

Louisiana (Terr.) Laws, Statutes, &c.

L A W S

FOR THE GOVERNMENT

OF THE

DISTRICT OF

L O U I S I A N A,

PASSED BY THE

GOVERNOR AND JUDGES

OF THE

INDIANA TERRITORY,

AT THEIR FIRST SESSION, BEGIN AND

HELD AT VINCENNES,

On Monday the first day of October, 1804.

Published by Authority.

VINCENNES, (I. T.)

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1804.

we, William Henry Harrison, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto set our hands at Vincennes, the first day of October, one thousand eight hundred and four, and of the Independence of the United States the twenty-ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
JOHN GRIFFIN,

A LAW

Entitled a law, respecting Slaves.

BE it enacted by the governor and judges of the Indiana Territory authorised and empowered by an act of congress, to make laws for the district of Louisiana, and it is hereby enacted by the authority of the same,

§ 1st. That no negro or mulatto, shall be a witness, except in pleas of the United States against negroes or mulattoes, or in civil pleas where negroes alone shall be parties.

§ 2nd. And be it further enacted, That no slave shall go from the tenements of his master, or other person with whom he lives without a pass, or some letter or token, whereby it may appear that he is proceeding by authority from his master, employer or overseer if he does it shall be lawful for any person to apprehend and carry him before a

justice of the peace to be by his order punished with stripes, or not, in his discretion.

§ 3rd. And be it further enacted That if any slave shall presume to come, and be upon the plantation of any person whatsoever, without leave in writing from his or her owner or overseer, not being sent upon lawful business, it shall be lawful for the owner or overseer of such plantation, to give or order such slave ten lashes on his or her bare back for every such offence.

§ 4th. And be it further enacted, That no slave or mulatto whatsoever, shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive, but all and every gun weapon and ammunition found in the possession or custody of any negro or mulatto, may be seized by any person, and upon due proof thereof made before any justice of the peace of the district where such seizure shall be, shall by his order be forfeited to the seizer, for his own use, and moreover every such offender shall have and receive by order of such justice any number of lashes not exceeding thirty-nine on his or her bare back, well laid on for every such offence.

§ 5th. And be it further enacted, That every free negro or mulatto, being a house keeper, may be permitted to keep one gun, powder and shot ; and all negroes and mulattoes, bond or free, living at any frontier plantation, may be permitted to keep and use

guns, power, shot and weapons, offensive & defensive, by licence from a justice of peace of the district wherein such plantation lies, to be obtained upon the application of free negroes or mulattoes, or of the owners of such as are slaves.

§ 6th. And be it further enacted, That every person other than a negro, whose grand father or grand mother any one is, or shall have been a negro, although all his other progenitors except that descending from the negro, shall have been white persons, shall be deemed a mulatto, and so every such person who shall have one fourth part or more, of negro blood, shall in like manner be deemed a mulatto.

§ 7th. And be it further enacted, That all riots, routs, unlawful assemblies and seditious speeches by a slave, or slaves, shall be punished with stripes, at the discretion of a justice of the peace, and he who will may apprehend and carry him, her or them before such justice.

§ 8th. And be it further enacted, That to prevent the inconvenience arising from the meetings of slaves, if any master mistress or overseer of a family shall knowingly permit or suffer any slave not belonging to him or her, to be and remain upon his or her plantation, above four hours at any one time, without leave of the owner or overseer of such slave, he or she so permitting shall forfeit and pay three dollars for every such of-

fence, and every owner overseer of a plantation, who shall so permit or suffer more than five negroes or slaves, other than his or her own, to be and remain upon his or her plantation, or quarter at any other time shall forfeit and pay one dollar for each negro or slave above that number, which said several forfeitures shall be to the informer, and be recoverable before any justice of the peace of the district with costs where such offence shall be committed. Provided always, that nothing herein contained, shall be construed to prohibit the negroes or slaves of one and the same owner, though seated at different quarters from meeting with their owner or overseers leave, upon any plantation to such owner belonging, nor to restrain the meeting of slaves on their owners or overseers' business at any public mill so as such meeting be not in the night time, nor on a Sunday, nor to prohibit their meeting on any other lawful occasion, by license in writing from their owner or overseer nor their going to church and attending divine service on the Lord's day nor any other day of public worship.

§ 9th. And be it further enacted, That if any white person, free negro or mulatto, shall at any time be found in company with slaves at any unlawful meeting, or shall harbour or entertain any slave, without the consent of his or her owner, such person being thereof convicted before any justice of the peace, shall forfeit and pay three dollars for

every such offence to the informer, recoverable with costs, before such justice, or on failure of present payment, shall receive on his or her bare back, twenty lashes well laid on, by order of the justice before whom such conviction shall be.

§ 10th. And be it further enacted, That every justice of the peace upon his own knowledge of such unlawful meeting, or information thereof to him made within ten days after, shall issue his warrant to apprehend such persons so met or assembled, and cause them to be brought before himself or any other justice of the district, to be dealt with as this act directs, and every justice failing herein shall forfeit and pay eight dollars for every such failure, and every sheriff or other officer who shall fail upon knowledge or information of such meeting to endeavour to suppress the same and bring the offenders before some justice of the peace to receive due punishment, shall be liable to the like penalty of eight dollars, both which penalties shall be to the informer, and recoverable with costs in any district court, by action of debt, and every under sheriff, serjeant or constable who upon knowledge or information of such meeting shall fail to perform his duty in suppressing the same, & apprehending the persons so assembled shall forfeit and pay four dollars for every such failure, to the informer recoverable with costs before any justice of the district.

§ 11th. And be it further enacted, That

no person whatsoever shall buy sell or receive of to or from a slave any commodity whatsoever, without the leave or consent of the master or owner or overseer of such slave. And if any person shall presume to deal with any slave without such leave or consent, he or she so offending shall forfeit and pay to the master or owner of such slave four times the value of the thing so bought sold or received to be recovered with costs by action upon the case in any court of record within this district and shall also forfeit and pay the further sum of twenty dollars to any person who will sue for the same, to be recovered with cost in any court within this district having jurisdiction, or receive on his or her bare back thirty-nine lashes well laid on, but shall nevertheless be liable to pay the costs of the suit.

§ 12th. And be it further enacted, That if any negro or mulatto, bond or free, shall at any time lift his or her hand in opposition to any person not being a negro or mulatto, he or she so offending shall for every such offence proved by the oath of the party before any justice of the peace of the district where such offence shall be committed receive such punishment as the justice shall think proper not exceeding thirty lashes on his or her bare back well laid on, except in those cases when it shall appear to such justice, that such negro or mulatto was wantonly assaulted and lifted his or her hand in his or her defence,

§ 13th. And be it further enacted, That whereas many times slaves run-away and lie hid and lurking in swamps, woods and other obscure places ; killing hogs and committing other injuries to the inhabitants of this district, in all such cases, upon intelligence given of two or more slaves lying out as aforesaid, any two justices of the peace of the district wherein the slaves are supposed to lurk or do mischief shall be and are empowered and required, by warrant reciting their names and owners names, if known, to direct the sheriff of the said district to take such power with him, as he shall think fit and necessary for the effectual apprehending such out lying slave or slaves and go in search of them, and upon their being apprehended to commit them to the jail of his district for further trial.

§ 14th. And be it further enacted, That if any negro or other slave shall at any time consult advise, or conspire to rebel or make insurrection, or shall plot or conspire the murder of any person or persons whatsoever every such consulting plotting or conspiring shall be adjudged and deemed felony, and the slave or slaves convicted thereof shall suffer death and be utterly excluded all benefit of clergy.

§ 15th. And be it further enacted, That if any negro or other slave, shall prepare exhibit or administer any medicine

whatsoever, he or she so offending shall be judged guilty of felony and suffer death without benefit of clergy.

§ 16th. Provided always, That if it shall appear to the court before whom such slave shall be tried that the medicine was not prepared exhibited or administered, with an ill intent, nor attended with any bad consequences such slave shall be acquitted.

§ 17th. Provided also, That nothing herein contained shall be construed, to extend to any slave or slaves administering medicine by his or her master's or mistress's order in his or her family or the family of another with the mutual consent, of the owner of such slave and the master and mistress of such family.

§ 18th. And be it further enacted, That if any master or owner of a slave shall license such slave to go at large, and trade as a free man, the master or owner shall forfeit and pay the sum of thirty dollars for the use of the poor of such district where such slave shall be found going at large, and trading as aforesaid, to be recovered by the overseers of the poor by action of debt in any court of record within this district, and if after conviction such slave shall be found going at large and trading the master or owner shall again be liable to the like penalty to be recovered as aforesaid, and, so as often after conviction as such slave shall be found going at large and trading.

§ 19th. And be it further enacted, That if any person shall permit or suffer his or her slave to go at large or hire him or herself out it shall be lawful for any person to apprehend and carry such slave before any justice of the peace in the district where apprehended, and if it shall appear to the justice that such slave comes within the purview of this act, he shall order him or her to the jail of the district there to be safely kept until the next court, when, if it shall be made appear to the court that the slave so ordered to jail hath been permitted or suffered to hire him or herself out, contrary to the meaning of this act, it shall be lawful for the court and they are hereby required to order the sheriff or other officer of the district, notice being given by the sheriff or other officer at the court house door at least twenty days before the sale, to sell and dispose of every such slave for ready money.

§ 20th. And be it further enacted, That twenty-five per centum upon the amount of the sale of every slave so going at large, or hiring out himself or herself, shall be applied by the court ordering such sale towards lessening the district levy, and the residue shall be paid by the sheriff or other officer, after deducting five per centum for his trouble, and the jailors fees to the owner of such slave.

§ 21st. And be it further enacted, That if any person shall hereafter be guilty of stealing or selling any free person for a slave,

knowing the said person so sold to be free, and thereof shall be lawfully convicted, the person so convicted, shall suffer death without the benefit of clergy.

§ 22nd. And be it further enacted, That if any person or persons shall steal any negro or mulatto whatsoever, out of, or from the possession of the owner or overseer of such slave, the person or persons so offending shall be, and are hereby declared felons, and shall suffer death without benefit of clergy.

§ 23rd. And be it further enacted, That it shall be lawful for any person by his or her last will and testament or any other instrument in writing, under his or her hand and seal, attested and proved in the district court by two witnesses, or acknowledged by the party in the court of the district where he or she resides, to emancipate and set free his or her slave, or any of them, who shall thereupon be fully and entirely discharged from the performance of any contract entered into during servitude, and enjoy as full freedom as if they had been particularly named and freed by this act. Provided always, That all slaves so emancipated shall be liable to be taken by execution to satisfy any debt contracted by the person emancipating them, before such emancipation is made. Provided also, that all slaves so set free, not being in the judgment of the court of sound mind and body, or being above the age of forty-five years, or being males under the age of twen-

ry one, or females under the age of eighteen years, shall be respectively supported and maintained by the person so liberating them, or by his or her estate; and upon neglect or refusal so to do, the court of the district where such neglect or refusal may be, is hereby empowered and required, upon application to them made, to order the sheriff or other officer, to distrain and sell so much of the persons estate, as shall be sufficient for that purpose. And provided also, that every person by written instrument in his lifetime, or if by last will and testament, the executors of every person freeing any slave shall cause to be delivered to him or her, a copy of the instrument of emancipation, attested by the clerk of the court of the district, who shall be paid therefor by the person emancipating eighty three cents, to be collected in the manner of other clerks fees, every person neglecting or refusing to deliver to any slave by him or her set free, such copy shall forfeit and pay thirty dollars; to be recovered with costs in any court of record, one half thereof to the person suing for the same, and the other to the person to whom such copy ought to have been delivered.

§ 24th. And be it further enacted, That it shall be lawful for any justice of the peace to commit to the jail of his district, any emancipated slave travelling out of the district of his residence, without a copy of the instrument of his or her emancipation, there to

remain until such copy is produced and the jailors fees paid.

§ 25th. And be it further enacted That in case any slave so liberated, shall neglect in any year to pay all taxes and levies imposed, or to be imposed by law, the court of the district, shall order the sheriff or serjeant, to hire out him or her, for so long time as will raise the taxes and levies, provided sufficient distress cannot be made upon his or her estate.

§ 26th. And be it further enacted, That saving nevertheless to all and every person and persons, bodies politic or corporate, and their heirs and successors, other than the person or persons claiming under those so emancipating their slaves, all such right and title as they, or any of them could or might claim, if this act had never been made.

§ 27th. And be it further enacted, That all negroes and mulatto slaves in all courts of judicature within this district shall be held taken and adjudged to be personal estate.

§ 28th. And be it further enacted, That if any widow possessed of a slave or slaves as of the dower of her husband shall remove or voluntarily permit to be removed out of this district such slave or slaves, or any of their increase without the consent of him or her in reversion, such widow shall forfeit all and every such slave or slaves, all other the dower which she holds of the endowment of her husband's estate unto the person or persons that shall have the reversion thereof; any

law custom or usage to the contrary notwithstanding.

§ 29th. That And be it further enacted, That if any widow possessed as aforesaid shall be married to a husband, who shall remove or voluntarily permit to be removed, out of this district, any such slave or slaves, or any of their increase without the consent of him or her in reversion, in such case it shall be lawful for him or her in reversion to enter into, possess and enjoy all the estate which such husband holdeth in right of his wife's dower for and during the life of the said husband.

§ 30th. And be it further enacted, That where one or more slaves shall descend from a person dying intestate and an equal division thereof cannot be made in kind, on account of the nature of the property it shall be lawful for the general court, or the court of the district by which the administration to the estate of the intestate was granted, to direct the sale of such slave or slaves and the distribution of the money arising therefrom according to the rights of each claimant : Provided always, that each claimant shall be duly summoned to shew cause if any he can against such sale.

§ 31st. And be it further enacted, That no gift or gifts of any slave or slaves shall be good or sufficient to pass any estate in such slave or slaves, to any person or persons whatsoever unless the same be made by will duly proved and recorded, or by deed in writing

to be proved by two witnesses at the least, or acknowledged by the donor and recorded in the district court, where one of the parties lives within eight months after the date of such deed or writing.

§ 32nd. And be it further enacted, That this act shall be construed to extend only to gifts of slaves whereof the donors have notwithstanding such gifts remained in the possession, and not gifts of such slaves as have at any time come into the actual possession of, and have remained with the donee, or some person claiming under such donee.

§ 33rd. And be it further enacted, provided always, That nothing in this act contained shall be construed to alter any adjudication heretofore made, nor to effect the interest of any bona fide purchaser for a valuable consideration, or creditor of the donor before the donee hath been at least three years in possession of such slave or slaves under such gift.

§ 34th. And be it further enacted, That no master of any ship or any other vessel, shall transport or carry any servant, whatsoever, or any negro or mulatto, or other slave out of this district without the consent or permission of the person or persons to whom such servant or slave doth of right belong upon penalty of forfeiting and paying one hundred and fifty dollars for every servant or slave transported or carried hence, contrary to this act ; one moiety to the district, and the other moiety to the owner of

such servant or slave, to be recovered with costs, by action of debt or information in any court of record in this district and moreover such master shall be liable to the suit of the party grieved at the common law for his or her damages.

§ 35th. And be it further enacted, That in any action which shall be brought against the master of a ship or vessel under this act, the court wherein the same shall be depending may rule the defendant to give special bail if they see cause and shall not allow him to plead in bar or give in evidence any act or statute of limitation any former or other law to the contrary notwithstanding.

The foregoing is hereby declared to be a law for the district of Louisiana, to take effect accordingly. In testimony whereof, we, William Henry Harrison, governor, and Thomas T. Davis, Henry Vander Burgh, and John Griffin, judges in and over the Indiana Territory, have hereunto set our hands at Vincennes, the first day of October, one thousand eight hundred and four, and of the Independence of the United States the twenty-ninth.

WILLIAM HENRY HARRISON,
THOMAS TERRY DAVIS,
HENRY VANDER BURGH,
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