

The Warehouse District of 200 Years Ago Was Called The St. Mary Batture

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You'll be hearing a lot about Convention Center Boulevard soon. The artery itself is about to undergo a five-year, \$557 million redesign into a linear pedestrian mall, complete with fountains and foliage. At its downriver anchor near Canal Street, work is about to begin on the long-awaited conversion of the former World Trade Center into the Four Seasons hotel complex, accompanied by a new ferry terminal and improvements at Spanish Plaza. As for an upper anchor, discussions are ongoing about erecting a high-rise hotel and entertainment center across Henderson Street.

All the more remarkable, then, that the entire stretch of Convention Center Boulevard was, for over a century after the city's founding, in the turbid waters of the Mississippi River. And it wasn't just slightly offshore; in 1718 this corridor was on average over 900 feet into the space of the modern river — in a channel that's typically about 2,000 feet wide. The World Trade Center site would have been at least 600 feet offshore, and the Riverwalk fully 1,500 feet from land.

Today, more than 200 acres of valuable land occupy this once-watery space, between the modern riverfront and the historical bank, which in 1718 ran along what is now North Peters Street and Tchoupitoulas Street roughly from Conti to Felicite. The neighborhoods upon that acreage today include the upper French Quarter riverfront, all of the Warehouse District and parts of the Lower Garden District riverfront.

Most New Orleanians don't think of that elliptical space as having a cohesive identity with its own name and history. But 200 years ago, when that water began to transform to land, New Orleanians had one name for it: the St. Mary Batture.



'Plan showing the Distribution of the Jesuits Plantation, the Levees, and the Batture,' 1810, *The Historic New Orleans Collection*

Those lucky riverfront landowners on the east bank watched gleefully as their holdings expanded into the river. They included the Gravier, Duplantier, Solet, Robin and Livaudais families, as well as the Ursuline nuns, all of whom owned interior holdings of what we now call the CBD and Lower Garden District.

One proprietor, Jean Gravier, seized the moment in 1803 and directed workers to erect a small levee around his *terre d'alluvion* off Tchoupitoulas Street between Julia and St. Joseph streets, and prohibited people from entering it. In other words, he self-privatized what most New Orleanians considered to be public space.



On this block in 1803, Jean Gravier built a levee around the batture--and started a legal war that would last years. Photo by Richard Campanella.

The New Orleans *Conseil de Ville* (City Council) responded in 1804 by reiterating that the batture was in the public domain and could not be fenced off as private property. This surely displeased Gravier, but it probably didn't surprise him, since public use of riparian areas had long been the Creole custom, backed up by civil law.

That same year arrived at New Orleans a lawyer by the name of Edward Livingston, former mayor of New York and brother of the famed Robert Livingston, who had negotiated the Louisiana Purchase and would later help develop the steamboat. According to environmental historian Ari

Kelman, Edward Livingston “brought with him to New Orleans an American perspective on property rights, a New Yorker’s eye for the value of riparian land, a debtor’s nose for easy money, and one of the keenest legal minds in the nation.”

Livingston took on Gravier’s case in exchange for ownership of the heart of the St. Mary Batture, from Common to St. Joseph streets. In October 1805, he sued to secure his client’s right — and by the nature of his compensation, his own right — to the disputed beach.

This time, the court that would hear the case was not the Creole-dominant Conseil de Ville, but the new American territorial court, a legal body more attuned to English common law. Unlike Roman civil law, common law tended to see such alluvions as the private property of the proprietor of the adjacent land.

In May 1807, the justices of the Territorial Court ruled in Gravier’s favor. An elated Livingston set out to shore up his batture booty, sending workers to the St. Mary Batture to build a levee and dock for what would essentially be a private mini-port.

Instead, they were chased away by angry citizens fully aware that they were about to lose a valued right.

The workers returned another day, only to be met again by larger crowds, backed with the support of the city. The protests intensified throughout the summer, as did counter-protests. The present-day 800 riverside block of Tchoupitoulas Street, where Emeril’s and other businesses now operate, became the most controversial place in town.

On the one side were advocates for the continued public ownership of the batture; on the other were those who supported the Territorial Court’s decision that the sandbar belonged to Gravier and Livingston — and thus represented a legal precedent for other riparian areas throughout the vast Louisiana Territory.

Both parties appealed for resolution to Territorial Gov. William C.C. Claiborne, who in turn sought the advice of President Thomas Jefferson, warning him that blood may spill in New Orleans if the matter were not settled. Despite that his heritage might have aligned him more with English common law and its partiality for privatization, Jefferson sided resolutely with the public-use camp, declaring that the batture belonged to the United States.

His reasoning might have been tinged by personal animus toward Livingston, but more importantly, Jefferson probably wanted to keep the peace in the tense streets of postcolonial New Orleans, the one Western port vital to his vision for an agrarian nation. Relatedly, Jefferson also likely wanted to ensure free and open access to the Mississippi River by small independent farmers throughout the vast hinterland he had so famously purchased from France.

This made the St. Mary Batture a national issue. Standing in the way was Edward Livingston and his levee-ringed beach on the St. Mary Batture. In early 1808, Jefferson dispatched U.S. marshals

to evict the outspoken esquire. Unvanquished, Livingston took his case to Washington and then to the people, publishing polemical pamphlets on the plight of the private property owner. During the period from 1810 to 1813, he again sued, targeting Jefferson (by this time out of office), in a court in Richmond, as well as the U.S. marshal who had evicted him, in a court in New Orleans.

Livingston lost the Richmond lawsuit but won the New Orleans case, giving his argument new life. He traded legal volleys with the city for years to come, and the St. Mary Batture became a never-ending news story throughout the 1810s, even as the new land grew to span 3,400 feet lengthwise along the river and on average 470 feet in width.

Finally, in September 1820, Livingston and the city negotiated a compromise. "All the soil between the present Levée and the river shall in future be held by the city for the purposes of navigation," explained John Adems Paxton in the 1822 *New-Orleans Directory and Register*, "but that no buildings whatsoever shall be erected thereon." In other words, land riverside of the new levee would have a public maritime servitude, as it does today. As for the deposition on the inside of the new levee, Paxton wrote, "this piece of property, which has made so great a figure in the history of litigation, is now divided among a great number of proprietors ... and a liberal arrangement with the corporation of the city has put it in a situation in which it may be improved and made useful to the public, as well as a source of profit to the owners."

Though litigation would follow for decades, the 1820 compromise almost literally paved the way for the St. Mary Batture to be incorporated into the cityscape and eventually subdivided for streets and parcels. "All [our] commerce centers on the Batture," Paxton concluded, "and it would be difficult to select in any city in the world a spot in which more extensive business is done in the same space. The property then must soon become invaluable."

Loads of artificial fill were brought in to shore up the terrain, while the artificial levee would be repeatedly realigned outwardly and heightened. The former St. Mary Batture, once a beach barely a few inches above the water, would become as high as the crest of the natural levee.



The cotton levee, formerly the St. Mary Batture, photographed in the 1890s by W.H. Jackson, courtesy Library of Congress.

The east bank's gratuitous blessing meant utter loss for the West Bank. Straight across from the St. Mary Batture, upper Algiers and McDonoghville would suffer years of bank "cave-in's" and occasionally crevasses (levee breaches) and flooding. In essence, the Mississippi River channel retained its width but shifted its position — eastward into the West Bank, in that only-in-New-Orleans way — by hundreds of feet. As a result, the West Bank would lose valuable riverfront investments for dry docks, mooring and shipbuilding, as well as old plantation homes. Among them was the circa-1750 Monsplaisir House owned by famed philanthropist John McDonogh, who established McDonoghville and later bequeathed New Orleans public schools.

The installation of revetments by the Army Corps of Engineers in the late 1800s and early 1900s stabilized the channel's dynamics. But the struggle is a constant one, and it serves as a reminder of how intertwined our fate is with that of the Mississippi River.

Historically, the St. Mary Batture may be viewed as a flashpoint of the differing philosophies of Creoles and Americans in the fraught cultural syncretization of 19th-century New Orleans. Yet both sides had odd bedfellows. Gravier, who advocated the presumably American position of batture privatization, was Creole, as the term was understood at that time — meaning locally born. His American attorney Edward Livingston, though an Anglophone *arriviste* from New York, was in fact an advocate of civil law, and later helped draft the foundation of Louisiana's French-influenced codified law tradition. President Thomas Jefferson, as American as they come, nonetheless advocated strongly for the public's right to the batture, the supposed Creole position.

Paxton was right in predicting the value of the St. Mary Batture. The space hosted the highly lucrative steamboat and flatboat wharves throughout the mid-1800s and transformed to a busy industrial and warehousing district by the early 1900s. Its fortunes declined later in the century, only to see revitalization following the 1984 Louisiana World Exposition, when it was rebranded as the Warehouse District. In subsequent decades, the old St. Mary Batture has become home to condominiums, apartments, restaurants, art galleries, offices (including that of NOLA.com | The Times-Picayune), the Riverwalk and, of course, Convention Center Boulevard. Today, it's ground zero for some major new investments and improvements.

The solid brick edifices and stone-paved streets of today's Warehouse District betray no clues of their provenance as wet sandy beaches. But close inspection reveals that something different happened here. Its blocks are shaped like parallelograms, rather than the squares found inland, because of the geometric effect of extending old interior streets beyond the natural curves of the original river bank along North Peters and Tchoupitoulas. Its street names, meanwhile, are decidedly American — Commerce, Peters, Fulton, Front, Delta, Water — having been surveyed and designated during the American era. Contrast those staid names to the melodious syllables of Tchoupitoulas, Notre Dame, Julia, Gravier, Carondelet and other toponyms dating to the colonial era.



This entire Warehouse District scene was in the Mississippi River when New Orleans was founded in 1718. Photo by R. Campanella.

Speaking of street names, North and South Peters were originally aptly named New Levee Street, in recognition of its recent formation. Front Street, which only briefly lay “in front,” has been renamed Convention Center Boulevard, while Delta and Water have been mostly eaten away — not by deltaic waters, but by the advancing phases of the vast Earnest N. Morial Convention Center. And in any Louisiana legal library, one can find a convoluted and inconsistent judicial record of batture ownership cases. The complexity stems in part from Louisiana’s mixed legal jurisdiction, entailing elements of both Roman civil law and English common law, but mostly it reflects the sheer transitory and liminal nature of battures, as they shift between water and land, beaten against by the river.

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This December 2017 photo shows the sandbar that appears off the French Quarter riverfront whenever the river drops below 3 or 4 feet. Photo by Richard Campanella.