

CHAPTER V.

AN ACT REPEALING CHAPTER FIFTY-SEVEN OF
THE GENERAL LAWS OF 1862-63.

*Be it enacted by the Legislative Assembly of the Territory of
Dakota :*

Bounty law for
wolf scalps re-
pealed.

Section 1. That chapter fifty-seven of the general laws of 1862-63, entitled "An act providing bounties for wolf scalps," approved January 3, 1863, be and the same is hereby repealed.

Sec. 2. This act shall take effect from and after its passage and approval by the Governor.

Approved, January 12, 1864.

APPRENTICES.

CHAPTER VI.

AN ACT CONCERNING APPRENTICES.

*Be it enacted by the Legislative Assembly of the Territory of
Dakota :*

Shall serve for
the time speci-
fied.

Section 1. Every person bound by indenture, of his free will, with the consent of his father, or if the father be dead, of the mother or guardian, and signified by such parent or guardian signing the same, or by the probate court, as hereinafter directed, to serve as clerk or apprentice, in any profession, trade, or employment, until the age of twenty-one years, or, if a female, until the age of eighteen years, or for a shorter time, shall be bound to serve the time specified in such indenture.

May bind him-
self.

Sec. 2. Any infant, having no parent or guardian, may, with the approbation of the probate court, endorsed on the indenture, bind himself an apprentice until he arrives at the age of twenty-one years, or, if a female, at the age of eighteen years.

Sec. 3. Upon the execution of every indenture of apprenticeship, the person to whom the apprentice is bound, shall make an affidavit that he will faithfully perform the duties required by the indenture and enjoined on him by law, which affidavit shall be indorsed on the indenture.

Master to make affidavit.

Sec. 4. When the father has no legal capacity to give consent, or when he shall willfully have abandoned his family for six months, without making suitable provisions for their support, or has become an habitual drunkard, the mother shall have the same power to give such consent as if the father was dead.

Mother to have power in certain cases.

Sec. 5. Acts of incapacity, desertion or drunkenness, shall be decided in the probate court, by a jury, before the indenture shall take effect, and an indorsement on the indenture, under the seal of the court, if a seal has been provided, that the same are proved, shall be sufficient evidence of the mother's power to give such consent; but if the jury do not find the charge of incapacity, drunkenness or desertion to be true, the person at whose instance such proceedings may have been had, shall pay all costs attending the same.

Fathers incapacity to be decided; how.

Sec. 6. When any poor child is, or may be, chargeable to the county, or beg for alms, or when the parents of such children are poor, and their father an habitual drunkard, or if there be no father, when the mother is of bad character, or suffers her children to grow up in habits of idleness, without any visible means of obtaining an honest livelihood, it shall be lawful for the probate court to bind such child an apprentice, if a male, until he arrives to the age of twenty-one years, and if a female, to the age of eighteen years.

Probate court to bind apprentice.

Sec. 7. Every orphan or minor, who has not estate sufficient for his or her maintenance, may be bound by his or her guardian, under the order and direction of the probate court, and the indenture of binding such infant, shall be as effectual as if such infant were of full age; and the counterpart of such indenture shall, for the benefit of the infant so bound, be deposited in the office of the judge of probate before whom such binding shall take place, who shall preserve the same.

Guardian to appoint apprentice.

Sec. 8. It shall not be lawful for any master to remove an apprentice out of this territory, and in all indentures by the

Shall not remove apprentice.

probate court, for binding out any orphan or poor child as an apprentice, there shall be inserted, among other covenants, a clause to the effect, that every master to whom such child shall be bound, shall cause such child to be taught to read and write, and the ground rules of arithmetic, the compound rules and the rule of three, and at the expiration of his, or her, time of service, shall give him, or her, a new bible, a dictionary, arithmetic, English grammar, and ten dollars worth of religious books, and two new suits of clothes; if a male, to be worth forty dollars, and, if a female, to be worth thirty dollars, and fifty dollars in current money of the United States.

Apprentice to
be recompensed
—how.

Sec. 9. The probate court shall see [that] the terms of the indenture, and the covenants therein contained, be fulfilled, and that such child be not ill used; and the said court is hereby required to inquire into, and redress any grievances that may occur in the premises, in such manner as is prescribed by law.

Sec. 10. The age of every apprentice shall be inserted in the indenture.

When inden-
tures shall be
void.

Sec. 11. All indentures entered into otherwise than according to law, shall be utterly void, so far as concerns the apprentice therein bound.

Apprentices to
make complaint

Sec. 12. The probate court shall receive the complaints of apprentices who reside within the county, against their masters, alleging undeserved or immoderate correction, insufficient allowance of food, raiment or lodging, want of instruction in their trade or profession, or that they are in danger of being removed out of this territory, or the violation of the indentures of apprenticeship; and may hear and determine such cases by a jury, and make such order therein as will relieve the party injured, in future.

Apprentice to
be discharged;
when.

Sec. 13. The probate court shall have power, when circumstances require it, to discharge an apprentice from his apprenticeship; and in case any money or other thing has been paid, or contracted to be paid by either party, in relation to such apprenticeship, the court shall make such order concerning the same, as shall seem just and reasonable. If the apprentice so discharged shall have been originally bound by the probate

court, it shall be the duty of the court, if judged necessary, again to bind such apprentice.

Sec. 14. The court shall, in like manner, hear and determine the complaint of masters against their apprentices, for desertion without good cause, misconduct or ill behavior, and may punish such apprentice according to the nature and aggravation of his offence; and if the offence be willful desertion, without cause, the court may, in addition to other punishments, order the apprentice guilty thereof, to make restitution by the payment of a sum not exceeding ten dollars, for each month he may be so absent, to be collected as other debts, after such apprentice shall have become of full age. The awarding of costs in the proceedings under this section shall be in the discretion of the court.

Masters may complain.

Sec. 15. If any apprentice shall abscond or depart from the service of his master, without leave, or shall rebel against or assault his master, any judge of probate or justice of the peace, on complaint made, and sufficient cause shown, on oath, by the master, or any one in his behalf, shall issue a warrant directed to any sheriff or constable within this territory, or any discreet and responsible person, to be named in the warrant, to execute the same in any part of this territory.

If apprentice abscond; to be reclaimed; how.

Sec. 16. If, upon the return of any such warrant, the probate court shall not be in session, it shall be the duty of the person serving the same, to carry the apprentice before some judge or justice of the peace of said county, who shall take bail for the appearance of the apprentice at the next term of the probate court, to answer to the complaint of the master. The costs of the process, service and other proceedings, shall be paid, in the first instance, by the master; but the court, upon the final hearing, may order such apprentice to make restitution of such costs, by service, after the expiration of the time for which he shall have been bound.

Duty of justice.

Costs to be paid—how.

Sec. 17. Every person who shall consult, persuade, entice or assist any apprentice to run away or absent himself from the service of his master, shall forfeit not less than twenty nor more than five hundred dollars, to be sued for and recovered, with costs, by such master, in any court having jurisdiction thereof.

Penalty for enticing apprentice to abscond.

Penalty for harboring runaway apprentice.

Sec. 18. Every person who shall entertain, harbor, or conceal any apprentice, knowing such apprentice to be runaway or to have absented himself from the service of his master, without leave, shall forfeit one dollar for every day's entertainment, harboring or concealing, to be sued for, and recovered by action of debt, with costs, by such master, in any court having jurisdiction thereof.

Executor may bind apprentice.

Sec. 19. The executor, who, by the last will of a father, is directed to bring up his child to some trade or calling, shall have power, with the consent of the mother, if living, to bind such child by indenture in like manner as the father, if living, might have done, or shall raise such child according to such direction, if consented to by the mother.

Apprentice not to be removed beyond Territory.

Sec. 20. If it shall appear to any probate judge or justice of the peace, upon the oath of any competent person, that any master is about to remove, or cause to be removed, any apprentice out of this territory, such probate judge or justice of the peace shall issue his warrant and cause such master to be brought before him; and if, upon examination, it shall appear that such apprentice is in danger of being removed without this territory, the said judge or justice may require the master to enter into recognizance with sufficient security, in the sum of one thousand dollars, conditioned that such apprentice shall not be removed without this territory, and that said master will appear, with the apprentice, before the probate court, at the time fixed by the probate judge, and abide the decision of the court thereon, which recognizance shall be returned to the probate court; and the court shall proceed therein, in a summary manner, and may discharge or continue the recognizance, or may require a new recognizance, and otherwise proceed according to law and justice.

If master fails to give surety, another appointed as custodian.

Sec. 21. If the master, when brought before the judge or justice, fails to enter into recognizance when required so to do, such judge or justice shall commit the custody of such apprentice to some other proper person, who will enter into recognizance.

Apprentice to be re-indentured in certain cases.

Sec. 22. Whenever any master of an apprentice shall wish to remove out of this territory, or quit his trade or business, he shall appear with his apprentice before the probate court of

the proper county; and if the court be satisfied that the master has done justice to said apprentice for the time he has had charge of the same, such court shall have power to discharge such apprentice from the service of such master, and again bind him, if necessary, to some other person.

Sec. 23. Whenever any person shall become bound as an apprentice to two or more persons, and one or more of them die before the expiration of such term of service, the indenture shall survive to and against such survivor, and, in case of the death of all masters in any such indenture, before the expiration of the term of service, the executor or administrator shall bring the indenture and apprentice named therein, before the probate court of the proper county, and such court shall, if necessary, again bind such apprentice to some other person.

Sec. 24. This act shall take effect from and after its passage and approval.

Approved, January 7, 1864.

CHAPTER VII.

AN ACT RELATIVE TO THE OFFICE OF ASSESSOR AND COLLECTOR OF TAXES.

*Be it enacted by the Legislative Assembly of the Territory of
Dakota:*

Section 1. [That] the Sheriff of each County in the Territory of Dakota be, and the same is hereby declared to be Assessor and Collector of Taxes in and for said County.

Sec. 2. All Laws conflicting with the provisions of the first section of this act are hereby repealed.

Sec. 3. This act shall take effect from and after its passage.

Approved, January 12th, 1864.