

ACTS

OF THE

GENERAL ASSEMBLY

Georgia. Laws, statutes, etc.

OF THE

STATE OF GEORGIA,

PASSED IN

MILLEDGEVILLE;

AT AN

ANNUAL SESSION

IN

NOVEMBER AND DECEMBER,

1860.

PUBLISHED BY AUTHORITY.

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1861.

SATUTES OF GEORGIA,

PASSED BY THE

GENERAL ASSEMBLY OF 1860.

PART I.---PUBLIC LAWS.

TITLE I.

AGRICULTURE AND COMMERCE.

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| SEC. 1. "Belgian American Company," incorporated—powers and privileges. | SEC. 10. Duration of Charter. |
| " 2. Organization of Company. | " 11. Southern Central Agricultural Society, changed to "Georgia State Agricultural Society; All rights, powers, &c., enjoyed under old name to be exercised under new name. |
| " 3. Issue stock to amount of \$2,000,000. | " 12. Appropriated to Society, annually, \$2,500. How expended. |
| " 4. Guarantee by the State. | " 13. \$2,500 appropriated to the Cotton Planters Convention; How used. |
| " 5. Between what Ports Steamers to run. | " 14. Measurement of timber; <i>Proviso</i> . |
| " 6. Officers and agents to give bonds. | " 15. Enticing away indentured apprentices, &c., prohibited. |
| " 7. Commissioner to be appointed by Governor—His duties, powers, &c. State guarantee of \$100,000, per annum—Steamers to make semi-monthly trips— <i>Proviso</i> . | " 16. Penalty for doing so. |
| " 8. In no event State to guarantee more than \$100,000, per annum, for from one to five years. | " 17. Evidence of Execution of Articles of Apprenticeship. |
| " 9. Quarterly statements to be made by Company to Governor. | |

(No. 1.*)

An Act to incorporate the Belgian American Company, for the development of Direct Trade with the Southern States of the United States; and to grant the right of domicile to said Company; and for other purposes therein specified.

1. SECTION. I. *It is hereby enacted by the General Assembly of the State of Georgia, That Ferdinand Abdon Manilius, Charles de Ronge, Louis Edouard Barbier Hanssens, Michel Corr-Vander Maeren, Ferdinand Vandevin, Alidor Claeys, Paul de Bavay, Julien Becquet, and their associates, successors and assigns, shall be, and they are hereby created and made, a body politic incorporate, by the name and style of the Belgian American Company, for the development of Direct Trade with the Southern States of the United States of America; and by that name shall be able and ca-*

Corporators.

*According to strict classification this Act should be placed among the Local and Private Laws; but considering its general importance, the Compiler has given it a place among the Public Laws.

TITLE XVIII.

PEDDLERS.

SEC. 1. Act of 15th Dec. 1859, repealed so far as relates to citizens of slave States.

(No. 60.)

An Act to repeal "an Act, entitled an Act to levy a tax on all goods peddled in this State, or sales by samples or otherwise, by itinerant drummers or other persons; and for other purposes, assented to December 15th, 1859."*

Act of 15th
Dec. repealed,
as to citizens
of slavehold-
ing States.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, That from and after the passage of this Act, an Act entitled an Act to levy a tax on all goods peddled in this State, or sales by samples, or otherwise, by itinerant drummers or other persons, and for other purposes, assented to December the 15th, 1859 be, and the same is hereby repealed, so far as relates to the citizens of the slaveholding States of the United States.*

SEC. II. Repeals conflicting laws.

Assented to 19th Dec., 1860.

* For act of 1859, as to Peddlers, see Acts of that year. p. 58.

TITLE XIX.

PENAL CODE.

SEC. 1. Druggists and others selling poisonous drugs, to keep a register of such sales in certain cases. Penalty for violation.

" 2. Selling poisonous drugs to slaves or free persons of color, prohibited; penalty for violation.

" 3. When such poisonous drug is furnished to slave or free person of color knowing it is to be administered with malicious intent, person so furnishing it, to be imprisoned in Penitentiary not more than 20 nor less than 10 years.

SEC. 4. Penalty in such cases where the poison is actually administered.

" 5. Buying or receiving stolen goods of negro or free person of color. Penitentiary offence; penalty, imprisonment from one to four years.

" 6. The 12th section of the 14th division amended.

" 7. Selling or furnishing weapons to slaves or free negroes, except by owner, prohibited; penalty; proviso.

" 8. This act to be given in charge, specially, by Judges Superior Courts, to Grand Juries.

(No. 61.)

*An Act to amend and add to the Fourth Division of the Penal Code; and for other purposes therein mentioned.**

SECTION 1. *The General Assembly of the State of Georgia enact, That from and after the passage of this act, any druggist, store-*

* See T. R. R. Cobb's New Digest, from p. 783 to 789, inclusive, for the 4th division Penal Code.

Forty-fourth Section Eighth Division of the Penal Code.

keeper or physician, who sells or delivers to any persons other than druggist or practising physician any of the following poisonous drugs, viz: arsenic, strychnine, hydrocyanic acid, and aconite, shall keep a register and enter therein the name and place of residence of the person to whom such drug is sold or delivered, the name and quantity of the poisonous drug so sold or delivered, and the time of the sale or delivery. Any druggist, store-keeper, or physician, who fails or refuses to comply with the provisions of this section, shall be guilty of a misdemeanor; and on conviction thereof, shall be fined, or imprisoned in the common jail of the county; the fine not to exceed five hundred dollars, and the imprisonment not to exceed six months.

Registry of sale of poisonous drugs to be kept by vender.

Penalty.

SEC. II. Any person who shall furnish any slave or free person of color, with any of the drugs enumerated in the first section of this act, or any other poisonous drug, shall be guilty of a felony; and upon conviction thereof, shall be sentenced to hard labor in the Penitentiary for a term not exceeding twenty years.

Sale of, to slaves and free negroes, prohibited.—

SEC. III. If any person shall furnish any slave or free person of color, with any of the drugs enumerated in the first section of this act, or with any other poisonous drug or matter likely to produce death, with the intent or purpose that such poison shall be maliciously administered, in any manner, to any person or persons, such person so furnishing any slave or free person of color with such poison, with the intent aforesaid, shall, on conviction thereof, be punished by confinement and hard labor in the Penitentiary, for a term not exceeding twenty, nor less than ten years.

Penalty. Selling or furnishing such drugs to slaves knowing they will be administered maliciously. Penitentiary of fence from 10 to 20 years.

SEC. IV. If any person shall furnish any slave or free person of color, with any poison mentioned in the first section of this act, or any other poisonous drug or matter likely to produce death, with the intent or purpose that such poison shall be in any manner maliciously administered to any person, and if such poison be so administered whereby death to any person ensues, or whereby the health of any person is injured or impaired, such person so offending, shall on conviction thereof, be punished with death, or by imprisonment and hard labor in the Penitentiary for a term not less than five years, at the discretion of the Judge.

Penalty in such cases where the poison is actually administered, death or imprisonment in Penitentiary.

SEC. V. All laws and parts of laws conflicting with this act are hereby repealed, but only so far as they do conflict with the same.

Assented to Dec. 19th, 1860.

(No. 62.)

*An Act to change the Forty-fourth Section of the Eight Division of the Penal Code of this State.**

SECTION 1. *The General Assembly do enact, That from and after the passage of this act, the forty-fourth section of the eighth Division of the Penal Code of this State, shall be as follows, to-wit:*

*See T. R. R Cobb's New Digest, p. 810.

Twelfth Section Thirteenth Division—Additional Section to the Thirteenth Division.

Buying or receiving stolen goods of slaves or free negroes, Penitentiary offence from 1 to 4 years.

That from and after the passage of this act, if any free white person or persons, shall buy or receive any money, goods, chattels, or other effects, from any negro or free person of color, that has or have been stolen, or feloniously taken, knowing the same to have been so stolen or feloniously taken, such person or persons, so offending, shall be taken and deemed to be an accessory, or accessories, after the fact; and being convicted thereof, shall be punished by imprisonment and labor in the Penitentiary, for any time not less than one year, nor longer than four years.

SEC. II. Repeals conflicting laws.

Assented to 19th December, 1860.

(No. 63.)

An Act to amend the Twelfth Section of the Thirteenth Division of the Penal Code.

Twelfth Sec. of the Thirteenth Div. of Penal Code, amended.

SECTION I. *The General Assembly of the State of Georgia do enact,* That the Twelfth Section of the Thirteenth Division of the Penal Code, be, and the same is hereby amended, by striking out the following words, "whereby the health of such slave or slaves, may be injured or impaired." *

Assented to December 19th 1860.

* , The 12th section of the 13th division of the Penal Code provides that "any owner or employer of a slave, who shall cruelly treat such slave or slaves, by unnecessary or excessive whipping; by withholding proper food or sustenance; by requiring greater labor from such slave or slaves than he, she or they, are able to perform; or by not affording proper clothing, whereby the health of such slaves may be injured and impaired, or cause or permit the same to be done; every such owner or employer, shall be guilty of a misdemeanor, &c."

In order to convict under the above section, as it heretofore stood, it was necessary to prove, in addition to the fact of cruel treatment, &c., also that thereby the health of such slave or slaves was injured or impaired; but hereafter, under the above amendment, in order to convict, it will be only necessary to prove the fact of cruel treatment, &c. See T. R. R. Cobb's New Digest, p. 827.

(No. 64.)

An Act to add an additional Section to the 13th Division of the Penal Code, making it penal to sell to or furnish slaves or free persons of color, with weapons of offence and defence; and for other purposes therein mentioned.

Selling or furnishing weapons to slaves or free negroes, prohibited. Penalty.

SECTION I. *The General Assembly of the State of Georgia do enact,* That from and after the passage of this Act, any person other than the owner, who shall sell or furnish to any slave or free person of color, any gun, pistol, bowie knife, slung shot, sword cane, or other weapon used for the purpose of offence or defence, shall, on indictment and conviction, be fined by the Court in a sum not exceeding five hundred dollars, and imprisoned in the common Jail of the county not exceeding six months, at the discretion of the Court; *Provided,* That this Act shall not be so construed as to prevent owners or overseers from furnishing a slave with a gun for the purpose of killing birds, &c., about the plantation of such owner or overseer.

Provide as to owners and overseers, in certain cases.

Slaves employed on Rail Roads.—Bail for slaves in certain cases.

SEC. II. *And be it further enacted*; That it shall be the duty of the several Judges of the Superior Courts of this State, to give special-ly in charge to the Grand Juries of the several Courts, the provisions of this act. Judges to give this Act in charge.

SEC. 3. Repeals conflicting laws.

Assented to 19th December, 1860.

TITLE XX.

ROADS.

Moneys received in lieu of work on Roads by negroes employed by Rail Road Contractors, to be expended on such Roads.

(No. 65.)

*An Act to repeal, [amend?] "an Act to exempt negroes employed by Contractors in the construction of Rail Roads, from liability to work on Roads, on certain conditions."**

SECTION I. *Be it enacted, &c.*, That said recited Act, be so amended as to require the several Overseers of Roads, into whose hands any moneys may come by virtue of the provisions of said recited Act, to expend said moneys in hiring hands to work on the Roads, of which they are respectively overseers. Moneys received in lieu of work on Roads by negroes employed by R. R. contractors, to be expended on such Roads.

SEC. II. Repeals conflicting laws.

Assented to 19th December, 1860.

*See Acts of 1859, p. 65.

TITLE XXI.

SLAVES AND FREE PERSONS OF COLOR.

SECTION 1. Slaves committed to jail for crime may be admitted to bail—proviso.

SECTION 2. Slaves or free persons of color may be admitted to bail, in certain cases.

(No. 66.)

An Act to authorize the owner; or owners, of Slaves charged with offences against the Laws, to give bail for such slave, or slaves.

1. SECTION. I. *The General Assembly of the State of Georgia do enact*, That, when any slave, or slaves, charged with the commission of any offence against the laws of this State, may be committed to Jail, it shall and may be lawful for the owner, or owners, of said Slaves committed to jail for crime, in certain cases, may be admitted to bail.