

# From Virginia's law books:

CHS. 59, 60]

ACTS OF ASSEMBLY

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## CHAPTER 59

*An Act to provide that no child shall be required to attend integrated schools.*

[H 5]

Approved September 29, 1956

Be it enacted by the General Assembly of Virginia:

1. Notwithstanding any other provision of law, no child shall be required to enroll in or attend any school wherein both white and colored children are enrolled.

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CHAPTER 60

INTERIM REPORT *from*

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## The Commission to Examine Racial Inequity in Virginia Law

NOVEMBER 15, 2019

## EXECUTIVE SUMMARY

On June 4, 2019, the Honorable Ralph S. Northam, Governor of the Commonwealth of Virginia, issued Executive Order 32 (“E.O. 32”) establishing the Commission to Examine Racial Inequity in Virginia Law (the “Commission”). In E.O. 32, Governor Northam declared that the purpose of the Commission was to “review the Virginia *Acts of Assembly* (“*Acts*”), *Code of Virginia* (“*Code*”), and administrative regulations with the goal of identifying and making recommendations to address laws that were intended to or could have the effect of promoting or enabling racial discrimination or inequity.”<sup>1</sup> Governor Northam further directed that the Commission work “to identify the vestiges of inequity and inequality in Virginia’s laws, laying the groundwork for the redefining of the Commonwealth in the 21st century as a state committed to the success and equitable treatment of every citizen.”<sup>2</sup>

White and nonwhite Virginians face starkly disparate outcomes in health, educational attainment, financial stability, and access to justice. Any assessment of these disparities must take into account Virginia’s haunting legacy of coordinated, intentional, and official acts of forced segregation and overt racism.

Since the post-Civil War era, the Commonwealth struggled to find its identity as a modern state. Instead of embracing its nonwhite citizens and communities, state and local governments of the Commonwealth devoted considerable energy and resources to the entrenchment and enforcement of segregation, the deprivation of due process, and the denial of full rights of citizenship and civic participation for black, Native American, and other nonwhite Virginians. The cumulative impact of these legislative acts of racism and discrimination was to deny these Virginians full opportunities to gain employment, own property, participate in a democratic society, receive high quality health care, or have equitable access to education. These efforts are documented in the Commonwealth’s *Acts of Assembly*, which chronicles the laws enacted and resolutions during each General Assembly session.<sup>3</sup>

The Commission’s review of these *Acts* found several plainly racist and discriminatory provisions. As specified in this report, the Commission recommends the General Assembly and Governor Northam repeal a number of them. The Commission’s repeal recommendations are limited to those *Acts* that are racist or discriminatory on their face, or those *Acts* which appear neutral but which, when read in historical context, demonstrate their discriminatory intent.

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<sup>1</sup> Virginia Executive Order Number 32 (June 4, 2019).

<sup>2</sup> *Ibid.*

<sup>3</sup> The *Acts of Assembly* are the complete written legislative record of the General Assembly. They include matters that are codified in the *Code of Virginia*, as well as those that remain uncoded. Uncoded laws have the same force and effect as codified laws.

Though most of these pieces of legislation are outdated and have no legal effect, they remain enshrined in law. The Commission believes that such vestiges of Virginia's segregationist past should no longer have official status. The Commission also notes that there have been several previous *Acts* on other topics codified in the *Code of Virginia* that have since been declared unconstitutional or otherwise invalidated. Without repeal, these provisions could be revived with a change of law or interpretation by a different leadership or court. The Commission recommends that they, too, be repealed.

A primary goal of the Commission is to review past legislative actions and consider their current impact. One example is the racist views of Dr. Walter A. Plecker. Dr. Plecker is widely regarded as a white supremacist and former Registrar of the Bureau of Vital Statistics at the Virginia Department of Health during the early 20<sup>th</sup> century. Descriptions of race in the *Acts of Assembly* are almost completely binary, comprising two races called "White" and "Colored." Native Americans are referenced in appropriations and in mentions of "Indian Schools" and reservations as they relate to local government. However, a lack of any mention of a race other than "White" or "Colored" reflects a greater trend in Virginia during the 1920s that the Commission found was espoused by Dr. Plecker, who successfully advocated for passage of the Act to Preserve Racial Integrity, describing all citizens as either white or colored, and forbidding any intermarriage or mixing of the races.<sup>4</sup> As part of that effort, Dr. Plecker declared that all Virginian Native Americans had been "mongrelized" by intermarriage with African Americans, and therefore no longer existed as a separate race.<sup>5</sup>

Identifying and repealing this racist language is only the first step. The Commission appreciates that its work is slated to continue after the 2020 legislative session, so it can further analyze and make recommendations relating to language that, while not explicitly racist or discriminatory, has had the demonstrated effect of "promoting or enabling racial discrimination or inequity."<sup>6</sup>

In the view of the Commission, the work must serve dual purposes: it must purge Virginia's legislative record of invidious laws and enactments, while also avoiding the unintended consequence of historical sanitization. To move forward while acknowledging Virginia's mistakes, Virginians must never lose sight of the harm caused by failing to recognize the inherent value in one another as people.

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<sup>4</sup> See attached exhibit 1.

<sup>5</sup> See attached exhibit 2.

<sup>6</sup> Virginia Executive Order Number 32 (June 4, 2019).

## INVESTIGATIVE PROCESS

On September 4, 2019, Governor Northam appointed the following members of the Commission:

- Andrew Block of Charlottesville, Director, State and Local Government Policy Clinic at University of Virginia School of Law;
- Henry L. Chambers, Jr. of Henrico, Professor of Law, University of Richmond School of Law;
- Jill Hanken of Richmond, Health Attorney, Virginia Poverty Law Center;
- The Honorable Mike Herring of Richmond, Partner, McGuire Woods and Former Commonwealth's Attorney, City of Richmond;
- Cynthia Hudson of Richmond, Chief Deputy Attorney General of Virginia;
- Carla Jackson of Chesterfield, Assistant Commissioner for Legal Affairs, Virginia Department of Motor Vehicles;
- The Honorable Birdie Hairston Jamison of Richmond, Retired Judge, General District Court of the City of Richmond;
- The Honorable Jerrauld Jones of Norfolk, Chief Judge, Circuit Court of City of Norfolk;
- Leslie Chambers Mehta of Chesterfield, Chief of Staff and Counsel to the CEO, Richmond Metropolitan Transportation Authority.

Given the significant scope of work outlined by E.O. 32, the Commission determined that its work should proceed in phases. As an initial task, and with considerable research assistance from law students from the University of Richmond School of Law, law students from the University of Virginia School of Law, students from Virginia Commonwealth University, and staff from the Office of the Governor, the Commission reviewed *Acts of Assembly* from 1900 to 1960.

The Commission focused primarily on three periods of the 20<sup>th</sup> Century. First, the period of 1900 to 1910, representing the era in which most states in the former Confederacy adopted new Constitutions that disenfranchised African Americans, and passed laws that reversed and overturned whatever gains and progress had been made during and following Reconstruction. Second, the period from 1918 through the 1920s, representing the second rise of the Ku Klux Klan and other white supremacist organizations. Third, the period from the mid- and late-1950s, representing Virginia's reaction to federally-mandated school desegregation following the Supreme Court decision in *Brown vs. Board of Education of Topeka*.

In conducting a review of these *Acts*, the students and staff highlighted *Acts* that contained either explicitly racist or discriminatory language or evidenced, either on its face or in historical context, a clear discriminatory intent.

The Commission met four times following the appointment of members and worked between meetings to review the *Acts of Assembly* highlighted by students and staff. Please note that the review of the *Acts* as described above is not to be considered exhaustive. A large proportion of the *Acts* exist in paper form only, and it is not possible to search electronically for key words that might quickly disclose a racial content. Further, subject matter content does not always reveal the inclusion of a racial component or context absent additional information, which is no longer apparent, or not within modern common knowledge. Clever legislative drafting can often conceal the actual goal of any piece of legislation. There remain many volumes of the *Acts* that have not been reviewed, and assuredly, additional measures can be found by more complete review of those that have been studied for the first time.

The Commission hereby submits its interim report, which recommends legislative action to be taken during the upcoming General Assembly Session, and outlines suggested next steps for the Commission to Examine Racial Inequity in Virginia Law.

## RECOMMENDATIONS REGARDING *ACTS OF ASSEMBLY*

The following sections detail, by category, the *Acts* reviewed by the Commission, and the specific recommendations for legislative action. Each section also provides a general overview of those *Acts* by issue area.

### VOTING

Among all the laws reviewed by the Commission, these *Acts* authorized payment of poll taxes to keep black Virginians from voting<sup>7</sup> and required that election officials maintain separate lists of registered voters by race<sup>8</sup> (even directing the use of different colors of paper to do so),<sup>9</sup> and limited voting in certain circumstances to freeholders (the owner of a piece of land or property).

Accordingly, the Commission recommends the following chapters of the *Virginia Acts of Assembly* for repeal:

YEAR	CHAPTER	DESCRIPTION
1903	346	Implementation of the State poll-tax. <sup>10</sup>
1908	130	An act to provide a list of all persons who have paid their State poll-taxes.
1950	216	Amend and re-enact an act providing for the registration and re-registration of persons qualified to vote in the calendar year of 1951 poll-taxes.
1950	224	Amend and re-enact a section of the code relating to voter registration; adding in the words “loose leaf binders.”

<sup>7</sup> For a description of the goals and impact of polls taxes see [http://edu.lva.virginia.gov/online\\_classroom/shaping\\_the\\_constitution/doc/poll\\_tax](http://edu.lva.virginia.gov/online_classroom/shaping_the_constitution/doc/poll_tax).

<sup>8</sup> See attached exhibit 3, 1904 Warren County Poll books.

<sup>9</sup> The *Acts* also limited voting in certain circumstances to freeholders, defined as owners of property. While freeholders likely referred only to white landowners at one time, the term still exists in the *Code of Virginia* in at least 31 statutes and applies in a race-neutral manner. See, for example, *Virginia Code* §25.1-229. Condemnation proceedings - jurors must be freeholders; §28.2-1311 & §28.2-1411. Actions regarding Wetlands; §8.01-346 – jury lists include freeholder status; §62.1-118 – waterways/ports; §33.2-706,713,604 – highways, tolls.

<sup>10</sup> See attached exhibit 4.

## CONFEDERATE PENSIONS AND MEMORIALS

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The Commission reviewed *Acts of Assembly* dated between 1901 and 1920 concerning Confederate pensions. Beginning in 1901, those who supported the Confederacy, including former confederate soldiers, their spouses, their widows (including funeral expenses), and matrons in Confederate hospitals, received state-funded reparations after the war. The Commonwealth of Virginia also funded the construction of the Robert E. Lee statue for “the sum of ten thousand dollars, or so much thereof as may be necessary to carry out the provision of a statue”<sup>11</sup> and set aside funds for “the sons and daughters of Confederate veterans in their efforts to erect a monument to the memory of the Confederate soldiers.”<sup>12</sup> By 1920, the Commonwealth of Virginia also began using taxpayer funds to provide financial support to the Confederate Museum at Richmond

Examples of other state-funded assistance to those who supported the Confederacy included the following: “any woman who served as a matron in a Confederate hospital for a period of twelve months during the war between the States, shall be allowed the sum of forty dollars per annum;”<sup>13</sup> a total of \$12,000 “[f]or [the] care of needy Confederate women in accordance with provisions of the Act;”<sup>14</sup> and \$6,000 “[f]or providing for incidental personal expenses of Confederate Veterans, a monthly allowance of \$2.00 to each inmate of the R.E. Lee Camp Soldiers Home at Richmond;”<sup>15</sup> and a total of \$2,000 “[f]or relief of needy Confederate Veterans afflicted with contagious diseases or cancer.”<sup>16</sup>

The Commission also reviewed *Acts* concerning Confederate statues and the Confederacy more generally. The Commission understands the sensitive nature of this topic both in terms of its complexity and its historical legacy, and seeks to be appropriately mindful of the history of this era while also acknowledging the state’s role in funding Confederate memorials, monuments, and public benefits.

In addition, the Commission is well aware that there is pending litigation related to issues involving Confederate memorials. Recent pronouncements from public officials have also indicated that legislation will be introduced regarding these matters in the next legislative session.

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<sup>11</sup> 1906 *Acts of Assembly*, Chapter 79.

<sup>12</sup> 1906 *Acts of Assembly*, Chapter 90.

<sup>13</sup> 1908 *Acts of Assembly*, Chapter 178.

<sup>14</sup> 1920 *Acts of Assembly*, Chapter 144.

<sup>15</sup> 1920 *Acts of Assembly*, Chapter 144.

<sup>16</sup> 1920 *Acts of Assembly*, Chapter 144.

Therefore, given the gravity of the issue and the desire to produce a timely interim report, the Commission will not make interim recommendations on this topic at this time. The Commission will continue its careful and deliberate review of the *Acts* concerning the Confederacy and will await orderly judicial or legislative actions.

## EDUCATION

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The Commission reviewed a large number of *Acts* related to education. This was a deeply troubling read. While some of the *Acts* reflected the explicitly racist language and segregationist policies of their time, establishing, for example, race-based “industrial schools” for youth in the juvenile justice system,<sup>17</sup> other *Acts* provided evidence of the calculated legislative strategies of the Massive Resistance<sup>18</sup> era to reject *Brown v Board of Education*’s mandate for public school desegregation.

What is clear is that Virginia’s policymakers engaged in deliberate and coordinated legislative strategies both to deny equal educational opportunities to black students and preserve white students’ ability to attend white-only schools. The sterile and sometimes race-neutral language of these acts does not mask the racist and discriminatory sentiments behind them.

The extra legislative session of 1956, in particular, was an extremely important part of the overall Massive Resistance effort. The *Acts* from that session reveal the interrelated and coordinated policies that, in sum, had the desired outcome of preserving school segregation.

For example, the 1956 Special Session gave Virginia the authority to intervene to shut down schools if federal authorities appeared to force integration; to take over school systems if voluntary or forced integration took place, and to create instead a segregated school system; to create an exception for compulsory education laws if children did not want to attend integrated schools; to create a voucher system to allow youth not wanting to attend integrated schools to attend private schools; and to accelerate the creation of new, private schools, by both the creation of “education grants” ridding these new private schools of the building code requirements that normally applied to educational institutions.

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<sup>17</sup> See, for example, Chapter 262 from the 1954 session establishing Bon Air and Beaumont for white students, and Hanover, for black youth.

<sup>18</sup> “Massive Resistance in Virginia refers to coordinated efforts to prevent federally-mandated public school desegregation. Localities, assisted by the General Assembly, in some cases even closed public school systems entirely, while providing tuition assistance grants to families, thus permitting student attendance at publically-funded “private” schools established specifically for that purpose.

Accordingly, the Commission recommends the following chapters of the Virginia *Acts of Assembly* for repeal:

YEAR	CHAPTER	DESCRIPTION
1901	123	Incorporation of Sweet Briar on terms limiting enrollment to whites in accordance with terms of a will.
1901-1902	238	Establishes by incorporation a particular colored only high school – Southwest Academy in Pulaski County.
1901-1902	335	Establishes by incorporation school for colored youth – Northern Neck Industrial Academy.
1901-1902	401	Continues and changes name of VA Normal and “Collegiate” Institute to VA Normal and “Industrial” Institute – for colored students.
1903	212	Authorizes New London Academy in Bedford and Campbell Counties for advanced white students.
1903	268	Specifies management structure for State Female Normal School for training white female teachers – now Longwood University.
1903	312	Management, financial and other provisions for Hampton Normal and Agriculture Institute for colored students (now Hampton University) and what is now Virginia Tech (for whites).
1903	332	More management provisions for Virginia Normal and Industrial Institute – for colored students.
1903	509	Establishes the legal, management and administrative structure and funding scheme for the early Virginia free public school system, with proviso that schools for colored and white shall be separate.
1903	528	Continues and provides further for management of State Female Normal School for whites (Longwood predecessor).
1908	42	Requires establishment of white and colored “sub districts” within school divisions.
1908	161	Requires school censuses with counts of races kept separately.
1908	170	Authorizes Lexington to accept a transfer of a private academy, so long as the use would be for education of white children only.
1908	284	University of Virginia tuition cap for white students.
1908	400	Allows attendance at public schools in districts one does not reside in but where one is a taxpayer, upon conditions – must be and remain segregated by race.
1910	206	Establishes a public school for Negro males at the Negro Reformatory in Hanover.

1912	321	Reiterates requirement that free public schools be segregated.
1914	170	Transfers operation of the Virginia Home and Industrial School in Chesterfield, a facility for “vicious and incorrigible white girls” to state control.
1918	351	Transfers the Laurel Industrial School for delinquent white boys, in Henrico County, to state control.
1920	70	Children may attend school in an adjoining locality to their own, when logical or close, but may not teach both races in the same schools. <sup>19</sup>
1920	75	The Industrial Home School for Wayward Colored Girls, in Hanover County, transferred to state control.
1920	144	University of Virginia tuition cap for white students.
1920	344	Transfers the Virginia Manual Labor School in Hanover County for delinquent colored boys from the Negro Reformatory Association of Virginia to state control.
1950	23	Changes the name of the Virginia Industrial School for Colored Girls, formerly the Industrial Home School for Wayward Colored Girls, to the Janie Porter Barrett School for Girls.
1950	569	Authorizes medical and nursing school scholarships restricted for use by Negroes to attend Negro professional schools and whites to attend white professional schools.
1954	262	Renames segregated reform schools to Bon Air School for Girls (white), Beaumont School for Boys (white), and the Hanover School for Boys (colored).
1956	39	Prohibiting the state, due to emergency circumstances, to refuse to accredit any private school due to the failure of the building in which the school exists to otherwise meet state regulations and building codes.
1956	58	Authorizing and requiring funds from localities to pay for educational “grants” to allow children objecting to attendance at an integrated school to attend private schools, and authorizing/requiring local school systems to provide transportation to those children requesting such grants (likely the first example of school vouchers). This chapter further provided that the state reimburse local governments for these costs.
1956	59	Creating an exception for compulsory school attendance for children who would otherwise be obligated to attend an integrated school. <sup>20</sup>
1956	68	Divesting localities of authority over local schools when local officials voluntarily integrated their schools.

<sup>19</sup> See exhibit number 5.

<sup>20</sup> See exhibit number 6.

1956	69	Giving state authority to close, as an “emergency,” any local system not operating an efficient system, defined as a school system that was segregated.
1956	70	Freezing student enrollment unless authorized for change by state-operated Pupil Placement Board.
1958	41	Authority of Governor to seize control and close schools when federal authority asserted.
1958	319	The Governor’s authority to seize control of or close any school that falls under federal or military authority and to reopen when he deems appropriate.
1959	1	Enabled Massive Resistance by permitting students to attend public schools outside their home school district upon verification of no “adequate” public school in home district, or general objection to attending home district school (emergency legislation).
1959	3	Enabled Massive Resistance by funding private school tuition grants to be issued locally or by the state.
1959	32	Enabled Massive Resistance by authorizing closure of public schools upon federal intervention to enforce desegregation.
1959	50	Enabled Massive Resistance by permitting teachers to repay state scholarships by teaching in private schools.
1959	53	Enabled Massive Resistance by providing for local and state funding of “scholarships” (rather than “grants”) for students to attend private schools and public schools outside their home school districts.
1959	71	Restored initial pupil placement decisions to local school authorities, but enabled Massive Resistance by establishing right of appeal of local decisions to state-level authorities.
1959	80	Enabled Massive Resistance by allowing use of “any existing building” as a private school, subject only to state-level fire marshal approval (i.e., negated need to comply with building code requirements, zoning regulations, etc.).
1959	81	Enabled Massive Resistance by capping amount of tuition charged by local school districts for students attending from other public school districts.
1960	191	Enabled Massive Resistance by allowing an offset against local tax liability for donations to private schools.
1960	448	Directly enabled Massive Resistance by allowing local funding of “scholarships” to attend private schools or to attend a public school in a district other than the student’s home school district.
1960	531	Directly enabled Massive Resistance by ensuring a level of county funding to town school districts, likely to ensure sufficient funding available for private school grants/scholarships.

## BUDGET AND FINANCE

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The Commission reviewed several *Acts of Assembly* from 1903, 1910, 1914-1920, and 1956-1958 related to budget and finance issues. The *Acts* included numerous instances of appropriations that reflected the Commonwealth's historical support for explicit racial segregation, such as appropriations for the Virginia School for the Colored Deaf and Blind, the Industrial Home School for Wayward Colored Girls, and the Virginia Manual Labor School for Colored Boys. Various institutions, including the University of Virginia in the 1920 *Acts*, were provided funding with the explicit proviso that they serve only white students. In addition, the Commonwealth's Budget for 1956-1958 included an explicit refusal to fund integrated school systems, in one case "declar[ing], find[ing] and establish[ing] as a fact that the mixing of white and colored children in any elementary or secondary public school within any county, city or town of the Commonwealth constitutes a clear and present danger affecting and endangering the health and welfare of the children and citizens residing in such county, city or town."<sup>21</sup>

The *Acts* also included appropriations that supported the legacy of the Confederacy, including resources for Confederate soldiers, their widows, and their families, and appropriations to support the memorialization of the legacy of the Confederacy, such as funds dedicated to support a Confederate museum and a monument to Stonewall Jackson.

A candid recognition of the role that discrimination and racism played in the reviewed *Acts*, and the continuing effect those appropriations may have is essential to their understanding. However, the Commission notes that future action is complicated. An official repeal of the many *Acts* might seem superfluous, given that the appropriations are long spent and many of those appropriations were provided for institutions that no longer exist. However, the legacy of many of the appropriations remains in other ways.

For example, the *Acts* include support for institutions that still exist (e.g., University of Virginia), support for monuments that may still exist (Confederate monuments), and support for buildings that still stand (the Home for Needy Confederate Women and R. E. Lee Camp Confederate Soldiers' Home that are now part of the Virginia Museum of Fine Arts).<sup>22</sup> The support the Commonwealth provided for these institutions, monuments, and buildings ought to be formally acknowledged, recognizing that traces of that former intent cannot be disaggregated from those institutions, monuments, and buildings.

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<sup>21</sup> See 1956 *Acts of Assembly*, Chapter 71 (Extra Session).

<sup>22</sup> For more about the Virginia Museum of Fine Arts buildings, see <https://www.vmfa.museum/about/grounds-history/>.

Ultimately, the nature of state budgets dictate that they expire at the end of the budget year. Any budget that was passed has already, in effect, expired. For that reason, the Commission decided to focus the bulk of its recommendations on racist laws that did not expire by operation of law.

## HEALTH

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The Commission reviewed *Acts* related to “Health” from 1914 to 1920. The 1914 and 1916 *Acts* primarily govern Virginia’s mental health institutions, referred to as “colonies for the feeble-minded” or “hospitals for the insane,” and segregation of those institutions. According to the Virginia Department of Behavioral Health: “From its founding until the passage of the Civil Rights Act of 1964, Central State Hospital served and treated only African-American Mentally Ill, Mentally Retarded, Geriatric, and Criminally Insane from the entire state of Virginia. In 1967, the Hospital opened its doors to accept patients regardless of race or national origin and only from the Central Virginia area.”<sup>23</sup>

As such, the 1914 and 1916 *Acts* specifically require a separate building and separate governance for “feeble minded colored persons” on the Dinwiddie County campus of Central State Hospital. The 1920 law expands the Central State Colony for “colored feeble-minded” to also serve “colored epileptics” and specifically prohibits commitment of white people to Central State Hospital and commitment of colored people to other facilities.<sup>24</sup> The 1920 *Act* also specifically requires formal documentation of the color of any person committed to a facility as “insane, epileptic, feeble-minded, or inebriate.”<sup>25</sup>

Following this pattern of segregation, the 1918 *Act of Assembly* addresses special taxes that would, in part, be utilized to prevent and eradicate tuberculosis. The State Board of Health is directed and required to “provide separate sanatoria for white people and colored people.” While state-mandated segregation has ended, vestiges of discrimination undoubtedly still exist in both access to care and health outcomes.

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<sup>23</sup> <http://www.csh.dbhds.virginia.gov/about.html>.

<sup>24</sup> 1920 *Acts of Assembly*, Chapter 262.

<sup>25</sup> 1920 *Acts of Assembly*, Chapter 262.

Accordingly, the Commission recommends the following chapters of the Virginia *Acts of Assembly* for repeal:

YEAR	CHAPTER	DESCRIPTION
1914	346	Establishes Central State Colony for the “feeble-minded” in Dinwiddie County (colored persons).
1916	207	Amend and re-enact an act to establish the Central State Colony for the “feeble-minded” in Dinwiddie County (colored persons).
1918	384	The Board shall provide separate sanatoria for white people and colored people. <sup>26</sup>
1920	262	Insane, epileptic, feeble-minded and inebriate (colored v. white).

## TRANSPORTATION

The Commonwealth went to great lengths to maintain rigid lines of separation between “white and colored” travelers. The years 1902 and 1906 marked particularly troubling chapters in Virginia’s legacy of racial discrimination. Indeed, some enactments mandated enforcement of racial separation, under threat of criminal prosecution, and afforded conductors and operators virtually unlimited police powers to remove or race test passengers. No legitimate public purpose is served by the preservation of these invidious *Acts*.

Accordingly, the Commission recommends the following chapters of the Virginia *Acts of Assembly* for repeal:

YEAR	CHAPTER	DESCRIPTION
1901	454	Require Richmond and Petersburg Electric Railway Company to provide separate accommodations by race for passengers.
1901	463	Permit the Cumberland Valley Railroad Company to use curtains for partitions to separate passengers by race. <sup>27</sup>
1901	554	Authorize electric railroad or railways in the City of Alexandria and from the City to the County of Fairfax to provide separate accommodations by race for passengers.
1906	91	Require a separation of white and colored passengers on cars operated by electricity.
1959	49	Permit school boards to provide transportation to children attending nonsectarian private schools.

<sup>26</sup> See exhibit number 7.

<sup>27</sup> See exhibit number 8.

## HOUSING

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During the late 19th and early 20th centuries, Virginia legislators and policymakers took deliberate actions to establish segregated housing for white and black people. The entrenched, segregated housing patterns created by the law at that time created persistent and pervasive historical racial discrimination. The Commission examined four specific legislative sections addressing housing. Each of the sections contained clearly-stated legislative language intended to create and maintain segregated districts for the residence of “white and colored” families.

These legislative mandates ensured a physical and psychological separation of the races that was intended to perpetuate the hate-filled vestiges of slavery. The devastating long-term social, economic, and political impact of legalized segregation in Virginia continues to plague people of color today.

Accordingly, the Commission recommends the following chapters of the *Virginia Acts of Assembly* for repeal:

YEAR	CHAPTER	DESCRIPTION
1901	300	Separate accommodation of white and colored passengers in steamboats.
1912	157	Designation of segregation districts for residence. <sup>28</sup>
1916	51	Re-enact section 11, entitled an act to provide designation of segregation districts for residence.

## CRIMINAL

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Virginia discriminated against its poor citizens as well as its citizens of color. In some instances, the *Acts* identified the target population as “poor” or “colored.” In others, the language was facially race-neutral but *de facto* anti-black, certainly in its implementation. In all instances, the consequence was the deprivation of due process and the infliction of cruel and unusual punishment. This was an injustice of monumental proportions, and there is no legitimate reason to preserve the legislation.

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<sup>28</sup> See exhibit number 9.

Accordingly, the Commission recommends the following chapters of the Virginia *Acts of Assembly* for repeal:

YEAR	CHAPTER	DESCRIPTION
1908	134	City Charter of Petersburg - Prevents persons (vagrants, beggars etc.) from entering the city with no ostensible means of support.
1908	157	City Charter - Prevents persons (vagrants, beggars etc.) from entering the city with no ostensible means of support.
1908	270	Amend and re-enact section 3932 of the Code in relation to chain gangs; in reference to counties and municipal-corporation established chain gangs. Allows chain gang service for being a vagrant; allows chain gangs to be leased or hired from one locality to another (captive work force).
1908	284	Sets salaries and expenses for employees, including those with races in their titles.
1908	285	City Charter - Prevents persons (beggars, vagrants, drunkards, mendicants) from entering the city with no ostensible means of support.
1908	286	City Charter - Prevents persons (street beggars, drunkards, transients, vagrants) from entering the city with no ostensible means of support.
1908	287	Chain gangs for Caroline County - Convicts who cannot pay for upkeep must work on roads.
1908	302	Permits chain gangs to be used in the Town of Narrows in Giles County for violations of town ordinances.
1908	324	Allows the establishment of a chain gang in a certain county.
1908	Index	References to “Negro” reformatory school and association.
1916	35	If any minor charged with any crime, or with being a vagrant, or disorderly person is convicted they shall be committed to the custody and control of the Negro Reformatory Association of Virginia (Section 5).
1916	45	Requires sheriffs and sergeants to keep a record of persons confined to jails; information includes name, color, age, physical condition, term in jail and whether or not person is a confirmed drunkard or drug habitué.
1918	180	Authorize and empower the boards of supervisors and city councils of any two or more counties or a county and a city to establish a home or poor farm for the care and maintenance of the poor. White and colored residents must be housed in separate buildings so as not to interfere with each other. <sup>29</sup>
1920	344	Allow state to assume control of the Negro Reformatory Association of Virginia in Hanover County, placing the facility in the state system, because it had sought state assistance and was likely to seek more state assistance.

<sup>29</sup> See exhibit number 10.

## MATTERS OF GENERAL APPLICATION

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Members of the Commission reviewed an assortment of provisions in the *Acts* from 1903, 1904, 1908, 1910, 1912, 1916, 1918, 1920, 1950, 1952, 1954, 1956, 1958, and 1960 that were cataloged under the heading “Matters of General Application.” While some of these *Acts* were later declared unconstitutional or invalidated by the Civil Rights acts of 1964, these laws of Virginia show the Commonwealth’s historical commitment to racial segregation, including in public facilities and common carriers;<sup>30</sup> on public documents, such as deeds, marriage licenses, and divorce complaints;<sup>31</sup> with the State Registrar who was granted authority to alter birth certificates based on his determination of the person’s “true race;”<sup>32</sup> and the establishment of the “one drop rule.”<sup>33</sup>

Additionally, during the height of the Civil Rights movement, Virginia enacted laws “to promote interracial harmony and tranquility” by quelling activities that promoted or challenged segregation and integration laws.<sup>34</sup> At a time of increased white racial violence against those challenging segregation, it was an overt and hostile action to require persons, groups, and organizations promoting desegregation to register with the Clerk of the State Corporation Commission. This registration included registrant’s names and addresses and would have been considered a public record. In a state that appropriated funds to support an explicitly all white military company,<sup>35</sup> laws that evince such deep concerns about integration and segregation do not represent growth in the Commonwealth’s collective consciousness regarding matters of race. Rather they reveal the clear underpinnings of discrimination and racial inequity in Virginia law.

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<sup>30</sup> See 1901 *Acts of Assembly*, Chapter 198 (Extra Session) (segregated accommodations on Richmond Passenger and Power Co. lines); 1904 *Acts of Assembly*, Chapter 609 (Extra Session) (segregation in motor and common carriers).

1910 *Acts of Assembly*, Chapter 264 (segregated playgrounds); 1916 *Acts of Assembly*, Chapter 315 (former Methodist Episcopal church land use for burial for whites only); and 1920 *Acts of Assembly*, Chapter 295 (segregation in businesses).

<sup>31</sup> See 1910 *Acts of Assembly*, Chapter 28 (“white” or “colored” listed on a marriage license); 1918 *Acts of Assembly*, Chapter 220 (race on divorce complaint); 1918 *Acts of Assembly*, Chapter 388 (citations for the sale of alcohol recorded name and color of every person shipping); 1920 *Acts of Assembly*, Chapter 40 (assessors to note whether owner is white or colored); and 1920 *Acts of Assembly*, Chapter 109 (deed records to note if grantee is white or colored).

<sup>32</sup> See 1950 *Acts of Assembly*, Chapter 313.

<sup>33</sup> See 1954 *Acts of Assembly*, Chapter 702.

<sup>34</sup> See 1956 *Acts of the Assembly* Chapter 32 (Extra Session). See also 1960 *Acts of the Assembly* Article 11 that authorized the government to use “all available means and every power” to quell “Activities Tending to Cause Racial Conflict or Violence.” See also 1956 *Acts of the Assembly* Chapter 37 (Extra Session) that authorized the Legislative Committee to investigate groups involved in racial activities; looking specifically at tax matters.

<sup>35</sup> See 1904 *Acts of the Assembly* Chapter 605 (Extra Session) regarding the appropriation for a white military company in Smithfield.

As previously detailed, many of these *Acts* reveal the pervasive and continuing nature of the Commonwealth's furtherance of the legacy of the "Lost Cause" of the Confederacy, including appropriations and tax relief for Confederate veterans, "needy confederate women," their families, and inmates, in addition to more overt memorialization through the construction of Confederate monuments, and the establishment of two Confederate holidays.<sup>36</sup>

Some of these laws, as one Commissioner noted, are "facially benign but functionally malignant." Such examples are the varying laws that require one to be a freeholder to enjoy certain rights or exercise certain responsibility. While it is plausible to limit decisions regarding property disputes to landowners, there were likely very few African-American landowners in Virginia in 1908, or certainly far fewer than white landowners. So, to prescribe that a person be a freeholder to decide or participate in matters affecting all residents of the city or county, such as making decisions about the repair of roads<sup>37</sup> or being eligible to serve in a political position,<sup>38</sup> had a disparate racial impact and likely caused political disenfranchisement, including for poor white people. However, as discussed elsewhere, the Commission does not recommend repeal of *Acts* solely on the basis of the use of the word freeholder, as the term and concept survive in today's *Code of Virginia* in various ways that indicate a non-racial basis.

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<sup>36</sup> See 1904 *Acts of Assembly*, Chapter 605 (Extra Session) (appropriation for white military company in Smithfield); 1904 *Acts of Assembly*, Chapter 609 (Extra Session) (reduced rates for inmates of Confederate or state homes); See also 1956 *Acts of Assembly*, Chapter 16 (Extra Session) (tax exempt status for Confederate organizations); and 1958 *Acts of Assembly*, Chapter 167 (creation of Lee Jackson Day and Confederate Memorial Day).

<sup>37</sup> See 1908 *Acts of Assembly*, Chapter 62 (cost to build or change road decided by 3 out of 5 nominated "discreet freeholders"); 1908 *Acts of Assembly*, Chapter 74 (must be a freeholder to decide on the work or repair of roads in Smyth County); 1908 *Acts of Assembly*, Chapter 79 (must be a freeholder to decide on the digging of ditches); and 1908 *Acts of Assembly*, Chapter 382 (must be a freeholder to vote to change the location of roads); See also 1908 *Acts of Assembly*, Chapter 387 (to be eligible for councilman).

<sup>38</sup> See 1908 *Acts of Assembly*, Chapter 279 (to be selected, superintendent must be freeholder); 1908 *Acts of Assembly*, Chapter 382 (must be a freeholder to be on Spotsylvania commission); and 1908 *Acts of Assembly*, Chapter 387 (must be a freeholder to be eligible for councilman).

Accordingly, the Commission recommends the following chapters of the Virginia *Acts of Assembly* for repeal:

YEAR	CHAPTER	DESCRIPTION
1901	198	Require the Richmond Passenger and Power Company to provide separate accommodations for the white and colored passengers.
1901	580	Incorporation of the Negro Agricultural and Industrial Society of Virginia.
1904	605	Authorize the town of Smithfield to make an annual appropriation to the white military company.
1904	609	Separation by race on all trains, cars, coaches of railroads or railways – statewide law of railroad conduct and standards.
1908	74	Amend and re-enact chapter 184 an act to provide for maintenance on the public roads and bridges in the County of Smyth.
1910	28	Applications for marriage licenses must include race (white or colored). <sup>39</sup>
1910	264	Provide for public playgrounds in certain cities and towns, segregated by race.
1912	309	Require the inspection and supervision of the State board of charities and corrections of persons of corporations placing children in family homes (color determination).
1916	206	Road commissioners in Tazewell County must be “public-spirited, intelligent,” and qualified voters.
1916	315	Authorize the sale of Cypress church and lot in Surry County.
1918	217	Provide a new charter for the City of Clifton Forge and repeal all other acts in conflict (metes and bounds property description includes races of owners of lots).
1918	220	Require clerks of courts to make report to the state registrar of vital statistics of all divorces, granted and pending, including race.
1920	40	Real estate assessments must include race of owners.
1920	109	Clerks of court must prepare annual list of deeds recorded each year, including races of grantees.
1920	295	State Corporation Commission given power to establish segregated waiting rooms at all stations, wharves and landings.
1924	371	Act to Preserve Racial Integrity. <sup>40</sup>

<sup>39</sup> See exhibit number 11.

<sup>40</sup> See exhibit number 1.

1950	313	Disputes over racial designations on birth certificates.
1952	317	Prohibition of integration within fraternal beneficial associations (insurance providers in that time).
1954	702	Amend and reenact the Code, relating to the definition of colored persons and Indians, so as to change the definition of tribal Indians. <sup>41</sup>
1956	32 (Extra Session)	An act to promote interracial harmony and tranquility and to that end to declare it to be a public policy of the state that the right of all people to be secure from interracial tension; require registration of persons and organizations engaged in promoting or opposing legislation on behalf of a race, or advocating racial integration or segregation; require the furnishing of certain information in connection therewith; to impose penalties for violations.
1956	37 (Extra Session)	An act to create a legislative committee of the House and Senate to investigate and hold hearings relative to the activities of corporations, associations, organizations, and other groups that encourage and promote litigation relating to racial activities.
1960	Article 11	Legislation making it difficult for organizations like the National Association for the Advancement of Colored People and the American Civil Liberties Union to operate in Virginia by creating registration, filing and disclosure hurdles.
1960	501	Prescribing the method of creation, activation, and the powers and duties of Redevelopment and Urban Renewal Authorities in certain counties.

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<sup>41</sup> See exhibit number 12.

## RECOMMENDATIONS FOR FUTURE ACTIVITIES OF THE COMMISSION

In E.O. 32, Governor Northam stated that the purpose of the Commission is to review not only the *Virginia Acts of Assembly*, but also to review the *Code of Virginia* and Virginia administrative regulations for racial discrimination or inequity. He asked the Commission to include in its interim report recommendations for future work of the Commission, including “a proposed framework for the continuation of the Commission’s work”<sup>42</sup> beyond this interim point.

The Commission heartily embraces the opportunity for its work to continue. While the Commission believes in the importance of openly identifying and ridding Virginia session laws of the historic vestiges of Virginia’s segregationist past, the Commission does not believe this work alone is sufficient to address the objectives Governor Northam laid out in E.O. 32. In addition to reviewing the *Acts*, the Commission submits that it should undertake the review of the current *Code of Virginia* and Virginia Administrative Code as contemplated by E.O. 32, not only for those laws that are explicitly discriminatory, but also those that are either race-neutral descendants of explicitly racist legislative ancestors, or that, in practice, have the effect of perpetuating discrimination and racial inequities. In pursuing this course of actions the Commission recognizes that Virginia policymakers did not make their racist and segregationist legal scheme readily apparent. Subsequent legislation, judicial intervention, and even constitutional amendments have not altogether eliminated the intended effect of these laws.

Comparing the rates of home ownership, educational achievement, negative health outcomes, criminal justice involvement, and professional and financial stability for nonwhite and white Virginians makes it painfully clear that Virginia is a long way from true racial equity. While examining and potentially recommending changes to those Virginia laws and regulations that have the effect of perpetuating these disparities will not immediately create equality in both practice and policy in the Commonwealth, the Commission believes it is a critically important first step.

The Commission understands that undertaking this review will be time-consuming and will require outside support. Specifically, the Commission will need the help of academics, state agency personnel with access to critical data, attorneys and advocates, and, perhaps most importantly, community members across the Commonwealth who have the lived experience, both past and present, to help the Commission better understand the unequal and disparate racial impact of the Commonwealth’s law and policies. The Commission also recognizes that continuing to meet in Richmond might limit the

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<sup>42</sup> Virginia Executive Order Number 32 (June 4, 2019).

Commission's ability to hear from many interested community members and that, going forward, it will likely need to hold public meetings in communities across Virginia.

Consistent with Governor Northam's original charge to the Commission, "to identify the vestiges of inequity and inequality in Virginia's laws, laying the groundwork for the redefining of the Commonwealth in the 21st century as a state committed to the success and equitable treatment of every citizen," the Commission readily takes up its charge to continue its work over the upcoming year.

## ACKNOWLEDGEMENTS

*The Commission would like to acknowledge the following individuals for their expertise and support:*

Dr. Ed Ayers for further educating the Commission on the history of Civil War Reconstruction and Jim Crow law, especially in the areas of education, housing, voting, and marriage law.

Ms. Adele Johnson, Executive Director of the Black History Museum of Virginia, for hosting a meeting of the Commission and for sharing the Museum's collection with the Commission.

Mr. Mike Strom, Virginia State Archivist and Mr. Roger Christman, Senior State Governors' Records Archivist, both of the Library of Virginia, for sharing information about and providing access to records in the Government Record Services Division and the Library's archival holdings.

Student Researchers at Virginia Commonwealth University, the University of Richmond School of Law and the University of Virginia School of Law as well as Governors Fellows from Summer 2019, who conducted extensive research on the Virginia Acts of Assembly.

The Black History Museum of Virginia, Division of Legislative Services, and the Library of Virginia for sharing their collections of primary source material.

Mr. Nathan Dowdy, Special Assistant to the Secretary of Finance for his administrative assistance.

Hon. Jay W. DeBoer, Special Assistant to the Governor, Ms. Jessica R. Killeen, Deputy Counsel to the Governor, and Ms. Grace T. Kelly, Policy Assistant and Confidential Assistant to Counsel for providing staff support to the Commission.

Mr. Don Ferguson, Senior Assistant Attorney General and Ms. Heather Hays Lockerman, Section Chief and Senior Assistant Attorney General, both of the Virginia Attorney General's Office for providing legal support to the Commission.

## **EXHIBIT 1**

Revised  
7/19/24

HB 311

A BILL

To preserve racial integrity.

Carry Revised  
7/21/24

as of  
7/15/24

Patrons:

W. H. ...

Arthur ...

Samuel P. Carter  
W. H. ...  
Arthur ...

DeWitt

Ozlin

Wiering

Gibson

J. A. ...

J. D. Bolton

John T. ...

E. W. ...

R. J. ...

C. A. ...

A. J. ...

1. Every employee of the State government or of any department thereof, who is required to be on duty seven days in each calendar week, shall on and after the passage of this act be relieved from duty, without any reduction in pay, and without any requirements that the time so allowed shall subsequently be made up, at least two Sundays in each calendar month. The heads of the various departments are hereby authorized to take such steps as may be necessary to put this act into effect.

CHAP. 371.—An ACT to preserve racial integrity.

[S B 219]

Approved March 20, 1924.

1. Be it enacted by the general assembly of Virginia, That the State registrar of vital statistics may, as soon as practicable after the taking effect of this act, prepare a form whereon the racial composition of any individual, as Caucasian, Negro, Mongolian, American Indian, Asiatic Indian, Malay, or any mixture thereof, or any other non-Caucasic strains, and if there be any mixture, then, the racial composition of the parents and other ancestors, in so far as ascertainable, so as to show in what generation such mixture occurred, may be certified by such individual, which form shall be known as a registration certificate. The State registrar may supply to each local registrar a sufficient number of such forms for the purpose of this act; each local registrar may, personally or by deputy, as soon as possible after receiving said forms, have made thereon in duplicate a certificate of the racial composition, as aforesaid, of each person resident in his district, who so desires, born before June 14, 1912, which certificate shall be made over the signature of said person, or in the case of children under fourteen years of age, over the signature of a parent, guardian, or other person standing in loco parentis. One of said certificates for each person thus registering in every district shall be forwarded to the State registrar for his files; the other shall be kept on file by the local registrar.

Every local registrar may, as soon as practicable, have such registration certificate made by or for each person in his district who so desires, born before June 14, 1912, for whom he has not on file a registration certificate, or a birth certificate.

2. It shall be a felony for any person wilfully or knowingly to make a registration certificate false as to color or race. The wilful making of a false registration or birth certificate shall be punished by confinement in the penitentiary for one year.

3. For each registration certificate properly made and returned to the State registrar, the local registrar returning the same shall be entitled to a fee of twenty-five cents, to be paid by the registrant. Application for registration and for transcript may be made direct to the State registrar, who may retain the fee for expenses of his office.

4. No marriage license shall be granted until the clerk or deputy clerk has reasonable assurance that the statements as to color of both man and woman are correct.

If there is reasonable cause to disbelieve that applicants are of pure white race, when that fact is stated, the clerk or deputy clerk shall with-

hold the granting of the license until satisfactory proof is produced that both applicants are "white persons" as provided for in this act.

The clerk or deputy clerk shall use the same care to assure himself that both applicants are colored, when that fact is claimed.

5. It shall hereafter be unlawful for any white person in this State to marry any save a white person, or a person with no other admixture of blood than white and American Indian. For the purpose of this act, the term "white person" shall apply only to the person who has no trace whatsoever of any blood other than Caucasian; but persons who have one-sixteenth or less of the blood of the American Indian and have no other non-Caucasic blood shall be deemed to be white persons. All laws heretofore passed and now in effect regarding the intermarriage of white and colored persons shall apply to marriages prohibited by this act.

6. For carrying out the purposes of this act and to provide the necessary clerical assistance, postage and other expenses of the State registrar of vital statistics, twenty per cent of the fees received by local registrars under this act shall be paid to the State bureau of vital statistics, which may be expended by the said bureau for the purposes of this act.

7. All acts or parts of acts inconsistent with this act are, to the extent of such inconsistency, hereby repealed.

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CHAP. 372.—AN ACT to amend and re-enact section 46 of the Code of Virginia, which is in chapter 7 of said Code relating to church property, benevolent associations and objects. [S B 322]

Approved March 20, 1924.

1. Be it enacted by the general assembly of Virginia, That section forty-six of the Code of Virginia, be amended and re-enacted so as to read as follows:

Section 46. Proceeding by trustees for similar purposes.—The trustees of such congregation, or church or religious denomination, or society or branch or division thereof, in whom is vested the legal title to such land held for any of the purposes mentioned in section thirty-eight, may file their petition in the circuit court of the county or the circuit or corporation court of the city wherein the land, or the greater part thereof held by them as trustees, lies, or before the judge of said court in vacation asking leave to sell, encumber, or exchange the said land, or a part thereof; and upon evidence being produced before the court, or the judge thereof in vacation, that it is the wish of said congregation, or church or religious denomination or society, or branch or division thereof, or the constituted authorities thereof having jurisdiction in the premises, to sell, exchange, or encumber the said property, the court, or the judge thereof in vacation, shall make such order as may be proper, providing for the sale of such land, or a part, or that the same may be exchanged or encumbered, and in case of sale, for the proper investment of the proceeds. When any such religious congregation has become extinct or has ceased to occupy said property as a place of worship, so that it may be regarded as abandoned property, the petition may be prescribed either by the surviving trustee or trustees,

## **EXHIBIT 2**

# VIRGINIA

# HEALTH BULLETIN

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Vol. XVI.

MARCH, 1924.

Extra No. 1.

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## Instructions to Local Registrars and Other Agents In Administration of the Law

### TO PRESERVE RACIAL INTEGRITY

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This law permits applicants either to register directly with the Bureau of Vital Statistics or with a local registrar or other authorized agent of the Bureau.

The local registrar may collect a fee of twenty-five cents for each person registering, of which he or she retains twenty cents and sends five cents with the application to the Bureau of Vital Statistics. Do not send stamps.

It is preferable that local registrars confine their efforts at first to their own territory, but if neighboring registrars do not push this registration, permission is given to other registrars after three months after the law goes into effect, to solicit and accept this form of registration outside of their own bounds. Special registrars or agents of the Bureau may be appointed for this special work if needed.

Great care must be used in seeing that the card is carefully written, and names, dates and addresses be given in full, using writing fluid or fountain pen ink. Ordinary school inks will fade.

The local registrar must sign as witness to the applicant's signature, thus indicating that he has used reasonable care to assure himself that the color and the date of birth are correct.

Though not required, the registration is of greater value if signed also by the doctor who was present at the birth, especially if the card is expected to be submitted as proof of age. Married women should give both their full maiden name and name of husband.

As color is the most important feature of this form of registration, the local registrar must be sure that there is no trace of colored blood in anyone offering to register as a white person.

The penalty for wilfully making a false claim as to color is one year in the penitentiary.

Equal care must henceforth be used also in stating the color of the parents of children registered at birth under the 1912 law.

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Entered as second class matter July 28, 1908, at the Postoffice at Richmond, Va., under the Act of July 16, 1894.



COMMONWEALTH OF VIRGINIA  
BUREAU OF VITAL STATISTICS  
STATE BOARD OF HEALTH  
RICHMOND

ENNION G. WILLIAMS, M. D.,  
COMMISSIONER  
W. A. PLECKER, M. D.,  
REGISTRAR OF VITAL STATISTICS

June 10, 1924.

To the Clerks  
of Virginia.

Gentlemen:

The 1924 legislature passed the Racial Integrity Act, Page 534 Acts of 1924, effective June 16th.

The essential feature of this law is the definition of a white person as one "who has no trace whatsoever of any blood other than Caucasian; but persons who have one-sixteenth or less of the blood of the American Indian and have no other non-Caucasic blood shall be deemed to be white persons."

Upon the Clerks is placed the responsibility of enforcing this law when granting marriage licenses, to be sure that no license is granted for the marriage of a white person and one with the slightest trace of colored blood other than that of an American Indian.

Physicians and others who report births are likewise responsible for learning and recording the correct color of parents.

The new marriage license forms provide a space in left upper corner for attaching the seal required by a recent Act of 1924, Page 398, effective June 16th. To avoid waste of old forms these may be used till the supply is exhausted, by attaching the seal to the back or elsewhere.

We desire to make the following requests overlooked by a few, which will greatly aid us in our work:

1. In reporting marriages please give date of minister's return, column 4.
2. Please give full mailing addresses of husband and wife, including street address in cities, even when in other states.
3. Please use care to have wife's maiden surname when given, and that of her father the same.
4. Please conform with Section 5074 of the Code when marriage licenses have not been returned, and note the requirement of Section 5096 as to reporting marriages ( and divorces) to the Bureau of Vital Statistics on or before March 1st. Inform our Bureau of all marriage licenses returned after the report has gone off, that our records may be completed.

Yours very truly,

W. A. Plecker, M. D.,  
STATE REGISTRAR.

WAP.

# EUGENICS

in relation to

## The New Family

and the law on

## Racial Integrity

Including a paper read before the  
American Public Health Association

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*Second Edition*

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Issued by the

BUREAU OF VITAL STATISTICS  
STATE BOARD OF HEALTH  
RICHMOND, VA.

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Richmond:  
Davis Bottom, Supt. Public Printing  
1924



COMMONWEALTH OF VIRGINIA  
BUREAU OF VITAL STATISTICS  
STATE BOARD OF HEALTH

ENNION G. WILLIAMS, M. D.,  
COMMISSIONER  
W. A. PLECKER, M. D.,  
REGISTRAR OF VITAL STATISTICS

RICHMOND

May 9, 1925.

Hon. A. T. Shields,  
Rockbridge County Clerk's Office,  
Lexington, Virginia.

Dear Sir:

In reply to your letter of May 4th, which came during my absence from the office, I beg to advise that the matter in reference to an appeal in the Atha Sorrells case was left to the Attorney General and the lawyer, Mr. Shewmake, employed by the Anglo Saxon Clubs. After going over carefully the evidence, in view of the fact that nothing new could be introduced, they decided that it was unwise to appeal the case as the only evidence upon which we absolutely relied, that of our records was set aside by Judge Holt, and we would not care to take the risk of having the Supreme Court render a similar decision. Our hope is to drift along until the next legislature, and have them pass a bill preventing the marriage of the Indians with the whites. In my judgement there are no native Indians in Virginia unmixed with negro blood.

As to the Robinson, Hartless, and Tyree people, I think if you will get their pedigree, and trace it up in their old birth records, you will be pretty apt to find that part of them, if not all of them, will be recorded as colored. In more recent years, however, especially since the decision in 1876, a considerable proportion of them, just as in the cases you mentioned, have been married as white. I do not know how you can avoid it, as we would not care to have another case tested in Court. It would really be better if they would accept it, to enter them as Indians, and we can have the whole Indian outfit handled at one time by the legislature. They seem to be satisfied to be called Indian.

I am telling you this, however, as a matter of confidence, as we would not care to arouse opposition in advance. It looks now very much as if a considerable portion of the Rockbridge tribe has gotten away from us, and that we will find it a hard matter to properly classify them in the future. Judge Holt's unfortunate decision has greatly emboldened them. In Amherst County, however, we are still able to hold them in place.

I would suggest that you confer with our Mr. V. W. Davis, of Fairfield, who seems familiar with the facts. He wrote us a letter which might be considered confidential, and I would not care to quote from it, but you can talk to him yourself.

Very truly yours,

STATE REGISTRAR.

WAP/P

SURNAMES, BY COUNTIES AND CITIES, OF MIXED NEGROID VIRGINIA  
FAMILIES STRIVING TO PASS AS "INDIAN" OR WHITE.

Albemarle: Moon, Powell, Kidd, Pumphrey.

Amherst: Adcock (Adcox), Beverly (this family is now trying to evade the  
(Migrants to situation by adopting the name of Burch or Birch, which was the  
Alleghany and name of the white mother of the present adult generation), Branham,  
Campbell) Duff, Floyd, Hamilton, Hartless, Hicks, Johns, Lawless, Nuckles  
(Knuckles), Painter, Ramsey, Redcross, Roberts, Southards  
(Suthards, Southerds, Southers), Sorrells, Terry, Tyree, Willis,  
Clark, Cash, Wood.

\* Bedford: McVey, Maxey, Branham, Burley. (See Amherst County)

\* Buena Vista:

\* Rockbridge: Cash, Clark, Coleman, Duff, Floyd, Hartless, Hicks, Mason, Mayse  
(Mays), Painters, Pultz, Ramsey, Southerds (Southers, Southards,  
Suthards), Sorrells, Terry, Tyree, Wood, Johns.

Charles City: Collins, Dennis, Bradby, Howell, Langston, Stewart, Wynn, Adkins.

King William: Collins, Dennis, Bradby, Howell, Langston, Stewart, Wynn,  
Custalow (Custaloe), Dungee, Holmes, Miles, Page, Allmond, Adams,  
Hawkes, Spurlock, Doggett.

New Kent: Collins, Bradby, Stewart, Wynn, Adkins, Langston.

Henrico and  
Richmond City: See Charles City, New Kent, and King William.

Caroline: Byrd, Fortune, Nelson. (See Essex)

Essex and  
King and Queen: Nelson, Fortune, Byrd, Cooper, Tate, Hammond, Brooks, Boughton,  
Prince, Mitchell, Robinson.

Elizabeth City  
& Newport News: Stewart (descendants of Charles City families).

Halifax: Epps (Eppes), Stewart (Stuart), Coleman, Johnson, Martin, Talley,  
Sheppard (Shepard), Young.

Norfolk County  
& Portsmouth: Sawyer, Bass, Weaver, Locklear (Locklair), King, Bright, Porter,  
Ingram.

Westmoreland: Sorrells, Worlds (or Worrell), Atwells, Gutridge, Oliff.

Greene: Shifflett, Shiflet.

Prince William: Tyson, Segar. (See Fauquier)

Fauquier: Hoffman (Huffman), Riley, Colvin, Phillips. (See Prince William)

Lancaster: Dorsey (Dawson).

Washington: Beverly, Barlow, Thomas, Hughes, Lethcoe, Worley.

Roanoke County: Beverly. (See Washington)

Lee and Smyth: Collins, Gibson (Gipson), Moore, Goins, Ramsey, Delph, Bunch,  
Freeman, Wise, Barlow, Bolden (Bolin), Mullins, Hawkins. - Chiefly  
Tennessee "Melungeons."

Scott: Dingus. (See Lee County)

Russell: Keith, Castell, Stillwell, Meade, Proffitt. (See Lee & Tazewell)

Tazewell: Hamed, Duncan. (See Russell)

Wise: See Lee, Smyth, Scott, and Russell Counties.

\* Arthurs, Burley, Cooper and Lawhorn.

## **EXHIBIT 3**

Permanent Roll ←

Roll of \* White Voters

Registered at Waterlick Precinct

Fork Magisterial District

Warren County, Virginia

Colored.

old

Roll of Colored Voters

Registered at South Precinct

Town of Front Royal Magisterial District

Warren County, Virginia

Since January 1, 1904.

*Made up from old Books May 1850, Landon v. Jackson, Register*

\*White or Colored

To be used for the Transfer of a voter registered since January 1, 1904, under the general law. Voters registered since January 1, 1904, must be transferred to list of voters registered since that date.

**CERTIFICATE OF REGISTRATION SINCE JANUARY 1, 1904**

Virginia: County of Norfolk  
The undersigned Registrar for Bentonville Precinct,  
in South River Magisterial District, in the said County  
hereby certifies that the person herein named is duly registered on the list of voters registered since Jan. 1, 1904, in said pre-  
cinct, in said Magisterial District, as follows: viz: Date of Registration October 1, 1919,  
Color Colored No. 2 Name Butler James S.  
Date of Birth Dec. 23/1898 Age 20 years, Occupation Laborer  
Place of Residence Simonton Length of Residence in State 20 years,  
County 20 Precinct 20; if naturalized, Date of Papers  
Issued by \_\_\_\_\_ Court of \_\_\_\_\_, and is  
registered as\* not exempt from payment of poll tax as a prerequisite to the right to vote. This certificate is given to  
enable the person named to change his place of voting to Front Royal Precinct, in  
Front Royal Ward, of the City of Norfolk  
District, of the County of \_\_\_\_\_  
and that his name has been erased from the registration books of the precinct first above named.  
Date this March 31, 1939  
C. B. Pindell  
Registrar.

\*Note.—IF NOT exempt, insert the word "not" in this blank.

## **EXHIBIT 4**

shall conform to section twelve hundred and forty-four of the Code of Virginia of eighteen hundred and eighty-seven.

3. If a majority of the votes cast at said election shall be against the dispensary law, this act shall then be and become effective, but so far as providing for said election this act shall be in force from its passage.

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CHAP. 345.—An ACT to amend and re-enact sections 22, 23, and 24, and to repeal sections 27, 28, 29, 30, and 31 of the Code of Virginia.

Approved December 5, 1903.

1. Be it enacted by the general assembly of Virginia, That sections twenty-two, twenty-three, and twenty-four of the Code of Virginia be amended and re-enacted so as to read as follows:

§ 22. Assessors to report their proceedings.—They shall make a report of their proceedings, under their hands, and file the same within five days thereafter in the office of the clerk of the circuit court of the county wherein the land is situated.

§ 23. How appeals taken.—Within ten days after the same is filed, either party may file with the clerk a written notice stating that he appeals from the assessment to the circuit court.

§ 24. Order of court on report.—If no such notice be filed, the circuit court shall, at the first term thereafter, confirm the report, make a reasonable allowance to the freeholders for their services, and order payment to be made of the amount so assessed, of such allowance, of the officers' fees, and of what the witnesses may be entitled to for their attendance.

2. Be it further enacted, That sections twenty-seven, twenty-eight, twenty-nine, thirty, and thirty-one of the Code of Virginia be, and the same are hereby, repealed.

3. This act shall be in force from and after February first, nineteen hundred and four.

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CHAP. 346.—An ACT to repeal sections 63 and 66, and to amend and re-enact sections 62, 64, 65, 67, 68, 69, 72, 73, 74, 75, 78, 79, 80, and 85, as amended by act approved May 26, 1903, of chapter 8 of the Code of Virginia.

Approved December 8, 1903.

1. Be it enacted by the general assembly of Virginia, That sections sixty-three and sixty-six of chapter eight of the Code of Virginia, be, and the same are hereby, repealed; and that sections sixty-two, sixty-four, sixty-five, sixty-seven, sixty-eight, sixty-nine, seventy-two, seventy-three, seventy-four, seventy-five, seventy-eight, seventy-nine, eighty, and eighty-five, of chapter eight, as amended by act approved May twenty-sixth, nineteen hundred and three, of the Code of Virginia, be amended and re-enacted so as to read as follows:

§ 62. Qualification of voters; disqualifications.—Every male citizen of the United States twenty-one years old, who has been a resident of the State two years, of the county, city, or town one year, and of the precinct in which he offers to vote thirty days next preceding the election, and who has been duly registered and has paid his State poll-tax as required by law, and is otherwise qualified under the Constitution and laws of this State, shall be entitled to vote for members of the general assembly and all officers elected by the people, but the removal from one precinct to another in the same county, city, or town shall not deprive any person of his right to vote in the precinct from which he has moved until the expiration of thirty days from such removal: provided, that the following persons shall be excluded from registering and voting: Idiots, insane persons, and paupers, persons who prior to the adoption of the Constitution were disqualified from voting by conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons convicted after the adoption of the Constitution, either within or without this State, of treason or of any felony, bribery, petit larceny, obtaining money or other property under false pretences, embezzlement, forgery, or perjury; persons who while citizens of this State, after the adoption of the Constitution, have fought a duel with a deadly weapon or sent or accepted a challenge to fight such duel, either within or without this State, or knowingly conveyed a challenge, or aided or assisted in any way in the fighting of such duel: provided, also, that no officer, soldier, seaman, or marine of the United States army or navy shall be deemed to have gained a residence as to the right of suffrage in the State, or in any county, city, or town thereof, by reason of his being stationed therein, nor shall any inmate of any charitable institution or a student in any institution of learning be regarded as having either gained or lost a residence, as to the right of suffrage, by reason of his location or sojourn in such institution.

§ 64. There shall be in each county and city an electoral board, composed of three members, who shall be appointed by the circuit court of the county or the corporation court of the city, or the judge of the court in vacation. The first appointment of said board shall be made during the month of February, nineteen hundred and four, when one member of the board shall be appointed for a term of one year, one for a term of two years, and one for a term of three years. During the month of February in each year thereafter, as the terms of the members of the board shall respectively expire, their successors shall be appointed for the full term of three years. Any vacancy occurring in any board shall be filled by the same authority for the unexpired term. The term of the electoral boards appointed under this act shall commence on the first of March next succeeding their appointment. The members of said board shall qualify before the first of March next succeeding their appointment by taking and subscribing the oaths required to be taken by county and city officers.

Each electoral board shall appoint the judges, clerks, and registrars of election for its city or county, including the towns therein, and in appointing judges of election, representation, as far as possible, shall be given to each of the two political parties which, at the general election

next preceding their appointment, cast the highest and next highest number of votes.

No person, nor the deputy of any person, holding any office or post of profit or emolument under the United States government, or who is in the employment of such government, or holding any elective office of profit or trust in the State, or in any county, city, or town thereof, shall be appointed a member of the electoral board or a registrar or judge of election.

§ 65. Chairman and secretary.—The said board shall elect one of their number chairman and another secretary.

§ 67. Appointment of registrars.—It shall be the duty of the electoral board of each city and county, prior to the first day of April, nineteen hundred and four, and every alternate year thereafter, to appoint a registrar for each election district of their respective counties and cities, who shall be a discreet citizen and resident of the election district in and for which he is appointed, and who shall hold office for the term of two years from the first day of May following his appointment and until his successor is duly appointed and qualified. In the city of Richmond it shall be lawful for each registrar to appoint a clerk and to administer to him the same oaths as those taken by the registrar. The said electoral boards shall, from time to time, fill any vacancy that may occur in the office of registrar.

§ 68. Meetings of boards; quorum; record of proceedings.—The electoral board of each city and county shall convene in regular session at such time in the month of March of each year as the board may prescribe, and at any other time upon the call of any member of the board, but at any special meeting the board shall have the same powers as at a regular meeting. At any session two members shall constitute a quorum. The secretary of each electoral board shall keep, in a book to be provided for that purpose, an accurate account of all the proceedings of the board, including all appointments and removals of judges, clerks, and registrars, which shall be open to the inspection of any one who desires to examine the same at any time.

§ 69. Board to fill vacancy in office of registrar; may remove registrars, judges, and clerks.—The said electoral board shall have the power, and it shall be their duty, after the first of March, nineteen hundred and four, to declare vacant, and to proceed to fill the office of any registrar in their respective cities, counties, and towns who fail to qualify and deliver to the clerk of the board his official oath in the usual form within thirty days after he has been notified of his appointment, which notification shall be promptly given by the clerk. The board shall also have power, after the first of March, nineteen hundred and four, to remove from office any and every judge of election, registrar, or clerk, upon notice, who fails to discharge the duties of his office according to law.

§ 72. When judges of circuit court to fill vacancies in board.—If any of the members of the electoral board for any county or city shall fail to qualify within the time prescribed by this chapter, it shall be the duty of the judge of the circuit court of each county, or corporation court of the city, to fill vacancies either in term or vacation.

§ 73. Who to be registered.—Each registrar shall, after the first day

of January, nineteen hundred and four, register every male citizen of the United States, of his election district, who shall apply to be registered at the time and in the manner required by law, who shall be twenty-one years of age at the next election, who has been a resident of the State two years, of the county, city, or town one year, and of the precinct in which he offers to register thirty days next preceding the election, who, at least six months prior to the election, has paid to the proper officer all State poll-taxes assessed or assessable against him under this or the former Constitution for three years next preceding that in which he offers to register, or if he come of age at such time that no poll-tax shall be assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents in satisfaction of the first year's poll-tax assessable against him, and unless physically unable to do so, shall make application to the registrar in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registrar, stating therein his name, age, date, and place of birth, residence, and occupation at the time and for the two years next preceding, and whether he has previously voted; and if so, the State, county, and precinct in which he voted last; and shall answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the registrar, which questions and answers thereto shall be reduced to writing, certified by the said registrar, and preserved as a part of the official records: provided, that the following persons shall be excluded from registering idiots, insane persons, and paupers and persons who prior to the adoption of the Constitution were disqualified from voting by conviction of crime, either within or without the State, and whose disabilities shall not have been removed; persons convicted after the adoption of the Constitution within or without the State, of treason, or any felony, bribery, petit larceny, obtaining money or property under false pretences, embezzlement, forgery, or perjury; persons who while citizens of this State, after the adoption of the Constitution, have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such duel within or without this State, or knowingly conveyed a challenge, or aided or assisted in any way in the fighting of such duel, unless the disabilities incurred thereby have been removed. If any person claiming to be a naturalized citizen of the United States shall not be able to establish the date of his papers, or the court in which they were issued, by reason of his having lost the same, or for other cause, then his oath or affirmation that he has been duly naturalized shall be accepted and shall entitle him to register. It shall be the duty of the registrar to furnish a suitable and convenient place, with necessary table, chair, paper, and ink or pencil to be used by persons desiring to register in writing their applications for registration, the cost of the same to be paid out of the county or city treasury. It shall also be the duty of the registrar to preserve the written application of all persons who are registered, or who are denied registration by him, for at least one year after such application is presented, said written application to be filed and kept with the registration books and preserved as a part of the official records. If a person is refused registration, he shall be at once notified of such refusal.

§ 74. Secretary of Commonwealth to prepare and distribute books for

registration.—The secretary of the Commonwealth shall cause to be prepared suitable books for the registration of voters, and forward them to the county clerks and to the clerks of the corporation or hustings courts of the cities, to be by them distributed to the registrars of their respective election districts. The books shall be so arranged as to admit of the alphabetical classification of those registered, and shall be ruled in parallel columns, in which shall be entered the number, name of voter, the fact that he is sworn, his age, occupation, the place of residence at time of registration, the length of time of his residence in the county or city, and, if in a city, stating the name of the street and number of house in which he resides, provided the same be numbered; the time of his residence in the State, and if naturalized, the date of his papers and the court by which issued, if known, and if registered as a voter, exempt from payment of poll tax under section twenty-two of the Constitution. The list of voters, white and colored, shall be kept and arranged in separate books.

§ 75. Registration oath.—Before a registrar shall register the name of any person as a voter he shall be satisfied of his qualification as herein-before prescribed, and every person applying for registration shall, before he is registered, take and subscribe the following oath: "I, \_\_\_\_\_, do solemnly swear (or affirm) that I am entitled to register under the Constitution and laws of this State, and that I am not disqualified from exercising the right of suffrage by the Constitution of Virginia," which oath, so subscribed, shall be filed with the registrar and preserved with the books of registration.

§ 78. When voters registered; duties of registrars; their pay.—Each registrar shall, annually, on the third Tuesday in May, at his voting place, proceed to register the names of all qualified voters within his election district not previously registered in the said district in accordance with the provisions of this chapter, who shall apply to be registered, commencing at sunrise and closing at sunset, and shall complete such registration on the third Tuesday in May. Thirty days previous to the November elections the registrar shall sit one day for the purpose of amending and correcting the list, at which time any qualified voter applying and not previously registered may be added. He shall give notice of the time and place of all registrations for at least ten days before each sitting by posting written or printed notices thereof at ten or more public places in his election district. The registrar shall, at any time previous to the regular days of registration, register any voter entitled to vote at the next succeeding election who may apply to him to be registered; and he shall receive as compensation ten cents for the name so registered on days other than the regular days of registration, the same to be paid out of the county or city treasury. It shall be the duty of the registrar, within five days after each sitting, to have posted at three or more public places in his election district written or printed lists of the names of all persons so admitted to registration, and also have like lists posted on the day of election at the place of voting in his election district.

§ 79. Clerks to furnish registrars with names of voters who have been convicted of certain offences; their names and the names of persons who have died to be struck from books.—The county clerk, and the clerk

of each hustings or corporation court shall, at each registration, deliver to each registrar in his county or city a list of all voters who have been convicted of any of the offenses enumerated in section twenty-three of the Constitution since the last registration. It shall be the duty of the registrar to correct his list in accordance with the list thus furnished, and he shall strike from the list of voters the name of any person so convicted upon the production before him of a certificate of the clerk of a court of competent jurisdiction that such person has been so convicted since December first, eighteen hundred and seventy-six, in such court, or has been so convicted by a mayor, police justice or justice of the peace in the county or corporation wherein is held the court to which the said clerk belongs, unless said person shall produce a pardon from the governor, or a certificate from the keeper of rolls that his disabilities have been removed by the general assembly. It shall also be the duty of the registrar to strike from the list of voters the names of all persons who are proven before him to have died. If any voter whose name has been so stricken off shall appear at any election and offer to vote upon satisfactory proof that he has not changed his residence since his registration, his name shall be restored to the registration books by the judges of election and he shall be permitted to vote if qualified in other respects.

§ 80. Voter changing his residence may change his registration.—Whenever a registered voter changes his place of residence from one election district to another in the same county or city it shall be lawful for him to apply for, in person or in writing, and it shall be the duty of the registrar of his former election district, at any time up to and including the regular days of registration, to furnish a certificate that he was duly registered and that his name has, since his removal, been erased from the registration books of said election district, which shall be sufficient evidence to entitle him to be registered in the election district to which he has removed, on its appearing to the satisfaction of the registrar that he has resided prior to the next election in such district for thirty days, and the name of every such person shall be entered at any time up to and including the regular days of registration by the registrar on the registration books of the election precinct to which the voter has removed; and whenever a registered voter changes his place of residence from one county or city to another county or city it shall be lawful for him to apply to the registrar of his former election district at any time up to and including the regular days of registration, in person or in writing, to furnish a certificate that he was duly registered and that his name since his change of residence and removal has been erased from the registration books of said election district, which certificate shall be delivered to the registrar of the election district in which he resides and offers to be registered in the county or city to which he has removed, and will entitle him to be registered in said district on its appearing, to the satisfaction of said registrar, that he has resided, or will have resided prior to the next election in the county or city to which he has removed, for one year; and the name of every such person shall be entered at any time up to and including the regular days of registration by the registrar on the election books of the election district in which said person resides; and no voter who has been heretofore registered at any election

district in this State shall be entitled to be registered in any other election district unless he shall deliver to the registrar of the district in which he offers to be registered said certificate, which shall be kept on file by said registrar.

§ 85. Registrar to be a conservator of the peace.—Every registrar shall preserve order at and in the vicinity of the place of registration; and to enable him to do so, he shall be clothed with all the powers of a conservator of the peace while engaged in the duties imposed by law; may exclude from the place of registration all persons whose presence he deems unnecessary, and may appoint special constables, not exceeding three in number, in each magisterial district or ward, and may summon the bystanders or other persons in the vicinity to assist whenever, in his judgment, it shall be necessary to preserve order.

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

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CHAP. 347.—An ACT to amend and re-enact chapter 24 of acts of assembly, session 1889-'90, entitled "an act authorizing the auditor of public accounts to issue duplicate warrants," approved January 24, 1890.

Approved December 8, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter twenty-four, acts of assembly, session eighteen hundred and eighty-nine-'ninety, entitled "an act authorizing the auditor of public accounts to issue duplicate warrants," approved January twenty-four, eighteen hundred and ninety, be amended and re-enacted so as to read as follows:

Upon satisfactory proof being presented to the auditor of public accounts, or to the second auditor, that any warrant drawn by either of such auditors or his predecessors upon the treasurer of the Commonwealth has been lost or destroyed before having been paid, it shall be lawful for said auditor who issued or from whose office was issued the original warrant, to issue a duplicate therefor upon a bond being executed, with such security as shall be approved by him, payable to the Commonwealth, in the penalty of double the amount of such warrant, and conditioned to save harmless the Commonwealth from any loss occasioned by the issuing of such duplicate warrants: provided, that each duplicate warrant so issued shall show upon its face that it is a duplicate, and that no duplicate shall be issued within ninety days of the issuing of said original warrant.

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

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CHAP. 348.—An ACT to amend and re-enact chapter 880, acts of assembly, session 1897-'98, entitled "an act to provide for the appointment of special prosecuting attorneys in proper cases," approved March 3, 1898.

Approved December 8, 1903.

1. Be it enacted by the general assembly of Virginia, That chapter eight hundred and eighty, acts of assembly, session eighteen hundred and

## **EXHIBIT 5**

persons, firm or corporation shall have first procured from the auditor of public accounts a certificate of registration, which certificate shall contain such rules and regulations concerning the sale of nursery stock as the board of crop pest commissioners may prescribe and be approved and countersigned by the State entomologist, who shall have full power, and is hereby authorized and required to cancel and withdraw any certificate upon satisfactory evidence that any of the rules and regulations governing the sale of nursery stock within this State have been violated by the holder of the same. The auditor of public accounts shall not issue any certificate of registration except upon the payment of the sum of ten dollars for each nurseryman or dealer, and one dollar additional for each agent of such nurseryman or dealer, and shall forward all certificates to the State entomologist for his approval before allowing the same to the party making application therefor, and all such certificates as may be granted shall expire and become null and void one year from date of issue thereof, and any person, persons, firm or corporation, either for himself or as agent for another, shall sell, offer for sale, deliver, or give away any plants or parts of plants commonly known as nursery stock without having in his possession a certificate of registration as herein provided for, or without exhibiting a copy of the same to each and every person to whom he shall sell, or offer to sell, deliver, or give away any such plants, or parts of plants, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty (\$20.00) dollars nor more than one hundred (\$100.00) dollars for each such offense.

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CHAP. 70.—An ACT to amend section 719 of the Code of Virginia. [H B 43]

Approved February 21, 1920.

1. Be it enacted by the general assembly of Virginia, That section seven hundred and nineteen of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 719. Who admitted to public schools; provision for children of adjoining district; separate schools for white and colored.—The public free schools shall be free to all persons between the ages of seven and twenty years residing within the school district and persons six years of age may be admitted to primary grades and persons under six years of age to such kindergartens as may be established by local school authorities and operated as a part of the public school system, but such kindergartens shall not be entitled to participate in the State school fund, but shall be supported by the local authorities at their option. But whenever a school is so situated in one district that it is, with the approval of the division superintendent, attended by children of another district, the board of the district other than that in which the school is located shall, in the absence of agreement or when no agreement can be reached, pay for each child to the district in which the school is located the cost of education per pupil enrolled, to be determined by the division superintendent of schools, with

right of appeal by any person interested, or either of the district school boards, either with reference to the propriety of the said attendance by children of another district or the cost of education as aforesaid, within ninety days; that said appeal to be made in writing to the school trustee electoral board of the county in which the school is located; and the State board of education shall have power and it shall be its duty to make regulations whereby the children of one district may attend school in an adjoining district, out of the county or an adjoining city; provided, that white and colored persons shall not be taught in the same school, but shall be taught in separate schools, under the same general regulations as to management, usefulness and efficiency.

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CHAP. 71.—An ACT to amend and re-enact section 5276 of the Code of Virginia.  
[H B 54]

Approved February 21, 1920.

1. Be it enacted by the general assembly of Virginia, That section fifty-two hundred and seventy-six of the Code of Virginia be amended and re-enacted so as to read as follows:

Sec. 5276. When and how benefits of will may be renounced and the effect thereof.—When any provision for a husband or a wife is made in the consort's will, the survivor may, within one year from the time of the admission of the will to probate, renounce such provision. Such renunciation shall be made either in person before the court in which the will is recorded, or by writing recorded in such court, or the clerk's office thereof, upon such acknowledgement or proof as would authorize a writing to be admitted to record under chapter two hundred and eleven. If such renunciation be made, or if no provision for the surviving husband or wife be made in the will of the decedent, the surviving consort shall, if the decedent left surviving issue of the marriage which was dissolved by the death of the consort or surviving issue of a former marriage, have one-third of the surplus of the decedent's personal estate mentioned in section fifty-two hundred and seventy-three; or if no such issue survive, the surviving consort shall have one-half of the aforesaid surplus; otherwise, the surviving consort shall have no more of the said surplus than is given him or her by the will.

2. An emergency existing, this act shall be in force from its passage.

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CHAP. 72.—An ACT to amend section 703 of the Code of Virginia, and to repeal sections 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717 and 718 of the Code of Virginia.  
[H B 57]

Approved February 21, 1920.

1. Be it enacted by the general assembly of Virginia, That section seven hundred and three of the Code of Virginia be amended and re-enacted so as to read as follows:

## **EXHIBIT 6**

CHAPTER 59

*An Act to provide that no child shall be required to attend integrated schools.*

[H 5]

Approved September 29, 1956

- Be it enacted by the General Assembly of Virginia:
1. Notwithstanding any other provision of law, no child shall be required to enroll in or attend any school wherein both white and colored children are enrolled.
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## **EXHIBIT 7**

**CHAP. 383.**—An ACT to repeal an act entitled an act to authorize and empower the board of supervisors of Warren county to erect toll gates, and to demand and collect tolls on the macadamized roads and bridges across the Shenandoah river or either branch thereof, of the county of Warren, and to provide how such tolls are to be expended, approved February 24, 1916. [S B 388]

Approved March 16, 1918.

Be it enacted by the general assembly of Virginia, That an act entitled an act to authorize and empower the board of supervisors of Warren county to erect toll gates and to demand and collect tolls on the macadamized roads and bridges across the Shenandoah river or either branch thereof, of the county of Warren, and to provide how such tolls are to be expended, approved February twenty-fourth, nineteen hundred and sixteen, be, and the same is hereby, repealed; and on and after the passage of this act it shall be unlawful for the board of supervisors of said county to collect or demand tolls on the macadamized roads or bridges in said county of Warren.

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**CHAP. 384.**—An ACT to raise revenue for the support of the government and to appropriate money for the construction of roads and projects comprised in "the State highway system," and to provide for an additional fund for the maintenance of public free schools of primary and grammar grades, from the first to the seventh, inclusive, and to provide for the prevention and eradication of tuberculosis among the people of this State, and to extend the work of the State board of health. [S B 100]

Approved March 16, 1918.

1. Be it enacted by the general assembly of Virginia, That the special taxes prescribed by this act be, and they hereby, are imposed and shall be levied upon the property hereinafter specified, and that the funds arising from such levies be applied as follows: three-eighths to the construction or reconstruction of the roads and projects comprised in the State highway system, four-eighths to the maintenance of the public free schools of the primary and grammar grades from the first to the seventh grades, inclusive; and one-eighth for the prevention and eradication of tuberculosis among the people of this State, such taxes to be levied and collected on the various classes of property in this State as follows:

2. On all of the tracts of lands and lots and improvements thereon, not exempt from taxation, including rents and rents charge, and including the real estate of public service corporations, there shall be a tax of eight cents on every hundred dollars of the assessed value thereof.

3. On all tangible personal property, as described in section six, schedule B, of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section one hundred and eighty-nine of the Constitution, approved April sixteenth, nineteen hundred and three, as amended, and upon all other tangible property, includ-

ing the rolling stock of corporations operating railroads by steam, and all tangible personal property of public service corporations, there shall be a tax of eight cents on every hundred dollars of the assessed value thereof.

4. Upon all bonds (except bonds of the United States and of the State of Virginia), notes and other evidences of debt, including bonds of States other than Virginia, bonds of counties, cities and towns located outside of the State of Virginia; bonds of railroad and canal companies and other corporations, bonds of individuals and all demands and claims however evidenced, whether secured by mortgage, deed of trust, judgment or otherwise, or not so secured, there shall be a tax of eight cents on every hundred dollars of the assessed value thereof; and upon the capital of persons, firms and corporations employed in a trade or business not otherwise taxed, upon the value of the principal of personal estate and credits, other than tangible property and money, under the control of a court, receiver or commissioner in pursuance of an order, judgment or decree of any court or in the hands or under the control of the executor, administrator, trustee, agent or other fiduciary, and upon the principal or personal estate and credits, other than money, deposited to the credit of any suit and not in the hands of a receiver or other fiduciary, there shall be a tax of eight cents on every hundred dollars of the assessed value thereof, and upon the shares of stock of corporations or joint stock companies, except such corporations and joint stock companies all of whose capital is taxed by this State or which pay a franchise tax in this State, there shall be a tax of eight cents on every hundred dollars of the assessed value thereof.

5. Upon the shares of stock of each bank, banking association, trust or security company there shall be a tax of eight cents upon every hundred dollars of the actual value thereof as determined by the provisions of section seventeen of an act entitled an act to raise revenue for the support of the government and public free schools, and to pay the interest on the public debt, and to provide a special tax for pensions as authorized by section one hundred and eighty-nine of the Constitution, approved April sixteenth, nineteen hundred and three, as amended.

6. The taxes provided for by this act shall be in addition to any other taxes upon the property upon which these taxes are imposed which are now or may hereafter be provided for by any statutes or acts of the general assembly.

7. The taxes provided for by this act shall be collected in the same manner as other taxes upon the said property for State purposes are collected, and shall be paid into the State treasury. Three-eighths thereof shall compose and constitute a special fund to be known as the State highway system construction fund, and shall be applied to the construction of the roads and projects comprising the State highway system, as created and established by an act of the general assembly of Virginia approved January thirty-first, nineteen hundred and eighteen, and to no other purpose. Warrants for the expenditures of the State highway construction fund

shall be issued by the auditor of public accounts upon certificates of the State highway commissioner that the parties in whose favor such warrants are proposed to be drawn are entitled thereto and shall be paid by the State treasurer out of the moneys constituting the said State highway system construction fund. Four-eighths thereof shall compose and constitute a special fund to be applied to the maintenace of the public free schools of the primary and grammar grades, from the first to the seventh grades, inclusive, to secure longer school terms and increased compensation for teachers of such schools, for the equal benefit of all the people of the State, to be apportioned on the basis of school population, the number of children between the ages of seven and twenty years in each school district to be the basis of such apportionment; one-eighth thereof shall compose and constitute a special fund, to be known as the tuberculosis fund, which the auditor of public accounts shall segregate each year in each city and county, respectively, and keep the same separate and subject to the orders of the said State board of health, which may draw out such funds for the purposes of this act upon such forms as the said board and the said auditor may prescribe.

8. The said board, so far as available funds will allow, shall make no charge to patients for treatment, accommodation or board, and shall supply suitable clothing to patients, who because of poverty lack the same.

The funds raised hereunder for tuberculosis from each county or city, as the case may be, shall be primarily charged with the care of the patients from such county or city respectively, but any excess of funds from any county or city may be used by the board for patients from other counties or cities, preferring first patients from nearby counties or cities.

When and after the said State board has exhausted the funds available for patients from any county or city, the board of supervisors of such county or the council of such city may supplement the funds available to said State board of health for the patients from such county or city.

9. In the event that any county or city may have established and be maintaining its own public sanatorium for the treatment of its tuberculosis citizens and shall desire to have the benefit of the provisions of this act in connection therewith, such county or city may by a proper resolution of its board of supervisors or council, as the case may be, turn over such sanatorium to the State board of health, to be by it conducted and supported as a State sanatorium under the provisions of this act; provided, the said State board shall deem such sanatorium suitable for such purposes; and provided, further, the said State board shall approve as reasonable the terms and conditions upon which such sanatorium is offered for its use.

10. The State board of health is hereby authorized, empowered and directed, supplemental to the duties and powers now given it by law, and as soon as the funds raised by this act are available, to provide enlarged and additional State sanatoria, to be located

in this State, as the said board may determine, for the care, treatment and instruction of persons, being citizens of this State, having tuberculosis. The board shall provide separate sanatoria for white people and colored people.

11. The board shall prescribe and promulgate reasonable and proper rules and regulations for the reception of patients into such sanatoria under the provisions of this act, but shall prefer indigent patients from the respective counties and cities from which the necessary funds therefor are raised hereunder.

The said State board of health may also provide accommodations and treatment, and make reasonable charges therefor at not more than cost, for tuberculosis patients desiring to avail themselves of such facilities.

12. The provisions of this act shall apply to the assessment and collection of the taxes herein provided for for the year nineteen hundred and eighteen and thereafter until otherwise provided.

13. Any surplus to the credit of any fund created by this act which may exist at the end of any fiscal year shall not lapse or revert to the general treasury of the State, but may be used during the next ensuing year for the purpose for which said fund was collected and appropriated, provided that any such surplus remaining to the credit of the tuberculosis fund may be used by the State board of health, in its discretion, either for tuberculosis work or for any other health work that said board may properly do in discharge of the duties imposed upon it by law.

14. The sum of ten thousand dollars from the tuberculosis fund shall be set aside for the use of the State board of health in extending general work and educational propaganda, including the employment of additional doctors and nurses, and field maintenance and other necessary activities in promoting this feature of tuberculosis prevention and control.

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CHAP. 385.—AN ACT to provide for the payment out of the State treasury of the attorneys for the Commonwealth of the counties and cities of the State, certain fees in felony and misdemeanor cases, and to fix the maximum amount that the attorneys for the Commonwealth of the respective counties and cities of the State shall be paid in fees out of the State treasury, and to fix for them and to provide for the taxing and payment of certain fees in scire facias and other proceedings upon forfeited recognizances, and to amend and re-enact an act entitled an act to amend and re-enact section 3528 of the Code of Virginia, as heretofore amended, approved March 22, 1916, and to repeal all other acts and parts of acts in conflict with this act. [S B 248]

Approved March 16, 1918.

1. Be it enacted by the general assembly of Virginia, That an act of the general assembly of Virginia, entitled an act to amend and re-enact section thirty-five hundred and twenty-eight of the Code of Virginia, as heretofore amended, which act was approved March twenty-second, nineteen hundred and sixteen, be amended and re-enacted so as to read as follows:

Sec. 3528. The attorney for the Commonwealth shall be paid



## **EXHIBIT 8**

than fifteen feet of water at low tide, unless the same be more than two miles from shore, nor shall any natural oyster rock, bed, or shoal, or any bottom within one-half mile of any such rock, bed, or shoal be assigned, nor shall any bottom occupied previous to such application by a pound net or other fishing device, and not abandoned for such purpose, be assigned.

5. The compensation to inspectors and surveyors for their services in making and surveying such assignments shall be as fixed by the board of fisheries. Where there is uncertainty as to the district or county in which the bottom applied for lies, or if it lie in more than one county or district, the assignment shall be made and the rent collected by such inspector or inspectors as may be designated by the board for that purpose, and likewise as to the surveyor who makes the survey; and in such case the plat of survey shall be recorded in the clerk's office of such county or counties as may be designated by the board.

6. The occupant of any bottom assigned under the provisions of this act shall have the right to plant oysters or shells thereon, and to catch and take up the same therefrom at any time and in any manner he may deem best: provided, no dredging shall be done except during the day-time.

7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, so far as the same would affect the operation of this act.

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

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CHAP. 463.—An ACT to permit the Cumberland Valley Railroad Company to use curtains for partitions to separate white and colored passengers on the nine miles of railroad owned and operated by said company in the State of Virginia.

Approved April 2, 1902.

1. Be it enacted by the general assembly of Virginia, That on the nine miles of railroad owned and operated by the Cumberland Valley Railroad Company, in Virginia, said company may provide separate cars for white and colored passengers by erecting curtains in its passenger cars instead of wooden partitions.

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

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CHAP. 464.—An ACT to incorporate the town of Nicholasville, in the county of Scott.

Approved April 2, 1902.

1. Be it enacted by the general assembly of Virginia, That the town of Nicholasville, in the county of Scott, be, and the same is hereby, made a town corporate by the name of Nicholasville, and by that name may sue

## **EXHIBIT 9**

drinks in said town, also the selling or giving of any intoxicating liquor to any minor; also the selling or giving of cigarettes to any minor under sixteen years of age, without the consent in writing of his or her parent or guardian, and for any violation of any such ordinance there may be imposed by said council such fines and penalties as the said council may prescribe, the fine not to exceed one hundred dollars and imprisonment not to exceed six months.

24. That the said town shall have the right to establish, or cause to be established, gas and electric works for the use of the said town.

25. That all registrations of voters and elections held in the said town shall be as provided by the constitution and laws of this State.

26. That all acts and parts of acts concerning the town of Blacksburg, in the county of Montgomery, or the lands and lots therein, which are in conflict with or contrary to the provisions of this act, shall be, and the same are hereby, repealed.

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CHAP. 157.—An ACT to provide for designation by cities and towns of segregation districts for residence of white and colored persons; for the adoption of this act by such cities and towns, and for penalties for the violation of its terms.

Approved March 12, 1912.

Whereas, the preservation of the public morals, public health and public order, in the cities and towns of this commonwealth is endangered by the residence of white and colored people in close proximity to one another; therefore,

1. Be it enacted by the general assembly of Virginia, That in the cities and towns of this commonwealth where this act shall be adopted in accordance with the provisions of section eleven hereof, the entire area within the respective corporate limits thereof shall, by ordinance, adopted by the council of each such city or town, be divided into districts, the boundaries whereof shall be plainly designated in such ordinance and which shall be known as "segregation districts."

2. That no such district shall comprise less than the entire property fronting on any street or alley, and lying between any two adjacent streets or alleys, or between any street and an alley next adjacent thereto.

3. That the council of each such city or town shall provide for, and have prepared, within six months after such council shall have adopted the provisions of this act, a map showing the boundaries of all such segregation districts, and showing the number of white persons and colored persons residing within such segregation district, on a date to be designated in such ordinance of adoption, but which shall be within sixty days of the

passage of such ordinance; and such map shall designate as a white district each district wherein there are, on the date so designated, more residents of the white race than there are residents of the colored race, and shall designate as a colored district each district so defined, in which there are on the said date as many or more residents of the colored race, as there are residents of the white race.

4. That after twelve months from the passage of the ordinances adopting the provisions of this act, it shall be unlawful for any colored person, not then residing in a district so defined and designated as a white district, or who is not a member of a family then therein residing, to move into and occupy as a residence any building or portion thereof in such white district, and it shall be unlawful, after the expiration of said period of twelve months from the passage of the ordinance adopting the provisions of this act, for any white person not then residing in a district so defined and designated as a colored district, or who is not a member of a family then therein residing, to move into and occupy as a residence any building, or portion thereof, in such colored district.

5. That any person occupying any room as a sleeping place in any district, whether as a dependent, boarder or lodger, shall be classed as a resident of such district, unless it appear that such occupation was merely transitory and that such person had another fixed place of abode.

6. That the said map shall be certified by the clerk of the council of such city or town, and shall be at all times kept open to inspection by the public in the office of such clerk, and that any person considering that such map has not been prepared in accordance with the provisions of this act, and who is in any wise prejudiced thereby, shall, within sixty days from the completion thereof, or within eight months from the adoption of the provisions of this act by such city or town, notify the clerk of said council in writing of the particulars of the error claimed to have occurred in the preparation of such map, and such person may thereafter within thirty days after giving such notice move the corporation court of such city, or if there be no such court, the circuit court of the county wherein such city or town is situate, or the judge of such court in vacation, to correct the error complained of, and the said court or the judge thereof in vacation, shall investigate the facts in the premises, and order such corrections of such map as may be necessary to make the same conform to the provisions of this act.

7. That the map so prepared and certified and corrected shall be prima facie evidence of the boundaries and racial designation of such districts.

8. That any person who, after the expiration of twelve months from the passage of the ordinance of adoption, shall reside in any such district, contrary to the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall

be fined for the first week of such prohibited residence not less than five nor more than fifty dollars, and for each succeeding day of such residence the sum of two dollars.

9. That nothing herein contained shall preclude persons of either race employed as servants by persons of the other race from residing upon the premises of which such employer is the owner or occupier.

10. That nothing herein contained shall be construed or operate to prevent any person who, on the date which this act shall be adopted in any city or town, shall have acquired a legal right to occupy as a resident any building, or portion thereof in any such district, in such city or town, whether by devise, purchase, lease, or other contract, and who shall not, on the date which this act shall be so adopted have actually moved into such premises from thereafter moving into and occupying the same.

11. This act shall apply only to the cities or towns which by a recorded vote of a majority of the members elected to the council thereof, or if there be two branches of such council by a recorded vote of a majority of the members elected to each branch thereof, shall adopt the provisions of this act, and in all respects comply with the requirements hereof.

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CHAP. 158.—An ACT to provide for the examination and testing of dairy cattle for controlling tuberculosis, and to appropriate money for expenses thereof.

Approved March 12, 1912.

1. Be it enacted by the general assembly of Virginia, That under the direction of the live stock sanitary board and the State dairy and food commissioner, the State veterinarian shall from time to time apply the tuberculin test to breeding or dairy cows, as may be directed by the said State live stock sanitary board, and the State dairy and food commissioner, for the purpose of controlling in the herds of the State the disease known as tuberculosis, and under such rules and regulations as may be prescribed from time to time by said board and commissioner; provided, that no tuberculin test or tests shall be applied to any animal or animals in this State unless requested by the owner or owners thereof, and the further agreement by the owner or owners of such animals as may be submitted for tests to meet such requirements as may be made by the said live stock board and commissioner.

It is further enacted that all re-acting animals shall be surrendered to the State, said animals to be disposed of according to such rules and regulations as may be prescribed by said board and commissioner; the owner of said re-acting animals to receive in compensation for said re-acting animals a sum as may be agreed upon between the owner of said re-acting animals and the said commissioner and board, and not to exceed forty (\$40.00) dollars.

## **EXHIBIT 10**

CHAP. 179.—An ACT to amend and re-enact an act approved February 5, 1916, entitled an act to make it larceny to receive money or other thing of value with intent to injure or defraud, from any person engaged in the cultivation of the soil, under a contract of employment for personal service, and fraudulently refuse or fail to perform such service or refund such money or other thing of value so received. [H B 350]

Approved March 14, 1918.

1. Be it enacted by the general assembly of Virginia, That if any person, with intent to injure or defraud his employer, enters into a contract of employment, oral or written, or for the performance of personal service to be rendered within one year, in and about the cultivation of the soil and thereby obtains from the land owner, or the person so engaged in cultivation of the soil, money or other thing of value under such contract, and fraudulently refuses to perform such service, or to refund the said money or other thing of value so obtained, shall be deemed guilty of the larceny of the said money or other thing of value so received; provided, however, that prosecutions hereunder shall be commenced within sixty days after breach of such contract.

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CHAP. 180.—An ACT authorizing and empowering the board of supervisors of any two or more counties in this State, or the board of supervisors of any one or more of the counties in this State and the council or councils of any one or more of the several cities in this State, to establish a home for the care and maintenance of the poor; to authorize the sale and conveyance of certain real and personal property belonging to such cities and counties as may adopt the provisions of this act; to authorize the authorities of such counties and cities to purchase farms of suitable size, fertility and location; to authorize such authorities to erect suitable buildings to be called district homes, to which all of the counties and cities composing such district must send its poor, and care for same; providing for the appointment of boards of control, superintendents, physicians and necessary employees; and to abolish county and city poor houses in the several counties and cities which adopt the provisions of this act. [H B 68]

Approved March 14, 1918.

1. Be it enacted by the general assembly of Virginia, That the boards of supervisors of any two or more of the several counties in this State, or the board of supervisors of any one or more of the counties in this State, and the council of any one or more of the several cities in this State are hereby authorized and empowered to establish a home for the care and maintenance of persons unable to care for themselves, to be known as 'district home for the counties of ....., or district home for the county or counties of ....., and city or cities of ....., as the case may be.

2. That each of these homes shall be erected upon a farm of suitable size and of soil susceptible of high improvement, and be controlled by a board to consist of at least one representative from each

county and city composing the district, but where a county or city shall have more than twenty thousand inhabitants its representative shall have one vote and an additional vote for every twenty thousand inhabitants or fractional part thereof over ten thousand; provided, that no city shall have more votes in any district than the combined votes of the counties composing the districts. The representatives from the counties shall be elected by the board of supervisors, and from the cities by the councils thereof, and shall be entitled to necessary expenses incurred in attending meetings of the board, and in addition each shall receive an allowance of five (\$5.00) dollar per day for each day that he shall be in attendance on said board, said allowance, however, not to exceed in any one year the sum of thirty (\$30.00) dollars, to be paid by the counties and cities respectively. The accounts for such expenses and allowances shall be made out and verified by affidavits of the representative and attested by the secretary of the board.

3. The boards of supervisors of the respective counties and the councils of the several cities in the State for which such district homes are established, are hereby authorized and empowered to sell and convey by proper deed, all the real estate held by them for the use, benefit and maintenance of their poor, and to sell all personal property used for that purpose, and out of the proceeds to appropriate so much as may be required by this act for each county or city to purchase farms, stock, tools, and all other necessary equipment, and to erect district homes as hereinafter provided.

4. It shall be the duty of the several boards of supervisors of the counties and councils of the cities, that elect to adopt the provisions of this act, to appoint, as soon thereafter as practicable, the members of the boards provided for by this act, and which shall be known as the district home board for the counties of .....  
..... or counties and cities of.....

5. The district home board shall, as soon as possible after appointment, upon call of the representatives of the city or county, commencing with the letter nearest to the first in the alphabet, assemble at some time and place to be named in the call, organize by the election of a chairman and secretary, and proceed at once to the purchase of a farm of suitable size and fertility to be located at some convenient place, having regard to transportation facilities, and to provide all necessary stock, tools, machinery and equipment, and shall cause to be erected plain, substantial and comfortable buildings for the accommodation of the inmates, and separate buildings for white and colored people so placed that the white inmates and colored inmates will not interfere with each other, which buildings shall be furnished with plain, comfortable and substantial furniture. The several counties, or the several counties and cities establishing the district homes hereinabove provided for shall pay for the farm, stock, buildings, furniture, tools, and other necessary equipment in proportion to population, and shall hold and own the same in same proportion.

6. As soon as the buildings shall be finished and ready for occu-

pancy, the several poorhouses and almshouses hertofore maintained by the several counties and cities for which the district home is established, shall be abolished, and the inmates shall be moved to the district home.

7. Each district board shall elect a suitable superintendent, competent physician and necessary assistants for the conduct and management of the home, and shall fix their salaries, having due regard to the number of inmates occupying the said home. The district board shall meet at least twice a year for the conduct of such business as may be required by the district home, and shall have the general conduct and management of its affairs, and shall meet at the call of the chairman whenever he shall deem it necessary, or upon call issued by a majority of the board. In the calls for special meetings the matters to be considered shall be set out, but any business may be transacted which shall at said special meeting receive a two-thirds vote of the entire board, although not mentioned in the call.

8. The several counties or the several counties and cities of the State, establishing the district homes hereinbefore provided for, shall, as required by law now in force for the care and maintenance of those unable to care for themselves, send such persons to the district homes, and pay the expenses of the maintenance of said home in proportion to the number of inmates from the several counties and cities.

9. The board having charge of each home shall have the control and management of its home, and may make such rules and regulations in respect thereto, as shall not be inconsistent with the laws of the State.

10. As soon after the first day of January of each year as may be practical the district board shall cause a report to be made of the home, which shall show the number and age of the inmates, the condition of health of each one of them, the county or city of his or her residence, the average number during the year, the amount received from each county and city composing the district, and the amount expended, and an itemized statement of all expenditures. It shall also show an inventory and appraisement of the property on hand at the commencement of the year, and shall give an account of receipts from the farm and disbursements on account of it, and such other matters as may be required by the board of supervisors of any county or the council of any city included in the district, or by the State board of charities and corrections. A copy of the report of the board shall be furnished to the boards of supervisors of the counties and to the council of the city or cities within the district, and to the State board of charities and corrections.

11. All acts and parts of acts inconsistent with this act are hereby repealed.

## **EXHIBIT 11**

ballot on which shall be written or printed the words "for bond issue," and each qualified voter who shall disapprove said issue of bonds shall deposit a ticket or ballot whereon shall be written or printed the words "against bond issue." The ballots shall be counted, returns made and canvassed, as in other special elections, and the results certified by the commissioners of election to the said circuit court. If it shall appear by the report of the commissioners of election that a majority of the qualified voters of the county voting on the question are in favor of issuing bonds for the purpose aforesaid, the circuit court shall, at its next term, enter an order authorizing the board of supervisors of the county to proceed at their next meeting to carry out the wishes of the voters.

§3. Upon such proceedings being had, and not otherwise, the board of supervisors is authorized and empowered to issue the bonds of the said county for such loans, either registered or coupons, in denominations of one hundred dollars, or multiples thereof. The said bonds shall be in such form as the board may prescribe, shall be signed by the chairman of the said board, countersigned by the clerk of the board, and sealed with its seal; shall bear rate of interest not exceeding six per centum, payable semi-annually; to be payable not exceeding thirty years after date, and redeemable after such time as the said board may prescribe. If coupon bonds are issued, they shall be payable to bearer, and shall have coupons attached for the semi-annual installments of interest. No bonds issued under this act shall be sold at less than par.

§4. The board of supervisors shall annually include in the levy upon the property and lawful subjects of taxation in said county, as a part of the annual county levy, a sum and tax sufficient to pay the interest on said bonds, and in such manner as they may deem best create a sinking fund sufficient to pay the said bonds at or before maturity.

§5. Owing to the uncertain state of the law on this subject, and the necessity for prompt action to correct this condition, an emergency is declared to exist, and this act shall take effect from its passage.

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CHAP. 28.—An ACT to amend and re-enact an act of the general assembly of Virginia, approved May 20, 1903, entitled an act to amend and re-enact an act of the general assembly of Virginia, approved February 3, 1900, entitled an act to amend and re-enact section 2229 of the Code of Virginia, relating to certificates to be issued by the clerk with marriage licenses, the return to be made by persons celebrating the marriage.

Approved February 16, 1910.

1. Be it enacted by the general assembly of Virginia, That an act of the general assembly of Virginia, approved May twentieth, nineteen hundred and three, entitled an act to amend and re-enact an act of the general assembly of Virginia, approved February third, nineteen hundred, entitled an act to amend and re-enact section twenty-two hundred and twenty-nine of the Code of Virginia, relating to certificates to be issued by the clerk with marriage licenses, the return to be made by persons celebrating the marriage, be amended and re-enacted so as to read as follows:

§2229. The certificate to be issued by the clerk with license; the return to be made by persons celebrating the marriage; the clerk to furnish to the attorney for the Commonwealth list of those failing to make return, the record of certificate of marriage to be prima facie evidence.

The clerk issuing any marriage license shall at the time ascertain from the party obtaining such license, as near as may be, the date and place of the proposed marriage, the full names of both parties, their ages and condition before marriage (whether single, widowed or divorced), their race, whether white or colored, the places of their birth and residence, the names of their parents and the occupation of the husband, and make a certificate thereof and deliver it, together with the license, to the person entitled thereto.

It shall be the duty of every minister or other persons celebrating such marriage, within thirty days after the same has been celebrated, to return such license and certificate of the clerk, together with his own certificate of the time and place at which the said marriage was celebrated, to the clerk who issued the said license. Any minister or other person celebrating such marriage violating the provisions of this section shall be liable to a fine of not less than ten dollars nor more than twenty dollars for each offense.

It shall be the duty of the clerk issuing marriage license of any county or city on the first day of February of each year to furnish to the Commonwealth attorney of his county or city a list of all marriage licenses issued for the year just preceding the first day of January last past that has not been returned by the minister or other person celebrating the marriage, and for failure to perform the duty required by this section the clerk shall be liable on conviction to a fine of twenty dollars.

It shall be the duty of the Commonwealth's attorney for each county and city, upon the receipt of such list from the clerk, to have such person or persons as he may think proper summoned before the next regular grand jury of his county or city to ascertain the name of the minister or other person celebrating such marriage and failing to return such license and certificate to the clerk, together with the certificate of such minister or other person celebrating such marriage.

When the said certificate of such minister or other person celebrating such marriage is returned to the clerk, and recorded as provided in section twenty-two hundred and thirty, then the record thereof shall be prima facie evidence in all courts of this Commonwealth of the facts stated therein.

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CHAP. 29.—JOINT RESOLUTION proposing an amendment to section 46 of article 4 of the Constitution of Virginia.

Signed February 16, 1910.

Whereas, the proposed amendment to section forty-six of article four of the Constitution, hereinafter fully set forth, was agreed to by a majority of the members elected to the two houses of the general assembly at its session of nineteen hundred and eight, and referred to this, the next

## **EXHIBIT 12**

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CHAPTER 702

*An Act to amend and reenact § 1-14 of the Code of Virginia, relating to the definition of colored persons and Indians, so as to change the definition of tribal Indians.*

[S 369]

Approved April 8, 1954

Be it enacted by the General Assembly of Virginia:

1. That § 1-14 of the Code of Virginia be amended and reenacted as follows:

§ 1-14.—Every person in whom there is ascertainable any Negro blood shall be deemed and taken to be a colored person, and every person not a colored person having one-fourth or more of American Indian blood shall be deemed an American Indian; except that members of Indian tribes \* *existing in this* Commonwealth having one-fourth or more of Indian blood and less than one-sixteenth of Negro blood shall be deemed tribal Indians. \*

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