hundred & Eight; and of the Independence of the United States of America, the Thirty Third.

By the President

JAMES MADISON Secy of State

PETITION TO CONGRESS BY THE INHABITANTS OF THE TERRITORY

[NA:SD, Batture Papers:C]

[December 6, 1808]

To the Honorable The Senate and House of Representatives of the United States of America, in Congress assembled.

The Undersigned, Citizens of the Territory of Orleans, beg leave to approach your Honorable Body with the greatest respect, and to represent that in the City of New Orleans "and adjacent to the Bank of the Suburbs St. Mary is a Shoal or elevation of the bottom of the river commonly called the Batture, produced by the Successive deposition of Mud during the annual inundation of the river, and covered with water only during those inundations," which generally continue from three to four months in each year. "At all other seasons, it has been used by the City, immemorially to furnish earth for raising their streets and court yards, for Mortar and other necessary purposes, and as a landing or quay for unlading fire wood, lumber and other articles brought by water."

Your petitioners verily believe that the title to the batture "originally in the former Sovereigns of the Country, was never parted with by them, but was retained in them for the use of the City and Province, and consequently has now passed over to the United States."

It is within the knowledge of many of your petitioners that the Spanish government prevented all intrusions upon the Batture by private individuals and carefully preserved the same as a public common for the purposes already mentioned. On the 20th of December 1803 the sovereignty of Louisiana passed to the United States, but the Batture was still considered as a common and resorted to as formerly by the Citizens: they were however not permitted without interruption to enjoy this ancient right, a right which the former authorities had Sanctioned, and time had consecrated. Mr. Edward Livingston, shortly after his arrival in this city, exhibited and supported the claim of an individual to the property in question. "The City opposed the claim upon a supposed legal title in itself; but it has been adjudged that the legal title was not in the City."—The effect of this decision was the taking possession of the Batture some time in the month of August 1807 as your petitioners are informed by Edward
Livingston and the heirs of a certain Delabigare, claiming under a certain John Gravier.

Your petitioners witnessed with inexpressible regret a property so long held as a Common, and the use of which is so essential to the present and future convenience of New Orleans and to every citizen who brings his produce to this market, thus possessed (and as your petitioners believe so unjustly) by an individual. But in proportion to their regret, was the pleasure which ensued on finding that the President of the United States had caused the claim of the United States to the aforesaid property to be asserted, and in conformity to the power vested in him by the act of Congress of the 3d of March 1807, and ordered the marshal to remove from the Batture all persons who had entered thereon subsequent to the passage of the said act, and to prevent future intrusions.

Grateful for the kind and friendly dispositions of the general government towards the Territory of Orleans, and calculating with certainty that the fostering care of Congress will be extended to every part of the American Union, your petitioners are emboldened to supplicate "that the right of the United States to the Batture adjacent to the Bank of the Suburbs St. Mary may forever be vested in the Corporation of the City of New Orleans", upon condition that the same remain open and unbuilt upon forever, and be preserved as a common as well for the use of the inhabitants of New Orleans as for that of our Western fellow citizens who descend the river annually with their surplus productions. It is deemed unnecessary to point out in detail the many inconveniences which would result if the Batture be reclaimed, improved and holden as private property: Suffice it to say that the chanel of the Mississippi in front of New Orleans will probably change its course and the port be irreparably injured;—that the citizens who convey their produce to this market may be subjected to an oppressive tax for wharfage; and that the expenses of the city in procuring dirt for the necessary repairs to the levee and streets and of individuals for mortar & for raising their court yards would be incalculable. We also fear if the Batture be built upon that a great calamity will ensue. Experience has shewn that disease generally generates on the water side where there is so much matter for putrefaction and if a considerable space is not left between the buildings and the water's edge (as is now the case) for the free circulation of air New Orleans will probably be often visited by that dreadful scourge The Yellow fever.
GOVERNOR CLAIBORNE TO THE PRESIDENT

[LC:Jefferson Papers:ALS]

NEW-ORLEANS December 8th 1808

Dr Sir, Your Letter of the 29th of October 87 has been received, and its enclosure delivered to the Gentleman to whom it was directed.—Mr Reibelt is certainly a very learned man, and as far as I know a very honest one;—But he is ill calculated to fill an office under a Republican Government, nor indeed do I know any situation, in which he could be so useful to Society, as in Character of an Instructor of youth;—But in that pursuit, altho’ earnestly solicited by me, Mr R has hitherto refused to engage.

The Spanish paper I enclosed you, and others of a like Cast,88 (originally printed in this City) have been republished not only in Havannah, but in the City of Mexico, and made I am told, an unfortunate impression—I have communicated (verbally) to a few Spaniards of respectability, the wishes of the Administration, as relate to the affairs of their Nation, and I beg you to be assured, that nothing shall be wanting on my part, to counteract the views of those base Men, who would wish to render Spain hostile to our Country.—

On the 9th of January next, the Legislature of this Territory will

86 Presented to the House this date and referred to the Attorney General for a report (Annals, 10 Cong., 2 sess., 702). See Claiborne to the President, May 20, 1807, ante, p. 736.
87 Found in the Jefferson Papers (LC).
88 No such enclosures have been found.