

No. 30]

AN ACT

To repeal certain acts therein named to prevent the sale of spirituous liquors to free persons of color.

SECTION 1. *Be it enacted by the Senate and the House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled, "An Act to prevent the sale of spirituous liquors to free persons of color," approved February 9, 1852, and "An act to prevent the sale of liquors to free negroes and for other purposes," approved 8, 1861, be and the same are hereby repealed.

Act repealed

SEC. 2. *Be it further enacted,* That the provisions of this act shall not have the effect to relieve any person from the penalties of said acts for violations thereof previous to the 1st day of May, 1865.

Approved, February 8, 1866.

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No. 86]

AN ACT

To protect freedmen in their rights of person and property in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all freedmen, free negroes and mulattoes, shall have the right to sue and be sued, plead and be impleaded in all the different and various courts of this State, to the same extent that white persons now have by law. An they hall be competent to testify only in open court, and only in cases in which freedmen, free negroes and mulattoes are parties, either plaintiff or defendant, and in civil and criminal cases, for injuries in the persons and property of freedmen, free negroes and mulattoes, and in all cases, civil or criminal, in which a freedman, free negro or mulatto is a witness against a white person, or a white person against a freedman, free negro or mulatto, the parties shall be competent witnesses, and neither interest in the question or suit, nor marriage, shall disqualify any witness from testifying in open court.

Rights of Freedmen.

When competent to testify.

When disqualified.

Approved, December 9, 1865.

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No. 100]

AN ACT

To prevent persons from interfering so as to induce laborers or servants to abandon their contracts, or employ such without the consent of their original employer before the expiration of the contract, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall not be lawful for any person to interfere with, hire, employ or entice away or induce to leave the service of another, any laborer or servant, who shall have stipulated or contracted in writing, to serve for any given number of days, weeks or months, or for one year, so long as the said contract shall be and remain in force and binding upon the parties thereto, without the consent of the party employing or to whom said service is due and owing in writing or in the presence of some veritable white person, and any person who shall knowingly interfere with hire, employ or entice away or induce to leave the service aforesaid, without justifiable excuse therefor, before the expiration of said term of service, so contracted and stipulated as aforesaid, shall be guilty of a misdemeanor, and on conviction thereof, must be fined in such sum not less than fifty nor more than five hundred dollars, and the jury trying the same may assess, and in no case less than double the amount of the injury sustained by the party from whom such laborer or servant was induced to leave, one half to go to the party injured and the other to the county as fines and forfeitures. . . .

Unlawful to interfere with laborers or servants.

Penalties for enticing.

Approved, February 16, 1866.

No. 103]

AN ACT

To amend Section 1215 of the Code relating to Apprentices.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That section 1215 of the Code which reads as follows: "The judge of probate of each county may bind out as apprentices the children of any person unable to provide for their support, until the age of twenty-one years if a male, and sixteen years if a female," be amended by striking out sixteen in said section and inserting eighteen.

Extension for apprentices.

Approved, December 15, 1865

No. 112]

AN ACT

Concerning vagrants and vagrancy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners' court of any county in this State may purchase, rent, or provide such lands buildings and other property as may be

Establishment of poor-house.

necessary for a poor-house, or house of correction for any such county, and may appoint suitable officers for the management thereof, and make all necessary by-laws, rules and regulations or the government of the inmates thereof, and cause the same to be enforced; but in no case shall the punishment inflicted exceed hard labor, either in or out of said house; the use of chain-gangs, putting in stocks, if necessary, to prevent escapes; such reasonable correction as a parent may inflict upon a stubborn, refractory child; and solitary confinement for not longer than one week, on bread and water; and may cause to be hired out such as vagrants, to work in chain-gangs or otherwise, for the length of time for which they are sentenced; and the proceeds of such hiring must be paid into the county treasury, for the benefit of the helpless in said poor-house, or house of correction.

Punishment.

Proceeds of labor.

Who are vagrants.

SEC. 2. *Be it further enacted*, That the following persons are vagrants in addition to those already declared to be vagrants by law, or that may be hereafter be so declared by law; a stubborn or refractory servant; a laborer or servant who loiters away his time, or refuses to comply with any contract for a term of service without just cause; any such person may be sent to the house of correction in the county in which such offense is committed; and for want of such house of correction the common jail of the county may be used for that purpose.

SEC. 3. *Be it further enacted*, That when a vagrant is found, any justice of the peace of the county, must upon complain made upon oath, or on his own knowledge, issue his warrant to the sheriff or any constable of the county, to bring such a person to him; and if, upon examination and hearing of testimony, it appears to the justice, that such person is a vagrant, he shall assess a fine of fifty dollars and costs against such vagrant; and in default of payment, he must commit such vagrant to the house of correction;; or if no such house to the common jail of the county for a term not exceeding six months; and until such fine, cost and charges are aid, or such party is otherwise discharged by law; Provided, That when committed to jail under this section, the commissioners' court may cause him to be hired out in like manner as in section one of this act. . . .

Duty of justice.

. . . Approved, December 15, 1865.

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To define the relative duties of master and apprentice.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of all sheriffs, justices of the peace, and other civil officers of the several counties in this State, to report to the probate courts of their respective counties, at any time, all minors under the age of eighteen years, within their respective counties, beats, or districts, who are orphans without visible means of support, or whose parent or parents have not the means, or who refuse to provide for and support said minors, and thereupon it shall be the duty of said probate court to apprentice said minor to some suitable and competent person, on such terms as the court may direct, having a particular case to the interest of said minor; Provided, If the said minor be the child of a freedman, the former owner of said minor shall have the preference, when proof shall be made that he or she shall be a suitable person for that purpose; and provided, that the judge of probate shall make a record of all the proceedings in such case, for which he shall be entitled to a compensation of one dollar, to be paid by the master or mistress.

Officers to report destitute minors.

Provisio.

SEC. 2. *Be it further enacted,* That when proof shall be fully made before such court, that the person or persons to whom said minor shall be apprenticed shall be a suitable person to have the charge and care of said minor, and fully to protect the interest of said minor, the said court shall require the said master or mistress to execute bond with security to the State of Alabama, conditioned that he or she shall furnish said minor with sufficient food and clothing, to treat said minor humanely, furnish medical attention in case of sickness, teach or cause to be taught him or her to read and write, if under fifteen years old, and will conform to any law that may be hereafter passed for the regulation of the duties and relation of the master and apprentice.

Masters to give bond.

Duties of masters.

SEC. 3. *Be it further enacted,* That in the management and control of said apprentices, said master or mistress shall have power to inflict such moderate corporeal chastisement as a father or guardian is allowed to inflict on his or her child, or ward at common law; Provided, That in no case shall cruel or inhumane punishment be inflicted.

Punishment.

SEC. 4. *Be it further enacted,* That if any apprentice shall leave the employment of his or her master or mistress without his or her consent, said master or mistress may pursue and recapture said apprentice and bring him or her before any justice of the peace of the county, whose duty it shall be to remand said apprentice to the service of his or her master or mistress; and in the event of a refusal on the part of said apprentice so to return, the said justice shall commit said apprentice to the jail of said county on failure to give bond until the next term of the

Apprentice not to leave.

probate court, and it shall be the duty of said court, at the first term thereafter, to investigate said case, and if the court shall be of opinion that said apprentice left the employment of his or her master or mistress without good cause, to order him or her to receive such punishment as may be provided by the vagrant laws which may be then in force in this State, until he or she shall agree to return to his or her master or mistress; Provided, That the court may grant continuances as in other cases; and provided, that if the court shall believe that said apprentice had good cause to quit the employment of his or her master or mistress, the court shall discharge such apprentice from said indenture, and may also enter a judgment against the master or mistress, for not more than one hundred dollars, for the use and benefit of said apprentice, to be collect on execution, as in other cases.

Provisio.

SEC. 5. *Be it further enacted*, That if any person entice away any apprentice from his or her master or mistress, or shall knowingly employ an apprentice or furnish him or her food or clothing without the written consent of his or master or mistress, or shall give or sell said apprentice ardent spirits, without such consent, such person so offending shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not exceeding five hundred dollars.

Penalty for enticing.

SEC. 6. *Be it further enacted*, That it shall be the duty of all civil officers of their respective counties to report any minors, within their respective counties, to said probate court, who are subject to be apprenticed under the provisions of this act, from time to time, as the facts shall come to their knowledge, and it shall be the duty of said court, from time to time, as said minors shall be so reported or otherwise come to its knowledge, to apprentice said minors, in case of males until twenty-one years old, and in case of females until eighteen years old, as hereinbefore provided.

Duty of civil officers.

SEC. 7. *Be it further enacted*, That in case any master or mistress of any apprentice may desire, he or she shall have the privilege to summon his or her apprentice to the probate court, and he or she, on good satisfactory cause shown to said court, and on proof that said apprentice will not be injured thereby, shall be released from all liability as master or mistress of said apprentice, and his or her bond shall be cancelled; and it shall be the duty of the court forthwith to re-apprentice said minor; and in the event of any master or mistress of any apprentice shall die before the close of the term of service of said apprentice, it shall be the duty of the court to give the preference, in re-apprenticing said minor, to the widow or other member of said master's or mistress' family; Provided, That said widow or other member of said family be a suitable person for that purpose.

Regulations for releasing.

SEC. 8. *Be it further enacted*, That in case the master or mistress of any apprentice bound to him or her under this act shall be about to remove, or shall have removed to any other State of the United States,

Removal.

by the laws of which such apprentice may be an inhabitant thereof, the probate court of the proper county may authorize the removal of such apprentice to such State upon the said master or mistress entering into bond, with security, in a penalty to be fixed by the judge, conditioned that said master or mistress will, upon such removal; comply with the laws of such State, in such cases; Provided, That said master or mistress shall be cited to attend the court at which such order is proposed to be made, and said apprentice shall have the right to resist the same by next friend or otherwise.

SEC. 9. *Be it further enacted*, That it shall be lawful for any parent having a minor, child, or children, to apprentice the said minor, child, or children, as provided for by this act.

Parents may bond out.

SEC. 10. *Be it further enacted*, That in all cases where the age of the minor cannot be ascertained by record, the judge of probate shall fix the same.

Doubt to age of minors.

SEC. 11. *Be it further enacted*, That this act shall take effect and be in force from and after its approval; Provided, That before any one shall be apprenticed under this law, if said minor has a father or mother living in said county, the probate judge shall notify said parent of the time of such apprenticing, who may, by proof, show his ability to support his or her child, or that the proposed master is an improper person to act as master of said apprentice.

Approved, February 23, 1866.

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