

Black Laws of Virginia - Excerpts

From each chapter of:

Black Laws of Virginia:

A Summary of Legislative Acts of Virginia Concerning Negroes

From Earliest Times to the Present by June Purcell Guild, LL.M

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Chapter I: The Struggle for Racial Integrity

1785. Chapter LXXVIII. Every person of whose grandfathers or grandmothers anyone is or shall have been a Negro, although all his other progenitors, except that descending from the Negro shall have been white persons, shall be deemed a mulatto, and so every person who shall have one-fourth or more Negro blood shall in like manner be deemed a mulatto. This act is to be in force from January 1, 1787.

1866. Chapter 17. Every person having one-fourth or more Negro blood shall be deemed a colored person, and every person not a colored person having one-fourth or more Indian blood shall be deemed an Indian.

1878. Chapter 311. Under the subject of offences against morality and decency, it is said: If any white or Negro resident of the state shall go out of the state for the purpose of being married, and with the intention of returning, be married out of it, and return, he shall be as guilty as if the marriage had been in the state.

Any white person who shall intermarry with a Negro, or any Negro who shall

intermarry with a white person, shall be confined in the penitentiary from two to five years.

Chapter II: Servants and Slaves in the Sixteen Hundreds

1642. Act XXII. A punishment is provided for loitering runaways in the colony; for a second offense a runaway is to be branded in the cheek with the letter “R.”

It is a felony for a runaway to carry powder and shot, punishable by death.

If there is a complaint of the master for harsh or un-Christian usage or for want of diet, the commissioner may warn the master or mistress.

1655. Act I. Indian children brought in as hostages are not to be treated as slaves.

1661. CIII. Whereas the barbarous usage of some servants by cruel masters brings so much scandal and infamy to the country that people who would adventure hither are through fear diverted, it is enacted that every master shall provide servants with a competent diet, clothing, lodging, and shall not exceed the bounds of moderation in correcting them and a servant may make complaint to the commissioner and have remedy for his grievances.

1669. Act I. If a slave resist his master and by the extremity of the correction, chance to die, his death shall not be a felony, since it cannot be presumed that malice (which alone makes murder a felony) would induce a man to destroy his own estate.

1680. Act X. Whereas the frequent meetings of considerable numbers of Negro slaves under pretense of feasts and burials is judged of dangerous consequence, it is enacted that no Negro or slave may carry arms, such as any club, staff, gun, sword, or other weapon, nor go from his owner’s plantation without a certificate and then only on necessary occasions; the punishment twenty lashes on the bare back, well laid on. And, further, if any Negro lift up his hand against any Christian he shall receive thirty lashes,

and if he absent himself or lie out from his master's service and resist lawful apprehension, he may be killed and this law shall be published every six months.

Chapter III: Servants and Slaves in the Seventeen Hundreds

1705. Chapter XLIX. This is a general act concerning servants and slaves and covers a great many subjects. A number of the sections are given here, and some are summarized elsewhere in this book. Some of the paragraphs cover Negroes only, some refer to runaways and servants generally, some apparently to indentured servants only.

All servants (not being slaves) shall have their complaints received by a justice of the peace, and an order at the discretion of the court may be made as to diet, lodging, clothing and correction. On a second complaint the servant may be sold at an outcry by the sheriff, and after charges deducted the remainder shall be paid to the owner.

Contracts of masters with servants are void unless approved by court; sick or lame servants are not to be discharged, upon pretence of freedom, under penalty.

In case any slave who has run away does not immediately return home after a proclamation at the door of every church in the county, it shall be lawful for any person whatsoever to kill and destroy such slave by such means as may be thought fit without accusation of any crime. If any runaway slave shall be apprehended it shall be lawful to order such punishment, either by dismembering or any other way not touching his life, as may be thought fit, for reclaiming such incorrigible slave, and terrifying others from like practices.

Slaves shall not go armed under penalty of twenty lashes on the bare back, well laid on. For every slave killed, under this act, the owner shall be paid by the public.

1710. Chapter XVI. Whereas, a Negro slave named Will, belonging to Robt. Ruffin, of the County of Surry, was signally serviceable in discovering a conspiracy of Negroes for levying war in this colony; for a reward of his fidelity hereafter shall be free and

shall continue to be within this colony, if he think fit to continue. The sum of forty pounds sterling shall be paid the said Robt. Ruffin for the price of Will.

1732. Chapter VI. Stealing a slave is a felony, and the punishment death without benefit of clergy.

1782. Chapter XXXII. Because great inconvenience has arisen from persons permitting their slaves to go at large and hire themselves out, under promise of paying their owners money in lieu of services, it is enacted that if slaves are permitted to go at large, they may be sold and disposed of by the sheriff. Twenty-five per cent of the amount of the sale shall go toward lessening the county levy, five per cent to the gaoler and the rest to the owner of the slave.

1785. Chapter LXXVII. No person shall henceforth be a slave in Virginia, except such as were so on the first day of this Assembly and the descendants of the females of them. Slaves hereafter brought in and kept one year shall be free.

A slave shall not go from where he lives without a license of letter showing he has authority from his master.

Slaves shall not keep arms; riots and unlawful assemblies by slaves shall be punished by stripes.

1798. Chapter 4. Free persons conspiring with slaves to rebel shall suffer death. Free persons harboring or entertaining any slave without the master's consent shall pay ten dollars, free Negroes not able to pay shall receive not to exceed thirty-nine lashes.

Chapter IV: Slaves in the Eighteen Hundreds

1801. Chapter 34. Sound policy dictates that rewards should be held out to those who have rendered essential service to our country, the governor is therefore authorized to purchase and set free Pharaoh, slave of Philip Sheppard and Tom, slave of Elizabeth Sheppard.

1804. Chapter 119. All meetings of slaves at any meeting house or any other place in the night shall be considered an unlawful assembly, and any justice may issue his warrant to enter the place where the assembly may be for apprehending or dispersing the slaves, and to inflict corporal punishment on the offenders at the discretion of the justice, not exceeding twenty lashes.

Any person may be summoned to aid in the execution of this act and may be fined not exceeding \$10.00 for refusing to serve; counties west of the Blue Ridge are excepted from this act.

1805. Chapter 12. It is declared that it is not unlawful for masters to permit slaves to accompany them, or any part of the family to religious worship if it is conducted by a white minister.

1806. Chapter 63. Slaves brought into this state and kept one year shall be forfeited by the owner, and the right to the slaves shall rest in the overseers of the poor, who shall apprehend such slaves for the benefit of the poor.

If any slave hereafter emancipated shall remain within this Commonwealth more than twelve months after his freedom, he shall forfeit such right, and may be sold by the overseers for the benefit of the poor.

1810. Chapter LXXX. Polly Coleman is permitted to hold a Negro named Hannah who had been carried to Georgia.

1817. Chapter XXXVI. Because of serious inconvenience experienced by Virginians from the frequent elopement of slaves to states north of the Potomac it is enacted that hereafter \$20.00 reward, and mileage, be allowed any person who may apprehend any runaway slave attempting to cross the Potomac if the plantation on which the slave is employed be not less than ten miles from the river. If the slave is apprehended in Maryland or Kentucky, the reward shall be \$25.00; in Delaware, New Jersey,

Pennsylvania, New York, or Ohio, \$50.00, plus twenty-five cents a mile.

1848. Criminal Code. Chapter 120. Section 31. The unlawful importation of a slave born without the United States shall be punishable by a fine of \$1,000.00.

1860. Chapter 2. No person shall without license buy for sale or sell for others on commission slaves, horses, mules, cattle, sheep or hogs.

1861. Chapter 169. This act authorizes the governor to pardon slaves, Jack and Ben, condemned for sale and transportation and restore them to their former owner, F. N. Fitzhugh.

1866. Chapter 17. This act repeals all acts and parts of acts relating to slaves and slavery.

Chapter V: Free Persons of Color and Slaves

1782. Chapter XXI. It is lawful for any person by last will or other instruments in writing, sealed and witnessed, to emancipate his slaves.

1788. Chapter XXXVII. Whoever steals a free person, knowing him to be free, shall suffer death.

1793. Chapter 22. Free Negroes or mulattoes shall be registered and numbered in a book to be kept by the town clerk, which shall specify age, name, color, status and by whom, and in what court emancipated. Annually the Negro shall be delivered a copy for twenty-five cents. A penalty is fixed for employing a Negro without a certificate; the Negro may be committed to jail. Every free Negro shall once in every three years obtain a new certificate.

1806. Chapter 94. A free Negro is not to carry any firelock of any kind without a license. For a second offense he shall in addition to forfeiting all such arms be punished with stripes, at the discretion of the justice not exceeding thirty-nine.

1814. Chapter CVI. In January, James, a man of color, who had been promised his

freedom if he paid \$600.00 to his master, which condition has now been complied with, when emancipated, may remain in the Commonwealth as a free person.

In December, Armistead, sometimes called Armistead Smith, a man of exemplary character, had an equitable right to freedom previous to the passage of the law prohibiting emancipated persons of color from remaining in this state; he is permitted to remain.

1824. Chapter 101. Dennis Holley, a free man of color, being sick and unable to leave the state within the time limit, is now permitted to remain a year.

1826. Chapter 61. No person other than a free white citizen of the Commonwealth shall be allowed to pilot a vessel up or down the Rappahannock River.

1828. Chapter 169. Lydia, a free woman of color, of Greenbrier, is permitted to remain in the Commonwealth in consideration of uniform good conduct of one year after the death of the owner of her father and mother, who will then be free also. If she remains longer, she shall forfeit her freedom and be subject to sale. The court may at any time require Lydia to give security for her good behavior; moreover, she shall remove from the Commonwealth all children she may have living.

1834. Chapter 68. A free Negro shall not migrate into this Commonwealth from any state in this Union, or from any foreign country, under penalty of thirty-nine lashes on his bare back at the public whipping post. Returning after removal is to be punished according to the act of 1819. Special fines and penalties are set for masters of vessels who bring in any free Negroes. An exception is made for travelers who have any free Negroes in their employment.

1853. Chapter 55. The sum of \$30,000 is appropriated for five years for the removal of free Negroes from the Commonwealth. The Colonization Board of Virginia is given

power to act under this law. The annual tax of one dollar is levied on every male free Negro of twenty-one years and under fifty-five years, and collected as other taxes on free Negroes are collected. The fund arising from this source shall be applied to the removal of free Negroes.

1860. Chapter 54. If any free Negro commit an offense punishable by confinement in the penitentiary, he may at the discretion of the court, in lieu of such confinement, be sold into absolute slavery.

1866. Chapter 15. No contract between a white 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 in writing, signed by the white person and the colored person before a justice, notary, clerk of the court, or overseer of the poor, or two or more credible witnesses. It shall be the duty of the justice, notary, clerk, overseers, or witnesses to read and explain the contract to the colored person.

If any person entice away from the service of another any laborer employed by him under contract, he shall forfeit to the party aggrieved from \$10.00 to \$20.00.

1866. Chapter 17. This act repeals Chapter One Hundred and Seven of the Virginia Code relating to free Negroes.

1882. Chapter 245. The directors of the Central Lunatic Asylum are authorized to erect suitable buildings for the colored insane at Petersburg, on land donated by the City of Petersburg.

Chapter VI: Taxes, Civil Rights and Duties of Negroes and Others

1699. Act IV. No person shall be capable to serve as a juror in the general court except a freeholder, whose lands and goods are visibly worth one hundred pounds sterling; in the county court jurors must have estates to the value of at least fifty pounds sterling.

1762. Chapter I. No woman, infant under twenty-one years of age, recusant, convict,

person convicted in Great Britain or Ireland during the time for which he is transported, nor any free Negro, mulatto, or Indian, although such persons are freeholders, shall have a vote.

1848. Criminal Code. Chapter 120; Chapter XXI, Section 5. No person shall be capable to be of a jury for the trial of a felony unless he be a freeholder over the age of twenty-one years and possessed of a visible estate of the value of \$300.00 at least.

1867. Chapter 46. On January 9th the Assembly ratifies the proposed 14th Amendment to the Constitution of the United States state that all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside; and no state shall abridge the privileges of citizens of the United States, nor deprive any person of life, liberty or property without due process of law, not deny any persons the equal protection of the law.

1871. Chapter 57. All male citizens twenty-one to sixty years of age, entitled to vote and hold office, shall be liable to serve as jurors, except persons convicted of scandalous offense, or those guilty of gross immorality. The judge shall prepare a list of inhabitants as he shall think well qualified to serve, being persons of sound judgment.

1874. Chapter I. The General Assembly recognizes the 14th amendment to the constitution of the United States as part of that instrument and desires in good faith to abide by its provisions as expounded by the Supreme Court of the United States. That tribunal recently held that it is only the privileges and immunities of the citizens of the United States that are placed under the protection of the Constitution and privileges of the citizens of the state are not intended to have any additional protection.

The bill before Congress, known as the civil rights bill, is in violation of this amendment. It is an infringement on the constitutional powers of the state; it is sectional in its operation and injurious alike to the white and colored population of the Southern

States; its enforced application in these states will prove destructive of their systems of education, arrest the enlightenment of the colored population (in whose improvement the people of Virginia feel a lively interest), and produce continual irritation between the races.

1900. Chapter 226. All railroad companies running by steam, within this state, are required to furnish separate coaches for the transportation of white and colored passengers. There shall be no difference in the quality, convenience and accommodations in the cars. Failure of any railroad company to comply with this act is a misdemeanor. Passengers refusing to occupy the car to which they are assigned by the conductor may be put off the train. Failure of the conductor to carry out the provisions of this act is a misdemeanor. When any coach for either race is filled, the conductor may set apart a portion of a car assigned to passengers of the other race. This act does not apply to nurses, railroad employees, officers in charge of prisoners, passengers in a caboose on freight train, Pullman cars, express trains doing local business.

1902. Constitution of Virginia. Section 21. Poll taxes for three years shall be personally paid at least six months prior to the election.

1926. Chapter 569. It shall be the duty of any person, firm or institution conducting any public hall, theatre, motion picture show, or any place of public entertainment or assemblage which is attended by both white and colored persons, to separate the white race and the colored race, and to set apart and designate in each public place of public entertainment or assemblage, certain seats to be occupied by white persons and certain by colored persons.

Chapter VII: Criminal Law and the Negro

1699. Act VI. The penalty for the first offense of hog stealing by a Negro or a slave is set at thirty lashes on the bare back, well laid on; for the second offense, two hours in

the pillory with both ears nailed thereto, at the expiration of the two hours the ears are to be cut off close by the nails.

1748. Chapter XXXVIII. Section 6. The trial of a Negro shall be on confession or oath of one or more witnesses, but if the court is of divided opinion, the Negro shall be acquitted.

1748. Chapter XXXVIII. Section 22. An accidental homicide during correction of a slave still does not make one liable for prosecution or punishment, unless the slave is killed willfully; on a manslaughter verdict, there is no forfeiture or punishment.

1788. Chapter XXXVII. Several evil-disposed persons have stolen the children of black free persons and have disposed of them as slaves. It is enacted that whoever steals or sells a free person for a slave, knowing the person to be free, shall suffer death without benefit of clergy.

1808. Chapter 24. If any slave maliciously burn or set fire to a stable, cornhouse, or other house, or aid any slave, free Negro or mulatto to commit such an offense, he shall be guilty of a felony and suffer death, if the amount of the burning be to the value of \$10.00.

1848. Chapter X. Section 29. Any person entitled to the possession of a slave who shall permit such slave to go at large, trade as a free man or hire himself out, shall be fined \$20.00 to \$50.00, and such slave may be sold for the use of the Commonwealth.

1848. Chapter X. Section 30. Permitting a slave of unsound mind, aged or infirm to go at large without adequate support shall be punished by a fine of \$20.00 to \$50.00.

1866. Chapter 17. All laws in respect to crimes and punishment applicable to white persons, shall apply in like manner to colored persons and Indians unless otherwise especially provided.

All acts imposing on Negroes the penalty of stripes, where the same is not imposed on

whites, are repealed; also chapters respecting offenses by Negroes.

1867. Chapter 62. At the extra session it is enacted that hereafter colored persons shall be competent to testify in this state as if white.

1928. Chapter 213. The lynching of any person within the state by a mob is murder, and persons composing a mob which commits an assault and/or battery upon any person without authority of law shall be guilty of a felony.

Chapter VIII: The Development of Free Compulsory Education for Negroes and Whites

1831. Chapter XXXIX. All meetings of free Negroes or mulattoes at any school house, church, meeting house or other place for teaching them reading or writing, either in the day or the night shall be considered an unlawful assembly. Warrants shall direct any sworn officer to enter and disperse such Negroes and inflict corporal punishment on the offenders at the discretion of the justice, not exceeding twenty lashes. Any white person assembling to instruct free Negroes to read or write shall be fined not over \$50.00, also be imprisoned not exceeding two months.

It is further enacted that if any white person for pay shall assemble with any slaves for the purpose of teaching them to read or write, he shall for each offense be fined, at the discretion of the justice, \$10.00-\$100.00.

1867-1870. Constitution of Virginia. Article VIII, Section 3. The General Assembly shall provide in its first session under this constitution a uniform system of public free schools, and for its gradual, equal, and full introduction in all counties of the state by 1876, or as much earlier as practical.

1877. Chapter 62. The appropriation to Hampton Normal and Agricultural Institute, Incorporated 1870, is made on condition that there be departments for instruction in agriculture, mechanic arts, military tactics. The governor is to appoint three of the six

curators from persons of African descent, citizens of the Commonwealth.

1902. Constitution of Virginia. Article IX. Section 138. The Assembly may provide for the compulsory education of children between the ages of eight and twelve years, except such as are weak in body or mind, or can read and write, or are attending private schools, or are excused for cause by the district school trustees.

1902. Constitution of Virginia. Article IX. Section 140. White and colored children shall not be taught in the same school.

Chapter IX: War and the Negro

1723. Chapter II. Such free Negroes, mulattoes, or Indians as are capable may be listed and employed as drummers or trumpeters, upon invasion, insurrection, or rebellion; all such shall be obliged to attend and march with the militia, and do the duties of pioneers or such other servile labor as directed.

1782. Chapter VIII. An act for the recovery of slaves, horses and other property lost during the Revolution declares that any one having such property in his possession shall return it to the owner, and if the owner is not known, advertise in the Virginia Gazette. Wandering slaves may be committed to prison for three months unless the owners sooner appear.

1861. Ordinance No. 84. In July it is ordained that all able-bodied male free Negroes, between eighteen and fifty, shall be enrolled. They shall be selected as laborers, having reference to their condition and circumstances, and be entitled to such compensation, rations, quarters, and medical attendance as may be allowed other labor in the public service. Negroes who fail to obey when requisitioned shall be subject to the penalties provided for persons drafted from the militia who fail to obey.

1928. Chapter 148. Any person who actually accompanied a Confederate soldier in service and remained faithful and loyal as a body servant, or who served as a cook,

hostler or teamster, or who worked on Confederate breastworks, or who buried the Confederate dead, etc., shall be entitled to receive an annual pension of \$25.00.

Chapter X: Abolition and Emancipation

1776. Virginia Bill of Rights, passed June 12. I. All men are by nature equally free and independent and have certain inherent rights, namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

1778. Chapter I. Hereafter no slave shall be imported into the Commonwealth by sea or land.

1836. Resolution No. 1. This resolution, relative to the interference of certain associations in the Northern States with domestic slavery in the South, states that this Commonwealth only has the right to control domestic slavery within its limits and will maintain this right at all hazards and calls on co-states to restrain and punish their citizens who form abolition societies. Furthermore, Congress has no power to abolish slavery in the District of Columbia or territories of the United States and any act having for its object the abolition of slavery therein would afford just cause of alarm to the slave-holding states and bring the Union into imminent peril.

1858. Chapter 10. This is an act to prevent and to punish the unlawful bridging of the Ohio River in manifest defiance of the authority of Virginia, which has repeatedly declined to authorize the erection of such a bridge; the exclusive proprietary right of this Commonwealth upon and in the said river and the soil under its waters having ever been asserted and maintained by Virginia.

1860. Resolution No. 31. This paper is adopted in response to the request of South Carolina and Mississippi for a conference of Southern States: the General Assembly recognizes an imperative necessity for decisive measures in our present relations with

non-slave-holding states, but does not yet distrust the capacity of the Southern States by a wise and firm exercise of their reserved power to protect the rights and liberties of the people, and to preserve the Federal Union. We earnestly desire the concurrent action of the Southern States, but submit to South Carolina and Mississippi and all our sister states of the South that efficient co-operation will be more safely obtained by such direct legislative action of the several states, as may be necessary, than through the agency of an assemblage which can exercise no legitimate power, except to debate and advise.

1860. Chapter 425. This is an act to compensate Andrew Hunter, of Charlestown, in the amount of \$1,500.00 for his legal services in prosecution against John Brown and others connected with the recent outrage at Harpers Ferry.

1861. Resolution No.1 passed January 8. The government of the Union has no power to declare war against any of the states, and when any one of the states shall determine under existing circumstances to withdraw from the Union, we are unalterably opposed to any attempt on the part of the federal government to coerce the same into reunion or re-submission and we will resist the same by all means in our power.

1861. Ordinance No. 1. The people of Virginia do declare and ordain that the ratification of the constitution of the United States is hereby repealed, and the union of Virginia and the other states under the aforesaid Constitution is hereby dissolved, to take affect when ratified by a majority of the votes of the people on the fourth Thursday in May, next; done in convention at Richmond, April 17, 1861.

1861. Ordinance No. 9. The governor of Virginia is authorized to call volunteers into the service of the state to repel invasion and protect the citizens of the state; passed April 17.

1865. Chapter XX. The session of the Virginia Assembly convening at Alexandria

ratifies the thirteenth amendment to the Constitution of the United States abolishing slavery.

1866. Resolution No. 1. Resolved by the General Assembly of Virginia that the people of the Commonwealth cordially approve the policy pursued by Andrew Johnson, President of the United States, in the reorganization of the Union. We accept the result of the late contest and do not desire to renew what has been so conclusively determined. Involuntary service, except for crime, is abolished and ought not to be re-established; the Negro race among us should be treated with justice, humanity and good faith.

1866. Chapter 17. The following acts are repealed: All acts relating to slaves and slavery, and free Negroes.