servant for domestic purposes for the period of three years. That this cannot be accomplished by a mere parol contract is a question free from doubt, as the Statutes of our State, since the Revolution, have provided, in conformity with the English Statutes, the mode & manner, in which the reciprocal rights & duties thus have passed from the parent or protector of the minor to the master shall be guarded & made a matter of record. The law having so wisely & for very apparent reasons of the protection of the rights of these, incapable of protecting themselves, during their minority, all other modes of accomplishing the object are prohibited & Courts of law cannot recognize contracts of this character, unless made with the solemnities & in the form prescribed. "Expressio unius est exclusio alterius"

At common law, in the single exception of paupers, a minor could only be bound by deed, to which he must himself be a party. Chancellor Kent in his 2nd Vol. of his Commentaries is very clear on this point, stating it as a settled principle of English & American law, that the relation here sought to be created by which the corresponding rights & duties of the parent are transferred to a master, cannot be effected except by deed and in such mode as the Statutes of each State may have prescribed. The Statutes of our State having provided that this relation shall be created by deed & under the sanction & certain authority & cannot exist, where it is sought to be created by the unsigned plaint not bearing the seal of the Court with Sheriff's return on it, mandating the boy with the care & custody of his mother, the contract being in this instance wholly void, in either of the above views presented, and it being shewn to the Court that the father of the boy was dead.

Henry H Goldsborough

July 3rd 1866

In accordance with the aforegoing Opinion this 3rd day of July 1866 Ordered "That the contract in the within case being wholly void & inoperative that the defendant Archie S Price deliver up to the Sheriff of the County, the possession of Frank Johnson a colored infant boy, upon service of a copy of this order & that the Sheriff deliver the said boy with the care & custody of his mother & report to the Court what has been done by him in pursuance of the same.

Henry H Goldsborough