

# CONSTITUTION OR FORM OF GOVERNMENT

FOR THE

# PEOPLE OF FLORIDA.

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We, the People of the State of Florida, by our delegates in Convention assembled, in the city of Tallahassee, on the 25th day of October, in the year of our Lord 1865, and of the Independence of the United States the 90th year, in order to secure to ourselves and our posterity the enjoyment of all the rights of life, liberty and property, and the pursuit of happiness, do mutually agree, each with the other, for form the following Constitution and form of Government in and for the said State.

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## ARTICLE I.

### DECLARATION OF RIGHTS.

That the greatest and essential liberty and free government may be recognized and established, we declare :

1. That all freemen when they form a government, have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty; of acquiring, possessing and protecting property and reputation, and of pursuing their happiness. . . .

## . . . ARTICLE IV.

### LEGISLATIVE DEPARTMENT.

4. No person shall be a Representative unless he be a white man, a citizen of the United States, and shall have been an inhabitant of the State two years next preceding his election . . . .

5. The Senators shall be chosen by the qualified electors for a term of two years . . . ; and no man shall be a Senator unless he be a white ma, and Citizen of the United States, and shall have been an inhabitant of this State two years next preceding his election . . . .

. . . ARTICLE VI.

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THE RIGHT OF SUFFRAGE AND QUALIFICATIONS OF OFFICERS, CIVIL OFFICERS, AND IMPEACHMENTS, AND REMOVALS FROM OFFICE.

1. Every free white male person of the age of twenty-one years and upwards, who shall be at the time of offering to vote, a citizen of the United States, and who shall have resided and had his habitation, domicil, home, and place of permanent abode in Florida, for one year next preceding the election . . . .

. . . ARTICLE XVI.

GENERAL PROVISIONS.

1. Whereas, slavery has been destroyed in this State by the Government of the United States ; therefore, neither slavery nor involuntary servitude shall in future exist in this State, except as a punishment for crimes, whereof the party shall have been convicted by the courts of the State, and all the inhabitants of the State, without distinction of color, are free, and shall enjoy the rights of person and property with distinction of color.

2. In all criminal proceedings founded upon injury to a colored person, and in all cases affecting the rights and remedies of colored persons, no person shall be incompetent to testify as a witness on account of color ; in all other cases, the testimony of colored persons shall be excluded, unless made competent by future legislation. The jury shall judge the credibility of the testimony.

3. The Jurors of this State shall be white men, possessed of such qualifications as may be prescribed by law.

# SESSION LAWS

CHAPTER 1,464—[No. 1.]

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AN ACT to organize the Militia of this State.

Persons subject to militia duty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That every able-bodied white male inhabitant of the State, between the ages of eighteen and forty-five, who has resided in the same four weeks, shall be enrolled and liable to perform Militia duty . . .

CHAPTER 1,466—[No. 3.]

AN ACT prescribing additional penalties for the commission of offences against the State, and for other purposes.

Additional penalties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That whenever, in the criminal laws of this State, heretofore enacted, the punishment of the offence is limited to fine and imprisonment, or to fine or imprisonment, there shall be super-added, as an alternative, the punishment of standing in the pillory for one hour, or whipping, not exceeding thirty-nine stripes on the bare back, or both, at the discretion of the jury.

Severance from freehold.

SEC. 2. *Be it further enacted,* That the severance from the freehold of any agricultural production or fixture, or any part thereof, and the felonious taking and carrying away the same, shall be deemed and held to be larceny, and be punished as such.

Persons exciting insurrection.

SEC. 3. *Be it further enacted,* That if any person shall excite an insurrection or sedition amongst any portion or class of the population of this State, or shall attempt by writing, speaking, or by any other means, to excite such insurrection or sedition, the person or persons so offending, shall be deemed to be guilty of a felony, and, upon conviction, shall suffer death. . . .

Arson.

Burning.

. . . SEC. 9. *Be it further enacted,* That if any person or persons shall willfully and maliciously set fire to or burn any cotton, grain, fodder, hay, or other agricultural product, whether the same be gathered in bulk, or be standing or growing in the field, or shall cause or procure the same to be done, or shall willfully and maliciously set fire to or burn any house or building,

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not the subject or arson, or any fence or other enclosure, or any bridge, or cause or procure the same to be done, he, she or they shall, upon conviction, be punished by a fine not exceeding one thousand dollars, and by imprisonment not exceeding six months, or by standing in the pillory for one hour, or by whipping, not exceeding thirty-nine stripes, or by both whipping and standing in the pillory, at the discretion of the jury.

Malicious mischief.

SEC. 10. *Be it further enacted*, That every trespass upon the property of another, committed with malicious and mischievous intent, the punishment of which is not provided for by law, shall be deemed and held to be an act of "malicious mischief," and the party guilty of the same, his, her or their aiders and abettors shall, upon conviction, be punished by a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, or by standing in the pillory, at the discretion of the jury. . . .

Negroes having fire arms or other weapons.

. . . SEC. 12. *Be it further enacted*, That it shall not be lawful for any negro, mulatto, or other person of color, to own, use or keep in his possession or under his control, any Bowie-knife, dirk, sword, fire-arms or ammunition of any kind, unless he first obtain a license to do so from the Judge of Probate of the county in which he may be a resident for the time being: and the said Judge of Probate is hereby authorized to issue such license, upon the recommendation of two respectable citizens of the county, certifying to the peaceful and orderly character of the applicant ; and any negro, mulatto, or other person of color, so offending, shall be deemed to be guilty of a misdemeanor, and upon conviction, shall forfeit to the use of the informer all such fire-arms and ammunition, and in addition thereto, shall be sentenced to stand in the pillory for one hour, or be whipped, not exceeding thirty-nine stripes, or both, and the discretion of the jury. . . .

Intrusion how to be punished.

. . . SECTION 14. *Be it further enacted*, That if any negro, mulatto, or other person of color, shall intrude himself into any religious or other public assembly of white persons, or into any railroad car or other public vehicle set apart for the exclusive accommodation of white people, he shall be deemed to be guilty of a misdemeanor, and upon conviction, shall be sentenced to stand in the pillory for one hour, or be whipped, not exceeding thirty-nine stripes, or both, and the discretion of the jury; nor shall it be lawful for any white person to intrude himself into any religious or other public assembly of colored persons, or into any railroad car or other public vehicle, set apart for the exclusive accommodation of persons of color, under the same penalties.

Passed the House of Representatives January 4, 1866. Passed the Senate January 8, 1866. Approved by the Governor January 15, 1866.

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CHAPTER 1,467—[No. 4.]

AN ACT to punish Vagrants and Vagabonds.

Vagrants to be arrested  
and compelled to labor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That every able bodied person who has no visible means of living, and shall not be employed at some labor to support himself or herself, or shall be leading an idle, immoral or profligate course of life, shall be deemed to be a vagrant, and may be arrested by warrant issued by and Justice of the Peace, or Judge of the County Criminal Court, and bound in sufficient surety for his or her good behavior and future industry for one year, and upon his or hr refusing or failing to give such security, he or she may be held or committed for trial before the Criminal Court of the county, and if convicted before said Court, shall be punished by being sentenced to labor or imprisonment for a term not exceeding twelve months, or by whipping not exceeding thirty-nine stripes or being put in the pillory not exceeding one hour, or by whipping and being put in the pillory, and the discretion of the jury ; and if an such person shall be sentenced to labor, the Sheriff or other officer of said Court shall hire out such person for the term to which he or she shall be sentenced, not exceeding twelve months as aforesaid, and the proceeds of such hiring shall be paid in to the county Treasury.

Punishment.

Vagrants bearing arms.

SEC. 2. *Be it further enacted,* That all persons who may come within the provisions of the first section of this act, and who go armed, and are not known to be peaceable and quite persons, may be disarmed by any Sheriff, Constable or Police officer.

Duty of Justice of the  
Peace.

SEC. 3. *Be it further enacted,* That any Justice of the Peace, or Judge of the County Criminal Court on his own knowledge or written complaint and under oath from any credible person, shall issue his warrant to apprehend such person or person coming under the provisions of the first section of this act, and shall proceed therein as provided in the said first section.

In case no person will hire  
vagrant.

SEC. 4. *Be it further enacted,* That if the Sheriff or other officer authorized to hire our such offender according to the sentence of the Court, shall not find any person willing to hire or take such offender for the term of his or her sentence, the said Sheriff or other officer shall employ such offender at any kind of labor that the Board of County Commissioners, or the Judge of Probate in recess of the Board, may authorize or direct, and if necessary, in all such cases the Sheriff or other officer may secure

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Discharge of vagrant.

the person so convicted and sentenced whilst employed outside of the county jail by ball and chain of sufficient weight to prevent escape.

SEC. 5. *Be it further enacted*, That when the Board of County Commissioners of the county shall be of opinion that any person who may have been convicted under the provisions of this act, and who shall not have been hired out but employed under their authority and direction, or of the Judge of Probate, has so conducted himself or herself whilst so employed that he or she should be no longer held, said board of county Commissioners may discharge such person from the further operation of his or her sentence, upon his or her paying what may remain due of the costs of prosecution and commitment, including his or her support whilst so confined, or upon giving bond with two good securities in such sum as they may prescribe, for future good behavior : *Provided*, That the County Commissioners shall have power to discharge any person convicted as aforesaid, without the aforesaid conditions, when the health of said person is such as to require his or her discharge, and when in their opinion such person is unable to pay what may be due for costs and for his or her support.

Minor vagrant to be bound apprentice.

SEC. 6. *Be it further enacted*, That if such person convicted as a vagrant be a minor, the court before who he or she shall be convicted, shall bind him or her apprentice to some useful trade or occupation, not beyond the time when he shall arrive at twenty-one years of age, if a male, and if a female not beyond the time when she shall arrive at eighteen years of age, and during such time such minor vagrants shall in all respect be subject to the laws regulating apprentices.

Money arising from the hire of vagrants.

SEC. 7. *Be it further enacted*, That the monies arising from the hire of vagrants shall be applied by the county Commissioners, after the payment of costs, to the debts of the vagrant, and if he shall not be indebted the same shall be applied for the benefit of the orphans and poor of the county, unless such vagrant has a wife and children, in which case it shall be applied to their use.

Duty of Sheriffs and Constables.

SEC. 8. *Be it further enacted*, That all Sheriffs and Constables within the several counties of this State shall information to some Justice of the Peace of all vagrants within their knowledge in their respective counties.

Passed the House of Representatives January 3, 1866. Passed the Senate January 6, 1866. Approved by the Governor January 12, 1866.

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AN ACT in addition to An Act to amend the Act entitled An Act concerning Marriage Licenses, approved January 23, 1832.

SECTION 1. *Be it enacted by the Senate and the House of Representatives of the State of Florida in General Assembly convened,* That if any white female resident within this State shall hereafter attempt to intermarry, or shall live in a state of adultery or fornication with any negro, mulatto, or other person of color, she shall be deemed to be guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one thousand dollars, to be confined in the public jail not exceeding three months, or both, at the discretion of the jury, and shall moreover be disqualified to testify as a witness against any white person.

White female shall no intermarry or live in fornication and adultery with negro.

SEC. 2. *Be it further enacted,* That if any negro, mulatto, or other person of color shall hereafter live in a state of adultery or fornication with any white female resident within the limits of this State, he shall be deemed to be guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one thousand dollar, or be made to stand in the pillory for one hour and be whipped not exceeding thirty-nine stripes, or both, at the discretion of the jury.

Negro shall not live in state of adultery or fornication with white woman.

SEC. 3. *Be it further enacted,* That every person who shall have one-eighth or more of negro blood shall be deemed and held to be a person of color.

Who held to be persons of color.

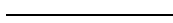
SEC. 4. *Be it further enacted,* That in existing cases upon petition to the Circuit Judge, parties coming within the provisions of this act and liable to be punished under the same, may be order and judgment of said judge, be relieved from the penalties thereof, when in his opinion justice and equity shall so require.

Proviso in existing cases.

SEC. 5. *Be it further enacted,* That in all cases where marriages have heretofore been contracted and solemnized between white persons and persons of color, and where the parties have continued to live as man and wife, the said marriages are hereby legalized, and neither of the parties shall be subject to the provisions of this or of any other act.

Marriages heretofore contracted made valid.

Passed the House of Representatives January 3, 1866. Passed the Senate January 6, 1866. Approved by the Governor January 12, 1866.



AN ACT to establish and enforce the Marriage Relation between  
Persons of Color.

Colored persons to be  
regularly married.

SECTION 1. *Be it enacted by the Senate and the House of Representatives of the State of Florida in General Assembly convened,* That it shall be required of all the colored inhabitants of this State, claiming to be living together in the relation of husband and wife, and who have not been joined as such, agreeably to the laws regulating the same, and who shall mutually desire to continue in that relation, within nine months from the passage of this act, to appear before some person legally authorized to perform the marriage ceremony, and be regularly joined in the holy bonds of matrimony. And if any such person, either male or female, after the expiration of the time limited in this act, shall be found cohabiting as husband and wife, and who have not been so joined together, they and each of them shall be deemed to be guilty of a misdemeanor, and upon conviction, shall be subject to the pains and penalties prescribed by the statute for the punishment of fornication and adultery.

Punishment for  
fornication and adultery.

Children legitimated.

SEC. 2. *Be it further enacted,* That the issue of such prior cohabitation, shall be legitimated by the act of marriage so regularly contracted as aforesaid, and be thenceforth entitled to all the rights and privileges of a legitimate offspring.

Certificate of marriage to  
be recorded.

SEC. 3. *Be it further enacted,* That the purpose of perpetuating the evidence of such marriages as may take place under the provision of this act, it shall be the duty of the Clerk of the Circuit Court of the county in which the ceremony may have been performed, upon application of the parties, and a tender of his legal fees, to enter the certificate of marriage upon the register of marriage licenses in his office.

Persons imposing upon  
persons of color.

SEC. 4. *Be it further enacted,* That in existing cases upon petition to the Circuit Judge, parties coming within the provisions of this act and liable to be punished under the same, may be order and judgment of said judge, be relieved from the penalties thereof, when in his opinion justice and equity shall so require.

Marriage laws made  
generally applicable.

SEC. 5. *Be it further enacted,* That if any person shall practice a fraud upon any person of color, by illegally assuming to perform the marriage ceremony for them, he or they, their aiders and abettors shall be deemed to be guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one thousand dollars, or be imprisoned for a term not exceeding six months, or be made to stand in the pillory not exceeding one hour, at the discretion of the jury.

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Passed the House of Representatives January 3, 1866. Passed the Senate January 8, 1866. Approved by the Governor January 11, 1866.

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CHAPTER 1,469.—[No. 7.]

AN ACT in relation to Contracts of Persons of Color.

Contracts with colored persons to be in writing, &c.

SECTION 1. *Be it enacted by the Senate and the House of Representatives of the State of Florida in General Assembly convened,* That all contracts with persons of color shall be made in writing and fully explained to them before two credible witnesses, which contract shall be in duplicate, one copy to be retained by the employer and the other filed with some judicial officer of the State and county in which the parties may be residing at the date of the contract, with the affidavit of one or both witnesses, setting forth that the terms and effect of such contract were fully explained to the colored person, and that he, she or they voluntarily entered into and assigned the contract, and no contract shall be of any validity against any person of color unless so executed and filed : *Provided,* That contracts for service may be made for less time than thirty days by parol.

Persons of color failing or refusing to fulfill contract dealt with.

SEC. 2. AND WHEREAS, It is essential to the welfare and prosperity of the entire population of the State that the agricultural interest be sustained and placed upon a permanent basis : *It is therefore enacted,* That when any person of color shall enter into a contract as aforesaid, to service as a laborer for a year, or any other specified term, on any farm or plantation in this State, if he shall refuse or neglect to perform the stipulations of his contract by willful disobedience of orders, wanton impudence, or disrespect to his employer or his authorized agent, failure to refusal to perform the work assigned to him, idleness, or abandonment of the premises or the employment of the party with who the contract was made, he or she shall be liable, upon the complaint of his employer, or his agent, made under oath before any Justice of Peace of the county, to be arrested and tried before the criminal court of the county, and upon conviction shall be subject to all the pains and penalties described for the punishment of vagrancy : *Provided,* That it shall be optional with the employer to require that such laborer be remanded to his service, instead of being subject to the punishment aforesaid *Provided, further,* That if it shall on such trial appear that the complaint made is not well founded, the court shall dismiss such complaint, and give judgment in favor of such laborer, against he employer, for such

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Employee to be ejected from premises on the failure to comply with contract.

sum as may appear to be due under the contract, and for such damages as may be assessed by the jury.

SEC. 3. *Be it further enacted*, That when any employee as aforesaid shall be in the occupancy of any house or room on the premises of the employer by virtue of his contract to labor, and he shall be adjudged to have violated his contract ; or when any employee as aforesaid shall attempt to hold possession of such house or room beyond the term of his contract, against the consent of the employer, it shall be the duty of the Judge of the Criminal Court, upon the application of the employer and due proof made before him, to issue his writ to the Sheriff of the Court, commanding him forthwith to eject the said employee and put the employer into full possession of the premises : *Provided*, Three days previous notice shall be given to the employee of the day of the trial.

Employer violating his contract proceedings against.

SEC. 4. *Be it further enacted*, That if any person employing the services or labor of another under contract entered into as aforesaid shall violate his contract by refusing or neglecting to pay the stipulated wages or compensation agreed upon, or any part thereof, or by turning off the employee before the expiration of the term unless for sufficient cause, or unless such right is reserved by the contract, the party so employed may, make complaint thereof before the Judge of the Criminal Court, who shall act at an early day, on reasonable notice to the other party, cause the same to be tried by a jury to be summoned for the purpose, who in addition to the amount that may be proved to be due under the contract may give such damages as they in their discretion may deem to be right and proper, and the judgment thereon shall be a first lien on the crops of all kinds in the cultivation of which such laborer may have been employed: *Provided*, That either party shall be entitled to an appeal to the Circuit Court, as in cases of appeal from Justices of the Peace.

Appeal.

Persons enticing away employee how punished.

SEC. 5. *Be it further enacted*, That if any persona shall entice, induce, or otherwise persuade any laborer o employee to quit the services of another to which he was bound by contract, before expiration of the term of service stipulated in said contract, he shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one thousand dollars, or shall stand in the pillory not more than three hours, or be whipped not more than thirty-nine stripes on the bare back, at the discretion of the jury.

Act applicable lumber, rafting, and milling business.

SEC. 6. *Be it further enacted*, That the provisions of this act shall be applied to all contracts between employers and employees relating to the lumber, rafting or milling business, and to all other contracts with persons of color to do labor and to perform service.

CHAPTER 1,471.—[No. 8.]

AN ACT in relation to Apprentices.

Children may be bound out as apprentices.

SECTION 1. *Be it enacted by the Senate and the House of Representatives of the State of Florida in General Assembly convened,* That it shall be lawful for any parent or guardian, having the control of a child under sixteen years of age, with the approval of the Judge of Probate of the county in which such parent or guardian may be a resident at the time to bind out, as an apprentice, the said child, for any period not to extend beyond the time when such child shall arrive at the age of twenty-one years, if male, and eighteen years, if a female, to some suitable person, who shall covenant in the articles of apprenticeship to teach the said apprentice some art, trade, husbandry, or other business, to be particularized in said articles, and also the elements of reading and writing, and to give him or her a new suit of clothes, blanket and shoes at the expiration of said term of apprenticeship.

Conditions of indentures.

SEC. 2. *Be it further enacted,* That in all cases when the child proposed to be apprenticed under the provisions of the first section of this act, shall be of age of sixteen years or over, his or her assent, be evidenced by his or her signature to the articles of apprenticeship, shall be required to give validity to the same.

Children of vagrants to be bound apprentice.

SEC. 3. *Be it further enacted,* That in all cases when a parent having control of a child under sixteen years of age, shall be adjudged to be a vagrant, the court rendering the judgment shall also proceed to bind out such child as an apprentice agreeably to the provisions and upon the same terms as an apprentice in the first section of this act.

Children of paupers to be bound apprentice.

SEC. 4. *Be it further enacted,* That whenever any person all apply to be placed upon the pauper list of the county, the Board of County Commissioners, upon granting the application, may in their discretion require that the children of such applicant, under the age of sixteen years, shall be bound out as apprentices, upon the terms prescribed in the first section of this act.

Abandoned children to be bound apprentice.

SEC. 5. *Be it further enacted,* That whenever any child under sixteen years of age shall be abandoned by the father, and for who he fails to provide support and maintenance, such child may be bound by the Judge of Probate in accordance with the provisions of the first section of this act; but no such child shall be bound out

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Punishment for enticing any apprentice.

unless with assent of the mother or unless she be unable or neglects to provide for its support and maintenance.

SEC. 6. *Be it further enacted*, That if any parent, guardian, or other person shall in any manner entice, take, carry away, cause the same to be done, any child from the possession or services of another, after said child has been apprentice as provided for in this act, the said parent, guardian or other person so offending shall be guilty of a misdemeanor, and upon conviction shall return said apprentice, and be fined in a sum not exceeding one thousand dollars, or imprisonment not exceeding six months, or be put in the pillory for one hour and be whipped not exceeding thirty-nine stripes, as the discretion of the jury.

Passed the House of Representatives January 3d, 1866. Passed the Senate January 8th, 1866. Approved by the Governor January 12th, 1866.

CHAPTER 1,472.—[No. 9.]

AN ACT concerning Testimony.

Parties may testify in their own cases.

SECTION 1. *Be it enacted by the Senate and the House of Representatives of the State of Florida in General Assembly convened*, That in all civil cases now depending, or that may hereafter be instituted in any of the courts of this State, whether at law or in equity, the parties to the same shall not be disqualified to testify as witnesses therein, either in his or their own favor or in favor of the opposite party or parties when introduced as witness or witnesses by him or them, and their relation to the cause or interest therein shall not operate against their competency, but shall go only to their credibility, which shall be a matter for the determination of the jury, or of the court, when the trial is not by the jury. . . .

Testimony of colored persons.

SEC. 3. *Be it further enacted*, That this act shall not be construed to authorize the testimony of colored persons to be taken by deposition in writing or upon written interrogatories, otherwise than in such manner as will enable the court or jury to judge the credibility of the witness.

Accused may make statement &c.

SEC. 4. *Be it further enacted*, That in all criminal prosecutions the party accused shall have the right of making a statement of the matters of his or her defense, under oath, before the jury, when in the opinion of the court the ends of justice shall so require.

Passed the House of Representatives January 3d, 1866. Passed the Senate January 8th, 1866. Approved by the Governor January 12th, 1866.

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CHAPTER 1,473.—[No. 10.]

AN ACT authorizing Executors, Administrators, Trustees and Guardians to contract for the hire of Laborers, and confirming Contracts heretofore made.

Contracts with freedmen legalized.

SECTION 1. *Be it enacted by the Senate and the House of Representatives of the State of Florida in General Assembly convened,* That all contracts heretofore made by executor, administrators, trustees and guardians, with freedmen and freedwomen, for the benefit of the estates represented by the respectively be and the same are here by legalized. . . .

Passed the House of Representatives January 2d, 1866. Passed the Senate January —, 1866. Approved by the Governor January 16th, 1866.

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CHAPTER 1,474.—[No. 11.]

AN ACT to extend to all the inhabitants of the State the benefits of the Courts of Justice and processes thereof.

Courts accessible to all the inhabitants of the State.

SECTION 1. *Be it enacted by the Senate and the House of Representatives of the State of Florida in General Assembly convened,* That the judicial tribunals of this State, with the processes thereof, shall be accessible to all the inhabitants of the State, without distinction of color, for the prosecution and defense of all the rights of person and property, subject only to the restrictions contained in the constitution of the State.

Criminal laws made the same as to white and black persons.

SEC. 2. *Be it further enacted,* That all laws heretofore passed with reference to slaves, free negroes and mulattoes, except the act to prevent their migration into the State, and the act prohibiting the sale of fire arms and ammunition to them, be and the same are hereby repealed, and all the criminal laws of this State applicable to white persons now in force and not in conflict with, or modified by the legislation of the present session of the General Assembly, shall be deemed and held to apply equally to all the inhabitants of the same, without distinction of color.

Passed the House of Representatives January 3, 1866. Passed the Senate January 8, 1866. Approved by the Governor January 11th, 1866.

AN ACT Concerning Schools for Freedmen.

Sup't Common Schools  
for freedmen.

SECTION 1. *Be it enacted by the Senate and the House of Representatives of the State of Florida in General Assembly convened,* That the Governor shall appoint an officer by and with the advice and consent of the Senate, so shall be styled Superintendent of Common Schools for Freedmen, who shall hold his office during the administration of the Governor. . . .

Schools for freedmen to  
be established.

. . . SEC. 4. *Be it further enacted,* That the Superintendent, with the aid of the Assistant Superintendents, shall establish schools for freedmen, when the number of children of persons of color in any county or counties will warrant the same ; *Provided,* The funds hereinafter provided for shall be sufficient to meet the expenses thereof.

Teachers.

SEC. 5. *Be it further enacted,* That no teacher shall be entitled to the benefits of the fund hereinafter provided, who shall not have first procured a certificate from the Superintendent of his or her competency, for which the said teacher shall pay to the Superintendent or to his Assistant upon his order the sum of five dollars, for the benefit of the fund for the common schools for freedmen, which said certificate shall authorize and empower the said teacher to teach in any school for freedmen for one year from the date of such certificate, and no longer : *Provided,* That the Superintendent or any of his Assistants may at any time cancel the certificate of any teacher for incompetency, immorality, or other sufficient cause, of which they or either of them shall be competent to judge.

Tax for Common Schools  
Fund, &c.

SEC. 6. *Be it further enacted,* That a tax shall be assessed and levied upon all make persons of color between the ages of twenty-one years and fifty-five, one dollar each, the proceeds of which shall constitute a fund, to be denominated the Common School Fund for the education of freedmen which said tax shall be collected at the same time and the same manner as the State tax is now collected by law, and paid into the treasury of the State for the use of the Common School Fund for freedmen aforesaid. . . .

Tuition fees.

. . . SEC. 9. *Be it further enacted,* That a tuition fee shall be collected from each pupil, under such regulations as the Superintendent shall prescribe, which shall be paid into the treasury of the State as a portion of the common school fund for freedmen : *Provided,* That said superintendent shall have the power to determine and specify what pupils shall be the beneficiaries of said fund. . . .

Persons teaching without

. . . SEC. 11 *Be it further enacted,* That if any person shall teach

license how punished.

any school of persons of color in this State, without first having obtained a license or certificate hereinbefore provided for, he or she shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less one hundred dollars, nor more than five hundred dollars or imprisoned not less thirty days; nor more than sixty days, at the discretion of the court.

Passed the Senate January 13, 1866. Passed the House of Representatives January 15, 1866. Approved by the Governor January 16, 1866.

## RESOLUTIONS

[No. 18.]

RESOLUTION, relative to the removal of colored troops from this State. WHEREAS, the colored troops now stationed within the cities, towns, and other places within the State of Florida, are exerting an injurious influence on the colored population in creating insubordination ; Therefore,  
*Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That his Excellency, David S. Walker, Governor of the State of Florida, be and he is hereby respectfully requested to exert himself to have the colored troops removed from the State of Florida, at he earliest date possible.

Removal of colored troops.

Adopted by the House of Representatives December 27, 1865. Adopted by the Senate December 28, 1865. Approved by the Governor, December 30, 1865.

1866.

CHAPTER 1,551—[No. 18.]

AN ACT to extend the provisions of an act entitled an act in relation to Contracts of Persons of Color to all persons without distinction of color, approved January 12, 1866.

Provisions of act extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the provisions of an act entitled and act in relation to contracts of persons of color, approved January 12, 1866, be the same are hereby declared and shall be construed and held to extend to all persons without distinction of color.

What contracts required to be in writing.

SEC. 2. *Be it further enacted,* That this act and the act to which this amendment, shall not be so construed as to require contracts in writing, except in contracts appertaining to agricultural and to the lumber, rafting and milling business, and these and none other shall be, in order to be valid, in writing.

Passed the House of Representatives December 1, 1866. Passed the Senate December 6, 1866. Approved by the Governor December 13, 1866.

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CHAPTER 1,552.—[No. 19.]

AN ACT Legalizing the Marriage of Persons of Color.

Colored persons who have lived together as husband and wife declared to be such.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That in all cases where colored persons have resided and lived together as husband and wife, and have before the world recognized each other as husband and wife, they shall be deemed and taken to be husband and wife, and are so declared to be by this act, as fully and lawfully as if the marriage had been solemnized by a proper officer legally authorized to do and perform the same ; and all children born of such parents are hereby legitimized and made heirs of their parents, and capable of inheriting under the laws of this State, as though he, she or they had been born in lawful wedlock.

Children legitimated.

Indictments for fornication against such persons dismissed.

SEC. 2. *Be it further enacted,* That all indictments now pending in any Courts of this State against persons of color for fornication and adultery, when they have been living together in the said relation, shall be abated and dismissed.

Passed the Senate December 6, 1866. Passed the House of Representatives December 14, 1866. Approved by the Governor December 14, 1866.