

Christian Black Codes of 1724

March 1724

Article 1

Decrees the expulsion of the Jews from the colony.

Article 2

Make it imperative on masters to impart religious instruction to their slaves.

Article 3

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

Article 4

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

Article 5

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

Article 6

We forbid our white subjects, of both sexes, to marry with the blacks, under 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 slaves. 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 fine of three hundred livres. Should said issue be the result of concubinage of the master 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 slave shall be forever incapable of being set free. But shall this illicit Intercourse have existed between a free black and his slave, when said slave according to the forms prescribed by the church, said slave shall there by set free and the children shall become free and legitimate; and in such a case there shall be no application of the penalties mentioned in the present article.

Article 7

The ceremonies and forms prescribed by the ordinance of Blois and by the edict of 1691, for marriage, shall be observed both with regard to free persons and 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.

Article 8

We forbid all curates to process or to effect marriages between slaves without the proof of the consent of their master; and we also forbid all masters to force their slaves into marriages against their wills.

Article 9

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 the wife have different masters.

Article 10

If the husband be a slave, and the wife a free woman, it is our will that their children, of whatever sex they 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 then the children shall all be slaves.

Article 11

Master shall have their Christian slaves buried in consecrated ground.

Article 12

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 hunting or are shooting for their masters, and who carry with them a written permission to that effect, or are being designated by some known mark or badge.

Article 13

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 a whip. In case of frequent offenses of the kind, the offenders shall be branded with the mark of the flower de luce, and should there be aggravating circumstance, capital punishment may be applied, at the discretions of the judges. We command all of our subjects, be they officials or not, to seize all such offenders, to arrest and conduct them to prison, although there should be no judgement against them.

Article 14

Master who shall be convicted of having permitted or tolerated such gathering 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 repetitions of the offense.

Article 15

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 violation of this article, shall be sentenced to pay a fine of 1500 livres.

Article 16, 17, 18, 19

Provide at length for the clothing of slaves and for their subsistence.

Article 20

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 officers of an inferior jurisdiction, and may put the written exposition of their wrongs into their hands; upon which information, and even ex officio, shall the information come from another quarter; the attorney-general shall prosecute said masters without charging any cost to the complainant. 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.

Article 21

Slave who are disabled from working, either by old age, disease or otherwise, the disease incurable or not, shall be fed and provided for by their master; and in case they should have been abandoned by said masters, said slave shall be adjudged to the nearest hospital, to which said master 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 plantation of the masters.

Article 22

We declare that slaves have no right of any kind of property but that all that they acquire either by their own industry, or by the ability of others, or by any other means or title what ever shall be the full property but that all that they acquire either by their own industry, or by the ability of others, or by any other means or title what ever shall be the full property of their masters; and the children of said slaves, their fathers, mothers, their kindred or other relation either free or slave shall have no pretensions or claim thereto, either through testamentary nor positions or donations inter vivae; which dispositions and donations we declare null and void, and also whatever promise they may have interred into by persons incapable of disposing of anything and or participating to any contract.

Article 23

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 whom they were entrusted; and in case said slave 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 dining or transaction of their slaves, the per curium which the masters have permitted the slave 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 per curium 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 credits.

Article 24

Slave 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 witness either for or against their masters.

Article 25

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 master 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.

Article 26

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.

Articles 27 to 32 of the Black Codes were not immediately available.

Article 33

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 court, 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 judgements in which the slave convicted is sentenced to be hamstrung or to suffer death.

Article 34

Freed or born-free negroes, who shall have afforded refuge in their house 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 offense, 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.

Article 35

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

Article 36

The slave who is sentenced to suffer death on the denunciation of his master, shall, when that master is not an accomplice to the 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, and shall be collected by the persons invested with that authority.

Article 37

We forbid all the officers of the Superior Council, and all our other officers of the justice in the 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.

Article 38

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 pretense whatever, and to mutilate said slaves in any one of their limbs, or in any part of their bodies, under the penalty of confiscation of said slave; and 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.

Article 39

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 offense shall be a pardonable one, we permit them to pardon said master and overseer without it being necessary to obtain from us letter patent of pardon

Article 40

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 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.

Article 41, 42

Are entirely relative to judicial forms and proceedings.

Article 43

Husbands and wives shall not be seized and sold separately when belonging to the same master, and their children, who 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 such case 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 purchased without any additional.

Article 44

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 seized 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.

Article 45, 46, 47, 48, 49

Are relative to certain formalities to be observed in judicial proceedings.

Article 50

Master, when twenty-five years old, shall have the power to manumit their slaves, either by testamentary dispositions, or by acts inter vivace, but as there may be mercenary masters disposed

to set a price on the liberation of 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 mitter to set free his slaves, without the obtaining from the Superior Council a decree of permission to that effect; which permission shall be granted without costs when the motive for the setting free of said slaves as specified in the petition of the master, shall, appear legitimate to the tribunal. All future acts for the emancipation of the slaves freed shall not be entitled to their freedom; they shall be taken away from their former masters, and confiscated for the benefit of the India company.

Article 51

However, should slaves be appointed by their masters tutors to their children, said slaves shall be held and regarded as being set free to all intent and purposes.

Article 53

We declare that the acts for the enfranchisement of slaves, passed according to the forms above described, shall be equivalent o 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 kingdoms, or in any land or colony under dominion. We declare, however, 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 of said donations shall be applied to the benefits of the nearest hospital.

Article 53

We commend 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 declared them exempt form the discharge of all duties or services, and from payment of all taxes or frees, or any thing else in relation to their person, or to their personal or real estate, either during the life or after the death of said slave.

Article 54

We grant 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 regards to their persons, but also to their property, the same effects which our other subjects derive form the happy circumstance of their having been born free.

In the name of the Kking

Fazende, Brusie, Perry

*Bienville, De la Graise
March, 1724*