

The State of South Carolina

At a General Assembly begun to be holden at Columbia on the twenty-fifth day of December last and thence continued by divers adjournments to the twenty-first day of January next.

An Act to establish and regulate the domestic relations of persons of color and to amend the law in relation to the same. Be it enacted by the Senate and House of Representatives now met and sitting in General Assembly and by the authority of the said Senate and House of Representatives that the following be and they are hereby enacted: 1. The relation of husband and wife amongst persons of color established. 2. Those who now live as such, are declared to be such. 3. If a man or woman has two or more reputed husbands the man shall by the first day of April next select one of his reputed wives, or one woman two or more reputed husbands the man shall by the first day of April next select one of his reputed wives, and a marriage, between this man or woman and the person so selected shall be performed. 4. Every colored child hereafter shall be the child of his colored father, if he is acknowledged by such a father. 5. Persons of color desirous hereafter to become husbands or wives. 6. A clergyman, the District Judge, a magistrate or any Judicial officer may solemnize marriages. 7. Behaviors in cases criminal and civil. 8. One who is a pauper or a charge to the public, shall not be competent to marry. 9. The marriage of an apprentice shall not without the consent of the master be valid. 10. If a man or woman abandons or turns away his wife, or she abandons or turns away her husband, either of them, that abandons or turns away the other, may be prosecuted by the District Judge, and may be punished by fine and corporal punishment duly apportioned to the circumstances of the offence. 11. If a man or woman convicted of having abandoned or turned away his wife or who has been shown to fail in maintaining his wife or her children, for a year or more, and so much of the profits of his labor as may be requisite, be applied to the maintenance of his wife or her children, and so much of the profits of his labor as may be requisite, be applied to the maintenance of his wife or her children. In either case any surplus profits shall go to the person bound. At the end of any year or more the person bound may return to or receive back his wife and then she shall be discharged, upon condition of his afterwards maintaining her for a year, for which she was bound, or condition of her making future exertions to maintain her family. 12. If a man or woman abandons his wife, she shall be competent to make a contract for service; and until he shall return to her or receive her back, she shall be competent to make a contract for service. 13. The liabilities of an unmarried woman except the right to contract marriage. When either husband or wife has been absent for a year or more, if upon the warrant or summons against the one charged of misdemeanor under the section next preceding the accused has left the District or absconds so that there cannot be personal service, the prosecution may proceed against the other consequences shall follow except punishment and that shall be removed until the accused may return and bring the truth of the return and setting aside the conviction. Parent and Child. 14. The relation of parent and child.