

Cutter, are testimony to the strength of the Hispanic legal culture, a belief system shared and put into practice by the state and subjects alike, and that reached beyond the major urban and administrative centers to the peripheries of Spain's colonies.

This highly flexible and adaptive legal culture, especially on the frontier and other rural areas of the Spanish American empire, was shaped by the notion of *derecho vulgar*, a Hispanic version of popular or common law through which subjects from all social strata constructed a judicial system based more on local custom and sense of community-defined fairness (*equidad*) than on royal legislation and juridical texts. Cutter's detailed analysis of judicial procedure in cases of ordinary (i.e., neither military nor ecclesiastic) royal justice reveals a legal system that repeatedly met the needs of most colonists and the crown, thereby fostering and embodying a "convergence of community expectations and royal law" (p. 144). Such conclusions will undoubtedly spark debate with historians who tend to emphasize social conflict over social harmony and who focus on colonial subjects who confront or resist the state and other dominant institutions and groups. Cutter is no apologist, however, for a system designed to uphold the prescribed social order and community, rather than individual, aspirations. Through a careful reading of contemporary judicial discourses and extant court cases, he offers an understanding of the legal culture on its own terms, not ours.

This important monograph challenges historians to rethink their views of the colonial judiciary. Although Cutter does not explicitly situate his study in the theoretical literature on issues of power and authority, he does recognize and amply documents the key role that the legal system played in fostering the hegemony of the Spanish colonial state. His meticulously researched study is indispensable reading for those who wish to envision Hispanic colonial law as it was articulated and used by royal officials and by many colonists from all walks of life.

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The New Orleans Cabildo: Colonial Louisiana's First City Government, 1769–1803.

By GILBERT C. DIN and JOHN E. HARKINS. Baton Rouge: Louisiana State University Press, 1996. Illustrations. Notes. Bibliography. Index. xvii, 330 pp. Cloth, \$45.00.

In 1768, members of the French Superior Council led the revolt against the cession of Louisiana to Spain. Thus it is not surprising that in repressing the revolt in 1769, Alejandro O'Reilly replaced the Superior Council with a *cabildo*, the standard form of municipal government in Spanish colonies. The *cabildo* continued to function until 1803, when Spanish domination of Louisiana came to an end. *The New Orleans Cabildo*, coauthored by Gilbert Din and John Harkins, is a substantially revised and updated version of latter's 1976 doctoral dissertation (Memphis State University, 1976). It provides a background sketch of the population and social life of New Orleans in the Spanish era, an account of the events leading to O'Reilly's imposition of the *cabildo*, and a description of the complex internal structure and place of the *cabildo* at the bottom of Spain's imperial administrative and judicial systems. Flowcharts show lines of authority

within these systems, and tables provide chronological lists of cabildo officials as well as of the Spanish governors and intendants of Louisiana. The second half of the book consists of separate chapters on the major responsibilities of the cabildo: management of municipal finances; control of the slave population; regulation of the marketplace, public health, public works, land grants and building codes; and ceremonial expenditures.

The minutes of cabildo meetings, in principle held every Friday, are a rich source of information about the late-eighteenth-century economy, society, and culture of New Orleans. Din and Harkins endeavor to show how the city government functioned in practice rather than in theory: "In essence, the Cabildo was what it did" (p. 81). In doing so, they furnish an abundance of detail about daily life in New Orleans. Debates over municipal ordinances and disputes arising from efforts to enforce them afford glimpses into the inhabitants' diet; the construction of their houses; use of pelican and bear grease to light the streets; how residents coped with catastrophic fires, hurricanes, and epidemics; forms and occasions of entertainment; race relations; and the nature of local political and civil conflicts. Copious footnotes facilitate future exploration of the wide range of topics touched upon.

Nevertheless, for all its information, *The New Orleans Cabildo* falls short of being a definitive study at the interpretive level. Generalizations tend to be inadequately supported. The authors contend that the cabildo was significantly different from the French Superior Council (p. 101). In contrast to the latter, whose nucleus was the governor and the *commissaire-ordonateur*, neither the Spanish governor nor the intendant sat on the cabildo, although both governing councils combined administrative and judicial functions. An important issue in cabildo studies is the measure of representation they allowed. The holding of "open cabildos" (open, that is, to notables; in the case of Louisiana, to 80 prominent planters) is mentioned in the chapter on slavery, but not in the discussion of the cabildo's structure.

Cabildo initiatives regarding slavery are represented as attempts to return to the harsher *code noir* of the French period (p. 153), but there is no systematic comparison of French and Spanish slave law, nor any evidence to support the assertion that slave law after the American takeover reflected Spanish precedent (p. 182). The authors consider the cabildo to be *prima facie* evidence of Spanish influence on Louisiana (p. xvi), yet exactly the opposite conclusion could be drawn on the basis of planter opposition, through the institution of the cabildo, to the leniency of Spanish laws on slavery.

Finally, the authors do not offer enough information on cabildos in other colonial towns to enable readers to judge whether or not the New Orleans cabildo "was more active in welfare and public works than was the rule throughout Spanish America." If it had been, it would not necessarily mean that "it was advanced for its time" (p. 298). Indeed, prior to the nineteenth century, regulation of the marketplace was the norm in colonial towns of all imperial powers. The activity of the New Orleans cabildo should also be seen as one of a number of examples of revitalization of this institution by the Bourbon Reforms of the late eighteenth century.

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