

APPENDIX G.

LAWS OF THE INDIANA TERRITORY, CONCERNING
SLAVES AND NEGRO OR MULATTO SERVANTS.

[No. 1.]

AN act concerning the introduction of negroes and mulattoes into this Territory.

SECTION 1. It shall and may be lawful for any person being the owner or possessor of any negroes or mulattoes of and above the age of fifteen years, and owing service or labor as slaves in any of the states or territories of the United States, or for any citizen of the said states or territories purchasing the same, to bring the said negroes or mulattoes in to this territory.

SECTION 2. The owner or possessor of any negroes or mulattoes as aforesaid, and bringing the same into this territory, shall within thirty days after such removal, go with the same before the clerk of the court of common pleas of the proper county, and in the presence of the said clerk, the said owner or possessor shall determine and agree to and with his or her negro or mulatto upon the term of years which the said negro or mulatto will and shall serve his or her said owner or possessor, and the said clerk is hereby authorized and required to make a record thereof in a book which he shall keep for that purpose.

SECTION 3. If any negro or mulatto removed into this territory as aforesaid, shall refuse to serve his or her owner as aforesaid, it shall and may be lawful for such person, within sixty days thereafter to remove the said negro or mulatto to any place, which by the laws of the United States, or territory, from whence such owner or possessor may or shall be authorized to remove the same.

SECTION 4. If any person or persons shall neglect or refuse to perform the duty required in the second, or to take advantage of the benefit of the preceding section hereof within the time therein respectively prescribed, such person or persons shall forfeit all claim and right whatever, to the service and labor of such negroes or mulattoes.

SECTION 5. Any person removing into this territory, and being the owner or possessor of any negro or mulatto as aforesaid under the age of fifteen years, or if any person shall hereafter acquire a property in any negro or mulatto under the age aforesaid, and who shall bring them into this territory, it shall and may be lawful for such person, owner or possessor, to hold the said negro or mulatto to service or labor, the male until they arrive at the age of thirty-five, and the female until they arrive at the age of thirty-two years.

SECTION 6. Any person removing any negro or mulatto into this territory under the authority of the preceding sections, it shall be incumbent on such persons within thirty days thereafter to register the name and age of such negro or mulatto, with the clerk of the court of common pleas for the proper county.

SECTION 7. If any person shall remove any negro or mulatto from one county to another county within this territory, who may or shall be brought into the same under the authority of either the first or fifth sections hereof, it shall be incumbent on such person to register the same, and also the name and age of the said negro or mulatto, with the said clerk of the county from whence, and to which such negro or mulatto may be removed, within thirty days after such removal.

SECTION 8. If any person shall neglect or refuse to perform the duty required by the two preceding sections hereof, such person for such offense, shall be fined in the sum of fifty dollars, to be recovered by indictment or information, and for the use of the proper county.

SECTION 9. If any person shall neglect or refuse to perform the duty and service herein required, he shall for every such neglect or refusal be fined in the sum of fifty dollars, to be recovered by information or indictment, and for the use of the county.

SECTION 10. It shall be the duty of the clerk of the court of common pleas aforesaid, when any person shall apply to him to register any negro or mulatto agreeably to the preceding section, to demand and receive the said applicant's bond, with sufficient security in the penalty of five hundred dollars payable to the governor or his successors in office, conditioned that the negro or mulatto, negroes or mulattoes, as the case may be, shall not after the expiration of his or her time of service, become a county charge, which bond shall be lodged with the county treasurers respectively, for the use of the said counties: *Provided, always*, That no such bond shall be required or requireable in case the time of service of such negro or mulatto, shall expire before he or she arrives at the age of forty years, if such negro or mulatto be at that time capable to support him or herself by his or her own labor.

SECTION 11. Any person who shall forcibly take or carry out of this territory, or who shall be aiding or assisting therein, any person or persons, owing or having owed service or labor, without the consent of such person or persons, previously obtained before any judge of the court of common pleas of the county where such person owing or having owed such service or labor resides, which consent shall be certified by said judge of the common pleas to the clerk of the court of common pleas where he resides, at or before the next court, any person so offending, upon conviction thereof, shall forfeit and pay one thousand dollars, one-third to the use of the county, and two-thirds to the use of the person so taken or carried away, to be recovered by action of debt, or on the case: *Provided*, that there shall be nothing in this section so construed as to prevent any master or mistress from removing any person owing service or labor from this territory, as described in the third section of this act.

SECTION 12. The said clerk for every register made in manner aforesaid, shall receive seventy-five cents from the applicant therefor.

SECTION 13. The children born in this territory of a parent of color, owing service or labor by indenture, according to law, shall serve the master or mistress of such parent, the male until the age of thirty, and the female until the age of twenty-eight years.

SECTION 14. The provisions contained in a law of this territory, respecting apprentices, entitled "an act respecting apprentices," shall be in force, as to

such children, in case of the misbehavior of the master or mistress, or for cruelty or ill usage.

Approved, Sept. 17, 1807.

[The act of which the foregoing was a revision, was approved on the 25th of Aug., 1805.]

[NO. 11.]

An act concerning servants.

SECTION 1. All negroes and mulattoes (and other persons not being citizens of the United States of America) who shall come into this territory under contract to serve another, in any trade or occupation, shall be compelled to perform such contract specifically during the time thereof.

SECTION 2. The said servants shall be provided by the master with wholesome and sufficient food, clothing and lodging, and at the end of their service, if they shall not have contracted for any reward, food, clothing and lodging, shall receive from him, one new and complete suit of clothing, suited to the season of the year, to wit: a coat, waistcoat, pair of breeches, and shoes, two pair of stockings, two shirts, a hat, and blanket.

SECTION 3. The benefit of the said contract of service shall be assignable by the master to any person being a citizen of this territory to whom the servant shall, in the presence of a justice of the peace, freely consent that it shall be assigned, the justice attesting such free consent in writing, and shall also pass to the executors, administrators, and legatees of the master.

SECTION 4. Any servant being lazy, disorderly, guilty of misbehavior to his master or master's family, shall be corrected by stripes, on order from a justice of the county wherein he resides; or refusing to work, shall be compelled thereto in like manner, and moreover shall serve two days for every one he shall have so refused to serve, or shall otherwise have lost without sufficient justification; all necessary expenses incurred by any master for apprehending and bringing home any absconding servant, shall be repaid by further service, after such rates as the court of common pleas of the county shall direct, unless such servant shall give security to be approved by the court, for the payment in money within six months after he shall be free from service, and shall accordingly pay the same.

SECTION 5. If any master shall fail in the duties prescribed by this act, or shall be guilty of injurious demeanor toward his servant, it shall be redressed, on motion, by the court of common pleas of the county wherein the servant resides, who may hear and determine such cases in a summary way, making such orders thereupon as in their judgment will relieve the party injured in future.

SECTION 6. All contracts between masters and servants, during the time of service, shall be void.

SECTION 7. The court of common pleas of every county shall at all times receive the complaints of servants, being citizens of any of the United States

of America, who reside within the jurisdiction of such court, against their masters or mistresses, alleging undeserved or immoderate correction, insufficient allowances of food, raiment, or lodging, and may hear and determine such case in a summary way, making such orders thereupon as in their judgment will relieve the party injured in future, and may also hear and determine complaints of masters and mistresses against their servants, for desertion without good cause, and may oblige the latter, for loss thereby occasioned, to make restitution for further services, after the expiration of the time for which they had been bound.

SECTION 8. If any servant shall at any time bring in goods or money, during the time of their service, shall by gift or other lawful means acquire goods or money, they shall have the property, and benefit thereof, to their own use; and if any servant shall be sick or lame, and so become useless or chargeable, his or her master or owner shall maintain such servant until his or her whole time of service shall be expired; and if any master or owner shall put away any lame or sick servant, under pretense of freedom, and such servant becomes chargeable to the county, such master or owner shall forfeit and pay thirty dollars to the overseers of the poor of the county wherein such offense shall be committed, to the use of the poor of the county, recoverable, with costs, by action of debt in any court of common pleas of this territory, and moreover shall be liable to the action of the said overseers of the poor at the common law for damages.

SECTION 9. No negro, mulatto, or Indian, shall at any time purchase any servant, other than of their own complexion; and if any of the persons aforesaid shall nevertheless presume to purchase a white servant, such person shall immediately become free, and shall be so held, deemed and taken.

SECTION 10. No person whatsoever shall buy, sell, or receive of, to or from any servant, any coin or commodity whatsoever, without the leave or consent of the master or owner of such servant; and if any person shall presume to deal with any servant without such leave or consent, he or she so offending shall forfeit and pay to the master or owner of such servant, four times the value of the thing so bought, sold or received, to be recovered, with costs, by an action upon the case, in any court of common pleas of this territory; and shall also forfeit and pay the sum of twenty dollars to any person who will sue for the same, or receive on his or her bare back, thirty-nine lashes well laid on, at the public whipping-post, but shall nevertheless be liable to pay the costs of such suit.

SECTION 11. In all cases of penal laws where free persons are punishable by fine, servants shall be punished by whipping, after the rate of twenty lashes for every eight dollars, so that no servant shall receive more than forty lashes at any one time, unless such offender can procure some person to pay the fine.

SECTION 12. Every servant upon the expiration of his or her time, and proof thereof made before the court of common pleas of the county where he or she last served, shall have his or her freedom recorded and a certificate thereof, under the hand of the clerk, which shall be sufficient to indemnify any person for entertaining or hiring such servant; and if such certificate should happen to be torn or lost, the clerk, upon request, shall issue another,

reciting therein the loss of the former; and if any person shall harbor or entertain a servant not having and producing such certificate, he or she shall pay to the master or owner of such servant one dollar for every natural day he or she shall so harbor or entertain such runaway, recoverable, with costs, by action of debt in any court of common pleas of this territory, and if any runaway shall make use of a forged certificate, or after delivery of a true certificate to the person hiring him or her, shall steal the same and thereby procure other entertainment; the person entertaining or hiring shall not be liable to the said penalty, but such runaway, besides making reparation for loss of time and charges of recovery, shall stand two hours in the pillory on a court day for making use of such forged or stolen certificate, and the person forging the same shall forfeit and pay thirty dollars, one moiety to the territory, and the other moiety to the owner of such runaway, or the informer, recoverable with costs in any court of common pleas of this territory; and on failure of present payment, or security for the same within six months, such offender shall receive thirty-nine lashes on his or her bare back well laid on, at the common whipping-post; and where a runaway shall happen to be hired upon a forged certificate and afterward denies the delivery thereof, the *onus probandi* shall lie upon the party hiring such runaway.

SECTION 13. If any slave or servant shall be found at the distance of ten miles from the tenement of his or her master, or the person with whom he or she lives, without a pass or some letter or token whereby it may appear that he or she is proceeding by authority from his or her master, employer or overseer, it shall and may be lawful for any person to apprehend and carry him or her before a justice of the peace, to be by his order punished with stripes, not exceeding thirty-five, at his discretion.

SECTION 14. If any slave or servant shall presume to come and be upon the plantation, or at the dwelling-house of any person whatsoever, without leave from his or her owner, not being sent upon lawful business, it shall be lawful for the owner of such plantation, or dwelling-house, to give or order such slave or servant ten lashes on his or her bare back.

SECTION 15. Riots, routs, unlawful assemblies, trespasses and seditious speeches by any slave or slaves, servant or servants, shall be punished with stripes at the discretion of a justice of the peace, not exceeding thirty-nine, and he who will may apprehend and carry him, her, or them, before such justice.

SECTION 16. If any person shall harbor any servant or slave of color, who is bound to service, without the consent of his or her master first obtained, he or she so offending shall be fined in any sum not exceeding one hundred dollars, at the discretion of the court, to be recovered by indictment or information; and if any person shall aid and assist any servant or slave to abscond from his or her master, upon conviction thereof, he or she so offending, shall be fined in any sum not exceeding five hundred dollars, at the discretion of the court, for the use of the party aggrieved, to be recovered as aforesaid.

Approved, Sept. 17, 1807.

[The act of which the foregoing was a revision and amendment, was approved on the 3d of December, 1806.]

[NO. III.]

An act to amend an act entitled "An act concerning servants," and for other purposes.

SECTION 1. Be it enacted by the legislative council and house of representatives, and it is hereby enacted by the authority of the same, That if any person or persons shall permit or suffer any slave or slaves, servant or servants of color, to the number of three or more, to assemble in his, her, or their house, out-house, yard, or shed, for the purpose of dancing, or revelling, either by night or by day, the person or persons so offending shall forfeit and pay the sum of twenty dollars, with costs, to any person or persons who shall sue for and recover the same, by action of debt, information, or indictment, in any court of record proper to try the same.

SECTION 2. Be it further enacted, That it shall be the duty of all coroners, sheriffs, judges, and justices of the peace, who shall see, or know of, or be informed of any such assemblage of slaves or servants, immediately to commit such slaves or servants to the jail of the said county; and on view or proof thereof, to order each and every such slave or servant to be whipped, not exceeding thirty-nine stripes, on his or her bare back, on the day next succeeding such assemblage, unless it shall happen on a Sunday, then on the Monday following; which said stripes shall be inflicted by any constable of the township, if there should be one therein, or otherwise by any person or persons whom the said justice shall appoint, and who shall be willing so to inflict the same: *Provided, however*, that the provisions hereof shall not apply to any persons of color who may assemble for the purpose of amusement, by the permission of their masters first had in writing, on condition that no disorderly conduct is made use of by them in such assemblage.

Approved, October 25, 1808.

[NO. IV.]

An act to repeal the act entitled "An act for the introduction of negroes and mulattoes into this territory," and for other purposes.

SECTION 1. Be it enacted by the legislative council and house of representatives of the Indiana territory, and it is hereby enacted by the authority of the same, That the act of this territory entitled "An act for the introduction of negroes and mulattoes into this territory," approved on the 17th day of September, 1807, be, and the same is hereby repealed.

SECTION 2. And be it further enacted, That if any person or persons shall attempt to remove, from this territory, or shall aid and assist in removing, any negro or mulatto person or persons, without first proving before one of the judges of the court of common pleas, or justice of the peace, who shall give a certificate thereof, to be filed in the clerk's office in the county wherein such proof

shall be made, that he, she, or they, are legally entitled so to do according to the laws of the United States and of this territory, shall, on conviction thereof, before any court having cognizance thereof, forfeit and pay the sum of one thousand dollars, one half to the use of the informer, and the other half to the use of the territory, to be recovered by action of debt, *qui tam*, or indictment, and shall be moreover liable to the action of the party grieved, and shall be for ever disqualified from holding any office of honor, profit, or trust, under this territory.

SECTION 3. And be it further enacted, That the first section of the law of this territory, entitled "An act concerning servants of color," be and the same is hereby repealed; saving, however, to such persons as may heretofore have executed indentures of servitude, their right under the same, and the master his remedy thereon.

Approved, December 14, 1810.