

CHAPTER XVI.

AN ACT to limit the Elective Franchise.

WHEREAS, The first Article and the first Section of the Declaration of Rights in the Constitution of the State of Tennessee declares: "That all power is inherent in the people, and all free Governments are founded on their authority and institute for their peace, safety and happiness, for the advancement of these ends they have at all times an inalienable an indefeasible right to alter, reform or abolish the Government in such manner as they may think proper; and . . .

Preamble.

. . . WHEREAS, The same authoritative voice in section 9th of the schedule delegated to the General Assembly meeting *first* under this amended Constitution, the right to fix the qualification of voters and the limitation of the elective franchise ; therefore, acting faithfully under and in accordance with this delegation of supreme power;

Supreme power delegated.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the following persons, to-wit :

Voters.

1. Every white man twenty-one years of age, a citizen of the United States, and a citizen of the County wherein he may offer his vote six months next preceding the day of election

WILLIAM HEISKELL,
Speaker of the House of Representatives.
SAMUEL RODGERS,
Speaker of the Senate.

Passed June 5, 1865

CHAPTER IV.

AN ACT to Amend the Law controlling the Asylum for the Insane.

. . . SEC. 2. *Be it further enacted*, That the Board of Trustees shall have power, and are hereby authorized, to prepare on the farm belonging to the Institution, suitable buildings for the reception of the colored insane of the State, so as to keep them secure and safe, and yet separate and apart from the white patients and for this purposed, they are authorized, through the President of the Board, to draw upon the Treasurer of the State a sum of money, not exceeding ten thousand dollars, an said sum is hereby appropriated out of the funds in the Treasury of the State not otherwise appropriated.

Colored patients.

SEC. 3. *Be it further enacted*, That the Board of Trustees shall have power, and are hereby authorized as soon as such suitable buildings are prepared, to admit into said Institution colored insane, in the same manner and upon the same conditions as now prescribed by law. . . .

To be admitted.

. . . SEC. 5. *Be it further enacted*, That this Act shall take effect from

its passage.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed November 6, 1865.

CHAPTER XVI.

AN ACT to Repeal Sections 2728 and 2729 Article 4, Chapter 7, of the Code of Tennessee.

. . . SEC. 3. *Be it further enacted*, That free persons of color may exercise and pursue all or any business not in violation of the law, when they may obtain such license under the laws of this State as is applicable to the exercise of such privileges by free white persons.

License to free persons of color.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed January 25, 1866.

CHAPTER XVIII.

AN ACT to do Justice and render persons of African and Indian descent Competent Witnesses in the Courts of this State.

Be it enacted by the General Assembly of the State of Tennessee, That persons of African and Indian descent are hereby declared competent witnesses in all the courts of this State, in as full manner as such persons are by an Act of Congress competent witnesses in all the courts of the United States, and all laws and parts of laws of the State excluding such persons from competency are hereby repealed.

Provided, however, that this Act shall not be so construed as to give colored persons the right to vote, hold office or sit on juries in this State. And that this provision is inserted by virtue of the provision of the ninth section of the Amended Constitution; ratified February 22, 1865.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed January 25, 1866.

CHAPTER LVI.

AN ACT to amend An Act to do Justice and render persons of African and Indian descent Competent Witnesses in the Courts of this State, passed January 25, 1866; and also to amend an Act to repeal Section 2728 and 2729, Article 5, Chapter 7 of the Code of Tennessee, passed January 25, 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act to do justice and to render persons of African and Indian descent competent to witnesses in the Courts of this State passed January 25, 1866 . . . hereby so amended, as to take effect from and after the passage of this act.

To take effect.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed May 25, 1866.

CHAPTER XL.

AN ACT to define the term "Person of Color," and to declare the rights of such persons.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all Negroes, Mulattoes, Mestizoes, and their descendants, having any African blood in their veins, shall be known in this State as "Persons of Color."

SEC. 2. *Be it further enacted*, That persons of color have the right to make and enforce contracts, to sue and be sued, to be parties and give evidence, to inherit, and to have full and equal benefits of all laws and proceedings for the security of person and estate, and shall not be subject to any other or different punishment, pains or penalty, for the commission of any act or offence, that such as are prescribed for white persons committing like acts or offences.

Rights.

SEC. 3. *Be it further enacted*, That all persons of color, being blind, deaf and dumb, lunatics, paupers or apprentices, shall have the full and perfect benefit and application of all laws regulating and providing for white persons being blind or deaf and dumb or lunatics or paupers or either (in asylums for their benefit) and apprentices.

Further rights.

SEC. 4. *Be it further enacted*, That all acts or parts of acts and laws, inconsistent herewith are hereby repealed : *Provided*, That nothing in this act shall be so construed to admit persons of color to serve on the jury : and *provided further*, That the provisions of this act shall not be so construed as to require the education of colored and white children in the same school.

Laws repeal'd

SEC. 5. *Be it further enacted*, That all free persons of color who were living together as husband and wife in this State, while in a state of slavery, are hereby declared to be man and wife, and their children legitimately entitled to an inheritance in any property heretofore acquired, or that may hereafter be acquired by said parents, to as full an extent as the children of white citizens are now entitled, by the existing laws of this State.

Marriages.

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

WILLIAM HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed May 26, 1866.