This relinquishment and a millions of Dollars, to be the price of all the Florida East of the Perdido, or to be apportioned to whatever part they will cede.

But on entering into conferences both parties should agree that, during their continuance, neither should strengthen their situation between the Iberville, Missipi and Perdido, nor interrupt the navigation of the rivers therein. If they will not give such an order instantly, they should be told that we have for peace sake only, forbore till they could have time to give such an order, but that as soon as we receive notice of their refusal to give the order we shall enter into the exercise of our right of navigating the Mobile and protect it, and increase our force there pari passu with them.

Jefferson to Madison

THU. TO J. M.

[Washington] July 5, 1804

The case of St. Julien ought certainly to be put on trial. The local judge must decide 1. whether crimes committed against the nation of Louisiana under it's former organisation, can be punished under it's present one? and 2. whether St. Julien is guilty? The 1st question will be forced on them by other cases, and may therefore as well be met at once. But we should leave the party at liberty but under security, as we found him.³⁴

I think it was an error in our officer to shut the doors of the church, and in the Governor to refer it to the Roman catholic head. The priests must settle their differences in their own way, provided they commit no breach of the peace. If they break the peace they should be arrested. On our principles all church-discipline is voluntary; and never to be enforced by the public authority; but on the contrary to be punished when it extends to acts of force. The Govr. should restore the keys of the church to the priest who was in possession.³⁵

When a belligerent privateer brings one of our own vessels within our jurisdiction, it is *primâ facie* a trespass, and the territorial judge should arrest the trespasser and take possession of the vessel until he has enquired into the regularity of the transaction. The original act of taking could not be punished

34. Under the Spanish government of Louisiana, Lewis St. Julien was in jail awaiting trial for the murder of his wife when the territory was transferred to France. Shortly after taking possession, Pierre-Clément de Laussat, the French prefect, released St. Julien but bound him to a security bond. The former Spanish governor protested to Governor Claiborne, who sent the letter to JM.

35. Laussat had replaced one priest with another, and the head of the Catholic church in Louisiana had declared the action null and reinstated the first priest. When the rival priests and their supporters appeared for Sunday services, the American commandant closed the church; see Claiborne, II, pp. 170-71.

by him, unless it was piratical; but the continuance of the detention within our territory is cognisable and punishable by the laws of the country.³⁶

Claiborne's letter to Folch is perfectly proper.³⁷

I think he should be liberally treated as to his expences as a commissioner which no previous definition could fix.³⁸

On this head, considering how deficient the diplomatic salaries are become, should we not extend all reasonable indulgences to them as to expences not merely personal? Would it not be as well, on the occasion of Mr King's accounts, to revise the regulation of 1790. and extend allowance to other cases? Affectionate salutations.

Jefferson to Madison

Washington July 6, 1804

In conversation with Mr. Gallatin yesterday, as to what might be deemed the result of our Tuesday's conference, he seemed to have understood the former opinion as not changed, to wit that for the Floridas East of the Perdido might be given not only the 2. millions of dollars and a margin to remain unsettled, but an absolute relinquishment from the North river to the Bay of St. Bernard and Colorado river. This however I think should be the last part of the price yielded, and only for an entire cession of the Floridas, not for a part only.³⁹

Jefferson to Madison

[Washington] July 14, 1804

The inclosed reclamations of Girod and Chote against the claims of Bapstopp to a monopoly of the Indian commerce supposed to be under the protection of the 3d article of the Louisiana Convention, as well as some other claims to abusive grants, will probably force us to meet that question.⁴⁰ The

36. For the controversy in New Orleans involving a French privateer and two prizes, one American and one English, see *ibid.*, pp. 165-71, 284-86, 290-92, 300-1.

37. Governor Folch of Pensacola had protested American claims to West Florida, but Claiborne denied the charge of usurpation; see *ibid.*, pp. 182-86.

38. For Claiborne's claim for expences as Louisiana commissioner, see his letter to JM, May 30, 1804, *ibid.*, pp. 179-80.

39. See Isaac Joslin Cox, *The West Florida Controversy, 1798-1813* (Baltimore, 1918), pp. 100-1.

40. Claiborne refused to grant a monopoly of the Indian trade to anyone, instead opening the trade "to several respectable Citizens"; see William Claiborne to TJ, June 24, 1804, in Claiborne, II, 220-21.

whom I can name (instigated by a certain foreign Agent¹ (whom I also can name) have gone to the Havana with the express intent of procuring a re-inforcement of Monks, to Support Father Antoine de Sedella in his schismatic and Rebellious conduct. I also understand that the arrival of this Re-inforcement here is daily expected. In giving your Excellency this information, I acquit myself of what I consider an incumbent duty: With respect to the expediency of permitting or prohibiting their introduction, I will not presume to offer any opinion: from what one has already done, Your Excellency will be enabled to Judge what many others of the Same Stamp are likely to do.

I have the Honor to be with due Respect and Sincere Regard

Your Excellency's M obdt. Hb. St.

His Excellency (Signed) Patrick Walsh
Governor Claiborne Vicar General

To Rev. Patrick Walsh.

New Orleans July 12th 1805

Sir,

I am Honored with your Letter of yesterday. The Schism in the Church is to me a subject of regret; it tends to disturb that Social intercourse which sweetens life, and to lessen the respect of the Citizens for the Ministers of the Gospel;— A respect which I consider essential to the good of the church. For if those who profess to be the followers of the meek and Humble Jesus, instead of Preaching Brotherly love and good will to man, and enforcing their precepts by example, should labour to excite dissension and distrust in a community, there is indeed ground to fear that the Church itself may cease

¹The Marquis of Casa Calvo took an active part in behalf of the Spanish priest who resisted the authority of Vicar-General Walsh. Claiborne suspected it to be a Spanish intrigue.

to be an object of veneration. Under the American Government where the rights of conscience are respected, and no particular sect of religion, is the favorite of the Laws, the Civil Magistrates carefully avoid interference in religious disputes, unless indeed the public peace should be broken or menaced, and then it becomes their duty to act.

I yet persuade myself that the dissensions in the Church of this City will soon cease, and that your laudable exertions to restore harmony and concord may be successful. But lest I may be disappointed in this reasonable expectation and the dissensions should be carried to such lengths as to require the notice of the civil authorities, I will thank you to designate by name the Individual, whose interference in the dispute you attribute, "less to zeal for the Religion, he would be thought to serve, than to the indulgence of private passions, & the promotion of views equally dangerous to Religion and to Civil order."

I wish you also to designate by name the two persons, "who have gone to the Havanna with the express intent of procuring a reinforcement of Monks," and I am particularly desirous to know the Foreign Agent to whom you allude. These requests are alone dictated by a desire to receive upon the subject, such information, as may be relied upon, and I hope that to you the assurance is unnecessary, that no improper use will be made of your communications.

The expected arrival of the Havannah Monks, and the conduct to be observed on my part, merit and will receive consideration.

I pray you Sir to accept assurances of my great respect and Esteem!

(Signed) William C. C. Claiborne

The Revd. Mr. Walsh
Vicar General New Orleans