

THE
L A W S
OF
THE TERRITORY OF
LOUISIANA.

COMPRISING
ALL THOSE WHICH ARE NOW
ACTUALLY IN FORCE
WITHIN THE SAME.

PUBLISHED BY AUTHORITY.

ST. LOUIS. (L.)
PRINTED BY JOSEPH CHARLESS;
PRINTER TO THE TERRITORY.

.....
1808.
.....

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

No negro or mulatto to be a witness except in certain cases.

Sec. 2. *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.

No slave to depart from the tenement of his master without permission—

Sec. 3. *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.

No slave shall come upon the plantation of any person without penalty. permission—

Sec. 4 *And be it further enacted,* That no slave or mulatto whatsoever, shall keep or carry any gun, powder, shot, club, or other

No slave, &c. to keep or

carry a gun, weapon whatsoever, offensive or defensive,
 &c.

penalty.

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.

Proviso in favor of free negroes in certain cases.

Sec. 5. *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 or mulattoes, bond or free, living at any frontier plantation, may be permitted to keep and use guns, powder, shot and weapons, offensive and defensive, by licence from a justice of the 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.

Who shall be deemed mulattoes.

Sec. 6. *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.

Sec. 7. *And be it further enacted*, That all Riots, &c. By
 riots, routs, unlawful assemblies and seditious slave or
 speeches by a slave, or slaves, shall be punished slaves how
 with stripes, at the discretion of a justice punished.
 of the peace, and he who will may apprehend
 and carry him, her or them before such jus-
 tice.

Sec. 8. *And be it further enacted*, That to Penalty for
 prevent the inconvenience arising from the permitting
 meetings of slaves, if any master, mistress or any slave to
 overseer of a family shall knowingly permit remain on
 suffer any slave not belonging to him or any planta-
 tion, to be and remain upon his or her planta- tion without
 tion, above four hours at any one time, with- permission.
 out leave of the owner or overseer of such
 slave, he or the so permitting shall forfeit and
 pay three dollars for every such offence, and
 every owner or overseer of a plantation, who
 shall so permit or suffer more than five ne-
 groes 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 com-
 mitted. *Provided always*, that nothing here- Proviso in
 contained, shall be construed to prohibit certain cases.
 the negroes or slaves of one and the same own-
 er, though seated at different quarters, from
 meeting with their owner or overseer's leave,
 upon any plantation to such owner belonging,
 or to restrain the meeting of slaves on their
 owner's or overseer's 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 licence 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.

No white person, free negro or mulatto to be found in company with slaves at any unlawful meeting—penalty.

Sec. 9. *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 made.

Duty of justice of the peace upon an unlawful meeting of slaves

Sec. 10. *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

Duty of sheriff, under sheriff, serjeant and constable to

fore some justice of the peace to receive suppress
 e punishment, shall be liable to the like such unlaw-
 nalty of eight dollars, both which penalties ful meeting:
 all be to the informer, and recoverable with penalties for
 refusing.
 sts in any district court, by action of debt ;
 d every under sheriff, serjeant or constable
 no, upon knowledge or information of such
 meeting, shall fail to perform his duty in sup-
 pressing the same, and apprehending the per-
 sons so assembled, shall forfeit and pay four
 dollars for every such failure, to the informer
 recoverable with costs before any justice of
 the district.

Sec 11. *And be it further enacted,* That No person
 o person whatsoever shall buy, sell or re- shall buy,
 ceive of, to or from a slave, any commodity sell or re-
 whatsoever, without the leave or consent of ceive of, to
 or from a
 the master, owner or overseer of such slave. slave any
 commodity
 and if any person shall presume to deal with without per-
 mission
 y slave without such leave or consent, he from the
 master of
 the so offending shall forfeit and pay to the such slave :
 penalty for
 so doing.
 master or owner of such slave four times the
 value of the thing so bought, sold or receive.
 d, 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 fur-
 ther sum of twenty dollars to any person who
 will sue for the same, to be recovered with
 costs 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.

Sec. 12. *And be it further enacted,* That No negro
 f any negro or mulatto, bond or free, shall at or mulatto

shall lift his hand in opposition to any white person ; penalty--

certain cases excepted.

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.

Run-away slaves how to be dealt with.

Sec. 13. *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.

Slaves consulting or conspiring to

Sec. 14. *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.

Sec. 15. *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.

Slaves preparing, exhibiting or administering medicine how punished.

Sec. 16. *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.

Provido in certain cases.

Sec. 17. *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 mistresses' 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.

Further proviso where the medicine is administered, &c. with the consent of the owner.

Sec. 18. *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

No master or owner of any slave shall suffer such slave to go at large and trade as a free man : penalty for

the first of-
fence—
penalty for
the second
offence.

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.

No person
shall suffer
his or her
slave to go at
large, or hire
him or her-
self out—

Sec. 19. *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.

penalty for
for so doing.

Money arising under the last section how appropriated.

Sec. 20. *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 to

wards 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 jailor's fees, to the owner of such slave.

Sec. 21. *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. Stealing or selling any free person for a slave how punished.

Sec. 22. *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. Stealing slaves how punished.

Sec. 23. *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 In what manner slaves may be emancipated.

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 twenty 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, 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 clerk's 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.

Slaves eman- Sec. 24. *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.

Sec. 25. *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 seize 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.

Sec. 26. *And be it further enacted,* That having 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.

Sec. 27. *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.

Sec. 28. *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

emancipated travelling out of the district without a copy of emancipation, how to be dealt with.

Slaves emancipated failing to pay taxes how to be disposed of.

Proviso in favour of certain persons

Slaves declared to be personal chattels.

Nowidow entitled to dower in slaves to remove the same out of the district

unless, etc.

penalty.

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

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.

Any widow entitled as aforesaid, who marries a husband of- fending here- in—

dower to be forfeited.

Slaves de- scending to several per- sons in cer- tain cases how to be disposed of.

In what man- ner gifts of

Sec. 29. *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 law- ful 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.

Sec. 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 dis- trict 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.

Sec. 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.

Sec. 32. *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.

Sec. 33. *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.

Sec. 34. *And be it further enacted*, That no master of any ship or any other vessel, shall transport or carry any servant, whatever, 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

slaves shall be made to be valid.

Provided this act only to extend to where the donor keeps possession thereof.

This act not to alter any adjudication or affect bona fide purchasers, etc.

Master of a vessel not to carry away any slave, etc. without permission, penalty.

have 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.

Court may rule the defendant to give special bail.

Act of limitation to be no bar, &c.

Sec. 35. *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.

WM. HENRY HARRISON.
THOMAS TERRY DAVIS.
HENRY VANDER BURGH.
JOHN GRIFFIN.