

BERNARDO DE GALVEZ AND THE ENGLISH SMUGGLERS ON THE MISSISSIPPI, 1777

On the night of April 17, 1777, Governor Bernardo de Gálvez astounded the British merchants of New Orleans by seizing eleven boats engaged in the contraband trade. This action was followed next day by a proclamation ordering all British subjects to leave Louisiana within a fortnight.¹ Writers have made conjectures relative to the details of this incident, but beyond the bare fact of the seizures practically nothing has been known. The present paper, based on documents in the Archivo General de Indias at Seville, throws some light on the motives which persuaded Gálvez to take such vigorous action, on the negotiations of the British to secure the release of the confiscated property, and on the circumstances which induced Gálvez to countenance illicit trade once more.

In order to place this incident in its proper setting, it seems advisable to give a brief summary of the trade relations of Louisiana in the years immediately preceding. By 1777, contraband trade with the English, especially the American English, had become a habit with the Louisianians, and a privilege which they cherished dearly. The practice had its beginning before the termination of French control of the colony. Indeed, the importation of meal from New England was a custom so well established that Foucault, the French commissary, wrote in 1766 that English ships

had always been of great assistance, by furnishing us with flour, of which their cargoes were generally composed.²

And after the English established themselves at Natchez and Manchac, contraband trade became so common that the

¹ British merchants of New Orleans to Lloyd, April 26, 1777. *Archivo General de Indias* at Seville, *Papeles Procedentes de Cuba*, Legajo 188, part 3. (Henceforth cited *A. G. I., Cuba*, 188-3.)

² Quoted in Gayarré, *History of Louisiana*, II. 171 (*italics mine*).

phrase, "going to Little Manchac", was coined to denote smuggling.³

Ulloa's arrival, in 1766, as the first Spanish governor, did not alter trade conditions appreciably. He was too weakly supported with troops, and he became too unpopular with the colonists to risk assuming complete control of Louisiana. Perforce he left most authority in the hands of Aubry, who had been acting governor for France. Limited restrictions on commerce were announced by Ulloa and Aubry, on September 6, 1766, but the New Orleans merchants and the captains of vessels then in the river criticized the regulation so severely that Aubry promised unofficially not to enforce it.⁴ Ulloa was not in position to insist. Aubry's verbal revocation of the ordinance, however, gave no real security; several merchants ordered their import shipments suspended. Ulloa did not interfere directly with the contraband trade, but the uncertainty and the prospect of stringent Spanish restrictions in the near future caused a marked decline. Foucault wrote, later in the year:

For several months past, there have come but few French ships, and none belonging to the English.⁵

Nevertheless, English traders resided openly at New Orleans and English ships utilized their privilege of ascending the Mississippi through Louisiana to carry on illicit trade with the people of the colony.

According to one account the insurrection against Ulloa, in October, 1768, was the result of news received on the 28th of that month to the effect that Louisiana's trade with foreign powers was to be forbidden forthwith.⁶ This explanation of

³ Phelps, *Louisiana*, p. 103.

⁴ Gayarré, *History of Louisiana*, II. 168-171. Villiers du Terrage, *Les Dernières Années de la Louisiane Française*, pp. 236-238.

⁵ Gayarré, *History of Louisiana*, II. 171.

⁶ Brown, "Anglo-Spanish Relations in America", in *HISPANIC AMERICAN HISTORICAL REVIEW*, V. 348. Based on letters of Aubry to the French minister, November 28 and December 28, 1768; and on a rather remote source, a conver-

the insurrection and the expulsion of Governor Ulloa might be questioned on the ground that a multiplicity of causes had been at work.⁷ It may be questioned more seriously on the score that the conspiracy against Ulloa had been operative for quite a long time, and that the actual outbreak began on October 27, the day before news of the more stringent commercial policy was received in the colony.⁸ Resentment at the prospect of Spanish restrictions on commerce, however, was unmistakably one of the causes of the insurrection, and if we are to judge by the space devoted to protests against trade regulations in the first official pronouncement of the insurrectionists, it was a very important cause.⁹ Louisiana prized its foreign trade, illicit though it was.

For almost a year after the expulsion of Ulloa, English traders were unmolested in New Orleans, being restrained only by the uncertainty concerning Spain's future attitude toward the recalcitrant colony. In August, 1769, this uncertainty ended when General Alexandro O'Reilly with three thousand of Spain's best soldiers arrived at New Orleans to assert Spanish control. His punishment of the insurrectionists, his administrative reforms, and other measures need not detain us from considering his commercial policy. His instructions were to reorganize the colony along Spanish lines. So far as commerce was concerned, this meant no radical change from the letter of the French law. Both France and

sation between Grimaldi and the British minister at Madrid, in February, 1769. ". . . The new Spanish regulations have been the cause of this violent step which gave such general dissatisfaction to the inhabitants that they determined not to submit to them. . . . Upon asking Grimaldi . . . what were the regulations the French objected to, he told me the putting New Orleans upon the same footing with other Spanish ports in America by excluding all foreign vessels." *Ibid.*, footnotes 32, 34.

⁷ *E.g.*, Ulloa's insufficient military retinue, his failure to enlist the French troops, his suppression of the paper currency, his aloofness, his unpopular marriage. For an extended account see Gayarre, *ut supra*, II. 158-209.

⁸ Gayarré, *ut supra*, II. 186-189.

⁹ "Decree of the Superior Council of the Province of Louisiana, October 29, 1768", in Gayarré, *ut supra*, II. Appendix, 365-379.

Spain and, for that matter, all Europe stood committed to the mercantilist theory, and their trade regulations aimed at an exclusive policy. But O'Reilly did effect a tremendous increase in the actual enforcement of mercantilism. He ordered all English merchants expelled from New Orleans.¹⁰ He also adopted a severer interpretation of the British right to navigate the Mississippi. The British were not to be allowed to "anchor in port or to cross plank on shore without the governor's permission".¹¹ O'Reilly's purpose, of course, was to prevent smuggling from vessels proceeding through Spanish territory to Manchac and Natchez, but since "warping and tacking" was the only feasible means of ascending the river, his order practically annulled the English right to navigate the river.¹²

While O'Reilly remained, smuggling was distinctly on the wane. And yet it is a mistake to think that trade with the English was done away with absolutely or that the interruption was of long duration. At least one Anglo-American merchant, Oliver Pollock, was not expelled from New Orleans because he had ingratiated himself with O'Reilly by declining to profiteer on a shipload of flour when New Orleans was suffering a shortage.¹³ Then too, though O'Reilly was enough of a soldier to believe that the laws for the colony should be enforced he was not entirely in sympathy with them.¹⁴ Fi-

¹⁰ O'Reilly to Arriaga, October 17, 1769. No. 4. *A. G. I., Audiencia de Santo Domingo*, 80-1-7.

¹¹ O'Reilly to Browne, September 24, 1769. Quoted in Brown, "Anglo-Spanish Relations in America", in *HISPANIC AMERICAN HISTORICAL REVIEW*, V. 370-371, footnote 93.

¹² *Ibid.*, p. 370.

¹³ Owing to the shortage flour was quoted at twenty dollars a barrel when Pollock arrived with a shipload from Baltimore. He offered the cargo to O'Reilly at his own price, but the latter insisted on paying fifteen dollars a barrel. Reporting the transaction to the king, O'Reilly recommended that Pollock be allowed free entry to New Orleans thenceforth. Phelps, *Louisiana*, p. 131.

¹⁴ Recognizing that trade with Spain alone would not prosper Louisiana, he recommended that the port of Havana be opened to Louisiana commerce, and he ordered logbooks prepared indicating the best summer and winter courses to

nally, O'Reilly remained in Louisiana only a few months, and when he departed with most of the troops smuggling was renewed.

During Unzaga's easy-going governorship, 1770-1777, the English secured once more a virtual monopoly of Louisiana's commerce. Practically all of the \$700,000 that the Louisianians mustered annually to pay for imported goods found its way into British hands.¹⁵ According to Navarro, the British

built a dock on land in order to facilitate the passage of the floating warehouses of their vessels.¹⁶

Unzaga was obliged, of course, to make a pretense of preventing smuggling. He reported the activities of the British to his superiors.¹⁷ Occasionally, action was brought against an over-bold English smuggler, as in the case of Joseph Nach, in 1774,¹⁸ but such actions were perfunctory and did not interfere materially with British activities.¹⁹ Spain's minister of the Indies enjoined greater vigilance in the suppression of smuggling, which is in itself an indication that the contraband trade had attained considerable proportions.²⁰

Havana. O'Reilly to Arriaga, October 17, 1769. No. 4. *A. G. I., Audiencia de Santo Domingo*, 80-1-7. Gayarré, *ut supra*, III. 26-28.

¹⁵ Martin, *A History of Louisiana*, II. 26-27.

¹⁶ Robertson, *Louisiana under the Rule of Spain, France and the United States*, I. 246.

¹⁷ Unzaga to Bucarely, January 22, 1771. "Estas pequeñas embarcaciones que de tiempo en tiempo pasan por delante de esta ciudad con pretexto de hir a sus puertos de Machac y Naches no tienen otro objeto que el del comercio que pueden hacer en este Rio. . . ." *A. G. I., Cuba*, 1055.

¹⁸ Unzaga to Arriaga, September 7, 1774. No. 127. *A. G. I., Audiencia de Santo Domingo*, 86-7-19.

¹⁹ Fortier, *A History of Louisiana*, II. 38-40.

²⁰ "Sin embargo de anteriormente se ha advertido a V S. no permita comercio alguno de esa Provincia con el Guarico ni otro puerto extranjero, me manda el Rey encargar a V S. de nueva emplee la mayor vigilancia y exactitud para que de ninguna manera se contrabenga a la absoluta prohibicion de Comercio que quiere S. M. tenga esa Provincia con todos los Dominios Extranjeros". Arriaga to the Governor of Louisiana, May 20, 1771. No. 54. *A. G. I., Cuba*, 174. See also Bouligny's account of the commerce of Louisiana, 1776, in Fortier, *ut supra*, II. 37-40, 42-46.

Governor Bernardo de Gálvez, Unzaga's successor, did nothing in the first months of his term as governor to interrupt the traffic with the British. According to their own affirmation,

British subjects here were treated with the greatest indulgence; every privilege we could wish for was on the slightest application granted.²¹

Why, then, did Gálvez suddenly reverse his attitude toward the smugglers by seizing eleven of their boats? There were several reasons. There was the new commercial regulation, published in Louisiana in January, 1777, permitting trade with France and the French colonies under very moderate restrictions.²² The new regulations, even if strictly enforced, would have diverted much of Louisiana's trade from the English to the French. Governor Gálvez went further, interpreting the convention liberally, making the inspections of cargoes perfunctory, and permitting French ships to load anywhere on the river instead of just at New Orleans, with the result that the French commissioners could report, as early as March 30, that trade between Louisiana and the French islands was waxing very prosperous.²³ The next logical step in the process of substituting French commerce for British was to strike directly at the latter.

Another possible cause for the confiscations was the instructions Gálvez had received as he assumed the governorship of the colony. Included among them was a strict injunction to stop the contraband trade on the Mississippi.²⁴ While these

²¹ British merchants of New Orleans to Lloyd, April 26, 1777. *A. G. I., Cuba*, 188-3.

²² Bernardo de Gálvez to José de Gálvez, January 28, 1777. No. 4. Draft. *A. G. I., Cuba*, 223c. Gayarré, *ut supra*, III. 106.

²³ "The facilities granted by M. de Galvez to the trade between Louisiana and the French islands, and also the liberal interpretations given by him to the clauses of the treaty, have revived the industry and activity of the merchants and planters, and opened a brilliant prospect to the colony". Quoted in Gayarré, *ut supra*, III. 106.

²⁴ José de Gálvez to Bernardo de Gálvez, November 25, 1776. *A. G. I., Cuba*, 174. Especially paragraphs 7 and 8.

orders were no more preëmptory than previous ones to Governor Unzaga,²⁵ it must be recalled that in temperament the new governor was very different from his mild and conciliatory predecessor. And yet, if the confiscations were owing to the administrative zeal of Gálvez in carrying out the royal instructions, it is difficult to explain why action was delayed until April 17. Official orders appear not to have been the immediate cause. According to the reason given by an Englishman,

Since no ships have arrived from Spain, he [Gálvez] must not have been ordered to make the seizures.²⁶

In his report to the king, Gálvez explained his actions in the following terms:

I had slight hopes of being able to confiscate the English boats engaged in illicit commerce on this river. Because their merchandise is of better quality than ours for trade with the Indians, who are so accustomed to French and English goods, and since the inhabitants are deeply interested in protecting them with great secrecy, I could not believe that the natives would ever appear as accusers to their own disadvantage. But because an English ship of war seized three of our boats, which were bringing tar from their land to send from here to Havana, the people began to clamor against this inconsiderate and ungrateful nation, which through the free navigation of the river has obtained the best products of this province. Their resentment showed me that it would be possible to find accusers, though without this occurrence it would have been impossible, and in fact, taking advantage of the coincidence, I took the most energetic measures to manifest to his Majesty the willingness that I have pledged in fulfillment of his royal orders. Within twenty-four hours after the three mentioned boats of ours had been taken, I confiscated eleven which were employed in the contraband trade in this jurisdiction, and although most of these are entirely useless for navigation, and only serve to

²⁵ José de Gálvez to Governor of Louisiana, September 15, 1776. *A. G. I., Cuba*, 174. Arriaga to the Governor of Louisiana, May 20, 1771. No. 54. *Ibid.* Quoted in note 20, above.

²⁶ Historical Manuscripts Commission, *Report on American Manuscripts*, I, 112-113.

store goods which have not a quick sale, nevertheless I have dealt them a blow which not only has thrown them into a panic, but which, I believe, is such that for some time they will not think of returning to carry on their clandestine commerce.²⁷

In short, Gálvez explained that the violence done by the British frigate *West Florida* was merely a convenient pretext, upon which he could gratify his long-cherished desire to enforce the king's regulation against smuggling. But the British inclined to the opinion that the *West Florida* insult was the whole cause, one Pensacola officer writing that Gálvez made the seizures in anger over this incident, and that later he was sorry but could not revoke his proclamation.²⁸ One cannot be certain which of these two explanations is the true one, the motive of administrative zeal or of personal pique, but since some three months of his governorship elapsed before he took any action against the smugglers, administrative zeal does not seem to have been the whole cause.

Very shortly after the confiscation of the smugglers' boats the British frigate *Atlanta*, captained by Thomas Lloyd, arrived in the Mississippi on the way to the British posts at Manchac and Baton Rouge. While still seven leagues below New Orleans, Lloyd addressed a polite letter of protest to Gálvez anent the recent confiscations.²⁹ By way of reply Gálvez reproached Lloyd for interference with Spanish shipping on the Mississippi. On the evening of April 21, according to the testimony of a passenger, the French boat *Margarita* and the Spanish boat *Marie* were stopped by the *Atlanta*, two

²⁷ Bernardo de Gálvez to José de Gálvez, May 12, 1777. No. 40. *A. G. I., Audiencia de Santo Domingo*, 2596.

²⁸ Stiell to Howe, June 3, 1777. Historical Manuscripts Commission, *Report on American Manuscripts*, I. 115-116.

²⁹ "On my arriving in the River, to my great Surprise heard that you had seized the Vessels belonging to his Britannick Maj's. Subjects, and put the Masters with their Crews in confinement, I must Beg that your Excellency will give me your reasons for this unexpected proceeding, as it is my duty (having the Honour to Command one of His Majs. Ships of War) to inquire into the particulars, that His Subjects may get redress." Lloyd to Gálvez, April, 1777, *A. G. I., Cuba*, 188-3.

loaded cannon being fired at the *Marie*. The *Margarita* was boarded "with pistols and sabres", and both boats were detained some time.³⁰ Lloyd replied to the governor that he suspected that the boats belonged to the rebels and that after discovering his error he allowed them to proceed.³¹

Several letters were exchanged concerning the confiscations. While thanking Gálvez for his friendship and for past favors to the British, Lloyd pointed out that the treaty of 1763 permitted the British ships to navigate the Mississippi, and he claimed that they were "exempt from Visitation".³² The Spanish governor admitted that navigation of the Mississippi was permissible, but not contraband trade. He made much of the fact that the vessels seized were tied to the Spanish shore, and reminded Lloyd that two of the eleven boats seized were American, not British.³³

Nevertheless, Gálvez realized that he was in an awkward predicament. He boasted to the captain general of Cuba,

I received them with match in hand, not to allow any violence, and I believe that this precaution is what checked them.

In the next breath, though, he added,

But I have been assured that they have requested another frigate from Pensacola, doubtless with the hope of undertaking with stronger forces that which they do not dare alone.

And realizing that two frigates would almost suffice for the capture of his capital, Gálvez concluded his letter with an appeal for reënforcements, both naval and military.³⁴

³⁰ Gálvez to Lloyd, April 26, 1777. Draft. *A. G. I., Cuba*, 188-3. Affidavit of James Willing before Gálvez, April 25, 1777. *Ibid.*

³¹ Lloyd to Gálvez, April, 1777. *A. G. I., Cuba*, 188-3.

³² Lloyd to Gálvez, May 4, 1777. *A. G. I., Cuba*, 188-3. O'Reilly had limited this right of navigation very seriously, however, and although Great Britain had protested, the Spanish government had approved his policy. Brown, "Anglo-Spanish Relations in America", in *HISPANIC AMERICAN HISTORICAL REVIEW*, V, 370-371.

³³ Gálvez to Lloyd, May, 1777. Draft. *A. G. I., Cuba*, 188-3.

³⁴ Gálvez to La Torr , May 6, 1777. No. 261. *A. G. I., Cuba*, 1146.

On May 12, the fears of Governor Gálvez were alleviated unexpectedly when Lloyd departed from New Orleans, sending a letter with the word that he was going to investigate the report of an American privateer at the mouth of the Mississippi.³⁵

Although Lloyd might explain his departure by the appearance of the American privateer, and though Gálvez might claim that his determined stand "with match in hand" had dissuaded the British commander from making more strenuous protests, some of the credit for the peaceful termination of Lloyd's visit should go to the British merchants of New Orleans, who had advised Lloyd as follows:

We had the honor to receive your letter 24th Instant, informing us of the motive of your voyage hither, and requiring us to wait on you in order to communicate the particulars of the late Seizure of the British vessells in this river.

In the fear of offending his Excellency the Spanish Governor, we must decline at present the Honor of waiting on you, but shall lay before you a brief narrative of the matter.

From the time that the present Governor The Count De Galvez, took possession of his Government, the British subjects here were treated with the greatest indulgence; every priviledge we could wish for, was on the Slightest application granted to us and from the known Generosity & humanity of that Gentleman we had reason to hope for a long duration of these advantages.

It was therefore with much surprise that on the night of the 17th Instant we found the British Vessells seized on, and a proclamation issued out next day ordering all British subjects to quit the Spanish territories in fifteen days.

It appears that the Governor was induced to proceed to these extremities by the Seizure of a small Schooner and two Canoes in Lake Pontchertrain by His Majestys Armed Schooner the West Florida.

"My duty requires me to leave you so abruptly, having received more information last night, which obliges me to drop down the River to receive one of the Privateers belonging to His Brittanick Majs. Rebellious Subjects, I am informed that she is now in the Mississippi and mounts thirty Six Guns, called the Columbus commanded by one Barry. It is the Vessel that you mentioned to me yesterday of her being an English Frigate." Lloyd to Gálvez, May 12, 1777. *A. G. I., Cuba, 188-3.*

These it seems were said to be Spanish property, and he accordingly resented the act as an insult to his nation. Whether they were really Spanish property, or that the matter was misrepresented to him, we are yet uncertain.

At any rate the Governor considers the Seizure of that Craft which had nothing on board save a few Barrells of tar as an ungenerous act, the advantages reaped by the English in consequence of his indulgence being out of all proportion to the trivial benefit his province received by drawing its Tar from the English Lands.

The Masters and Crews of the Vessells are in prison and their tryal is now carrying on. Several of the Vessells will probably be Condemned, supposing to have committed Acts of Contraband, but some of them have circumstances greatly in their favour, and against which nothing can be urged, save their having a plank or Stage from the Gunnell to the shore, a matter which in the tryal is said to be regarded as of much consequence. In other respects the Governor has relaxed from the Severity we were threatened with, and has consented to our Staying with the usual priviledges for the collection of our Debts and settlement of our Affairs, and indeed in every other particular seems to be inclinable to put matters on their ancient footing.³⁶

It is from the Confiscation of the Vessells alone that any loss is to be dreaded; on that subject you will probably be applied to by the individuals who suffer, in that case, should you think it necessary to interfere, we beg leave to recommend to you moderate measures, for it is in the power of Mr. Galvez to hurt the British Merchants here far beyond the value of the Shipping seized.³⁷

The departure of the *Atlanta* was not quite the end of the matter. The owners of the two American ships confiscated asked special consideration, "since the subjects of those provinces are so highly favored by our sovereign in their actual revolution".³⁸ Gálvez replied that commerce was "prohib-

* From this action I infer that in making the seizures Gálvez was motivated somewhat less by administrative zeal than would appear from his report to José de Gálvez (see above). The confiscations, in my opinion, were an impetuous act which Gálvez sought to justify on the basis of Spain's exclusive policy.

³⁷ British merchants of New Orleans to Lloyd, April 26, 1777. *A. G. I., Cuba*, 188-3.

³⁸ Bernardo de Gálvez to José de Gálvez, May 12, 1777. No. 40. *A. G. I., Audiencia de Santo Domingo*, 2596.

ited as much for them as for the European English", but promised to submit the matter to the king for his consideration.³⁹ According to Gayarré, these American boats were secretly released after a short while.⁴⁰

In August, two commissioners from Pensacola appeared in New Orleans to intercede for the British merchants. Their arguments were those of Lloyd elaborated. They claimed that the seizures of the British boat crews were illegal, they being not amenable to Spanish contraband laws because of the right of British ships to navigate the Mississippi. They objected also to the Spanish method of taking testimony in jail, alleging that some of the sailors had sworn falsely in order to get out of prison with their personal effects. They insisted that Spanish officials had no right to search English vessels, even though they were moored to the Spanish bank.⁴¹

Their protests were fruitless. Just two days after the commissioners lodged their complaints at New Orleans, the Spanish court approved Gálvez's confiscations.⁴² Patrick Morgan, owner of one of the vessels, petitioned the king for its release on the ground that he was a resident of New Orleans and merely had commercial relations with a London firm. But the *fiscal*, to whom the question was referred, thought this even worse.⁴³ Ten years later the question of the seizures was reviewed by the council of the Indies, but no action was taken in favor of the British merchants.⁴⁴

In the meantime, Gálvez obligingly reclosed his eyes to the British smuggling, and trade was resumed "on its ancient

³⁹ *Ibid.*

⁴⁰ Gayarré, *ut supra*, III. 107.

⁴¹ Alexander Dickson and Stephenson to Gálvez, August 2, and August 17, 1777. *A. G. I., Cuba*, 188-3.

⁴² José de Gálvez to Bernardo de Gálvez, August 19, 1777. *A. G. I., Cuba*, 174.

⁴³ Respuesta del Sor. Fiscal, November 21, 1779. Copy. *A. G. I., Audiencia de Santo Domingo*, 2652.

⁴⁴ *A. G. I., Audiencia de Santo Domingo*, 2652. This entire *legajo* concerns Gálvez's confiscations. There are *testimonios* concerning the vessels of "Juan Waugk, Norton, Juan Cambel, P. Morgan, Ros y Compa., Thomas Collar, and John Calvert".

footing", greatly to the satisfaction of all concerned.⁴⁵ Commerce with the British, however, enjoyed only a temporary revival. By a series of proclamations in the course of that same year, 1777, Louisiana was given freedom of commerce with Yucatan and Cuba, the export duty at New Orleans was reduced to two per cent, and permission to import Guinea negroes was given once more to the French.⁴⁶ The result was the ruination of British trade. On July 18, 1778, the French commissioners reported:

The British flag has not appeared on this river for more than three months. . . . The duties to be paid by our ships . . . are reduced every day. . . . The whole trade of the Mississippi is now in our hands.⁴⁷

As a consequence of the new Spanish commercial policy as interpreted by Gálvez, English contraband trade with Louisiana was almost extinguished even before Spain's entrance in the war against Great Britain in 1779 put a final stop to it.

JOHN CAUGHEY.

University of California
at Los Angeles.

⁴⁵ British merchants of New Orleans to Lloyd, April 26, 1777. *A. G. I., Cuba*, 188-3.

⁴⁶ Proclamations of Bernardo de Gálvez, April 18, 1777. *A. G. I., Cuba*, 1232, July 15, 1777. *Ibid.* November 21, 1777. MS. in Louisiana Collection, Bancroft Library.

⁴⁷ Gayarré, *ut supra*, III. 117-118.