

TITLE II.

APPRENTICES.

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| SEC. 1. Minors to be bound out by parents. | SEC. 7. May be dissolved at instance of the master.
Of the apprentice or his friend. |
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certain cases. | “ 8. Proceeds of labor. Allowance to apprentice. |
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Death of the Master. Successor to. | |

(No. 3.)

An Act to alter and amend the laws of this State, in relation to Apprentices.

Parents may bind out
minor children.

1. SEC. I. *The General Assembly of this State, do enact*, From and after the passage of this act, that all minors may, by whichever parent has the legal control of them, be bound out as apprentices to any respectable person, until they attain the age of twenty-one, or for a shorter period.

Judge of Co. or Ordinary
in what cases.

2. SEC. II. It shall be the duty of the Judge of the County Court, or the Ordinary, to bind out, in like manner, all minors, whose parents are dead, or whose parents reside out of the county, the profits of whose estate or insufficient for their support and maintenance ; also, all minors whose parents, from age, infirmity or poverty, are unable to support them.

Indentures—how made,
witnessed and kept.

3. SEC. III. Indentures of apprenticeship shall be made in duplicate, and witnessed in the same manner as deeds. The original shall be kept by the master, and the duplicate shall be filed and recorded, either in the office of the Judge of the County Court, or in the Ordinary's office, and it shall not be necessary for the apprentice to sign the same.

What the master shall
teach, furnish &c.

4. SEC. IV. THE DUTIES OF MASTER—The master shall teach the apprentice the business of husbandry house service, or some other useful trade or occupation, which shall be specified in the instrument of apprenticeship ; shall furnish him with wholesome food, suitable clothing, and necessary medicine and medical attendance ; shall teach him habits of industry, honesty and morality ; shall cause him to be taught to read English ; and shall govern him with humanity, using only the same degree of force to compel his obedience as a father may use with his minor child.

Jurisdiction of Judge or
County Court or
Ordinary.

5. SEC. V. CONTROVERSIES PENDING THE RELATION.—In all controversies between the master and his apprentice, pending the existence of the relation, the Judge of the County Court, or the Ordinary, may exercise jurisdiction and on complaint of either party, and notice to the other, may cause justice to be done in a summary manner. If the master be in default he shall be fined at the discretion of the Court, not exceeding fifty dollars, and if the apprentice, the Court may order such correction as the circumstances may demand, not extending cruelty.

6. SEC. VI. DISSOLUTION OF THE RELATION.—By consent of the parties,

Relation, how dissolved or changed.

the Judge of the County Court, or the Ordinary, may dissolve the relation at any time ; and on the death of the master, the said Judge or the Ordinary may either dissolve it or substitute in place of the deceased, his legal representative, or some member of his family ; in which event the person substituted, by filing a written acceptance, shall thenceforth have all rights, and be bound for all the duties of the original master. Dissolution by consent; or for the death of master, shall be subject to the sound discretion of the Judge of the County Court, or of the Ordinary, as also shall be the selection of a successor to the master, as above mentioned ; but if no successor be designated, and his acceptance filed within three months after death of the master, then the relation shall no longer exist.

At instance of the master.
Of the apprentice.

7. SEC. VII. The Judge of the County Court or the Ordinary, may also dissolve the relation, at the instance of the master, for gross misconduct in the apprentice ; or at the instance of the apprentice or any friend of his, for cruelty in the master, or for failure to furnish food, clothing, medicine, or medical attendance, or for jeopardy of the good morals of the apprentice, by reason of the master's depraved conduct.

Allowance at expiration of service.

8. SEC. VIII. PROCEEDS OF LABOR—ALLOWANCE TO APPRENTICES.—To the master shall belong the proceeds of the apprentice's labor; but at the expiration of his term of service, a faithful apprentice shall be entitled to a small allowance from the master, with which to begin, life ; the amount to be left in the first instance, to the master's generosity. If the master offer less than one hundred dollars, the apprentice may decline it and cite the master before the Judge of the County Court, or the Ordinary ; and after hearing both parties and their witnesses, if any, the said Judge, or the Ordinary, shall fix the sum to be paid, increasing or diminishing the amount offered, according to the merits of the apprentice, the means of the master and the length and fidelity of the service.

Master offering less than \$100.

Rights of action against person employing apprentice.

9. SEC. IX. The master shall have a right of action against any person employing his apprentice, with notice of the fact, and the damages recovered shall not be less than twenty-five dollars.

Laws of force.

10. SEC. X. All laws of this State in reference to apprentices, not inconsistent with this Act, are declared of force ; and all articles of apprenticeship heretofore required to be approved by, and recorded in the Inferior Court, shall hereafter be filed and recorded, as directed in section 3rd of this Act.

11. XI. Repeals on conflicting laws.
Approved 17th March, 1866.

(No. 240.)

An Act to alter and amend the 4435th Section of the Penal Code of Georgia.

9. SECTION 1. *The General Assembly of the State of Georgia do enact,*
From and after the passage of this Act, that the 4435th section of the Penal

Code of Georgia shall read as follows, to-wit:

Vagrants, defined.

“All persons wandering or strolling about in idleness, who are able to work, and who have no property to support them ; all persons leading and idle, immoral or profligate life, who have no property to support them, and are able to work, and do not work ; all persons able to work, having no property to support them, and who have not some visible and known means of a fair , honest and reputable livelihood ; all persons having a fixed abode who have no visible property to support them, and who live by stealing or by trading in, bartering for, or buying stolen property ; and all professional gamblers, living in idleness, shall be deemed and considered vagrants, and shall be indicted as such ; and it shall be lawful for any person to arrest said vagrants, and have them bound over for trial to the next term of the County Court, and upon conviction they shall be fined or imprisoned, or sentenced to work on the public works or roads for no longer than a year, or shall, in the discretion of the Court, be bound out to some person for a time not longer than one year, upon such valuable consideration as the Court may prescribe, the person giving bond, in a sum not exceeding three hundred dollars, payable to said Court, and conditioned to clothes and feed, and provide said convict with medical attendance for and during said time, *Provided*, that the defendant may, at any time before conviction, be discharged upon paying costs, and giving bond and security in a sum not exceeding two hundred dollars, payable to said Court, and conditioned for the good behavior and industry of defendant for one year.

May be arrested and bound over.

Punishment on conviction.

Proviso.

Approved 12th March, 1866.

TITLE XXXI.

Persons of Color.

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| <p>SEC. 1. Term defined.</p> <p>“</p> <p>“ 2. Rights of.</p> <p>“ 3. Competent witnesses.</p> <p>“ 4. May make affidavits as other litigants.</p> <p>“</p> <p>“ 5. Relation of Husband and Wife among. In case of two or more reputed Wives or Husbands. Failure to comply with provisions of Act.</p> | <p>SEC. 6. Parent to maintain children.</p> <p>“ 7. Obligations of children.</p> <p>“ 8. Declared illegitimate.</p> <p>“ 9. Issuing license for marriage of white person, and one of African descent a misdemeanor.</p> <p>10. Marrying such together a misdemeanor.</p> |
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(No. 250.)

An Act to define the term “persons of color”, and to declare the rights of such persons.

Persons of color.

1. SEC. I. *The General Assembly of the Georgia do enact*, That all negroes, mulattoes, mestizoes, and their descendants, having one-eighth negro, or African blood, in their veins, shall be known in this State as

“persons of color”.

Rights of.

2. SEC. II. That persons of color shall have the right to make, and enforce contracts to sue, be sued ; to be parties, and give evidence ; to inherit ; to purchases, lease, sell, hold and convey, real, and personal property, and to have full and equal benefit of all laws and proceedings, for the security of person and estate, and shall not be subjected to any other or different punishment, pain or penalty for the commission of any act or offence ,than such as are prescribed for white persons, committing like acts or offences.

SEC. III. That all laws and parts of laws in relation to slaves, and free persons of color, militating against this Act, be and the same are hereby revealed.

Approved 17th March, 1866.

(No. 251.)

An Act to make free persons of color competent witnesses in the Courts of this State, in certain cases therein mentioned, and to authorize the making and declaring of force, affidavits by them, in certain cases.

Free persons of color
competent witnesses.

3. SEC. I. *The Senate and House of Representatives of the State of Georgia, in General assembly met, do enact*, That from and after the passage of this Act free of persons of color shall be competent witnesses in all the Courts of this State, in civil cases, whereto a free person of color is a party, and in all criminal cases wherein a free person of color is a defendant, or wherein the offence charged is a crime or misdemeanor, against the person or property of a free person of color, any law, usage, or custom, to the contrary notwithstanding.

May make affidavits as
other litigants.

4. SEC. II. That in all cases hereafter pending or about to be instituted, wherein a free person of color is a party plaintiff, or defendant, it shall be competent for such free person of color to make and file any affidavit, now by law, allowed a citizen to advance the remedy, or aid the defence, and when so made and filed, in conformity with law, such action shall be had thereon, as though the said affidavit had been made and filed by any other litigant.

Approved 15th December, 1865.

(No. 252.)

An Act to prescribe and regulate the relation of Husband and Wife between persons of color.

Relation of husband and
wife.

5. SEC. I. *The General Assembly of the State of Georgia do enact*, That persons of color, now living together as husband and wife, are hereby declared to sustain that legal relation to each other, unless a man shall have two or more reputed wives, or a woman two or more reputed husbands. In such event, the man immediately after the passage of this Act by the General Assembly, shall select one of his reputed wives, with her consent ; or the

If two or more reputed
wives or husbands.

Failing to comply with provisions of this Act.

woman one of her reputed husbands, with his consent ; and the ceremony of marriage between these two shall be performed. If such man, thus living with more than one woman, or such woman living with more than one man, shall fail or refuse to comply with the provisions of this section, he or she shall be prosecuted for the offence of fornication, or fornication or adultery, or fornication and adultery, and punished accordingly.

Approved 9th March, 1866.

(No. 253.)

An Act to prescribe and regulate the relation of Parent and Child among persons of color, in this State and for other purposes.

Parent to maintain children.

6. SEC. I. *The General Assembly of the State of Georgia do enact, That among persons of color, the parent shall be required to maintain his, or her children, whether legitimate or illegitimate.*

Obligations of children.

7. SEC. II. *That children shall be subjected to the same obligation, in relation to their parents, as to those which exist in relation to white persons.*

Declared legitimate.

8. SEC. III. *That every colored child heretofore born, is declared to be the legitimate child of his mother, and also, of his colored father, if acknowledged by such father.*

SEC. IV. *Repeals conflicting laws.*

Approved 9th March, 1866.

(No. 254.)

An Act to carry into effect the ninth clause of the first section of the fifth article of Constitution.

Issuing license for marriage of white person and one of African descent misdemeanor.

9. SEC. I. *Be it enacted by the General Assembly of the State of Georgia, That from, and after the passage of this Act, if any officer shall knowingly issue any marriage license to party, either of whom is of African descent, and the other, a white person, such officer shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than two hundred dollars, nor more than five hundred dollars, or be confined in the common jail three months, or both, in the discretion of the Court.*

Penalty.

Marrying such a misdemeanor.

10. SEC. II. *That if any officer, or Ministry of the Gospel, shall marry such persons together, he shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than five hundred dollars, nor more than one thousand dollars, or be confined in the common jail six months, or both, in the discretion of the Court.*

Penalty.

Approved 7th March, 1866.