

## Document #1774-01-14-01 – Richard Wants a Refund on a *Negra Cimarrona*

**K4BL Abstract:** Petition for redhibitory action filed by Juan Baptista Richard against Joseph Rou, or Roth, for the sale of Maria and her daughter, also named Maria. Richard claims redhibitory action (i.e. "useless" or "defective good") due to deception in the sale by both Rou and Widow Pery. The suit states that Maria (*hija*) is "*baldada*," or "crippled," and that the mother shares in the same unnamed disability. At the time of the purchase, Maria (*madre*) had been in jail for helping "*negros cimarrones*," and that within a month and a few days of the sale, the mother ended up in back jail for going maroon.

<https://www.lacolonialdocs.org/document/14193>

### **LHC Card:**

302, file 4 Jan. 7, 1774- Jan. 15, 1774

### **LHC Abstract:**

PETITION FOR REDHIBITORY ACTION IN SALE OF UNWORTHY SLAVE

Jean (Juan Baptista) Richard vs Joseph Roth for the slave Marie and her crippled daughter Marie of "Kabahan Nossée."

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Names: Black - (Richard), Maria; (Pery), Maria; Maria cimarrona; Maria of Kabahan Nossée

Names: White - Unzaga, Luis de; Almonester, Andrés; Pery, Maria; Pery, Viuda; Richard, Jean; Richard, Juan Baptista; Roth, Joseph; Rou, Joseph; Almonester y Roxas, Andrés; Unzaga y Amezaga, Luis de; Odoardo de Sayas, Cecilio

Names: Native - n/a

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Transcription (Spanish, diplomatic)	Translation (English, modern)
<p>[folio 3 recto] [digital 6]</p> <p>[Marginalia:]</p> <p>Señor D.<sup>n</sup> Luis de Unzaga y Amezaga, Brigadier De[rasgado] R.<sup>s</sup> Ex.<sup>s</sup> Du S.M. Gov.[rasgado] y Capitan General de La Provincia de La Luisiana &amp;<sup>a</sup> __</p> <p>[Cuerpo:]</p> <p>Señor Juan Buap.<sup>ta</sup> Richard: puesto ã los piés de V.[rasgado] Con el Devido Respecto, expone muy humildem[rasgado] que havra un mes y medio que Compró De M.<sup>r</sup> Ro[rasgado] una Negra Con una Negritta su hija y Baldada; h[rasgado] dose el Supp.<sup>te</sup> en aquel entonces en Su habitacion La Costa De los Acadiens; el Dhõ M.<sup>r</sup> Rou se la ven[rasgado] p.<sup>r</sup> el precio de 350 p.<sup>s</sup> y en la Venta que hizo ala Supp.<sup>te</sup> se la Dió; por no tener La Dhã esclava nin[rasgado] nas males Costumbres ny Defectos Diciendo que tenia orden De venderla por pertenecer ãla Viuda Pery</p>	<p>[page # 1] [digital 6]</p> <p>[Marginal note:]</p> <p>Lord <i>Don</i> Luis de Unzaga y Amezaga, Brigadier [General] of the Royal Armies of His Majesty, Governor, and Captain General of the Province of Louisiana, etc.</p> <p>[Body:]</p> <p>Sir, Juan Baptista Richard comes before Your [Lordship] with all due respect, [and] humbly lays forth that there has been a month and a half since he purchased from Mr. Rou, a <i>negra</i> with a <i>negrita</i>, her child, [who is] disabled, [and that] the supplicant then at that time was at his plantation on the Acadian Coast [when] the said Mr. Rou sold them to him [Richard] for the price of 350 <i>pesos</i>. In the sale that was conducted, the supplicant gave it [the price asked], [yet] for not having the said slave [before him], [and] was [promised that the slave] had no bad habits or defects [of body or quality],</p>

que se hallava necessitada De Dineros para pagar  
Deudas; Ei Supp.<sup>te</sup> supo Luego el Contrario,  
porque el  
S.<sup>or</sup> Rou Compró La Dha Esclava de M.<sup>a</sup> Pery  
halla  
dose en la Carcel De esta Villa por haver Dado  
a[rasgado]  
ãlos Negros Cimarrones y ella tambien ã tenido el  
mis[rasgado]  
Defecto, el Dhõ S.<sup>or</sup> Rou La Compró por el precio  
De  
250 p.~ Deviendo valer mas si fuera un buen  
Suj[rasgado]  
Pero La Dha Viuda Pery La Dio ã este precio para

[f. 3 verso] [dig.7]

Deshacer De ella.

El pobre Supp.<sup>te</sup> que es un pobre habitante y  
y[rasgado]  
De Edad necessitando De una esclava para su  
ayuda y  
que hazeres, Se fió ãl Dhõ S.<sup>r</sup> Rou diciendole y  
Dandole  
de palabras y por escrito que solo por la  
necessidad De Dhã  
Viuda Se vendia La esclava que un buen Sujetto

[Rou] claiming [also] that he had  
orders to sell her because she belonged to the  
Widow Pery  
who had needed the money to pay her  
debts. The supplicant [Richard] found out later  
that, to the contrary,  
*Señor* Rou bought the said slave from Ms. Pery,  
[which she]  
found in the jail of this village for having given  
assistance  
to the *negros cimarrones*, and she [the slave] also  
had the same  
defect [as her child]. The said *Señor* Rou bought  
her for [only]  
the price of  
250 *pesos*, being that she would be worth more if  
she were a good subject.  
But the said Widow Pery gave her at this price to

[p. #2] [dig.7]

get rid of her.

The poor petitioner, who is a poor resident and  
of an [older] age, is in need of a slave to aid and  
help him  
with his chores. She [the Widow Pery] had confided  
in the said Mr. Rou, telling him and  
giving him  
her word and in writing that only for the necessity  
of the said  
widow, the slave was sold as a good subject, good

buena  
tanto p.<sup>a</sup> La Casa Como p.<sup>a</sup> el Campo falsedad  
porque  
ãdemas de ser Suya y ya no De la Dha Viuda,  
Gano  
en venta cien pesos y enganó al pobre Supp.<sup>te</sup>  
porque  
al Cavo de mes y Dias se fue Cimarrona y esta  
hoy  
en Dia en la Carcel de esta Ciudad.

A este fin el Supp.<sup>te</sup> Supplica my Rendidamente  
ã VS.<sup>a</sup> Se digne attendér ã Lo arriba espressado;  
porque,  
el Supp.<sup>te</sup> presenta estos Renglonos ã VS.<sup>a</sup>  
Solamente, para  
que De V.S.<sup>a</sup> Reciba La Justicia q.<sup>e</sup> fuere Recta  
no Cessara De Rogar ã Dios que la Vidadé VSM.<sup>a</sup>  
Dilatados anõs. Nueva Orleans y 7 Henero de  
1774

Por presntado el documento Frula-  
do. \_\_\_\_\_

[Firmado:] Unzaga [Rubrica, Unzaga]

Proveio ha S.<sup>f</sup> D. Luis de Unzaga  
y Amezaga a Brig.<sup>f</sup> de los rr.~ ex.~ y Gov.<sup>or</sup>  
~

for the house as well as for the field, [which is a]  
falsehood.

Besides, being his [Richard's] and no longer that of  
the said widow, he [Rou] earned  
in the sale 100 *pesos* and deceived the poor  
petitioner, because  
within a month and a few days she went *cimarrona*  
[again] and is now  
today in the jail of this city.

To this end, the supplicant begs humbly [in  
submission]  
to Your Lordship, to give consideration to the above  
expressed, because  
the supplicant presents this written testimony to  
Your Lordship only so  
that, from Your Lordship, [he may] receive the  
justice that is righteous,  
[and he] will not stop praying to God that the life of  
Your Excellency  
is expanded by [many] years. [At] New Orleans,  
[on the] 7th [of] January, 1774.

To be filed: The document has been translated.

[Signed:] Unzaga [Rubric, Unzaga]

Thus ordered: [By] Lord *Don* Luis de Unzaga  
y Amezaga, Brigadier [General] of the Royal  
Armies, and Governor

<p>[f.4r] [dig.8]</p> <p style="text-align: right;">3</p> <p>Grâl de esta Prov.<sup>a</sup> por S.M. q lo Firmo en catorze de Henero demil Sett.<sup>o</sup> seten[rasgado] y quatro _____</p> <p>[Firmado:] Andres Almonester y Roxas s.<sup>no</sup> pu.<sup>co</sup> [Rubrica, Almonester]</p> <p>N.<sup>no</sup> Enel mizmo dia hise saver eldecreto q antecede a Juan Bãpta Richard doymee ____</p> <p>[moderno, círculo, a lápiz] 3</p> <p>[Firmado:] Almonester s.<sup>no</sup> [Rubrica, Almonester]</p> <p>[f. 4v] [dig.9]</p> <p>[en blanco]</p> <p>[f. 5r] [dig.10]</p> <p>[Marginalia:]</p> <p>Lopres.<sup>to</sup></p>	<p>[p. #3] [dig.8]</p> <p style="text-align: right;">3</p> <p>General of this Province by His Majesty, which he signs on [the] 14th of January of seventeen- and four.</p> <p>[Signed:] Andres Almonester y Roxas, Notary Public [Rubric, Almonester]</p> <p>On the same day, I made known the decree that precedes to Juan Baptista Richard. I attest,</p> <p>[modern, circled, in pencil] 3</p> <p>[Signed:] Almonester Notary [Rubric, Almonester]</p> <p>[p. #4] [dig.9]</p> <p>[blank]</p> <p>[p. #5] [dig.10]</p> <p>[Marginal note:]</p> <p>I present</p>
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la parte  
exprerando  
no saver  
Firmar,  
15 de Hen<sup>o</sup>  
de 1774\_  
Doy fee\_\_

[Firmado:] Almonester  
s.<sup>no</sup>  
[Rubrica, Almonester]

[Cuerpo:]

4-

Juan Bãpta Richard en los autos q. sigl[rasgado]  
contra Jph Roth sobre él engaño conq hapro-  
cedido en la Venta de una negra nom.<sup>da</sup> maria  
con una neg.<sup>ta</sup> su hija delmizmo nre, y lodemas  
oy digo q.<sup>e</sup> de imdema se ledio travado, y sin  
embargo q.<sup>e</sup> ei vo P. de esta fue.<sup>a</sup> y q. tiene aqui  
su familia hapando al Puesto de Manchac  
dena hab.<sup>n</sup> mia p.<sup>a</sup> estar en ella álg<sup>n</sup> tpo.<sup>~</sup> y p.<sup>r</sup>  
el perhucio q.<sup>e</sup> le me sigue entre demore se  
ha aservir los. mandar libran boleta de  
comparendo connetiva del Com.<sup>te</sup> de dho Puesto  
p.<sup>a</sup> q.<sup>e</sup> haga comparecer á dho Roth en este  
tribunal porsí o su poder instruid y ex-  
pentado p.<sup>a</sup> el reg.<sup>to</sup> de esta Causa por tanto\_\_  
AVs. sup.<sup>co</sup> sevirba proveher como pido con  
he[rasgado]  
conas y Juro lones.<sup>o</sup>. &.<sup>a</sup> \_\_\_\_\_

[for] the party,  
expressing [that he does]  
not to know  
[how to] sign.  
15th of January  
of 1774  
I attest,

[Signed:] Almonester  
Notary  
[Rubric, Almonester]

[Body:]

4-

Juan Baptista Richard in the actions taken  
against Joseph Roth [Rou] concerning the  
deception with which had occurred  
in the sale of a *negra* named Maria,  
with a *negrita*, her daughter of the same name,  
and for the rest  
today I state that the lawsuit was filed, and yet  
he [Rou] is from abroad and [only]  
his family lives here at Manchac Post,  
[and] of course I wish not to be in a situation in  
which I subject to harm amidst delays, [so that] if  
it serves [Your Lordship] order, extricated  
[without any problems], the written subpoena to  
the commander of the said post  
so that he can force the aforementioned Roth  
[Rou] appear in this  
court by himself or under your authority, as in the  
manner provided under the law for this cause,

Como lo pide con termino de quin-  
ce dias cometida su Yntimascion  
qualq.<sup>a</sup> Persona habil. \_\_\_\_

[Rubrica, Unzaga] [Rubrica, Odoardo de Sayas]

Proveio lo el S. d. Luis de[rasgado]

[f. 5v] [dig.11]

Unzaga y Amezaga Brig.<sup>a</sup> de los rr~  
ex.~ y Gov.<sup>or</sup> Grãl de esta Prov.<sup>a</sup> por S  
M. q lo rubrico conn Asesor Grãl  
en quunze de Henero demil sett~  
settenta y quatro \_\_\_\_\_

[Firmado:] Andres Almonestér  
y Roxas s.<sup>no</sup> pu.<sup>co</sup>  
[Rubrica, Almonester]

N<sup>n</sup> Enelmizmo dia hizesavor el  
decreto q. antecede a Juan  
B<sup>ta</sup> Richard doyfee \_\_\_\_\_

[Firmado:] Almonestér  
s.<sup>no</sup>

thusly.

To Your Lordship, I beg you serve and provide  
what I ask with due  
Justice, and I swear as is necessary, etc.

As requested, within fifteen  
days after the notification has been made by  
any qualified person.

[Rubric, Unzaga] [Rubric, Odoardo de Sayas]

Thus ordered: [By] the Lord *Don* Luis de

[p. #6] [dig.11]

Unzagay y Amezaga, Brigadier [General] of the  
Royal  
Armies, Governor General of this Province by His  
Majesty, which is signed with the Advisor General  
on [the] 15th of January of seventeen-hundred  
seventy four.

[Signed:] Andres Almonestér  
y Roxas, Notary Public  
[Rubric, Almonester]

Notarized: On this same day, I made known the  
decree which precedes to Juan  
Baptista Richard. I attest,

[Signed:] Almonester  
Notary

<p>[Rubrica, Almonester]</p> <p>Librece la Boleta q Demande y la entregué alap.<sup>te</sup> doy fee____</p> <p>[Rubrica, Almonester]</p> <p>En la ciudad Dela nueva orleans en nueve de febrero demil sietecientos setentay quattro Haller.<sup>no</sup> hizesaver del aras laso dado a Jph [rasgado] enpersoner doy fee_____</p> <p>[Firmado:] Almonestér [Rubrica, Almonester]</p>	<p>[Rubric, Almonester]</p> <p>Authorized: the petition which was demanded and delivered to the party. I attest,</p> <p>[Rubric, Almonester]</p> <p>In the City of New Orleans, on [the] 9th of February of seventeen-hundred and seventy- four, I made known to the other side, to Joseph [Rou] in person. I attest,</p> <p>[Signed:] Almonester [Rubric, Almonester]</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>.*