

Document #1745-02-06-05 – Marion Uses the Code Noir to Claim What She is Owed

KB4L Abstract:

Marion, free *mulatresse*, petitioned the Superior Council to sue the estate of D'Ausseville to recover the wages withheld from her by his illegal actions. Marion reported that before her enslaver died in 1735, he recorded her manumission with the clerk of the Superior Council. Dausseville, as Attorney of Vacant Estates for the Colony, knew this and hid her manumission. Thus Marion was included in the sale of St. Julien's estate under the false pretext that St. Julien owed the Company of the Indies. Using Article 20 of the Code Noir, Marion petitioned Louisiana governor Vaudreuil and *commissaire-ordonnateur* Salmon who granted her her freedom before referring her to the Council to pursue her back wages. When the Attorney General petitioned the governor and *commissaire-ordonnateur* for Marion's freedom on November 23, 1743, he revealed that St. Pierre de St. Julien was her father. After Marion filed her petition for back wages, the bailiff cited Mr. Aufrere, the proxy of the estate for the heirs of Dausseville, to appear at the next session of the Superior Council. Throughout these records, Marion identifies herself and is identified by others using several names such as Marion, Marie Charlotte, and Marie.

<https://lacolonialdocs.org/document/6478>

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LHC Abstract: Marion, free mulattress vs Estate of Sr. D'Ausseville.

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Names: Black - Marion (St. Pierre St. Julien); Marie Charlotte (St. Pierre St. Julien)

Names: White - Raymond Amyault D'Ausseville; *Sieur* Aufrere; Nicholas Godefrey Barbin; Edmé-Gatien de Salmon; *Sieur* St. Pierre St. Julien; Charles de St. Pierre Chevalier de St. Julien; Pierre de Riguad, marquis de Vaudreuil; Marin Pierre Lenormand; Sebastian François Ange Le Normant

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Transcription (French, diplomatic)	Translation (English, modern)
[feuille 1 recto] [digital 2]	[page #1] [digital 2]
A Nosseigneurs du Conseil Superieur de la Province de la Louisianne	To our lords of the Superior Council of the Province of Louisiana
Supplie humblement marion <i>mulatresse</i> Libre Disant, que Le feu Sieur S ^t . pierre S ^t . jullien son premier maitre, Luy ayant donné sa liberté par un Ecrit fait en presence de tesmoins Le 9 ^e 8 ^{bre} 1735 deceda peu de tem[p]s apres [;] on fist Linventaire de ses biens meubles et immeubles, de même que de ses papiers et en [le] faisant Le feu Sieür amyault Dausseville, Lors procureur aux bien vacan[t]s se saisit de ce papier furtivem. ^{[en]t} Sans Le faire Inventorier [;] et voulant avoir Lad. ^{[i]te} <i>mulatresse</i> le cacha et La fist vendre, comme Ses autres Effets sous Le faux pretexte que Led. ^{[i]t} S ^{[ie]u} r. S ^t . Jullien devoit a la Compagnie des Indes, plus quil navoit valant [;] il Sen rendit adjudicataire pour une Somme de Quinze Cent Livres en papier et elle ne dist mot parce qu'on Luy faisoit accroire que cetoit pour payer la Compagnie, mais Les Comptes du d. ^{[i]d} feu S. ^r S. ^t Jullien ayant en fin été réglés et jugés et Setant trouvé de quoy payer Lad. ^{[i]te} Compagnie, elle sest adressée a Monsieur Le Procureur General	Humbly, begs Marion, free <i>mulatresse</i> , saying that the late <i>sieur</i> St. Pierre St. Julien her first master, having granted her freedom by a written document made in the presence of witnesses on the 9th October 1735, [he] died a short time after[;] an inventory was made of his movable [personal] and immovable [real] properties, as well as his papers and while doing so the late <i>Sieur</i> Amyault D'Ausseville, then Attorney for Vacant Estates, seized this paper furtively, without taking inventory of it[;] and wanting to keep the aforementioned <i>mulatresse</i> for himself, hid it [the paper] and had her sold along with his other effects, under the false pretense that the aforementioned <i>sieur</i> St. Jullien owed to the Company of the Indies more than the value of his estate[;] he made himself the successful bidder for the sum of fifteen hundred <i>livres</i> that he paid with a draft, and she said nothing because she was told that it was in order to pay the Company[;] but the accounts of the said late <i>sieur</i> St. Jullien having finally been settled and confirmed by the judge and having found the means to pay the aforementioned Company, she

<p>[f. 1 verso] [dig. 3]</p> <p>du Roy et Suivant Larticle 20 du Code Noirⁱ Luy donna Son memoire pour demander a jouir de La Liberté qui luy étoit accordée [rayé] [s'] il eut La bonté de S'interresser pour les opprimes [;] et Sur Les representations quil fist au Conseil Sa liberté Luy fust accordée par Messieurs de Vaudreuil et Salmonⁱⁱ, qui Sur Les autres demandes La Renvoyèrent Se pourvoir au Conseil pour Le payement de ses gages ou dedommagement du temps quelle a servy led.^{[i]t} S.^{[ieu]r} Dausseville d'autant plus quelle doit rembourser a la Suc.^{[cessi]on} une Somme de quinze Cent Livres prix de Son achapt qui na pas même Sorty de ses mains pour La quelle le S^r. Barbin La poursuit actuellement [;] Et Comme il ne Seroit pas juste quil eust eû pour rien Le Service dune personne Libre quil ne retenoit esclave que par un petit tour de Malice Elle vous Supplie quil luy soit permis, Nosseigneurs[,] de faire assigner au premier Conseil Le S^r. Aufrere chargé de procuration des heritiers et Creanciers du feu S. Dausseville pour Se voir Condamner a Luy payer une Somme de Vingt Livres</p>	<p>addressed <i>monsieur</i> the Attorney General</p> <p>[p. #2] [dig. 3]</p> <p>of the King and following Article 20 of the <i>Code Noir</i> gave him her statement to ask to enjoy the freedom that was granted to her, [crossed out word] [if] he would have the kindness to take an interest on behalf of the oppressed, and as a result of the case that he made in front of the Council, her freedom was granted to her by <i>messieurs</i> Vaudreuil and Salmon, who on the other requests sent her back to see the Council for the payment of her wages or compensation for the time which she served the said <i>Sr</i>: D'Ausseville especially because she must repay to the estate a Sum of fifteen hundred <i>livres</i>, the price of her purchase, which has not yet left her hands, for which the <i>Sieur</i> Barbin sues her currently, and as it would not be fair that he would have had for nothing the service of a free person that he only held as a slave by a little trick of malice, she begs you that it be permitted to her, our lords, to summon to the first Council the <i>sieur</i> Aufrere, having received power of attorney from the heirs and creditors of the late <i>sieur</i> D'Ausseville to be condemned to pay her a sum of twenty <i>livres</i></p>
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<p>[f. 2 recto] [dig. 4]</p> <p>par mois depuis Le jour de La mort du S^r. S^t. Jullien, jusquau jour de La mort du feu S^r. Dausseville, pour ses gages et salaires autant en deduction de la Somme de 1500 ^{tt} [livres] quelle doit rembourser ou telle autre somme quil vous plaira d'arbitrer pour ses salaires Dommages et interests Et fait Justice a La N^{ouve}lle. orl.^{[ean]s} le 6^e f.^{[evr]er} 1745.</p> <p>[Signé:] lenormand</p> <p>La sup.^{[pliant]e}</p> <p>permis dassigner a la n^{[ouv]elle} orleans ce 6. Fevr[er]. 1745</p> <p>[Signé:] Lenormant</p> <p>Lan Mil Sept Cent quarante Cinq le vingt Neufieme de Mars, En vertu de L'ord^{[onnan]ce} Cy dessus Lacte de liberté accordée par M^r de vaudreuil et Salmon du Vingt Neuf Novembre Mil Sept Cent quarante trois dont Copie Est Cy[-] Jointe [;] a la Req.^{[uê]te} de Marion mulatresse dem.^{[eura]nte} chez led[it] Sr. Alexandre hab[itant] vis a vis la N.^{[ouve]lle} Orleans jay[,] marin Le Normand huiss^{[i]er} aud^[iencier] au Conseil Sup.^{[erieu]r} de Cette prov.[ince]</p>	<p>[p. #3] [dig. 4]</p> <p>per month since the day of the death of <i>sieur St. Jullien</i>, until the day of the death of the late <i>sieur D'Ausseville</i>, for her wages and salaries as much in deduction of the sum of 1500 <i>livres</i> that she must reimburse or such other sum that will please you to arbitrate for her wages, damages, and interests, and justice will be served [;] in New Orleans on the 6th of February 1745.</p> <p>[Signed:] Lenormand</p> <p>[For] the suppliant</p> <p>Permission to assign at New Orleans this 6th of February 1745</p> <p>[Signed:] Lenormant</p> <p>The year one thousand seven hundred forty five on the twenty ninth of March, by virtue of the above order, the act of liberty granted by <i>Mr de Vaudreuil</i> and Salmon on the twenty ninth November one thousand seven hundred forty three, whose copy is here attached, to the request of Marion <i>mulatresse</i>, housed at the residence of the said <i>sieur</i> <i>Alexandre</i> living opposite New Orleans, I, <i>Marin</i> <i>Le Normand</i>, bailiff-usher in the Superior Council of this province, living in New Orleans where I have jurisdiction, undersigned, have signified, given summons to <i>sieur Aufrere</i>, having received power of attorney from the heirs and</p>
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<p>dem.^{[euran]t} a la N.^{[ouve]lle} Orleans ou Est [ai] Ellu Domicile soussigné[.], signifié Donné assignation au Sr. aufrere procureur des heritiers et Creanciers de la suc.^{[cessi]on} du feu Sr. Amyault dausseville En son D^{[omici]le} En Cette Ville parlant a sa personne a Comparoir au premier jour d'aud.^{[ien]ce} ord^{[inai]re}. En lad[ite] Chambre du Conseil Superieur pour se voir condamner aud[it] Nom a luy payer pour six ans neuf mois de Gages la somme de six cent soixante six Livres a Raison de</p> <p>[f. 2 verso] [dig. 5]</p> <p>Cent Livres par An a quoy Elle se restraint avec les Interests du jour de sa demande [;] et de quoy luy fait scavoir Et luy ay par tant que dessous Laisser Copie tant de l[']acte de liberte Req.^{[uêt]e} ord^{[onnanc]e} que du present dont acte</p> <p>[Signé:] M. lenormand</p> <p>[Marginalia:] Marin mulatresse Contre le S[ieu]r aufrere</p>	<p>creditors of the estate of the late <i>sieur</i> Amyault d'Ausseville at his residence in this city, speaking to him in person, to appear on the first ordinary day in the said chamber of the Council Superior to be condemned in his said name to pay her for six years nine months of wages the sum of six hundred and sixty-six <i>livres</i> at the rate of</p> <p>[p.#4] [dig. 5]</p> <p>one hundred <i>livres</i> per year to which she restricts herself, with interest beginning from the day of her request, and which I make known to him and I hereby leave copy below of the act of freedomⁱⁱ, the requestⁱⁱⁱ, the order^{iv}, and that of the present document[;] duly noted.</p> <p>[Signed:] M. Lenormand</p> <p>[Marginal note:] Marion, <i>mulatresse</i>, against <i>Sieur Aufrere</i></p>
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Please note that what appear to be typos (missing spaces, abbreviations, misspellings, strikeouts, superscript) appear in the original manuscript, but are corrected in the more modernized translation. For more on our editorial practices see <https://docs.k4bl.org/bestpractices>.

i. Article 20 of the Code Noir stated: “Les esclaves qui ne seront point nourris, vêtus & entretenus par leurs maîtres, pourront en donner avis au procureur général dudit Conseil [Conseil supérieur], ou aux officiers des justices inférieures, & mettre leurs mémoires entre leurs mains ; sur lesquels, & même d’office si les avis leur viennent d’ailleurs, les Maîtres seront poursuivis à la requête dudit Procureur général & sans frais, ce que Nous voulons être observé pour les crimes & les traitements barbares & inhumains des Maîtres envers leurs esclaves.” In translation, it read “Slaves who are not fed, clothes, and maintained by their masters may notify our General Prosecutor of the said Council, or the officers of the inferior courts, and put their petitions in their hands, on the basis of which and even by authority of office, if the notification comes from elsewhere, the masters shall be prosecuted at the request of the said General Prosecutor, and without charge, this is the rule we wish observed for crimes and barbarous and inhuman treatment of slaves by their masters.”

ii. For Marion and her sister Louise’s original manumission record, see [d0114](#).

iii. Seven years after St. Pierre de St. Julien recorded the manumission of Marion and her sister Louise, the Attorney General François Fleuriau petitioned the governor and the *ordonnateur* of the colony to approve Marion’s manumission: <https://lacolonialdocs.org/document/6041>. On the second page of this record, Fleuriau described how D’Ausseville wrote “liberté non valide” (invalid freedom) on the record “donnée par feu Mr. St. Jullien à Marie sa fille *mulatresse*” (given by the late Mr. St. Julien to Marie his *mulatresse* daughter).

iv. After reviewing the request from François Fleuriau on behalf of Marion, governor Pierre de Rigaud, marquis de Vaudreuil and *ordonnateur* Edmé-Gatien de Salmon approved her manumission. This record is severed within the archive, deposited within two separate index numbers. See <https://lacolonialdocs.org/document/6041> and <https://lacolonialdocs.org/document/6054>.