

Territorial Legislative Records, 1851-1894, series 3150, microfilm, reel 1, box 1, folder 55, pages 700-706, UDARS.

Utah Territory Legislative Assembly Papers, 1851-1872, MS 2919, First Session, 1851-1852, Acts numbers 15-39, box 1, folder 3, CHL

3. A Comparison of an early draft and the final version of “An Act In Relation To Service.”¹

Document

An Act in Relation to Service²

SEC. 1 Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That any person or persons coming to this Territory and bringing with them servants justly bound to them, arising from special contract or otherwise, said person or persons shall be entitled to such service or labor by the laws of this Territory: Provided, That he shall file in the office of the Probate Court written and satisfactory evidence that such service or labor is due.

SEC. 2. That the Probate Court shall receive as evidence any contract properly attested in writing or any well proved agreement wherein the party or parties serving have received or are to receive a reasonable compensation for his, her, or their services: Provided, that no contract shall bind the heirs of the servant or servants to service for a longer period than will satisfy the debt due his, her, or their master or mistress.

SEC. 3. That any person bringing a servant or servants, and his, her, or their children

An Act in Relation to Service³

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, that any person or persons coming to this Territory and bringing with them servants justly bound to them, arising from special contract or otherwise, said person or persons shall be entitled to such service or labor by the laws of this Territory. Provided, That he shall file in the office of the Probate Court written and satisfactory evidence that such service or labor is due.

SEC. 2. That the Probate Court shall receive as evidence any contract properly attested in writing or any well proved agreement wherein the party or parties serving have received or are to receive a reasonable compensation for his, her, or their services: Provided, That no contract shall bind the heirs of the servant or servants to service for a longer period than will satisfy the debt due his, her, or their master or mistress.

SEC. 3. That any person bringing a servant or servants, and his, her, or their children

¹ Nathaniel R. Ricks, “A Peculiar Place for the Peculiar Institution: Slavery and Sovereignty in Early Territorial Utah,” (Master’s thesis, Brigham Young University, 2007), 160-162, offers a similar comparison. The parallel columns below are based on our transcript of the handwritten bills in the Territorial Legislative Record and the draft version of the bill found at the LDS Church History Library. For the original draft of the bill see Territorial Legislative Records, 1851-1894, series 3150, microfilm, reel 1, box 1, folder 55, pages 700-703, UDARS. For the final draft see pages 704-706 of the same source. For the working draft of the bill see, Utah Territory Legislative Assembly Papers, 1851-1872, MS 2919, First Session, 1851-1852, Acts numbers 15-39, box 1, folder 3, CHL.

² Territorial Legislative Records, 1851-1894, series 3150, microfilm, reel 1, box 1, folder 55, pages 700-703, UDARS. See also, Utah Territory Legislative Assembly Papers, 1851-1872, MS 2919, First Session, 1851-1852, Acts numbers 15-39, box 1, folder 3, CHL.

³ Territorial Legislative Records, 1851-1894, series 3150, microfilm, reel 1, box 1, folder 55, pages 704-706, UDARS. See also, Utah Territory Legislative Assembly Papers, 1851-1872, MS 2919, First Session, 1851-1852, Acts numbers 15-39, box 1, folder 3, CHL.

from any part of the United States, and shall place in the Office of the Probate Court the certificate of any court of Record under seal, properly attested that he, she, or they **is or** are entitled lawfully to the service of such servant or servants, and his, her, or their children, the Probate Justice shall record the same, and the Master or Mistress, or his, her, or their heirs shall be entitled to the services of the said servant or servants **and his, her, or their children, until the curse of servitude is taken from the descendants of Canaan** unless forfeited as hereinafter provided, if it shall appear that such servant or servants came into the Territory of their own free will or choice.

SEC. 4. That if any master or mistress shall have sexual or carnal intercourse with **any of** his or her servants of the African race he or she shall forfeit all claim to said servants **and the Probate Court is hereby required to declare as soon as the fact is proven before him that all claim of said master or mistress is at an end. The Court shall Indenture said servant or servants and his or her children to such other master or mistress as in his opinion will set before his servants a moral example** and if any white person shall be guilty of sexual intercourse with any of the African race, they shall be subject on conviction thereof to a fine of not exceeding one thousand dollars, nor less than five hundred; and imprisonment not exceeding three years, **and forfeiture of all right of service they may hold or may afterwards descend to them by heirship; and in case of males offending as herein provided, they shall be disqualified from holding any office under the laws of this Territory or from voting at any election.**

SEC. 5. **That the title of master to whom said servant is indentured shall be as bona fide in law, to his heirs and assignee, as if he had been the original master; provided that no servant shall be compelled to leave the Territory without his or her consent.**

SEC. 6. It shall be the duty of masters or

from any part of the United States, **or other country**, and shall place in the office of the Probate Court the certificate of any Court of record under seal, properly attested that he, she, or they are entitled lawfully to the service of such servant or servants, and his, her, or their children, the Probate Justice shall record the same, and the master or mistress, or his, her, or their heirs shall be entitled to the services of the said servant or servants unless forfeited as hereinafter provided, if it shall appear that such servant or servants came into the Territory of their own free will **and** choice.

SEC. 4. That if any master or mistress shall have sexual or carnal intercourse with his or her **servant or** servants of the African race, he or she shall forfeit all claim to said **servant or** servants **to the commonwealth;** and if any white person shall be guilty of sexual intercourse with any of the African race, they shall be subject on conviction thereof to a fine of not exceeding one thousand dollars, nor less than five hundred, **to the use of the Territory**, and imprisonment not exceeding three years.

[Section 5 was removed from the final bill]

mistresses, to provide for his or their servants comfortable habitations, clothing, bedding, sufficient food, and recreation. And it shall be the duty of the servant in return therefor to labor faithfully all reasonable hours, and do such service with fidelity as may be required by his or her master or mistress.

SEC. 7. It shall be the duty of the master to correct and punish his servant in a reasonable manner when it may be necessary, being guided by prudence and humanity; and if he shall be guilty of cruelty or abuse, or neglect to feed, clothe or shelter his servants in a proper manner, the Probate Court may declare the contract between Master and servant or servants void, **and indenture them to another Master or Mistress**, according to the provisions of the fourth section of this act.

SEC. 8. That servants may be transferred from one Master or Mistress to another by consent and approbation of the Probate Court, who shall keep a Record of the same in his office; but no transfer shall be made without the consent of the servant given to the Probate Judge in the absence of his Master or Mistress.

SEC. 9. Any person transferring a servant or servants contrary to the provisions of this act, or taking one out of the Territory contrary to his will, except by decree of ~~the~~ Court in case of a fugitive from labor, shall be on conviction thereof, subject to a fine, not exceeding five thousand dollars, and imprisonment, not exceeding five years, or both, at the discretion of the Court, and shall forfeit all claims to the services of such servant or servants.

SEC. 10. ~~Be it further enacted that~~ It shall further be the duty of all Masters or Mistresses to send their servant or servants to school not less than eighteen months between the ages of six years and twenty years.

SEC. 5. It shall be the duty of masters or mistresses, to provide for his, **her**, or their servants comfortable habitations, clothing, bedding, sufficient food, and recreation. And it shall be the duty of the servant in return therefor to labor faithfully all reasonable hours, and do such service with fidelity as may be required by his, or her master or mistress.

SEC. 6. It shall be the duty of the master to correct and punish his servant in a reasonable manner when it may be necessary, being guided by prudence and humanity; and if he shall be guilty of cruelty or abuse, or neglect to feed, clothe, or shelter his servants in a proper manner, the Probate Court may declare the contract between master and servant or servants void, according to the provisions of the fourth section of this act.

SEC. 7. That servants may be transferred from one master or mistress to another by **the** consent and approbation of the Probate Court, who shall keep a record of the same in his office; but no transfer shall be made without the consent of the servant given to the Probate Judge in the absence of his master or mistress.

SEC. 8. Any person transferring a servant or servants contrary to the provisions of this Act, or taking one out of the Territory contrary to his, **or her** will, except by decree of Court in case of a fugitive from labor, shall be on conviction thereof, subject to a fine, not exceeding five thousand dollars, and imprisonment, not exceeding five years, or both, at the discretion of the Court, and shall forfeit all claims to the services of such servant or servants, **as provided in the fourth section of this act.**

SEC. 9. It shall further be the duty of all masters or mistresses, to send their servant or servants to school, not less than eighteen months between the ages of six years and twenty years.

