The Louisiana State Bar Association (LSBA) is proud and honored to join in the celebration of the Louisiana Statehood Bicentennial and to recognize the roots from which our great state has grown.

The Louisiana Office of the Secretary of State, through the Louisiana State Archives, created a wonderful compilation and presentation of that history, together with much more, in its work entitled “Louisiana 2012: A Bicentennial Celebration of History, Culture and Natural Resources.” The Secretary of State and the State Archives have kindly allowed the Louisiana Bar Journal to publish excerpts of that work in this issue for our members. This history excerpt is only a small part of the comprehensive work created by the Louisiana State Archives. Hopefully, the full work will be published for public access and use soon. The LSBA strongly recommends it. The information provides a marvelous perspective and review of the origins of our state.

As Louisiana citizens and attorneys, we all owe a great deal of gratitude to those who founded this state and have gone before us in making this rich history.

In addition, this issue of the Journal includes an article addressing the 300 years of French law influence in Louisiana by Louisiana State University Paul M. Hebert Law Center Professor Olivier Moréteau, as well as a lesson by Lafayette attorney Ariel A. Campos, Sr. on the large part Hispanic history has played in making Louisiana what it is today.

Rounding out the issue are letters from various key players in the Bicentennial celebration, as well as a list of Bicentennial-related events throughout the state. These events are updated monthly on the state’s main website, www.louisianabicentennial2012.com.

We hope you enjoy the articles and feel pride in Louisiana’s rich history!
The Bicentennial of Louisiana’s statehood happens to coincide with the Tercentennial of the enactment of French law as the law applicable to *La Louisiane*, marking the starting point of the law of Louisiana.

A Letter Patent signed on Sept. 14, 1712, by King Louis XIV of France granted to Sieur Crozat, the king’s Secretary, exclusive trade rights in all lands possessed by the King “under the government of Louisiana,” whilst providing in article VII that all laws applicable in Paris and its province, including Edicts, Ordinances and Customs, were applicable to Louisiana. This is the first document to make reference to the law to be applied in Louisiana.

Until the cession to Spain 50 years later, French law officially applied in the immense territories that stretched from the Gulf of Mexico to the Great Lakes, from the Mississippi River to the Rocky Mountains and to the Isle of Orleans east of the Mississippi River, though there is limited evidence, if any at all, of the application of the Custom of Paris outside New Orleans and maybe in a few locations in south Louisiana.

French law would cease to apply in Louisiana after its cession to Spain in 1762. When Spain effectively took possession in 1769, Governor O’Reilly proclaimed that justice was now to be administered according to the laws of Spain, naming the *Nueva Recopilación de Castilla* and the *Recopilación de las Indias*. The complex and intricate Spanish laws, largely derived from the Roman law of Justinian and that of the Visigoths, remained in force after the retrocession of the Louisiana territories to France in 1800 and the subsequent Louisiana Purchase by the United States in 1803. French law would never apply again as such, but it would remain influential after the Territorial period during two centuries of statehood.

French law was never reestablished in Louisiana. The population of New Orleans successfully insisted that the civil law tradition be maintained. In 1804 and 1805, two Acts of Congress provided that, in so far as they were consistent with federal law, the civil laws in force in the Territory of Orleans “shall continue in force until altered, modified, or repealed by the legislature.” In 1806, the Legislative Council resolved that a Civil Code be prepared for the territory, and that “the civil law by which this territory is now governed” (namely Spanish civil laws) be made “the ground work of said code,” in the effort to make the law clearer and more accessible to the French, Spanish and American inhabitants.

The two draftsmen, James Brown and Louis Moreau-Lislet, were challenged with the daunting task of reducing thousands of pages of legal rules into a volume of 200 or 300 pages. It fully made sense to follow as models both the *Projet* of 1800 and the *Code civil des Français* of 1804, later to be known as the *Code Napoléon*. Wherever an article of the *Projet* or of the Napoleonic Code conformed to the Spanish law, it naturally made its way into the Digest of 1808. The organization of the French Civil Code, replicating the structure of the Institutes of Gaius, remains to this date the backbone of the successive Louisiana Civil Codes.

The study of the cases decided in the first two decades after the enactment of the Digest of 1808 reveals that Louisiana courts never regarded the new enactment as a shift from the Spanish to the French model. When faced with the generality of the provisions it contained, judges looked for the missing details in the pre-existing Spanish compilations. Spanish law was not abolished except where clearly contradicted by the Digest. In addition, some distinctive aspects of Spanish law, different in substance from those in the French model, made their way to the Digest — for instance, rules relating to marriage, the community of gains, successions and alimony.

In France, the law took a new departure after the 1804 codification: the effort was to unite all Frenchmen under one law, demanding that all previous laws — Roman law in Southern France and customs in the North — be repealed. After a national Revolution, it comes as no surprise that France would have a break with the past regarding its legal system.

Things were different in Louisiana, where the movement towards codification was conservative in essence. The Digest of 1808 was meant to preserve the preexisting law and there was no wish for a fresh start. Judges kept citing the *Siete Partidas* of Alfonso X of Castile and subsequent Recompilations. This defeated the purpose of the Digest as expressed in the Act of March 31, 1808: it aimed at eliminating the need of “recurring to a multiplicity of books, which, being for the most part written in foreign languages, offer in their interpretation inexhaustible sources of litigation.” Clarification and simplification had been a vain hope.

In 1825, the Digest was replaced by a Civil Code, also drafted in French and translated into English, this time abrogating “the Spanish, Roman and French laws” in force at the time of the Purchase on all matters governed by the Code (art. 3521). Then an Act of 1828 proceeded to a general repeal of all the civil laws in force before the Civil Code. However, in a 1839 case (*Reynolds v. Swain*), the Louisiana Supreme Court declared that this repeal was confined to positive or written law and could not apply to the unwritten laws, citing among others the revealed law, the natural law, and the law of nations: in the opinion of the court, what had not been enacted by the Legislature could not be abolished. At least at that time, this made Louisiana law remarkably different from French law; legislative positivism was rejected, with...
judges preferring to rely on the tradition and principles of natural law.

The Louisiana Civil Code was again rewritten in 1870, this time in English, after the Civil War and the abolition of slavery. The Louisiana State Law Institute was founded in 1938 to prepare subsequent revision and keep the laws of Louisiana under constant review. The Civil Code of 1870 has been almost completely revised during the past few decades, and can fairly be described as one of the most modern civil codes in the world today, abreast of social and economic needs as well as comparative law studies. This proves that the civil law may be developed in the English language, following the French Civil Code format and style, whilst developing solutions compatible with the surrounding common law. The Center of Civil Law Studies at Louisiana State University is presently translating the Louisiana Civil Code into French, so that French jurists and French-speaking jurisdictions may also benefit from these developments, making the relationship to France a give-and-take story.

In the meantime, mostly under the auspices of the Louisiana State Law Institute, significant monuments of French legal literature were translated from French into English to provide a doctrinal background to judges and attorneys not able to read French. These include the remarkable Treatise on the Civil Law by Marcel Planiol (1959) and the very comprehensive Cours de droit civil français by Aubry and Rau (1965-72). These volumes are frequently cited in court opinions and teaching materials, projecting the French influence into the interpretation of the Code and the understanding of the substance of the law. Regarding interpretation, a most influential book by François Gény was also translated into English (1965). Méthode d'interprétation et sources en droit privé positif, a world-famous book published in 1899 and revised in 1954, clarifies the importance of jurisprudence in civil law jurisdictions and helps understand that reliance on court decisions is not the same as common law stare decisis. Other major French books have been translated under the auspices of the Center of Civil Law Studies, thereby allowing Louisiana to contribute to the dissemination of French legal culture outside the francophone world.

The Louisiana Civil Code started as a blend of Spanish substance and French style, described by LSU Professor Robert A. Pascal as a “Spanish girl in a French dress.” It has been re-substantiated with further elements of French doctrine and reconciled with common law solutions. What makes Louisiana unique is the combination of cultures from at least three different continents. New Orleans is an American city with a Spanish downtown called the French Quarter and something of an African and Caribbean way of life. In Louisiana, much of people’s daily lives, regardless of their origins, continue to be shaped by laws combining the Roman, French, Spanish and Anglo-American heritage. The French elegance given to it some 200 years ago should not hide the pluralism of its sources. It keeps bringing a major contribution to the legal gumbo cooked by the Louisiana jurists, where ingredients of various origins remain visible but combine in a unique savor.

To this day, the fleur-de-lis remains a powerful symbol of Louisiana and its French heritage. It was planted 300 years ago in the garden of our laws, where it is still cultivated though more as a hybrid than in its original form. It was joined 100 years later by a self-sacrificing pelican, a bird native to Louisiana and a Christian symbol of love (see good faith and cooperation as founding principles of the civil law). What flows in its veins is a mix of what makes us human beings, regardless of the color of our skin and ethnic origins. Let’s be mindful of this rich heritage. Let’s be aware of its strength and its flaws (no system is perfect, not even the common law) when making decisions that shape our future.

Professor Olivier Moréteau in 2005 was named the first holder of the Russell B. Long Eminent Scholars Academic Chair at Louisiana State University-Paul M. Hebert Law Center. A professor of law, he is director of the Center of Civil Law Studies at LSU Law Center, editor-in-chief of the Journal of Civil Law Studies and associate vice chancellor for international programs. He has authored and edited books in French and English and written many articles in various languages for international periodicals and books on the civil law, common law, comparative law, law and languages, tort law, the law of obligations and legal education. He is a member of the International Academy of Comparative Law, the European Group on Tort Law, the European Centre of Tort and Insurance Law, the American Law Institute, the Louisiana Bar Equivalency Panel and the Louisiana Bar Foundation. (Paul M. Hebert Law Center; 1 E. Campus Dr., Louisiana State University, Baton Rouge, LA 70803)

Ten flags have flown over Louisiana, including the Spanish flag of DeSoto, the French flag of LaSalle, the British Union Jack, the Spanish flag, the French flag, the American flag, the West Florida Republic flag (Bonnie Blue), the Independent Louisiana flag, the Confederate Stars and Bars, and the Louisiana flag, Louisiana State Archives, Secretary of State’s Office. Used with permission.

Flags Over Louisiana

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Defining diversity in the legal profession in Louisiana through a Hispanic perspective must begin at the beginning.

Hispanic comes from Hispania, an ancient name for the Iberia Peninsula. The American Heritage Dictionary of the English Language (Fourth Edition, 2000) defines Hispanic as “. . . of or pertaining to Spain and its language, people and culture, having cultural origins in Iberia.” Within the context of Hispanics in Louisiana, this definition has a historical reference.

Christopher Columbus (Cristobal Colon in Spanish) “discovered” and claimed the Americas in the name of Queen Isabella of Spain. The Spanish Empire once was huge, encompassing nearly all of North and South America. During the 400 years that Spain ruled, it made many lasting contributions in language, religion, political administration, laws and commerce.

Spanish explorers were the first Europeans to discover the Mississippi River. In 1542, Hernando de Soto first navigated the river, after claiming the land draining into the river and its tributaries for the Spanish Crown. However, Spain virtually ignored the land that later became known as Louisiana for nearly a century-and-a-half due to the inhospitable climate, wildlife and geography. Precious metals and fertile soils had been found by its explorers in the more hospitable lands to the south.

French King Louis XIV, concerned about British and Spanish expansion in the New World, encouraged French exploration of the Mississippi River and perhaps enlarge his own empire. In 1682, Rene-Robert Cavelier, Sieur de la Salle, reached the mouth of the Mississippi and claimed it and all the lands drained by it for France. He named this vast, largely unknown territory “Louisiana” or “Louis’ land.”

In 1699, Pierre Le Moyne, Sieur d’Iberville, sailed into the Gulf of Mexico thinking that the large French ships would get stuck in the mouth of the Mississippi. He chose to bypass sailing up the river and instead established a permanent settlement on the Gulf Coast. Jean-Baptiste Le Moyne, Sieur de Bienville, did not share his brother Pierre’s view that the river was not navigable. He continued to explore the lower Mississippi River until 1718 when he founded a permanent settlement named New Orleans in honor of the ruling regent, the Duc d’Orleans. It was not until 1731 that Louisiana became a royal French colony. The French were disappointed that their new colony did not produce the riches they had envisioned. King Louis XV of France was strapped for funds after waging war with England during the Seven Years War, known in the New World as the French and Indian War. In 1762, as negotiations to settle that war were coming to a conclusion, Louis XV secretly proposed to his cousin Charles III of Spain that France give Louisiana to Spain in the Treaty of Fontainebleau.

Louisiana was the name of the administrative district of New Spain after France secretly ceded it to Spain. Spanish rule did not proceed smoothly at first. It was not until 1764 that Spain formally announced its rule over the new possession. The French settlers rebelled against their new ruler, Gov. Antonio Ulloa. It took a new governor, Alejandro O’Reilly, to suppress the French settlers’ rebellion and establish order. He sent the plotters to prison in Morro Castle in Cuba. The Spanish established much of New Orleans’ and Louisiana’s character normally associated with the French. The Spanish control also continued Catholic influence in the region.

Louisiana prospered under Spanish rule. A stable government fomented the growth of business and commerce. Louisiana’s sugar industry began during this period. After the development of a method for processing sugar on a large scale by Etienne de Bore, Louisiana planters began growing sugar cane as a major crop, much as their cousins had done in Spain’s Caribbean colonies.

The devastation caused by Hurricane Katrina is not the first time New Orleans has undergone cataclysmic destruction. The Great New Orleans Fire of 1788 nearly destroyed much of the city. The fire started at the home of the Spanish official Don Vincente Jose Nunez, spreading to within the Plaza de Armas and destroying the original Cabildo and virtually all major buildings, including the main church, the municipal building, the army barracks, the armory and the jail. Gov. Esteban Rodriguez Miro set up tents for the homeless. The Spanish rebuilt the city by replacing all the wooden buildings constructed by the French with structures containing courtyards, thick brick walls, arcades and wrought iron balconies. Among the new buildings were the present St. Louis Cathedral and the Presbytere.

Fire once again caused widespread devastation to the city in 1794. Although not quite as destructive as the earlier fire, it nevertheless destroyed 212 buildings. Still a colony of Spain, rebuilding after both fires was in the Spanish colonial style, thus eliminating much of the French architecture from the “French Quarter.”

Whether the legal system in Louisiana should be called “Napoleonic” or not, since the Civil Code was also influenced by Spanish law, should be more fully explored in a book-length discussion. Few areas in this country present diversity as vividly in all aspects of its origins as Louisiana does. Its customs, architecture, food, culture, people and laws are as diverse in origin as the faces of its citizens. Louisiana has as its roots indigenous inhabitants, Spanish, French, African and mixtures of all. The English, Irish, Germans and other European settlers arrived later. In Louisiana, the Spanish term Somos Primos, “we are cousins,” is alive. The Civil Code is made up of two...
continues from page 327

relatives, Spanish law and French law, which in turn derive their respect for family and property law from their common ancestor: the Roman law.

A compelling conclusion to any discussion regarding diversity in Louisiana’s laws and legal profession leads to the fact that the legal profession and its practitioners in Louisiana must reflect the diversity of its people and its origins. The contrary would lead to a denial of the very existence of our roots.

**FOOTNOTES**

3. Ibid.
5. Ibid.
6. Ibid.
7. Ibid.
9. Ibid.
10. Frank Laughter, Concord Learning Systems, L.L.C., Concord, N.C.

Ariel Campos, Sr. is employed as a contract attorney with Acadiana Legal Services Corp. in Lafayette. He was previously employed by health care providers in Louisiana and Missouri, by the U.S. Department of Justice, Civil Rights Division, in Washington, D.C., and by the Equal Employment Opportunity Commission in the New Orleans District Office. He earned his AB degree in English and philosophy from Loyola University and his JD degree from Loyola University College of Law. He is a member of the Louisiana State Bar Association’s Diversity Committee and the Legal Services for Persons with Disabilities Committee. He is a member of the Lafayette Bar Association and the Hispanic Lawyers Association of Louisiana. (P.O. Box 4823, Lafayette, LA 70502-4823)

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Happy 200th Birthday, Louisiana!

This year, we are celebrating a magnificent milestone, the bicentennial of Louisiana’s statehood. Our rich and authentic culture is shaped by the past 200 years and the people who have called Louisiana home. For the next year, we are celebrating our past while embracing our future.

Events are scheduled throughout the year in every parish in the state. From commemorative license plates to education curricula and museum exhibits to birthday celebrations, 2012 is shaping up to be the best year yet for Louisiana.

The official bicentennial birthday event will take place on the grounds of the State Capitol on April 30, 200 years to the day after Louisiana became a state. Also in Baton Rouge, a new exhibit, The Treasures of the Louisiana State Museum: Celebrating 200 Years of Louisiana Statehood, opened to the public at the Capitol Park Museum on Feb. 1.

I encourage you to take advantage of all the special events and programs that are happening this year. To learn more about official events throughout the state, visit www.LouisianaBicentennial2012.com.

—Jay Dardenne
Lieutenant Governor
State of Louisiana

State Archives Telling Louisiana’s Story

Serving as Louisiana Secretary of State is challenging and rewarding. It is both an education and an experience, as well as an honor, privilege and infinite pleasure.

What better way to pay tribute to our great state of Louisiana than to tell its story from an array of perspectives. One way, set in concrete, is the 10-panel sculpture on the exterior of the State Archives’ facility. Still another is the State Archives’ fact-filled, researched, well-written history of Louisiana, “Louisiana 2012: A Bicentennial Celebration of History, Culture and Natural Resources,” with tables, photographs and the heroes and heroines who wrote the history, page by page. It celebrates Louisiana becoming a state in 1812 and now commemorates its Bicentennial.

Louisianians, you are already a part of the history, and you or your children may well add to its flavorful future. We invite you to read the Bicentennial saga, to share it, to soak in this colorful panorama of a state that has flown 10 different flags, more than any other state, and revels in its uniqueness of being a warm and welcoming state.

For information on obtaining a copy of the book, contact the State Archives, 3851 Essen Lane, Baton Rouge, LA 70809, (225)922-1000, email archives@sos.la.gov.

—Tom Schedler
Louisiana Secretary of State

Recording Louisiana’s Colorful Heritage

Describing Louisiana to a stranger is like trying to depict in words a kaleidoscope or a tapestry. It’s a “many splendored thing,” as the popular song of 1955 sounded. Historically, culturally and physically, with its depth of contributions that are global, Louisiana has so many facets to its layout of people, places and things that the word “gumbo” is often used to describe it. This is because Louisianians love to eat, drink and be merry; and, yet, Louisiana is also a place of great citizenship, compassion, bravery and ingenuity.

With this in mind, the staff of the State Archives addresses its mission: “To collect, preserve, display and make available those records essential to the reconstruction of Louisiana’s colorful history and heritage.”

In addition, we wanted something special for the Bicentennial Year of its statehood in 1812, and took on the mighty task of writing a history that is easily read and comprehended but in no way conclusive. This would be impossible because the “gumbo” constantly evolves with tasty additions. Vive la différence!

For information on obtaining a copy of the book, “Louisiana 2012: A Bicentennial Celebration of History, Culture and Natural Resources,” contact the State Archives, 3851 Essen Lane, Baton Rouge, LA 70809, (225)922-1000, email archives@sos.la.gov.

—Florent Hardy, Jr., Ph.D.
Louisiana State Archivist
Joyeux Anniversaire, Louisiane!

On behalf of the Louisiana State Bar Association’s (LSBA) Francophone Section, founded in 1999 (of which I am the current president), I am proud to state the enormous significance of the Bicentennial of the creation of the State of Louisiana, 1812-2012. Admitted as the 18th state in the Union on April 30, 1812, we gained notoriety, I believe unprecedented, in Louisiana and the United States of America. Keep in mind that, in 1803, the United States officially bought the territory of Louisiana from France in what is known as the Louisiana Purchase.

We founded the Francophone Section in Destin, Fla., in 1999, through the great suggestion of then-LSBA President Patrick S. Ottinger. I remember receiving the letter from Patrick, through Warren Perrin, while boarding a plane to Miami, Fla., for a case I was handling in Dade County.

My thoughts for Louisiana are very fond and in what I believe is the greatest state in the Union. I believe that for many reasons, I love Louisiana. My family came from the Canary Islands in the 1800s and rested here and stayed here. My grandfather was a World War II veteran serving in France, Spain and Germany. My father served in Vietnam. My father finished law school in 1976. After completing my undergraduate studies at Louisiana State University, I had the great intention of going to law school.

On the advice of the late Judge Allen M. Babineaux, I decided to attend Loyola University Law School. I spent five years living in New Orleans. I enjoyed every minute of it. I met many great people. I was a history major so, when we get a chance to celebrate an historical event, namely, the founding of Louisiana and all its beauty, its bayous, its food, its culture, its language, its law, the Civil Code of Louisiana, we do so in great earnest.

This is not just an event which Louisiana celebrates. Rather it is an International Francophone Event with wishes from all Francophone countries, including but not limited to Canada, France, Belgium and Haiti. It is an event that is monumental, an event of joy, an event of pleasure, but also an event of remembrance of what we have experienced for many years, including the tragic Hurricanes Katrina and Rita in 2005.

Louisiana is blessed. Louisiana has great people. Louisiana has great chefs! But, more importantly, Louisiana has a great Soul. “Le joie de vivre” and “laissez les bon temps rouler” are our signature phrases that define who we are and who we want to be and are always recognized throughout the world.

Joyeux Anniversaire, Louisiane!

—John A. Hernandez III
President, Francophone Section
Louisiana State Bar Association

Greetings from Québec!

Québec and Louisiana were born as two brothers, once joined by the hip when the French Empire spread from the cold waters of the Labrador Sea to the warm waters of the Gulf of Mexico. This common history gave rise to common institutions, such as the French language and the Civil Code, which institutions we still share as of today. Both colonies have since taken a different path, but have continued to nourish a strong friendship, such as the one we enjoy between our two Bars, especially with the Louisiana State Bar Association’s Francophone Section. As such, each year, we have the pleasure of greeting your President to our Opening of the Courts and, reciprocally, we have the pleasure of participating in your Annual Meeting. Your next assembly, in 2012, will take place during the commemoration of the Bicentennial of the foundation of the State of Louisiana. We look forward to being there and celebrating this event with you!

—Nicolas Plourde
Vice-President, Québec Bar
Former Bâtonnier, Bar of Montréal

Joyeux Anniversaire to Louisiana (1812-2012)

I first met John A. Hernandez III (also known as T-Jean), president of the Francophone Section of the Louisiana State Bar Association (LSBA), at the LSBA’s Annual Meeting in Destin, Fla., in 2003. We have formed a very formidable relationship between the LSBA’s Francophone Section and the Bar Association of Paris, as well as with the LSBA itself which we invite each year to attend our Annual Red Mass. Conversely, we are always invited to attend the LSBA’s Annual Meeting, which I attended in 2011 in Las Vegas, Nev., on behalf of the Paris Bar Association.

Through the help of the Francophone Section, it has been my pleasure to have attended two seminars of the Judge Allen M. Babineaux International Civil Law Symposium in Lafayette, La. — once in 2005, unfortunately held two weeks after the great devastation of Hurricane Katrina, and then again in 2008 for the grand celebration of the 200th Anniversary of the Digest of 1808 of Louisiana.

Our ties between Louisiana and France are very deep and very treasured. To this end, I congratulate this great state for its 200th Anniversary and look forward to celebrating same this year with my friends in Louisiana.

—Jean-Marie Burguburu
Ancien Bâtonnier du Barreau de Paris
Louisiana 2012:

A Bicentennial Celebration of History, Culture and Natural Resources
Editor’s Note: The publication, “Louisiana 2012: A Bicentennial Celebration of History, Culture and Natural Resources,” was produced by Louisiana State Archivist Florent Hardy, Jr. and the staff of the Archives/Louisiana Secretary of State’s Office to commemorate the Bicentennial of Louisiana’s Statehood on April 30, 2012. The Louisiana Bar Journal has received permission to excerpt a portion of the historical chronology. For information on obtaining a copy of the book, contact the State Archives, 3851 Essen Lane, Baton Rouge, LA 70809, (225)922-1000, email archives@sos.la.gov.

Introduction

Celebrations are nothing new to Louisiana, a state rich in tradition and cultural festivity. The year 2012 promises to be a year-long celebration to end all, as the people of Louisiana celebrate the Bicentennial of their statehood while recognizing two hundred years of challenge and opportunity. Although serious in time of need, the citizens of Louisiana appreciate the Cajun expression “Laissez Les Bon Temps Rouler,” and accept it as their unofficial motto. Visitors also soon revel spontaneously in world-renowned Louisiana fun.

Much evolution and change occurred during two hundred years of history. Early inhabitants, European explorers, and colonial rulers all played major roles in the early history of what is now Louisiana. Upon statehood, the people of Louisiana and their actions became the focal point of historical development. Acknowledgment of a diverse ethnic heritage, wise use of its strategic geographic location, and a respect for the continued development of its many resources have helped to make Louisiana what it is today. Beyond comparison, however, the most important of all of Louisiana’s many resources is its people — individuals who represent a mini-melting pot overflowing with excitement, dedication, and a healthy work ethic.1

Native Americans have been a significant contributor to Louisiana history through the centuries. Little is known of the different tribes until the 1800s; however, it is known that these early inhabitants moved from place to place, basically as a matter of survival. The first Louisianians crossed the Bering Land Bridge between Asia and North America around the year 12,000 BC. The Mississippi River Valley provided some of the best hunting grounds and agricultural land on the entire continent, and native peoples quickly made their way to the bayous and rivers of the future Pelican State. The region produced such an overabundance of food that nomadic tribes transformed into hierarchical societies, capable of building massive earthworks like those preserved at Poverty Point State Historic Site in North Louisiana.3 Today, Poverty Point is a State Historical Site and is an affiliate of the Smithsonian Institution, designated by the United Nations as one of three World Heritage Sites in North America.

Construction of the mounds at Poverty Point ended around 1350 BC, and archaeologists continue to debate the reasons for the apparent abandonment of the complex. The indigenous people, however, did not disappear. In fact, they became the immediate ancestors of the tribes that European explorers encountered in the sixteenth and seventeenth centuries. Several of these tribes, specifically the Natchez, continued to erect earthworks like those at Poverty Point.4

At the time of European contact, six major native groups lived within the borders of present-day Louisiana: Coushatta, Choctaw, Chitimacha, Houma, Tunica, and Caddo. The largest, the Caddo of North Louisiana, exerted the most power and influence. The Chitimacha and Houma lived in the marshes and bayous of South Louisiana. Although they originated in modern-day Mississippi, elements of both the Tunica and the Choctaw settled in central Louisiana during the mid-eighteenth century. Around the same time, British colonial expansion forced the Coushatta migration to Louisiana from points eastward.5

American history has taught us that Native Americans were named Indians because Christopher Columbus thought he had reached the East Indies when he discovered America in 1492. Hernando De Soto’s Spanish expedition through the modern Southeast encountered and tried to subjugate members of all six of these tribes. Following De Soto’s death in 1542, his remaining soldiers built a raft and sailed to Mexico, leaving the natives to their own affairs. French colonial officials adopted a totally different policy toward Louisiana’s tribes. Although the French attempted to convert the indigenous peoples...
to Catholicism, the colony’s leaders also viewed the tribes as a vital source of provisions and furs. In fact, New Orleans survived on the foodstuffs grown by the Choctaw.6

Following the American purchase of Louisiana, official policy toward the natives rapidly changed. President Andrew Jackson forced the Caddo and a majority of the Choctaw and the Coushatta onto reservations in Oklahoma and Texas. Today, the federal government recognizes four tribes in Louisiana: Chitimacha, Coushatta, Tunica-Biloxi, and the Jena Band of the Choctaw. The 2010 census based on 2009 estimates reported that approximately 26,800 American Indians and Alaska natives lived in Louisiana.8

The early inhabitants of Louisiana have contributed much to the uniqueness of Louisiana and have left an indelible mark on its culture. Indian names such as Calcasieu “crying eagle,” Catahoula “beloved lake,” and Tangipahoa “ear of corn” are indicative of the long-lasting legacy of Louisiana’s early inhabitants.

Louisiana culture often revolves around its early inhabitants. Only recently Louisiana Public Broadcasting’s documentary, “Through Native Waters: A Chitimacha Recollection,” portrayed the present Chitimacha tribe through the eyes of a descendant who journeys down the Atchafalaya River Basin* and recounts stories, beliefs and perspectives of this important people. Although their numbers have decreased to some 1,000 and their sacred fishing and hunting grounds are diminishing, their legacy lives on. In fact, a grant from Rosetta Stone has allowed the tribe to research and teach their language and create a cultural center in St. Mary Parish.9

**The French Connection**

In the late 1600s French Governor of Canada, Louis de Baude, Comte de Frontenac was a firm believer in French territorial expansion and feared that the further growth of the British colonies might cut off France’s access to the valuable fur-trading lands of North America. He encouraged a wealthy immigrant to New France, Rene Robert Cavelier or the Sieur de La Salle, to explore the interior waterways. In 1682, an expedition led by La Salle reached the mouth of the Mississippi River. Claiming all the land drained by the river for France, La Salle named the new colonial possession Louisiana, in honor of King Louis XIV.10 Efforts by La Salle to settle the new colony ended in failure, and French colonial officials did not launch any further attempts to build an outpost in Louisiana until 1699. Settlers under the leadership of French-Canadian Pierre Le Moyne, Sieur d’Iberville managed to scrape out an existence near the present-day city of Biloxi, Mississippi. France, however, really needed a settlement directly on the Mississippi to control the river. In 1718, Iberville moved the capital of the colony to New Orleans, a town recently laid out by his brother Jean-Baptiste Le Moyne, Sieur de Bienville, and named in honor of the Duke of Orleans.11

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
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<tbody>
<tr>
<td>1682</td>
<td>La Salle Explores the Mississippi River</td>
</tr>
<tr>
<td>1699</td>
<td>Louisiana Colony is Established</td>
</tr>
<tr>
<td>1712-1717</td>
<td>Royal Charter Granted to Antoine Crozat</td>
</tr>
<tr>
<td>1713-1731</td>
<td>Royal Charter Granted to John Law</td>
</tr>
<tr>
<td>1718</td>
<td>Bienville Founds New Orleans</td>
</tr>
<tr>
<td>1762</td>
<td>Treaty of Fontainebleau</td>
</tr>
<tr>
<td>1763</td>
<td>Treaty of Paris</td>
</tr>
<tr>
<td>1764-1788</td>
<td>Acadiaans Come to Louisiana</td>
</tr>
<tr>
<td>1800</td>
<td>Secret Treaty of San Ildefonso</td>
</tr>
<tr>
<td>1803</td>
<td>Louisiana Purchase Treaty</td>
</tr>
<tr>
<td>1804</td>
<td>Napoleonic Code Established</td>
</tr>
<tr>
<td>1811</td>
<td>Enabling Act</td>
</tr>
<tr>
<td>1812</td>
<td>Louisiana Becomes the Eighteenth State</td>
</tr>
<tr>
<td>1861</td>
<td>Louisiana Secedes from the Union</td>
</tr>
<tr>
<td>1951</td>
<td>France-America de la Louisiane-Acadie</td>
</tr>
</tbody>
</table>

The French quickly relocated their dispersed settlements to the new location. Despite the success in forging a foothold on the Gulf Coast, the colony continued to drain the French Treasury. Hoping that private management of Louisiana might lower the costs, French officials transferred control to the Company of the West, a joint-stock corporation run by an exiled Scotsman named John Law. Law never visited Louisiana, but he convinced thousands of gullible investors that the colony contained vast amounts of gold, silver, and other valuable commodities. The unmasking of the “Mississippi Bubble” in 1720 led to a continental recession.12

The crown resumed direct control of the colony in 1731, but Louisiana continued to struggle for survival. During the forty years of French rule, the colony never turned a profit. Although Law succeeded in attracting German and Swiss settlers, the number of French residents remained low. Colonial officials resorted to sending convicts and prostitutes to Louisiana in a desperate attempt to increase the number of French settlers. Between 1717 and 1721, half the women sent to the colony were prostitutes. By the end of French rule, the colony’s population managed to reach self-sustaining levels, but only barely.13

Both the Company of the West and French royal authorities allowed the importation of slaves into the new colony. The French hoped to imitate the success of Britain’s Virginia colony which exploited slave labor to grow tobacco. While the crop emerged as the principal product of Louisiana during the colonial period, disease, climate, and low prices meant that Louisiana’s tobacco planters never really rivaled their Virginian competitors. The resulting influx of enslaved Africans to grow the crop, however, led to massive increases in the slave population. By 1746, almost sixty percent of the colony’s population lived in chains.14

The Louisiana colony was a challenge to France in many ways, especially economically. Many varied socioeconomic influences also impacted the growth of the colony through the years, but one influence remains paramount today. The French connection is the most dominant and the foremost reason for modern Louisiana’s alliance and closeness to Canada, France and all French-speaking nations. It was during the regime of 14 different governors administering Louisiana under French rule through the mid-1700s that the French attitude of laissez faire (let things happen as they will) began to prevail, continuing today in a state known for its fairs, festivals, Mardi Gras, dancing and music. The knowledge of the French language especially in southwest Louisiana has been a contributing factor to the long-lasting relationship with...
Louisiana and the French. In fact, during World War II and in Vietnam in the 1960s and 1970s, Louisiana’s French-speaking military personnel were much sought-after interpreters. Four centuries of French and Francophone cultural development in the New World are documented in a thorough recording of archival repositories that preserve historic data to this day. Fortunately, history has always been important to the people of Louisiana. Today, the Louisiana State Archives houses the original statehood constitution of 1812 and the Acts of the Legislature of the Territory of Louisiana. These initial Acts were written both in English and French.

Louisianians with French ties have been both determined and influential in preserving their French language and culture. One of the earliest heritage organizations, the Athénée Louisianais, founded in 1876, was a society that encouraged the study of French language and literature. France-Amérique de la Louisiane-Acadienne was established in 1951 with a similar goal. It was short-lived, however. In 1968, a more concerted effort was made at the state level through the original charter of the Council for the Development of French in Louisiana or CODOFIL, which brought much-needed financial support to the effort. The mission of CODOFIL continues to be the restoration of ethnic pride. This was to be achieved primarily through the teaching of French in Louisiana’s schools. Another of the innovative efforts to foster ethnic pride and to maintain the French/Louisiana connection is the twinning of Louisiana and French cities. This effort began almost forty years ago and has been joined more recently by the twinning of plantation homes and French castles. Interestingly, many of these Louisiana cities and plantation homes have French names. In 1762 France ceded the Isle of Orleans and Louisiane west of the Mississippi River to Spain. The next year the Treaty of Paris ceded Louisiana east of the river to England. Ironically, it was at this time during the Spanish regime (1764 to 1788) that some 3,000 Acadians, later known as Cajuns, were exiled from Acadia, Nova Scotia, Canada, and ended up in Louisiana. Henry Wadsworth Longfellow’s poem, “Evangeline, a Tale of Acadie,” immortalized the Grand Derangement and St. Martinville became known as “Le Petit Paris.”

During the almost forty years of Spanish control, Louisiana maintained the same lowly position that the colony endured under French rulership – a minor imperial backwater of limited importance. In fact, Spain took possession of Louisiana mainly to protect its more valuable Mexican holdings from British and American encroachment. Although colonial officials like Bernardo de Galvez lobbied Spanish bureaucrats for further development of Louisiana, their calls mostly went unanswered.

In his place, the new colonial masters dispatched Alejandro O’Reilly, an Irishman in the service of the Spanish king. O’Reilly quickly put down the rebellious French settlers, reorganized the government of the colony, and enabled the migration of the exiled Acadians to Louisiana. O’Reilly only stayed in the colony about seven months, but his brief tenure set the tone for the Spanish administration of Louisiana.

In order to dilute the French influence in the colony, the Spanish authorities tried to encourage immigration of Spaniards to Louisiana. Spain succeeded in attracting a number of Canary Islanders to settle in the area around Lake Maurepas and Bayou Lafourche, but their efforts to Hispanicize Louisiana society brought mixed results. While Spain significantly impacted the government and administration of the colony, culturally, the territory remained firmly French.

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When French ruler Napoleon Bonaparte offered to take Louisiana back in 1800, Spanish authorities willingly obliged. Although the change in ownership quickly took place in Paris and Madrid, the new owners did not take control in Louisiana until November 1803.

**Spanish Rule**

The French and Indian War, known in Europe as the Seven Years’ War, cost France its empire in North America. In the 1763 Treaty of Paris, French King Louis XV ceded Canada to Great Britain. To avoid giving control of Louisiana to the British, France secretly transferred possession of the territory, via the Treaty of Fontainebleau, to their Spanish allies in 1762. Spain did not actually assume control in Louisiana until 1766. The French settlers did not take kindly to the transfer of ownership, actually expelling the first Spanish governor sent from the Old World.

**Migration of Europeans**

The migration of Europeans to Louisiana, throughout the 19th century, became a defining aspect of today’s statewide varied and unique culture. This period brought in the Hungarian settlements in Livingston Parish, the German Coast in St. John the Baptist Parish, the Canary Islanders and the Acadians in south Louisiana, and the mix...
of British Islanders, Italians, and Germanic ethnicities. New Orleans, however, remained the focal point of Louisiana.

The strategic location of the Port of New Orleans assured that Louisiana would remain a constant interest of commerce to European imperial interests. Sold by France to help finance the Napoleonic Wars subjected to siege by Great Britain during the War of 1812, New Orleans became increasingly of pivotal importance to the shipping of goods between Europe and America. During the early half of the 19th century, Europe proved a mass consumer of American goods; for example, cotton, sugar,* and timber became primary Louisiana exports to European nations in need of such material and were greatly responsible for Louisiana’s economic growth. Louisiana continued to grow under the governance of France, Spain and Great Britain, until the United States’ annexation of Spanish West Florida, one of three independent countries that has ever existed in the United States, in September, 1812, completing the still existing boundary.

Louisiana Purchase

Upon achieving unrivaled power in 1799, French General Napoleon Bonaparte laid in motion not only the establishment of a French Empire in Europe, but in North America as well. Napoleon saw Louisiana then owned by Spain as a vital part in his quest for New World riches. The Treaty of San Ildefonso transferred authority over the territory back to the French. Bonaparte also launched a renewed effort to put down the slave rebellion in the French colony of San Domingue, which had raged without letup since 1791. The sad demise of the army that Napoleon sent to conquer the island of Hispaniola soured his imperial ambitions in North America. Owning Louisiana made little geo-political sense without also maintaining a position in the more valuable Caribbean sugar islands. Furthermore, Bonaparte needed money to fund expansion of his European empire. As a result of all these considerations, the American negotiators sent by President Thomas Jefferson to Paris found the French emperor a very willing seller.

The United States wanted Louisiana for two crucial reasons. During the last years of Spanish rule, colonial authorities frequently closed the port of New Orleans to American traffic. The closures infuriated western settlers, who depended on the city as both a supplier and a market for their goods. For both philosophical and monetary reasons, Jefferson only wanted to purchase New Orleans from Napoleon. Owning the entire territory of Louisiana, however, opened up a vast area of land to the rapidly expanding American nation. Proper ownership of colonial land grants acquired prior to 1800 was addressed by the 1805 Congress.* For essentially the same price that the Americans wanted to pay for New Orleans, Bonaparte offered to sell the entire territory of Louisiana. Robert Livingston and James Monroe, the two American representatives, quickly signed an agreement to purchase Louisiana for fifteen million dollars. Since the amount well exceeded the money in the American Treasury, the United States took out a loan with Baring Bank, a British firm, to actually pay the French. On December 20, 1803, Governor William Charles Cole Claiborne raised the Stars and Stripes over the Cabildo in New Orleans.

Territorial Louisiana and Statehood

The present state of Louisiana was carved out of the southern section of the Louisiana Purchase. On March 26, 1804, the Eighth Congress of the United States organized the Territory of Orleans, which included all of the present state of Louisiana. The creation of a territorial government allowed residents to elect a territorial legislature, but not major office-holders. The President and Congress continued to appoint the territorial governor. The future state’s borders remained undefined and the matter of some dispute with Spanish officials in Mexico. Not until the Adams-Onis Treaty in 1819, seven years after statehood, did the Sabine River become the official western border of Louisiana.

At almost the same time that America assumed jurisdiction over Louisiana, an influx of refugees from the continuing unrest in San Domingue started to arrive.
in New Orleans. The new settlers greatly aided the development of Louisiana’s economy, which languished during both the French and Spanish periods. French planters from San Domingue played a crucial role in starting the sugar industry, importing the technology and knowledge needed to grow, harvest, and process sugar cane. A sizable community of free black artisans also immigrated to Louisiana from San Domingue.29

In order for a territory to be admitted into the union in the early 1800s, minimum requirements had to be met. The Northwest Ordinance of 1787 stated that population had to exceed 60,000 and the Enabling Act of 1802 set forth the legal mechanisms that authorized the people of a territory to begin the process towards statehood. There was precedent for a territory to become a state. On April 30, 1802, the Seventh Congress of the United States authorized the residents of the eastern portion of the Northwest Territory to form the state of Ohio and join the United States on an equal footing with the other states. Thus, Ohio set the precedent and procedures for creation of future states in the western territories.

To begin the process, twelve parishes30 were established by the Territorial Legislature on April 10, 1805, starting from the southeast corner moving west and north. These were Orleans, LaFourche, German Coast, Acadia, Iberville, Attakapas, Pointe Coupee, Opelousas, Rapides, Concordia, Natchitoches and Ouachita. Not included in the Orleans Territory were the Florida Parishes on the east bank of the Mississippi; they were part of the Spanish territory of West Florida until annexed in 1810 following the West Florida Revolt.31 The western boundary with Spanish Texas was not fully defined until the Adams-Onis Treaty in 1819, and a strip of land known as the Sabine Free State east of the Sabine River was a neutral ground buffer area from about 1807 until 1819.

By the Census of 1810, Louisiana met the 60,000 population figure needed to qualify for statehood. The territorial legislature quickly adopted a state constitution, shaped primarily by a copy of the Napoleonic Code that Creole admirers of the French Emperor brought to New Orleans in 1808. On February 20, 1812, President James Madison signed the congressional act granting statehood to Louisiana. The admission of Louisiana became official two months later.32

Louisiana’s first elected governor to the newly formed state was William Charles Cole Claiborne, 1812-1816. Claiborne had served as Territorial Governor of the Territory of Orleans (Louisiana), 1803-1812. State officers serving with him were as follows: L.B. Macarty, Secretary of State; J. Montegut, Treasurer; Allan B. Magruder, United States Senator; Thomas Posey, (replacing Jean Noel Destrehan who resigned before taking his senate seat), United States Senator; and Thomas Bolling Robertson, United States Congressman.

Other officials were Julien Poydras, President of the Senate; P.B. St. Martin, Speaker of the House of Representatives; Dominick Austine Hall, George Mathews and Pierre Derbigny, Judges of the Supreme Court; and Julien Poydras, Stephen A. Hopkins and Philemon Thomas, Presidential Electors.33

The original constitution adopted in April of 1812 when Louisiana was admitted to statehood laid out the organization of the state’s governing system and stated the terms of office for the departments of state. It was in effect for many years, but revisions became necessary as society changed. The 1845 alterations included the qualification terms, term limitations of the governor, and creation of the office of lieutenant governor. Not completely happy with the document, the public organized a constitutional convention in Baton Rouge in 1852. Over the years, there were more constitutional conventions and new versions. Louisiana adopted the Ordinance of Secession on January 26, 1861, and in March 1861 adopted the Constitution of 1861, making those changes necessary for the state constitution to conform to the Constitution of the Confederate States of America. The words “Confederate States” were inserted in place of “United States” and some other minor changes. The 1861 Constitution amendment changes were not submitted to the voters in Louisiana.34 Among the noteworthy provisions were the abolition of slavery in 1864; a formal bill of rights, 1868; request for God’s guidance, 1879; restriction of voting rights to the literate and property owners only, 1898 and 1913. Throughout its history, Louisiana has altered and added provisions to its constitution. The 1921 Louisiana Constitution holds the record for the longest state constitution before it was supplanted by the shorter 1974 constitution.35

All Acts of the Louisiana Legislature, dating from 1803 to present, are stored in temperature and humidity controlled vaults at the Louisiana State Archives in Baton Rouge. Earlier acts are in volumes bound by various Secretaries of State, which were notably written by hand. The Acts dated 1803-1987 were microfilmed and are available for research purposes at the State Archives. Annually, the Acts of the Legislature are published by the Secretary of State’s office.36

In spite of the newly formed constitution, however, the issue of Louisiana’s loyalty remained an open question until the War of 1812. This war was caused by the seizure of American sailors by the Royal Navy and the British continued support for native tribes in the Midwest and South. The first two years went badly for the Americans. In 1814, a British expedition even seized the country’s new national capital and burned the White House. In the fall of 1814, the British launched an attempt to seize New Orleans, and thereby gain control of the Mississippi River.

To face the invasion, General Andrew Jackson assembled a motley army of Tennessee Volunteers, Choctaws, armed free blacks, and pirates. Although leery of American intentions, the French population of Louisiana feared the British even more, and threw in with Jackson. On January 8, 1815, the Americans won a major victory in the Battle of New Orleans, inflicting

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**Louisiana’s Many Constitutions**

<table>
<thead>
<tr>
<th>Constitution Dates</th>
<th>1812</th>
<th>1845</th>
<th>1852</th>
<th>1861</th>
<th>1864</th>
<th>1868</th>
<th>1879</th>
<th>1898</th>
<th>1913</th>
<th>1921</th>
<th>1974</th>
</tr>
</thead>
</table>

over two thousand casualties on British forces while suffering only thirteen dead. In actuality, British and American diplomats had signed a peace treaty ending the war over a month before the battle, but the successful repulse of the British army forever settled the debate over French Louisianians’ allegiance to their new nation.37

West Florida Republic

The Spanish territory of Florida extended into the area now called the Florida Parishes: East Baton Rouge, East Feliciana, Livingston, St. Helena, St. Tammany, Tangipahoa, Washington, and West Feliciana. In 1800, when the Spanish agreed to sell Louisiana back to the French, the Florida Parishes remained under the rule of the Spanish governor in Pensacola. Settlers in the territory came from diverse backgrounds: Spanish landholders, former American loyalists, and southern planters. The wealthy planters of the Felicianas, in particular, viewed the Spanish colonial government with derision.38

Napoleon’s occupation of Spain in 1808 severely weakened Spanish control over their New World Empire. Two years later, rebellions broke out in Mexico and in South America. The Florida Parishes also experienced unrest. The Feliciana planters feared that a cash-strapped Spain might sell Florida to France or another continental power. On July 25, 1810, a convention of mostly American settlers gathered near modern-day Zachary, Louisiana, to discuss the situation. Spanish loyalists informed the governor of the meeting, and urged him to march and break up the “rebellion.” With their secret discovered, the convention decided to seize the Spanish Fort San Carlos in Baton Rouge. Under the cover of darkness on the night of September 22, 1810, forces loyal to the newly declared Republic of West Florida captured Baton Rouge.39

After the capitulation of Baton Rouge’s Spanish garrison, the rebels fanned out across the Florida Parishes. They arrested anyone suspected of Spanish sympathies. Just as rebels prepared to attack the remaining stronghold at Mobile, the United States intervened. President James Madison commanded Louisiana Territorial Governor William Charles Cole Claiborne to invade the Florida Parishes and seize them for the American nation. Seventy-four days after its birth, the West Florida Republic ceased to exist.40

The Louisiana State Archives received the statewide Education Award from the Louisiana Trust for HISTORIC PRESERVATION in 2011 as a result of its West Florida Republic Exhibit celebrating the Bicentennial of the Republic. The State Archives was assisted by the West Florida Republic Bicentennial Commission which coordinated the participation and input of each of the parishes which made up the seventy-four-day-long Republic.

For the rest of the chronology and more information on Louisiana’s culture and natural resources, contact the State Archives, 3851 Essen Lane, Baton Rouge, LA 70809, (225)922-1000, email archives@sos.la.gov.

FOOTNOTES

2. Image sources are included in the Bibliography.
3. Poverty Point Historic Site. The Poverty Point Mound site is located near Epps in Northeast Louisiana and is the largest earthwork in the Western Hemisphere. Archaeologist Jon L. Gibson notes that Poverty Point in about 1500 B.C. was the commercial and governmental center of its day. It is a State Historical Site, and is an affiliate of the Smithsonian Institution. It is also designated by the United Nations as one of three World Heritage Sites in North America. Culture, Recreation and Tourism/Office of State Parks/Poverty Point State Historic Site, www.crt.la.us/archaeology/virtualbooks/poverpoi/popo.htm, (accessed March 18, 2011). Jon L. Gibson, Poverty Point: A Terminal Archaic Culture of the Lower Mississippi Valley, 2nd edition, (Baton Rouge: Department of Culture, Recreation and Tourism, Louisiana Archaeological Survey and Antiquities Commission, 1996). Series: Anthropological Study (Louisiana Archaeological Survey and Antiquities Commission, no. 7).
4. Ibid.


13. Ibid., 10.


15. Les archives des francophones de la Louisiane, Deborah Clifton, Florent Hardy, Jr. and Bruce Turner, published by the Quebec Archives in Archives: Association des Archivistes du Quebec, Volume 36, Number 2, 2004-2005, 23-34.

16. In regard to the question of why France ceded Louisiana to Spain, there were multiple theories about why France acted as it did. The most logical theory in Edwin Adams Davis’s viewpoint is the “White Elephant” Theory. This is the viewpoint that France felt that Louisiana had failed as a colony and was not cost-efficient. It had attracted no more than 7,000 persons after a half-century of settlement. Edwin Adams Davis, The Story of Louisiana, Volume I, (New Orleans: J.F. Hyer Publishing Co., 1960), 69-70.


18. Louisiana is one of the most unique states in the Union for a variety of reasons. In particular, both civil and common law contribute to Louisiana’s legal code. Beginning with Spanish rule, the Civil Code was adopted by the Louisiana Territory in 1808. Preceding the adoption of the Civil Code was the Code civil des Français, which the Spanish implemented in 1804 as their form of jurisprudence. By 1870, Louisiana updated the Louisiana Civil Code in use today and in the process created a unique legislative-based standard of civil law. Currently, Louisiana is the only state implementing such a code.

19. A parish is Louisiana’s equivalent to a county elsewhere in the United States. The Cajun homeland, Acadiana, comprises twenty-two south Louisiana parishes. Parishes were first created in Louisiana in the late eighteenth century when Captain General Alejandro O’Reilly, an Irish-born governor (1769-70) in the service of Spain, divided the colony into twenty-one ecclesiastical parishes under the control of the Bishop of Santiago de Cuba. A single parish had been founded near New Orleans in 1723, but not until O’Reilly’s administration were they organized on a widespread basis. After the Louisiana Purchase of 1803, these church parish borders served as the basis for the state’s political subdivisions.


21. Spaniards from the Canary Islands (just 60 miles off the coast of Morocco) crossed the Atlantic to settle in South Louisiana. They were part of the Spanish colonial government’s plan to develop Louisiana as a fortress against British encroachment. Several thousand families from the Spanish mainland and the Canaries were sent between 1778 and 1783. St. Bernard Parish Tourist Commission, “Who are the Isleños?,” www.VisitStBernard.com.


*Etienne de Boré (1741-1802) is credited with 135-136.


25. San Ildefonso was the summer residence of the Spanish King. The standard spelling is San Ildefonso. The treaty is also called The Third Treaty of San Ildefonso of 1800 to distinguish it from The Treaty of San Ildefonso of 1777 and The Treaty of San Ildefonso of 1796. Junius Rodriguez, (Editor); The Louisiana Purchase: A Historical and Geographical Encyclopedia; Santa Barbara, CA: ABC-CLIO: 2002, 305-307.


30. The first act passed at the second session of the first legislature, approved March 31, 1807, divided the territory into nineteen parishes . . . without, however, abolishing the twelve existing counties . . . The county system was apparently retained for the purpose of electing representatives and levying taxes, and gradually these functions went out of existence. Counties remained a tenuous, shadowy feature of Louisiana government after the creation of parishes until they were abolished by the Constitution of 1845. The parish in Louisiana has served as practically the same governmental unit as the county in other states. Edwin Adams Davis, A Narrative History of Louisiana. (Baton Rouge: Claitors Publishing Division, 1971), 168-169.


Resolution

House of Delegates
Louisiana State Bar Association

In Commemoration of the Founding of the State of Louisiana (1812-2012)

WHEREAS the Francophone Section of the Louisiana State Bar Association was created at the Annual Meeting at Sandestin, Florida, in June of 1999;

WHEREAS the Francophone Section’s mission is to promote any and all things Francophone in nature including the preservation of the French Culture, Language and Historical Events;

WHEREAS on April 30, 1812, the United States of America admitted Louisiana as the eighteenth State into the Union;

WHEREAS Louisiana was the first State to have a majority Catholic French and Spanish Speaking population reflecting its origins as a colony under France from 1669-1763 and from 1763-1803;

WHEREAS American attorney Edward Livingston along with French-born Congressman Julien Poydras lobbied and convinced Territorial Governor William C.C. Claiborne that the New Orleans Territory qualified for Statehood and that, finally in 1811, Democratic President James Madison signed the Bill allowing the people of Louisiana to form a Statehood;

WHEREAS forty-three American and Creole Leaders convened on April 14, 1812, at a Convention to consider the Statehood of Louisiana;

WHEREAS in 2012, we celebrate the 200th Anniversary of the founding of the State of Louisiana;

WHEREAS two hundred years later Louisiana remains one of the distinctive States in the Union with its rich heritage of the French Language, Creole and Cajun Cuisine, Louisiana Civil Code, Mardi Gras and its “Joie de Vivre”;

WHEREAS the Francophone Section of the Louisiana State Bar Association wishes Louisiana a “Bon Anniversaire” of two hundred years;

WHEREAS the Francophone Section of the Louisiana State Bar Association will be having events in April 2012 in commemoration of the founding of Louisiana at its Annual Meeting in Lafayette, Louisiana, on April 27, 2012, at the United States Federal Courthouse, 800 Lafayette Street, at 4:00 o’clock p.m. and will participate in the actual commemoration by the State of Louisiana on April 30, 2012;

WHEREAS the creation of documents of the founding of the State of Louisiana was done by the legislature and impacted by certain lawyers who drafted and created the final document;

WHEREAS the Louisiana State Bar Association and through its mission should be proud that its members prior to creation of the Louisiana State Bar Association in 1812 so helped create this legal document;

WHEREAS this historical event should be one of significant historical presence for Louisiana as well as for the Louisiana State Bar Association; and

WHEREAS the Francophone Section of the Louisiana State Bar Association hereby submits this resolution to commemorate this great event and the founding of Louisiana.

NOW, THEREFORE BE IT RESOLVED that the Francophone Section of the Louisiana State Bar Association wishes to proclaim this day before the House of Delegates of the Louisiana State Bar Association as an official birthday celebration of Louisiana which is to be celebrated on April 30, 2012.

This resolution is made in Loving Memory of Judge Allen M. Babineaux.

APPROVED BY HOUSE OF DELEGATES AND BOARD OF GOVERNORS

With caveat that article on Spanish history of Louisiana be included in Special Bicentennial issue of Louisiana Bar Journal.

JANUARY 21, 2012
NEW ORLEANS, LA
Events / Louisiana Statehood Bicentennial 1812-2012

Several events have been planned across the state to commemorate the Louisiana Statehood Bicentennial. The official events calendar online is listed by month. For more information on all events, go to: www.louisianabicentennial2012.com. Celebrate your history!

Among the activities are:

**Now through June 14, 2012**
► Natchitoches: Paths to Statehood Exhibit

**March 2012**
► March 13, Exhibit of Select George Rodrigue Paintings (opening)
► March 13, A Taste of History with Thomas Jefferson (A Cooking Class)
► March 20, Louisiana State Museum/Capital Park Bicentennial Exhibit
► March 22, Festival of the Arts

**April 2012**
► April 20, Springfest and Civil War Re-enactment
► April 27, Bicentennial Documentary Premiere

**May 2012**
► May 12, Faces and Places of Louisiana: Reading by Poet Laureate Julie Kane

**June 2012**
► June 27, Louisiana in 1812: A Lecture

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**Free CLE to Mark Bicentennial Celebration of Federal Courts in Louisiana**

This year marks the 200-year anniversary of the federal courts in Louisiana. Since their inception, the Louisiana federal courts have endured a rich history, from the Civil War to Hurricane Katrina. The Eastern District of Louisiana, through a committee of court, bar, university and civic leaders and chaired by Hon. Mary Ann Vial Lemmon, has planned a free CLE seminar, “Tracking Louisiana’s Legal Heritage: Celebrating 200 Years of the Federal District Courts in Louisiana,” for Friday, April 13, to recognize the courts’ bicentennial.

All members of the bar, judiciary and public are invited to attend this free CLE seminar from 1-5 p.m. at the Pan American Life Conference and Media Center, 11th Floor Auditorium, 601 Poydras St., New Orleans, followed by a reception across the street at the Eastern District of Louisiana courthouse. The seminar has been approved for 4 hours of CLE credit.

The seminar will highlight the colorful history of the federal courts in Louisiana, particularly that of the Eastern District of Louisiana. Presentations will focus on notable cases, judges and events from the past 200 years, such as the distinctive cultural combination of Creoles and Americans in Louisiana’s early days of statehood, the evolution of civilian aspects of Louisiana law, and Andrew Jackson’s infamous fight with Judge Dominick Hall.

Panelists include historians and academics, including John Magill, curator of The Historic New Orleans Collection; Jason Wiese, assistant director of the Williams Research Center at The Historic New Orleans Collection; Professor John Randall Trahan, Louisiana State University Paul M. Hebert Law Center; Dr. Mark F. Fernandez, professor of history at Loyola University; Professor Richard Campanella, associate director of the Center for Bioenvironmental Sciences at Tulane University; and Dr. Raphael Cassimere, Jr., professor at the University of New Orleans. Dr. Warren M. Billings, professor of history at the University of New Orleans, will serve as moderator.

The seminar also will feature a skit performed by local students about Louisiana’s unique admission to the union as a civil law state.

There will be a display of interesting and historic documents, photographs and other memorabilia, as well as a slideshow presentation in the lobby of the Eastern District building.

In addition to the Eastern District of Louisiana, co-sponsors and partners include the New Orleans Chapter of the Federal Bar Association, the New Orleans Bar Association, the Louisiana Bar Foundation and the Louisiana Center for Law and Civic Education. Several university professors and The Historic New Orleans Collection also have been instrumental in the planning of this celebration.

More information about this bicentennial celebration and the CLE, including various judicial biographies, notable cases, rulings and other court documents, will be posted in early March to the court’s website at www.laed.uscourts.gov. To RSVP for the event, send your name, firm/employer, address, phone, fax and email to Camille Zeller, Attorney Conference Center, Hale Boggs Federal Building, Room 364, 500 Poydras St., New Orleans, LA 70130; call (504)589-7990; or email fbano@bellsouth.net.