

the space of six months, without bail or mainprize; and shall forfeit and pay ten pounds current money of Virginia. . . .

And be it further enacted, that no minister of the Church of England, or other minister, or person whatsoever, within this colony and dominion, shall hereafter wittingly presume to marry a white man with a negro or mulatto woman; or to marry a white woman with a negro or mulatto man.

From William Waller Hening, *The Statutes at Large: Being a Collection of All the Laws of Virginia* (Richmond, 1809), 1: 252–55; 2: 116–17, 170, 260, 270, 481–82; 3: 86–88, 447–49, 453–54.

Discussion Questions

1. What were the early restrictions on black and white servitude in Virginia?
2. What regulations did the assembly add over time? Pay attention to the changing vocabulary used to describe types of servants.
3. What do laws tell us about what was going on?
4. Why do you think English Virginians eventually decided that race-based slavery was the best way to farm tobacco? Might they have chosen a different path?

Notes

1. That is, paying twice what the service was worth.
2. The fine usually charged for fornication.
3. Many.
4. Harvest time.
5. The “only law” added time onto the servant’s indenture.
6. In 1676, Nathaniel Bacon had led a rebellion against the government of Virginia, and the assembly was determined to prevent future insurrections, particularly ones that brought disgruntled whites and blacks together.
7. The price paid for her indenture.

Louisiana’s Code Noir, 1724

*F*RENCH INVOLVEMENT IN THE AFRICAN SLAVE TRADE began in the early 1500s. In the 1600s the French established plantation colonies in the West Indies, including Martinique, Guadeloupe, and Saint Domingue (now Haiti), first growing tobacco and later sugar and coffee. The original Code Noir was issued by French king Louis XIV in 1685 to govern slavery in these islands. This 1724 version is the similar code that Louis XV issued for French Louisiana as it began importing African slaves to work tobacco, indigo, and cotton plantations.

Louis, King of France and Navarre by the grace of God: to all people now and to come, greetings.

The Directors of the Company of the Indies having informed us that the Province and Colony of Louisiana has been firmly established by a great number of our subjects who make use of Black slaves to cultivate their lands, we have judged that to conserve that colony it is in our authority and jurisdiction to establish there a law and certain rules to maintain the teaching of the Roman Catholic Apostolic Church and to regulate matters concerning the state and quality of slaves in those same islands. And we do desire to make known to our subjects who have settled there and who will in the future set up residence there that although they live in climates infinitely far away, we are always present to them by the reach of our power and our diligence in succoring them.

For these reasons and for others which do move us, on the advice of our Council, acting with our certain knowledge, full power, and royal authority, we . . . do speak, decree, ordain, desire, and be pleased that:

Article 1. We do desire and understand that the edict of 23 April 1615, enacted by the late King of glorious memory, our very honored lord and father, be executed in our islands.¹ Therefore, we do enjoin all our officers to expel from our islands all Jews who have established residence there, and we do command them, as being enemies to the name of Christian, to depart from them within three months from the publication of this edict on pain of confiscation of their bodies and their goods.

Article 2. All slaves who shall be within this same province of ours shall be instructed in the Roman Catholic Apostolic religion and baptized. We do order the inhabitants who buy newly arrived Negroes to have them instructed and baptized within a reasonable time on pain of a set fine. . . .

Article 3. We prohibit all public practice of any religion other than Catholic, Apostolic, and Roman. It is our will that all offenders be punished as rebellious and disobedient to our commands. We do forbid all gatherings to that effect and declare them to be unlawful and seditious cabals. This article pertains likewise to all masters who permit or tolerate such gatherings.

Article 4. No overseers who do not profess the Catholic, Apostolic, Roman religion shall be given charge over Negroes on pain of confiscation of said Negroes from their masters and arbitrary punishment assigned to those overseers who accept such charge.

Article 5. We do enjoin all our subjects of every rank and quality whatsoever to observe strictly all Sundays and Feast Days. We forbid them to work or put their slaves to work on those days, from midnight to midnight, in the fields or at any other kind of work, on pain of fines and arbitrary punishment for the masters as well as confiscation of any slaves caught by our officers in the act of working. They may nevertheless send their slaves to market.²

Article 6. We do forbid our White subjects of either sex to enter into marriage with Black people, on pain of punishment and arbitrary fines; we forbid all priest and curates, all lay and ordained missionaries, and even chaplains aboard ships, to marry them. We do forbid our White subjects and even our freed Black subjects and those who are born free to live in concubinage with slaves. It is our will that every person who has had one or more children from such a union, as well as every master who tolerates such a union, be each condemned to pay a fine of three hundred pounds. And if they are the masters of the very slaves by whom they have had said children, it is our will that in addition to the fine they be deprived of the slave and of the children of the slave, and that the slaves be assigned to the local hospital with no possibility of being freed. We do not, however, intend for this article to apply when the Black man, freed or born free, who was not married to his slave during their concubinage, marries, according to the rituals prescribed by the Church, that slave; that slave will be freed accordingly, and her children rendered free and legitimate.

Article 7. The solemnities prescribed for wedlock by the Ordinance of Blois and by the Declaration of November, 1639,³ shall be observed for slaves as well as for free people, without, however, the consent of the father and mother being required for slaves, but only the consent of the master.

Article 8. We do expressly forbid priests to marry slaves without explicit consent of their masters. We also forbid masters to use any constraints to compel their slaves to marry against their will.

Article 9. Children born of marriages between slaves shall belong to the masters of the women slaves and not to the masters of the men slaves if the husband and wife have different masters.

Article 10. It is our will that if the male slave has married a free wife, the children, male as well as female, shall follow the condition of their mother and be free notwithstanding the servitude of their father; and if the father is free and the mother slave, the children shall be likewise slave.

Article 11. Masters shall be obliged to have their baptized slaves buried in holy ground in graveyards for that purpose. As for slaves who die without the benefit of baptism, they shall be buried at night in some field near to the place where they died.

Article 12. We do forbid slaves to bear weapons or large sticks, on pain of whipping and confiscation of the weapons for the profit of whoever takes the weapons from them; the only exceptions being those whom their masters send out hunting and those who carry recognizable permits.

Article 13. We do likewise forbid slaves belonging to different masters to assemble at day or at night, on pretext of weddings or any other pretext, on their masters' lands or anywhere else, or worse yet on the highways or the byways, on pain of corporal punishment which shall be no less harsh than whipping or branding with the fleur-de-lis; in case of frequent recidivism or other aggravating circumstances, the penalty may be death, which decision we leave to the consideration of the judges. We do enjoin all our subjects to accost those who transgress against this law, arrest them, and carry them off to jail, even if those subjects are not officers and have no warrant to arrest.

Article 14. Masters who are convicted of having permitted or tolerated assemblages including other slaves than their own will themselves be condemned to pay for all damages to their neighbors as a result of said assemblages, in addition to a fine of thirty pounds, and double that amount for repeated offenses.

Article 15. We do forbid slaves to put up for sale, either at market or in private homes, any kind of produce, be it fruit or vegetables, firewood, plants, or any kind of grain, or any other merchandise, or clothes new or old, without the express permission of their masters on a note or some other recognizable sign, on pain of confiscation of all goods without compensation by the masters and an additional fine of six pounds leveled against those who buy the

fruits, vegetables, firewood, plants, fodder, and grain. We do also will that those who offend by buying merchandise or clothes, new or old, be fined fifteen hundred pounds as well as all costs, damages, and interests and be prosecuted to the full extent of the law as thieves and receivers of stolen goods.⁴

Article 18. We do desire that the Officers of our Supreme Council of Louisiana send information regarding the quantity of victuals and the quality of apparel that masters should be required to provide for their slaves. Such information shall pertain to the victuals provided per week and the apparel provided per year so that we may regulate and decree accordingly. In the meantime, however, we do permit said Officers to regulate said victuals and apparel. We forbid the masters of said slaves to give them any kind of alcoholic spirits in place of said sustenance or said apparel. . . .

Article 21. Slaves sick from old age, disease, or any other malady, incurable or not, shall be nourished and sustained by their masters. . . .

Article 22. We do declare that slaves may have nothing that does not belong to their master and that everything that comes to them whether through their own labors or the generosity of other people or by any other means, becomes the sole property of their master and that neither the slaves' children, nor their parents, nor their relatives nor any other free person or slave may have claim to that property by right of succession, or arrangement between living persons, or because of death. We do declare all such arrangements null and void, together with all promises they might have made or obligations they might have entered into, considering them as people incapable of arranging or entering into contracts on their own behalf. . . .

Article 24. Slaves shall be neither assigned to public office nor granted public commissions, nor assigned to anyone other than their masters as agents for managing or administering any business; nor shall they be arbitrators, experts, or witnesses in civil or criminal hearings. In cases where they are heard to give witness, their dispositions shall only serve as reminders to aid the judges in clarifying matters, with no derivation of presumptive evidence, conjecture, or the least supporting evidence. Nor may slaves be witnesses in either civil or criminal suits, unless they must be witnesses of necessity and only when White witnesses are lacking, but in no case may they serve as witnesses for or against their masters.

Article 27. The slave who strikes his master, his mistress, or the husband of his mistress,⁵ or their children with contusion or loss of blood, or on the face, shall be punished by death. . . .

Article 32. A slave who is fugitive for a month from the day on which his master denounced him to the law shall have his ears cut off and shall be branded with the fleur-de-lis on his shoulder. In case of second offense, for the same amount of time, counting from the day of denunciation, he shall have

the ligament behind his knee cut and be branded with the fleur-de-lis on the other shoulder. A third offense shall be punished by death. . . .

Article 38. We do also forbid the subjects of these territories, of whatever rank or condition, to apply or to order to be applied, on their own independent authority, torture upon their slaves while questioning them or for any pretext whatsoever, or to mutilate their bodies or cause their bodies to be mutilated, on pain of confiscation of said slaves and extreme prosecution of the law. We allow only, when they believe that the slaves have deserved it, for masters to chain and beat their slaves with rods or ropes.

Article 39. We do require that our officers criminally prosecute masters or military commanders who have killed or mutilated the bodily members of slaves in their power or under their supervision and to punish according to the atrociousness of the circumstances; if there are grounds for pardon, we do allow our officers to pardon and release the masters and commanders without having to obtain letters of absolution.

Article 43. The husband, wife, and pre-adolescent children may not be seized and sold separately if they are all under the control of the same master. We do declare null and void seizures and sales which thus separate. We do desire in cases of willful separation that a master who effects such transfers of property be deprived of the slave or slaves whom he has held back and that they be delivered over to the buyer at no additional charge.

Translated by John DuVal from Louis Sala-Molins, *Le Code Noir, ou le calvaire de Canaan* (Paris, 1987), 91–185.

Discussion Questions

1. Which articles would you categorize as granting rights to slaves? Which articles restrict their rights? Which articles affect the rights of masters? What other kinds of rules are there?
2. What is similar to the Virginia codes regulating slavery? What is different?
3. The king's claim that "although they live in climates infinitely far away, we are always present to them by the reach of our power and our diligence in succoring them" is probably a bluff—Paris really was a long way off. How effective do you think the code was?
4. There was a loophole in the 1685 Code Noir's version of Article 6 for a master who had a child by a slave: if he married the woman in the church, he did not have to pay a fine, and she and the child were free. What changes in this code? Why might it have changed?
5. Do you think that many slaves needed the provisions of Article 21?

Notes

1. On April 23, 1615, Louis XIII (actually Louis XV's great-great-grandfather) issued an edict banishing Jews from France and forbidding French Christians from protecting or even associating with them. Subsequent kings, partly out of fear that religious violence that plagued France would spread to the colonies, generally tried to prevent Jews (and Protestants) from settling in them. The reference to *islands* is a remnant of the 1685 version of the code.

2. Slaves were often sent to do the shopping in the market, which was not necessarily closed for Sundays and Feast Days.

3. The Ordinance of Blois and the Declaration of 1639 regulated marriage in France.

4. Presumably, the higher fine was for goods that were more valuable and more likely to have been acquired illegally.

5. French women could own their own property (including slaves, whom Europeans defined as property) during marriage, so it was possible for a man to be the husband of the mistress of slaves whom he didn't own himself. This was not the case in the British colonies, in which married women, under the legal system of coverture, could not own their own property.

Venture Smith's Account of Slavery and Freedom, 1700s

VENTURE SMITH WAS BORN IN WEST AFRICA and stolen into slavery as a boy. He was a slave in New York and Connecticut until he succeeded in buying his freedom in around 1765. Although illiterate, Smith related his life story and published it in 1798. By then he was a successful entrepreneur and substantial property owner in Connecticut. His narrative gives insights into a kind of slavery that is notably different from plantation slavery and into the determination that some slaves had to be free and the means they used to gain freedom. The story begins when Smith was a young boy named Broteer.

I was born at Dukandarra, in Guinea, about the year 1729. My father's name was Saungm Furro, Prince of the Tribe of Dukandarra. My father had three wives. Polygamy was not uncommon in that country, especially among the rich, as every man was allowed to keep as many wives as he could maintain. By his first wife he had three children. The eldest of them was myself, named by my father, Broteer. The other two were named Cundazo and Soozaduka. My father had two children by his second wife, and one by his third. I descended from a very large, tall and stout race of beings, much larger than the generality of people in other parts of the globe, being commonly considerable above six feet in height, and every way well proportioned.

[One day, a rumor spreads of an invasion by an army equipped by "some white nation," and Prince Furro decides to retreat rather than try to defend against an attack that his people are not prepared for.]

The same night which was fixed upon to retreat, my father and his family set off about break of day. The king and his two younger wives went in one