

the principle that the acquisition of the slave is his master's, and that a slave's contract is like an infant's with an adult. It is not binding on the slave, but if the master affirm it, the defendant cannot be discharged.

SEC. 37. A slave cannot even legally contract marriage. The marriage of such an one is morally good, but in point of law, the union of slave and slave, or slave and free negro, is concubinage *merely*.

SEC. 38. The consequence is, that the issue of a marriage between a slave and a free negro, are illegitimate, and cannot inherit from father or mother, who may be free.

The hardship of such a case, where the issue of free negroes married to one another can inherit, might very well lead to a judicious enactment to remedy it.

SEC. 39. A slave cannot testify, except as against another slave, free negro, mulatto, or mestizo, and that without oath. 13 and 14th sec. of Act of 1740. P. L. 166-7. 7 Stat. 401-2.

SEC. 40. The propriety of this is now so doubtful, that I think the Legislature would do well to repeal this provision, and provide that slaves in all cases against other slaves, free negroes, mulattoes, and mestizoes, may be examined *on oath*.

SEC. 41. By the Act of 1834, slaves are prohibited to be taught to read or write, under a penalty (if a white person may offend) not exceeding \$100 fine and six months imprisonment, if a *free person of color*, not exceeding 50 lashes and a fine of \$50. Acts of '34, p 13. P. L. 174. 45th sec. of 1740.

SEC. 42. This Act grew out of a feverish state of excitement produced by the *impudent* meddling of persons out of the slave States, with their peculiar institutions. That has, however, subsided, and I trust we are now prepared to act the part of wise, humane and fearless masters, and that this law, and all of kindred character, will be repealed. When we reflect, *as Christians, how can we justify it, that a slave is not to be permitted to read the Bible?* It is in vain to say there is danger in it. The best slaves in the State, are those who can and do read the Scriptures. Again, who is it that teach your slaves to read? It generally is done by the children of the owners. Who would tolerate an indictment against his son or daughter for teaching a favorite slave to read? *Such laws look to me as rather cowardly*. It seems as if we were afraid of our slaves. Such a feeling is unworthy of a Carolina master.

SEC. 43. The 2d section of the Act of 1834, prohibits the employment of a slave, or free person of color, as a clerk or salesman, under a penalty not exceeding \$100 fine, and imprisonment not exceeding 6 months. 7 Stat. 468-469.

SEC. 44. The 1st section of the Act of 1800, prohibits the assemblies of slaves, free negroes, mulattoes, or mestizoes, with or without white persons, in a confined or secret place of meeting, or with gates

11th sec. of the
Patrol Act of '23.
11 Stat. 59-60.

or doors of such place of meeting barred or bolted, so as to prevent the free ingress and egress to and from the same; and Magistrates, Sheriffs, Militia Officers and Officers of the patrol, are authorized to enter, and if necessary, to break open doors, gates, or windows, (if resisted) and to disperse the slaves, free negroes, mulattoes or mestizoes, found there assembled. And the officers mentioned in the Act are authorized to call such force and assistance from the neighborhood, as they may deem necessary; and may, if they think necessary, impose corporal punishment on such slaves, free negroes, mulattoes, or mestizoes, and if within Charleston, they may deliver them to the Master of the Work House, who is required to receive them and inflict any such punishment as any two Magistrates of the City may award, not exceeding 20 lashes. If out of the City, the slaves, free negroes, mulattoes and mestizoes found assembled contrary to this Act, may be delivered to the nearest Constable, who is to convey them to the nearest Magistrate, and to inflict under his order, punishment not exceeding 20 lashes.

7 Stat. 441.

7 Stat. 448.
Bell ads. Gra-
ham, 1 N. and
Mc. 278.

13th sec. of Pa-
trol Act of '39,
11 Stat. 60.

1 N. and McC.
278.

SEC. 45. The 2d section of the Act of 1800, which prohibited meetings for the religious or mental instruction of slaves, or free negroes, mulattoes or mestizoes, before the rising of the sun, or after the going down of the same, was very properly altered by the Act of 1803, so as to prohibit the breaking into any place of meeting, wherein the members of any religious society are assembled, before 9 o'clock at night, provided a majority are white people. After 9 o'clock at night, or before, if the meeting be composed of a majority of negroes, (although white persons may be present,) it may be dispersed by Magistrates, Sheriffs, Militia Officers, and Officers of the patrol, and slaves, free negroes, mulattoes and mestizoes may be punished not exceeding 20 lashes.

SEC. 46. In the case of Bell ads. Graham, it was held that these Acts could not justify a patrol in intruding on a religious meeting, *in the day time*, in an open meeting-house, where there were some white people, although there might be a majority of negroes.

SEC. 47. The 2d section of the Act of 1800, and the amendatory Act of 1803, are treated now, as dead letters. Religious meetings of negroes, with only one or more white persons, are permitted by night as well as by day. They ought to be repealed. They operate as a reproach upon us in the mouths of our enemies, in that we do not afford our slaves that free worship of God, which he demands for all his people. They, if ever resorted to, are not for doing good, but to gratify hatred, malice, cruelty or tyranny. This was not intended, and ought to have no countenance or support, in our Statute law.

SEC. 48. The 40th section of the Act of 1740, regulates the apparel of slaves, (except livery men or boys) and prohibits them from wearing any thing finer, other or of greater value than negro cloth,