

ORDINANCES OF THE CONVENTION.

Be it ordained, That on and after the ratification of the constitution, no person, save under authority of the military arm of the federal government, shall be permitted to bring within the limits of this State any indentured or freed negro or mulatto; nor shall any negro or mulatto now in the State be ever permitted to reside within its limits, save by authority of the Government of the United States, or under some proclamation of the President

No. 35.

AN ACT to declare the rights of persons of African descent.

SECTION

1. Defines the rights of persons heretofore known as slaves or persons of color.
2. Repeals laws contrary to this act, same section prohibiting marriage with white persons, voting at elections and serving juries.
3. All negroes and mulattoes cohabitating

SECTION

- as man and wife, to be deemed lawfully married.
4. Marriages solemnized hereafter in same manner as those of white persons.
5. Not to be admitted to any public school.
6. Act in force from and after passage.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas,* That all persons hitherto known in law in this state, as slaves or as free persons of color, shall have the right to make and enforce contracts, to sue and be sued, to be affiants, give evidence, to inherit, purchase, lease, sell, hold, convey and assign real and personal property, to make wills and testaments, and to have full and equal benefit of the rights of personal security, personal liberty and private property, and of all remedies and proceedings for the enforcement and protection of the same, that white persons now have, 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 ; and all laws and statues of this state shall be applicable to all persons within its limits, without distinction of race or color, except as hereinafter provided.

SEC. 2. *Be it further enacted,* That all acts and parts of acts, specially relating to negroes or mulattoes, contrary to these provisions be, and the same are hereby repealed ; *Provided,* That nothing herein contained, shall be construed to repeal or modify any statute, common law or usage of this state, respecting marriage of white persons with negroes or mulattoes, voting at elections, service on juries or militia duties.

SEC. 3. *Be it further enacted,* That all negroes and mulattoes who are now cohabiting as husband and wife, and recognizing each other as such, shall be deemed lawfully married from the passage of this act, and shall be subject to all the obligations, and entitled to all the rights appertaining to the marriage relation ; and in all cases, where such persons now are, or have heretofore been so cohabiting, as husband and wife, and may have offspring recognized by them as their own, such offspring shall be deemed in all respects legitimate, as fully as if born in

lawful wedlock.

SEC. 4. *Be it further enacted*, That all marriages between negroes and mulattoes shall be hereafter solemnized by the said persons, and governed in all respects by the laws in force at the time, as to white persons : *Provided*, That the clerks of each county shall keep a separate book for the record of marriages of negroes and mulattoes.

SEC. 5. *Be it further enacted*, That no negro or mulatto shall be admitted to attend any public school in this state, except such schools as may be established exclusively for colored persons.

SEC. 6. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED, February 6, 1867