

CHAPTER LIX.

An Act to amend an Act entitled an Act to establish a Code of Criminal Procedure for the State of Texas, approved August 26th, 1866, and to repeal certain portions thereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That Article 143 of the above named Code, be so amended as to hereafter read as follows :

. . . 3rd. Persons of color shall not testify, except where the prosecution is against a person who is a person of color ; or where the offence is charged to have been committed against the person or property of a person of color. . . .

SEC. 3. That this Act take effect and be in force fro and after its passage.

Approved October 26th, 1866.

CHAPTER LXXX.

An Act regulating Contracts for Labor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That all persons desirous of engaging as laborers for a period of one year or less, may do so under the following regulations :

All contracts for labor for a longer period than one month shall be made in writing, and in the presence of a Justice of the peace, County Judge, County Clerk, Notary Public, or two disinterested witnesses, in whose presence the contract shall be read to the laborers, and, when assented to, shall be signed in triplicate b both parties, and shall then be considered binding, for the time therein prescribed.

SEC. 2. Every laborer shall have full and perfect liberty to choose his or her employer, but when once chosen, they shall be allowed to leave their place of employment, until the fulfillment of their contract, unless by consent of their employer, or on account of harsh treatment or breach of contract on the part of the employer, and if they do so leave without cause or permission, they shall forfeit all wages earned to the time of abandonment.

SEC. 3. One copy of the contracts, above provided for, shall be deposited with the Clerk of the County Court of the county in which the employer resides; and the Clerk shall endorse thereon, filed, giving the date, and signing his name officially ; the contract then shall have the force and effect of an authentic act, and be conclusive evidence of the intent of the parties thereto : but all disputes arising between the arties shall be decided before a court of competent jurisdiction, and said court shall have power to enforce the same.

SEC. 4. The Clerk of the County Court shall enter, in a well bond book kept for that purpose, a regular and alphabetical index to the contracts filed, showing the name of the employer, and the employed, the date of filing, and the duration of the contract, which book, together with the contracts filed, shall, at all times, be subject to the examination of every person interested, without fee. The Clerk shall be entitled to demand from the party filing such contract, a fee of twenty-five cents, which shall be full compensation of all services required under this Act.

SEC. 5. All labor contracts shall be made with the heads of families ; they shall embrace the labor of all the members of the family named therein, able to work, and shall be binding on all

minors of said families.

SEC. 6. Wages due, under labor contracts, shall be a lien upon one-half of the crops, second only to liens for rent, and not more than one-half of the crops shall be removed from the plantation, until such wages are fully paid.

SEC. 7. All employers, willfully fully failing to comply with their contract, shall, upon conviction, be fined in amount double that due the laborer, recoverable before any court of competent jurisdiction, to be paid to the laborer, and any inhumanity, cruelty, or neglect of duty, on the part of the employer, shall be summarily punished by fines, within the discretion of the court, to be aid to the inured party ; *provided*, that this shall not be so construed as a remission of any penalty, now inflicted by law, for like offences.

SEC. 8. In case of sickness of the laborer, wages for the time lost shall be deducted, and, when the sickness is feigned, for purposes of idleness and also, on refusal to work according to contract, double the amount of wages shall be deducted for the time lost and, also, when rations have been furnished, and should the refusal to work continue beyond three days, the offender shall be reported to a Justice of the Peace or Mayor of a town or city and shall be forced to labor on roads, streets and other public works, without pay, until the offender consents to return to his labor.

SEC. 9. The labor of the employee shall be governed b the terms stipulated in the contract ; he shall obey all proper orders of his employer or his agent, take proper are of his work-mules, horses, oxen, stock of all character and kind ; also, all agricultural implements; and employers shall have the right to make a reasonable deduction from laborers' wages for injuries done to animals or agricultural implements committed to their care, or for bad or negligent work. Failing to obey reasonable orders, neglect of duty, leaving home without permission, impudence, swearing or indecent language to, or in the presence of the employer, his family or agent, or quarrelling and fighting with one another, shall be deemed disobedience. For any disobedience, a fine of one dollar shall be imposed on, and paid by the offender. For all lost time from work hours, without permission from the employer or his agent, unless in case of sickness, the laborer shall be fined twenty-five cents per hour. For all absence from home without permission, the laborer will be fined at the rate of two dollars per day ; fines to be denounced at the time of the delinquency. Laborers will not be required to labor on the Sabbath, except to take necessary care of stock, and other property on the plantation or to do necessary cooking or household duties, unless by special contract for work of necessity. For all thefts of the laborer from the employer, of agricultural products, hogs, sheep, poultry, or any other property of the employer, or willful destruction of property, or injury the laborer shall pay the employer double the amount of the value of the property stolen, destroyed or injured, one-half to be paid to the employer, and the other half to be placed in the general fund, provided for in this section, No live stock shall be allowed to laborers without the permission of the employer. Laborers shall not receive visitors during work hours. All difficulties arising between the employer and laborers under this section, shall be settled, and all fines imposed by the former ; if not satisfactory to the laborer, and appeal may be had to the nearest Justice of the Peace, and two free holders, citizens, one of said citizens to be selected by employer, and the other by the laborer ; and all fines imposed, and collected under this section shall be deducted from wages due, and shall be placed in a common fund to be divided among the other laborers employed on the place at the time when their wages fall due, except as herein provided; and where there are no other laborers employed, the fines and penalties imposed shall be paid into the County Treasury, and constitute a fund for the relief of the indigent of the county.

SEC. 10. Laborers, in the various duties of the household, and in all the domestic duties of the family, shall, at all hours of the day or night, and on all days of the week, promptly answer all calls, and obey and execute all lawful orders and commands of the family, in whose service they are employed, unless otherwise stipulated in the contract ; and any failure or refusal by the laborer to obey, as herein provided, except in case of sickness, shall be deemed disobedience, within the meaning of this Act. And it is the duty of this class of laborers to be especially civil and polite to their employer, his family and guests, and they shall receive gentle and kind treatment. Employers, and their families, shall after ten o'clock at night, and on Sundays, make no calls on their laborers, nor enact any service of them which exigencies of the household or family do not make necessary or unavoidable.

SEC. 11. That for gross misconduct on the part of the laborer, such as disobedience, habitual laziness, frequent acts of violation of their contracts, or the laws of the State, they may be dismissed by their employer ; nevertheless the laborer shall have the right to an appeal to a Justice of the Peace, and two freeholders, citizens of the county, one of the freeholders to be selected by him or herself, and the other by his or her employer, and their decision shall be final.

SEC. 12. That all laws and parts of laws contrary to or conflicting with the provisions of this Act be, and are hereby repealed, and that this Act take effect from after its passage.

Approved November 1st, 1866.

CHAPTER LXXXII.

An Act to provide for the punishment of persons for tampering with, persuading or enticing away harboring, feeding or secreting laborers or apprentices, or for employing laborers or apprentices under contract of service to other persons.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That any person who shall persuade, or entice away from the service of an employer, any person who is under a contract of labor to such employer, or any apprentice, who is bound as such, from the service of his master, or who shall feed, harbor, or secrete, any such person under contract, or apprentice who has left the employment of employer or master, without the permission of such employer or master, the person or persons so offending shall be liable in damages to the employer or master, and shall, upon conviction, be punished by fine, in a sum not exceeding five hundred dollars, nor less than ten dollars, or by imprisonment in the county jail, or house of correction, for not more than six months or by both such fine and imprisonment.

SEC. 2. Any person who shall employ any laborer or apprentice who is, at the time of such employment, under contract, for any period of time, to any other person and before such time of service shall have elapsed, so as to deprive such first employer or the master of such apprentice, of the services of such laborer or apprentice, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any Court of competent jurisdiction, shall be punished by a fine of not less than ten, nor more than five hundred dollars, for each and every offence, or by imprisonment in the county jail or house of correction, for a period not exceeding thirty days, or by both such fine and imprisonment, and shall be liable in damages to the party injured.

SEC. 3. Any person who shall discharge from his employment any laborer or apprentice,

during the term of service agreed upon between such employer and such laborer or apprentice, or, at the expiration of such term of service shall, upon the request of such laborer or apprentice, give to him or her a written certificate of discharge and, upon refusal to do so, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding one hundred dollars.

SEC. 5. It shall be the duty of the Judges of the District Courts to give this Act specially in charge to the Grand Jury at each term of their respective Courts.

Approved November 1st, 1866.

An Act establishing a General Apprentices Law, and defining the obligations of Master or Mistress and Apprentice.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That it shall be lawful for any minor to be bound as an apprentice, by his or her father, mother or guardian, with their consent, entered of record in the office of the Clerk of the county of which the minor is a resident, or without such consent, if the minor, being fourteen years of age, agree in open Court to be so apprenticed ; *Provided*, There be no opposition thereto by the father or mother of said minor.

SEC. 2. It shall be the duty of all Sheriffs, Justices of the Peace, and other civil officers of the several counties of the State, to report to the Judge of the County Court of their respective counties, at any time, all indigent or vagrant minors, within their respective counties or precincts, and, also, all minors whose parent or parents have not the means, or who refuse to support said minors ; and thereupon, it shall be the duty of the County Judge to apprentice said minor to some suitable or competent person, on such terms as the Court may direct, having particular care to the interest of said minor.

SEC. 3. All indentures of apprenticeship shall be approved by the County Judge and entered of record in the office of the County Clerk of the county of which the minor apprenticed is a resident ; and the County Judge shall have exclusive jurisdiction of all causes of action growing out of the relation of master or mistress and apprentice.

SEC. 4. The term of apprenticeship of every minor, under this Act, shall be until the minor attains the age of twenty-one years, unless sooner married ; *Provided*, That in all cases where the age of the minor cannot be ascertained by record, or other satisfactory testimony, the Judge of the County Court shall fix the same.

SEC. 5. It shall be the duty of the County Judge, upon making the order of apprenticeship, to require the master or mistress to give bond, in such sum as he may direct, with one or more good and sufficient sureties, payable to the County Judge and his successors in office, conditioned that he or she shall furnish said minor sufficient food and clothing—to treat said minor humanely—to teach or cause to be taught him or her some specified trade or occupation—to furnish medical attendance in case of sickness, and for general and faithful compliance with the terms stipulated in the indentures as to education, &c. ; and, in default of the master or mistress to comply with the stipulations of his or her bond suit may be instituted by the father, mother or guardian of the

minor or by the County Judge, upon the same, for all damages sustained ; and such damages , when recorded, shall be applied to the use and benefit of the apprentice, under such regulations as may be prescribed by the County Judge.

SEC. 6. That in the management and control of an apprentice, the master or mistress shall have power to inflict such moderate corporeal chastisement as may be necessary and proper.

SEC. 7. That if any apprentice shall run away from, or leave the employ of his master or mistress, without permission, said master or mistress may pursue and recapture said apprentice, and bring him before any Justice of the Peace of the county, whose duty it shall be to remand said apprentice to the service of his master or mistress ; and, in the event of a refusal on the part of said apprentice to return, then said Justice shall commit said apprentice to the county jail, on failure to give bond for appearance, at the next term of the County Court ; and it shall be the duty of the County Judge, at the next regular term thereafter, to investigate said cause, and, if the Court shall be of opinion that said apprentice left the employment of his master or mistress without good and sufficient cause, to order him to receive such punishment as may be provided by the vagrant laws then in force, until said apprentice agrees to return to his employment ; *Provided*, That the Court may grant continuances, as in other cases; *And further provided*, That if the Court shall be of opinion that said apprentice has god cause to quit said employment, the Court shall discharge said apprentice from his indentures of apprenticeship.

SEC. 8. That in case any master or mistress of any apprentice may desire, he or she shall have the privilege to summon his or her apprentice to appear before the County Court of the county in which the parties may reside, and, on good and sufficient cause being shown to said Court, and on proof that said apprentice will not be injured thereby, shall be released from all liability, as a master or mistress of such apprentice, and his bond canceled.

SEC. 9. It shall not be lawful for any apprentice, bound under the provisions of this Act, to reside out of the county, in the office of which, the terms of indenture are required to be recorded, without the written order of the County Judge, entered of record in the Clerk's office of the County Court of such county ; when such leave is obtained, a certified copy of the order, authorizing the same, shall be filed for record in the office of the Clerk of the County Court of the county wherein the residence is to be ; and the County Judge of that county shall have plenary power to hear and adjudicate al causes of action between the said master or mistress and apprentice, as fully as the County Judge of the county wherein the indentures of apprenticeship were originally recorded.

SEC. 10. Any apprentice who shall be removed out of the bounds of the county having original jurisdiction of the same, by his master or mistress, or with his knowledge or consent, without leave first obtained from the County Judge, and shall be retained thereout for a longer period than thirty days, shall be retained thereout for a longer period than thirty days, shall not be held liable for a further compliance with his indentures, and can only be retained by the master or mistress at the pleasure of said apprentice.

SEC. 11. Any person who shall, knowing and willfully, entice away an apprentice, or conceal or harbor a deserving apprentice, shall upon conviction thereof, pay to the master or mistress, five dollar (\$5.00) per day, for each day said apprentice is so absent, or concealed from his master or mistress, and shall likewise be held liable for all damages proved to have been sustained by the master or mistress, on account of such willful concealing, harboring or enticing away, to be recovered by suit, before any Court having jurisdiction of the same.

SEC. 12. The County Judge shall have power to hear and determine and grant all orders and decrees, as herein provided, as well in vacation as in term time ; *Provided*, That, in all

applications for apprenticeship, ten days public notice, as in case of guardianship, shall be given, and no minor shall be apprenticed except at a regular term of said Court.

Approved October 27th, 1866.

CHAPTER XCII.

An Act to prohibit the carrying of Fire-Arms on premises or plantations of any citizen without the consent of the owner.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That it shall not be lawful for any person or persons to carry fire-arms on the enclosed premises or plantation of any citizen without the consent of the owner or proprietor other than in the lawful discharge of a civil or military duty and any person or persons so offending shall be fined a sum not less than one nor more than ten dollars or imprisonment in the county jail not less than one day nor more than ten days, or both, in the discretion of the Court or jury before whom the trial is had.

Approved November 6, 1866.

CHAPTER CIII.

An Act requiring Railroad Companies to provide convenient accommodations for Freedmen.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That from and after the passage of this act, every Railroad Company heretofore incorporated, or which may hereafter be incorporated, by the Legislature of this State, shall be required to attach to each passenger train run by said Company, one car for the special accommodation of Freedmen.

Approved November 6, 1866.

CHAPTER CXXVIII.

An Act to define and declare the rights of persons lately known as Slaves, and Free Persons of Color.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That all persons heretofore known as slaves, and free persons of color, shall have the right to make and enforce contracts, to sue and be sued, to inherit, purchase, lease, hold, sell, and convey real, personal and mixed estate; to make wills and testaments, and to have and enjoy the rights of personal security, liberty, and private property, and all remedies and proceedings for the protection and

enforcement of the same and there shall be no discrimination against such persons in the administration of the criminal laws of this State.

SEC. 2. That all laws and parts of laws relating to persons lately held as slaves, or free persons of color, contrary to, or in conflict with, the provisions of this act, be and the same are hereby repealed; *Provided*, nevertheless, that nothing herein shall be so construed as to repeal any law prohibiting the inter-marriage of the white and black races, nor to permit any other than white men to serve on juries, hold office, vote at any election, State, county, or municipal; *Provided*, further, that nothing herein contained shall be so construed as to allow them to testify, except in such cases and manner as is prescribed in the Constitution of the State.

Approved November 10th, 1866.

CHAPTER CLXVI.

An Act authorizing the Board of Managers of the Lunatic Asylum to purchase from David L. Cross certain land therein name for the use of said Institution for the benefit of Insane Negroes.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Board of Managers of the Lunatic Asylum, be, and they are hereby authorized to purchase fro David L. Cross twenty-six acres of land, with the improvements thereon, on which is situated the residence of said Cross, contiguous to said Asylum, which may be used for the accommodation of insane persons of African descent—if, in the judgment of said Board of Managers, it is expedient to make said purchase, and so to use the same for the purposes herein provided.

SEC. 2. That the sum of ten thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purchase as aforesaid, and for the making of the necessary improvements and changes in the buildings on said grounds, to adapt the same to the purposes herein intended to be expended under the supervision and direction of the Board of Managers.

SEC. 3. That this Act take effect from its passage.

Approved November 12th, 1866.

CHAPTER CLXXXVI.

An Act to revive and amend an Act entitled “An Act to provide for the organization of the Militia of the State of Texas.”

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That every able-bodied free white male inhabitant of this State between the ages of eighteen and forty-five years, shall be liable to perform military duty

Approved November 13th, 1866.