

THE CODE.

Passed by the Legislature of South Carolina on 20th Dec. 1865.

AN ACT PRELIMINARY TO THE LEGISLATION INDUCED BY THE EMANCIPATION OF SAVES.

Whereas, The Convention of this Sate, by the Constitution lately ratified, did recognize the emancipation of slaves, and desare that " neither glavery no: involuntary servitude, except as a punishment for crime shall ever be re-established in this State,"and did direct that, for each District in the State, there should be established an Inferior Court, to be styled "the District Court, which Court shall have jurisdiction of all civil causes wherein one or both of the parties are persons of color, and of all criminal crases wherein the accused is a person of colst." Therefore,

Be it enacted by the Snate and House of Representatives, now me and sitting in General Assembly, and by the authority of the same, That this Act shall be preliminary to "An Act to establishand regulate the domestic relations of persons of color, and to amend the law in relation to paupers, vagrancy and bastardy;" and as Act to establish District Courts, and an 'Act to amend the criminal law," which Acs have been induced by the Constitution afresaid ; and that in reference to these Acts the following provisions shall obtain :

SEC. II. Words importing the singular number only shall be construed to apply to several persons or things as well as one person or thing, and every word importing the masculine gender only, shall be construed to extend is a female as well as a male, where the context does not forbid such construction. Sec. III. All free negroes, mulattoes and mestizoes, all freedmen and freedwomen, and all descendants through either sex of any of these persons, shall be known as persons of color, except that every such descendant, who may have of Caucasian blood seven-eighths or more, shall be deemed a white person.

SEC. IV. The statutes and regulations concorning slaves are now inapplicable to persons of color; and although such persons are not entitled to social or political equality with white persons, they shall have the right to acquire, own and dispose of property ; to make contracts ; to enjoy the fruits of their labor; to sue and be sued; and to receive, protection under the law in their persons and

property, SEC. V. All rights and remedies respecting persons and property, and all duties and lia-bilities under laws, civil and graminal, which apply to white persons, are extended to persons of solor, subject to the modifications made by this Act and the other Acts hereinbefore mentioned.

In the Senate House, the twentieth day of December, in the year of our Lord, one thousand eight hundred and sixty-five. W. D. PORTER,

President of the Senate. C. H. SIMONTON, Speaker of the House of Representatives.

AN ACT TO ESTALLISH AND REGULATE THE DOMESTIC RELATIONS OF PERSONSOF COLOR, AND TO AMEND THE LAW IN RELATION TO PAUPERS AND VAGRANCY.

Be it enacted by the Senate and House of Representatives, now met and sitting in Gen-eral Assembly, and by the authority of the of the District Judge to establish the same.

QUARDIAN AND WARDS. XIV. The relation of Guardian and Ward, as it now exists in this State, with all the rights and duties incident thereto, is extended

to persons of color, with the modifications istrate, to be used in all cases of compulsory made by this Act. apprenticeship; and, in all cases, MASTER AND APPRENTICE. neither father nor mother binds the child, (to

XV. A child, over the age of iwo years,

born of a colored parent, may be bound by the father, if he be living in the District, or in case of his death or absence from the District, by the mother, as an apprentice, to any respectable white or colored person, who is competent to make a contract-a male until he shall attain the age of twenty-one years, and a female until she shall attain the age subscribed

of eighteen years. XVL Illegitimate children, within the ages above specified, may be bound by the mother. XVII. Colored children, between the ages

bound thereby.

the District Court.

Magistrates.

case may be.

mentioned, who have neither father nor Sigued and sealed mother living in the District in which they in the presence of are found, or whose parents are paupers, or E. F., unable to afford to them maintenance, or (District Judge or Magistrate.) whose parents are not teaching them habits I approve and certify the above obligation of industry and honesty, or are persons of notoriously bad character, or are vagrants, or of apprenticeship, this have been, either of them, convicted of an

Encereld

E. F., (Judge of the District infamous offence, may be bound as apprenti-Court, or Magistrate.) ces by the District Judge, or one of the Mag-istrates for the aforesaid term. CONTRACTS FOR SERVICE.

be in duplicate.)

seal

XVIII. Males, of the age of twelve years, XXXV. All persons of color who make and females, of the age of ten years, shall sign the indenture of apprenticeship and be contracts for service or labor, shall be known as servants, and those with whom they con tract, shall be known as masters.

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M. N. (Judge of the District

I (name of master) agree to receive (name of

apprentice) as my apprentice to learn the (in-

sert the trade or business ;) and I bind myself

if over the prescribed age, who consents to

this

A. B. C. D.

be bound, otherwise only the master,) ha

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Court, or Magistrate.)

where

name and put

[L. S.] [L. S.]

day of

day of

XIX. When the apprentice is under these XXXVI. Contracts between masters and ages, and in all cases of compulsory appren-ticeship, where the infant refuses assent, his servants, for one month or more, shall be in writing, be attested by one white witness, and be approved by the Judge of the Dissignature shall not be necessary to the validity of the apprenticeship. The master's obtrict Court, or by a Magistrate. ligation of apprenticeship, in all cases of com-pulsory apprenticeship, and cases where the XXXVII. The period of service shall be expressed in the contract; but if it be not father or mother does not bind a child, shall expressed, it shall be until the twenty-fifth

be executed in the presence of the District day of December next, after the commence-Judge, or one of the Magistrates, certified by ment of the serv.ce. XXXVIII. If the rate of wages be not him, and filed in the office of the Clerk of stipulated by the parties to the contract, it shall be fixed by the District Judge or a Magistrate. on application by one of the par-XX. The indeuture of voluntary apprenticeship shall be under seal, and be signed by

the master, the parent and the apprentice, ties, and notice to the other. attested by two credible witnesses, and ap-XXXIX. A person of color, who has no proved by the District Judge or one of the parent living in the District, and is ten years of age, and is not an apprentice, may make a valid contract for labor or service for one

XXI. All instruments of apprenticeship shall be executed in duplicate, one of which shall be retained by the master and the other year or less. XL. Contracts between masters and ser vants may be set aside for fraud or unfairness filed in the office of the Clerk of the District notwithstanding they have been approved. Court. For the approval of an instrument XLI. Written contracts between masters of apprenticeship, thus executed in duplicate, and servants, shall be presented for approval, the master shall pay an aid of three dollars to the Magistrate, or District Judge, as the within twenty days after their execution. XLII. Contracts for one month or more.

shall not be binding on the servant, unless XXII. The master or mistress shall teach they are in writing, and have been presented the apprentice the business of husbandry, or for approval within the time aforesaid. some other useful trade or business, which XLIII. For any neglect of the duty to shall be specified in the instrument of apmake a contract as herein directed, or the prenticeship; shall furnish him wholesome evasion of that duty by the repeated employfood and suitable clothing ; teach him habits ment of the same persons for periods less than one month, the party offending shall be of industry, honesty and morality; govern and treat him with humanity ; and if there guilty of a misdemeanor, and be liable on be a school within a convenient distance, in conviction to pay a sum not exceeding fifty which colored children are taught, shall send dollars, and not less than five dollars, for

him to school at least six weeks in every each person so employed. No written con year of his apprenticeship, after he shall be of the age of ten years: Provided, That the tract shall be required, when the servant voluntarily receives no renumeration, except foood and clothing.

whether they be born of one of his reputed I approve the above indenture of appren-wives or of any other woman. I approve the above indenture of appren-ticeship this day of bis day of basic provide the lawful order of basic provide the lawful

indolence in business; drunkenness, moral or legal misconduct; want of respect and civility to himself, his family, guests or agents; or for prolonged absence from the XXXIV. Form of Obligation of Appren-ticeship, taken by the District Judge or Mag. premises, or absence on two or more occaions without permission. tions :

EDGEFIELD, S. C., JANUARY 3, 1866.

LU. For any acts or things herein declared to be causes for the discharge of aservant, or for any breach of contract or duty by him, instead of discharging the servant, the master may complain to the District Judge or one of the Magistrates, who shall have power, on being satisfied of the misconduct complainto perform all my duties as such master. In , ed of, to inflict, or cause to be inflicted, on witness whereof (the master and apprentice, the servant suitable corporal punishment, or impose upon him such pecaniary fine as may be thought fit, and immediately to remand

him to his work ; which fine shall be deducted from his wages, if not otherwise paid. LIII. If a master has made a valid con-

tract with a servant, the District Judge or a Magistrate, may compel such servant to observe his contract, by ordering infliction of lations shall be stipulations, unless it shall the punishment, or imposition of the fine hereinbefore authorized. tract, unless some special agreement be made

RIGHTS OF MASTER AS TO THIRD PERSONS. LIV. The master shall not be liable for

the voluntary trespasses, torts or misdemean crs of his servants. He shall not be liable for any contract of his servant, unless made by his authority ; nor for the acts of the servant, unless they shall be done within the scope of the authority entrusted to him by the master, or in the course of his employment for the master ; in which excepted cases the master shall be answerable for the fraud, ter) agree to receive the said (name of sernegligence or want of skill of his servant. The master's right of self defence shall embrace his servant. It shall be his duty to protect his servant from violence, by others, in his presence, and he may render him aid

and assistance in obtaining redress for injury to his rights of person or property. LV. Any person who shall deprive a mas-

ter of the service of his servant, by enticing him away, or by harboring and detaining him, knowing him to be a servant, or by beating, confining, disabling or otherwise injuring him, shall be liable, on conviction thereof, to a fine not exceeding two hundred case may be, dollars, and not less than twenty dollars, and to imprisonment or hard labor, at the discretion of the Court, not exceeding sixty days; and, also, to an action by the master to recover damages for loss of services.

LVI. The master may command his ser-vant to aid him for the defence of his own person, family, premises or property; or of the person or property of any servant on the premises of the master ; and it shall be the duty of the servant promptly to obey such command. LVII. The master shall not be bound to

furnis's medicine or medical assistance for his servant, without his express engagement.

LVIII. A master may give the character of one who has been in his service to a person who may make inquiry of bin; which shall be a privileged communication, unless it be falsely and maliciously given. And no servant shall have power to make a new contract, without the uroduction of the discharge of his former master, District Judge or Magstrates.

LIX. Any person who shall wilfully misrepresent the character of a servant, whether he has been in his service or not, either for moral qualities, or for skill or experience mechanical art or trade, unless he shows that

LX.

LXXX. In every case the costs of eviction at each regular sitting of the said Board, and may be exacted, by order or process from the whensaever else he may be required by the person evicted. PAUPERS: O the Board, in reject to, his own acts as

-LXVIII. The rules and regulations prescribed for master and servant, apply to per-LXXXI. When a person of color shall be sons in service, as household servants, conauable to carn his support, and is likely to ferring the same rights and imposing the ecome a charge to the public, the father and same dutica, with the following modifica-LXXX. Servants and apprentices employ ed as house servants in the various duties of the household, and in all the domestic duties of the family, shall, at all hours of the day Judge, or one of the Magistrates, up in comand night, and all days of the week, promptplaint to him, shall deem necessary and proper, ly answer all calls and obey and execute all and on failure to pay such sum, the time shall lawful orders and commands of the family be collected by summery order or i occess." LXX. It is the duty of this class of serthe Judicial District of Charleston, in which rants 15 be especially civil and polite to their there shall be one Board for the Election masters, their families and guests, and they

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District of Charleston, and one for the Election District of Berkeley, there shall be established a Board, to be known as the " Board LXXI, In all contracts between master of Relief of Indigent Persons of Color," and servant for service, the foregoing reguwhich shall consist of a Chairman and not, less than three, nor more than seven other be otherwise provided in the contract, and members, all of whom shall be Magistrates the following form shall be a sufficient conof the District, and be selected by the Dis-

trict Judge ... LXXXIII. This Board shal meet at the Court House on the Tuesday, next after the first Monday in February and August in eye ry year, and at other times and places, fixed by its own appointment or the summons of its Chairman, and it may, at its pleasure, ap-point enb-Boards, to be composed of such of its own members and other Magistrates of the District as it may select.

LXXXIV. By the Board the District shall, as soon as practicable, he divided into pre-cincts, within each of which some Magistrate shall reside. The Board is required to keep exact minutes of all its proceedings, and in these shall appear the boundaries of each precinct, as from time to time they may be arranged

-LXXXV. A District Court fund shall be established in each District, to be composed of aids paid for the approval of contracts between master and servant, and of instruments of apprenticeship, and for licenses granted by the District Judge, all fines, penhand, half hand, or one fourth hand," as the alties and forfeitures collected under order or process from the District Court or a Magistrate of the District, fees for appeal from the District Judge, wages of convicts, and taxes collected under the order of the Board of Re-

lief of Indigent Persons of Color. LXXXVI. If the District Court fund, afan, mechanic or shop-keeper, or any other trade, employment or business (besides that of husbandry, or that of a servant under a er payment of the sums with which it is harged, on account of the salary of the contract for services or labor) on his own Judge of the District Court, Superintendent, account and for his own benefit, or in partof Convicts, Jurors, and other expenses of nership with a white person, or as agent or the Court, and of convicts, shall be insufficient servant of any person, until he shall have ob-tained a license therefor from the Judge of the District Court-which license shall be to support indigent persons of color, who may be proper charges on the public, the Board aforesaid shall have power to impose good fur one year only. This license the for that purpose, whenever it may be re-Judge may grant upon petition of the appli-cant, and upon being satisfied of his skill and quired, a tax of one dollar on each male person of color between the ages of eighteen fitness, and of his good moral character, and and fifty years, and fifty conts on each unupon payment, by the applicent, to the Clerk married female person of color between the of the District Court of one hundred dollars, if a shop-keeper or pedlar, to be paid annu-ally, and ien dollars, if a mechanic artisan, ages of eighteen and forty-five ; to be collected in each precipet, by a Magistrate thereof: Provided, That the said imposition of a lax or to engage in any other trade, also to be shall be approved in writing by the Judge of paid annually : Provided however, That upon the District Court, and that his approval

complaint being made and proved to the Dissha'l appear in the journals of that Court. trict Judge of an abuse of such license, he LXXXVII. Fer collection of a tax imposed shall revoke the same, and : Provided, also, by the Bourd aforesaid, overy Magistrate of a precinct shall give ten day's public notice, within his precinct, of the classes of person he has served an apprenticeship in such trade liable to the tax, the sum which is required | must be punished as crimes. from every person of each class, and of the Upon the conviction of any master of the probation of the probabilition day when pays ent shall be made. Every fixed and known place of abode, and some person lizble to pay, who fails to pay on the lawful and reputable employment; those offender, upon conviction thereof before the Judge of the District Court, shall' pay, for each offince, a fine of double the amount of such license ; one half whereof shal go the nformer, who shall be a competent witness. other process most likely to exact payment ; LXXIV. The sums paid to the Clerk for these licenser shall be aids, and go into the constable or the Sheriff. District Court fund ; and the Clerk shall keep

Magistrate of a precinct, such a report as is required from another Magistrate ; lay before the Board the reports made to him by other grand fathers, mother and grand mothers. Magigitates; and also make a full and par-child and grand shild, brother and sister of ticeMarreport, in which shall be condensed such person, shall, each according to his abil-ity, contribute monthly, for the support of reports of the Magistrates, so as to show the such poor relation, such such as the District condition and, wants of the whole District Judge or one of the Magistrates, who have and of each previous to the whole District and of each precinct; which report shall also exhibit the receipts and expenditures for the whole District since the report last preceed-ing, arranged under proper heads, so as to show the sums received from each source, and by what Magistrate, the sims lisbursed tor each purpose, and by what flagistrate, the sums turned over from one officer to another, commissions, expenses and contributions for poor relations. Each report shall particularly specify all delinquences of Magparticularly specify an deanquences of Mag-istrates during, its period, and the names of delinquents. For any failure to make report as here required, the Chairman shall be ita-ble to indirctment, and, upon conviction, shall pay a five not exceeding one hundred deliars nor less than twenty deliars.

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XCII. The Board of Relief of Indigent Persons of Color shall determine the sum necessary for the support of each indigent person of color, who shall be doemed a prop-er charge on the public, the aum required by each precinct, the sum which shall be paid to each Magistrate to be disbursed by him, when reports from occupants as aforesaid

shall be required, and when a tax shall be imposed. It shall direct the Magistrates respectively in the performance of the duties required of them in reference to paupers and the District Court fund, and it shall report to the District Court all delinquencies and delipquents.

XCIII. The balance of the District Court fund which, as provided by the "Act to establish District Courts," shall, under the or-der of the District Judge be paid to the Chairman aforesaid, shall, under the order of the Board aforesaid, be distributed to the Magistrates of precincts, and be by them disbursed for the relief of indigent persons of color, and other uses of the Board, as may bo directed. The minutes of the Board shall show the sum assigned to each Magistrate, and the receipt of the Magistrate for every sum paid to him shall be taken by the chair

man of the Board, and shall accompany the next report of the chairman to the Board as well as be exhibited in support of the chairman's quarterly report to the District Court in which such payment is set down. XCIV. On satisfactory information to the District Judge, or a Magistrate, that a person of color has removed from another District, and is likely to become a charge to the District into which he has removed, the District Judge, or the Magistrate, shall proceed against such a person as a vagrant, and, on conviction, he shall be punished as such; Provided, however, That persons of color who were removed by their former masters from other Districts, within the last five years, shall be allowed twolve months to return to the Districts from which they were removed ; and those who have been separaed from their families or relatives shall be allowed to return to them within tweive months.

VAGRANCY AND IDLENESS. These are public grievar Section XCVI. All persons who have not some fixed and known place of abode, and some day appointed, shall become liable to yes a which are not some risible and known means dou'd tax, it he shall not make to the Mag-of a fair, honest and reputable livelihood; istrates a satisfactory excuse; and against all common prostitutes; these who are found bin the Magistrate may issue process in the wandering from place to place, vending, barmuture of fieri facias, special attachment, an i tering or peddling any articles or commodities, without a license from the District any or all of which shall be executed by a Judge, or other proper authorities; all com-"Inon gamblers; persons who lead idle or dis-LXXXVIII. It shall be the duty of every orderly lives, or keep or fr-quent disorderly or discputable houses or places; those who, not having sufficient means of support, are in writing and on oath to a Magistrate of the able to work and do not work; these who (whether or not they own lands, or are lessees or mechanics,) do not provide a reasonable and proper maintenance. for them elves and families ; those who are ougaged in representing publicly or privately, for fee or reher, eighteen hundred and sixy-five, and families, with the cause of disability as to ward, without license, any tragedy, interlude, have been on said lands for six months pre-vious; and who are helpless, either from old such persons the name, place of abode, and tainment, exhibition of the circus, sleight ofhand, wax work or the like; those who for lation who is, according to the provisions private gain, without license, give any con-hereinbefore contained, bound to contribute cort or musical entertainment, of any description ; fortune-tellers ; sturdy beggars ; common drunkards; those who hunt game of any description, or fish on the land of others, or frequent the premises, contrary to the will of the occupants ; shall be deemed from the houses which now are, or hercafter five dollars; to be paid immediately; or if vagrants, and be liable to the punishment bereinafter provided.

between the parties: Form of Contract. I (name of servant) do hereby agree with (name of master) to be his (here insert the words "household servant" or "servant in husbandry," as the case may be,) from' the date hereof, at the wages of (bera insert the wages, to be paid by the year or month;) and in consideration thereof I (name of mas

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day

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in whose service they are employed:

shall receive gentle and kind treatment.

FOR ALL SERVANTS.

vanth as such servant, and to pay him the day of said wages, this. A. B. O. D.

G. H., (Judye of the District .

After the words "servant in husbandry

may be inserted, if it be required, the words

to be rated as full hand, three-fourths

MECHENICS, ARTISANS AND SHOP-REEPERS.

LXX I. No person of color shall pursue of

practice the art, trade or business of an arti-

Court, or Magistrate.)

Witness, E. F. I approve the alove contract this

same, as follows : HUSBAND AND WIFE.

F. The relation of husband and wife amongst persons of golor is established.

II. Those who now live as such, are declared to be husband and wife.

III. In case of one man having two or more reputed wives, or one woman two pr more reputed husbands, the man shall, by the first of April next, select one of his reputed wives, or the woman one of her reputed husbands; and the ceremony of marriage, between this man or woman, and the person so selected, shall be performed.

IV. Every colored child, heretofore born, iscleclared to be the legitimate child of his mother, and also of his colored father, if he is acknowledged by such a father.

V. Persons of color, desirous hereafter to become husband and wife, should have the contract of marriage duly solemnized. VI. A clergyman, the District Judge, a

Magistrate, or any judicial officer, may solemnizo marriages.

VII. Cobabitation, with reputation, or reesgnition of the parties, shall be evidence of marriage, in cases criminal and civil.

VIII. One who is a pauper, or a charge to the public, shall not be competent to contract marriage. Marriage between a white person and a person of color, shall be illegal and

IX. The marriage of an apprentice shall approximation the consent of the master, be

X. A husband shall not, for any cause andon or turn away his wife, nor a wife r husband. Either of them that abandons be meet, not extending to the dissolution of turns away the other, may be prosecuted for a misdemeanor; and upon conviction be found to be in default, he shall he fined thereof, before a District Judge, may be not exceeding twenty dollars and costs; and thereof ponished by fine and corporal punishment, if the apprentice be in default, he may be duly apportioned to the circumstances of ag corrected in such manner as the Magistrate gravation or miligation. A husband not shall order. A frivolous complaint made by disabled, who has been thus convicted of having abandoned or turned away his wife, or who has shown to fail in maintaining his

wife and children, may be bound to service by the District Judge from year to year, and so much of the profits of his lab.r, as may be requisite, be applied to the maintenance of his wile and children; the distribution be tween then being made according to their respective merits and necessities. In like manner, a wife not disabled, who has been thus copviced, may be bound, and the proceeds of her lobor applied to the maintenance of her children. In either case, any surplus profit shall go to the person bound. At the end of any year for which he was bound, the husband shall have the right to return to, or receive back, his wife, and thereupon shall be discharged upon undition of his afterwards tice without having first obtained such maintaining his wife and children. A like license. right a wife shall have, at the end of a year for which she was bound, on condition of her making future excitions to maintain her

family. XI. Whenever a husband shall be convictto her or receive her back, she shall have all the rights, and be subject to all the liabilities of an unmarried woman, except the right to contract marriage. When eithe husband or wife has abandoned the other in any District. and that other remains there, if upon the warrant or summons against the one charged of misdemeanor under the section next pre-ceding, there he a return by a Sheriff or Constable, under oath, that the accused has left the District or absconds, so that there cannot be personal service, the prosecution may proceed as if the accused had been arrested, and upon conviction, all the other consequences shall follow, except punchment, and that shall be reserved until the spcused. may be braught into Court, when an apportunity shall be given for disproving the ruth of the return and setting aside the conviction. PARENT AND CHILD.

XII. The relation of parent and chill, amongst persons of color, is recognized, cor-fers all the rights and remedies, civil and crimital, and imposes all the duties, that an incident thereto by law, unless the same art. modified by this Act, or some legislation connected herewith. XIII. The father shall support and main-

XXIII. The master shall have authority to inflict moderate clustisement and impose reasonable restraint upon his apprentice, and to recapture him if he depart from his ser-Tice.

XXIV. The master shall receive to his own use the profits of the labor of his ap prentice. The relation of master and ap prentice shall be dissolved by the death of engaged in husbandry, and may be dissolved by order of the District Judge, when both parties consent, or it shall appear to be seriously detrimental to either party. In the excepted case, it shall terminate at the end

of the year in which the master died. XXV. In cases of the habitual violation or neglect of the duties herein imposed on the master, and whenever the apprentice is in danger of noral contamination by the vicious conduct of the master, the relation of master and apprentice may be dissolved by the order of the District Judge. And any person shall have the right to complain to

the District Judge, that the master does not exercise proper discipline over his apprentice, to the injury of his neighbor; and if upon investigation, it shall be so found, the late contract between the parties shall be dissolved.

XXVI. In cases of alleged violation of duty, or of misconduct on the part of the master or apprentice, either party may make complaint to a Magistrate, who shall summon the parties before him, inquire into the cause of complaint, and make such order as shall the relation of the parties; and if the master

not exceeding twenty dollars and costs ; and either party shall be regarded as a default. XXVIII. In cases in which the District Judge shall order the apprentice to be discharged for immediate correction, or unlaw ful restraint of the apprentice, the master

shall be liable to indictment, and, on conviction, to fine and imprisonment, at the discretion of the Court, not exceeding a fine of fitty dollars, and imprisonment of thirty days, and also to an action for damages by the apprentice. XXVII. All orders made by a Magistrate.

touching the relation of master and apprentice, shall be filed in the office of the Clerk of the District Court.

XIX. A mechanic, artisan or shop keeper, or other person, who is required to have a license, shall not receive any colored appren-

XXX. At the expiration of his term of to recover from his master a sum not exceeding sixty dollars.

XXXI. To an apprentice shall apply the of the master as to thirl persons, and the rights of servants as to third persons, except, that to an apprentice the master shall bound to furnish nocessary medicine and medical assistance.

XXXII. In all indentures or obligations of apprenticeship, the regulations herein precribed, shall be considered stipulctions. XXXIII. Form of indenture to be used in

cases of voluntary apprenticeship, where the the prem apprentice is bound by father or mother: (to master. be in duplicate.) I (father or mother, as the case may be,) of (name of child) my child of the age of years, do hereby tind said child to (name of master) to learn-the (here insert the trade or business.) and I (name of master) agree to receive the said child as my apprentice. In witness whereof,

we (the master, father or mother, as the case, may be, and child, if over the preseribed age) have subscribed our names and put our seals,

186 [L. S.] [L. S.] A. B. C. D. [L.S.] E. F. Signed and sealed in the presence of G. H. LK

ALIV. For the approval of contracts, th following sums, to be called aids, shall be paid to the District Judge or the Magistrate, as the case may be, in cash, when the con-

tract is approved, previded no aid shall be paid for any servant under twelve years of age: For a contract for one month or less for each servant, 25 cts; for a contract not exceeding three months and more than one month, for each ervant, 50 cis; for a conthe master, except where the apprentice is tract not exceeding six months and more encaged in hashandry, and may be dissolved than three months, for each servant, 75 cts; for a contract for one year, or any time more than six months, for each servant, \$1; for a contract for more than one year, for each year or part of a year over one year, for each servant, \$1; one half of which aids shall be

vant.

REGULATIONS OF LABOR ON FARMS. XLV. On farms or in out-door service, the bours of labor, except on Sunday, shall be

paid by the master, and one-half by the ser-

from sun rise to sun-set, with a reasonable interval for breakfast and dinner. Servants shall rise at the dawn in the morning. feed water and care for the animais on the farm, do the usual and needful work about the premises, prepare their meals for the day, if required by the master, and begin the farm work or other work by sun-rise. The servant shall be careful of all the animals and property of his master, and especially of the animals and implements used by him, shall protect the same from injury by other persons, and shall be answerable for all property

lost, destroyed or injured by his negligence, dishonesty, or had taith. XLVI. All lost time, not caused by the act of the master, and all losses occasioned by neglect of the duties hereinbefore prescribed, may be deducted from the wages of the servant ; and food, nursing and other necessaries for the servant, whilst he is absent from work on account of sickness or other cause, may also be deducted from his wages. Servants shall be quiet and or Jerly in their quarters at their work, and on the premises; shall extinguish their lights and fires, and retire to rest at scasonable hours. Work at night, and out door work in inclement weather, shall not be exacted unless in case of necessity. Servants shall not be kept at home on Sunday, unless to take care of the premises, or animals thereupon, or for work of

daily necessity, or on unusual occasions ; and in such cases only so many shall be kept at home as are necessary for these purposes. Sunday work shall be done by the servants in turn, except in cases of sickness or other disability, when it may be assigned to them out of their regular term. Absentees on

Sunday shall return to their homes by sunset. XLVII. The master may give to a servant a task at work about the business of the service, the apprentice shall have the right farm, which shall be reasonable. If the servant complain of the task, the District Judge,

or a Magistrate, shall have power to reduce or increase it. Failure to do a task, shall be ed of having abandoned of turned away his wife, she shall be compatent to make a con-tract for service; and until he shall return of labor, the duties of the servant, the rights vant is entering into a contract, he may be deemed evidence of indolence, but a single required to rate himself as a full hand, three fourths, half, or one-fourth hand, and according to this rate, inserted in the contract, shall be the task, and of course the wages, XLVIII. Visitors or other persons shall

not be invited or allowed by the servant, to come or remain upon the premises of the muster, without his express permission. XLIX. Servants shall not be absent from the premises without the permission of the

RIGHTS OF MASTER AS BETWEEN HIMSELF AND HIS SERVANT. I. When the servant shall depart from the

service of the master without good cause, he shall forfeit the wages due to him. The servant shall obey all lawful orders of the man ter or his agent, and shall be honest, truthfill, sober, civil and diligent in his business. The master may moderately correct servants

in any employment or service, shall be liable ef art, or is now practicing such trade or to an action for damages by any one who has been aggrieved thereby.....

larceny of folony, the District Judge shall have the right, upon the demand of any white free-holder, to annul the contract between such convict and bis colored servants. If any white freeholder shall complain to the District Judge that any master so manages and controls his colored servants as to make them a nuisance to the neighborhood, the Judge shall order an issue to be made up and a record of all licenses is under the or tried before a Jury, and if such issue is found der of the Judge of the District Court. in favor of the complainant, the District Judge shall annul the contract between such EVICTION OF PERSONS OF COLOR. master and his colored servant or servants, LXXV. Where, upon any farm or lands and in each of the cases above provided for,

he shall not approve any subsequent contract between such person and any colored servant for two years thereafter.

RIGHTS OF SERVANT AS BETWEEN HIMSELF AND MASTER.

LNI. The servant may depart from the master's service for an insufficient supply of wholesome food ; for an unauthorized battery upon his cwn person, or one of his family, not committed in defence of the person, family, guests or agents of the master, nor to prevent a crime or aggravated misdemeanor; invasion by the master of the conjugal rights of the servant; or his failure to pay wages when due; and may repover wages due for services rendered to the time of his deparpersons of color, such helpless persons, or any of them, by rendering such houses uninture.

LXH. The contract for service shall not habitable, or by any other means; and upon be terminated by the death of the master, conviction of having done so, every such without the assent of the servant. Wages due to white laborers and to white and colson, shall be fined not exceeding fifty dollars ored servants, shall rank as rent does in case of the insufficiency of the master's property, to pay all debts and demands against him, oned, at the discretion of the Judge of the but not more than one year's wages shall be. District Court, not exceeding one month. so preferred. When wrongfully discharged from service, the servant may recover wages for the whole period of service according to the contract. If his wages have not been conduct in the houses so occupied as aforepaid to the day of his discharge, he may regard his contract rescinded by the discharge, sons from sojourning therein ; and for insoand recover wages up to that time.

LXIII. The master shall receive into his trespass committed by such persons of color, employment the servant with whom he has or any one of them, upon the premises, or for violations by them of his regulations for made a contract, but any of the causes which may justify him in discharging a servant, the preservation of order and good conduct, justify him in refusing to receive him. the prevention of visitors and sojourcers shall LXIV. The master shall, upon the discharge, or at the expiration of his term of complain to the Judge of the District Court, service, farnish the servant with a certificate or a Magistrate, who, upon finding the com-

of discharge, and at the request of the servant, plaint well founded, may, according to the give him a certificate of character. MUTUAL RIGHTS OF MASTER AND SERVANT.

LXV. Whenever a master discharges a moval from the premises. After the period servant, the servant may make immediate complaint to a District Judge, or Magistrate, after provid d in case of intruders. and whenever a servant departs from his master's service, the master may make like of the District Court, or any Magistrate, on complaint. In either case, the District Judge, or Magistrate, shall by summons or warrant, have the parties brought Lefore him, hear them and their witnesses, and decide as to the sufficiency of the cause of his discharge or departure. This decision shall not affect or prejudico any furthey action on either side, to have been unlawfully discharged, and corporal punishment as the Magistrate or shall be classified according to the sources should desire to return to service, under his contract, the master shall be compelled to receive him, under the penalty of twenty dollars, in cuse of his refusal. If the master de sire the return of a servant, who has been decided to have departed without sufficient cause, the servant may be compelled, by fine. and corporal punishment, to return to the service of the master, and perform his duties under the contract.

RIGHTS OF SERVANTS AS TO. . THIRD PERSONS. LXVI. The servant shall not be liable for person of color shall be in writing. If there must be accompanied by a proper soucher ontracts made by the express authority of be no written lease, or the term of lease shall unless it should appear that it was impracticontracts made by the express authority of his master.

who have made contracts, and are under eighteen years of age. He shall not be lia-ble to pay for any additional or extraordina-command of his master, in defence of the person interested to the Judge of the District exceeding fifty dollars, nor less than twenty ble to phy for any additional of extraordinate command of his master, in defence of the person interested to the diagent the buttlet ry services or labor of his servant, the same master's person, family, gassis, agents, services of court, or a Magistrate, such persons of color being necessary, unless by his express agree-want, premises or property. He shall not be shall be instantly elected by order of warrant, ment. CAUSES OF DISCHARGE OF A SERVENT. LL: The inster may discharge his express optimized on the premises of the master by his peacession, or prove that such writing his peacession, or prove that such writing

person who is occupant of a house or premiscs, within soren day's after notice to report, precinct in which such house or premises there now are persons of color, who were formorly the slaves of the owner, lessee or occupant of the said farm or land, who may have been there on the tenth day of Novema livelihood for themselves and respective age, infancy, disease or other cause; and who are unable, of themselves, and have no parent ability, so far as may be known, of every reor other relation able to maintain them, and to provide other homes or quarters, it shall to the support of such person. For every ot be lawful for the present, or any subse- failure, without good excuse, to make report, quent owner, lessee or occupant, before the lirst day of January, in the year eighteen as herein required, an occupant of house or premises as aforesaid, shall be liable to a fine hundred and sixty seven, to evict or drive not exceeding twenty dollars, nor less than shall be, lawfully occupied by such helpless it should not be paid, substitution of other

punishment to take place, as in other cases of fines net paid. -18

LXXXIX. It shall be the duty of every ragistrate to make diligent inquiry into the owner, lessee, occupant, agent or other percondition and wants of the colored poor within his precinct; to give public notice nor less than five dollars, for each such perwhen reports from occupants as aforesaid are son of color so evicted, and may be imprisrequired; to require such report within a month before each regular meeting of the Board of Rolief of Indigent Persons of Col-LXXVI. But the owner, lessee, or occuor, nd whensoever else the said Board may pant of such farm or lands shall, nevertheless. direct; to examine such reports when made have authority to preserve order and good to him; from them and other information, to said, and to prevent visitors and other perstated ; to enforce, as far as possible, the oblence to bimself or his family, for theft or to contribute to the support of poor relations, and to make reports to the Board aforesaid as hereis after directed, and to the District Court as is required by the "Act to establish

District Courts." XC. Every Magistrate shall, besides the therein, the owner, lessee, or occupant, may uarterly reputs which he is required to make to the District Court, make, on the Monday next preceding the first Monday of case, cause the immediate eviction of some February and August, every year, a semi-annual report to the Chairman of the Board aforesaid ; which report shall clearly exhibit, or all of such persons of color, and their refor the time since his last preceding semi-anaforesaid, they may be cjected, as is hereinnual report, all his receipts, all his payments. all his commissions, the condition of the col-LXXVII. It shall be the duty of the Jadge ored population within his precinct, the name, sex, age, occupation and .particular disability complaint made to him that persons of color of every person of color in that population have intruded into any heuse or upon any promises, as trespassers or otherwise, or that who requires assistance from the public; the they unlawfully remain therein without per- sum which, in his opinion, is necessary for mission of the owner, on ascertaining the such person, and the sum required for his complaint to be well founded, to cause such whole precinct. In the receipts the distinc-persons to be immediately removed therefrom, tion shall be observed between collections persons to be immediately removed therefrom, and moneys turned over to the Magistrate and in case of the return of any such person master and servant between the parties, if without lawful permission, the party so of by some other officer, the particulars and fending may be subjected to such fine and sum of each being shown. The collections

from which they proceeded, or for instance District Judge may see proper to impose. LXX VIII. During the term of service, the house occupied by any servant is the master's; and, on the expiration of the term of service; shall appear the name and sex of the person and, on the expiration of the term of service; from whom each item was collected. or the discharge of a servant, he shall no longer remain on the premises of the master; sums paid for the support of your relations, and by, and for whom, shall be set forth. In and it shall be the duty of the Judge of the District Court, or a Magistrate, on complaint the expenditures distinctions shall be observed of any person interested and due proof made, between actual disbursements and sums to cause such servant to be immediately re- turned over to other officers; and the differmbred nom such premises. LXXIX. Leases of a house or land to a under suitable heads. Every expenditure have expired, a person of color in possession cable to obtain one. For any failure to make

A Magistrate, such persons of color standy elected by order of warrant, produce a written lease authorizing tion, or prove that such writing i was lost.

XCVII. Upon information, or oath, of another, or upon his own knowledge, the District Judge or a Magistrate, shall issue a. warrant for the arrest of any person of color. known, or believed, to be a vagrant, within the meaning of this Act. The Magistrate may proceed to try, with the assistance of

five frecholders, or call into his aid another Magistrate, and the two may proceed to try, with the assistance of three free-holders, as is provided by the Act of 1787, concerning vagrants; or the Magistrate may commit the accused to be tried before the District ascertain the correctness of the facts therein Court. On conviction, the defendant shall be liable to imprisonment, and to hard labor, ligation of persons bound, as before provided, one or both, as shall be fixed by the verdict, not exceeding twelve months.

XCVIII. The defendant, if septenced to hard lebor, after conviction may, by order of the District Judge or Magistrate, before whom he was convicted, be hired for such

wages as can be obtained for his services, to any owner or lessee of a farm, for the term of hard labor to which he was sentenced, or be hired for the same labor on the streets, public roads or public buildings. The person receiving such vagrant shall have all the rights and remedies for enforcing good con-duct and diligence at labor that are herein provided-in the case of master and servant. XCIX. These provisions, concerning vagrancy shall not be construed to repeal any other Act or Acts, in whole or part consistent herewith.

DE The "Act to establish District Courts." and the "Act to amend the criminal law," will be published in our next.

-----My Mother. I love whate'er is beautiful; in touch as each nat le poresest? I love whata'er is bright ; The morn's first blueb the evening's glow; The dcoper shades of night. able swain touts -I love whate'er in grandeur comes Forth from its maker's hand] The lightning's flash, the mighty waves Which break upon the sand.

I love whate'er breathes melody Recal On carth, in nit, or sea ! And every action, kind and true, sailer

Ts beautiful to me. and the manimuli And then I prize what gepius twines at and

" Upon time's ivy wall i banio berg rieds into whereast bate But tarning from all elso aside, Ti puine doeug I leve thee that of all parents einselors a r-

137 Old gentleman affestionately - My mit, net