

BLACK CODE OF LOUISIANA

I. Decrees the expulsion of Jews from the colony.

II. Makes it imperative on masters to impart religious instruction to their slaves.

III. Permits the exercise of the Roman Catholic creed only. Every other mode of worship is prohibited.

IV. Negroes placed under the direction or supervision of any other person than a Catholic, are liable to confiscation.

V. Sundays and holidays are to be strictly observed. All negroes found at work on these days are to be confiscated.

VI. We forbid our white subjects, of both sexes, to marry with the blacks, under the penalty of being fined and subjected to some other arbitrary punishment. We forbid all curates, priests, or missionaries of our secular or regular clergy, and even our chaplains in our navy to sanction such marriages. We also forbid all our white subjects, and even the manumitted or free-born blacks, to live in a state of concubinage with blacks. Should there be any issue from this kind of intercourse, it is our will that the person so offending, and the master of the slave, should pay each a fine of three hundred livres. Should said issue be the result of the concubinage of the master with his slave, said master shall not only pay the fine, but be deprived of the slave and of the children, who shall be adjudged to the hospital of the locality, and said slaves shall be forever incapable of being set free. But should this illicit intercourse have existed between a free black and his slave, when said free black had no legitimate wife, and should said black marry said slave according to the forms prescribed by the church, said slave shall be thereby set free, and the children shall also become free and legitimate ; and in such a case, there shall be no application of the penalties mentioned in the present article.

VII. The ceremonies and forms prescribed by the ordinance of Blois, and by the edict of 1639, for marriages, shall be observed both with regard to free persons and to slaves. But the consent of the father and mother of the slave is not necessary; that of the master shall be the only one required.

VIII. We forbid all curates to proceed to effect marriages between slaves without proof of the consent of their masters; and we also forbid all masters to force their slaves into any marriage against their will.

IX. Children, issued from the marriage of slaves, shall follow the condition of their parents, and shall belong to the master of the wife and not of the husband, if the husband and wife have different masters.

X. If the husband be a slave, and the wife a free woman, it is our will that their children, of whatever sex they may be, shall share the condition of their mother, and be as free as she, notwithstanding the servitude of their father; and if the father be free and the mother a slave, the children shall all be slaves.

XI. Masters shall have their Christian slaves buried in consecrated ground.

XII. We forbid slaves to carry offensive weapons or heavy sticks, under the penalty of being whipped, and of having said weapons confiscated for the benefit of the person seizing the same. An exception is made in favor of those slaves who are sent a hunting or a shooting by their masters, and who carry with them a written permission to that effect, or are designated by some known mark or badge.

XIII. We forbid slaves belonging to different masters to gather in crowds either by day or by night, under the pretext of a wedding, or for any other cause, either at the dwelling or on the grounds of one of their

masters, or elsewhere, and much less on the highways or in secluded places, under the penalty of corporal punishment, which shall not be less than the whip. In case of frequent offences of the kind, the offenders shall be branded with the mark of the flower de luce, and should there be aggravating circumstances, capital punishment may be applied, at the discretion of our judges. We command all our subjects, be they officers or not, to seize all such offenders, to arrest and conduct them to prison, although there should be no judgment against them.

XIV. Masters who shall be convicted of having permitted or tolerated such gatherings as aforesaid, composed of other slaves than their own, shall be sentenced, individually, to indemnify their neighbors for the damages occasioned by said gatherings, and to pay, for the first time, a fine of thirty livres, and double that sum on the repetition of the offence.

XV. We forbid negroes to sell any commodities, provisions, or produce of any kind, without the written permission of their masters, or without wearing their known marks or badges, and any persons purchasing any thing from negroes in violence of this article, shall be sentenced to pay a fine of 1500 livres.

XVI, XVII, XVIII, XIX, provide at length for the clothing of slaves and for their subsistence.

XX. Slaves who shall not be properly fed, clad, and provided for by their masters, may give information thereof to the attorney-general of the Superior Council, or to all the other officers of justice of an inferior jurisdiction, and may put the written exposition of their wrongs into their hands ; upon which information, and even ex officio, should the information come from another quarter, the attorney-general shall prosecute said masters without charging any costs to the complainants. It is our will that this regulation be observed in all accusations for crimes or barbarous and inhuman treatment brought by slaves against their masters.

XXI. Slaves who are disabled from working, either by old age, disease, or otherwise, be the disease incurable or not, shall be fed and provided for by their masters ; and in case they should have been abandoned by said masters, said slaves shall be adjudged to the nearest hospital, to which said masters shall be obliged to pay eight cents a day for the food and maintenance of each one of these slaves ; and for the payment of this sum, said hospital shall have a lien on the plantations of the master.

XXII. We declare that slaves can have no right to any kind of property, and that all that they acquire, either by their own industry or by the liberality of others, or by any other means or title whatever, shall be the full property of their masters ; and the children of said slaves, their fathers and mothers, their kindred or other relations, either free or slaves, shall have no pretensions or claims thereto, either through testamentary dispositions or donations inter vi-vos ; which dispositions and donations we declare null and void, and also whatever promises they may have made, or whatever obligations they may have subscribed to, as having been entered into by persons incapable of disposing of any thing, and of participating to any contract.

XXIII. Masters shall be responsible for what their slaves have done by their command, and also for what transactions they have permitted their slaves to do in their shops, in the particular line of commerce with which they were intrusted ; and in case said slaves should have acted without the order or authorization of their masters, said masters shall be responsible only for so much as has turned to their profit; and if said masters have not profited by the doing or transaction of their slaves, the peculium which the masters have permitted the slaves to own, shall be subjected to all claims against said slaves, after deduction made by the masters of what may be due to them ; and if said peculium should consist, in whole or in part, of merchandises in which the slaves had permission to traffic, the masters shall only come in for their share in common with the other creditors.

XXIV. Slaves shall be incapable of all public functions, and of being constituted agents for any other person than their own masters, with powers to manage or conduct any kind of trade ; nor can they serve as arbitrators or experts; nor shall they be called to give their testimony either in civil or in criminal cases, except when it shall be a matter of necessity, and only in default of white people ; but in no case shall they

be permitted to serve as witnesses either for or against their masters.

XXV. Slaves shall never be parties to civil suits, either as plaintiffs or defendants, nor shall they be allowed to appear as complainants in criminal cases, but their masters shall have the right to act for them in civil matters, and in criminal ones, to demand punishment and reparation for such outrages and excesses as their slaves may have suffered from.

XXVI. Slaves may be prosecuted criminally, without their masters being made parties to the trial, except they should be indicted as accomplices; and said slaves shall be tried, at first, by the judges of ordinary jurisdiction, if there be any, and on appeal, by the Superior Council, with the same rules, formalities, and proceedings observed for free persons, save the exceptions mentioned hereafter.

XXVII. The slave who, having struck his master, his mistress, or the husband of his mistress, or their children, shall have produced a bruise, or the shedding of blood in the face, shall suffer capital punishment.

XXVIII. With regard to outrages or acts of violence committed by slaves against free persons, it is our will that they be punished with severity, and even with death, should the case require it.

XXIX. Thefts of importance, and even the stealing of horses, mares, mules, oxen, or cows, when executed by slaves or manumitted persons, shall make the offender liable to corporal, and even to capital punishment, according to the circumstances of the case.

XXX. The stealing of sheep, goats, hogs, poultry, grain, fodder, peas, beans, or other vegetables, produce, or provisions, when committed by slaves, shall be punished according to the circumstances of the case ; and the judges may sentence them, if necessary, to be whipped by the public executioner, and branded with the mark of the flower de luce.

XXXI. In cases of thefts committed or damages done by their slaves, masters, besides the corporal punishment inflicted on their slaves, shall be bound to make amends for the injuries resulting from the acts of said slaves, unless they prefer abandoning them to the sufferer. They shall be bound so to make their choice, in three days from the time of the conviction of the negroes ; if not, this privilege shall be forever forfeited.

XXXII. The runaway slave, who shall continue to be so for one month from the day of his being denounced to the officers of justice, shall have his ears cut off, and shall be branded with the flower de luce on the shoulder : and on a second offence of the same nature, persisted in during one month from the day of his being denounced, he shall be hamstrung, and be marked with the flower de luce on the other shoulder. On the third offence, he shall suffer death.

XXXIII. Slaves, who shall have made themselves liable to the penalty of the whip, the flower de luce brand, and ear cutting, shall be tried, in the last resort, by the ordinary judges of the inferior courts, and shall undergo the sentence passed upon them without there being an appeal to the Superior Council, in confirmation or reversal of judgment, notwithstanding the article 26th of the present code, which shall be applicable only to those judgments in which the slave convicted is sentenced to be hamstrung or suffer death.

XXXIV. Freed or free-born negroes, who shall have afforded refuge in their houses to fugitive slaves, shall be sentenced to pay to the masters of said slaves, the sum of thirty livres a day for every day during which they shall have concealed said fugitives ; and all other free persons, guilty of the same offence, shall pay a fine of ten livres a day as aforesaid ; and should the freed or free-born negroes not be able to pay the fine herein specified, they shall be reduced to the condition of slaves, and be sold as such. Should the price of the sale exceed the sum mentioned in the judgment, the surplus shall be delivered to the hospital.

XXXV. We permit our subjects in this colony, who may have slaves concealed in any place whatever, to have them sought after by such persons and in such a way as they may deem proper, or to proceed themselves to such researches, as they may think best.

XXXVI. The slave who is sentenced to suffer death on the denunciation of his master, shall, when that master is not an accomplice to his crime, be appraised before his execution by two of the principal inhabitants of the locality, who shall be especially appointed by the judge, and the amount of said appraisement shall be paid to the master. To raise this sum, a proportional tax shall be laid on every slave, and shall be collected by the persons invested with that authority.

XXXVII. We forbid all the officers of the Superior Council, and all our other officers of justice in this colony, to take any fees or receive any perquisites in criminal suits against slaves, under the penalty, in so doing, of being dealt with as guilty of extortion.

XXXVIII. We also forbid all our subjects in this colony, whatever their condition or rank may be, to apply, on their own private authority, the rack to their slaves, under any pretence whatever, and to mutilate said slaves in any one of their limbs, or in any part of their bodies, under the penalty of the confiscation of said slaves ; and said masters, so offending, shall be liable to a criminal prosecution. We only permit masters, when they shall think that the case requires it, to put their slaves in irons, and to have them whipped with rods or ropes.

XXXIX. We command our officers of justice in this colony to institute criminal process against masters and overseers who shall have killed or mutilated their slaves, when in their power and under their supervision, and to punish said murder according to the atrocity of the circumstances; and in case the offence shall be a pardonable one, we permit them to pardon said masters and overseers without its being necessary to obtain from us letters patent of pardon. XL. Slaves shall be held in law as movables, and as such, they shall be part of the community of acquets between husband and wife ; they shall not be liable to be seized under any mortgage whatever; and they shall be equally divided among the co-heirs without admitting from any one of said heirs any claim founded on preciput or right of primogeniture, or dowry.

XLI, XLII. Are entirely relative to judicial forms and proceedings. XLIII. Husbands and wives shall not be seized and sold separately when belonging to the same master : and their children, when under fourteen years of age, shall not be separated from their parents, and such seizures and sales shall be null and void. The present article shall apply to voluntary sales, and in case such sales should take place in violation of the law, the seller shall be deprived of the slave he has illegally retained, and said slave shall be adjudged to the purchaser without any additional price being required.

XLIV. Slaves, fourteen years old, and from this age up to sixty, who are settled on lands and plantations, and are at present working on them, shall not be liable to seizure for debt, except for what may be due out of the purchase money agreed to be paid for them, unless said grounds or plantations should also be distressed, and any seizure and judicial sale of a real estate, without including the slaves of the aforesaid age, who are part of said estate, shall be deemed null and void.

XLV, XLVI, XLVII, XLVIII, XLIX. Are relative to certain formalities to be observed in judicial proceedings.

L. Masters, when twenty-five years old, shall have the power to manumit their slaves, either by testamentary dispositions, or by acts inter vivos. But, as there may be mercenary masters disposed to set a price on the liberation of their slaves ; and whereas slaves, with a view to acquire the necessary means to purchase their freedom, may be tempted to commit theft or deeds of plunder, no person, whatever may be his rank and condition, shall be permitted to set free his slaves, without obtaining from the Superior Council a decree of permission to that effect ; which permission shall be granted without costs, when the motives for the setting free of said slaves, as specified in the petition of the master, shall appear legitimate

to the tribunal. All acts for the emancipation of slaves, which, for the future, shall be made without this permission, shall be null ; and the slaves, so freed, shall not be entitled to their freedom ; they shall, on the contrary, continue to be held as slaves; but they shall be taken away from their former masters, and confiscated for the benefit of the India Company. LI. However, should slaves be appointed by their masters tutors to their children, said slaves shall be held and regarded as being thereby set free to all intents and purposes.

LII. We declare that the acts for the enfranchisement of slaves, passed according to the forms above described, shall be equivalent to an act of naturalization, when said slaves are not born in our colony of Louisiana, and they shall enjoy all the rights and privileges inherent to our subjects born in our kingdom or in any land or country under our dominion. We declare, therefore, that all manumitted slaves, and all free-born negroes, are incapable of receiving donations, either by testamentary dispositions, or by acts inter vivos from the whites. Said donations shall be null and void, and the objects so donated shall be applied to the benefit of the nearest hospital.

LIII. We command all manumitted slaves to show the profoundest respect to their former masters, to their widows and children, and any injury or insult offered by said manumitted slaves to their former masters, their widows or children- shall be punished with more severity than if it had been offered to any other person. We, however, declare them exempt from the discharge Of all duties or services, and from the payment of all taxes or fees, or any thing else which their former masters might, in their quality of patrons, claim either in relation to their persons, or to their personal or real estate, either during the life or after the death of said manumitted slaves.

LIV. We grant to manumitted slaves the same rights, privileges, and immunities which are enjoyed by free-born persons. It is our pleasure that their merit in having acquired their freedom, shall produce in their favor, not only with regard to their persons, but also to their property, the same effects which our other subjects derive from the happy circumstance of their having been born free.
In the name of the King,
Bienville, De la Chaise.

Fazende, Bruslé, Perry, March, 1724.

Source: B. F. French, Historical Collections of Louisiana: Embracing Translations of Many Rare and Valuable Documents Relating to the Natural, Civil, and Political History of that State (New York: D. Appleton, 1851)