

CHAP. 11.—An ACT to amend and re-enact the 4th section of the chapter 190 of the Code of Virginia for 1860, in relation to Offences against the Sovereignty of the State.

Passed February 9, 1866.

1. Be it enacted by the general assembly, That the fourth section of chapter one hundred and ninety of the Code of Virginia for eighteen hundred and sixty be amended and re-enacted so as to read as follows, to wit :

Ch. 190, § 4 of Code amended and re-enacted

“§4. If any person shall conspire with another to incite the colored population of the state to make insurrection, by acts of violence and war, against the white population, or to incite the white population of the state to make insurrection by acts of violence and war, against the colored population, he shall, whether such insurrection be made or not, be punished by confinement in the penitentiary for not less than five nor more than ten years.”

Insurrections, &c

2. This act shall be in force from its passage.

Commencement

CHAP. 15—An ACT to regulate Contracts for Labor between White and Colored Persons, and to impose a Fine on Persons enticing Laborers from service of their Employers under such Contracts.

Passed February 20, 1866.

1. Be it enacted by the general assembly, That no contract between a white person and a colored person, for the labor or service of the latter for a longer period than two months, shall be binding on such colored person, unless the contract be in writing, signed by such white person, or his agent, and by such colored person, and duly acknowledged before a justice, or notary public, or clerk of the county or corporation court, or overseer of the poor, or two or more credible witnesses, in the county or corporation in which the white person may reside, or in which the labor or service is to be performed. And it shall be the duty of the justice, notary, clerk or overseer of the poor, or the witnesses, to read and explain the contract to the colored person, before taking his acknowledgment thereof. and to state that this has been done in the certificate of the acknowledgment of the contract.

Contracts between white and colored persons for labor

How acknowledged

Certificate, what stated

2. If any person shall entice away, from the service of another, any laborer employed by him under a contract, as provided by this act, knowing of the existence of such contract, or shall knowingly employ a laborer bound to service to another under such contract, he shall forfeit to the party aggrieved not less than ten nor more than twenty dollars for every such offence; to be recovered by warrant before any justice of the peace.

Punishment for enticing away employees

3. This act shall be in force from and after the first day of April, eighteen hundred and sixty-six, and the first section shall not apply to

Commencement

any contract made prior to that date.

CHAP. 17.—An ACT to amend and re-enact the 9th section of chapter 103 of the Code of Virginia for 1860, defining a Mulatto, providing for the punishment of Offences by Colored Persons, and for the admission of their Evidence in Legal Investigations ; and to repeal all Laws in relation to Slaves and Slavery, and for other purposes.

Passed February 27, 1866.

1. Be it enacted by the general assembly, That every person having one-fourth or more of negro blood, shall be deemed a colored person, and every person, not a colored person, having one-fourth or more of Indian blood, shall be deemed an Indian.

Colored persons

Indians

2. All laws in respect to crimes and punishments, and in respect to criminal proceedings, applicable to white persons, shall apply in like manner to colored persons and to Indians, unless when it is otherwise specially provided.

Criminal laws applicable to white persons also applicable to negroes and Indians

3. The following acts and parts of acts are hereby repealed, namely : All acts and parts of acts relating to slaves and slavery ; chapter one hundred and seven of the Code of eighteen hundred and sixty, relating to free negroes ; chapter two hundred of said Code, relating to offences by negroes ; chapter two hundred and twelve of said Code, relating to proceedings against negroes ; chapter ninety-eight of said Code, relating to patrols ; sections twenty-five to forty-seven both inclusive, of chapter one hundred and ninety-two of said Code ; sections twenty-six to thirty, both inclusive, and sections thirty-three to thirty-seven, both inclusive, of chapter one hundred and ninety-eight of said Code ; the fifth paragraph, as enumerated in section two of chapter two hundred and three of said Code ; all acts and parts of acts imposing on negroes the penalty of stripes, where the same penalty is not imposed on white persons ; and all other acts and parts of acts inconsistent with this act.

Certain statutes repealed

4. This act shall be in force from its passage.

Commencement

CHAP. 18.—An ACT to amend and re-enact the 4th section of the chapter 108 of the Code of Virginia for 1860, in Regard to Registers of Marriage; and to legalize the Marriages of Colored Persons now cohabitating as Husband and Wife.

Passed February 27, 1866.

1. Be it enacted by the general assembly, That the fourteenth section of chapter one hundred and eight of the Code of Virginia for eighteen hundred and sixty be and the same is hereby amended and re-enacted so as to read as follows, to wit:

Ch. 108, § 14 of Code amended

“§14. Henceforth, it shall be the duty of every minister or other person celebrating a marriage, and of the clerk or keeper of the records of any religious society which solemnizes marriages, but the consent of

Record

the parties, in open congregation, at once to make a record of very marriage between white persons, or between colored persons, solemnized by or before him, stating in such record whether the persons be white or colored, and, within two months after such marriage, to return a copy thereof, signed by him, to the clerk of the county or corporation in which the same is solemnized. The clerk issuing any marriage license shall at the time required and ascertain, from the party obtaining such license, a certificate setting forth, as near as may be, the date and place of the proposed marriage ; the full names of both the parties ; their ages and condition before marriage (whether single or widowed); the places of their birth and residence; the names of their parents, and occupation of the husband.”

Certificate

2. That where colored persons, before the passage of this act, shall have undertaken and agreed to occupy the relation to each other of husband and wife, and shall be cohabiting together as such at the time of its passage, whether the rites of marriage shall have been celebrated between them or not, they shall be deemed husband and wife, and be entitled to the rights and privileges, and subject to the duties and obligations of that relation in like manner as if they had been duly married by law ; and all their children shall be deemed legitimate, whether born before or after the passage of this act. And when the parties have ceased to cohabit before the passage of this act, in consequence of the death of the woman, or from any other cause, all the children of the woman, recognized by the man to be his, shall be deemed legitimate.

Colored persons

When children deemed to be legitimate

3. This act shall be in force from its passage.

Commencement

CHAP. 19.—An ACT to amend and re-enact the 5th section of the chapter 126 of the Code of Virginia for 1860, in relation to Masters and Apprentices.

Passed January 30, 1866.

1. Be it enacted by the general assembly, That the fifth section of chapter one hundred and twenty-six of the Code of Virginia for eighteen hundred and sixty be and the same is hereby amended and re-enacted so as to read as follows, to wit:

Ch. 126, § 5 of Code of Va. Amended

“§5. The writing by which any minor is bound an apprentice, shall specify his age, and what art, trade or business he to be taught. The master, whether it is expressly provided therein or not, shall be bound to teach the same, and shall also be bound to teach him reading, writing and common arithmetic, including the rule of three.”

What apprentice shall be taught

2. This act shall be in force from its passage.

Commencement

CHAP. 24.—An ACT in relation to the Testimony of Colored Persons.

Passed February 28, 1866.

1. Be it enacted by the general assembly, That colored persons and Indians shall, if otherwise competent, and subject to the rules applicable to other persons, be admitted as witnesses in the following cases : as to read as follows, to wit:

Colored persons and Indians admitted as witnesses in certain cases

1st. In all civil cases and proceedings at law or in equity, in which a colored person or an Indian is a party, or may be directly benefited or injured by the result.

In civil proceedings, where colored party or Indian is a party

2d. In all criminal proceedings, in which a colored person or an Indian is a party, or which arise out of an injury done, attempted or threatened to the person, property or rights of a colored person or Indian, or in which it is alleged in the presentment, information or indictment, or in which the court is of opinion, from the other evidence, that there is probable cause to believe that the offence was committed by a white person, in conjunction or co-operation with a colored person or Indian.

In criminal proceedings, where a colored person or an Indian is a party

3d. The testimony of colored persons shall, in all cases and proceedings, both at law and in equity, be given ore tenus, and not by deposition ; and in suits in equity and in all other cases in which the deposition of the witness would regularly be part of the record, the court shall, if desired by any party, or if deemed proper by itself, certify the facts proved by such witness, or the evidence given by him, as far as credited by the court, as the one or the other may be proper under the rules of law applicable to the case ; and such certificate shall be made part of the record.

How testimony shall be given

*Editor's note: ("ore tenus" means to present evidence orally)*

What facts proved to be certain by court

2. This act shall be in force from its passage.

Commencement

CHAP. 28—An ACT providing for the punishment of Vagrants.

Passed January 15, 1866.

Whereas it is represented to the general assembly, That there hath lately been a great increase of idle and disorderly persons in some parts of this commonwealth, and unless some stringent laws are passed to restrain and prevent such vagrancy and idleness, the state will be overrun with dissolute and abandoned characters, to the great detriment of the public weal : For remedy whereof,

Preamble

1. Be it enacted by the general assembly, That the overseers of the poor, or other officers having charge of the poor, or the special county police, or the police of any corporation, or any one or more of such persons, shall be and are hereby empowered and required, upon discovering any vagrant or vagrants within their respective counties or corporations, to make information thereof to any justice of the peace of their county or corporation, and to require a warrant for apprehending

Duties of overseers of poor &c. concerning vagrants

To be apprehended by warrant from justice

such vagrant or vagrants, to be brought before him or some other justice ; and if, upon due examination, it shall appear that the person or persons are within the true description of a vagrant, as hereinafter mentioned, such justice shall, by warrant under his hand, order such vagrant or vagrants to be employed in labor for any term not exceeding three months, and, but any constable of such county or corporation, to be hired out for the best wages that can be procured ; to be applied, except as hereafter provided, for the use of the vagrant or his family, as ordered by the justice. And if any such vagrant or vagrants shall, during such time of service, without sufficient cause, run away from the person so employing him or them, he or they shall be apprehended, on the warrant of a justice, and returned to the custody of such hirer, who shall have, free of any further hire, the services of said vagrant for one month in addition to the original term of hiring ; and said employer shall then have the power, if authorized by the justice, to work said vagrant, confined with ball and chain; or should said hirer decline to receive again said vagrant, then said vagrant shall be taken by the officer, upon the order of a justice, to the poor or work house, if there be any such in said county or corporation, and be delivered to the overseer or superintendent, who shall work said vagrant for the benefit of said county or corporation ; or, if authorized by the justice, to work him, confined with ball and chain, for the period for which he would have had to serve his late employer, had he consented to receive him again ; or should there be, when said runaway vagrant is apprehended, any public work going on in said county or corporation, then said vagrant, upon the order of a justice, shall be delivered over by said officer to the superintendent of such public work, who shall, for the like last mentioned period, work said vagrant on said public works, confined with ball and chain, if so authorized by the justice. But if there be no poor or work house in said county or corporation, and no public work then in progress therein, then, in that event, said justice, may cause said vagrant to be delivered to any person who will take charge of him. Said person to have his services free of charge, except maintenance, for a like last mentioned period ; and said person so receive said vagrant is hereby empowered, if authorized by the justice, to work said vagrant confined with ball and chain ; or should no such person be found, the said vagrant is to be committed to the county jail, there to be confined for the like period, and fed on bread and water. But the persons described as the fifth class of vagrants, in the second section of this act, may be arrested without warrant by the special county or corporation police, and when so arrested shall be taken before a justice, who shall proceed to dispose of them in the mode prescribed in this section, or may at once direct them to be committed to prison for a period not exceeding three months, to be kept in close confinement and fed on bread and water.

To be examined before justice

Punishment

If vagrant shall run away, to be apprehended and returned to hirer, to work free of hire

Ball and chain

Should hirer refuse to take vagrant back, what to be done

Made to work on public works

May be confined in jail

And fed on bread and water

2. The following described persons shall be liable to the penalties

imposed by law upon vagrants :

Who are vagrants

First—All persons who shall unlawfully return into any county or corporation whence they have been legally removed.

Second—All persons who, not having wherewith to maintain themselves and their families, live idly and without employment, and refuse to work for the usual and common wages given to other laborers in the like work in the place where they then are.

Third—All persons who shall refuse to perform the work which shall be allotted to them by the overseers of the poor as aforesaid.

Fourth—All persons going about from door to door, or placing themselves in streets, highways or other roads, to beg alms, and all other persons wandering abroad and begging unless disabled or incapable of labor.

Fifth—All persons who shall come from any place without this commonwealth to any place within it, and shall be found loitering and residing therein, and shall follow no labor, trade, occupation or business, and have no visible means of subsistence, and can give no reasonable account of themselves or there business in such place.

Costs and expenses, how paid

3. All costs and expenses incurred shall be paid out of the hire of such vagrant, if sufficient; and if not sufficient, the deficiency shall be paid by the county or corporation.

Commencement

4. This act shall be in force from its passage.

CHAP. 131.—An ORDINANCE to alter and amend the third Article of the Constitution

Passed February 24, 1866.

1. Be it ordained by the general assembly of Virginia, That the third article of the constitution be altered and amended so as to read as follows :

3d article of constitution altered and amended

“1. Every white male citizen of the commonwealth, of the age of twenty-one years, who has been a resident of the state for two years, and of the county, city or town where he offers to vote, for twelve months preceding an election, who has paid all state taxes assessed to him for the preceding year, shall be qualified to vote from members of the general assembly, and all officers elective by the people . . . .”

Who shall vote