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ARTICLES

A "CIVIL LAW" LAWYER: LOUIS CASIMIR ELISABETH MOREAU LISLET*

*Alain A. Levasseur***

More than one hundred and fifty years after Louis Moreau Lislet's death, his life still remains something of a mystery. His true and highly deserved eulogy has yet to be written. The few attempts that have been made to present the biography of this eminent jurist have remained insufficient.¹ This insufficiency should

* Copyright 1996 Alain A. Levasseur. This article is the second of three installments being serialized in *Loyola Law Review* from a forthcoming book on Louisiana legal history by Professor Levasseur. *The Major Periods of Louisiana Legal History* appeared at Volume 41, No. 4 of the *Loyola Law Review*. The third installment will appear in Volume 42, No. 4.

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1. Among the succinct or extensive biographies on Moreau Lislet that are available, one must cite 7 *DICTIONARY ON AMERICAN BIOGRAPHY* 157 (1934) (very succinct and without much information); ALCÉE FORTIER, 2 *LOUISIANA: COMPRISING SKETCHES OF PARISHES, TOWNS, EVENTS, INSTITUTIONS AND PERSONS, ARRANGED IN CYCLOPEDIA FORM* 71 (1914); M.H. Herrin,

not be considered as a failure and should not lead to the conclusion that the authors of those biographic essays failed in what they set out to do. The need for a detailed biography of Moreau Lislet was probably not strongly felt at the time when those authors published their essays.

This article attempts to meet that need to the extent possible. In the first part, I will describe, as much as can be done, Moreau Lislet's family tree in order to situate, with respect to him, a number of persons whose names are likely to appear in the following sections. The actual life of Moreau Lislet follows, arbitrarily divided into five parts, covering five periods: part II—Louis Casimir Moreau Lislet: Uncertainties Concerning the Early Years, part III—From the Dondon to New Orleans, part IV—The First Years of Integration, part V—The Rewarding Years, and part VI—Poverty and Greatness.

PART I. LOUIS CASIMIR ELISABETH MOREAU LISLET: A FAMILY TREE

Through the "family tree" given in this section, it will be possible to bring to light some facts regarding a number of persons who were more or less closely related to Louis Moreau Lislet and who, at various times, had social or business dealings with him. This section will also make it possible, subsequently, to simply mention these names as they appear in Moreau Lislet's life story.

Louis Moreau Lislet's parents and relatives can be divided into groups having six patronymic names or surnames: Moreau, Torel, Deynaut, Vallade, de Peters, and de Lagrange.

A. Moreau

1. *Jacob Vincent Moreau*²—father of Louis Casimir Elisabeth Moreau Lislet. Jacob Vincent Moreau was a militia officer, captain of the Limonade batallion. He lived in a place called "*La Marre à*

Louis C. E. Moreau-Lislet, in *THE CREOLE ARISTOCRACY* 120-21 (1952) (very short as indicated by the two pages); and René Nicaud, *The French Colonists from St. Domingue and, in Particular, Louis Moreau Lislet*, 20 *LA. B.J.* 285 (1973).

2. The data and facts reported here were found in the following documents: Indemnité des colons de St. Domingue, Dossier Moreau Antoine No. 444 (1829), Bibliothèque de la France d'Outre-Mer; Liquidations des colons de St. Domingue, D 64 (1829); *id.* D 64 (1830), Dépôt des Papiers Publics des Colonies; Notariat, St. Domingue: Notaire Pont 1777-1782, Notaire Legrand 1780-1781, 1786-1788, Archives Nationales, Minutier Central XCV, 413.

la Roche” within the district and parish of Saint Martin du Dondon, jurisdiction of the city of Le Cap Français, Saint Domingue (now Haiti). On September 28, 1758, Jacob Vincent was married to Elisabeth Torel, who bore him three children: a daughter, Elisabeth Françoise Ignace Moreau, and two sons, Vincent Pierre Benjamin and Louis Casimir Elisabeth Moreau [Lislet]. Jacob Vincent Moreau passed away on April 1, 1782, in Dondon.

2. *Elisabeth Torel (Thorel) Moreau*³—mother of Louis Casimir Elisabeth Moreau [Lislet]. On November 9, 1749, Elisabeth Torel first married Jacques Christophe Deynaut. She had two sons from this first marriage: Louis Christophe Deynaut and Jacques Louis Deynaut. Elisabeth Torel became the widow of her first husband Jacques Christophe Deynaut in October 1755; she then married Jacob Vincent Moreau. She was apparently stricken by a disease that compelled her to go to France for treatment. She left Le Cap Français for a few months in 1764. Elisabeth Torel Moreau died tragically in 1793 when the schooner “The Delaware” was wrecked during her voyage from Le Cap Français to Philadelphia.

3. *Antoine Moreau*⁴—paternal uncle of Louis Casimir Elisabeth Moreau [Lislet]. He was a landowner in Haut du Trou district in the parish of Dondon in Saint Domingue. Antoine Moreau, a coffee planter, was murdered by prowlers on his coffee plantation in 1792. He died without children.

4. *Vincent Pierre Benjamin Moreau*⁵—the older brother of Louis Casimir Elisabeth Moreau [Lislet]. A certificate recorded in the Register of Deaths states that “Moreau Junior Vincent, a resident of the district of Haut du Trou, departed this life of blessed memory in this parish of Dondon in the year seventeen hundred ninety three, in the said district of Haut du Trou in this parish when he was shot with a rifle during the insurrection in this parish”

3. The data and facts reported here were found in the documents cited *supra* note 2 and in the following additional documents: Notaire Colignon, Dépôt des Papiers Publics des Colonies, an 9, Bibliothèque de la France d’Outre-Mer, Consulat de France à Philadelphie an 4, M.S.S. film No. 1216, Howard-Tilton Memorial Library, Tulane University, New Orleans, Louisiana.

4. For data and facts reported here, see *supra* notes 2-3 and accompanying text.

5. The data and facts reported here were found in the following documents: Dom. C. 39—D.4, Bibliothèque de la France d’Outre-Mer, Consulat de France à Philadelphie an 4, No. 12 arch.; *id.* No. 262.

5. *Elisabeth Françoise Ignace Moreau*⁶—sister of Louis Casimir Elisabeth Moreau [Lislet] and spouse of Joseph Merlhy de Lagrange. She was born in Saint Martin du Dondon in 1759 or in 1760. Elisabeth and Joseph de Lagrange lived in Philadelphia from August 1793 until they left for Paris at the turn of the century.

B. Torel or Thorel

1. *Elisabeth Torel (Thorel)*—details are given above in section I.A.2 on Elisabeth Torel (Thorel) Moreau.

2. *Marie Anne Torel*⁷—maternal aunt of Louis Casimir Elisabeth Moreau [Lislet]. She was an inhabitant of the district and parish of Dondon in Saint Domingue. She perished in a fire in the town of Le Cap Français.

C. Deynaut (and Vallade)

1. *Jacques Christophe Deynaut*⁸—resided in the district of Dondon. He married Elisabeth Torel on November 9, 1749, under a community property regime. They had two sons: Jacques Louis and Louis Christophe. Jacques Christophe Deynaut passed away in October 1755.

2. *Louis Christophe and Jacques Louis Deynaut*⁹—half-brothers of Louis Casimir Elisabeth Moreau [Lislet]. Both Deynaut brothers lived in the district of La Marre à la Roche, parish of Dondon. Louis Christophe, the younger brother, married, in April 1779, Marie Thérèse Lucille Vallade, native of Dondon, daughter of Antoine Vallade and Marie Anne Beyrac. She bore him two daughters: Marie Joséphine Louise Lucille, born on April 27, 1781, and Marie Elisabeth Antoinette Céleste, born on July 4, 1782. Marie Thérèse Lucille Vallade died in New Orleans on January 2,

6. For the data and facts reported here, see *supra* notes 2-3 and accompanying text.

7. Some references to Marie Anne Thorel can be found in the following documents: Dom. C. 39—D.4, *supra* note 5; Notaire Pont, actes du 24 octobre 1777, du 26 avril 1779, *supra* note 2; Notaire Collignon, *supra* note 3.

8. Some references to Jacques Christophe Deynaut can be found in Notaire Legrand, actes du 12 avril 1784, du 2 juin 1781, *supra* note 2.

9. Some references can be found in the following documents: Notaire Roard, acte du 23 Vendémiaire an 14, Minutier Central Archives Nationales, Fichier du cimetière Saint Louis No. 1, Louisiana State Museum Library, Archives Nationales Colonies, F 5b 17; D. No. 33 Deynaut père et fils, Bibliothèque de la France d'Outre-Mer; Notaire Pont, actes du 21 avril 1779, du 26 avril 1779, *supra* note 2; Notaire Legrand, acte du 16 août 1781, *supra* note 2; Deynaut, actes de l'état civil, Bibliothèque de la France d'Outre-Mer.

1832, at the age of 68. Jacques Louis Deynaut, a militia officer, never married. He died several years before his brother Louis Christophe.

3. *Pierre Vallade*¹⁰—officer of La Légion du Nord of Saint Domingue, son of Antoine Vallade and Marie Anne Beyrac, brother of Marie Thérèse Lucille Vallade, the spouse of Louis Christophe Deynaut. Pierre Vallade died in Paris in November of 1805.

D. de Peters

1. *Jean Antoine de Peters*¹¹—father of Anne Elisabeth Philippine de Peters who was to become Louis Casimir Elisabeth Moreau [Lislet]'s wife. Jean Antoine de Peters was the official painter of the King of Denmark, a member of the Copenhagen Academy of Sciences, and the favorite painter of Prince Charles of Lorraine. Jean Antoine de Peters married Elisabeth Marie Gouel de Villebrune on April 29, 1756. They established their residence in Paris, at 4 rue du Hazard Richelieu, Saint Roch Parish, where Elisabeth de Villebrune de Peters died on May 1, 1785. Jean Antoine and Elisabeth de Peters had four children: Marie Louise de Peters, Marie Jeanne de Peters, Augustin Antoine de Peters, and Anne Elisabeth Phillippine de Peters.

2. *Augustin Antoine de Peters*¹²—a law student in Paris in 1787. Augustin became a lawyer at the Parliament of Paris in 1790.

E. De Lagrange¹³—de La Grange—Delagrange

1. *Joseph Elisabeth George Merlhie Delagrange*—husband of Louis Casimir Elisabeth Moreau Lislet's sister Elisabeth. Joseph

10. Some references can be found in the following documents: Notaire Augustin Roard, actes du 14 Brumaire an 14, du 23 Vendémiaire an 14, *supra* note 9.

11. The references here given on Antoine de Peters and Elisabeth Gouel de Villebrune were found in the following documents: Notaire Deherain, actes du 12 août 1789, 10 septembre 1789, 29 septembre 1789, Minutier Central; Notaire Garcerand, acte du 12 mai 1789, Minutier Central; Notaire Morin, acte du 22 octobre 1790, Minutier Central; A. de Peters, acte du 20 juin 1789, Archives de la ville de Paris.

12. Some references were found in the following documents: Notaire Morin, acte du 15 octobre 1790, Minutier Central; Serie MM No. 1109 Regestum Supplicum, Serie MM No. 1136 Regestum Examinum, Archives Nationales, Salle Clisson; Notaire Morin, actes du 19 septembre 1790, du 7 octobre 1790, Minutier Central.

13. The spelling of this family name takes on several different forms depending on the documents.

Delagrangue was a juriconsult like Louis Casimir. It appears from the minutes of Saint Domingue's general assembly session in 1791 that Joseph Delagrangue was an outstanding lawyer:

Reading of a petition from Mr. La Grange, lawyer appointed by the Provincial Assembly of the North to replace temporarily Mr. Chesneau de la Megrière, lawyer of the Superior Council of the Cap, soliciting from the Assembly permission to practice law under the age required in order to occupy his position as a lawyer for which he was appointed by the Provincial Assembly of the North. The Assembly . . . agreed to waive the age requirement and authorized him to occupy his position as a lawyer for the Superior Council of the Cap but he may not, in any way, exercise the functions of a judge until he reaches majority.¹⁴

In 1793, hardly two years after his appointment as a lawyer to the Superior Council of Saint Domingue, Joseph de Lagrange and his wife, Elisabeth Ignace Moreau, settled in Philadelphia, where he worked as an interpreter.¹⁵ During the first three or four years of the nineteenth century, the couple lived in Paris, at "Boulevard des Italiens No. 27 in the corner of rue de la Michaudière," where Joseph de Lagrange again took up his profession as a lawyer. A few years later, Louis Casimir Moreau [Lislet], established at the time in New Orleans, called on his brother-in-law to address the French government regarding the claims for compensation presented by the French immigrants from Saint Domingue who lived in Louisiana.¹⁶

PART II. LOUIS CASIMIR MOREAU LISLET: UNCERTAINTIES OF THE EARLY YEARS

Louis Casimir Moreau Lislet's biography during the first period of his life, from his birth until his arrival in New Orleans, is something of a mystery. These thirty-seven years, which are very

14. Extracted from: Assemblée Générale de la Partie Française de Saint Domingue Procès verbaux des séances et Journal des débats du lundi 3 octobre 1791, p. 194, Bibliothèque Nationale.

15. Archives Nationales, Registers of French Consulates in America, M.S.S. film Nos. 1215-17, Howard-Tilton Memorial Library, Tulane University.

16. Besides the documents cited *supra* at notes 14-15, the following documents were consulted: Notaire Roard, actes du 23 Vendémiaire an 14, du 15 Brumaire an 14, Minutier Central; Dossier Moreau Antoine, *supra* note 4; Dossier Delagrangue Joseph No. 78, Bibliothèque de la France d'Outre-Mer.

difficult to recreate retrospectively,¹⁷ are full of uncertainties that jurists and historians alike have used, often skillfully, either to lend credibility to certain personal political and legal theses that they were advocating or to flesh out their portraits of a man about whom they in fact knew very little. Before taking up the narrative of Moreau Lislet's life, it is important to try to weigh the value of some of these assertions and to shed light on some of the uncertainties which remain.

A. Established Facts

The facts that can now be established with some degree of certainty are the year of birth and the physical appearance of Louis Moreau Lislet.

1. Year of Birth

Because there is a difference of one year between the date of Moreau Lislet's birth that is generally agreed upon in all sources known to date and the date that appears in a notarized document discovered in our research, it is appropriate to establish the historical truth of this event, even though it is a fact of only secondary importance.

In his olographic testament, Moreau Lislet did not mention his date of birth at all, and it would in fact have been quite difficult to have been any more ambiguous than he was: "I was born in Saint Domingue in the district of Dondon, dependency of le Cap Français. My father and my mother died a long time ago."

All the biographical essays available to us agree on the same year of birth: 1767. For instance, Moreau-Lislet's entry in the *Dictionary of American Biography* is headed as follows: "Moreau Lislet, Louis Casimir Elisabeth (1767 Dec. 3)." In the article he published on the French immigrants of Saint Domingue, René Nicaud

17. The difficulty of this task is due mainly to two reasons: First, the documents concerning Moreau Lislet are as scattered as the many residences that he had in his life of some sixty years; therefore, one has to consult archives in several cities, such as Paris (and several different libraries and archives in that city), Bordeaux, New Orleans (several different libraries and archives in that city), and Philadelphia. The second reason, as explained by several archivists, is that the archives in what is now Haiti, and was formerly Saint Domingue, are nonexistent; revolutions, fires, and weather conditions have resulted in the destruction of the archives of the time during which Moreau Lislet lived in Saint Domingue.

wrote: "[Moreau Lislet] was born on October 7, 1767 in Cap Francais, Saint Domingue . . ."¹⁸ Although Nicaud did not mention the source of his positive statement, there is some reason to believe that he took the date of October 7, 1767, from Moreau Lislet's tombstone inscription. This date carries the aura of truth by its very precision and by virtue of the fact that it was probably engraved according to birth certificates kept by the church. These certificates are no longer available for consultation because most of them were destroyed in the numerous fires that occurred in the city of New Orleans in the past.

Despite this apparently settled agreement on the year 1767 as being that of Moreau Lislet's birth, it is possible to say, on the basis of other documents, the authenticity of which cannot be challenged, that Moreau Lislet was not born in 1767 but in 1768, or in 1769, or even in 1766. A marriage certificate witnessed by Moreau Lislet in Cuba in Fructidor, year 12 (August 1804), suggests that 1768 was the year of birth of Moreau Lislet. That certificate reads as follows: "Marriage Certificate of Dlle Rose Henriette Schomberg and Louis Auguste de Northe des Marais . . . drawn up in duplicate for both parties in Santiago, Cuba, on August 9, 1804, in the presence of Joseph Bruno Dalson 44 years of age and Louis Casimir Moreau de Lislet 36 years of age . . ."¹⁹

The subtraction of thirty-six years from the year 1804 gives us 1768 as the year of the presumed birth of Louis Moreau Lislet. Another certificate from the 12th year of the Republic and dated Floreal 13 (May 1804) states the following: "Louis Casimir Elisabeth Moreau . . . description, 35 years of age . . ."²⁰

The same mathematical formula in this case leads to the conclusion that the year 1769 was the year of Moreau Lislet's birth.

Stronger evidence suggests, however, that we must set aside these years 1767, 1768, and 1769 and acknowledge that Moreau Lislet was actually born in 1766. Two certificates, one whose legal value is equivalent to the above-mentioned certificates and the other, which is of greater legal value, lead to this conclusion. The

18. Nicaud, *supra* note 1, at 291.

19. France Archives Nationales, M.S.S. film No. 1206, Howard-Tilton Memorial Library, Tulane University (author's trans).

20. Certificate or affidavit of Mr. Moreau's residence: in French as follows: Certificat de Résidence de M. Moreau, Archives Coloniales, St. Domingue, St. Yago de Cuba 10 Pluviôse an 12, Bibliothèque de la France d'Outre-Mer.

first certificate is extracted from the official records of Port Républicain, Saint Domingue, and dated Fructidor 28, year 8 (September 1800). It attests to this: "Louis Casimir Elisabeth Moreau, thirty four years of age, native of Dondon"21

According to this document the year 1766 was the year of the birth of Moreau Lislet. This certificate carries more weight than the previously mentioned documents for the simple reason that it was issued in Port Républicain where Moreau Lislet had lived for several years, whereas he spent only a short time in Santiago, Cuba, where he was hardly known.

Even if one does not attach much weight to the above certificate, it would be more difficult to dispute the truthfulness of the following statement made in a marriage certificate issued in the presence of Denis François Angran d'Ailleray and Chevalier Comte des Maillis, a state counsellor and a civil lieutenant at the Châtelet of Paris: "Appeared Mr. Louis Casimir Elisabeth Moreau, Lawyer at the Parliament, a minor, 23 years of age according to his baptism certificate dated October 29, 1766, taken from the records of St. Martin du Dondon Parish, dependency of the French Cap"22

If Moreau Lislet was baptized on October 29, 1766, he was born either several months before or, more probably, in the first days of October of the same year. This suggests that an error was made on the tombstone, which should state: Louis Moreau Lislet, born in St. Domingue October 7, 1766. Died December 3, 1832.

B. Physical Appearance of Louis Moreau Lislet

Some years ago, a professor of law at Tulane University suggested that Louis Casimir Moreau Lislet was black. It is rather difficult to tell whether Professor Franklin was serious in that assertion. At the time Professor Mitchell Franklin was lecturing at Tulane, there was no positive evidence as to Moreau Lislet's racial identity. The picture appearing at the beginning of this biography is sufficient to lay to rest any question as to Moreau Lislet's race, and identity certificates issued by officials of the French government are additional evidence to the same effect: "Certificate of 13

21. Dom. C. 39—D.4, *supra* note 5.

22. Act of August 12, 1789 (in French: acte du 12 août 1789, Archives Nationales, Minutier Central, XCV 413).

Floréal 12th year. Description 35 years of age, five feet and four inches high, dark hair and eyebrows, blue eyes, large nose, large lips, sharp chin, high forehead, full face"²³

Certificate of 28 Fructidor, year 8: "Louis Casimir Elisabeth Moreau, thirty four years of age, five feet _____ inches high, chestnut-brown hair, average nose, large mouth, rounded chin, tanned complexion"²⁴

Even if Moreau Lislet's physical descriptions may vary from document to document, one can nevertheless positively conclude from these documents that Moreau Lislet was a caucasian man, as is confirmed by the physical description given by Charles Gayarré in 1823: "Moreau Lislet . . . was a plump Frenchman . . . his eyes sparkled good-naturedly under his large spectacles that rode a small nose. He was gentle through and through. His flesh was soft, like *blancmange* or jam, sinking in to the touch. His hands were small and plump"²⁵

1. *Questions Without Answers*

Two questions regarding Moreau Lislet still remain unanswered. The first one concerns the insertion, in a petition presented by Louis de Clouet to the Spanish government, of a comment regarding a position that Louis Moreau Lislet supposedly had held with General Toussaint Louverture during the Saint Domingue revolution. The second enigma, concerning his surname, is suggested by Moreau Lislet himself in his testament.

a. *de Clouet's Petition*

Louis Bronier de Clouet had been an officer in the Spanish army and had worked out a daring and somewhat utopian plan to take over Louisiana and return it to Spain. He then had been appointed governor of a province in Cuba as a reward for his good and faithful services to the crown of Spain. In a petition that he addressed to the Spanish government on December 7, 1814, de Clouet had this to say concerning Louis Moreau Lislet: "Moreau Lislet was secretary to the negro Toussaint, in the island of Santo

23. See *supra* note 20 and accompanying text.

24. See *supra* note 21 and accompanying text.

25. Charles Gayarré, *The New Orleans Bench and Bar in 1823*, in THE LOUISIANA BOOK: SELECTIONS FROM THE LITERATURE OF THE STATE (Thomas M'Caleb ed., 1894).

Domingo. He came to Louisiana after the taking of possession. A worthy colleague of the preceding, [Mazureau] with no difference whatever."²⁶

This assertion regarding Moreau Lislet's association with Toussaint Louverture as his secretary is supported in no other document as far as can be determined. It cannot be denied that this statement was written by a contemporary of Moreau Lislet. Its brevity, however, is tinged with contempt; furthermore, it fails to include any specific information, and the absence of date or facts make it hard to attach any weight to its contents. After a survey of many historical essays on Saint Domingue and most biographies of Toussaint Louverture, it appears to be impossible to subscribe to this assumption. A number of detailed works, such as *Vie de Toussaint Louverture* by Victor Schoelcher, *Histoire de la Révolution de Saint Domingue* by Dalmas, and *Études sur l'Histoire d'Haiti* by Ardouin,²⁷ do not mention the name of Moreau Lislet at all, not even as a lawyer, and definitely not as the secretary of Toussaint Louverture. In his book entitled *Histoire d'Haiti*, Thomas Madiou refers, here and there, to "Moreau," but none of those "Moreau's" is represented as the secretary of Toussaint Louverture.²⁸ The only piece of information that seems to constitute evidence for the truth of de Clouet's assertion can be found in a report written in Brumaire, year 10 (October 1801) and addressed by a high ranking officer to the "général en chef de l'armée expéditionnaire." In this report, the officer wrote the following: "I forgot, Citizen General, to mention in my notes a white man by the name of M . . . Secretary of the General-in-Chief. This peculiar man is very opinionated; he seems, at the present time, to exult a certain confidence and could

26. Louis Declouet, *Memorial to the Spanish Government December 7, 1814*, at 22 LA. HIST. Q. 713, 813 (1939).

27. ARDOUIN, *ÉTUDES SUR L'HISTOIRE D'HAÏTI* (1853); 2 DALMAS, *HISTOIRE DE LA RÉVOLUTION DE SAINT DOMINGUE* (1814); VICTOR SCHOELCHER, *VIE DE TOUSSAINT LOUVERTURE 1804-1893* (1889).

28. In THOMAS MADIOU FILS, *HISTOIRE D'HAÏTI* 361 (1847), one can read: "Moreau the African at the head of 200 men of the 8th colonial . . ."; "A short time after the following were drowned in the bay of the Cayes: they were named Moreau (a colored man), Doudou (a colored man), Viart (a colored man) . . .," *id.* at 387; "General Pageot had twenty noble citizens arrested, black and yellow, and among them were those known as Michel Bayard, Jean François et Moreau (a colored man) . . .," *id.* at 429; "With respect to Rochambeau[,] . . . he knew that Labatut, a seventy year old man, to save his head, did not hesitate to sacrifice a large part of his wealth. An act of sale of 200 squares was entered into before the notaries Cormand and Moreau of the Cap . . .," *id.* at 415 (author's trans.). This Moreau was most likely not Moreau Lislet because, in 1803, the latter was residing in Port Républicain.

possibly follow, perhaps everywhere, Toussaint”²⁹ Does the letter “M” stand for the initial letter of a last name or a first name? Is it the first letter of the name “Moreau”? If so, could it be Louis Casimir Moreau Lislet?

Notarial acts issued in the years 9, 10, and 11 of the Republic place Louis Casimir Moreau Lislet in Port Républicain, Saint Domingue, during those years, where he held various positions. Some of those positions were official, but none seems to have coincided in any way with the position of secretary to Toussaint Louverture. We are therefore inclined to think that Louis de Clouet made his declaration about Moreau Lislet simply for personal or political reasons. It is important to know the background of de Clouet’s petition in order to understand the spirit in which it was drafted and so as to avoid taking literally all the accusations put forward by the author. Toussard, the French Consul to New Orleans from 1806 to 1816, had submitted to de Clouet a list of people, one of whom was Moreau Lislet, who were to be appointed to specific positions. De Clouet made these comments prior to engaging in discussions on the merits of each of the proposed candidates: “All that were named and proposed by Toussard, excepting Villeré, were men of a corruption and immorality unparalleled, all of them enemies of Spain and agents whether public or secret of Bonaparte, whose satellites they were”³⁰

Such a preface does not convince the reader of the impartiality or objectivity of its author. Thus, the statement to the effect that Louis Moreau Lislet was, at a certain time, the secretary of Toussaint Louverture requires additional evidence if it is to be believed.

b. The Enigma of Louis Casimir Moreau Lislet’s Name

We have seen in part I above that the name of Louis Casimir’s father was Jacob Vincent Moreau and that his mother, brother, and sister bore no other name than *Moreau*. How, then, did Louis Casimir Moreau become Louis Casimir Moreau Lislet? We could be satisfied with the brief and elliptic explanation given by Moreau

29. Colonies F3 59, Code Historique, St. Vincent 1787, A. 1807, p. 179.

30. See *supra* note 26, at 810.

Lislet himself in his olographic testament and not try to look elsewhere for an explanation where there is perhaps none. The sentence referred to in Moreau Lislet's testament is the following: "My name is Louis Casimir *Moreau*. I was given the name *Lislet* to distinguish me from my older brother Benjamin Moreau who died."³¹

This statement is quite intriguing. Why did Louis Casimir receive the additional name of Lislet? The explanation he, himself, gives us is too naive to be convincing: "*to distinguish me from my older brother Benjamin Moreau.*" What is the use of christian names except to distinguish members of the same family from one another? Louis Christophe and Jacques Louis Deynaut, half-brothers of Moreau Lislet, were never given different surnames to distinguish one brother from the other.

One wonders whether Louis Casimir Moreau Lislet was trying to hide something. Did Vincent Pierre Benjamin Moreau and his brother Louis Casimir get along well? Or did Pierre Benjamin act in any way that might have disgraced his younger brother, who would then have tried to distinguish himself from his elder brother? Did Louis Casimir enjoy a special attention from his parents? Did they think that Louis Casimir Moreau was more suited than his brother to receive a solid secondary and university education? Could it be possible that Benjamin became very jealous of his brother? It must be noted here that, in his own testament, Benjamin Moreau did not mention his younger brother Louis Casimir at all, either as a legatee or even as an executor, but did expressly state his mother's name and particularly his sister's. Could it be possible that the two brothers did not get along and that Louis Casimir was given the nickname *Lislet* to officially mark the separation between the two brothers?³² Nowhere, as far as can be determined with some certainty, is there any mention of this singular feature of Moreau Lislet's having a particularly "isolated" or unsociable personality. We must search elsewhere than in Moreau's character for the possible origin of the nickname *Lislet*.

There was a time when it was common to give some people nicknames that helped in distinguishing them easily and conferred on them a sort of additional, quasi-legal identity. The nickname

31. From the olographic testament of Moreau Lislet.

32. *Id.*

thus given was drawn either from the profession the party was engaged in, his place of geographical origin, or his physical features or the like.

In the French language the nickname *Lislet* can be related to a place of origin and, more specifically, to a geographical origin dictated by the uniqueness of the island of Saint Domingue, where Moreau Lislet was born. Was *Lislet* added to Louis Casimir's name simply as a way to distinguish between a "Moreau" from France and a "Moreau" from the Colonies? This assumption could certainly be made, and it could then be said that Lislet, in the name Moreau Lislet, simply meant that Louis Casimir had come from the "iles" or islands. Perhaps it is so, but then it could be said that Vincent Benjamin Moreau was also from the islands and so would also have been entitled to the nickname *Lislet*. However, the difference between Louis Casimir and his brother Vincent Benjamin is that the former, having left the island of Saint Domingue to study in France, could rightfully claim the nickname *des Ilets*, which was attached to his name while he was in France. On the other hand Vincent Benjamin never left the island and, therefore, would not have received such a mark of distinction. The "sibling distinction" theory, moreover, has two other apparent weaknesses: First, apart from the documents of the Grand Orient de France, the nickname *Lislet* (under this form) appears only in 1794, a year when reasons that could have existed at an earlier time to distinguish Louis Casimir from his brother Vincent Pierre Benjamin would no longer have existed because Vincent Pierre Benjamin had passed away the year before, in 1793. Second, during the years 1789, 1790, and 1792,³³ Louis Casimir Moreau was known only under his official last name, and this was at a time when his brother Vincent was still alive and when, therefore, there could have been reasons to distinguish the two brothers from each other.

Moreau's nickname, under its form *Lislet*, represents the ultimate phase of the many different versions that it went through over the years. As a matter of fact, between the year 1787, when the nickname appeared for the first time, and the year 1806, when its form was finally fixed, that nickname had taken the following forms: *des Ilets*, *de Lislet*, *L'Islet*, *des Lislets*, *de Lislet*, and, finally, *Lislet*. The first use of the nickname *des Ilets* seems to have occurred in the year 1787, when Louis Casimir Moreau was only

33. There exist official notarial acts for each of these years.

twenty-one. It can be found in a document of the Grand Orient de France of the Order of Free and Accepted Masons, a document in which it is stated that Louis Casimir Moreau *des Ilets*, from Saint Domingue, is a member of Sainte-Sophie's Lodge.³⁴ Another document, which is dated 1788, indicates that a certain "Moreau des Ilets, an officer of the colonial army" was also a member of Sainte-Sophie's Lodge.³⁵ Louis Casimir was not an officer of the colonial army, but he certainly did live at the Paris address mentioned, rue Thomas du Louvre, as is stated also in the document dated 1788. In the absence of a more complete and detailed documentation one can only conclude, on the sole basis of the address indicated in the 1788 document, that Moreau *des Ilets*, "officer of the colonial army," was Louis Casimir Elisabeth Moreau.

Beginning in 1794, the nickname *des Ilets* was to appear under different forms. In certain official documents issued in 1794,³⁶ 1800,³⁷ and beyond, this nickname was spelled *Lislet*, the final form under which Louis Casimir would sign his full name. In 1797, the nickname was spelled *de Lislet*.³⁸ In 1800 and 1801, it shifted to *L'Islet*.³⁹ A certificate dated 1802 adopted the form *des Lislets*.⁴⁰ Finally, a certificate issued in 1804 used the form *de Lislet*.⁴¹ These different forms of the nickname appear to match a variety of geographical names and places in Saint Domingue, with which the nickname might therefore have some connection. As examples, we may cite the following geographical names:⁴²

Fort de *l'Islet*: situated in Cayes, near the mouth of the *Lislet* River, in Saint Domingue.

34. In French: Bibliothèque Nationale, Département des Manuscrits, FM2 111.

35. *Id.*

36. In French: Acte du 15 Germinal an 2, M.S.S. film No. 1215, Howard-Tilton Memorial Library, Tulane University.

37. In French: Acte du 9 Germinal an 9, M.S.S. film No. 1216 Howard-Tilton Memorial Library, Tulane University.

38. In French: Etat Civil, Port-au-Prince, Répertoire 1793, 1803, Bibliothèque de la France d'Outre-Mer.

39. Acte du 9 Germinal an 9, *supra* note 22; Brumaire an 10, M.S.S. film No. 1217, Howard-Tilton Memorial Library, Tulane University.

40. Supplement to the survey of habitations; in French: Supplément à l'état des habitations, Archives Nationales, 135 AP3.

41. Acte du 20 Fructidor an 12, M.S.S. 1206, Howard-Tilton Memorial Library, Tulane University.

42. These examples are taken from the dictionary: 1-4 S. ROUZIER, DICTIONNAIRE GÉOGRAPHIQUE ET ADMINISTRATIF UNIVERSEL D'HAÏTI ILLUSTRÉ OU, GUIDE GÉNÉRAL EN HAÏTI (Paris, C. Blot 1892).

Fort *Ilet*: fortress built by the French Colonial government on one of the small islands, which was called at the time "*Ilet au prince*" in the harbor of Port-au-Prince.

L'Ilet or *L'Islet*: borough in the city of Cayes.

Ilet: river of Anse d'Hainault; the only pleasant fresh water stream in the city of Cayes.

It is difficult, however, to establish any direct link between these different places within Saint Domingue and Louis Casimir Moreau himself. It appears that Louis Casimir Moreau did not reside in the departments of the south and southwest of Saint Domingue at any time when the nickname first appeared. It would seem to be logical and sensible, then, to confine the assumptions, which we are making, to assimilations with geographical names taken from the departments of the north and northwest of Saint Domingue.

The department of the north, the city of Cap Français, which became later Cap Haitien,⁴³ could have given us the premise of an assumption. Louis Casimir Moreau started his professional career in that city, which, for strategic and military reasons, was divided into ten *islets* in the eleventh year of the Republic (1802).⁴⁴ It is possible to speculate that Louis Casimir Moreau thus became known as the "*Moreau des Islets* from the town of Cap Français." However, this speculation cannot be easily defended because in the eleventh year of the Republic, Louis Casimir Moreau had already been living for several years in Port-au-Prince or Port Républicain.

The city of Port-au-Prince represents, in the department of the west, the only possible link between Louis Casimir Moreau and the potential source of his nickname. The name of this city derives, "according to a tradition, from the ship 'Le Prince' which was anchored in this port in 1706 and, according to another tradition, from the islets (small islands) facing the port which were called *ilets du Prince* in 1680."⁴⁵ Louis Casimir Moreau lived for several years in Port-au-Prince, where he assumed numerous high positions, and therein could lie the reason why Moreau Lislet was

43. B. ARDOUIN, GÉOGRAPHIE DE L'ÎLE D'HAÏTI (1832). Cap Haitien was known as the "Paris of Saint Domingue" because of its beauty; it had been called "Guarisco" by the Spaniards, and the French named it "le Cap Français."

44. Letter from brigadier general Claparède, commanding officer of le Cap, to general in chief Rochambeau, Archives Nationales, ref. 135 AP3.

45. ARDOUIN, *supra* note 43 ("Port-au-Prince").

given his nickname. Unfortunately, this hypothesis loses some of its weight if it is noted that Louis Casimir Moreau did not settle in Port-au-Prince until 1794, at a time when his brother Pierre Vincent Benjamin, from whom he perhaps was to be distinguished, had already passed away. This hypothesis is like the previous ones, an easy target for criticism. The lack of documents that could have given us a conclusive explanation as to the origin of the nickname "Lislet" thus compels us to weigh all of the alternatives without accepting any one of them.

PART III. FROM DONDON TO NEW ORLEANS

Louis Casimir Elisabeth Moreau was born⁴⁶ in Dondon,⁴⁷ in St. Martin Parish, Saint Domingue (Haiti today), where he was baptized on October 29, 1766. When he completed his secondary education, either in the city of Cap Français, Saint Domingue or in France (and there either in Paris or Bordeaux), he studied law in Paris and received the title of "*avocat au Parlement*," probably in 1788. In order to marry, Louis Casimir Moreau had to obtain from King Louis XVI "dispensatory letters allowing him to contract marriage with Miss de Peters in France."⁴⁸ The reason for these "letters" was that, according to an edict issued in 1697, the banns of marriage should have been published at the place where Louis Casimir's father, Jacob Vincent, resided at the time of his death, which would have been in Dondon, Saint Domingue. Having obtained a marriage license from the King of France, on September 10, 1789, Louis Casimir Moreau married Anne Elisabeth Philippine de Peters in Paris. She was "*un parti et établissement convenable et sortable*" or, still, "*sortable et avantageux*."⁴⁹ Louis Casimir Moreau was then a minor, twenty-three years of age, and in entering his marriage contract, he was assisted by Sieur Moreau de Saint Méry, "*Conseiller du Roy en son Conseil Supérieur de Saint Domingue*," who was also Louis Casimir's guardian ad hoc.

According to the first paragraph of the marriage contract:

46. See *supra*, part II.A.1 (discussing the year of Moreau Lislet's birth).

47. Dondon: The ground where this community has been erected is about 250 fathoms above sea level; the whole area covered by this community is made up of mountains split and separated by valleys. ARDOUIN, *supra* note 43 (French translation in "Ile d' Haiti").

48. Notaire Deherain, Contrat de mariage du 10 septembre 1789 [marriage contract of September 10, 1789], Archives Nationales, Minutier Central.

49. Notaire Deherain, Avis en l'Hotel, Mariage Moreau, 12 août 1789 [Notice posted at City Hall, Moreau Marriage, August 12, 1789], Archives Nationales, Minutier Central.

*les futurs époux seront communs en tous biens meubles et conquêts immeubles suivant la coutume de Paris, au désir de laquelle la dite communauté sera réglée et régie et les biens d'icelle partagés quand bien même ils viendraient par la suite à établir leur domicile ou à faire des acquisitions en des pays soumis à des lois, coutumes et usages contraires auxquels ils ont expressément dérogé et renoncé par ces présentes . . .*⁵⁰

During the few weeks they spent together in Paris, before sailing back to Saint-Domingue, the young couple stayed in the house that Louis Casimir Moreau occupied, "*rue Saint Thomas du Louvre paroisse Saint Germain L'Auxerois à l'hotel de la princesse royale d'Angleterre.*" At the end of September 1789, Louis Casimir Moreau and his wife made and appointed Marie Louise de Peters, Elisabeth's sister, as their general and special mandatary or attorney. The necessity for this power of attorney suggests that Anne Philippine de Peters was in fact an advantageous match for Louis Casimir, which is confirmed if one is keen on giving a financial connotation to the expression used by Elisabeth Torel Moreau when she consented to the marriage of "her younger son who had earned her confidence through his good conduct."⁵¹

In 1790, Louis Casimir Moreau Lislet and Anne Philippine settled in Cap Français, where he became "*Premier Substitut du Procureur Général au conseil Supérieur de Saint Domingue,*" a position equivalent to that of first assistant public prosecutor or assistant district attorney.

On July 5, 1790, Anne Philippine gave birth to a girl, Julie Elisabeth Hatté, who was baptized on September 18, 1797, in Port-au-Prince.⁵² In 1793, a boy named Léon was born a few weeks before the terrible fire that would heavily damage the city in June of 1793⁵³ and in which Louis Casimir's maternal aunt perished.

50. See *supra* note 48. Translation from the French: "The future spouses will be married according to the matrimonial regime of the community of movables and acquired immovables according to the custom of Paris, the prescriptions of which will regulate and rule the said community and the assets to be shared even though the spouses should later on establish their domicile or acquire assets in countries governed by laws, customs and usages to which the parties expressly state that they will not be subjected and the application of which they renounce hereby . . ."

51. Notaire Deherain, Procuration du 29 septembre 1789 [Power of attorney dated September 29, 1789], Archives Nationales, Minutier Central, XCV 413.

52. Notaire Deherain, acte du 18 avril 1789 consentement de Madame Moreau [Act of consent given by Mrs. Moreau, April 18, 1789], *supra* note 11.

53. Etat Civil, Port-au-Prince, Répertoire 1793 à 1803 [Civil Registry, Port-au-Prince, Register 1793 to 1803], Bibliothèque de la France d'Outre-Mer.

This fire and the events that followed seem to have prompted Louis Casimir Moreau to send his wife, children, and mother to a safe place. "At the end of June 1793, the catastrophe caused, out of necessity, a convoy of a hundred sails with thousands and thousands of white passengers on board to the Carolinas, to Savannah and to Philadelphia."⁵⁴ In August of 1793, Anne Philippine, along with her children and Elisabeth Torel Moreau, Louis Casimir's mother, boarded the schooner "The Delaware" en route to Philadelphia.⁵⁵ Unfortunately, the ship was shipwrecked, and Elisabeth Thorel Moreau and Léon Moreau Lislet drowned. Anne Philippine and her daughter managed to make it to Philadelphia, where the Delagranges lived and where, some months later, they were joined by Louis Casimir.

The opening of the will of Pierre Vincent Benjamin Moreau, executed before the Consul of the French Republic in the city of Philadelphia on April 4, 1794, attests to the following:

This year 2nd of the French Republic, one and indivisible, Germinal 15, have appeared before me Jean Baptiste Petry, consul of the Republic in Philadelphia, the citizens Joseph Elisabeth Georges Merlhy de LaGrange, attorney of the Superior Council of Le Cap Français, residing in this city . . . and Louis Elisabeth Casimir Moreau, assistant district attorney of the said council also residing in this city⁵⁶

The Moreau Lislets returned to Saint Domingue in 1794 and settled in Port Républicain (Port-au-Prince), where they were to reside until 1803. Louis Casimir Moreau Lislet's high intellectual and moral qualities seem to have earned him a solid reputation there, as illustrated by the fact that he was appointed to various legal positions, at times simultaneously. Among these various functions, which Moreau Lislet occupied, the function of land administrator or agent reveals the extent of the confidence he inspired. The emigration of a great many colonists was one of the several repercussions of the revolutions, the fires, the wars, and the massacres that devastated the island of Saint Domingue on and after 1791. Many residents left the island with the firm intention of returning, but, in the meantime, it was necessary for them to ensure

54. G. DEBIEN, *RÉFUGIÉS DE SAINT-DOMINGUE AUX ETATS-UNIS* 3 (1950).

55. *L'ami de l'Égalité ou Annales Républicaines*, Samedi 27 juillet 1793, L'an deuxième de la République Française.

56. *See supra* note 36.

the proper administration of their personal property, especially real property, which they would leave behind. This is how Louis Casimir Moreau came to be the agent or attorney of a great number of emigrants. Here are two procurations, or powers of attorney, illustrating this fact:

1. Germinal, year 9

Power of attorney from Madame La Rivière

To Citizen

Moreau Lislet

Before me Jean Baptiste Porée, chancellor of division for commercial relations of the French Republic [in Philadelphia], have appeared in person the citizen Marguerite widow La Rivière, resident of Saint Domingue from where she was deported

The said person has stated to have appointed and constituted . . . as her special attorney . . . the person of Louis Casimir Elisabeth Moreau L'Islet, lawyer, resident of Port Républicain⁵⁷

2. Brumaire, year 10

Power of attorney

To Moreau Lislet

Before me Jean Baptiste Porée . . . have appeared in person Benigne Charles de St. Memin and Victoire de Motmans his wife . . . both owners in St Domingue, ordinarily residents of Burlington, New Jersey

The said parties have stated to have appointed and constituted . . . as their general and special attorney . . . the person of Louis Casimir Elisabeth Moreau L'Islet, lawyer, resident of Port Républicain⁵⁸

As a practicing lawyer, Louis Casimir Moreau Lislet argued many cases, one of which dealt with a problem of private international law and was recorded with the clerk's office of the tribunal de Commerce of the department of the west of Saint Domingue, sitting in Port Républicain:

Session of 23 Floréal year nine

57. M.S.S. film No. 1216, Howard-Tilton Memorial Library, Tulane University.

58. *Id.* No. 1217.

To all present and to come, greetings . . . Considering the claim before the court opposing Mr. Zephiria Kingsley, American businessman from Charleston present in Port Républicain . . . represented by the citizen Jean Jacques Daulhième, his counsellor, on the one hand, against the citizen Thomas Mierre, ship captain in command of the brig "La Lucy" under Danish flag, defendant represented by the citizen Moreau Lislet his counsellor, on the other hand

The court decides . . . that within a time frame of four months, Mr. Kingsley is required to justify his ownership of the brig "La Lucy"⁵⁹

Because of the high esteem in which he was held by his colleagues and on account of his competence and dedication acknowledged on many occasions by the public authorities, Moreau Lislet was called to exercise the functions of judge during several months of the year 10 of the Republic (1801-1802). This is confirmed by the following excerpt:

Messidor 16, Year 10
Adjudication

Today, Messidor 2, Year 10 of the French Republic one and indivisible, before us Louis Casimir Elisabeth Moreau Lislet, public defender, sitting as judge in the absence and impediment of the judges of the court of original jurisdiction of Port Républicain, in the presence of citizen Cotelle, Government Prosecutor with the said court⁶⁰

According to an act issued on 9 Pluviôse, year 11, Moreau Lislet was acting also as an attorney-at-law,⁶¹ and, as reported in other acts, he was an executor of successions in abeyance.⁶²

59. Notaire Huard au Port-au-Prince, an 9, an 10, jugement du tribunal 23 Floréal an 9; *see also* jugement du tribunal 2 Floréal an 10, Bibliothèque de la France d'Outre-Mer. Moreau Lislet is referred to in many juridical acts as a "défenseur," a public defender. *See* Dépôt des papiers publics des Colonies de St. Domingue, Greffe de Port-au-Prince: GAC. H.I. J. Kir.: G2.56.5, pp. 290, 304, 306-07, 430; Notaire Guieu, acte du 9 Nivôse an 10, Républicain, Bibliothèque de la France d'Outre-Mer.

60. Dépôt des papiers publics des Colonies St. Domingue, Greffe de Port-au-Prince, G2.56.5, p. 258; *id.* pp. 284, 307; *see also* Notaire Huard, 3 Prairial an 10, 6 Prairial an 10, 29 Messidor an 10 dans 1er 7Cre an X et 6e 7Cre an X dans G2.58.7, Port-au-Prince, Port Républicain.

61. Notaire Hacquet, acte du 9 Pluviôse an 11, No. 6508, 1er au 20 Pluviôse an 11, Port Républicain, Port-au-Prince, Archives de la France d'Outre-Mer.

62. Notaire Loreilhe, acte du 29 Germinal an 11, Bibliothèque de la France d'Outre-Mer; Notaire Huard, acte du 2 Thermidor an 11, Port-au-Prince, Bibliothèque de la France d'Outre-Mer.

Although Louis Casimir Moreau was a jurist who was fully dedicated to the obligations and the duties of his positions, he also had to look after his personal affairs. The precarious and troubled times that he went through with his family probably incited him to look for new sources of revenue in addition to the income he earned as a lawyer. This is why in the year 9, he claimed ownership of several immovables and attempted to manage his personal properties and those of his wife to the best of their common interests. On 9 Frimaire, year 9 (November 1800), Louis Casimir Moreau Lislet was able to obtain a certificate of identification establishing his ownership of certain immovables, as follows:

Frinaire, year 9

In the name of the French Republic

Before the public notaries for the district of western Saint Domingue at the city hall of Port Républicain, where the undersigned parties reside, have appeared in person the citizens Jacques Duviella, Jean-Paul Carouge, Jean Chrisostome and Francois de Salles Conigliano, all residents of this parish, who have sworn and stated by act of notoriety as having seen and read deeds before they were lost, that the citizen Louis Casimir Elisabeth Moreau, previously resident of Dondon, dependency of Le Cap, and currently residing in this city, is the sole and unique owner,

1. of one estate established as a coffee plantation in the locality of La Mare-à-La-Roche, parish of Dondon, known under the name of Moreau and coming from the succession of his father and mother.

2. of another estate established as a coffee plantation in the locality of Le-Haut-du-Trou, district of Dondon, known under the name of Moreau and coming from the succession of the late Antoine Moreau, his paternal uncle, who died without children.

3. of a house, not burned down and located in Le Cap, street de la Pointe (formerly du Marché aux Blancs) n___ and presently rented out to citizen Dubertet, as coming from the succession of his aunt and his mother, who were indivisible owners as heirs of the succession of the late Thorel, their father, and maternal grandfather of the said citizen Moreau.

And the citizens Duviella and Conigliano further stated in particular as having known for certain that the late citizen Antoine Moreau resident of Le Haut-du-Trou, paternal uncle of said citizen Moreau, died there in the year 1792, murdered by some marauders not long after the retaking of Dondon by commander de Neuilly; [they stated] as well that citizen Thorel . . . his maternal aunt, has

unfortunately perished in the fire of Le Cap; and finally that the citizen widow Moreau, his mother, died during the crossing from Le Cap to Philadelphia aboard the schooner "Delaware," captain Davis, . . . on which they were passengers themselves.

In testimony whereof they have made the present statement to stand as a substitute for the citizen Moreau's deeds lost in the events of the Revolution⁶³

Upon reading this document, one is led to make two statements. It is remarkable, first of all, that the death of Vincent Pierre Benjamin Moreau, Louis Casimir's brother, is not mentioned at all. Yet, according to other documents, Vincent Benjamin Moreau had died in 1793. Was this an intentional omission? Would there have been any legal purpose in referring to Vincent Benjamin Pierre Moreau's death? One may only speculate at this time, but from a legal standpoint, a reference to Vincent's death would have clarified the line of succession to the properties involved. An additional important fact that was not stated was the existence of Elisabeth Françoise Ignace Moreau, Mrs. de Lagrange and Louis Casimir's sister, who was still alive in the year '9 and who was also an heir in the same manner as Louis Casimir to the properties mentioned in the certificate of identity. Was Moreau Lislet trying to cheat his sister of her rights of inheritance by relying on the fact that she lived in Philadelphia, thus very far from Port Républicain, and that, therefore, it would be easy for him, perhaps in connivance with some witnesses, to claim that he was the only heir? We will be in a better position to pass judgment on the state of mind of Louis Casimir Moreau after we take cognizance of the following petition that he addressed to General Toussaint Louverture, concerning the ownership of two houses:

To citizen Toussaint L'Ouverture, commander general of the colony of Saint Domingue;

Louis Casimir Moreau, defender before the courts of Port Républicain,

Hereby discloses to you, Citizen General, that as sole heir of his mother, father and uncle, he is the owner of two estates in Dondon and a house in the city of Le Cap which have been sequestered while he was in residence at Port Républicain;

63. Notaire Collignon, acte du 9 Frimaire an 9, Port-au-Prince, Archives de la France d'Outre-Mer.

Just and generous, you have stated, Citizen General, that you would reconvey their properties to the owners who meet the legal requirements;

Here are three documents in justification of my claim:

1. of my residence under the terms of the statute,
2. of my ownership and of the death of my ancestors,
3. of the death of my brother;

May it please you, Citizen General, on account of these justifications, to order the cancellation of the order of sequestration that was placed on the following properties⁶⁴

On 29 Frimaire, year 9 (November 1800), a decree was passed that granted Louis Casimir the cancellation of the sequestration of his properties as he had petitioned Toussaint Louverture.⁶⁵ Subsequently, on Nivôse 9, year 9 (December 1800), his attorney, Sieur Bourget, took possession of the properties on his behalf.⁶⁶ However, the decree in question contained a restriction that must have caught Louis Casimir Moreau's attention. That decree stipulated that Toussaint Louverture, the general-in-chief of the troops in Saint Domingue "decides that the order placing under sequestration the said estates located in Dondon and a house located at 86 street de la pointe in Le Cap is withdrawn, without prejudice to the rights of any other party, should any be in existence"⁶⁷

One may wonder whether it had been impossible for Elisabeth Françoise Ignace Moreau, Mr. de Lagrange's wife and Louis Casimir Moreau's sister, to claim her rights of inheritance despite the several steps taken by her husband, Joseph de Lagrange to do so. The latter had, on two occasions, in 1796⁶⁸ and in 1799,⁶⁹ sent out powers of attorney, one of which had been addressed to the Sieur Durainé and the other to the Sieur Laplace, giving them the "power to . . . administer the quarter of ownership of a building belonging to him, in his said quality, located in Le Cap and known as habitation Moreau located in an area known as La Mare, district of Dondon."

64. Dom. C. 39—D4., *supra* note 5.

65. *Id.*

66. *Id.*

67. *Id.*

68. Consulat de France à Philadelphie An 4e, Thermidor, M.S.S. film No. 1216, Howard-Tilton Memorial Library, Tulane University.

69. *Id.* (Power of attorney dated 14 Brumaire an 8).

Subsequent events seem to indicate that the above-mentioned agents never acted as instructed to do. Indeed, on Vendémiaire, year 13 (September 1804), several years later, Joseph de Lagrange, then a resident in Paris, addressed to the Minister of the Navy the following correspondence:

Your Excellency,

I am respectfully requesting that your Excellency accede to my request to deliver to my wife Elisabeth Françoise Ignace Moreau a certificate declaring her ownership of estates and buildings located in Saint Domingue in the city of Le Cap Français and the district of Dondon.

I must confess that I may owe to my honesty to inform you that my intentions are not to benefit from the relief efforts that are being extended to the native settlers. Although, like them, I have lost everything, I still have a State, and I would be ashamed to worsen their misfortune by diminishing the relief such a paternal government grants them⁷⁰

On the basis of all these documents, can it be said, in hindsight, that Louis Casimir Moreau Lislet had acted in bad faith and attempted to deprive his sister of her rights of inheritance? This question can be answered in the negative. The only reason for this apparent "disguise," if it was one, would have been to facilitate and expedite the handling of a succession that, because of political and social events, had become complicated. Having remained in Saint Domingue presented a great advantage for Louis Casimir as compared to the almost insurmountable obstacle that emigration created at the time. As the means of communications were slow and not very reliable, official records and other important documents could easily be destroyed or lost in transit. In short, it was often quite difficult to claim one's right from a distance. Whatever guess or speculation that might be made, the fact remains that Louis Casimir Moreau was always on good terms with his sister and his brother-in-law, as illustrated by the business relationship that they were involved in after Louis Casimir Moreau had moved to New Orleans. It can fairly be said that Louis Casimir Moreau may have acted the way that he did simply to expedite the cancellation of the sequestration of the properties for fear that some intruders would illegally take possession of these assets. Louis Casimir could have done this with the intention of paying his sister her

70. Dossier Delagrange (Joseph), Archives de la France d'Outre-Mer.

share of the profits that he might have made from the administration and sale of these immovable properties. In fact, Louis Casimir Moreau's administration of these assets was more a source of trouble than of satisfaction to him. As he did not live in Cap Français, he appointed someone as his agent to manage the property there. In Nivôse, year 9, in an official certificate, he appointed "Mr. Bourget, a merchant in Cap Français, as his general and special attorney" to whom he gave full powers:

to take possession of two estates established as coffee plantations and both known under the name Moreau and located in Dondon[,] . . . to receive the accrued and future revenues[,] . . . to rent out the house located 86 Rue de la Pointe, belonging to him[,] . . . to file any claim[, and] . . . to exercise all the rights belonging to the principal and grantor of this power⁷¹

On 20 Vendémiaire, year 10,⁷² he appointed "Mr. Prevot, civil judge, and Mr. Bourget, merchant in Cap," with full power to act jointly. The following day, 21 Vendémiaire,⁷³ however, he appointed Mr. Prevot, civil judge in Cap, as "his general and honorary attorney" with the mission of "keeping a close eye on the administration conducted by Mr. Bourget, and even to revoke his power if need be." Moreau Lislet was apparently a candid, meticulous, and firm businessman as indicated by the fact that, on 6 Ventôse, year 10, he revoked the procuration that he had given Mr. Bourget because the latter had "openly violated the instructions consigned in the letters sent to him, acted without authorization and exceeded the powers that had been given to him."⁷⁴

The events that occurred during the summer of 1803 in Saint Domingue prevented Moreau Lislet from enjoying for very long the benefit of the inheritance that he had eventually acquired, or even

71. Notaire Hacquet, St. Domingue, Archives de la France d'Outre-Mer.

72. Notaire Guieu, acte No. 5033, St. Domanigue, Port Républicain, Archives de la France d'Outre-Mer.

73. *Id.* acte No. 5040.

74. Notaire Hacquet, acte No. 5441, Port Républicain, Archives de la France d'Outre-Mer. In this same juridical act, Moreau Lislet gives a power of attorney to the citizen Pierre Chauveau, merchant in le Cap, to bring an action in nullity of all the leases negotiated by the citizen Bourget on all houses owned by Moreau Lislet. It is argued that the citizen Bourget had acted without any authority.

from drawing any profit from the sale of those assets. This assertion is confirmed by some documents dated 1829,⁷⁵ according to which Joseph Merlhy de Lagrange was still trying, at that time, to establish the rights of inheritance of the Moreau heirs with respect to the succession to the above-mentioned properties.

At the same time that Moreau Lislet was managing his personal properties, he was keeping a close eye on the administration of his wife's assets. That administration was put in the hands of Joseph Merlhy de Lagrange, which, in a way, shows that both families were on good terms and that the two brothers-in-law trusted each other. On 26 Prairial, year 11 (1803), Louis Moreau Lislet and Anne Philippine, before a notary:

Have said and stated to give by the present, general and special powers of attorney to citizen Merly Delagrang, public defender and in case of default, to citizen De Peters, brother of the appearing party (Anne Philippine), both residents of Paris;

To whom they give power, for them and in their names, to file any claim for the cancellation, nullity or for any other ground against the transfer of a house located in Paris, rue du Hazard Richelieu; the said house being indivisibly owned by the person appearing before us and her brother and sister . . . the whole on account of the lesionary price of the sale of the said house⁷⁶

Such was, in 1803 in Port Républicain, the social condition and, more or less, comfortable financial situation of the Moreau Lislets. Nothing in their attitude, and Louis Casimir himself would confirm it later, could then have suggested that they had any intention of leaving the island of Saint Domingue, even though the political climate was becoming quite tense and even hostile. An unforeseeable event, combined with a sense of duty, ultimately led the couple into a forced exile, causing them to break forever the bonds that tied them to Saint Domingue and setting them off into a new adventure on the North American continent.

In August of 1803, the Moreau Lislets were sailing towards Cap Français from Port Républicain. This voyage had nothing to do with "the last great departure of those who had escaped in the

75. Marine et Colonie, Archives Coloniales, Dépôt des Papiers Publics des Colonies, Renseignement d'intérêt privé et pièces déposées; Dossier Moreau Antoine No. 444, Archives de la France d'Outre-Mer.

76. Notaire Hacquet, acte du 26 Prairial an 11 No. 6959, Port-au-Prince, Archives de la France d'Outre-Mer.

south from the vengeance of Rigaud, or in the West and the North from the vengeance of Dessalines."⁷⁷ On the contrary, Louis Casimir Moreau Lislet had been appointed to serve on an official assignment in Cap Français. As fate would have it, and as it appears from a declaration that Moreau Lislet made on 13 Floréal, year 12, he never made it to the town of Cap Français:

On Floreal 13, year 12, before noon, has appeared at the Secretary's office of the Agency of the French Government located in Santiago de Cuba and before the undersigned Secretary of the said Agency . . . the Citizen Moreau Lislet, curator of estates in abeyance (unclaimed inheritances) in Port Républicain, Island of Saint Domingue, now a refugee and resident of Santiago de Cuba;

Who said and declared that he left Port Républicain around the middle of last August on the ship "L'Alexandrine," Captain de Boyner, in order to take up his assignment at Le Cap to be under the orders of Mr. Lulot, Higher Judge of Saint Domingue who had requested him in writing to do so at the time of his departure from Port Républicain with the military headquarters and had provided him with a passport issued by General Rochambeau and stamped by General Lavalette, commander in chief of Port Républicain and registered at the Court of Appeals of the department (Parish) of L'Artibonite, who had approved of his departure; that the ship l'Alexandrine was carrying official documents and correspondence of the government and that she was to stop at Mole before heading for Le Cap, that the ship met with strong head winds and was forced into the canal where she encountered enemy ships so that she was forced to find refuge in Santiago where the person appearing before us arrived on August 25 and where he stayed waiting for a favorable opportunity to reach his destination, after having given notice of his forced stay in Santiago to the Captain General and citizen Minutti, temporary High Judge who invited him to seize upon the first opportunity to return to Port-au-Prince;

But as this letter was received, news had spread that Port-au-Prince had been evacuated on October 18, preventing the person appearing before us to comply with the new orders he had received and he continued to reside in this city⁷⁸

It was under these extremely difficult circumstances that Louis Moreau Lislet started his second career, one that was to

77. DEBIEN, *supra* note 54, at 6-7 (author's trans.).

78. Archives Coloniales, St. Domingue, St. Yago de Cuba, 10 Pluviôse an 12, Archives de la France d'Outre-Mer.

make him a highly distinguished man, to cast his name in history, and to raise him from the likely obscurity, where he would have been forgotten had he remained in Saint-Domingue. He lost everything in this adventure:

On Floreal 13, year 12, in the afternoon, has appeared at the Secretary's office of the Agency of the French Government in Santiago de Cuba, the Citizen Moreau Lislet . . . ;

Who declared . . . that citizen Canbonne whom he had empowered to take care of his affairs and his law office, had been forced to abandon all the documents in the said office . . . along with all the furniture and effects left by the person appearing before us, who hereby declares the above losses⁷⁹

There are other official documents from the Agency of the French government in Santiago, Cuba, which attest to the fact that the Moreau Lislets spent approximately a year in that city before they emigrated to Louisiana. The last official certificate that provided evidence of the presence of Louis Moreau Lislet in Santiago is dated 20 Fructidor, year 12, which would correspond to August 9, 1804.⁸⁰

It was between August 1804 and the beginning of the month of February 1805 that the Moreau Lislets shared the same fate as the great number of colonists who settled in Louisiana after they were expelled from Saint Domingue. Louisiana would welcome a brilliant man, a true scholar, a dedicated citizen, and, unbeknownst to the new land in which he would settle, the hand that would carve a legal system out of confusion and chaos and bequeath it to history.

PART IV. THE FIRST YEARS OF INTEGRATION

Louis Casimir Moreau Lislet was not the kind of man to let himself be dominated by events. He proved it later in many instances. Moreau Lislet seemed always to have been driven by a very strong willpower and an unwavering determination. No sooner

79. *Id.*

80. Acte de mariage [written act of marriage], 20 Fructidor an 12, M.S.S. film No. 1206, Howard-Tilton Memorial Library, Tulane University. Many other acts testify to Moreau Lislet's presence in Santiago; examples are: an act of 2 Floréal an 12, Archives Coloniales, St. Domingue, Réfugiés-Consulats Norfolk an 4, Nouvelle Orléans an 12, Archives de la France d'Outre-Mer; acts of 2 Floréal, 13 Floréal [3 acts bear that date], 20 Ventôse an 10, Messidor an 12. Archives Coloniales St. Domingue, St. Yago de Cuba, 10 Pluviôse an 12, Archives de la France d'Outre-Mer.

had he set foot in Louisiana⁸¹ than it was almost certain that he would adapt to this new environment and contribute efficiently to the building and well-being of this newly acquired territory of the young country of the United States. Two factors of undeniable importance worked in his favor. First of all, he was a man of law, educated and raised in a country whose legal system was almost the twin brother of the one in place in the territory where he had decided to settle, and he had shown, in other respects, that he was capable of filling positions of responsibility. The second factor upon which Louis Moreau Lislet could certainly count was his knowledge of French, English, and Spanish. His short stay in Philadelphia and his American "patrons" in Port Républicain had made it possible for Louis Casimir to have a good command of the English language; furthermore, having spent a whole year in Cuba had given him the opportunity to learn Spanish. Is it not an extraordinary and happy coincidence that, later on, he would find these three languages in use in his new and last home, New Orleans?

Moreau Lislet took advantage of the situation and made a name for himself. The first manifestation of his presence in New Orleans⁸² clearly shows the unique position that he was enjoying. On February 4, 1805, his name appeared at the bottom of a joint resolution of the two legislative chambers of the Orleans Territory: "I certify this translation/Moreau Lislet/Translator."⁸³

Other resolutions from the city council of New Orleans,⁸⁴ dated July 20, 1805, and most probably drafted in French, are also signed by Moreau Lislet, translator, who certified their translation into English.

81. Moreau Lislet and his family settled in New Orleans some time between August 1804 and February 1805.

82. Although the New Orleans directory of 1805 did not list Moreau Lislet, it is a fact that he lived in the city at least since February 1805. The same directory refers to Peter Derbigny at 14 Rue Carondelet and Edward Livingston at 22 Rue de Condé. *NEW ORLEANS IN 1805: A DIRECTORY AND A CENSUS* 22, 25, Howard-Tilton Memorial Library, Tulane University.

83. Joint resolution of the two chambers, signed by J. Poydras, President of the Council and approved by the governor, W. C. C. Claiborne on February 4, 1805.

84. 9 *TERRITORIAL PAPERS OF THE UNITED STATES, THE TERRITORY OF NEW ORLEANS 1803-1812*, at 482-83 (Clarence E. Carter ed., 1940) [hereinafter *TERRITORIAL PAPERS*]: "I do Certify the above translation Moreau Lislet interpreter." In July-August 1805, Moreau Lislet certified that some letters in Spanish by the Marquis of Casa Calvo to Governor Claiborne had been accurately translated into English. *Id.* at 484-87.

After having worked as a translator for a few months, which he found somewhat unrewarding, but through which he made himself known among his peers, Louis Casimir Moreau resigned from his position⁸⁵ and established himself as a lawyer in a partnership with another French jurist, Pierre Derbigny, as it appeared from a notice in the *Louisiana Gazette* dated October 29, 1805.⁸⁶ This partnership did not last very long, as indicated by notices that were published at the start of the month of April 1806 and that bore only the signature of Moreau Lislet.⁸⁷ Perhaps Moreau Lislet was not easy to get along with. He was certainly very demanding, meticulous, and hard-working; these were qualities that certain “partners” might have viewed as defects when they were stretched to the extreme. In any case, he was not the kind of man who took an insult or a calumny lightly, as he valued very highly his moral integrity and his intellectual honesty. Following the publication of an article entitled “*Subtilité et ruse d’avocat*”⁸⁸ that appeared in a local newspaper in which Jacques Nadaud leveled criticisms at him, Moreau Lislet responded vehemently in the next edition of the same paper, published four days later:

To the editor of the Louisiana Monitor.

Sir,

I have read the contemptible pamphlet that Jacques Nadaud was proud to have printed in your last edition. Fifteen years of an honorable profession, the public respect that I believe I have earned and that I will always strive to deserve, would probably have given me the right to look upon this writing with contempt which is its proper destiny; but I thought that I owed it to myself and to the Bar of which I am proud to be a member, to deny vehemently the statements made by Mr. Nadaud as false, nasty and slanderous as I hope to prove before the court where I intend to challenge him.

The qualities and talents that Moreau Lislet displayed apparently earned him the respect of the local authorities. Already in

85. *Id.* at 603 (reporting that “Moreau De Lisle” [sic] had resigned in June 1805).

86. *LA GAZETTE*, Oct. 29, 1805: “Notice: Stephen Zacharie . . . by public instrument of writing, lodged in the office of Messrs. Moreau de Lislet et Derbigny, Counselors at Law, in this city . . .” It is worth pointing out that the French version of this same notice, or *avis*, refers to Moreau Lislet as “Moreau de Lislet.”

87. See *LE MONITEUR DE LA LOUISIANE*, No. 605, Apr. 12, 1806; *id.* No. 635, July 16, 1806; *id.* No. 652, Sept. 24, 1806.

88. *Id.* No. 693, Feb. 14, 1807.

June of 1806, the Legislative Council and the House of Representatives of the Territory of Orleans had named him, along with James Brown, "to draft and organize an adequate Civil Code for this territory."⁸⁹ In the month of March of the year 1807, the Governor of the Territory of New Orleans, William C.C. Claiborne, appointed him judge of the city and parish of Orleans to replace James Workman who had resigned.⁹⁰ At the end of the term of Workman's former appointment, in May of 1807, Louis Moreau Lislet was appointed again, but this time in his own name.⁹¹ In his capacity as judge, he was involved in numerous activities: to pass judgment, of course, but also to issue orders,⁹² approve resolutions of the city council,⁹³ enact regulations, issue notices of all sorts,⁹⁴ and inform the city about its obligations.⁹⁵

Despite the importance and the burden of his professional duties, Moreau Lislet did not give up the other activities that were

89. Session Laws of American States and Territories, Territory of Orleans, 1804-1811. Moreau Lislet was apparently neither the first choice nor the second one if this excerpt from a letter by James Brown to John Breckinridge is indicative of the events that took place:

New Orleans January 22nd 1805

DEAR SIR,

. . . It is generally expected here that the Memorial will only succeed so far as to obtain us the second grade of Territorial Government [M]uch good might be done by availing ourselves of the assistance of the Council to adopt a good code of Laws for the Government of the Territory. We possess all the materials for the able execution of such a work. The Civil Law, the Spanish Ordinances, the British Statute and Common Laws, and the codes of all the States are spread before us, and the people are prepared for the reception of a code ably compiled from these several systems Should a good system be adopted it will probably long remain unchanged Impressed with these ideas the Council appear disposed to engage Mr. Livingston and myself to digest a Code; but such is the unfortunate dislike of the Governor towards the only man in whom the Council seems disposed to confide as my assistant, that it is believed the measure will fail and the Country be left without any laws except a few unimportant ones

9 TERRITORIAL PAPERS, *supra* note 84, at 378-79.

90. LA GAZETTE, Mar. 17, 1807 ("New Orleans, March 17, Appointment by the Governor Moreau Lislet, judge of the County of Orleans.").

91. LA GAZETTE, May 8, 1807 ("Appointments by the Governor of the Territory of Orleans, Moreau Lislet, judge of the Parish of New Orleans."); *see also* 9 TERRITORIAL PAPERS, *supra* note 84, at 749.

92. LE MONITEUR DE LA LOUISIANA, No. 716, May 6, 1807.

93. *Id.* No. 718, May 13, 1807.

94. *Id.*; *id.* No. 723, May 30, 1807; *id.* No. 760, Oct. 7, 1807.

95. Letter from Moreau Lislet to the Mayor of New Orleans (Aug. 8, 1807), *in* Private Papers No. 41, John Minor Wisdom Collection, Manuscripts Department, Howard-Tilton Memorial Library, Tulane University.

dear to him. There was one in particular to which he always dedicated and would dedicate for a long time his energy and many talents—freemasonry. Among the refugees from Saint Domingue who had settled in Louisiana, a great number belonged to the order of the freemasons, in particular to the *Lodge la Réunion Désirée No. 3013*.

On February 15, 1806, they had a meeting and a lodge was formed by the former officers: With Louis Casimir Elisabeth Moreau Lislet as Master, they took the resolution of resuming their activities in New Orleans until they could return to their homeland, requesting from the Great Orient of France a copy of their Charter and declaring their activities as valid until they received their charter. A temporary election of the officers took place at that time, and these were the results: Moreau Lislet, G.M.; J. Rice Fitzgerald, G.S.; and Jean Zanico, D.G.S. The official election took place on the next June 17, and Moreau was reelected. The attendance at the meetings of the lodge started decreasing, and during the meeting of November 27, 1808, Moreau Lislet, in his capacities as G.M., administered a reprimand to his brothers for their lack of masonic zeal.⁹⁶

In February of 1808, Moreau Lislet was appointed a judge of the Superior Court of the Orleans Territory by the President of the United States. For reasons that he expressed in a letter of May 1, 1808, Moreau Lislet turned down this appointment:

New Orleans May 1st 1808
JAMES MADISON Esqr. Secretary of State

SIR I have duly received your letter of the 18th of March last, including the Commission of Judge of the Superior Court of the Territory of Orleans, which the President of the United States has been pleased to bestow on me. It is with sincere regret that I Feel under the necessity of Declining to accept that honourable station, my situation in life being such as to make it impossible for me to maintain my family with the salary attached to that office. I pray you to assure the President that I value, as I ought, that token of his Esteem and would have been happy to accept the Commission if so insuperable an obstacle had not forbidden it.

Permit me to avail myself of this opportunity to express the almost General wish of the inhabitants of this Territory and my own

96. JAMES B. SCOT, *OUTLINE OF THE RISE AND PROGRESS OF FREEMASONRY IN LOUISIANA* 6-7 (1912).

sanguine expectation that you may be the successor of our worthy President.

I am with Great respect Sir your most humble and obedient Servant.

J. Moreau Lislet⁹⁷

Thus, Moreau Lislet continued to be judge for the city and parish of Orleans. But was it really financial reasons that incited him to turn down an appointment to a prestigious position for a jurist who had just immigrated in the country? Perhaps Moreau Lislet replied in the negative because he had political ambitions. The Wednesday, June 24, 1808, issue of *La Gazette de la Louisiane* contained the following handout:⁹⁸

There are all reasons to believe that the candidates whose names appear hereunder will obtain the majority of the votes at the next election:

Senator

Mr. Michel de Armas

Representatives

MM. Louis Moreau Lislet

Louis B. Macarty

If such was the ambition of Moreau Lislet, he must have been certainly very disappointed, and perhaps humiliated, for he was not elected. He continued to be judge for the city and parish during 1808 and 1809,⁹⁹ perhaps regretting the fact that he had not accepted the honor extended to him by the President of the United States. Nevertheless, there was certainly some truth in the reason that Moreau Lislet gave for his refusal; for even though he

97. 9 TERRITORIAL PAPERS, *supra* note 84, at 785.

98. LA GAZETTE DE LA LOUISIANA, June 24, 1808 (author's trans).

99. See LE MONITEUR DE LA LOUISIANE, No. 922, Apr. 26, 1809; *id.* No. 941, July 1, 1809; *id.* No. 990, Dec. 20, 1809; see also LA GAZETTE, June 6, 1809 ("Resolve of the City Council, Providing for the forming of a committee of benevolence, for the purpose of relieving the refugees from the Island of Cuba, . . . the committee formed . . . & composed of his excellency Wm. C.C. Claiborne, . . . the honorable Moreau Lislet, judge of the parish of New Orleans . . .").

was the judge of the parish, he was also allowed to act as an attorney.¹⁰⁰ The fees that he received from his clients added to his salary as judge of the parish and constituted, very likely, a much bigger income than that which he would have received as a judge of the Superior Court.

In the month of April of 1809, Moreau Lislet was severely affected by the death of his wife, Elisabeth de Peters, who passed away on the 19th of that month.¹⁰¹ After the death of his parents, his brother, his uncle and aunt, and his son, the only close relative Moreau Lislet had left was his daughter Julie, who stayed close by in New Orleans, and his sister Elisabeth Françoise Delagrangé, who lived in Paris. On November 25, 1809, Louis Moreau Lislet and his daughter moved into a big house located on Condé street (today 1027-1029 Chartres Street), which they bought from François Lalonde Dalcour.¹⁰² It was in this house that Moreau Lislet would live until he died and where, some years later, his daughter and his son-in-law, Jean Baptiste Desdunes, stayed.

In the year 1810, Moreau Lislet was still the judge of the parish of Orleans,¹⁰³ putting all his energies into his work. His zealous attitude brought him criticism from some of his fellow citizens, as illustrated by the following letter addressed to:

LOUISIANA GAZETTE, Tuesday October 2, 1810

To the Honorable Moreau Lislet, Parish Judge of New Orleans

The regulations which you have published, relative to patrols, makes it the duty of every *free white individual*, from 16 to 50 years of age, to inquire where, how and by what authority, you have assumed to yourself the right of commanding the militia of the city and parish of New Orleans.

100. LE MONITEUR DE LA LOUISIANE, No. 904, Feb. 22, 1809:

We the undersigned, members of the jury to whom was submitted the case of *Pascals de la Barre vs. Lalonde de Ferrière and Claude Colon*, for damages claimed of the defendants, for inhuman treatment of one of the plaintiff's negro slaves, do certify, that Mr. Moreau Lislet counsel for the plaintiff, did not say in his argument that "when a white man beats a negro unjustly, the slave has a right to repel force by force, nor make use of any expressions conveying such a sense."

Signed Dejean Cadet, M. Bujac

Id. (author's trans.).

101. *Id.* No. 921, Apr. 22, 1809 (obituary notice).

102. Notaire E. de Quinones, acte du 25 novembre 1809 (Act of November 25, 1809), Notarial Archives.

103. LE MONITEUR DE LA LOUISIANE, No. 997, Jan. 13, 1810; *id.* No. 1004, Feb. 7, 1810; *id.* No. 1055, Aug. 4, 1810; LE COURRIER DE LA LOUISIANE, July 16, 1810; *id.*, Oct. 1, 1810 (Strangely enough, Moreau Lislet's name appears as "L. Moreau Lillets, Juge" (in French)).

In your preamble to those very extraordinary regulations you say, "Considering that in several unprovided and urgent cases, it is impossible to resort to the assistance of the militia in so prompt a manner as to prevent the disorders with which the public tranquility is threatened." If any danger presents itself where the service of the militia is necessary, the law provides for calling them out, and it also provides how and by whom it shall be done [act of the legislature passed the 31st March 1807].

. . . .

It will now be necessary to enquire of you by what authority you have attempted to encroach on the powers of the Governor? You cannot be so ignorant of the laws of our country as to suppose that any regulations you could make, aided by the justices of the parish and twelve freeholders, would be paramount to the laws of the territory; yet your regulations are in direct opposition to them

. . . .

The law puts it in the power of the governor when he "deems it necessary," to order patriots; but, pray Sir, where do you find the law by which you are authorised to command all the *free white individuals* in this city? Where do you find your authority to oblige me and every other man to purchase within three months a musket and its accoutrements—powder and balls? Pure as the motives may be that urged you to assume powers not delegated to you by law, still it is evident that you cannot ever expect to enforce your regulations. The people are too well acquainted with their rights to be forced into the obedience of illegal regulations, much as they may be taught to respect the *ermine* of justice when acting in its proper sphere.

Love of power appears to be an innate principle in many; this principle must have stimulated you and your advisors, or you would not under any pretext have assumed the right of regulating the police of our corporation, you would not, *Atlas*-like, have taken the world on your back as you have done. What will the people of the United States say who read your regulations? Will it not be reasonable for them to conclude that you have assumed the whole command of the militia of the city and county of New Orleans; that you have taken proper measures to have them armed and equipped for the field, etc. It would not perhaps be improper to enquire whether the hand of Napoléon is not at the bottom of the regulations, although you may not have discovered it.

I shall again, if I find it necessary, address you fully on this last point, and close with advising you to reconsider what you have been doing. Call your justices and freeholders, together—consult the

laws—take the opinion of the best informed members of society, before you attempt to enforce your regulations.

Zeno¹⁰⁴

The day after this article, in which his integrity was questioned, appeared, Moreau Lislet replied by writing a letter to the editor of the *Courrier de la Louisiane*.¹⁰⁵ Moreau Lislet's short but forceful reply did not calm the ire of Zeno. Feeling that he had been beaten on his own turf, he decided to push the controversy further by invoking the authority of the Constitution of the United States:

To the Honorable Judge Moreau Lislet

I have read the explanations you have published in the *Courrier*

. . . .
 If I am not very wrong in my logic the militia of every state and territory in the Union are under the control of Congress; they alone possess the power to call them forth to execute the laws of the union With this view of the subject, I conceive it is not in the power of any governor of any territory to transfer the militia of it to any parish judge, or for any *local* or *menial* purposes Now I contend that you cannot have any control over my person in consequence of any act of the legislature, even after its being sanctioned by the Governor, when the act is in direct violation of the constitution of the United States

. . . .
 [A]nd I declare that I never will purchase a musket in consequence of your mandate; because you do not possess the right to order it, no more than you do possess the right of ordering *conscripts*

104. LA. GAZETTE, Oct. 2, 1810.

105. COURRIER DE LA LOUISIANE, Oct. 3, 1810.

Mr. Editor,

Some persons having raised some questions regarding the right that the Assemblies of the Parish, and each one of them in its domain, have to issue regulations dealing with the creation and organization of patrols I beg you . . . to be kind enough to print, after this letter, the act passed by the third legislative assembly of this territory on March 20, 1810. This act having been approved by his Excellency Governor Claiborne, it will appear to have abrogated the powers granted to the executive branch by the previous act of March 31, 1807

Id. (author's trans.).

In 1811 and 1812, other than his functions as judge for the parish of Orleans,¹⁰⁷ a position to which he was once again reappointed on April 9, 1811,¹⁰⁸ Moreau Lislet was called upon to carry out other duties; he even sought to be involved in yet more activities. Thus, for example, on May 18, 1811, the New Orleans City Council resolved "that Mr. Moreau Lislet, one of the attorneys of the corporation, will be invited to draft a memorandum of law whose purpose is to certify the rights of the City over lands for which it claims ownership."¹⁰⁹ During the month of May, Moreau Lislet was also appointed by the Council of Regents of the University of New Orleans to join a commission charged with receiving, from architects and entrepreneurs, plans for the building of a new college.¹¹⁰ In July of the same year, for participation at the meeting of the convention that was to establish the first constitution of the State of Louisiana, a leading article of the *Gazette de la Louisiane* recommended to its readers a certain number of persons reputed for "their honesty, their integrity, and their love for their country."¹¹¹ The name of Moreau Lislet was cited with those of Edward

106. LA GAZETTE, Oct. 5, 1810.

107. LE MONITEUR DE LA LOUISIANE, No. 1103, Jan. 8, 1811; *id.* No. 112, Jan. 29, 1811; *id.* No. 1148, Apr. 23, 1811; *id.* No. 1261, Jan. 30, 1812; *id.* No. 1392, Nov. 14, 1812.

108. 9 TERRITORIAL PAPERS, *supra* note 84, at 984.

109. "Conseil de Ville de la Nouvelle Orléans, Résolu que M. Moreau Lislet l'un des avocats de la Corporation sera invité à rédiger un mémoire à l'effet de constater les droits de la ville sur les terres dont elle réclame la propriété . . ." Délibération du Conseil en sa séance du 18 mai 1811, Private Papers No. 46, John Minor Wisdom Collection, Manuscripts Department, Howard-Tilton Memorial Library, Tulane University.

110. LE MONITEUR DE LA LOUISIANE, No. 1159, May 18, 1811.

Notice to the Architects and Undertakers.

The Architects and Undertakers of buildings are informed that Messieurs R. Dow, Charles Trudeau and Moreau Lislet, have been appointed by the Council of the Regents of the University of Orleans to receive the Plans which they might offer for the Establishment of a College on the plantation formerly belonging to Mr. Treme near this town

Id. (author's trans.).

111. LA GAZETTE, July 27, 1811.

It is of primary importance that the Convention, who are to form a state Constitution for this Territory should not only be men of sense, but that their fellow citizens should place full confidence in their honesty, probity, integrity and love of country; and that they are decidedly in favour of becoming a State. It is believed that the following gentlemen will meet the support of the best informed members of society:

Moreau Lislet
E. Livingston
J. E. Boré

John Watkins
Pierre Derbigny

Livingston, John Watkins, and Pierre Derbigny. Unfortunately, Moreau Lislet was once again disappointed, as he did not receive the privilege of being appointed as one of the members of the convention.¹¹² On the other hand, on March 7, 1812, along with Derbigny and Mazureau, Moreau Lislet was elected as a member of the board of directors of the New Orleans library, of which he was to become the president at a later date.¹¹³

During the years 1810, 1811, and 1812, Moreau Lislet continued to work hard for the development of freemasonry in the territory. For example, on December 23, 1810, he instituted the *Perseverance Lodge No. 118*, provided for officers thereof, and, during the fall of 1811, instituted another lodge, *Etoile Polaire No. 129*, which was later absorbed by the *Etoile Polaire Lodge No. 4263* to which he belonged.¹¹⁴

At the close of 1812, when Moreau Lislet had been a judge for the parish of Orleans since March of 1807, a number of citizens, among them some of the most famous, published the following notice in *Le Moniteur*: "Mr. Moreau Lislet is recommended to the Governor and the Senate to be continued in his functions of Parish Judge or Judge of first instance in New Orleans"¹¹⁵

Among the signatories, there were names like Mazureau, Gayarré, Derbigny, Bruslé, and some others. Despite this public demonstration of the trust accorded him by his peers and the esteem in which he was held, Moreau Lislet was to ask the mayor of New Orleans not to renew his appointment as judge:

Mr. Mayor,

I have been assured that I have been appointed judge for the city and the parish of Orleans. Although I would very much like to accept this appointment as proof of the fact that I have not become unworthy of the position I have held for six years, it is likely that I will decline the offer of this judgeship or that I will resign within twenty four hours.

Consequently, Mr. Mayor, I beg you to make sure that the position of city attorney that I have occupied until this day is not

Id. (author's trans.).

112. LA GAZETTE, Nov. 5, 1811 (Moreau Lislet's name does not appear among the elected members.).

113. LE MONITEUR DE LA LOUISIANE, No. 1416, Jan. 9, 1813.

114. SCOT, *supra* note 96, at 9.

115. LE MONITEUR DE LA LOUISIANE, No. 1402, Dec. 8, 1812.

granted to another if the City Council intends to preserve it for me, and this until I am in a position to inform you of my ultimate decision regarding the judgeship.

I hope that the interest you have always showed in me will easily lead you to grant me this favor.¹¹⁶

From the month of April of 1813 onward, James Pitot replaced Louis Moreau Lislet in his functions as judge of Orleans Parish.¹¹⁷ This allowed Moreau Lislet more time to pursue an immense work that he had undertaken, the translation from Spanish into French of *Las Siete Partidas*,¹¹⁸ as well as to concentrate on his practice as an attorney. It might also have been his intention, however, to better prepare himself for the political career that he

116. Lettre du 22 mars 1813 [Letter of March 22, 1813 from Moreau Lislet addressed to the Honorable M. Girod, Mayor of New Orleans] (author's trans.), Private Papers No. 60, John Minor Wisdom Collection, Howard-Tilton Memorial Library, Tulane University.

117. LE MONITEUR DE LA LOUISIANE, No. 1458, April 20, 1813.

118. LA COURIER, Apr. 28, 1813.

PROPOSALS

FOR THE PRINTING OF A FRENCH

TRANSLATION OF THE LAWS OF THE *SIETE PARTIDAS*

It is proposed to undertake by subscription a French translation of the Code of Spanish laws, known under the title of "*Las Siete Partidas del Sabio Rey don Alfonso el Nono*" or the seven parts of the wise king Don Alfonso the ninth No man is ignorant of the absolute necessity of a study of the Spanish laws, for the decision of causes which are brought before the tribunals of this state where the authority of these laws subsists in civil cases, in all that is not incompatible, with our constitutions or has not been altered or abrogated by our several legislatures. It is well known that the Civil Code which has been digested for this state contains in some measure, only the primitive and abstract principles of that law, the developements[,] examples, consequences and limitations of which are to be perceived in the ancient laws of the country, which formed its basis. . . . The study of the Spanish laws may be the more useful [T]hat study cannot be without interest, when we consider that the Spanish laws are almost entirely derived from the Roman law, a code, which on account of its wisdom, has excited the admiration of modern nations At the head of each title, the translation of which will be given, will be placed a list of the several titles of the institutes of the pandects, of the code [and] the novels of Justinian, of the different Spanish codes, [and] of the canonical law, as well as of the several works treating of the same matter[,] such as Domat's civil laws, Pothier's writings, Febrero's library, and the Curia philipica. In fine at the end of each law will be placed a note showing all such laws of the civil code of this state, and of the recopilation de castilla, which contain provisions on the same subject, in such manner that it will be easy to verify what alterations the ancient law contained in the seven *Partidas*, may have experienced in modern or actual legislation The said translation has been made by Mr. Moreau Lislet, counsellor at law of this city Mr. Moreau Lislet hopes to be seconded in his undertaking, by Mr. Mazureau, another jurisconsult of this city, well versed in the Spanish language, and known by his talents in jurisprudence

Id.

had failed to achieve in his first attempts, but that he was determined to try for again—this time perhaps with more vigor and confidence.

During the month of June of 1814 and the first week of July, the *Gazette de la Louisiane*¹¹⁹ published, in several issues, the following statement:

The following ticket will be ably supported at the ensuing election by MANY ELECTORS

Congress—Prevost

Senator—Thomas Urquhart

Representatives at General Assembly

John R. Grymes

Moreau Listel[sic]

J. Blaque

B. Marigny

Despite all the efforts made by Moreau Lislet and although he was accorded the support of a number of prominent electors, the verdict of the people was disappointing to the political ambitions of the former judge. He placed sixth on a list of seven candidates, and he was very far from the first four.¹²⁰ Luckily, Moreau Lislet had not resigned the post that he held as the attorney¹²¹ of the city of New Orleans; he was thus able to keep a certain public image and to continue to see frequently the influential personalities of the city council and the legislature.

119. LA. GAZETTE, July 2, 1814.

120. LA. GAZETTE, July 7, 1814:

Results of the elections to the House of Representatives:

J. Blaque	662 votes
D. Rouquette	615 votes
J. Ro. . .	536 votes
B. Marigny	515 votes
J.R. Grymes	162 votes
Moreau Lislet	138 votes
Ducros, Senior	132 votes

121. See Letters from Moreau Lislet to the City Council (May 7, 1814), to Mayor Girard (Aug. 6, 1814), and to the City Council (Aug. 27, 1814), John Minor Wisdom Collection, Manuscripts Department, Howard-Tilton Memorial Library, Tulane University.

PART V. THE REWARDING YEARS

The year 1815 was to bring Moreau Lislet the consecration that he had been looking for and had not yet obtained. In September of that year, Senator Thomas Urquhart resigned from the Senate of the State of Louisiana, and Moreau Lislet stood as a candidate to replace him and won.¹²² Once elected, one might have thought that Moreau Lislet would have effectively participated in the debates of the commissions and would have tried to give his point of view on all matters taken up by those commissions. But, according to the reports of the debates, which were published in the *Senate Journal* and the newspapers of that time, it does not seem that Moreau Lislet was very active¹²³ or, at least, that he showed much of the initiative that he would show later. In fact, Moreau Lislet resigned from the State Senate on February 17, 1817, after a year and a few months in that office.¹²⁴ As soon as he renounced his senatorial functions, Moreau-Lislet became Attorney General of the State of Louisiana.¹²⁵ The availability of the appointment to this position was perhaps the reason why Moreau Lislet had given up his Senate seat so quickly. It is certain that as attorney general, he had more freedom of action than he had when he was in the Senate, where he was only one among many equals and where, perhaps, he realized that he would have great difficulty getting anything done because many of the members had irreconcilable points of view.

Even as Attorney General of the state, Moreau Lislet did not restrict himself to one job. During the same year of 1817, he acted

122. LA. GAZETTE, Sept. 23, 1815; see also *Journal of the Senate*, 3d Legis., 1st Sess.

123. LA. COURIER, Jan. 20, 1817. Under the title "Journal of the Senate", Tuesday, December 17, 1816, it is written that Moreau Lislet approved the bill "to authorize the governor of the state to purchase for the use of the state, fifty copies of Martin's Reports of the decisions of the supreme court of the state." *Id.*

124. LA. COURIER, April 9, 1817 ("JAMES VILLERE, Governor of the State of Louisiana, to JAMES PITOT, Judge of the Parish of New Orleans. Having been officially notified of the resignation of Louis Moreau Lislet, a senator to the general assembly of this state, from the second senatorial district [of Orleans County], it becomes my duty to issue this my proclamation, ordering that an election be called to fill the vacancy left by the resignation of Louis Moreau Lislet. The 25th day of March, 1817").

125. LA. COURIER, May 5, 1817; *id.*, May 9, 1817 ("Parish Court April 26, 1817. Present the Honorable James Pitot. Toussaint Mossy versus L. Moreau Lislet, Attorney-General of the state of Louisiana.").

as an attorney for the absent heirs of a decedent¹²⁶ and as a surrogate guardian of the minor Thierry.¹²⁷ Moreover, Moreau Lislet still held his position as an attorney for the city of New Orleans.¹²⁸

The year 1818 was a year of reflection and achievement for Moreau Lislet. His position as attorney general gave him a sense of security and prestige, as well as the possibility to be in close touch with the members of the government and those of the legislature. Moreau Lislet kept this position for only about two years, as is indicated in two documents, one of February 1818¹²⁹ and the other, most probably, of late October or the beginning of November 1818.¹³⁰ One may wonder if, despite his decision to leave the Senate in February of 1817, Moreau Lislet had not been attracted all the same by politics as practiced in the legislature and the atmosphere of the debates that he attended during his membership in the legislature. In May of 1818, at the start of the election campaign for the July elections, Moreau Lislet was once again a candidate, but, this time, for a seat in the Louisiana House of Representatives. He was backed by "a certain number of respectable people," who recommended and supported him along with other candidates for the next election.¹³¹ He also had the support of a great number of others.¹³² The results of these elections were to confirm the wishes of many people, as Moreau Lislet headed the list of persons elected to the House of Representatives of the State of Louisiana with 808 votes, before L.B. Macarty with 791 votes and Blancard with 616 votes.¹³³

126. LA COURIER, Oct. 3, 1817 ("NOTICE—The creditors of the late Henry Bonneval Latrobe[,] . . . Moreau Lislet, Attorney of the absent heirs of the deceased.").

127. LA COURIER, Aug. 25, 1817 ("NOTICE—Several persons remaining still indebted to the estate of the late Jean Baptiste Thierry[,] . . . Moreau Lislet, Co-tutor of the minor Thierry.").

128. LE COURRIER DE LA LOUISIANE, Oct. 10, 1817 ("NOTICE—The City Council having instructed its attorney to defend . . . Moreau Lislet, Attorney for the Corporation.") (author's trans.).

129. English Documents 1818, Cabildo Archives ("Received by Felix Arnaud, Esq. Treasurer of the State of Louisiana . . . New Orleans February 19th 1818, Moreau Lislet, Procureur Général [Attorney General].").

130. English Documents 1818, Cabildo Archives ("The State of Louisiana, the Criminal Court of the City of New Orleans, The Grand Jurors for the state of Louisiana empaneled and sworn in and for the body of the city of New Orleans . . . present that Jean Baptiste . . . feloniously did steal, take and carry away . . . L. Moreau Lislet, Attorney General.").

131. LE COURRIER DE LA LOUISIANE, May 25, 1818 (author's trans.).

132. *Id.*, June 25, 1818.

133. GAZETTE DE LA LOUISIANE, June 9, 1818; LE COURRIER DE LA LOUISIANE, July 10, 1818.

Moreau Lislet took his mandate as a representative very seriously, as shown by his participation in numerous committees¹³⁴ and by the fact that he ran for the position of Speaker of the House. Although he was not elected, his running for that position showed, nonetheless, his interest in the legislative process and also, perhaps, exhibited a political ambition that he might have felt had still been only partially fulfilled.¹³⁵ In June of 1820, as the election campaign for the fifth legislature opened, Moreau Lislet asked for the renewal of his mandate as a representative. As in June of 1818, his candidacy was once again backed by "a great number of voters."¹³⁶ It was no surprise to see him elected again in July of 1820, finishing first on the list with 481 votes, against 480 for Duralde.¹³⁷ The first task of the new assembly was to elect its speaker. Once again Moreau Lislet stood as a candidate, but in vain. The tally was: Beauvais sixteen votes, Randall nine votes, Livingston two votes, and Moreau Lislet one vote. (His own?) In any case, Moreau Lislet participated very actively in the works of the different committees to which he belonged, such as the Committee on Proposals and Grievances.

It was during this session of the legislature that Moreau Lislet was to suffer a setback that was to have an important effect on him. In March of 1821, the two houses of the legislature of the state examined a resolution for the nomination of the person who would be charged with drafting a penal code for the State of Louisiana. Having actively contributed to the drafting of the *Digest of the Civil Laws of 1808*, so much so that many considered Moreau Lislet to have been, in fact, the author of the *Digest*, it was only natural that he would offer his services for this new project. Two other candidates, Edward Livingston and A.L. Duncan, were equally tempted by this undertaking. Out of the forty-five votes

134. In the January 1819 and 1819 issues of *Le Courier de la Louisiane*, there are many references to Moreau Lislet as an active member of several committees of the House of Representatives.

135. *LE COURRIER DE LA LOUISIANE*, March 1, 1819 ("On a motion by Mr. Randall, the House held a vote for the election of a Speaker pro-tempore. Mr. Beauvais 24, Mr. Moreau Lislet 2, Mr. Caldwell 1.") (author's trans.).

136. *GAZETTE DE LA LOUISIANE*, June 17, 1820; *COURRIER DE LA LOUISIANE*, June 24, 1820.

137. *COURRIER DE LA LOUISIANE*, June 7, 1820. ("[R]esults of the election in the first district of the county of Orleans: To the House of Representatives: L. Moreau Lislet 481, Macarty 442, Grymes 416, Duralde 480, Blancard 427, MM. Moreau Lislet, Duralde, Macarty, Blancard, Grymes . . . have been elected to represent the first district.") (author's trans.).

cast, thirty went to Livingston, ten to Moreau, and five to Duncan.¹³⁸ As a result, Moreau Lislet was denied the opportunity to do in the criminal law area what he had done for the "civil law" and frame the former in a code, as he had done to the latter.

During this legislature, Moreau Lislet was a member of the committee in charge of the reprint of the Civil Code, a member of the judiciary committee, and many others. Although Moreau Lislet lost to Livingston on February 13, 1821, he, on the other hand, had the great satisfaction of outvoting the same Livingston on March 14, 1822, in the election, by both the Senate and the House of Representatives, of a committee of three jurists who would be vested with the task of revising the *Digest of 1808*. Out of forty-eight present members, Moreau Lislet received the votes of forty-three, Livingston twenty-five, Derbigny twenty-five, Workman twenty-three, Mazureau twenty-two, Smith three, Morel two, and Carleton one. Thus, Moreau Lislet, Livingston, and Derbigny became the drafters of the Louisiana Civil Code of 1825.

Moreau Lislet, the attorney, was still very busy and involved in many activities during these years. It is important here to pay special attention to another essential contribution made by Moreau Lislet to the legal system of the State of Louisiana. It is a fact that, for several decades, Spanish law had been the law of the territory of Orleans and that in 1806, James Brown and Moreau Lislet had been instructed to draft a code on the basis of "the civil laws which presently govern the Territory."¹³⁹ This assignment

138. COURRIER DE LA LOUISIANE, No. 2104, Supp., Mar. 12, 1821. Journal of the House of Representatives:

And it being now five minutes of twelve, on motion, ordered, that the clerk be ordered to inform the Senate, that the House is now ready to receive them agreeably to the resolution for the appointment of a person to prepare a criminal code.

It being twelve o'clock, the Senate met the House, on motion, ordered, two tellers be appointed, whereupon Mr. Clark was appointed on the part of the Senate, and Mr. Randall on the part of the House.

The ballot box having been carried round, on opening the same, it appeared, that out of forty-five members present.

Mr. Livingston	30 votes
Mr. Moreau Lislet	10 votes
Mr. A. L. Duncan	5 votes
Total	45 votes

In consequence whereof, Mr. E. Livingston was proclaimed duly elected as the person to prepare a criminal code.

Id. (author's trans.).

139. More information is given in the preceding article in this series, Alain A. Levasseur, *The Major Periods of Louisiana Legal History*, 41 LOY. L. REV. 585 (1996).

having been accomplished, there remained to be put at the disposal of jurists, be they judges or attorneys, the texts of the Spanish laws on the basis of which the *Digest of 1808* had been drafted. Moreau Lislet and Carleton, therefore, took upon themselves the thankless task of translating into English several sections of *Las Siete Partidas*. In February 1819, the *Courrier de la Louisiane* published the following:

The first number of the translation of the Spanish Laws Lâs Pa[r]tidas by Messrs. Moreau Lislet and Carleton, attornies at law, containing everything relative to promises and Obligations and Contracts of Sale and Exchange is selling at Messrs. Noche Brothers and Benjamin Levy. Price: 3 piasters per copy. The approbation which their honors the honorable Judges of the Supreme Court; and the judges of the first district and Parish of New Orleans, as well as a number of lawyers have given to that translation by recommending the continuation of the work as a thing most useful to the general distribution of justice throughout the state, is the best compliment that could be paid to that essay. We learn with pleasure that the legislature have now before them a bill, object of which to encourage that continuation.¹⁴⁰

140. See also *COURRIER DE LA LOUISIANE*, Jan. 25, 1819; *id.*, Feb. 8, 1819; *LA. COURRIER*, No. 2077, Supp., Jan. 8, 1821. The supplement reported the following:

Journal of the House of Representatives - Wednesday, Jan. 3, 1821

The report of the committee to whom had been referred the letter of the translators of the *Partidas*, was then taken up and read in the following words:

Your committee to whom had been referred the joint letters of Messrs Moreau Lislet and H. Carlton, translators of such part of the *Partidas* as are considered to have the force of law in this state, by virtue of an article passed for that purpose, approved on the 3rd of March 1819, beg leave to report, that in the opinion of your committee the said translators have discharged the duties imposed by said act with zeal and ability, except however the binding of the second volume of this work, which they may be able to deliver within the time required by the said act. But your committee are of opinion that the second volume may be injured from being bound so soon after the printing, and that therefore the time for the delivery of said work ought to be extended to the 10th of April 1821.

Your committee are of opinion that the labors of the translators in this invaluable work have been greater than they at first imagined: that the original *Partidas* is composed in about three thousand folio pages, and written in an antiquated dialect, alike unconnected with the living and dead languages, and very little aided by the common facilities for the acquirements of either; that they have bestowed more labor than was necessary to comply with the provisions of the act, inasmuch as each title of the work is preceded by a list of the titles of the Roman and Spanish laws, and of the civil code of this state, relative to the subject of which it treats, thereby adding to the utility of the work, and rendering it more complete and satisfactory, and which must have required uncommon research in traversing the immense codes of Roman jurisprudence, and perusing the less expanded but more complete and abstract provisions of our civil code. . . .

The year 1822 was an election year, and Moreau Lislet was once more a candidate in July. That year, however, instead of asking for the renewal of his mandate as a representative, Moreau Lislet became a candidate for the State Senate seat for the Second District of the City of New Orleans.¹⁴¹ Moreau Lislet was elected a senator with 648 votes.¹⁴² As soon as he settled into his new functions, Moreau Lislet introduced a resolution that would cause the local media to react most passionately, as shown by the following extract from the *Gazette D'Orleans*:

A resolution was introduced yesterday in the Senate by Mr. Moreau Lislet stating that the three senators for the district of the State, commonly referred to as Florida, had no right to have a seat in the Senate

We find no words strong enough to express our astonishment and our indignation at the resolution introduced by Mr. Moreau Lislet. Coming from a member who, until now, has always attempted to reconcile all the parties as much by his speeches as by his example, coming from a member most respected in his private life and his political career, exhibiting so much zeal for the benefit of all, we have all reasons to fear that the greater part of his party, more passionate and obeying less to the voice of prudence, is harbouring even more dangerous thoughts, assuming it is possible to imagine anything even more dangerous

If Mr. Moreau Lislet and his party are determined to bring down this political society to its first component parts and to lead us into the horrors of anarchy and the civil war, then let it be; the sooner they raise a huey and cry, the better it will be¹⁴³

.
With these considerations your committee beg leave to introduce the following bill entitled "An act supplementary to the several acts authorizing and encouraging the translation of such parts of the Partidas as are considered to have the force of law in this State.

Id.

141. LE COURRIER DE LA LOUISIANE, June 19, 1822.

142. LA GAZETTE, July 4, 1822 ("Result of the election, Representative to Congress, Edward Livingston 645 votes, State Legislature, Senate L. Moreau Lislet 648 votes.").

143. GAZETTE DE LA LOUISIANE, Jan. 22, 1823.

Une résolution a été offerte hier au Sénat par Mr. Moreau Lislet déclarant que les trois Sénateurs, pour le District de l'Etat, communément appelé Floride, n'avaient aucun droit de siéger au Sénat. . . .

.
Nous ne trouvons pas de termes assez forts pour exprimer notre étonnement et notre indignation à la résolution introduite par Mr. Moreau Lislet. Venant d'un membre qui jusqu'ici n'a cherché qu'à concilier tous les partis tant par ses discours que par son exemple, d'un membre aussi respectable dans sa vie privée et dans sa

Did this diatribe prompt Moreau Lislet to withdraw his motion? It may be so. In any case, the Senator refrained from causing any further controversies and continued to accomplish his duties with devotion, energy, and intelligence.¹⁴⁴ The quality of the services rendered by Moreau Lislet were at last recognized by his colleagues from the Senate when he was elected, on November 16, 1826, to sit as temporary President of the Senate in the place of H.S. Thibodeaux who had assumed the post of Governor following the resignation of Thomas B. Robertson.¹⁴⁵ Among the numerous activities of Senator Moreau Lislet in 1825 and 1826,¹⁴⁶ it is particularly worthy of note that Pierre Derbigny and himself were commissioned by the legislature of the state to draft a mercantile law in order to provide the business community with a body of legal rules that would promote both the swiftness of transactions and their safety.¹⁴⁷ These two lawyers were also members of a committee in charge of organizing a city court of New Orleans¹⁴⁸ and, by a just recurrence of history, Louis Moreau Lislet, who had been denied by his colleagues of the legislature the opportunity to draft a

carrière politique, si zélé pour le bien public, nous avons tout lieu de craindre que la masse de son parti, plus passionnée et obéissant moins à la voix de la prudence, nourisse des desseins plus dangereux, si toutefois il était possible d'en imaginer de plus dangereux. . . . Si Mr. Moreau Lislet et son parti sont déterminés à réduire cette société politique à ses premiers éléments, et nous plonger dans toutes les horreurs de l'anarchie, et de la guerre civile, qu'il en soit ainsi: le plutôt qu'ils sonneront le tocsin, ce sera le mieux

Id.

144. See some actions and initiatives taken by Moreau Lislet, LA GAZETTE DE LA LOUISIANE, Jan 24, 1823; *id.*, Jan. 25, 1823; Journal du Sénat, 6e législature, 1re session; *id.* 2e session; Journal du Séat, 7e législature, 1re session; *id.* 2e session.

145. LE COURRIER DE LA LOUISIANE, Nov. 17, 1824.

House of Representatives

A message from the Senate informed the House that Governor Ths. B. Robertson had sent in his resignation to the Senate, that in consequence the Hon. H. S. Thibodeaux had assumed the executive functions, that Mr. L. Moreau Lislet had been elected President *pro tempore* of the Senate, and that the other officers of the Senate continued in office

Id. (author's trans.).

146. See, e.g., LA GAZETTE DE LA LOUISIANE, Feb. 1, 1826 ("Journal du Sénat"); LE COURRIER DE LA LOUISIANE, Feb. 23, 1826 (Moreau Lislet on a banking committee); *id.*, Apr. 5, 1826; LA GAZETTE DE DE LA LOUISIANE, Apr. 6, 1826 (Moreau Lislet as a Regent of Schools to be created in and around New Orleans).

147. LE COURRIER DE LA LOUISIANE, Jan. 10, 1825 ("House of Representatives: A letter from MM. Moreau and Derbigny, the two lawyers charged with preparing a commercial code[.] . . . was read to the House.") (author's trans.).

148. LA GAZETTE, Jan. 20, 1826 ("House of Representatives: Moreau Lislet and Derbigny were appointed members of a committee to organise a court for the City of New Orleans.").

penal code, was appointed a member of the committee in charge of examining the plan of the penal code proposed by Edward Livingston (A committee the creation of which has been attributed to Moreau Lislet himself!).¹⁴⁹

The brilliant career and future that Moreau Lislet was building for himself by earning the respect and the affection of his peers seemed even more promising when, in May and June of 1826, he sought to renew his mandate as a senator.¹⁵⁰ The results of the elections of July 5, 1826, show that Moreau Lislet, who won hands down, was becoming a sort of "institution," almost irremovable, and that his political aspirations had been fulfilled.

Moreau Lislet did not show very much enthusiasm or energy during the first session of the eighth legislature.¹⁵¹ He did, however, take a stand against a bill that was to allot certain slaves a required time for their emancipation. That stand, among numerous others of the same nature, seem to reflect very well the philosophy of its author who did not seem to be, actually far from it, a partisan for the liberation or equality of the black people.¹⁵²

The minutes of the sittings of the second session of the eighth legislature are filled with multiple and varied actions carried out by Moreau Lislet: By Act 74 of 1828, he was commissioned to draft a digest of the laws of the state;¹⁵³ he proposed a resolution suggesting that the Senators and Representatives of the State of Louisiana go before the United States Congress to lobby for a plan to build a canal linking Lake Ponchartrain to the Mississippi River;¹⁵⁴ he suggested that a committee be formed to consider raising a loan from a foreign country to pay for the state's debts;¹⁵⁵ he was charged with auditing the accounts of the State Treasurer;¹⁵⁶ and

149. LA GAZETTE DE LA LOUISIANE, Feb. 7, 1826 ("Senate: Moreau Lislet appointed member of a committee to evaluate the projet of the criminal code proposed by Edward Livingston.") (author's trans.).

150. LE COURRIER DE LA LOUISIANE, May 31, 1826; LA GAZETTE DE LA LOUISIANE, June 17, 1826. The results of the elections appeared in LA. GAZETTE, July 7, 1826 (Edward Livingston, with 597 votes, defeated Foucher in the election for the U.S. Congress; Moreau Lislet, with 684 votes, defeated C. de Armas, in the election for the Louisiana Senate.).

151. The first session lasted from January 1 to March 24, 1827. The second session went from January 7 to March 25, 1828.

152. See Journal of the Senate, 8th Legis., 1st Sess., at 13.

153. LA. REV. STAT. § 1, 1 to 5, Annex 2, p. XXL; see also LE COURRIER DE LA LOUISIANE, Apr. 10, 1829 (under "Le Digeste . . .," signed Moreau Lislet).

154. Journal of the Senate, 8th Legis., 2d Sess., at 10.

155. *Id.* at 13.

156. *Id.* at 9.

he was appointed to act as a member of the committee in charge of the Code of Civil Procedure.¹⁵⁷ As a member of the committee in charge of the study of the Penal Code drafted by Livingston, he contributed to the abandonment of its examination by the legislators¹⁵⁸ and thus, perhaps, to its failure.

The ninth legislature¹⁵⁹ was to be the last one attended by Moreau Lislet, and it marked, at the same time, the end of his political career. During the first session of this legislature, Moreau Lislet, who was a member of the judicial committee in charge of reviewing and amending the existing laws, tried, among other things, to have an amendment adopted that would have made it compulsory for circuit judges replacing district judges to speak not only English but French also. This amendment was rejected by six votes against six, six senators with French names opposing six senators with Anglo-Saxon names.¹⁶⁰ The second session of this ninth legislature started on January 4, 1830, under the presidency of Louis Moreau Lislet. On January 26, 1830, he asked his colleagues in the Senate for permission not to participate in the sessions of the Senate for the next two weeks. Moreau Lislet was excused for these two weeks. However, the minutes of the sessions and debates of the Senate held from February 9 to March 16, 1830, the end of the second session, show that Moreau Lislet was absent from all the sittings that took place between these two dates and that he did not obtain formal permission from the assembly for this absence. This lack of assiduity in the performance of his duties as a senator was neither an expected feature of Moreau Lislet's political life nor a normal behavior on his part.

The reasons for his nonperformance of his obligations were due, without any doubt, to the status of his family. Before this subject is discussed, however, it is necessary to review Moreau Lislet's professional life (as opposed to his political one) during the 1820s.

It is a fact that, in parallel with his functions as a senator, Moreau Lislet continued to be involved in a variety of professional and private activities. The reputation as an accomplished and respected attorney that he had earned brought him a great number

157. *Id.* at 41.

158. *Id.* at 43.

159. The 9th legislature was divided in two sessions: 1st session, November 17, 1828 to February 7, 1829; 2nd session, January 4 to March 16, 1830.

160. Journal of the Senate, 9th Legis., 1st Sess., at 39-40.

of clients, as evidenced by the number of cases in which he appears as an attorney of record.¹⁶¹ On the other hand, Moreau Lislet was to devote a good part of his time to helping his compatriots, immigrants from St. Domingue, to apply for the payment of certain allowances that they claimed were due to them.¹⁶² Moreover, besides being still involved with the City Council of New Orleans as its attorney,¹⁶³ he was also "Master of Central and Primary Schools."¹⁶⁴

In April of 1825, Louis Moreau Lislet enjoyed another moment of celebrity. The Freemasons of New Orleans were to welcome General Lafayette and his son Georges Washington Lafayette.¹⁶⁵ The participation of Louis Moreau Lislet in the reception given by Gilbert du Motier, Marquis of Lafayette, was described in these terms by the *Gazette de la Louisiane*: "Last Thursday, at 5 p.m., at the invitation of the Masons of the most illustrious Great Lodge of Louisiana, the most illustrious Brother Lafayette appeared at the Masonic Temple[,] . . . the most illustrious brother Moreau

161. See, e.g., *LE COURRIER DE LA LOUISIANE*, Jan. 8, 1823; *id.*, May 6, 1825; *id.*, Nov. 1, 1825; *LA GAZETTE*, Nov. 5, 1825; *LE COURRIER DE LA LOUISIANE*, May 25, 1826; *LA GAZETTE DE LA LOUISIANE*, May 31, 1826; *id.*, Sept. 20, 1826; *LE COURRIER DE LA LOUISIANE*, Aug. 21, 1828; *L'ABEILLE DE LA NOUVELLE ORLÉANS*, Nov. 29, 1828 (Moreau Lislet's law office was located in different places: at 25 rue St. Louis between Chartres and Royale; at 47 rue St. Pierre; at 57 rue Toulouse between Chartres and Royale.).

162. *LA COURRIER*, Jan. 8, 1823; *LA GAZETTE*, Jan. 10, 1823 ("Notice: The undersigned have removed their office to the study of Mr. Hugues Lavergne, esq., notary public, St. Louis street, No. 25, between Chartres and Royal Streets. New Orleans, January 6, 1823. Louis Moreau Lislet. John DuMoulin.").

"Notice: Messrs. Louis Moreau Lislet and Peter Ambroise Cuvillier, lawyers in this city, have formed a partnership for the exercise of their profession. . . . Their office is next to that of Mr. Cuvillier, No. 47, St. Peter Street. Mr. Moreau Lislet's cabinet is in Condé St., near Ursulines." *LA COURRIER*, May 25, 1826.

"Notice: The undersigned has left to his fellow member of the bar, Mr. P. Soulé, residing in New Orleans, and partner of Mr. Louis Moreau Lislet, the unfinished business of his office The talents of Mr. Soulé, and of Mr. Moreau Lislet, his partner, are the best security to be wished" *LA COURRIER*, Aug. 21, 1828.

"Notice: Messrs. Moreau Lislet and Soulé, Attornies at Law, keep their office at No. 57 Toulouse, between Chartres and Royal St." *LA COURRIER*, Nov. 13, 1828.

163. *LA GAZETTE DE LA LOUISIANE*, Sept. 17, 1823; *LE COURRIER DE LA LOUISIANE*, June 14, 1825; *id.*, June 23, 1829; *id.*, June 28, 1829. (In an article reporting on a meeting of the City Council, it is stated that Moreau Lislet, as lawyer for the City, was earning 1500 piastres per year.)

164. *LE COURRIER DE LA LOUISIANE*, Apr. 5, 1826.

165. GLEN L. GREENE, *MASONRY IN LOUISIANA: A SESQUICENTENNIAL HISTORY 1812-1962*, at 83 (1962).

Lislet, Great Orator, gave a speech equal to this occasion (which was qualified as grandiose).¹⁶⁶

In August of 1826, on the other hand, Moreau Lislet experienced the first of a series of painful and disturbing events that were to make smaller the family that he had sought to keep around him. This first event, made public by the *Courrier de la Louisiane*, was the separation of his daughter from her husband:

Parish Court for the Parish and City of New Orleans
The Honorable James Pitot presiding,
E. Julie Moreau Lislet, wife of J.B. Desdunes v. J.B. Desdunes, her
husband.

The Court, after having heard the parties or their counsel is convinced by the evidence that there are sufficient grounds to grant plaintiff's petition for a separation from bed and board.¹⁶⁷

Some months later, in January of 1827, Senator Moreau Lislet saw the Louisiana House of Representatives pass a bill for the divorce of J.B. Desdunes Leclerc and Julie Elisabeth Althée Moreau Lislet.¹⁶⁸

PART VI. POVERTY AND GREATNESS

The first months of the year 1830 constituted a turning point in the life of Moreau Lislet. If, as we mentioned earlier, the Senator neglected his duties during the second session of the ninth legislature, it was mainly due to family problems and, perhaps, also because of health problems; Moreau Lislet was now more than sixty years old. The main source of his trouble turned out to be his daughter, Elisabeth Julie. Prior to her separation and divorce, Elisabeth led a life of debauchery, as described by a contemporary with a somewhat crude style:

On June 7, 1830, Mrs. Dedune, born Moreau Lislet, mother of three daughters and separated from her husband for several years

166. LA GAZETTE DE LA LOUISIANE, Apr. 18, 1825; *id.*, June 7, 1825 ("This last Thursday at 5 p.m., on the invitation of the masons of the constituency of the Very Illustrious Grande Loge of Louisiana, the Very Illustrious brother Lafayette was greeted at the masonic temple. . . . The Very Illustrious brother Moreau Lislet, Grand Orateur, pronounced a speech that matched the circumstances (They were described as "grandiose.") . . .") (author's trans.).

167. LE COURRIER DE LA LOUISIANE, Aug. 14, 1826 (author's trans.).

168. Journal of the House of Representatives, Jan 23, 1827; LE COURRIER DE LA LOUISIANE, Jan. 24, 1827.

by reason of her misconduct and her indulging in prostitution with anyone from among the lowest, was found that evening seriously stabbed by her current lover—a lowly baker of extreme jealousy—who hit her several times in the face and elsewhere with a knife.

Her loud screams alerted the neighbors who came to her rescue and helped in the arrest of the murderer. He was sent to jail and is waiting for his day in court.

This poor woman could not articulate a single word for twenty four hours for she had been seriously injured by this worthless baker! Today, June 10, she is feeling better, but she will keep the scars on her face as a reminder of her immoral behavior.

This scandalous scene, as you can expect, has deeply affected her Father with whom she was living since her separation, occupying a part of his residence on Condé Street. . . . As to the three young ladies, they are now with their father in the Marigny district. . . .

The worthless baker, when stabbing Mrs. Dedune, also attempted to end his own life by stabbing himself several times so that he would die with her; but he showed very little courage and his own wounds were never threatening¹⁶⁹

The following notice, which shows both the love and despair of a father, was published in the *Courrier de la Louisiane* dated Tuesday, June 22, 1830:

Notice to the public.

L. Moreau Lislet, attorney, resident of New Orleans, informs the public that, as father of his daughter, he asks anyone to whom Mrs. Julie Elizabeth Althee Moreau Lislet, his daughter, divorced from Mr. Jean Baptiste Desdunes Jr., would offer to sell any property she owns or from whom she would solicit some credit, without his written consent, to disregard these offers or requests; although Mrs. Desdunes is of an age that allows her to dispose of her property and to bind herself by any kind of contracts, it is easy to prove by resorting to the testimony of numerous respectable persons that she has always drawn attention to herself by her unusual actions and her extraordinarily peculiar way of expressing herself, so much so that no one can believe that she is fully sane and sound of mind to

169. Nouvelles Diverses, Bozé, New Orleans, to Henri Saint-Gême, Saint-Gaudens, Haute Garonne, Henri Saint-Gême papers, Historic New Orleans Collection, Kemper and Leila Williams Foundation (author's trans.).

the point of having the full capacity to enter into contracts. Furthermore it is unfortunately too well known that an individual, who is the main cause of her insanity, still has much control over her to the point that he could use threats on her life to take advantage of her property to the detriment of the three children she has from her marriage to Mr. Desdunes and who are now entrusted to his custody.

Moreau Lislet.¹⁷⁰

The fears that Moreau Lislet expressed for the life of his daughter proved, unfortunately, to be well-founded. Among the items of news that Bozé sent, on a regular basis, to Henri Saint Gême, of Saint-Gaudens (Haute Garonne, France), there was, on February 7, 1831, the following account:

On this day of February 7, 1831, Mrs. Dedune's lover—a worthless baker and of foreign nationality—who had been sent to jail for several months after he had been convicted of stabbing her several times at her residence, was released after his sentence expired that day. At 7 p.m. that same day he went to her place, full of rage and vengeance and he found her alone and stabbed her with a knife and eventually cut her throat. But her maid, after entering the apartment, screamed and yelled for help at the sight of her mistress's condition. The police, timely called by some neighbors, succeeded in arresting the murderer, who still had the bloody weapon in his hand, and drove him to jail to wait for the decision of the Criminal Court.

Alas, this scoundrel, fearing the executioner's arm, was found dead after he committed suicide on the 9th day of this month, his throat cut with a razor blade. After justice had been handed down, the appropriate papers were completed and he was buried in the evening.

The deceased Mrs. Dedune was buried that same morning of the 9th; her coffin was followed only by her Father, in tears, and a few relatives and friends, but no lady could be seen in this funeral procession.

She has left to her husband, three lovely daughters, the oldest being 14 or 15 and the two others 10 to 12. They cried over the loss of their mother in spite of all her faults. They have lived for several years with their father in the Marigny district.

170. LE COURRIER DE LA LOUISIANE, June 22, 1830 (author's trans.).

The deceased Mrs. Dedune occupied a wing of her father's house; the latter was not at his home at the time of the murder of his daughter¹⁷¹

During these last years of his life, from 1830 to the end of 1832, Louis Moreau Lislet continued to practice law¹⁷² and to give his help unsparingly to the immigrants from Saint Domingue.¹⁷³ At the same time, he continued to provide legal advice to the city of New Orleans.¹⁷⁴ He continued to show devotion to just causes and acted with much generosity whenever he was called upon to serve, as shown by his participation in the general administration of the Jefferson Lyric, which was then a boarding school for young boys.¹⁷⁵ His professional ability, his intellectual gifts as an attorney, and his virtues and qualities of character brought him one last reward, which he was to enjoy for the last year of his life: He was elected, on December 19, 1831, as President of the Members of the Bar of New Orleans.¹⁷⁶

On December 4, 1832, local newspapers announced the death "last night, at eleven o'clock, after he had fallen ill for a day, of Louis Moreau Lislet, Dean of the attorneys of this City, [who] was born in the Cap François ile de St. Domingue in 1767."¹⁷⁷ The death¹⁷⁸ of Moreau Lislet was strongly felt by many people, his colleagues of the Bar, and society in general. The tributes that were

171. *Id.*

172. LE COURRIER DE LA LOUISIANE, June 23, 1830 (announcing that Moreau Lislet and his partner Pierre Soulé, attorneys, had transferred their office to No. 60 rue Saint Lewis).

173. *Id.*, Apr. 7, 1830; *id.*, Oct. 5, 1831.

174. *Id.*, Apr. 2, 1830; see also Letter from Moreau Lislet to Edward Livingston, Secretary of State (Sept. 6, 1832), Louisiana State University Archives, Baton Rouge, Louisiana.

175. LE COURRIER DE LA LOUISIANE, June 17, 1831 (under "Lycée Jefferson").

176. *Id.*, Dec. 20, 1831.

177. L'ABEILLE DE LA NOUVELLE ORLÉANS, Dec. 4, 1832; LE COURRIER DE LA LOUISIANE, Dec. 4, 1832.

178. The act of death of L. Moreau Lislet was written in English; it reads as follows: Lislet Moreau Louis Casimir Elisabeth

On this day to wit: the 19th of December, in the year of our Lord one thousand eight hundred and thirty four and the fifty ninth . . . of the independence . . . before me Vincent Ramos . . . personally appeared John Baptiste Desdune junior of this city aged about forty four years, a notary clerk, residing in this city, suburb Marigny, who by these presents, has declared that his father-in-law named Louis Casimir Elisabeth Moreau Lislet, a native of Dondon, north part of the Island of St. Domingo, and born on the seventh of October in the year 1767, died in this city on the 3rd of December in the year 1832, at his home situated in Condé Street between St. Philip and Ursulines Streets. The said Moreau Lislet was an attorney at law in his life time and a widower

paid to him are reported here to underline the fact that history never gave this man the place that he rightly deserved, particularly for having contributed so efficiently and passionately to anchoring the legal system of the state of Louisiana in its original roots.

The New Orleans Bar paid tribute to Moreau Lislet with the following statement:

At a numerous meeting of the members of the Bar of the city of New Orleans held in the chamber of the sittings of the Superior Court, for the purpose of testifying their regret at the loss of their highly respected and much lamented brother Louis Moreau Lislet. Stephen Mazureau Esq. was called to the chair, D. Augustin, Esq. was elected secretary.

On motion of H.R. Denis, Esq. seconded by F. Canonge, Esq:

RESOLVED, that a committee be appointed in order to draft resolutions to be submitted to the meeting expressive of their regret for the loss sustained by the bar and the community in general.

On motion of T.T. Mercier, Esq: seconded by R. Preaux, Esq.

RESOLVED that said committee be composed of six members,—Messrs. Canonge, Denis, Grymes, Carleton, Canon and Hoa were appointed by the President as said committee.

After a recess of a few minutes the committee returned and reported by their Chairman J.F. Canonge, Esq. the following resolutions which were unanimously adopted, on motion of A. Pichot, Esq. seconded by E.A. Canon, Esq.

RESOLVED, That the members of the Bar of New Orleans feel with the deepest affliction for the loss they have sustained by the death of their beloved and venerable brother Louis Moreau Lislet, Esq.

RESOLVED, That this Bar recollect and proclaim it with pride, that the deceased held the foremost rank [in] this city and the state in general . . . and that in expressing this opinion of the high estimation in which they held his virtues and talents, it is only adding to the credit of this bar and holding up the noblest example to the followers of their profession.

RESOLVED, That the members of the bar, in order to offer a tribute of respect and affection to the memory of the man who died without leaving an enemy, shall wear crepe during thirty days.

RESOLVED, That the preceding resolutions be printed in French and English in the different papers of this city.

On motion of R. Preaux, Esq. Resolved that the thanks of this meeting be voted to the President and Secretary.

On motion of E.A. Canon, Esq. the meeting was adjourned sine die.

Stephen Mazureau, Prs'nt
D. Augustin, Sec'ry.¹⁷⁹

The population of New Orleans paid him tribute, in terms vibrant with emotion, by publishing a long obituary in the *Courrier de la Louisiane* dated December 13, 1832:

There are disastrous epochs in human life, when all the ties which unite the members of a community, are in a manner destroyed, and when every man's mind, absorbed by a feeling of self preservation and an anxiety at the sight of his own family exposed to imminent danger, can hardly bestow a thought of regret or a tear of sorrow, for the fate of those whom he lately delighted to call his friends, and who stood highest in the scale of his affections. At these epochs of mourning and terror, the heart is closed against mild emotions; pity is stifled by the calls of egotism, and friendship remains but a bare name. New Orleans had hardly gone through one of those violent crisis which silence the most generous feelings—we had seen in the space of a very few days our population literally decimated—when the destructive scourge, that originated on the remote banks of the Ganges, and which, not unlike the minister of celestial ire, seems destined to cover the globe with a sepulchral veil, seemed to abate. Already the victims were less numerous; the disease had become less intense, hope was reviving and our citizens were preparing to address the Throne of Grace in behalf of their departed friends; when at once by the death of a great citizen they were again thrown into stupor. A cry of alarm and grief is raised: MOREAU is no more; that good, that excellent man has ceased to live. The intelligence spreads with the rapidity of lightning, and the sympathies of the whole community become involved in the fate of one individual. Is such an effect to be attributed to the influence of power, to the prestige of wealth, to the eminence of rank? No; in a country of liberty where every power lies in the law, where no personal consideration attaches to opulence, where honors are only conferred by the people, so spontaneous an homage of the heart is bestowed to talent

179. LA COURIER, Dec. 6, 1832; LE COURRIER DE LA LOUISIANE, Dec. 6, 1832; L'ABEILLE DE LA NOUVELLE ORLÉANS, Dec. 7, 1832.

and to virtue alone; and in this respects who ever was more worthy of it than he whose loss creates among us a vacancy which would in vain be attempted to be filled.

Louis Marie Elizabeth Moreau Lislet was born at Cape François, in the Island of St. Domingo, in 1767. Like most of the natives of that once rich and flourishing colony, he was in his early infancy sent to France to cultivate his mind and acquire those talents which, late in life, were to place him in the first rank among men. Nature had endowed him with the happiest dispositions; labour, application and study developed in him uncommon capacities. The Parliament of Paris, a body so capable of appreciating merit, bestowed upon him the proud title of Barrister. He was then at that time of life when pleasure possesses so many attractions, and when the world appears before our eyes under so bright and fascinating colors; he, however, knew how to resist the seductions of the great and brilliant metropolis. Like all generous souls he felt the want of seeing again his native soil. His arrival was greeted by universal esteem, and the most flattering and honorable proof of the confidence of his government soon followed him there. He was soon called to fulfill high functions in the Magistracy; and whether as an individual member of the bar, lending the assistance of his powers for the protection of the weak and the defence of the oppressed, or in the capacity of organ of the law, yielding the fate of his fellow citizens, his only guide was justice, his only aim the public good. Dreadful political convulsions forced the colonists to abandon a soil so long watered by the sweat of their brows and the blood of their veins, and where, henceforth, their lives were threatened by the torture of the executioner and the torch of the incendiary. Moreau underwent the common fate. A fortune, the result of immense toil and labour had been engulfed in the revolutionary abyss—he had been hurled from the eminent rank which he had occupied with so much distinction, but his talents and his virtues were still left to him—his losses were then comparatively small. Rich in those gifts which human events could not deprive him of, he came to our shores to begin a new existence. Thirty years have elapsed since he removed to this his adopted country; and there is not one of his actions which cannot safely undergo the scrutiny of the strictest investigation. As a Judge, as a Barrister, as Representative, as a Senator, he found repeated opportunities of exhibiting his love of justice, his abilities, his zeal, his devotedness to the interest of the community. When our Legislature felt the necessity of giving to our legislation a character of precision and certainty, until then unknown in our sister States, they recurred to his old experience for drafting that code which was to govern a nation just born to independence—a nation rich in prospects and favored by well founded hopes—That work, the result of his deep

meditations, is a monument that will afford to future ages a proof of the extensive acquirements of its author in that difficult science which has for its objects to provide for all wants, to satisfy all exigencies, to solve all questions and to settle all interests.

The extent of a notice like the present does not admit of an enumeration of his numerous and useful labors. Let us hope that their results may not be lost to the community, and that those more immediately interested in preserving the remembrance of his deeds, will gratify the public by a full disclosure of them. But all those who knew him, and I among others, who loved him and felt proud to call him my countryman, there is a desire of our hearts which must be satisfied—it is to retrace his precious qualities—it is to declare that no man ever possessed in so eminent a degree, those inestimable gifts which captivate all affections. And indeed, did ever a man exist possessing at the same time more wit and greater simplicity of manners—more profound erudition, and so absolute an absence of self conceit or pride—talents of so different kinds united with so remarkable industry? What an inexhaustible stock of frank joviality, of genuine philosophy, of kindness and of benevolence!—What a luminous and pressing logic!—What a solidity of judgment!—Who better than him was calculated to appreciate the happiness of the fireside, to add constantly new charms to his relations, to his intercourse!—How plain, how enticing his conversations in intimacy!—How free and forcible his language!—How delicate the means he used, to exonerate those whom he had obliged, even of the burden of gratitude, often so heavy! Misfortune assailed him at that age when infirmities begin—when illusions vanish—when wants increase and energy diminishes; but to head the storm, he again found in himself that moral courage which at another stage of life had carried him through the toils of adversity, and that strength of mind which he had formerly evinced when, in other climes, misfortune had heaped its rigors upon him. It is true Providence afforded him on that occasion a precious consolation; for he never ceased to be surrounded by the love, regard and veneration of his fellow citizens, and calumny never dared to aim its shafts at him.

After sixty years of labour and study, he has died poor, but respected. In the absence of an inheritance, he leaves to his family honorable recollections—to the world, useful lessons—and to Louisiana, a name which may be called national and which, when pronounced, must ever be accompanied by a concert of praise and blessings. When the fatal hour struck, numerous friends, with affected hearts and eyes filled with tears, surrounded the couch on which he breathed his last, and a numerous concourse of citizens followed his remains, in religious silence, to that last asylum where all human distinctions disappear—where all ranks are levelled.

Farewell Moreau! honest man, kind friend, Nestor of the Louisiana Bar, upright Judge, great citizen, farewell! Lie in peace! May the earth be light to thee! Heaven is just; there is another and better life; thy place must be marked there. Long wert thou a prey to misfortune; reap in another world the price of so much resignation and virtue, and may an eternity of happiness afford thee compensation for all thy sufferings in this valley of misery and sorrow.

C.¹⁸⁰

One cannot add anything to this panegyric of Louis Moreau Lislet. Canonge wrote that when Moreau Lislet died, he was "poor," and this seems to have been true.¹⁸¹ The assessment that was made of his estate amounted to a total of "twelve hundred and seventy six dollars and twenty-five cents," whereas the value of his

180. LA COURIER, Dec. 13, 1832. A French version of this eulogy appears in LE COURIER DE LA LOUISIANE, Dec. 10, 1832. It is likely that this eulogy of Moreau Lislet was written by his friend Canonge who, like Moreau Lislet himself, was a lawyer who had emigrated from Saint Domingue (Haiti) to Louisiana. Moreau Lislet's tomb is in Saint Louis cemetery No. 1, New Orleans, Louisiana.

181. Two inventories of Moreau Lislet's estate were made on December 19 and 31, 1832 under the direction of Louis T. Caire, notary, in the presence of J.B. Desdunes, Moreau Lislet's son-in-law, P. Soulé, Moreau Lislet's law partner, and Félicité Foucher, "a free woman of color in whose house Moreau Lislet lived."

The first inventory listed Moreau Lislet's movable property, such as his furniture and library. The total value of his furniture and other movables, such as a violin, two swords, and his clothes, amounted to no more than 204 piasters. His library contained 1008 volumes for a total value of 1072 piasters. The contrast between the two sums is indicative of Moreau Lislet's interest in life and how dedicated he was to his profession. The inventory of his library is definitely impressive and instructive. One can find an abundant listing of Roman law materials: *Digeste de Justinien* in 7 volumes, the *Institutes* in 1 and in 7 volumes, the *Code* in 4 volumes, the *Novelles* in 2 volumes, the *Pandectes de Justinien* in 23 volumes; many titles and volumes on Spanish law, such as: *Fuero real de España* in 1 volume, the *Fuero Juzco* [sic] in 1 volume, the *Partidas-Gregorio Lopez* in 4 volumes, *Febrero adicionado* in 7 volumes, the *Libreria de Jueges* in 8 volumes, the *Recopilacion de Castille* in 7 volumes, the *Autos acordados* in 4 volumes; many more titles and volumes on French law, or in French on Roman law and English law, such as: *Esprit des Institutes* in 2 volumes, *Code civil*, *Code Napoléon*, *Code civil des français*, *Maleville analyse du Code civil*, *Pothier (vieux) complet* in 26 volumes, *Toullier-droit civil français* in 14 volumes, *Commentaires de Blackstone* in 6 volumes, *nouveau Pothier* in 22 volumes, *Lois Civiles*, *Coutume de Paris* in 4 volumes, *Coutume de Normandie* in 2 volumes; many volumes in English on English law and the law of the states of the United States: *Livermore on Agency*, *Chitty on Bills*, *Bacon's Abridgment* in 7 volumes, *Laws of Massachusetts*, *Kent's Commentaries* in 4 volumes, *Law of Patents*, *Revised Code of Mississippi*, *Laws of the United States* in 8 volumes, etc.

The second inventory of December 31, 1832 was made of Moreau Lislet's papers: personal papers, such as bills, invoices, promissory notes, correspondence with his brother-in-law, Delagrangé, attorney in Paris; professional papers, such as files on the cases that he handled on behalf of the city or private clients.

library alone was "one thousand and seventy-two dollars and fifty cents." When he died, he did not have much¹⁸² to leave to his successors but "a name to Louisiana," a name that gained henceforth national recognition.

182. One of the last acts of sale of land and buildings recorded under Moreau Lislet's name took place on February 25, 1831; the land and the buildings located on rue Condé were sold for 4,000 piastres. Notaire L.T. Caire, Acte 150, Notarial Archives, New Orleans, Louisiana.