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ACTS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF VIRGINIA,

PASSED IN 1861,

IN THE

EIGHTY-FIFTH YEAR OF THE COMMONWEALTH.

RICHMOND:

WILLIAM F. RITCHIE, PUBLIC PRINTER.

1861.

STATE OF NEW YORK

IN SENATE

JANUARY 1, 1917

REPORT OF THE

COMMISSIONER

OF THE STATE DEPARTMENT

1917

T. 8
34-5-12
YEARS 214
C. 1

PUBLIC OR GENERAL ACTS.

CHAP. 1.—An ACT imposing Taxes for the Support of Government.

Passed April 3, 1861.

1. Be it enacted by the general assembly, that the taxes on the persons and subjects in this chapter mentioned, or required by law to be listed or assessed, shall be yearly as follows :

Taxes on lands and lots.

On tracts of lands and lots, with the improvements thereon, not exempt from taxation, forty cents on every hundred dollars value thereof: and herein shall be included all tracts of lands and lots with improvements thereon, not otherwise taxed or exempt from taxation, of incorporated joint stock companies, savings institutions and insurance companies.

Tax on land
What included therein

On personal property.

2. On all the personal property (excepting provisions and wool of last year's clip, but this section shall not be so construed as to exclude from taxation any provisions purchased for sale by the holder thereof), moneys and credits, as defined in this section, including all capital, personal property and moneys of incorporated joint stock companies (other than rail road, canal or turupike companies), and all capital invested, used or employed in any manufacturing, trade or other business, forty cents on every hundred dollars value thereof. But slaves and property otherwise taxed, and property from which any income so taxed is derived, or on the capital invested in any trade or business, in respect to which a license so taxed is issued, certificates of stock, moneys and personal property that constitute part of the capital of any bank, savings institutions and insurance companies, whether incorporated by this or any other state, which have declared dividends within one year preceeding the first day of February, of as much as six per cent. profits, shall not be taxed under the provisions of this section. The word "moneys" shall be construed to include not only gold, silver and copper coins, but bullion and bank notes. The word "credits" shall be construed to mean all bank, state or corporation stocks, claims or demands owing or coming to any person, whether due or not, and whether payable in money or other thing. Moneys and credits owned by any resident

On personal property, moneys and credits
What included therein, and what exempted

of this state, whether such moneys or credits are within or without this state, shall be taxed at the rate prescribed by this section.

On slaves.

On slaves over
12 years of age

Who attended

3. On every slave who has attained the age of twelve years, whether owned or hired, or whether exempted from county levy in consequence of bodily infirmity or not, one dollar and twenty cents; and no company exempted by its charter from taxation, shall be entitled to any such exemption from taxation of any slave acquired since the adoption of the constitution, or by any law exempting the property of rail road or canal companies, upon the payment of taxes on freight and passengers.

On free negroes.

On free negroes

4. On every male free negro who has attained the age of twenty-one years, eighty cents; but no tax shall hereafter be assessed or collected on such male free negro under the act of the 6th of April 1853, establishing a colonization board.

On white males.

On white males

5. On every white male inhabitant who has attained the age of twenty-one years, not exempted from taxation by order of court in consequence of bodily infirmity, eighty cents.

On public bonds.

On interest on
public bonds

6. On the interest or profit which may have accrued, and is solvent, or which may have been received by any person, or converted into principal so as to become an interest-bearing subject, or otherwise appropriated, within the year next preceeding the first day of February of each year, arising from bonds and certificates of debt of this or any other state or country, or any corporation created by this or any other state, whether the stock of such company be exempt from taxation or not, six and two-thirds per centum. But such interests or profits derived from bank stock or shares of savings institutions and insurance companies which pay taxes thereon into the treasury, shall not be included herein, unless invested or otherwise appropriated, and if so invested or otherwise appropriated, the tax thereon shall be at the rate of forty cents upon every hundred dollars value thereof. If no interest shall have been received within the year preceeding the first day of February, then the value of the principal of such bonds shall be assessed and taxed as other property.

On bank dividends.

Bank dividends

7. On the dividends declared by any bank incorporated by this state, the tax shall be six and two-thirds per centum upon the

amount thereof, to be paid into the treasury by the bank. If the dividend be that of a bank incorporated elsewhere, the tax shall be six and two-thirds per centum upon the amount thereof, to be assessed and collected as other taxes.

On dividends of savings institutions and insurance companies.

8. On the dividends declared within the year preceding the first day of February, if the same be equal to or over six per centum on its capital, by savings institutions and insurance companies, to be paid by such institutions and companies into the treasury respectively, six and two-thirds per centum; but if such dividend be not equal to six per centum of such capital, its capital shall be listed and taxed as other property.

On dividends of savings banks and insurance companies

On dividends of companies not incorporated by this state.

9. On dividends of rail road, steam boat, telegraph or other like companies, not incorporated by this state, the tax shall be six and two-thirds per centum, to be listed and charged to the recipients of such dividends. If such dividend be not equal to six per centum of such capital, its capital shall be listed and taxed as other property.

Dividends of companies not incorporated by this state

On income.

10. On the income, salary or fees received during the year ending the first day of February of each year, in consideration of the discharge of any office or employment in the service of the state, or in consideration of the discharge of any office or employment in the service of any corporation, or in the service of any company, firm or person, except where the service is that of a minister of the gospel, one per centum upon so much thereof as exceeds five hundred dollars. The tax on a salary payable under this section by an officer of government receiving the same out of the treasury, shall be deducted at the rate chargeable on the annual salary, on the amount drawn from the treasury at the time the salary is audited and paid: and fees or other income of such officer shall be listed and assessed by the commissioners as in other cases, and at the rates prescribed thereon.

On income or fees

Exception

Taxes of officers of government not law paid

On toll bridges.

11. On the yearly rent or annual value of toll bridges and ferries, other than those toll bridges and ferries exempt by their charter from taxation, six per centum.

On toll bridges and ferries

On collateral inheritances.

12. On the estate of a decedent, which passes under his will, or by descent to any other person, or for any other use than to or for

Collateral inheritance

the use of the father, mother, husband, wife, brother, sister, nephew, niece or lineal descendant of such decedent, there shall be a tax of two per centum of such estate.

Internal improvement companies.

Rail road and canal companies to report to the auditor quarterly
What to report

13. Every rail road company or canal company shall hereafter report quarterly, on the fifteenth day of March, June, September and December in each year, to the auditor of public accounts, the number of passengers transported and the aggregate number of miles traveled by them within this commonwealth, and the gross amount received by such company for the transportation of freight over such road or canal, or any part thereof, or water or other improvement owned or connected therewith, during the quarter of the year next preceding the first day of the month in which such report is made. Such company, whose road or canal is only in part within the commonwealth, shall report as aforesaid such portion only of such amount received for transportation of freight, as the part of the said road or canal which is within this commonwealth, bears to the whole of such road or canal. If the profits of such road or canal consist in whole or in part of tolls, the gross amount thereof shall, for the purposes of this act, be construed to be a part of the gross amount received for the transportation of freight.

When only partly within the state

Report made on oath

Penalty for failure

Tax on passengers

Tax on freight

To be exempt from tax on their lands

In case of failure to pay, what is done

14. Such statement shall be verified by the oaths of the president and the superintendent of transportation, or other proper officer. Every company failing to make such report, shall be fined five hundred dollars; and any company having a subordinate board, or any board managing any part of its works, may, by its by-laws, create and enforce such penalties as will secure proper reports of such companies. At the time of making such report, the company shall pay into the treasury, for every passenger transported, a tax at the rate of one mill for every mile of transportation of each of such passengers, and a tax of one-half of one per centum of such gross amount received for the transportation of freight and tolls. Every such company paying such taxes, shall not be assessed with any tax on its lands, buildings, cars, boats or other property (other than slaves), which they are authorized by law to hold or have. But if any such company fail to pay such taxes at either of the terms specified therefor, then its lands, buildings, cars, boats and other property shall be immediately assessed under the direction of the auditor of public accounts, by any person appointed by him for the purpose, at its full value, and a tax shall at once be levied thereon, as on real estate and other property, at ten cents on every hundred dollars value, on account of each quarterly default, to be collected by any sheriff whom the auditor may direct; and such sheriff shall distrain and sell any personal property of such company, and pay such taxes into the treasury within three months from the time when such assessment is furnished to him.

Express companies.

15. Every express company, in addition to the license tax on such company, on any express business, shall make a return to the auditor of public accounts, on the fifteenth day of June and December in each year, of the total receipts of such company, on account of its operations within the state of Virginia, within the six months preceding the first day of June and December in each year. Such returns shall be verified by the oaths of the agent and chief officers of such company, at its principal office or offices in the state, in the manner and according to the forms prescribed by the said auditor, whether collected within or without the state. Such express company shall pay on the total receipts so reported, a tax of one-half of one per centum, except for the transportation of bank notes for brokers and non-residents, for which the tax shall be one-fourth of one per cent. upon the amount of bank notes transported; and for failure to make such report or pay such tax, a penalty of six hundred dollars shall be imposed on the company so failing, to be recovered as other penalties are: provided, however, that no express company, through any of its agents, shall transact any business appertaining to the business of a broker, unless it be for the commonwealth. Such principal officer shall require from the several agents employed by such company a report of their transactions on oath, which report, so sworn to, shall accompany the report of the chief officer to the auditor of public accounts.

Express companies required to make semi-annual returns to auditor of receipts

Returns to be on oath

Tax on receipts

Exception

Penalty for failure to pay or report

On suits.

16. When any original suit, ejectment, attachment (other than an attachment sued out under the provisions of the eleventh section of chapter one hundred and eighty-eight of the Code), or other action is commenced in a circuit, county or corporation court, there shall be a tax of one dollar; if it be an appeal, writ of error or supersedeas in a circuit court, there shall be a tax of two dollars; if it be an appeal, writ of error or supersedeas in a district court, three dollars and fifty cents; and if in a court of appeals, five dollars.

Original suits

Appeals, &c.

On seals.

17. When the seal of a court, of a notary public, or the seal of the state is annexed to any paper, except in those cases exempted by law, the taxes shall be as follows: For the seal of the state, two dollars: for any other seal, one dollar and fifty cents, except in cases of protests of bills or notes, for the payment of a smaller sum than fifty dollars, the tax shall be fifty cents; and herein shall be included a tax on a scroll annexed to a paper in lieu of an official seal.

Seals of courts, notaries or state Exemptions, Code, p. 216

On wills and administrations.

Wills and admi- 18. On the probate of every will or grant of administration, there shall be a tax of one dollar.
nistrations

Deeds.

Deeds and con- 19. On every deed admitted to record, whether the same has been
tracts recorded before or not, and on every contract relating to real estate, whether it be a deed or not, which is admitted to record, there shall be a tax of one dollar.

Taxes on bank corporations.

Bank corpora- 20. On every law incorporating or chartering or rechartering any
tions bank with a capital not exceeding two hundred thousand dollars, the sum of fifty dollars; with a capital of over two hundred thousand dollars, and not exceeding four hundred thousand dollars, one hundred dollars; with a capital of over four hundred thousand dollars, and not exceeding six hundred thousand dollars, one hundred and fifty dollars; with a capital of over six hundred thousand dollars, and not exceeding eight hundred thousand dollars, two hundred dollars; and with a capital of over eight hundred thousand dollars, two hundred and fifty dollars.

Taxes on manufacturing companies.

Manufacturing 21. On every law incorporating or rechartering any oil, iron, coal
companies or manufacturing company, passed at the present session of the general assembly, if the maximum capital is one hundred thousand dollars or less, fifty dollars each; and if it exceed that amount, one hundred dollars; and on every law hereafter passed, incorporating or rechartering any oil, iron, coal or manufacturing company, the sum of one-tenth of one per cent. on the maximum capital of such company.

Taxes on gas light and other companies.

Gas light and 22. On every law for the incorporation of any canal, rail road,
other companies insurance, gas light, express or telegraph company, passed at the present session of the general assembly, if the maximum capital is one hundred thousand dollars or less, fifty dollars each; and if it exceed that amount, one hundred dollars: and on every law hereafter passed for the incorporation of any canal, rail road, insurance, gas light, express or telegraph company, the sum of one-tenth of one per cent. on the maximum capital of such company: provided, that the tax imposed by this section shall not apply to the Virginia canal company exempted

23. On every law chartering, renewing or extending the charter of any savings institution, passed at the present session of the general assembly, if the maximum capital is one hundred thousand dollars or less, fifty dollars each; and if it exceed that amount, one hundred dollars: and on every law chartering, renewing or extending the charter of any savings institution, hereafter passed, the sum of one-twentieth of one per cent. on the maximum capital of such institution. Savings institutions

24. On every law chartering, renewing or extending the charter of any private corporation, other than those herein before mentioned, and other than acts for the incorporation of a college, academy, seminary of learning, or literary or charitable institution or cemetery, passed at the present session of the general assembly, if the maximum capital is one hundred thousand dollars or less, fifty dollars each; and if it exceed that amount, one hundred dollars: and on every law hereafter passed chartering, renewing or extending the charter of any private corporation, other than those herein before mentioned, and other than acts for the incorporation of a college, academy, seminary of learning, or literary or charitable institution, or cemetery, the sum of one-tenth of one per cent. on the maximum capital of such corporation. Private corporations Exceptions

ON LICENSES.

Ordinaries.

25. The taxes on licenses shall be as follows:

On a license to keep an ordinary or house of public entertainment, forty dollars; and if the yearly value of such house and furniture, whether rented or kept by the proprietor, exceed one hundred dollars, and is less than two hundred dollars, the tax shall be fifty dollars; and if the yearly value thereof exceed two hundred dollars, there shall be added to the last mentioned sum fifteen per cent. on so much thereof as exceeds two hundred dollars; and if the license grants the privilege of retailing ardent spirits, porter, ale or beer, to be drunk elsewhere than at such ordinary, there shall be added to said license a tax of fifty dollars in addition to the amount otherwise imposed; and if the business be continued, there shall also be a tax of one per centum upon the amount of such sales for the preceding year, in addition to the specific tax. Ordinaries and public entertainment Additional tax for license to retail liquors

Private entertainments.

26. On a license to keep a house of private entertainment or a private boarding house, or any other house not private, but kept for public resort for any purpose, five dollars; and if the yearly value of such house and furniture exceed fifty dollars, and is less than one Private entertainment and boarding houses

hundred dollars, the tax shall be ten dollars. If the yearly value thereof exceed one hundred dollars, there shall be added to the last mentioned sum ten per cent. on so much thereof as exceeds one hundred dollars. But no house shall be deemed a private boarding house with less than five boarders.

Cook shops and eating houses.

Cook shops and eating houses 27. On every license to keep a cook shop or eating house, fifteen dollars; and in addition thereto, fifteen per cent. on so much of the yearly value thereof as exceeds one hundred dollars.

Bowling alleys.

Bowling alleys or saloons 28. On every license permitting a bowling alley or saloon to be kept for a year, fifty dollars; but if there is more than one such alley kept in any one room, fifteen dollars each shall be charged for the excess over one.

Billiard tables.

Billiard tables 29. On every license permitting a billiard table to be kept for a year, one hundred dollars; but if there is more than one such table kept in any one room, fifty dollars each shall be charged for the excess over one table.

Billiard tables and bowling alleys; limitation and rate of license tax.

Billiard tables and bowling alleys not kept open more than four months 30. If such billiard table, bowling alley or saloon, be not kept open more than four months in any one year, the taxes thereon shall only be one-half of these rates, but the license granted shall, at the time of granting the same, be for a period of four months, or for a period of twelve months.

Bagatelle tables.

Bagatelle tables 31. On every license permitting a bagatelle, or other like table to be kept for one year or any less time, twenty dollars for the first, and if more than one, ten dollars for the second, and five dollars for each additional table kept in the same house.

Livery stables.

Livery stables 32. On every license to a keeper of a livery stable, one dollar for each stall thereof; and herein shall be included as stalls, such space as may be necessary for a horse to stand, and in which a horse is or may be kept at livery otherwise than for the purpose of feeding horses by one day only, and no exemption from this license shall be allowed to any person in consequence of such person being licensed to keep an ordinary or house of private entertainment, if any horses

be kept, fed or hired for compensation by the proprietor thereof, except that no tax shall be required on such stalls as are kept exclusively and used for horses belonging to travelers or guests stopping at such house.

Distilleries.

33. On every license to the proprietor of a distillery, if a beginner, Distilleries the tax shall be twenty dollars; and if said distillery is to be kept in operation as much as four months in the year, the tax shall be thirty dollars; if for six months, forty dollars; if for nine months, sixty dollars; if for a longer time than nine months, one hundred dollars; and if such distillery has been kept in operation as much as four months in the year next preceding the time of obtaining such license, the proprietor thereof shall pay, in addition to the tax imposed on Additional tax on sales beginners, one per centum on the amount of sales of liquor so manufactured at such distillery for the twelve months next preceding the time of obtaining such license. No company or firm, whether engaged in distilling grain or fruit produced by themselves or not, When company not exempt from taxation owning a distillery, shall be exempt from taxation, unless the grain or fruit was the joint production of the company or firm owning the distillery. If the distillery is engaged in distilling grain produced by When exempt the owner thereof, or fruit, whether produced by the owner thereof or not, and is not so engaged for more than four months, no tax shall be imposed; but if so engaged for more than four months, whether Exception engaged in distilling fruit or grain produced by the owner or not, the tax shall be assessed and collected as in this section provided.

Merchants.

34. On every license to a merchant or mercantile firm, where a Merchants' specific tax specific tax is to be paid, sixty dollars: but if the capital employed and to be employed for the year, including as capital the cash so used, whether borrowed or not, and goods purchased on credit by said merchant or firm be shown by affidavit to be less than five hundred dollars, the tax to be paid shall be ten dollars; but nothing contained in this section shall be construed to authorize any such person to sell wine, ardent spirits, or a mixture thereof; and when the tax When proportioned to sales is in proportion to the sales, if the taxable sales shall be under one thousand dollars, the tax shall be twenty dollars; if one thousand and under fifteen hundred dollars, twenty-four dollars; if fifteen hundred dollars and under twenty-five hundred, thirty-two dollars; if twenty-five hundred dollars and under five thousand dollars, forty-eight dollars; if five thousand dollars and under ten thousand dollars, seventy-six dollars; if ten thousand and under fifteen thousand dollars, ninety-six dollars; if fifteen thousand dollars and under twenty thousand dollars, one hundred and twelve dollars; if twenty thousand dollars and under thirty thousand dollars, one hundred and forty dollars; if thirty thousand dollars and under fifty thousand dol-

lars, two hundred and eight dollars; and if over fifty thousand dollars, ten dollars for every ten thousand dollars excess over the said sum of fifty thousand dollars.

Merchant's permission to sell ardent spirits.

Liquor license on beginners

35. And in every case in which the license to a merchant or mercantile firm, includes permission to sell wine, ardent spirits or a mixture thereof, porter, ale or beer, by wholesale and retail, or by retail only, if such merchant or firm (commencing business for the first time) sell by wholesale and retail, or by wholesale only, an additional tax of one hundred dollars, and if by retail only, forty dollars;

To continue business

and if such license be to a merchant or mercantile firm, to continue the privilege of selling wine, ardent spirits, or a mixture thereof, porter, ale or beer, if by wholesale, or by wholesale and retail, or by retail only, the tax shall be one per centum on the amount of such sales for the year next preceding the time of obtaining said license, in addition to the specific tax imposed on beginners; but said sales shall not be estimated in ascertaining the amount of a merchant's license.

Merchant tailors and others.

Other trades and callings taxed as merchants

36. Merchant tailors, lumber merchants, dealers in coal, ice or wood, shall obtain licenses as merchants, and be assessed and taxed thereon as other merchants are by the preceding sections of this act, and shall be subject to like penalties for conducting such business without a merchant's license, except that any captain or other person having the command or control of any vessel, shall not be required to take out a license to sell wood by retail from such vessel.

Commission merchants.

Commission merchants, tobacco auctioneers and ship brokers

37. The tax on every license to a commission merchant, forwarding merchant, tobacco auctioneer or ship broker, shall be forty dollars each for commencing business; and if to continue such business after the same has been carried on for a year, the tax on such license shall be two per centum on the amount of commissions received; and this tax shall be in addition to such tax as may be imposed on a license to such merchant or firm, to sell any goods, wares or merchandise. All goods consigned to any such commission merchant, forwarding merchant or tobacco auctioneer, whether such goods be agricultural productions or other articles exempted in the hands of the producer or owner from taxation, shall be included as subjects of taxation under the provisions of this section.

Auctioneers.

Auctioneers' scale of license in towns

38. On every license to an auctioneer or vendue master commencing business, twenty-five dollars; and if the place of business be in

a town containing a population of three thousand inhabitants, thirty-two dollars; if the population exceed three thousand, an additional tax of fifteen dollars for every thousand persons above that number, and at that rate for any fractional excess less than one thousand; but said specific tax shall in no case exceed three hundred and fifty dollars. On every license to an auctioneer who deals exclusively in real estate, two hundred and fifty dollars, and he shall have the right to sell real estate at auction or otherwise. On every license to an auctioneer or vendue master, in this section mentioned, to continue the business after the same has been carried on for a year, one-fourth of one per centum on the amount of taxable sales of such auctioneer or vendue master: provided, the tax to be paid by auctioneers for the sales of molasses and sugar, shall in no case exceed five hundred dollars for such sales; but the tax on sales of other articles shall not be affected by this provision. But no sale shall be made at any other place than the house named in the license as the place of business, or at such other place as the person owning the property is authorized to sell the same; but this prohibition shall not apply to cargo sales or the property of persons closing out business, for which they have a license; and no goods shall be consigned to such auctioneer for sale, unless the owner thereof has obtained a merchant's license for a period as long as one whole year. "Taxable sales" in this section shall be construed to embrace sales made by such auctioneer or vendue master, whether such sales be public or private: provided, that such tax on private sales shall not apply to cases where the merchant's tax is payable on said sales.

Real estate auctioneers

When charged a per centage on sales

Where sale to be made

Exceptions

When goods may be consigned to auctioneer

Taxable sales

Common crier.

39. On every license to a common crier, if in a town of more than one thousand inhabitants, ten dollars; but he shall not be authorized to act as such in the sale of any property belonging to any person, unless such owner is authorized to sell such property without a license, or has obtained a license to do so.

Common crier

Sample merchants.

40. On every license to sell goods by sample, card or other representation, two hundred dollars.

Selling goods by sample

Express companies.

41. On every license permitting an express company to operate throughout the state, fifty dollars.

Express companies

Patent rights.

42. On every license to sell or barter the right to manufacture or use any machinery or other thing patented to any person or company, under the laws of the United States, ten dollars in each county; and

Patent rights under laws of United States

no merchant shall sell the same without an additional license and the payment of the tax prescribed by this section. But patentees who are citizens of Virginia shall not be subject to the tax imposed by this section.

Quack medicines.

Quack medicines 43. On every license to sell patent, specific or quack medicines, if by retail, twenty-five dollars, and if by wholesale, fifty dollars. A person having a merchant's license may sell any such medicines without any additional license, unless the same be sold on commission; in which case the additional license and tax shall be imposed.

Book agents.

Book agents and print sellers 44. On every license to a person obtaining subscriptions to books, maps, prints, pamphlets, or periodicals, twenty-five dollars for each county. On every license to sell, or in any manner furnish the same, If non-residents twenty-five dollars. If the person obtaining such license has not been a resident of the state two years, the tax shall in each case be two hundred dollars. But any person who has been a resident of the state for two years, desiring to distribute or sell any religious books, newspapers, or pamphlets, may apply to the county or corporation court of each county in which he may desire to distribute or sell the same; and such court, upon being satisfied that such person is a proper person for such duty, may grant him a license, without the imposition of any tax for the privilege.

Agents for renting houses.

Renting houses 45. On every license to a person engaged as agent for the renting of houses, twenty-five dollars.

Agents for hiring negroes.

Hiring negroes 46. On every license to a person engaged as agent for the hiring of negroes, fifty dollars.

Stallions.

Jackasses and stallions 47. On every license to the owner of a jackass or stallion, for services of which compensation is received, twice the amount of such compensation, when the charge is for such service by the season; and where such services are for less than a season, then twice what a commissioner may judge to be a reasonable charge therefor. The tax, however, in no case to be less than ten dollars. Such license shall authorize the performance of such services in any part of the commonwealth.

Theatrical performances.

48. On every license permitting theatrical performances in a public theatre or elsewhere, six dollars each week of such performances, notwithstanding the owner of the place of exhibition shall have paid the license tax required on such theatre or rooms fitted for public exhibitions. Theatres

Refreshments in theatres.

49. On every license permitting the sale of refreshments in a theatre during such performances, one hundred dollars for each place of sale; and no abatement shall be made, if the privilege be exercised for a period of less than one year. Refreshments in theatres

Public rooms.

50. On every license permitting the proprietor or occupier of any public theatre or room fitted for public exhibitions, to use the same for such purposes for a year, twenty dollars, if such room be in a town of less than five thousand inhabitants: forty dollars, if in a town of more than five thousand, and less than ten thousand inhabitants; and sixty dollars in all other towns; but the land and house in which such public shows are authorized, shall not be exempt from taxation as other similar property. Exhibition rooms

Public shows, circuses or menageries.

51. On every license permitting any public show, exhibition or performance, other than the drama, whether in a licensed house or not, if in a corporate town, or within five miles thereof, for each time of performance, ten dollars; if elsewhere, five dollars; and for every exhibition of a circus, if within a corporate town, or within five miles thereof, forty dollars; if elsewhere, twenty dollars; and for every exhibition of a menagerie, if within a corporate town, or five miles thereof, forty dollars; if elsewhere, twenty dollars. All such shows, exhibitions and performances, whether under the same canvas or not, shall be construed to require separate licenses therefor, whether exhibited for compensation or not; and upon any such shows, exhibitions and performances being concluded, so that an additional fee for admission be charged, in lieu of a return check authorizing the holder to re-enter without charge, shall be construed to require an additional license therefor. Shows
Circuses
Menageries

Manufacturers of porter, ale and beer.

52. On every license to manufacture porter, ale and beer, or either, fifty dollars, when the value of three thousand dollars and upwards is manufactured; and for any less amount, twenty dollars. Manufacture of malt liquors

*Sale of porter, ale and beer.*Sale of malt
liquors

53. On every license to sell, by retail, porter, ale and beer, twenty dollars; and if the business be continued for more than one year, an additional tax of one per centum on the amount of sales of the previous year. But if the license be to retail to be drunk where sold, it shall be granted upon the certificate of the county or corporation court, at the terms and in every respect as certificates are granted to ordinary keepers and merchants to retail ardent spirits.

Stock brokers.

Stock brokers

54. On every license to a broker who deals exclusively in stocks, two hundred and fifty dollars: and he shall thereupon have the right to sell the said stocks at auction or otherwise: and any person who sells stocks on commission shall be regarded as a stock broker under this section.

*Bank note brokers.*Bank note
brokers

55. On every license to a broker, seven hundred and fifty dollars.

*Insurance companies.*Insurance com-
panies

56. On every license to an agent or sub-agent of any insurance company not chartered by this state, twenty-five dollars; and in addition thereto, a tax of one per cent. on the whole amount of premiums received and assessments collected by such agent or sub-agent or company, within the state, as prescribed by law.

*Physicians and others.*Physicians, den-
tists and lawyers

57. On every license to a physician, surgeon or dentist, five dollars each; and on every license to an attorney at law, five dollars. If the yearly income derived from the practice of any such callings or professions during the year next preceding the time of obtaining such license shall exceed five hundred dollars, there shall be an additional tax on the excess of one per centum; and this income shall be included in the license tax. A license to any such person shall confer on him the privilege of practicing such profession in any part of the commonwealth.

*Daguerreian artists.*Daguerreian
artists

58. On every license to the owner of a daguerreian or such like gallery, by whatsoever name it may be known or called, if in a city or incorporated town of less than five thousand inhabitants, twenty dollars; if more than five thousand inhabitants, forty dollars; if

elsewhere, ten dollars. And if the yearly income derived from the practice of said art exceed five hundred dollars in any county, city or town, an additional tax of one per centum on such excess for the year next preceding the time of obtaining such license: and such tax shall be imposed, whether an artist perform in a gallery or not.

Horses, mules, asses and jennets brought into this state.

59. On every license to sell horses, mules, asses and jennets which are brought into this state for sale, ten dollars in each county; and the act making general regulations concerning licenses shall be so far modified that the certificate for obtaining such licenses may designate the county or corporation as the place of sale; and horses so brought into the state, as often as they are sold, and the principal object of the sale is for profit, although previously sold in this state, shall subject the person so selling to the tax hereby imposed.

Horses, mules, &c. brought into the state

Horses, mules, &c. sold for profit.

60. On every license to sell for others, on commission or for profit, horses, mules, asses, jennets, cattle, sheep and hogs, or either of them, twenty dollars; and the sale may be made under such license in any county or corporation.

Selling on commission horses, mules, &c.

Carriages, buggies and other vehicles.

61. On every license to sell carriages, buggies, barouches, gigs, wagons, and such like vehicles, manufactured out of this state, fifty dollars in each county or corporation. If the business be continued after the same has been carried on for a year, the tax shall be on the amount of sales, in addition to the specific tax, as on merchants' licenses. But this section shall not be so construed as to exempt persons from taxation who may put together the principal parts of such vehicles as may be manufactured out of this state.

Carriages and other vehicles manufactured out of the state

Slaves bought for profit.

62. On every license to buy slaves on commission or for profit, ten dollars in each county; and on the yearly income of such business in all the counties (to be taxed but once), an additional tax of one per centum on such income.

Slaves bought on commission

General provisions.

63. No private act of assembly hereafter described and taxed, shall be published, nor any copy thereof furnished to any person, until the party asking and requiring the same shall have paid into the treasury of the commonwealth the taxes prescribed by law; but

Certain private acts not to be published until tax is paid

all acts of the above recited character, passed at the present session of the general assembly, may be published as a part of the laws, and such companies may be organized, and the tax thereon shall be assessed against such corporations, collected and accounted for in the same manner as license taxes are assessed, collected and accounted for.

Keeper of rolls to publish list of acts on which tax has been paid

64. It shall be the duty of the keeper of the rolls to publish, with the acts of assembly of each session, all acts upon which the tax prescribed by law has been paid into the treasury since the last publication thereof.

Commissioner and sheriff's duty when any person is suspected of being about to leave county before delivery of books

65. After the first day of February and until the first day of July in each year, and until the delivery of the commissioner's books to the sheriff or collector of any county, if the same be delivered after the first day of July, it shall be lawful and the duty of every commissioner of the revenue to make out tickets showing the amount of taxes which will be chargeable on his books when completed, against any person whom he has reasonable ground to suspect is about to depart from his county before the first day of July or before the delivery of said books to said sheriff or collector. Upon the delivery of such tickets the sheriff or collector shall be authorized to make immediate distress for the taxes therein specified, and to use all the remedies for the collection of such taxes as are now given, after the first day of July, upon the delivery of the commissioner's books.

Prohibited occupations taxed

Exceptions

66. This act shall be construed to impose a tax on all occupations prohibited, unless the party exercising any thing so prohibited show by his affidavit that his case comes under some of the exceptions to this act, or to the 38th chapter of the Code (edition of 1860), making general regulations concerning licenses.

Licenses confined to county or corporation

67. No license shall be construed to grant any privilege beyond the county or corporation wherein it is granted, unless it be expressly authorized.

Licenses to be at specified house

68. Every license granting authority to sell, unless the license be specially authorized by law for a county or corporation, shall be at some specified house or place within such county or corporation.

Forms to be furnished tax payer

69. Commissioners of the revenue shall furnish or cause to be furnished to every tax payer to be found within his county, the forms prescribed by the 65th section of chapter 35 of the Code. He shall require answers, according to said section, and with his books, shall transmit said forms to the auditor of public accounts.

Public bonds and stocks.

70. In all cases where this act imposes a tax on any public bond, or on any stock, in lieu of a tax on the interest or profits thereof, the commissioner shall assess the cash market value of such bond or stock.

71. Any person continuing business, after any license obtained by him shall have expired, without obtaining, on or before the day his former license so expired, a license for the succeeding term, such person shall be assessed with twice the amount of tax otherwise imposed on such license.

Penalty when license is not renewed.

72. If a commissioner shall, in his list of licenses to be furnished to the auditor of public accounts, charge or extend in any case a tax less than the law requires, the auditor of public accounts shall deduct the amount omitted to be charged or extended, from the compensation of the commissioner; and to enable the auditor to make an examination of such lists, the commissioner shall return to him, with his return of licenses, all interrogatories which may have been propounded by him, under the direction of the auditor of public accounts, and answered.

Amount undercharged by commissioner to be deducted from his compensation

73. Any subject of taxation required to be listed under the provisions of the thirty-fifth and thirty-eighth chapters of the Code, and not specially taxed herein, shall be taxed as similar subjects; except that the assessor's duties under the fifty-first section of chapter thirty-five, shall be conformed to the ninth section of this act.

Subjects not specially taxed how to be taxed

74. The value of lands and lots as ascertained by the assessment made under the tenth chapter of the acts of eighteen hundred and fifty-five and eighteen hundred and fifty-six, passed March tenth, eighteen hundred and fifty-six, under subsequent special acts, and under the thirty-fifth chapter of the Code in respect to new grants, shall be permanent and not be changed, except under the provisions of the said thirty-fifth chapter in case of a partition or conveyance; and the auditor of public accounts, after the year eighteen hundred and sixty-one, may so far change the form of the commissioner's land book as to show in one column the value of lands and lots exclusive of buildings.

Value of lands and lots under certain assessments not to be changed

When auditor may change land book

75. Agricultural productions of this state in the hands of the producer, including pork and bacon, and in the hands of those who have purchased the same for household provisions, and goods and materials manufactured in this state, shall be exempt from taxation as property, while remaining in the hands of the producer or manufacturer, and while such agricultural productions are held as household provisions. Such productions and manufactured articles may also be sold by the producer or manufacturer without a license tax; but when once sold (with the exception named in this section), they shall be subject to a tax as other property, and to a license when sold. To give effect to this section, chapter 1st, entitled an act for the assessment of taxes on persons and property, passed March 30th, 1860, and chapter 2d, entitled an act making general regulations concerning licenses, passed March 30, 1860, in cases where said chap-

When agricultural productions, goods and materials exempt from taxation, and when subject to license tax

ters might be otherwise construed, shall be construed according to the provisions of this section: provided, that no person shall be required to take out a license or pay any tax for the privilege of buying his neighbors' produce to take out of the county in his own vessel or other conveyance to market, or for selling the same.

How tax on sales of merchant tailors and others to be ascertained

76. Merchant tailors and all other persons manufacturing any production or material, the sale of which would be prohibited without a license, shall only be charged so much tax on the sales as the value of the materials sold would bear to the whole value of the manufactured articles, to be ascertained upon the oath of the person as in other cases.

How license to manufacture and sell malt liquors granted

77. A license to manufacture porter, ale and beer, or either of them, may be granted by the commissioner of the revenue, as in other cases, without any previous certificate or order of the court; but a license to sell the same, or any of them, shall be granted in the same manner, and under the same certificates and restrictions as are required and imposed for a license to sell ardent spirits.

What not to be considered as commencing business

78. No change in the name of any firm of merchants, commission merchants, sample merchants, merchant tailors, auctioneers, or any other persons, who are taxed upon the amount of business or sales of the preceding year, nor the taking into the firm of a new partner, nor the withdrawal of one or more of the firm, shall be considered as commencing, so as to allow, on that account, the payment only of the specific tax imposed by law for the privilege granted; but if any one of the parties remain in the firm either as a general or special partner or otherwise in interest, to be ascertained upon the oath of the party to whom the license is granted, the business shall be regarded as continuing.

Part of Code repealed

79. That chapter 40 of the Code, edition of 1860, be and the same is hereby repealed so far as the same is not herein before re-enacted.

Commencement

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

CHAP. 2.—An ACT making Appropriations for Deficiency in former Appropriations, and for defraying Expenses of the General Assembly and Convention now in session.

Passed April 1, 1861.

What appropriated

1. Be it enacted by the general assembly, that the public taxes and arrears of taxes due prior to the first day of October eighteen hundred and sixty-one, and not otherwise appropriated, and of all other branches of revenue, and all public moneys, whether borrowed or not, not otherwise appropriated by law, which shall come into the

treasury prior to said first day of October eighteen hundred and sixty-one, shall constitute a general fund, and in addition to the appropriations by the act passed the seventeenth March eighteen hundred and sixty, be appropriated for the fiscal year to close on the thirtieth day of September eighteen hundred and sixty-one, as follows, to wit :

To pay expenses of the general assembly for the session commencing on the seventh day of January eighteen hundred and sixty-one, one hundred and twenty-five thousand dollars. General assembly

To each of the pages of the senate and house of delegates, the sum of two dollars per day for each day's service as such: to be paid upon the certificate of the clerk of the senate and clerk of the house of delegates respectively. Pages of general assembly

To Alfred Thornton, a porter to the senate, for his services as such, and also for his attention to the senate chamber, clerk's office and committee rooms of the senate, and making fires in the same, two dollars and fifty cents per day; to be paid upon the certificate of the clerk of the senate. Alfred Thornton, servant

To Richard Matthews, keeper of the keys of the capitol, for his extra services during the last session, one dollar for each night session held. Richard Matthews, servant

To William Osborne, the additional sum of twenty-five cents per day for services during the last session of eighteen hundred and fifty-nine and eighteen hundred and sixty, as servant to the capitol. Wm. Osborne, servant

To the further expenses of making fires and superintending furnaces in the capitol, the customary allowances to the several persons entitled to the same; to be paid on the certificate of the superintendent of public buildings. Fires and furnaces in capitol

To pay the expenses of the convention assembled on the thirteenth of February eighteen hundred and sixty-one, the sum of seventy-five thousand dollars. Convention

For payment of so much of the interest on the public debt and gradual redemption thereof, and for investment, omitted in last appropriation, one hundred and fifty-six thousand eight hundred and ninety-seven dollars. Interest on public debt

For deficiency of interest due the Literary fund, one thousand dollars. Interest to Literary fund

For deficiency in appropriation to pay expenses in comparing polls in sundry elections, three hundred and fifty dollars. Comparing polls

For deficiency in appropriation to pay the salaries of judges and other officers, one thousand dollars. Salaries of judges, &c

To pay for temporary clerks in the office of the auditor of public accounts, in addition to the amount heretofore appropriated, twelve hundred dollars. Temporary clerks in 1st auditor's office

For deficiency in appropriation to pay for slaves sentenced for crime, ten thousand dollars. Slaves sentenced for crime

For deficiency in supplies for the support of convicts and transports, three thousand dollars. Convicts

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|---|--|
| Brigade inspectors, &c | For deficiency in appropriation to pay for brigade inspectors, adjutants, clerks, musicians, &c., thirty thousand dollars. |
| Adjutant general | For deficiency in appropriation to pay the salary of the adjutant general, five hundred dollars. |
| Visitors Virginia military institute | For deficiency in appropriation for expenses of visitors to the Virginia military institute, twenty-two hundred dollars. |
| Defaulting officers | To pay for the publication of defaulting officers, two hundred dollars. |
| Virginia military institute | For deficiency in appropriation for the annual support of Virginia military institute, five thousand seven hundred and ninety dollars. |
| Public guard | For deficiency in appropriation to pay for rations, clothing, &c. of the public guard, and the interior guard at the penitentiary, five thousand dollars. |
| Distribution of arms | For deficiency in appropriation to pay for collecting and distributing arms, eighteen hundred dollars. |
| Lists of taxable property | For deficiency in appropriation for taking lists of taxable property, five thousand dollars. |
| Western lunatic asylum | For deficiency in appropriation to the Western lunatic asylum, five hundred dollars. |
| Eastern lunatic asylum | For deficiency in appropriation heretofore made to and uncalled for by the Eastern lunatic asylum, thirty-one thousand two hundred and fifty dollars. |
| Lunatics in county jails | For deficiency in appropriation to pay expenses of lunatics confined in county jails, eighteen hundred dollars. |
| Civil suits | For deficiency to pay expenses of civil suits, one thousand dollars. |
| Governor's house | For deficiency in appropriation for repairs of the governor's house, thirty-seven hundred dollars. |
| Repairs of capitol | For deficiency in appropriation for the repairs of the capitol, forty-five hundred dollars. |
| Grattan's Reports | For deficiency in appropriation for publishing Grattan's Reports, thirty-six hundred and eighteen dollars. |
| 5th vol. Leigh's Reports | For reprinting five hundred copies of the fifth volume of Leigh's Reports, twelve hundred and fifty dollars. |
| Mayo's Guide | For four thousand five hundred copies of Mayo's Guide, eleven thousand two hundred and fifty dollars. |
| Printing for public officers | For printing to be done in pursuance of the act of the twentieth February eighteen hundred and fifty-eight, and for books for public officers, sixteen thousand dollars. |
| Second edition of Code | For ten thousand copies of the second edition of the Code, twenty thousand dollars. |
| Secretary of commonwealth, for preparation of Code | To the secretary of the commonwealth, for preparing the second edition of the Code, two thousand dollars. |
| Statue of Nelson | For completing the statue of Nelson, forty-five hundred dollars. |
| Erection of statue of Nelson | For erecting the statue of Nelson, and allegorical figures on Washington monument, twenty-three thousand four hundred dollars. |
| Statue of Jefferson | For balance of appropriation of act of twenty-first February eighteen hundred and fifty-four, for Galt's statue of Jefferson, four thousand dollars. |

For permanently enclosing the birthplace of Washington and the home and graves of his progenitors in America, and marking the same by suitable tablets, under act of the twentieth January eighteen hundred and fifty-eight, four thousand eight hundred and sixty dollars and seventy-nine cents.

Birthplace of Washington

For balance of money appropriated for enlargement of medical college, under act of March first, eighteen hundred and sixty, fifteen thousand dollars.

Medical college

For the per diem and mileage of electors of president and vice-president, and pay of secretary to the college of electors, twelve hundred dollars; and to William Teller, page to the electoral college, twenty-five dollars.

College of electors

For commissions to sheriffs, remaining unpaid, and to be paid upon the warrant of the auditor of public accounts, fifteen hundred dollars.

Commissions to sheriffs

For deficiency in appropriations to pay commissioners for listing free negroes, one hundred and twenty dollars.

Listing free negroes

To meet claims allowed and outstanding, for expenses growing out of the John Brown raid, nine hundred and six dollars and sixty-one cents.

John Brown raid

For rewards, under act of seventeenth March eighteen hundred and fifty-six, and claims under the forty-fifth chapter of the Code, five thousand dollars.

Rewards and claims

To pay the joint committee of the senate and house of delegates, for accompanying the remains of the late Judge George W. Hopkins from Richmond to his late residence in the county of Washington, one hundred and thirty-nine dollars and ninety cents.

Funeral expenses of Geo. W. Hopkins

To pay for rent of apartments for the use of the convention, and for furnishing the same, to be paid upon the orders of the president of the convention, not exceeding twenty-five hundred dollars.

Apartments for convention

To A. W. McDonald, commissioner to obtain from England documentary evidence relative to the boundary of the state, and other historical facts, to pay for deficiency in the appropriation for amount expended by him over the appropriation, two hundred and seventy-five dollars.

A. W. McDonald

For completing, for the admission of lunatic patients now confined in jails, a portion of the Northwestern lunatic asylum, twenty-five thousand dollars; to be used only upon the order of the governor, for the purpose aforesaid.

Northwestern lunatic asylum

2. In case any of the appropriations herein made, are, in whole or in part, included in any general or special appropriation act heretofore passed, no more money shall be paid under this act than such sum or sums which remain unpaid under such acts.

Appropriations not to exceed former appropriations by general or special acts

3. So much of the public revenue as may be received into the public treasury after the thirtieth day of September eighteen hundred and sixty-one, and the surplus of all other appropriations made prior to that date, unexpended within the two fiscal years, ending

General provisions

respectively on the thirtieth of September eighteen hundred and sixty, and thirtieth of September eighteen hundred and sixty-one; and all moneys not otherwise appropriated by law, shall constitute a general fund, to defray such expenses authorized by law as are not herein particularly provided for, and to defray the usual allowances for support and transportation to lunatic asylums, and other current expenses of the commonwealth, in the fiscal year which will commence on the first day of October eighteen hundred and sixty-one, and terminate on the thirtieth September eighteen hundred and sixty-two. And the auditor of public accounts is hereby authorized and required to issue his warrants in the same manner as if the same had been specifically mentioned, subject to such exceptions, limitations and conditions as the general assembly have prescribed, or may deem it proper to annex and prescribe by law: provided, that nothing in this act contained shall be so construed as to authorize the auditor of public accounts to issue his warrant or warrants in satisfaction of any judgment or decree of any court of law or equity, against the commonwealth, for a sum of or over three hundred dollars, without a special appropriation by law.

What to constitute general fund
For what purposes

Duty of auditor

Limitation as to decrees and judgments

Payments to state institutions, how made

Commencement

4. The payments to the military institute for support, to the lunatic asylums for support and transportation of patients, and to the institution for the education of the deaf and dumb and the blind, shall be made, one-fourth in advance on the first day of October, one-half on the first day of January (if the visitors or directors so require), and the remaining one-fourth on the first day of April.

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

CHAP. 3.—An ACT to provide for electing Members of a Convention, and to convene the same.

Passed January 14, 1861.

Duty of commissioners

When election held
Reference to the people of the action of convention

How poll to be held

1. Be it enacted by the general assembly, that it shall be the duty of the commissioners and officers who were appointed to superintend and conduct elections for county and corporation officers in May last, at the places established for holding elections for members of the general assembly, to open polls for electing delegates to a convention. The said election shall be held on the fourth day of February in the year of our Lord eighteen hundred and sixty-one. At the same time the said commissioners and officers shall open a separate poll to take the sense of the qualified voters as to whether any action of said convention dissolving our connection with the federal Union, or changing the organic law of the state, shall be submitted to the people for ratification or rejection; and in order to ascertain the sense of the voters upon the question aforesaid, the said officers shall

cause to be kept a poll, to be headed "Upon the question of referring such action to the people for their decision;" which said poll book shall have two columns—the one headed "For referring to the people," and the other, "Against referring to the people;" and the names of those who vote for the former shall be written under the former heading, and those who vote for the latter, under the latter heading. When the said officers meet as herein provided, they shall ascertain and make return of the number of persons voting for each proposition. They shall forthwith send to the clerk of their respective counties or corporations a copy thereof, whose duty it shall be to transmit immediately a copy thereof to the president of the convention at Richmond, and also to the governor of the commonwealth. In case any officer appointed as aforesaid should fail to act, his or their place shall be supplied in the mode prescribed by law for general elections.

Duty of officers

Returns, how made

2. The convention shall consist of one hundred and fifty-two members, to be chosen for and by the several counties and cities of the commonwealth, as prescribed by the second section of the fourth article of the constitution of this state, for the election of members of the house of delegates. The county or counties which alternately vote for delegates to the general assembly under the said article of the said constitution, and which at the next election for delegates would be entitled to elect a delegate or delegates, shall elect the same number of members of the convention, and in the same manner that they would be entitled to if the election were for members of the next session of the general assembly.

Number of members, how chosen

3. Any person may be elected a member of the convention, who at the time of election has attained the age of twenty-five years, and is a citizen of this commonwealth.

Who eligible

4. All persons shall be qualified to vote on the question and in the election aforesaid, who are entitled to vote for delegates to the general assembly under the constitution of this commonwealth.

Who to vote

5. The said election shall in all respects be conducted in the mode prescribed, and the officers conducting the same shall be vested with the powers, perform the duties, receive the same compensation, and be liable to the penalties prescribed by law for general elections, except as herein provided.

How election conducted

6. The polls shall remain open for one day only; and the commissioners superintending the said election at the courthouses, shall meet in their respective counties and corporations on the second day after the election day; shall then compare the polls for their respective counties and corporations which elect a delegate or delegates, and ascertain and certify the votes of the counties and corporations,

Polls, how long to remain open

How compared

or parts thereof comprising election districts, and deliver a certified statement thereof to the officers conducting the election at the court-houses. And to compare the returns from the respective counties and parts of counties forming election districts for members of the general assembly, the officers conducting the election at the court-houses of the respective counties and parts of counties of such election districts, shall meet and compare the returns at the places now required by law for such comparison, on the fourth day after the election, and make returns of the election; one of which they shall forthwith transmit by mail to the governor: another with the poll books, shall be delivered to the clerk of the county or corporation court, to be filed in his office: and another to the member or members elected to the said convention.

Election districts, when officers to meet

When convention to assemble

7. The members so chosen shall meet on Wednesday the thirteenth of February next, at the capitol in the city of Richmond, and proceed to adopt such measures as they may deem expedient for the welfare of the commonwealth. The sessions of the convention shall be held in the capitol until otherwise provided for.

Where meetings to be held

Contested elections

8. In the case of a contested election, the same shall be governed in all respects by the existing laws in regard to contested elections in the house of delegates, unless otherwise ordered by the convention.

Vacancies

9. In case of vacancies occurring previous to the meeting of the convention, the governor shall issue writs to supply the same; and after the said meeting, the writs shall be issued by order of the convention, and the elections under such writs shall be conducted in all respects as the elections herein before provided for.

Privileges and elections

10. The said convention shall be the judge of its own privileges and elections, and the members thereof shall have, possess and enjoy all the privileges which members elected to and attending on the general assembly are entitled to; and moreover shall be allowed the same pay for traveling to, attending on and returning from the said convention, as is now allowed to members of the general assembly for like services.

Compensation

Officers, how appointed and paid

11. The said convention is hereby empowered to appoint such officers, and to make them such reasonable allowances for their services as it shall deem proper; which several allowances shall be audited by the auditor of public accounts, and paid by the treasurer of the commonwealth, out of any money in the treasury not otherwise appropriated.

Expenses of poll books

12. The expenses incurred in providing poll books and in procuring writers to keep the same, shall be defrayed as heretofore in the elections of members of the general assembly.

13. Immediately upon the passage of this act, the governor shall issue a proclamation giving notice thereof, of the time of holding the election, and of the meeting of the convention herein provided for.

Proclamation by
the governor

14. The secretary of the commonwealth shall cause to be sent to the clerks of each county and corporation, as many copies of this act as there are precincts therein, using for that purpose special messengers, when necessary in his judgment. It shall be the duty of the clerks to deliver the same to the sheriff for distribution, who shall forthwith cause a copy to be posted at the door of his courthouse, and at some public place in each election district.

Copies of act,
how distributed

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

Commencement

CHAP. 4.—An ACT to create an Ordnance Department.

Passed January 25, 1861.

1. Be it enacted by the general assembly, that an ordnance department be and is hereby created, to consist of one colonel of ordnance, to be appointed by the governor, by and with the advice and consent of the senate, and subordinate officers, not exceeding six in number, to be appointed in like manner: the said subordinates to hold such rank as may be prescribed by the governor, with the consent of the senate. The pay and allowances of all commissioned officers of the ordnance department shall be the same allowed to officers of the same rank and service in the United States army on the first day of January eighteen hundred and fifty.

Ordnance de-
partment cre-
ated

What officers
may be ap-
pointed, and
how

Pay and allow-
ances

2. The duties of the said department shall be the duties performed by the ordnance, quartermaster and subsistence departments of the United States army, and such other duties as may be prescribed by the colonel of ordnance, with the consent of the governor.

Duties of ord-
nance depart-
ment

3. The officers of said department shall be governed by the articles of war and regulations which are in force at this time for the government of the troops of the United States, so far as the same may be applicable.

Officers, how
governed

4. The duties heretofore assigned to the commissioners of the armory shall be performed by the officers whose appointment is authorized by this act.

Officers to be
commissioners
of the armory

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

Commencement

CHAP. 5.—An ACT appropriating one million of dollars for the Defence of the Commonwealth.

Passed January 29, 1861.

- Duty of colonel of ordnance as to purchase of arms** 1. Be it enacted by the general assembly, that the colonel of ordnance be and is hereby authorized and required, under the direction of the governor, to procure such arms, equipments and munitions of war as may be necessary for the defence of the state. The said officer is also authorized to contract, under the direction of the governor, for the manufacture in this state of equipments and munitions of war, and may buy materials to be used in the manufacture of the same, and may contract with parties for altering and improving in this state, cannon and small arms, or may, in his discretion, purchase machinery and materials for such purpose, if the same cannot be done by contract upon as reasonable terms: provided, that not more than eight hundred thousand dollars shall be expended for such purposes; which sum is hereby appropriated out of any money in the treasury not otherwise appropriated. The arms so to be purchased shall be so distributed that the militia of the state along and near the border on the non-slaveholding states and along the borders of the Chesapeake bay, and the navigable streams tributary thereto, shall be put on equal footing, in the supply of arms, with the militia of any other part of the commonwealth.
- How munitions, &c. obtained**
- Amount appropriated for arms and munitions**
- How distributed**
- Engineer to be employed** 2. Be it further enacted, that the governor is hereby authorized and required to employ forthwith a competent engineer for the purpose of planning and constructing such coast, harbor and river defences as are immediately needed for the protection of the commonwealth: provided, however, that said engineer shall first submit his plans, with the cost of executing the same, to the governor for his approval; and if such plans be approved by him, the same shall be executed: and provided, that for the defence of the western and northwestern frontier and the Valley, the sum of fifty thousand dollars is hereby directed to be applied to the construction of three arsenals: one at or near the Baltimore and Ohio rail road, or the Northwestern Virginia rail road; one at some point upon the Great Kanawha river; and one in the Valley of Virginia, at or near the town of Winchester: the precise locations of which shall be determined by the governor, upon the report of the engineer hereby authorized to be employed; and he is further authorized and required to acquire for the state, by purchase or condemnation, such sites as may be required for the defensive works aforesaid. If condemnation be necessary, it shall be conducted as in the proceedings by a company, county or town to take land without the owner's consent.
- Plans to be submitted to the governor**
- Arsenals to be established**
- Sites for coast, river and harbor defences**
- Amount appropriated** 3. The sum of two hundred thousand dollars is hereby appropriated for the purposes mentioned in the preceding section, out of any money in the treasury not otherwise appropriated.
- Commencement** 4. This act shall be in force from its passage.

CHAP. 6.—AN ACT to authorize the issue of Treasury Notes.

Passed March 14, 1861.

1. Be it enacted by the general assembly, that the governor, for the purpose of raising means for the defence of the state, is hereby authorized to direct the auditor of public accounts to borrow for the commonwealth of Virginia, from time to time, an amount not exceeding in the aggregate one million of dollars: and for that purpose, the said auditor shall issue to the lender, in treasury notes, the amount which he purposes to loan, in sums not less than twenty dollars.

Issue of treasury notes authorized

Not less than twenty dollars

2. The said treasury notes shall be prepared under the direction of the governor, and shall be signed by the treasurer, and countersigned by the auditor of public accounts, but shall not be delivered by the said auditor until the receipt of the treasurer, stating that the par value thereof has been paid into the treasury. The said notes shall be made payable to order of the lender, and be redeemable at the treasury of the state one year after their respective dates. They shall bear interest at a rate not exceeding six per centum per annum from the date of their issue until redeemed, or received by the authorized officers of the state in payment of dues to the commonwealth. For the payment of the interest and redemption of the principal at the place and time specified on the face of the note, the faith of the commonwealth of Virginia is hereby pledged.

How prepared

To whom payable

To bear interest

Faith of state pledged for redemption

3. The said notes shall be transferable, by the endorsement of the lender to bearer, and thereafter by delivery.

How transferable

4. The said treasury notes shall be received in payment of taxes and debts actually due to the commonwealth, after the thirtieth day of September next; and in the settlement of said taxes or dues, the person making such payment shall be allowed the amount of the principal, and the interest which may be due at the time of settlement, on the said treasury notes.

Receivable in payment of public dues

5. The officer receiving the treasury note in payment, shall endorse thereon that the same is paid, and the date of the payment; and the person tendering the same in payment of taxes or dues, shall subscribe his name, as a receipt in full therefor; and in the settlement of said officer with the auditor of public accounts, the principal of said note and the interest thereon, calculated to such date, shall be in full discharge of so much of the taxes or dues charged against said officer for collection. No treasury note so endorsed and subscribed, shall be afterwards transferable.

What done by officer when received in payment of public dues

What allowed in settlement with auditor

6. The auditor of public accounts is hereby directed to cause to be redeemed all treasury notes not so received by the collecting

How to be redeemed

officers, principal and interest, at the time when the same is redeemable, and presented for payment; to be paid out of any money in the treasury not otherwise appropriated. And if the said notes be not presented within twelve months after the same are redeemable, the said auditor shall advertise for the same to be brought in on a given day, and after such day the interest thereon shall cease.

Advertisement to bring in

7. Whenever from time to time one hundred thousand dollars of said notes shall be returned to the auditor by said collecting officers, or shall be redeemed by him as herein provided, the same shall be canceled by him, and be delivered to the treasurer, to be preserved in his office: and from time to time, within two years from the passage of this act, an amount equal to the sum so canceled, may, by direction of the governor, be again issued, subject to all the provisions herein before prescribed.

When to be canceled and how

8. The auditor of public accounts and the treasurer shall each keep a full and accurate account of the number, date, denomination and amount of all the notes signed by them respectively, and of the names of the persons to whose order the said notes are severally made payable, and in like manner, of all the said notes redeemed and canceled.

What lists to be kept and by whom

9. For defraying the expense of preparing, printing and engraving the said treasury notes, a sum not exceeding two thousand dollars is hereby appropriated, to be paid by order of the governor, out of any money in the treasury not otherwise appropriated; and the plate or plates for such engraving shall be preserved by the treasurer, and shall be destroyed when the issue of said notes shall cease.

Appropriation for plates, &c

10. All the provisions of the third, fourth and sixth sections of chapter one hundred and ninety-three of the Code, applicable to bank notes, shall be held to apply with the same effect to the treasury notes directed to be issued by this act.

Provisions as to bank notes applicable

11. It shall be lawful for the banks of this commonwealth to discount or purchase any note or notes issued under this act.

Banks may purchase

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

Commencement

CHAP. 7.—An ACT amending certain laws respecting the Militia of the Commonwealth, so as to render them more efficient.

Passed March 23, 1861.

Code amended

1. Be it enacted by the general assembly, that the second section of chapter twenty-five of the Code of Virginia shall be amended and re-enacted so as to read as follows:

"§ 2. Notices of regimental musters and training of officers may be given by the brigade inspector, by advertisement in one or more convenient newspapers; but the expense thereof shall not exceed ten dollars for each brigade in any year. Notice of company musters shall be given by commandants of companies, by notices to be posted at three separate public places in the respective company districts, at least ten days previous to such musters."

Notices of regimental musters

Company musters

2. The fourth section of said chapter shall be amended and re-enacted so as to read as follows :

Code amended

"§ 4. There shall be two trainings in every year of all the officers of each county; which shall be at the courthouse of such county, except that the trainings of the officers of the one hundred and thirty-first regiment shall be held at Lynchburg, and the fall trainings of the officers of the one hundred and seventy-sixth regiment may be held at Mannington, if a majority of the officers of that regiment so determine: but the place of such training may be changed by the brigadier general of the brigade, upon application in writing of a majority of the officers of such county. Each training shall continue three successive days. The first shall be conducted by the brigade inspector, in the manner prescribed by law, and shall be held on the three days immediately preceding the regimental muster. The second shall be held in the month of September or October in every year, commencing on such day as may be appointed by the commandant, and shall be conducted by the senior officer present. The governor may cause to be issued to the commandant of every regiment or battalion, arms and accoutrements suitable and sufficient for the use of officers of such regiment or battalion training. When several regiments are organized in the same county, the brigadier general of the brigade shall appoint the general musters of such regiments on separate successive days, commencing immediately after the training of the brigade inspector. The brigade inspector shall attend all regimental and battalion musters in his brigade. It shall be his duty, at the spring training and musters, to inspect all arms in the hands of the militia, and report the condition of the same, with all instances of abuse, to the adjutant general. In no case shall the militia of any county be required to go out of such county to attend any regimental muster in time of peace, but shall when insufficient to constitute a regiment, be organized and mustered as a battalion: provided, however, that when the militia of two or more adjoining counties lying east of the Alleghany range of mountains constitute one regiment, a majority of the commissioned officers of the regiment may determine to have regimental musters in either of said counties, in lieu of battalion musters."

Trainings of officers, where held

Exceptions

How changed

Trainings three days, by whom conducted

When held

What arms may be issued

General musters

Brigade inspectors to attend
To inspect arms

When militia organized as a battalion

3. The ninth section of chapter twenty-five shall be amended and re-enacted so as to read as follows :

Drummer and
fifer, how
employed

“§ 9. Each brigade inspector shall employ a drummer and fifer to attend each training of officers and regimental musters in the brigade.”

4. The tenth section of chapter twenty-five shall be amended and re-enacted so as to read as follows :

Drum and fife,
how and when
obtained

“§ 10. The commandant of each regiment and battalion, where battalion are substituted for regimental musters, may procure for the use of his regiment or battalion, and for the drum and fife majors attached thereto, once in ten years, if necessary, one drum and fife, upon which he shall cause the name of the county and number of the regiment or battalion to be marked. In like manner he may procure one bugle for each company of cavalry and riflemen attached to his regiment or battalion. When any of said equipments require repairs, the commandant of the regiment or battalion may procure the same to be done. The commandants of regiments and battalions shall submit all accounts for such equipments or repairs to their respective regimental or battalion courts of enquiry, which may make a reasonable allowance therefor. Where the court allows for new equipments, it shall also certify that no such equipments have been purchased for the regiment or battalion within the preceding ten years. Upon such allowance (with such certificate in the case of new equipments) the said commandants may draw upon the auditor of public accounts in favor of the claimant, to be paid out of the militia fine fund, for the amount thereof.”

Bugle

Repairs to
equipments

New equipments

5. The twentieth section of chapter thirty shall be amended and re-enacted so as to read as follows :

Tickets for fines,
how made out
and collected

“§ 20. Tickets for all fines imposed by the battalion and regimental courts of enquiry, shall be made out by the clerks of those courts, and placed in the hands of the sheriff or other collector of the revenue for collection, and shall also deliver to such sheriff or collector an alphabetical list of such tickets. Such tickets and list shall be delivered to such sheriff or collector after the first day of January and before the first day of April next after the same were imposed by the battalion or regimental courts. The said clerks shall also prepare a copy of such list, furnished to such sheriff or collector, at the foot of which he shall take from the sheriff or collector a receipt for the tickets named therein, and shall forthwith transmit to the auditor of public accounts a copy of such list and receipt; which shall be received as prima facie evidence in any action or motion against such sheriff or collector. If there be no tickets for fines, which could have been placed in the hands of such sheriff or collector, the clerk shall certify that fact to said auditor. If the said clerk fail to perform any duty herein required of him, he shall forfeit not less than one nor more than two hundred dollars. The sheriff may

Collector or
sheriff's receipt

Prima facie
evidence

Penalty on clerk
of court of
enquiry

make immediate distress for said fines, and shall collect, account for and pay the same into the treasury on the fifteenth day of December next after the said tickets are required to be so delivered. Any sheriff or collector failing to receive the tickets, and execute a receipt therefor, as provided in this section, shall forfeit not less than one hundred nor more than five hundred dollars.”

Penalty on collector or sheriff

6. The twenty-second section of the thirtieth chapter shall be amended and re-enacted so as to read as follows :

Code amended

“§ 22. The militia fines shall constitute a fund for defraying the expenses of the militia establishment in time of peace. All expenses of the militia shall be paid out of said fund: but in case the said fund shall be insufficient for that purpose, the said expenses shall be paid out of any money in the treasury not otherwise appropriated. Claims for music at regimental and company musters prior to the thirtieth day of March eighteen hundred and sixty, and for advertising heretofore in local newspapers, under the provisions of the second section of chapter twenty-five, shall be paid for under the provisions of this section, when said claims shall be allowed and certified according to existing laws, or which existed prior to said thirtieth of March eighteen hundred and sixty.”

Militia fines a fund for expenses of militia establishment. If insufficient, expenses to be paid out of the treasury

How claims for music and advertising to be paid

7. The twenty-third section of said chapter thirty shall be amended and re-enacted so as to read as follows :

Code amended

“§ 23. Claims to brigade inspectors for training and regimental musters conducted and attended by them in each regiment, and for mileage thereto, shall be certified by the commandant of such regiment; and claims for music at such trainings and such regimental or battalion musters, and mileage to musicians, shall be certified by the brigade inspector. Such claims, so certified, or so much thereof as may be authorized by law, shall be paid upon the warrant of the auditor of public accounts. All other claims authorized by law shall be allowable by the regimental courts of enquiry; shall be certified by the clerk of the regimental court allowing the same, and shall be countersigned by the commandant of the regiment. The clerk of such court shall forthwith transmit to the auditor of public accounts a list of all claims so allowed, which shall also be countersigned by the commandant of such regiment. The said list shall be the guide of the auditor of public accounts in his settlement of said claims. If no claims are allowed, the clerk shall certify that fact. All such claims, so certified or allowed, shall be in favor of the person performing the services or presenting the charge.”

Claims of brigade inspectors and for music, how certified

How paid

How other claims allowed and certified

8. The twenty-fourth section of the said thirtieth chapter shall be amended and re-enacted so as to read as follows :

Code amended

“§ 24. In time of peace, no claim other than those named in this section, shall be allowed. Those named shall be paid out of the mi-

What allowed in time of peace

litia fine fund, as in the twenty-second section of chapter thirty of the Code is provided, viz: To each brigade inspector, five dollars per day for every day he shall attend the training of officers and regimental musters, and ten cents for every mile he shall necessarily travel going and returning, as provided in the eighth section of chapter twenty-five of the Code. Each drummer and fifer who shall attend the training of officers in the brigade, shall be allowed three dollars per day for their respective services, and four cents for every mile of necessary travel in going and returning, according to the ninth section of said chapter twenty-five. A drummer and fifer and bugler to attend the fall training of officers, regimental, battalion and company musters, including volunteer as well as other companies, shall be allowed each two dollars per day for their services: provided, if a drummer and fifer cannot be obtained, and the service of any band is obtained, they shall be allowed five dollars per day. To the clerk of every regimental court of enquiry, for attendance on each court or board of officers during its session, not exceeding five dollars. For making out the list and tickets to be placed in the hands of the sheriff or other collector in any year, five dollars; and for the copies thereof to be certified to the auditor, and for stationery for the use of said court, five dollars. To the provost marshal, for each day he shall attend the courts of enquiry, two dollars. To the adjutant of every regiment, for attending the regimental musters and the training of officers, four dollars for each day's attendance. To the adjutant, or any other officer of the line ordered to perform the duty of enrolling, notifying and mustering any company which has no officers, and reporting delinquents in said company, two dollars per day whilst actually employed in such duty, so that the same does not exceed six dollars for any company in one year. For equipments and repairs for musical instruments, as prescribed in the tenth section of chapter twenty-five, and under the restrictions contained therein, there shall be a reasonable allowance made therefor. For advertising under the provisions of the second section of chapter twenty-five, such sums as may have been actually incurred, not exceeding the amount allowed in said section."

9. The twenty-fifth section of chapter thirty shall be and the same is hereby repealed.

Code amended 10. The twelfth section of chapter twenty-six of the second edition of the Code of Virginia, shall be amended and re-enacted so as to read as follows:

"§ 12. Each company of artillery, equipped with ordnance, shall be allowed horses to draw its pieces and caissons at every muster required by law, and the regimental courts of enquiry shall make proper allowance therefor, but said courts shall not allow for more than two horses for each piece and two horses for each caisson, nor more than one dollar for each horse actually employed at such musters."

11. The thirteenth section of an act passed March thirtieth, eighteen hundred and sixty, entitled an act for the better organization of the militia of the commonwealth, is hereby amended and re-enacted so as to read as follows :

“§ 13. There may be as many troops of cavalry, as many companies of artillery and of light infantry or riflemen, as have been or may be organized within the bounds of the regiment to which they belong, or within any county or city, if there be more than one regiment in such county or city, or within the bounds of two or more adjoining regiments in different counties. Such companies shall consist of not less than fifty nor more than one hundred men, rank and file, to be raised by voluntary enlistment for four years.”

Act of 1860
amendedAs to troops of
cavalry and
artilleryOf what number
to consist

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

Commencement

CHAP. 8.—An ACT to authorize the County Courts and any incorporated City or Town to arm the Militia of their respective Counties, Cities and Towns, and to provide means therefor.

Passed January 19, 1861.

1. Be it enacted by the general assembly, that the county courts of Charlotte county, and such other counties as may accept the provisions of this act, as herein after provided, may arm such portion of the militia of their respective counties as they may deem expedient, and as may be without arms: provided the authority hereby given shall not be construed to impair any power over this subject vested by law in the governor.

County courts
authorized to
arm militia

Proviso

2. For the purpose of paying the debt thus incurred, the courts shall have power to appoint an agent or agents to negotiate a loan or loans for, and in the name of such county, and at the term at which it makes its county levy, shall levy on all the lands and all other subjects liable to that tax and county levy in such county, without the limits of a town that provides for its poor and keeps its streets in order, such tax to pay the said debt, or part of such loan or loans, as may be authorized, and the interest thereon, as said court may deem necessary and proper; and from year to year repeat such assessments, until the amount authorized, or loan made by such court, together with all interest, is fully paid. But such levy for a year shall not exceed one-third of the whole amount of debt thus incurred, at one time.

Power to ap-
point agent to
negotiate loans.
Authorized to
levy on land, &c

Restriction

3. And in case any such county shall have already issued its bonds for the purpose herein specified, the same shall be and is hereby legalized and made valid, whenever all the acting justices of such

Issue of bonds
legalized

county shall have been summoned to attend the court to consider the subject, and a majority shall be present and consenting thereto.

Vote of majority
of justices
necessary

4. The said courts shall not contract any debt or liability under the provisions of this act, unless all the acting justices thereof shall have been summoned to attend the court to consider the subject, and a majority shall be present and voting on the question.

Acts to apply to
all counties
accepting it

5. This act shall apply to all counties wherein the county court, the justices thereof having been summoned to consider the same, and a majority being present, shall accept it.

Cities, &c. may
avail themselves
of act

6. Any incorporated city or town, through their councils or trustees, may avail themselves of the provisions of this act, and shall have power to raise the amount necessary, by loan or taxation, as they may determine.

Regulations for
preservation
and return of
arms

7. The said county courts and corporations accepting the provisions of this act, may make such regulations as may be necessary for the preservation, and the return of said arms when demanded.

Commencement

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

CHAP. 9.—An ACT providing for Payment of Commissioners of Virginia to the Peace Conference at Washington and to the Southern States.

Passed March 15, 1861.

Amount to commis-
sioners to
peace conference

1. Be it enacted by the general assembly, that John Tyler, William C. Rives, George W. Summers, John W. Brockenbrough and James A. Seddon, commissioners heretofore appointed by the concurrent vote of the general assembly, to meet and consult with commissioners from the other states of the Union, at Washington in the district of Columbia, upon the matters which now disturb the quiet of the country, shall each receive ten dollars per day for attendance on the said convention of commissioners, and shall moreover be allowed mileage at the rate of twenty cents for travel to and from the place of session of the said convention; and the additional sum of six dollars per day is hereby directed to be paid to the Hon. John Tyler, as president of said convention.

Additional al-
lowance to John
Tyler

To commis-
sioners to the presi-
dent and to the
seceded states

2. Be it further enacted, that John Tyler, commissioner to the president of the United States, and John Robertson, commissioner from this state to the several states that have seceded or might secede from the federal compact, shall be entitled to the same pay and mileage as the commissioners herein before in the first section named.

3. The auditor of public accounts is hereby authorized and directed to audit the respective claims of the said commissioners, and to issue his warrant therefor on the treasury, payable out of any money therein not otherwise appropriated. How paid

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

Commencement

CHAP. 10.—An ACT authorizing the Superintendent of the Armory to provide Quarters for a portion of the Public Guard.

Passed February 23, 1861.

1. Be it enacted by the general assembly, that the superintendent of the armory be authorized to rent temporarily (subject to the approval of the governor), quarters for such portion of the public guard as it may be necessary to remove from the armory buildings, in order to complete the repairs necessary for the manufacture of arms. Superintendent of armory to rent quarters

2. Be it further enacted, that a sum not exceeding twenty-five hundred dollars be and is hereby appropriated for the purpose of carrying out the foregoing provision; to be paid from time to time, upon the order of the governor, drawn upon the auditor of public accounts. Amount appropriated

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

Commencement

CHAP. 11.—An ACT to increase the Pay of certain Officers of the Public Guard.

Passed April 1, 1861.

1. Be it enacted by the general assembly, that the third section of chapter thirty-three of the Code be amended and re-enacted so as to read as follows: Section 3 of ch. 33 of Code amended

“§ 3. The pay per month of the said company shall be as follows: Of the captain, sixty dollars; of the first lieutenant, fifty dollars; of the second lieutenant, forty-five dollars; of the first sergeant, twenty dollars; of each other sergeant, seventeen dollars; of each corporal and musician, thirteen dollars; and of each private, eleven dollars. Each non-commissioned officer, musician and private shall receive one ration per day, in kind, and the same clothing and quartermaster's stores as are allowed to infantry in the service of the United States, under the laws and regulations thereof now in force. Each of the commissioned officers shall be entitled to four Pay of captain and commissioned officers
Other officers
Rations of non-commissioned officers, musicians and privates
Rations of com-

- rationed officers rations per day, to be commuted at thirty cents per ration, and each shall be allowed, for one servant, the pay, rations and clothing of a private, and such quartermaster's stores for himself and servant as are now allowed to the officers of the same grade in the infantry of the United States: provided, however, that the captain of the public guard shall not receive the increase of pay allowed him by this act, while receiving a salary as superintendent of the armory."
- Proviso
- Commencement 2. This act shall be in force from its passage.

CHAP. 12.—An ACT changing the time of holding the Circuit Court in the town of Danville.

Passed March 1, 1861.

- Act of 1860 amended 1. Be it enacted by the general assembly, that the first section of the act passed March twentieth, eighteen hundred and sixty, entitled an act to establish a circuit court for the town of Danville, be amended and re-enacted so as to read as follows:

Time of holding circuit court of Danville "§ 1. Be it enacted by the general assembly, that there shall be held in the town of Danville, twice in each year, a circuit court for said town, the jurisdiction whereof shall extend to all cases arising within the corporate limits of said town, over which the circuit court of the county of Pittsylvania now has jurisdiction; and the said court shall be held on the twenty-fifth day of March and on the twenty-fifth day of August, by the judge of the fourth judicial circuit."

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

CHAP. 13.—An ACT changing the time of holding the Terms of the Circuit Courts of the Counties of Hardy and Page.

Passed January 24, 1861.

- Code amended 1. Be it enacted by the general assembly, that the nineteenth section of chapter one hundred and fifty-eight of the Code of Virginia be amended and re-enacted so as to read as follows:

Twelfth circuit "§ 19. In the twelfth circuit: For the county of Warren, on the twenty-fifth day of March and twenty-fifth day of August; for the county of Shenandoah, on the thirtieth day of March and the thirtieth day of August; for the county of Page, on the eighth day of April and the eighth day of September; for the county of Hardy, on

the eighteenth day of April and eighteenth day of September; for the county of Pendleton, on the twenty-seventh day of April and twenty-seventh day of September; for the county of Highland, on the second day of May and the second day of October; for the county of Rockingham, on the eleventh day of May and the eleventh day of October.”

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

Commencement

CHAP. 14.—An ACT changing the time of holding the Courts in the fifteenth Judicial Circuit.

Passed April 2, 1861.

1. Be it enacted by the general assembly, that the act passed February twenty-ninth, eighteen hundred and sixty, entitled an act to change the time of holding courts in the fifteenth circuit, be amended and re-enacted so as to read as follows: Act of 1860
amended

“For the county of Clay, on the first day of April and September; Fifteenth circuit for the county of Nicholas, on the sixth day of April and September; for the county of Webster, on the fourteenth day of April and September; for the county of Raleigh, on the third Monday in April and September; for the county of Wyoming, on the fourth Monday in April and September; for the county of Logan, on the first Monday after the fourth Monday in April and September; for the county of Boone, on the second Monday after the fourth Monday in April and September; for the county of Mercer, on the twentieth day of May and October; for the county of Giles, on the twenty-seventh day of May and October; for the county of Fayette, on the seventh day of June and November.”

2. This act shall be in force from and after the first day of August Commencement
next.

CHAP. 15.—An ACT authorizing the Clerks of the Supreme Court and the District Courts of Appeals to take Orders of Publication in Vacation.

Passed February 12, 1861.

1. Be it enacted by the general assembly, that when by the return of any officer of process issued to answer any appeal or supersedeas now pending, or which may be hereafter pending in the supreme court of appeals, or in the district courts of appeals in this commonwealth, or when from affidavits filed with either of the clerks of said courts, it shall appear that the appellee or defendant in any such appeal or supersedeas is a non-resident of this commonwealth, or When order of
publication to
be issued

that the names or place of residence of such parties are unknown, so that process cannot be served upon them, it shall and may be lawful for the clerks of either of such courts in vacation, upon application, to take and issue, on the first Monday in any month, an order of publication against such absent or unknown parties, requiring them to appear on a certain day to be designated in said order, then and there to answer the said appeal or supersedeas, and to have a rehearing of the whole matter therein contained.

How published
and posted

2. Be it further enacted, that a copy of such order of publication shall be inserted for four weeks in some newspaper to be named therein, and posted at the door of the courthouse of such courts; and when it shall appear that said order of publication has been duly published and posted as aforesaid, the said courts may proceed to hear and decide such causes in the same manner as if the said parties had been personally served with process: provided, however, that the order of publication shall have been executed as aforesaid at least thirty days before the day on which any such case may be called for trial.

Commencement

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

CHAP. 16.—An ACT amending and re-enacting the first section of chapter 198 of the Code, edition of 1860.

Passed April 4, 1861.

Code of 1860
amended

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

Keno included
among prohibited
games

“§ 1. A free person, who shall keep or exhibit a gaming table, commonly called A B C, or E O table, or faro bank, or keno table, or table of the like kind, under any denomination, whether the game or table be played with cards, dice or otherwise, or who shall be a partner, or concerned in interest in the keeping or exhibiting such table or bank, shall be confined in jail not less than two nor more than twelve months, and be fined not less than one hundred nor more than one thousand dollars. Any such table or faro bank, and all the money, stakes or exhibits to allure persons to bet at such table, may be seized by order of a court or under the warrant of a justice; and the money so seized, after deducting therefrom one-half for the person so making the seizure, shall be forfeited, as is prescribed in the twenty-fourth section of chapter fifty-one, in respect to the forfeiture declared by that chapter, and the table and faro bank burnt.”

Commencement

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

CHAP. 17.—An ACT to amend the 23d section of the 61st chapter of the Code, entitled “Of Works of Internal improvement.”

Passed March 18, 1861.

1. Be it enacted by the general assembly, that section twenty-three of chapter sixty-one of the Code is hereby amended and re-enacted so as to read as follows : Code amended

“ § 23. A collector of tolls for any company may refuse to let any person or thing pass on the company’s work until the toll be paid ; and the collector or other authorized officer of the Albemarle and Chesapeake canal company, the Dismal Swamp canal company, the Chesapeake and Ohio, and Alexandria canal companies, may examine upon oath or affirmation any person having charge of any vessel, merchandise or thing subject to tolls or compensation, for the purpose of ascertaining the quantity or amount thereof; for which purpose such collector or other officer may administer an oath or affirmation : and any person answering falsely upon such examination, shall be liable to prosecution and punishment for perjury, as provided by law. If any person or thing pass the toll gate or other place for payment, without paying or tendering the toll, such person, or the owner or person in possession of such thing, shall forfeit to the company ten dollars. And the like forfeiture shall be incurred where any person or thing subject to the toll of a turnpike company, is passed through any private gate, bars or fence, for the purpose of evading the payment of the toll. Any such collector knowing of a violation of this section, shall immediately make it known to the president or one of the directors. If he fail to do so, he shall forfeit to the company twenty dollars; which may, if so much of his compensation remain unpaid, be deducted therefrom.”

Toll to be paid
What officers may examine on oath
What penalty for false answering
Duty of collector as to violation of act

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

CHAP. 18.—An ACT to amend the 15th section of chapter 109 of the Code of Virginia, second edition.

Passed March 30, 1861.

1. Be it enacted by the general assembly, that the fifteenth section of chapter one hundred and nine of the Code of Virginia be amended and re-enacted so as to read as follows : Code amended

“ § 15. When a decree for a separation forever or for a limited period shall have been pronounced in a suit for a divorce from bed and board, it may be revoked at any time thereafter by the same court by which it was pronounced, under such regulations and restric-

How decree for divorce revoked

- tions as the court may impose. upon the joint application of the parties; and upon their producing satisfactory evidence of their reconciliation, and when a divorce from bed and board has been decreed for abandonment or desertion, and five years shall have elapsed from the abandonment or desertion without such reconciliation, the court may, upon the application of the injured party and the production of satisfactory evidence, whether taken theretofore, or in support of such application, decree a divorce from the bond of matrimony: provided the court shall be of opinion that such a decree would have been proper when the decree from bed and board was pronounced, had five years then elapsed and the whole evidence adduced upon said application been before the court, and that no reconciliation is probable.”
- How divorce a vinculo may be had during a divorce a mensa et thoro
- Proviso
- Commencement 2. This act shall be in force from its passage.

CHAP. 19.—An ACT to amend the 1st section of chapter 149 of the Code of Virginia relative to the Limitation of Suits, so as to limit the right to make an Entry or bring an Action to recover Land West of the Alleghany Mountains.

Passed March 27, 1861.

- Code amended 1. Be it enacted by the general assembly of Virginia, that the first section of chapter one hundred and forty-nine of the Code of Virginia, passed in the year one thousand eight hundred and forty-nine, be amended and re-enacted so that the same shall be as follows:
- Time within which action may be brought “§ 1. No person shall make an entry on, or bring an action to recover any land lying east of the Alleghany mountains, but within fifteen years, or any land lying west of the Alleghany mountains, but within ten years next after the time at which the right to make such entry or bring such action shall have first accrued to himself, or to some person through whom he claims.”
- Actions now pending not affected 2. Nothing in this act shall affect any action now pending, or prevent the making of any entry or bringing of any action within two years next after the passage hereof; but every such action now pending, and every such entry or action that may hereafter be made or brought within the last mentioned time, shall be governed by the law existing immediately before the passage hereof.
- Commencement 3. This act shall be published for sixty days in two newspapers printed in the city of Richmond.

CHAP. 20.—An ACT to amend chapter 108 of the Code, concerning Births, Marriages and Deaths.

Passed March 15, 1861.

1. Be it enacted by the general assembly, that the fourteenth section of chapter one hundred and eight of the Code of Virginia, edition of eighteen hundred and sixty, shall be amended and re-enacted so as to read as follows:

Code amended

“§ 14. It shall be the duty of every clerk issuing a marriage license, to ascertain from the party obtaining the same, and to make a record thereof, before delivering the said license, as near as may be, of the time and place of the proposed marriage; the full names of both the parties; their respective ages before marriage; whether they are single or widowed; the places of their birth and residence; occupation of the husband, and of the names of their parents, unless for good cause the clerk deem it expedient to omit the names of their parents. Such license shall be signed by the clerk, and shall be in the following form, mutatis mutandis:

Duties of clerks as to marriage licenses

‘County (or city) of _____, to wit:

Form of license

To any person licensed to celebrate marriages:

You are hereby authorized to join together, in the holy state of matrimony, according to the rites and ceremonies of your church or religious denomination, and the laws of the commonwealth of Virginia, _____ and _____

Given under my hand as clerk of the county (or corporation) court of the county (or corporation) of _____ this _____ day of _____ in the year one thousand eight hundred and _____.

The clerk, at the time of issuing the license, shall not only make a complete record, in a well bound book, of all matters in this section required to be ascertained by him, but shall annex to the said license a certificate showing the time of the proposed marriage; the place proposed therefor; the age of the proposed husband; his place of birth; the condition of the parties before marriage (whether widowed or single); the place of the proposed husband's residence, and his occupation; the names of his parents; the age of the proposed wife; her place of birth; her condition before marriage (whether widowed or single); her residence, and the names of her parents. The minister celebrating such marriage shall, within ten days thereafter, return the said license to the office of the clerk who issued the same, with an endorsement thereon of the fact of such marriage, and the time and place of celebrating the same.”

Record of facts to be made by clerk

Duty of minister

2. The fifteenth section of the same chapter shall be amended and re-enacted so as to read as follows:

“§ 15. The clerk to whom such license and certificate shall be returned, shall file and preserve the same in his office, and within _____

Duty of clerk in relation to

certificate of
minister

twenty days after receiving the same, record a full abstract thereof in his register of marriages, setting out, in convenient tabular form, all the circumstances stated in said license, and the minister's certificate, and the name of the person signing the certificate, and make an index of the names of both of the parties married: which may be done by additions, in appropriate columns, to the record made at the time of issuing the license."

3. The twenty-sixth section of the same chapter shall be amended and re-enacted so as to read as follows:

Copy of register
to be trans-
mitted to au-
ditor

"§ 26. On or before the first day of March in each year the clerk of every county or corporation court shall transmit to the auditor of public accounts a copy of his register of marriages, and so much of his record taken at the time of issuing such licenses, as is not contained in his said register of marriages, which was taken by him within the year next preceding the first day of January, distinguishing, by appropriate columns or notes, the licenses issued on which the minister's certificate of marriage has not been returned, and the licenses containing such certificate. He shall also, on or before the first day of July in each year, transmit to said auditor a copy of his register of births and register of deaths happening within said year ending the first of January next preceding. If the commissioners of the revenue have not returned a list of births and deaths in the form to be furnished them, and in the manner prescribed by the auditor of public accounts, so as to enable the clerk to make up a record, such clerk shall nevertheless certify that no returns have been made to his office. For the failure to perform any duty required by this section, such clerk so failing shall forfeit not less than one nor more than five hundred dollars."

Register of
births and mar-
riages to be
transmitted to
auditor

Penalty on
clerk

Commencement

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

CHAP. 21.—An ACT changing the Names of the Lunatic Asylums.

Passed March 26, 1861.

Code amended

1. Be it enacted by the general assembly, that the second section of the eighty-fifth chapter of the Code of Virginia (edition eighteen hundred and sixty) be amended and re-enacted to read as follows:

Names of Inna-
tic asylums

"§ 2. The directors for the asylums at Williamsburg, at Staunton and at Weston, shall continue to be corporations, but instead of their present names, shall hereafter have the names, respectively, the first, of the Eastern lunatic asylum; the second, of the Central lunatic asylum; and the third, of the Northwestern lunatic asylum."

Commencement

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

CHAP. 22.—An ACT to increase the Pay of the Commonwealth's Attorney for the Circuit Court of Ohio County.

Passed March 28, 1861.

1. Be it enacted by the general assembly, that the seventh section of the one hundred and sixty-fifth chapter of the Code of Virginia be amended and re-enacted so as to read as follows: Code amended

“§ 7. Such attorney in any county or corporation court, shall be allowed by the court such sum as it deems reasonable, for public services (for which no other fee or reward is allowed by law); which shall be chargeable to such county or corporation; and in the circuit court, shall be allowed by it, when the attorney has no annual salary, such sums as it deems reasonable, not exceeding in one year one hundred and fifty dollars in the circuit courts of the county and city of Norfolk, and one hundred dollars in any other circuit court; except that the attorney for the circuit court of Richmond city shall hereafter receive annually the sum of one thousand dollars; and except also, that the attorney for the commonwealth for the circuit court of Ohio county shall hereafter receive annually the sum of seven hundred and fifty dollars; to be paid half yearly, as the present allowance is directed to be paid; and except also, that the county court of said county shall hereafter allow for the services of the attorney for the commonwealth in said court, such sum as said court may deem reasonable, so that the same shall not exceed the sum of three hundred dollars per annum.” Compensation of attorneys in county and corporation courts
In circuit courts

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

CHAP. 23.—An ACT to establish the County of Bland out of parts of Giles, Wythe and Tazewell.

Passed March 30, 1861.

1. Be it enacted by the general assembly, that so much of the counties of Wythe, Tazewell and Giles, as is contained within the following lines, to wit—beginning on the top of Walker's Little mountain, at the line between Wythe and Pulaski, and running northwards with said line of Pulaski, to the top of Walker's Big mountain; thence eastward along the top of said last mentioned mountain, to a point opposite the mouth of Kimberling creek; thence by a line northward, passing through the mouth of said Kimberling creek, to a point on the top of the mountain, which lies south of Wolf creek, three miles east of the present county line between Giles and Tazewell counties; thence to a point on the top of East river mountain, two miles east of the present county line between Giles and Boundaries of the county of Bland.

Tazewell, so as to include the homestead of Madison Allen, and his lands adjoining thereto; thence with the top of said East river mountain, westward, to a point two miles west of George Steel's house, on Clear fork; thence across and by a line as near as may be at right angles to the course of the valley between, to the top of Rich mountain, and westward, along the top of said Rich mountain, so far as to include the settlement on Wolf creek; thence across the top of Garden mountain; thence along the top of the said Garden mountain, to a point through which the line between Wythe and Smyth would pass if prolonged; thence by said prolonged line, to the said line between Wythe and Smyth, and by the said last mentioned line, to the top of Walker's Big mountain; thence eastward, with the top of said Walker's Big mountain, to a point opposite the head waters of Walker's Little creek; thence across to the top of Walker's Little mountain: thence with the top of said mountain, eastward, to the beginning—be and the same is hereby established as a new county; which shall be known by the name of Bland.

Commissioners
to locate county
buildings

2. The following persons, James W. English of the county of Giles, Samuel Cecil of the county of Tazewell, and Robert Gibbo-
ney of the county of Wythe, any two of whom may act, shall be and
are hereby appointed commissioners to select the site for a court-
house, jail and other public buildings for said county of Bland, and
are hereby required to meet, within the limits of said new county,
on the second Monday in April next, or within ten days thereafter,
and within ten days after their meeting, ascertain and determine at
what point or place within the limits of said new county, it is most
suitable and proper to erect a courthouse, and such other necessary
public buildings and fixtures as the convenience of the county re-
quires, under existing laws, for holding courts and conducting busi-
ness incident thereto; and shall lay off, in the most convenient form,
a lot or lots of land for that purpose, not exceeding two acres in
quantity, and shall ascertain the value thereof; whereupon, the said
commissioners, or a majority of them acting in this behalf, shall
make their report in writing to the county court of said Bland
county, when organized, of the manner in which they shall have
executed the duties required of them by this act, and of their pro-
ceedings in relation thereto, designating the point or place agreed
upon, the value of the lot or lots of land, and name or names of the
owners thereof; and the place so ascertained and determined upon
by the said commissioners, or a majority of them, shall be the per-
manent place for holding the courts of the county of Bland, now
required by law to be holden for the several counties of this com-
monwealth. And the court of the county of Bland shall thereupon
provide for the payment of the valuation of said lot or lots of land so
ascertained, in the manner now required by law, where lands shall
not be already provided and appropriated for that purpose.

When to meet

Their report

County court to
provide for pay-
ment of land, &c

3. The commissioners shall be allowed a compensation each of three dollars per diem for their services aforesaid, to be provided for by county levy made in the said county of Bland.

Compensation of
commissioners

4. The following persons, to wit, John W. Tracy, Jesse Justice, Joseph Fanning, John Mustard, Thomas Shaanon, George Robinet and Isaac Kegley, are hereby appointed commissioners, to meet on the land indicated by the commissioners named in the second section of this act, for the erection of the courthouse of the county of Bland, on the third Monday in April next, or within five days thereafter, and lay off the said county of Bland into four magisterial districts, select points at which elections shall be holden in each district, and appoint for each a conductor and five commissioners, any three of whom may act, to superintend the elections to be holden for the said county of Bland, on the fourth Thursday in May next.

Commissioners
to district
county, &c

5. It shall be the duty of all persons residing within the limits of the said county of Bland, who are now entitled to vote for members of the general assembly, to attend at the respective election precincts, so selected by the commissioners aforesaid, on the fourth Thursday in May next, and elect a sheriff, a clerk of the county court, a clerk of the circuit court, a commissioner of the revenue, a commonwealth's attorney and a surveyor for the said county of Bland. And the voters residing in each magisterial district shall elect for that district four justices of the peace, one overseer of the poor, and one constable. The election of the justices of the peace shall be certified to the governor of this commonwealth by the several conductors and commissioners conducting and superintending said elections, who, after they shall be commissioned and qualified according to law, shall meet on the lands selected for the public buildings of said county, on the fourth Monday in the next month after that in which they shall be so commissioned, and a majority of them being present, shall fix upon a place in said county of Bland for holding the courts of said county until the necessary buildings shall be constructed on the site designated by the commissioners aforesaid.

Officers of
county, when
and by whom
elected

Duties of
justices

6. The said justices shall, at the first term of the county court of said county, choose one of their own body, who shall be presiding justice of the county court, and whose duty it shall be to attend each term of said court.

Presiding Jus-
tice, how chosen

7. The commissioners and conductors of the elections aforesaid shall certify to the said county court of Bland, at its first term, or at some subsequent term, as soon as practicable, the election of said clerks of the county and circuit courts, commonwealth's attorney, surveyor and commissioner of the revenue, who shall, after having given bonds and security, and being qualified according to law, enter upon a discharge of the duties of their offices respectively.

Election of
officers, how
certified

Commissioner of revenue, when term commences 8. The term of office of the commissioner of the revenue for the said county of Bland shall commence on the first day of February eighteen hundred and sixty-two; and the commissioners of the revenue for the counties of Giles, Tazewell and Wythe are hereby required each to discharge the duties of his office in the limits of so much of said new county as was taken from his county, for the year eighteen hundred and sixty-one, and are hereby directed each to keep the lists taken by him in the said county of Bland, separate and distinct from the lists of his own county, and make return of them in the manner now provided by law, in the same manner as if appointed commissioner of the revenue for the said county of Bland.

Commissioners of Giles, Wythe and Tazewell to make separate lists of property in Bland county

School quotas, how apportioned

9. And it shall be the duty of the second auditor to reapportion the fixed and surplus school quotas of the counties of Giles, Tazewell and Wythe for the next fiscal year, between said counties respectively, and the new county of Bland, agreeably to the number of white fithables which may be returned therein by the commissioners of the revenue for eighteen hundred and sixty-one.

Duties of sheriffs of Giles, Tazewell and Wythe

10. It shall be the duty of the sheriffs respectively of the counties of Giles, Tazewell and Wythe, to collect and make distress for any public dues or officers' fees which may remain unpaid by the inhabitants of the portions of said county taken respectively from the said counties of Giles, Tazewell and Wythe, at the time when this act shall commence and be in force; and they shall each be accountable for the same in like manner as if this act had never passed.

Courts of said counties, their jurisdiction

11. The courts of the counties of Giles, Tazewell and Wythe shall respectively retain jurisdiction of all actions and suits depending before them on the fourth Monday in July next, and shall try and determine the same, and award execution thereon, except cases wherein both parties reside within the new county; which, together with the papers, shall after that day be removed to the courts of the county of Bland, and there be tried and determined.

County of Bland attached to 16th judicial circuit

12. The said county of Bland shall be in and attached to the sixteenth judicial circuit; and the circuit court thereof shall be holden on the third Monday after the fourth Monday in April and September in every year; and the first circuit court for the county of Bland shall be holden on the third Monday after the fourth Monday in September next.

Persons subject to militia duty, to be formed into a regiment

13. The persons subject to militia duty within the limits of said county of Bland, shall hereafter constitute a separate regiment, to be organized according to existing laws, and attached to the twenty-fifth brigade.

Senatorial, congressional and electoral dis-

14. The respective portions of said county of Bland, taken respectively from the counties of Giles, Tazewell and Wythe, shall remain

attached to the electoral, congressional and senatorial districts respectively to which said last mentioned counties respectively belong, and shall vote with said last mentioned counties respectively for a member or members of the house of delegates.

15. The county courts of said county shall be holden on Thursday after the second Monday in each month, and the courts of quarterly sessions of the said county of Bland shall be holden in the months of February, May, July and October.

16 The surveyor hereafter elected for the county of Bland in the mode prescribed by law, together with the surveyor of Wythe, shall run and mark the lines between the said county of Bland and the coterminous counties of Giles, Tazewell, Smith and Wythe, agreeably to the provisions of the seventh section of the forty-seventh chapter of the Code of Virginia.

17. Be it further enacted, that the citizens of the parts of Wythe and Giles counties embraced in the boundaries of the said county of Bland, shall not be exonerated from, but shall continue to be liable for the payment of levies and taxes for roads already constructed in said counties respectively, as if the said county of Bland had not been formed.

18. Be it further enacted, that the citizens of that part of Tazewell county which shall be embraced in the said county of Bland, shall not be exonerated from, but shall be still liable for the payment of levies and taxes for roads constructed or under contract in that part of said county of Bland taken from said county of Tazewell, as if said county of Bland had not been formed, and that said taxes and levies shall be collected by the sheriff of Bland county. And the county courts of the said counties of Wythe, Giles and Tazewell respectively, are hereby authorized to lay the levies for the purposes aforesaid, at the time of the levying the taxes respectively by them upon the citizens of their counties.

19. The commissioners appointed by this act to lay off the said county into magisterial districts, shall each be allowed two dollars for every day they shall be actually engaged in the duties aforesaid, to be provided for and paid out of the county levy of said county.

20. The first county court for the county of Bland shall be holden on the Thursday after the second Monday in August next.

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

CHAP. 24.—An ACT amending the 1st section of the act forming the County of Webster.

Passed February 14, 1861.

Act of 1860
amended

1. Be it enacted by the general assembly, that the first section of an act entitled an act for forming a new county out of parts of Nicholas, Braxton and Randolph, passed January tenth, eighteen hundred and sixty, be amended and re-enacted so as to read as follows :

Boundaries of
Webster county

“ § 1. Be it enacted by the general assembly, that so much of the counties of Nicholas, Braxton and Randolph, as is contained within the following boundary lines, to wit—beginning at the main fork of the Little Kanawha river, above Haymond's mills; thence with the right hand fork of said river, being the original line of Lewis and Braxton counties, and now the line between Upshur and Braxton counties, at the head of said right hand fork of Kanawha: thence a straight line to the eastern corner of the lands of Abraham Buckhammon; thence a straight line to the Whitaker rock on Elk river; thence a straight line, by the way of Three forks of Gauley river, to the Pocahontas line, and with said line to a point opposite the mouth of Stroud's creek; thence a line from the mouth of Stroud's creek to the mouth of Skiles' creek on Big Birch river, so as to include the lands upon which John S. Morton, Thomas C. Morton, G. W. Morton, Robert Morton, Edward Morton and L. C. Hedger live, in the county of Webster; thence a straight line to the half way point on Holly river; thence a straight line to the beginning—be and the same is hereby established as a new county; which shall be known by the name of Webster.”

Commencement

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

CHAP. 25.—An ACT providing for the Location of the Courthouse, Jail and other Public Buildings of the County of McDowell.

Passed March 1, 1861.

Preamble

Whereas the commissioners appointed by the second section of the act passed on the sixteenth day of March eighteen hundred and sixty, entitled an act to re-enact and amend certain sections of the act passed February twentieth, eighteen hundred and fifty-eight, to form the county of McDowell out of a part of the county of Tazewell, for the purpose of selecting a site for a courthouse, jail and other public buildings for said county of McDowell, having failed to meet upon the day appointed in said section; and it being doubtful whether or not the organization of the county be in conformity with the law: And whereas the commissioners appointed by the second

section of the act passed on the twentieth day of February eighteen hundred and fifty-eight, did make such selection, but upon lands the legal title of which was vested in infants; and the commissioners appointed by the second section of the act passed on the sixteenth day of March eighteen hundred and sixty, having made a location, but not within the time prescribed by law; and the citizens of the said county being divided in sentiment in reference to each, it is advisable that the people of the said county should make a location for themselves between the two points, to wit, the location made by the commissioners under the act of the twentieth of February eighteen hundred and fifty-eight, on Clear fork in said county (but such location having been made upon the lands of minors as aforesaid, and consequently unavailable, and as suitable a location existing only a short distance from such location, viz: at the mouth of Jims' branch, on the said Clear fork of Tug river), and the location made by the commissioners under the act of the sixteenth of March eighteen hundred and sixty, on Tug fork in said county: And whereas a suit at law is now pending to decide whether the location made by the commissioners under the act of March the sixteenth, eighteen hundred and sixty, was legal or not; and it being probable that the present condition of affairs will ensue in endless litigation: Therefore,

1. Be it enacted by the general assembly, that so much of the said act of the twentieth of February eighteen hundred and fifty-eight, and of the act of the sixteenth of March eighteen hundred and sixty, as relates to the selection of a site for the courthouse, jail and other public buildings of the said county of McDowell, be and the same is hereby repealed. Former acts repealed

2. Be it further enacted, that at the election for members of the general assembly to be held on the fourth Thursday in May next, a poll shall be opened at each precinct in said county, and the votes of the qualified voters shall be recorded under the following heads, to wit: "For the location on Tug fork;" "For the location at the mouth of Jims' branch on Clear fork;" "For the location at or near Reedy spring on the Dry fork creek of Sandy, at the residence of Malcolm McNeil;" and a majority of such votes shall determine the point of location: but should neither location obtain a majority of said votes, then another election shall be held on the fourth Thursday in June following, at which second election the vote shall be between the two locations which have received the two highest numbers of votes. And thereupon, the county court of said county shall forthwith proceed to erect the necessary buildings for county purposes, on such location; and the said court is hereby authorized to employ a suitable person to survey and lay out the public grounds for such purpose. Election to be held on 4th Monday in May to determine location

3. This act shall be in force from its passage. Location provided for in case of a majority not being given for either

Commencement

CHAP. 26.—An ACT for the Voluntary Enslavement of Free Negroes, without compensation to the Commonwealth.

Passed March 28, 1861.

How free persons of color may enslave themselves

1. Be it enacted by the general assembly, that it shall be lawful for free persons of color, or persons of color who have heretofore or may hereafter be manumitted, to appear before the circuit court of any county or corporation in which such free persons of color or manumitted slaves may have resided for twelve months, and make application thereto to select a master or mistress, and become slaves.

Proceedings in court

2. Upon the application of such free persons of color or manumitted slaves before the circuit court of said county or corporation, and the person they wish to choose as master or mistress, the court shall proceed to examine each party separately, as well as such other persons as said court may see fit. At any examination, the attorney for the commonwealth shall be present and see that such examination is properly conducted, and that no injustice is done to the applicant.

Court may decree enslavement without compensation to the state

3. If upon examination the court shall be satisfied that there is no fraud or collusion between the parties, and that there is no good reason to the contrary, the court shall have the power to grant the application, without any compensation to the commonwealth, provided the court shall be satisfied that the person so chosen is of good character: but the individual or individuals thus chosen master or mistress, or some one for them, shall enter into bonds with approved security, in such penalty as the court may prescribe, with condition that the said negroes shall not become chargeable to any county or corporation in this commonwealth, and that the master or mistress thus chosen shall pay the debts and liabilities of such negro or negroes existing before the enslavement: provided, that if at any time thereafter such slave shall be convicted of any offence, for which by law he or she shall be condemned to suffer death, or to be sold or transported, the commonwealth shall not be liable to pay the owner of such slave any portion of his or her value. But no such order shall be made until the court shall be satisfied, by personal examination of the said negro, that he fully understands the nature and object of the proceedings, and that the act on his part is free and voluntary.

Negroes not to become chargeable

How as to children of enslaved negroes

4. Upon the enslavement of such mother having children, and if there be no mother, then upon the enslavement of the father having children, the master or mistress thus chosen shall be required to have and to take the custody, control and services of such of the children of said father or mother as are free, until the females arrive at the age of eighteen, and the males at the age of twenty-one, and shall pay for his or her services at the expiration thereof, so much and for

such years as the said court may order. For such payment, bond shall be taken of the master in court, in such penalty and with such surety as the court may deem sufficient. Bonds to be given

5. The proceedings in such cases shall be entered of record, and the property in said negroes as slaves shall, from the time of such entry, vest in the person or persons chosen as master or mistress, and his or her rights and liabilities and the condition of the applicants shall in all respects be the same as though said negroes had been slaves. Proceedings to be entered of record

6. The master or mistress of any free negro heretofore voluntarily enslaved shall have the same right to the custody, control and services of any infant child or children, and upon the same terms as herein before provided for, if any, of such negro so enslaved, as is herein before provided for; but before the said master or mistress shall be entitled to the custody, control and services of such child or children, he or she shall appear before a court of record, and make claim to such custody, control and services; which claim shall be entered of record; but if any such negro child has been heretofore bound out by the overseers of the poor of any county or corporation, the articles of indenture shall in no wise be affected hereby. Claim to services of children to be entered of record
How as to children who have been bound out

7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Acts inconsistent herewith repealed

8. The cost of the proceedings shall be paid by the master or mistress. Costs, how paid

9. This act shall be in force from its passage. Commencement

CHAP. 27.—An ACT to provide more efficient Police Regulations at the Poor-houses in this Commonwealth.

Passed January 31, 1861.

1. Be it enacted by the general assembly, that the county court, or the judge of the circuit court of any county in which any poor-house may be located, may, upon the application of any superintendent of any such poorhouse, or satisfactory evidence, founded on the information of others, that it is necessary, appoint some citizen of the commonwealth conservator of the peace, whose jurisdiction shall extend over the grounds attached to such poorhouse, and not exceeding one mile beyond the same, as shall be prescribed by the order appointing said conservator. How conservator of the peace appointed for a poorhouse
Jurisdiction

2. This act shall be in force from and after its passage. Commencement

CHAP. 28.—An ACT authorizing the Auditor of Public Accounts to release the Sureties of Defaulting Sheriffs from the payment of damages in certain cases.

Passed March 29, 1861.

When securities of sheriff may be released from damages

1. Be it enacted by the general assembly, that in all cases in which the commonwealth has obtained judgment against the sureties of any sheriff or their personal representatives, upon satisfactory proof that such sheriff is insolvent and unable to pay the whole or any part of such judgment, the auditor of public accounts may and is hereby authorized to release, in behalf of the sureties or their personal representatives, the damages included in the judgment, or the damages on so much of the money as they may have paid: provided, however, that in such cases the damages aforesaid shall not be released, unless the residue of the judgment be paid and discharged on or before the first day of October next: and provided further, that in no case shall the judgment against the sheriff be affected by this act; nor shall any deputy sheriff, whether he be surety for such sheriff or not, be released from the payment of any damages which may be recovered against him.

When judgment to be paid

Sheriff or deputy not to be released

Commencement

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

CHAP. 29.—An ACT to amend the 102d and 103d sections of an act passed March 30, 1860, entitled an act for the assessment of Taxes on Persons and Property.

Passed March 12, 1861.

Act of 1860 amended

1. Be it enacted by the general assembly, that the one hundred and second and one hundred and third sections of an act passed March thirtieth, eighteen hundred and sixty, entitled an act for the assessment of taxes on persons and property, be and the same are hereby amended and re-enacted so as to read as follows:

How party aggrieved may obtain redress

“§ 102. But any person aggrieved by any entry in either book, or by any assessment of a license tax, may, within two years after the date of the clerk's certificate, where the entry is in either book, and within two years from the assessment of said license tax, apply for relief to the court in which the commissioner gave bond and qualified. The attorney for the commonwealth shall defend the application; and no order made in favor of the applicant shall have any validity, unless it be stated on the face thereof that such attorney did so defend it, and that the commissioner was examined touching the application: provided, that any person who has been heretofore aggrieved by any entry or assessment as aforesaid, and failed to apply to the court having jurisdiction thereof, within the time pre-

Attorney for commonwealth to be present

Commissioners to be examined As to party heretofore aggrieved

scribed by law, may apply to such court within two years from the passage of this act, and be relieved as if said application had been made within the period aforesaid.

“§ 103. If the court be satisfied that the applicant is erroneously charged in such book, or so assessed with any taxes on licenses, it shall certify the facts upon which it grants relief, and shall order that the applicant be exonerated from the payment of so much as is erroneously charged, if not already paid, and if paid, that it be refunded to him. A copy of which order and certificate of facts shall, within ten days after the entry thereof, be transmitted by the clerk of the court to the auditor of public accounts; and on failure thereof, he shall forfeit double the amount so erroneously charged; to be recovered on motion, or by information, in the county, corporation or circuit court of the county, city or town: provided, when the application is to the county court, the party applying for relief shall give to the attorney for the commonwealth for said county ten days' notice of his intended application: provided, however, if the court shall be of opinion that the error asked to be corrected was committed by the neglect or carelessness of the commissioner of the revenue, the court may render judgment against said commissioner for the costs of the application.”

How relief granted

Penalty on clerk

Notice to attorney for commonwealth

How, if error committed by commissioner

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

Commencement

CHAP. 30.—AN ACT to enforce payment of Balances due from Commissioners of Forfeited and Delinquent Lands.

Passed March 12, 1861.

1. Be it enacted by the general assembly, that the auditor of public accounts shall cause to be collected of the commissioners of forfeited and delinquent lands, any balances due from them for lands sold by them as such commissioners under the orders and decrees of any of the circuit courts of the counties west of the Alleghany mountains.

Duty of auditor to collect

2. And be it further enacted, that upon the failure of any such commissioners to pay such balances, with the proper interest thereon, into the treasury, it shall be the duty of the auditor to cause suits to be instituted in the circuit courts of the counties in which such commissioners may have been appointed, against such commissioners and their sureties, so in default, his or their personal representatives, for the recovery of such balance and interest as aforesaid. Said proceedings may be instituted by a motion in said court; but at least thirty days' notice shall be given to the parties against whom such motion shall be made; and shall be served in the manner now required by law for the service of notices. And it shall be the duty of

Upon failure, how suits may be instituted

Where brought

Proceedings therein

Duty of court

such court to ascertain or cause to be ascertained the amount for which such commissioner may, or may have been liable for as such commissioner, together with the interest thereon, and render a judgment in the name and favor of the commonwealth, against the parties so brought before the court by such notice; which shall be collected and paid into the treasury, to the credit of the Literary fund. The proceedings in all other respects shall be the same as in proceedings against sheriffs and other officers in default to the commonwealth; and the right of appeal shall be the same.

Amount to be paid to the credit of the Literary fund Proceedings as against sheriffs &c

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

CHAP. 31.—An ACT allowing persons elected Commissioners of the Revenue at the last general election, and who failed to qualify within the time prescribed by law, to qualify as such, in certain cases.

Passed January 16, 1861.

When county courts may allow commissioners to qualify

1. Be it enacted by the general assembly, that it shall be lawful for the county courts of this commonwealth to allow the persons elected as commissioners of the revenue at the last general election, and who failed to qualify as such within the time prescribed by the law passed March thirtieth, eighteen hundred and sixty, to qualify and give bond as required by the said law, within thirty days after the passage of this act: provided however this act shall have no effect in such counties where the said office has been declared vacant, and a writ of election ordered to supply said vacancy.

Limitation as to time

Provision as to bonds of commissioners of the revenue

2. Be it further enacted, that in any counties, cities or towns, where any person or persons may have been elected commissioners, and qualified as such, but not within the time prescribed by law, such qualification shall be deemed and is hereby declared as effectual and as valid as if such qualification had been within the time prescribed by law; and the bond so given shall be deemed as valid and effectual.

Commencement

3. This act shall commence and be in force from and after the passage thereof.

CHAP. 32.—An ACT to appropriate a sum necessary to pay for the preparation and publication of the second edition of the Code of Virginia.

Passed March 27, 1861.

Preamble

Whereas, an act was passed by the general assembly on the nineteenth day of March eighteen hundred and sixty, entitled an act pro-

viding for publishing a second edition of the Code of Virginia, by which the secretary of the commonwealth was directed to prepare the said edition, and to contract for the publication of ten thousand copies thereof, but there was no appropriation made in said act to pay for the said work: Therefore,

1. Be it enacted by the general assembly, that the secretary of the commonwealth be allowed, for the preparation of said new edition, the sum of two thousand dollars; and that the firm of Ritchie, Dunnivant & Co., by whom the work was published, be allowed the sum of two dollars per volume therefor; to be paid upon the warrant of the auditor of public accounts, out of any money in the treasury not otherwise appropriated.

Amount appropriated

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

Commencement

CHAP. 33.—An ACT to distribute Mayo's Guide to Coroners.

Passed March 21, 1861.

1. Be it enacted by the general assembly, that the secretary of the commonwealth be and is hereby authorized and directed to distribute to each coroner of the several counties and corporations of the state, one copy of Mayo's Guide to Magistrates, in the same manner as the Acts of the General Assembly are now distributed by law: provided, that such distribution shall not be made until the Acts of Assembly of the present session are distributed.

Mayo's Guide to be distributed to coroners

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

Commencement

CHAP. 34.—An ACT allowing compensation to the Clerk of the House of Delegates and Clerk of the Senate, for services rendered during the present session of the General Assembly.

Passed March 30, 1861.

1. Be it enacted by the general assembly, that William F. Gordon, jr., clerk of the house of delegates, be allowed the sum of eight dollars per day, and Shelton C. Davis, clerk of the senate, be allowed the sum of eight dollars per day, for services rendered at the extra session of eighteen hundred and sixty-one; and that the auditor of public accounts be directed to issue his warrant upon the treasury for said sums.

Amount allowed to clerks of senate and house of delegates

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

Commencement

CHAP. 35.—An ACT providing pay for the Adjutant General, on account of his services in the reorganization of the Militia in the years 1858 and 1859.

Passed March 25, 1861.

Rate of pay
allowed

1. Be it enacted by the general assembly, that the adjutant general, in consideration of services performed by him in the reorganization of the militia in the years eighteen hundred and fifty-eight and eighteen hundred and fifty-nine, shall be allowed pay at the rate provided by the tenth section of the act passed March thirtieth, eighteen hundred and sixty, entitled an act for the better organization of the militia of the commonwealth, from the first day of April to the thirty-first day of December eighteen hundred and fifty-nine.

Commencement

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

CHAP. 36.—An ACT making an Appropriation for the removal to Virginia of the Remains of General Harry Lee.

Passed March 28, 1861.

Amount
appropriated

1. Be it enacted by the general assembly, that the sum of one thousand dollars, or so much thereof as may be necessary, shall be and is hereby appropriated, to be applied, under the direction of the governor, for the removal of the remains of General Harry Lee from the cemetery of P. M. Nightingale, esquire, in the island of Cumberland, Georgia, to the public grounds of the Lexington military institute, and for erecting over them a suitable monument.

Where remains
to be carried

Commencement

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

CHAP. 37.—An ACT to defray the expenses of a Pedestal, setting up and transporting the Statue of Jefferson.

Passed January 24, 1861.

Amount
appropriated

1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby directed to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of T. J. Randolph, rector of university of Virginia, for a sum not exceeding sixteen hundred dollars, for defraying the expenses of a pedestal, setting up and transporting the statue of Jefferson.

In whose favor

Commencement

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

CHAP. 38.—An ACT to amend an act entitled an act to incorporate the Richmond and York River Rail Road Company, passed January 31, 1853.

Passed February 13, 1861.

1. Be it enacted by the general assembly, that the first section of the act entitled an act to incorporate the Richmond and York river rail road company, passed the thirty-first of January eighteen hundred and fifty-three, be re-enacted and amended so as to read as follows :

“§ 1. Be it enacted by the general assembly of Virginia, that it shall be lawful to open books in the city of Richmond, and in such other place or places as the commissioners herein after named shall think fit, under the direction of Edward J. Wilson, Bernard Peyton, R. B. Haxall, Robert S. Apperson, James Lyons, R. H. Maury, C. Dimmock, Abraham Warwick, James Stamper and John D. Christian, or any three of the same, or any deputies or agents of said commissioners, for the purpose of receiving subscription to an amount not less than two hundred and fifty thousand dollars nor more than five hundred thousand dollars, in shares of one hundred dollars each, for the purpose of constructing a rail road from the city of Richmond to some point on York river or near the mouth of Pamunkey river, and providing every thing necessary and convenient for the transportation on the said road; and that the said rail road company be and is hereby authorized to purchase and run steam boats, and make such connections with steam boat lines and other lines of navigation or transportation, as may, in the opinion of the directory of the said company, be conducive to its success and prosperity.”

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

Commencement

CHAP. 39.—An ACT authorizing the County Court of Rockingham County to loan to the Manassas Gap Rail Road Company a sum of money.

Passed February 21, 1861.

1. Be it enacted by the general assembly, that the county court of Rockingham county be hereby authorized, by a vote of two-thirds of all the magistrates of the county, to loan to the Manassas gap rail road company a sum not exceeding one hundred thousand dollars, which may be necessary to complete the road of said company to Harrisonburg; and for this purpose, the court may issue the coupon bonds of the county, bearing six per cent. interest, payable semi-annually: provided the court have such security as in its opinion will be ample for that purpose, that the said Manassas gap rail road company will pay to the court semi-annually, such an amount as will meet the interest on said bonds, and will constitute a sinking fund which will extinguish the principal of said loan at maturity.

County court of Rockingham authorized to issue bonds, &c
Interest to be paid and sinking fund created

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

Commencement

CHAP. 40.—An ACT to amend an act to increase the Capital Stock of the Richmond and Danville Rail Road Company, and for other purposes.

Passed February 16, 1861.

Act of 1860
amended

1. Be it enacted by the general assembly, that the act passed March twenty-seventh, eighteen hundred and sixty, entitled an act to amend the first section of the act entitled an act to increase the capital stock of the Richmond and Danville rail road company, and for other purposes, be and the same is hereby amended and re-enacted so as to read as follows :

Increase of
stock

2. The Richmond and Danville rail road company is hereby authorized to increase its capital stock by the additional sum of two millions of dollars, for the purpose of enabling said company to extend their road from the present termination thereof, at or near the town of Danville, or from any point on the extension of the Richmond and Danville rail road authorized by the act giving authority to extend said rail road, and to authorize a connection thereof with the Coalfield rail road in North Carolina, not less than ten nor more than fifteen miles west of the said town of Danville, through the counties of Pittsylvania, Henry, Patrick and Carroll, to some point on the Virginia and Tennessee road, deemed most advisable.

Route of road

Commencement

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

CHAP. 41.—An ACT for the relief of the Orange and Alexandria Rail Road Company.

Passed March 30, 1861.

Time allowed
for payment of
interest

Interest to bear
interest

Company to
confess judg-
ment

When execution
may issue

1. Be it enacted by the general assembly, that it shall be lawful for the Orange and Alexandria rail road company to pay, on or before the first day of January eighteen hundred and sixty-four, with interest thereon at the rate of six per centum per annum from the day on which such arrearages became due, such temporary arrearages as may be now due, or become due to the state within two years next ensuing: provided said Orange and Alexandria rail road company shall confess judgment in some court of competent jurisdiction, for such amount as may be ascertained to be due the commonwealth from said company, by agreement between said company and the Board of public works, or in case they do not agree, for such amount as may be ascertained by the arbitrament of such referees as may be appointed by said company and the Board of public works. But no execution shall issue on such judgment prior to the first day of January eighteen hundred and sixty-four.

Commencement

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

CHAP. 42.—An ACT to protect the Interest of the Commonwealth and others in Rail Road and Steam Boat Companies in this State, on the two lines between Baltimore and Weldon.

Passed February 19, 1861.

1. Be it enacted by the general assembly, that it shall be lawful for any of the rail road and steam boat companies in this state, constituting either of the two existing lines of through travel between Baltimore and Weldon, to purchase and hold, with the assent of the Board of public works, the stock of any such company constituting a part of the other of the said two competing lines to such extent as it may deem expedient and necessary to prevent injurious competition and a loss of remunerative revenues to the commonwealth and the other stockholders of such companies.

Companies authorized to purchase stock

Object thereof

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

Commencement

CHAP. 43.—An ACT in relation to the Devise made by Joel Osborne to the Alexandria, Loudoun and Hampshire Rail Road Company.

Passed March 16, 1861.

Whereas Joel Osborne, late of the county of Loudoun, by his last will and testament, directed his real estate in said county to be sold, and the proceeds paid to the Alexandria, Loudoun and Hampshire rail road company, to be expended in the construction and equipment of said road: And whereas it is just and right that said bequest should be considered as an individual subscription to the stock of the said company, so far as to entitle said company to draw the state's proportion of three-fifths out of the subscription authorized to be made on the part of the state: Therefore,

Preamble

1. Be it enacted by the general assembly, that whenever the amount, or any portion thereof, directed by the last will and testament of Joel Osborne, late of Loudoun county, to be paid to the said Alexandria, Loudoun and Hampshire rail road company, shall be paid to the said company, the Board of public works are hereby directed to pay to said company, on behalf of the state, three dollars for every two paid under the provisions of the will of said Joel Osborne. The amount which the Board of public works are hereby directed to pay is to be deducted from the amount which said board is authorized to subscribe to the capital stock of said company by the act passed the ninth day of February eighteen hundred and sixty; but the interest of the state, by virtue of its being a stockholder, in the bequest aforesaid, shall not be affected or impaired by the provisions of this act.

When Board of public works to pay

Amount to be deducted from appropriation

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

Commencement

CHAP. 44.—An ACT to authorize Rail Road Companies to appoint Police Agents.

Passed April 3, 1861.

- How police agent appointed 1. Be it enacted by the general assembly, that the president of any rail road company incorporated by this state, may, with the approbation of the county court of any county through which the road may pass, appoint a police agent or agents, who shall have authority upon the road and other property within this state, of such company, to exercise all the powers which can lawfully be exercised by any constable for the preservation of the peace, the arrest of offenders and disorderly persons, and for the enforcement of the laws against crimes; and such president may remove such agents at his pleasure: provided, that any county court giving such consent, may at any time revoke it.
- Powers 2. It shall be lawful for any such police agent, or for any person in the employment of such company, to arrest any negro found on such road, or any branch thereof, or any of the cars, works or property of such company, without having the proper evidence of the right of such negro to be there; and the person making such arrest, may deliver such negro to any jailor, or carry him or her before any justice of the peace in the county or corporation in which such arrest is made, to be examined, and committed to the proper custody, or otherwise dealt with according to law.
- How removed 3. This act shall be in force from its passage.
- Powers as to arrest of negroes
- Commencement

CHAP. 45.—An ACT amending the act passed April 2d, 1858, concerning the Berryville and Charlestown Turnpike.

Passed April 3, 1861.

- Act of 1858 amended 1. Be it enacted by the general assembly, that the second section of an act passed April the second, eighteen hundred and fifty-eight, entitled an act to provide for the payment of the purchase money of the Berryville and Charlestown turnpike, by the Board of public works, be amended and re-enacted so as to read as follows:
- Superintendent of road, how appointed
Compensation “§ 2. The commissioners of the Board of public works may appoint a superintendent of the said turnpike; but in appointing such superintendent, the said commissioners of the Board of public works shall not allow or pay to such superintendent a larger salary per annum, or for a greater or less period of time than the superintendence of such work can be let for to the lowest bidder deemed competent; and to carry out this provision, the said commissioners of public works, in making the appointment of such superintendent, are hereby

authorized, after first advertising a notice for one month in some newspaper contiguous to the improvement, and also posting a copy at the places where tolls are collected, to let the superintendence of such work from time to time, as they may deem expedient, to the lowest bidder deemed competent by said commissioners. Every such superintendent, before acting, shall take an oath that he will not be interested in any contract for or relating to the turnpike, and give bond with good personal security, to be approved by the said commissioners of public works. But this act shall not be construed to impair or affect in any way the existing contract between said commissioners and the present superintendent, in respect to the salary of the latter for the current year.”

Superintendent
to take oath and
give bond

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

Commencement

CHAP. 46.—An ACT appointing Superintendents of the Staunton and Parkersburg Turnpike Road.

Passed April 1, 1861.

1. Be it enacted by the general assembly, that the Board of public works are hereby authorized and directed to appoint two superintendents for the Staunton and Parkersburg turnpike road, one of whom shall superintend that portion of said road which lies east of the top of Cheat mountain, and shall reside east of said mountain; and one of whom shall superintend that portion of said road which lies west of the top of said mountain, and shall reside west of Cheat mountain: provided, however, that no additional charge upon the treasury is hereby created for superintending said road.

Superintendents, how
appointed

Proviso

2. The said superintendents shall be appointed in the manner now prescribed by law.

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

Commencement

CHAP. 47.—An ACT to amend and re-enact an act passed March 22d, 1860, entitled an act to incorporate the Knob Turnpike Company in the county of Washington, and incorporating the Abingdon and Tennessee Turnpike Company.

Passed March 27, 1861.

Be it enacted by the general assembly, that the act passed March twenty-second, eighteen hundred and sixty, entitled an act to incorporate the Knob turnpike company in the county of Washington, be amended and re-enacted so as to read as follows:

Act of 1860
amended

- Route of road 1. That for the purpose of constructing a turnpike road from Abingdon in the county of Washington to the Tennessee line, it shall be lawful to open books for receiving subscriptions to the amount of five thousand dollars, in shares of twenty-five dollars each. The said books shall be opened at Abingdon, under the superintendence of Jonathan King, John Lowry and Thomas McConnell, and under the superintendence of such agents as any three of said commissioners may appoint.
- Capital
Commissioners
- When incorporated 2. When fifty shares shall have been subscribed, the subscribers, their executors, administrators and assigns, shall be and they are hereby incorporated into a company by the name and style of The Abingdon and Tennessee Turnpike Company, subject to the provisions of chapters fifty-seven and sixty-one of the Code of Virginia: provided, that the company may dispense with a summer or side road to their turnpike; that said road shall be thrown up and improved at least sixteen feet wide, exclusive of side ditches, and the grade of the road shall no where exceed three degrees.
- How constructed
- Court of Washington county may subscribe 3. The county court of Washington county is hereby authorized to subscribe such an amount to the capital stock of said company as may be authorized by the court of said county, the justices thereof being duly summoned for the purpose, and a majority voting for the subscription.
- State subscription 4. That the Board of public works are hereby authorized to subscribe, on behalf of the commonwealth, to the amount of three thousand dollars, or one hundred and twenty shares, being three-fifths of the capital stock of said company: provided, that before any part of such subscription is made, the board shall be satisfied that two-fifths of the capital stock have been subscribed by persons other than the commonwealth, solvent and able to pay.
- Payments pari passu 5. The subscription above authorized on behalf of the commonwealth shall be paid in equal proportions or pari passu with payments made by subscribers other than the commonwealth.
- Commencement 6. This act shall be in force from its passage.

CHAP. 48.—An ACT transferring the Cacapon and North Branch Turnpike to the County Court of Hampshire County.

Passed March 23, 1861.

Preamble

Whereas it is represented to the general assembly of the state of Virginia, that the travel upon the road known as the Cacapon and North branch turnpike in the county of Hampshire, is insufficient to

furnish the amount of toll necessary to keep the road in proper repair: Therefore,

1. Be it enacted by the general assembly, that the turnpike known as the Cacapon and North branch turnpike in the county of Hampshire, be and the same is hereby transferred to and vested in the county court of Hampshire, to be held and kept in repair for public use, and to be in all respects subject to the authority of said court, as other public roads in said county: provided, however, that the assent to the transfer shall first be obtained of such stockholders other than the state, as may assemble in general meeting, after publication of notice of the time and place for such meeting for two months: and provided, that the state incurs no liability to the private stockholders by reason of the said transfer.

Road transferred

Assent of private stockholders

Proviso

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

Commencement

CHAP. 49.—An ACT amending the Charter of the Black Lick and Plaster Bank Turnpike Company.

Passed March 15, 1861.

1. Be it enacted by the general assembly of Virginia, that the president and directors of the Black lick and Plaster bank turnpike be authorized to extend said road from some convenient point on the Walker's creek and Holston turnpike in the county of Wythe, to the Tazewell courthouse, Marion and Rye valley turnpike on Clinch mountain in the county of Tazewell.

Branch road authorized

2. The second section of the act providing for constructing the Black lick and Plaster bank turnpike road in Wythe and Smyth counties, is hereby amended and re-enacted so as to read as follows:

Act amended

“§ 2. The whole line of said road shall be divided by the courts of directors into two divisions: the one within and through a portion of the county of Wythe, as now constructed; and the other to be a branch of the first, running from the Plaster banks or Chatham hill in the county of Smyth, to the Blue springs, crossing Walker's Big mountain at Tilson's gap, and passing by Mount Airy depot; and the directors shall compute what part of the total sum estimated as the cost of the whole road, not exceeding sixteen thousand dollars, will be required for the construction of each division.”

Road to be divided Routes

Costs to be computed

3. The Board of public works shall subscribe, on behalf of the state, for three-fifths of the sum estimated for each or either of said divisions, when said board shall be satisfied that two-fifths of the sum estimated for each division, has been subscribed by the court of the

State subscription

county within which the same may lie, or by solvent individuals. Neither of said counties shall be required to pay any part of the cost of said road lying within the limits of the other county.

Width of
branch road

4. Be it further enacted, that the branch road hereby authorized shall be constructed at a width of not less than twelve feet, and a grade not exceeding five degrees, and that this act shall not increase the appropriation already made on the part of the state.

Commencement

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

CHAP. 50.—An ACT to alter and amend an act entitled an act to incorporate the Blacksburg, Catawba Creek and Fincastle Turnpike Company, passed February 15, 1860, and to change the name to the Montgomery, Roanoke and Botetourt Turnpike Company.

Passed March 22, 1861.

Act of 1860
amended

Be it enacted by the general assembly, that an act entitled an act to incorporate the Blacksburg, Catawba creek and Fincastle turnpike company, passed February fifteenth, eighteen hundred and sixty, be amended and re-enacted so as to read as follows :

Books, by whom
opened

1. That it shall be lawful for John N. Lyle, Robert H. Mosby, Francis Henderson, Davis M. Bennett and Redmon Akin, of Montgomery county, Elias Thomas, Mark B. Moorman, James G. McConkey, Giles Barrett and William W. Brand, of Roanoke county, and William A. Glasgow, William K. McDowell, Isaac Henkle, Robert Hines, Jacob Fleager and Benjamin Fariss, of Botetourt county, and such other person or persons as any three of the above named persons may appoint; each to open books at such times and places as each of them may think proper, for the purpose of receiving subscriptions to a joint capital stock not exceeding in the whole sixteen thousand dollars, to be divided into shares of twenty-five dollars each, for the purpose of constructing a turnpike road from some point in the county of Montgomery, at or near the Montgomery White sulphur springs, by the way of the valley of Catawba creek in the county of Roanoke, to the town of Fincastle in the county of Botetourt, by the most eligible route, to be determined by a vote of the stockholders in general meeting; or the stockholders may by vote order such location to be made by a competent engineer: provided such engineer has no pecuniary interest in said road. In letting said road to contract, equal portions of the funds of the company shall be devoted *pari passu* to constructing, beginning at Fincastle, and proceeding towards its western terminus, and at the point in Roanoke where said road shall intersect the Salem and Newcastle turnpike, and proceeding towards its western terminus, so that the two parts of said road shall be let to contract in equal portions until completed.

Route of road

2. That the county courts of Botetourt and Roanoke may authorize said company to erect toll gates on said road in their respective counties, as each portion is constructed, according to chapter sixty-one, section eight of the Code of Virginia, edition of eighteen hundred and sixty, and demand and receive tolls on the same. Toll gates, how erected

3. When three-fourths of two-fifths of said capital shall have been subscribed by persons other than the commonwealth, solvent and able to pay, the subscribers, their executors, administrators and assigns, shall be and they are hereby incorporated into a company by the name and style of The Montgomery, Roanoke and Botetourt Turnpike Company; subject to the provisions of chapters fifty-seven and sixty-one of the Code of Virginia: provided, that said company shall not be required to make a summer or side road thereto: and provided, that the said road shall not be less than fifteen feet wide, and shall not exceed a grade of four degrees. Company, when incorporated

4. The Board of public works are hereby directed to subscribe on behalf of the commonwealth for three-fifths of the capital stock of said company, when said board shall be satisfied that three-fourths of two-fifths of the whole capital stock has been subscribed by individuals other than the commonwealth, solvent and able to pay: provided, however, that such subscriptions for the commonwealth shall be paid pari passu with the payments of other subscriptions. The Board of public works shall also borrow the amount necessary to pay the state subscriptions, conformably with the provisions of the Code of Virginia. State subscription

5. This act shall be in force from its passage. Commencement

CHAP. 51.—An ACT to increase the Capital Stock of the Elk River Turnpike Company.

Passed February 12, 1861.

1. Be it enacted by the general assembly, that the capital stock of the Elk river turnpike company be and the same is hereby increased, by the addition thereto of the sum of twenty-five thousand dollars, in shares of twenty-five dollars each; and that all the private stock heretofore subscribed to said company, over and above the sum of eight thousand dollars, shall be valid, and constitute a part of the capital stock hereby created. Capital increased

2. That books of subscription for said stock may be opened by the president and directors of said company, at such time or times and at such places and under such commissioners as they may direct: provided, that the Board of public works shall not subscribe to any part of the increased capital stock. Books of subscription, how opened
Proviso

CHAP. 52.—An ACT to amend the Charter of the Sir John's Run Turnpike Company.

Passed March 14, 1861.

Capital stock increased

1. Be it enacted by the general assembly, that the Sir John's run turnpike company are hereby authorized to increase their capital stock, by the sum not exceeding five thousand dollars, in shares of twenty-five dollars each, for the purpose of extending or making a branch of said road, from or near McIntire's mill in Frederick county, passing at or near M. C. Dolan's store, to some point on the North Frederick turnpike at or near Sampson Clark's house in said county.

Books, how opened

2. For the purpose of carrying out the provisions of this act, the board of directors of the Sir John's run turnpike company shall have books for receiving subscriptions opened at the store of Michael C. Dolan, and at such other places and under the superintendence of such persons as they may designate.

Commencement

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

CHAP. 53.—An ACT to transfer a part of the Price's Mountain and Cumberland Gap Road to the Mountain Lake and Salt Sulphur Springs Turnpike Company.

Passed February 15, 1861.

What may be adopted as portion of road

1. Be it enacted by the general assembly, that it shall be lawful for the Mountain lake and Salt sulphur springs turnpike company to adopt that portion of the Price's mountain and Cumberland gap road, lying between the residence of Enoch Atkins and the town of Newport, as a part of their road, and to keep the same in proper repair: provided, however, that before this act shall take effect, the consent of the county court of Giles county shall be first obtained.

Consent of county court of Giles

Restrictions

2. It shall not be lawful for the said Mountain lake and Salt sulphur road to charge any toll between the present residence of Enoch Atkins and the town of Newport, a distance of three miles; and the consent hereby given may be withdrawn by the county court of Giles whenever the said company shall fail to keep said portion of the road in repair, as required by the provisions of the Code of Virginia in relation to county roads.

Commencement

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

CHAP. 54.—An ACT authorizing the Board of Public Works to confirm the Sale of the Marysville Plank Road to the County of Charlotte.

Passed January 31, 1861.

1. Be it enacted by the general assembly, that the Board of public works are hereby authorized to ratify and confirm the sale of the Marysville plank road, made under deed of trust, to the county of Charlotte by W. W. Henry, trustee.

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

CHAP. 55.—An ACT to amend and re-enact the second section of an act passed February 8th, 1860, to revive and amend an act passed March 1st, 1853, entitled an act to amend and revive the Charter of the Little Kanawha Navigation Company.

Passed March 14, 1861.

1. Be it enacted by the general assembly, that the second section of an act passed February eighth, eighteen hundred and sixty, entitled an act to revive and amend an act passed March first, eighteen hundred and fifty-three, entitled an act to revive and amend the charter of the Little Kanawha navigation company, be amended and re-enacted so as to read as follows:

“§ 2. That it shall be lawful to open books in the county of Wood, at Parkersburg, under the superintendence of Daniel R. Neall, James Cook and A. J. Boreman; at Elizabeth in Wirt county, under the superintendence of Daniel Wilkeson, Abraham Enochs, A. S. Rable and Fidellus Ott; at Big Bend in Calhoun county, under the superintendence of Collins Betts, Hiram Fevrell and George W. Harmon; at Glenville in Gilmer county, under the superintendence of C. B. Conrad, Levi Johnson and S. G. Stalnaker; and at Balltown in Braxton county, under the superintendence of C. S. Harlay, Addison McLaughlin, William P. Haymond and Moses Cunningham, or a majority of them, at either place, for the purpose of receiving subscriptions to the amount of twenty-five thousand dollars, in shares of twenty-five dollars each, to constitute a joint capital stock for opening, removing dams from and improving the navigation of the Little Kanawha river from Parkersburg in the county of Wood, to the falls of the said river in said county of Braxton, near William P. Haymond's mills.”

2. Be it further enacted, that it may be lawful for the Little Kanawha navigation company to receive subscriptions of money to an amount deemed sufficient by said company, over and above said capital stock, to improve the navigation of said river to said falls, if said capital stock should prove insufficient therefor, and such in-

Proviso increased subscription shall be treated as a part of and in addition to said capital stock: provided, that the Board of public works shall not subscribe to any portion of such increased capital stock: provided, that nothing in this act shall impair or in any wise affect the organization of said company, which has already taken place, or any act done by said company, or any of the officers thereof.

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

CHAP. 56.—An ACT to incorporate the Virginia Canal Company, and to transfer the Rights and Franchises of the James River and Kanawha Company thereto.*

Passed March 29, 1861.

I.—OF THE INCORPORATION OF THE COMPANY.

Preamble Whereas the James river and Kanawha company, at their called meeting in the month of August eighteen hundred and sixty, authorized an agreement to be entered into, and which was executed by the president of said company in pursuance of such authority, between himself and Ernest de Bellot des Minieres, and his associates, under the firm and style of Bellot des Minieres, Brothers & Co. of France, and to which the Board of public works of this state gave its assent, as evidenced by the signature of its president thereto; which agreement is in the following words:

Title of agreement of contract

“An Executory Agreement, entered into this first day of September, in the year eighteen hundred and sixty, between Ernest de Bellot des Minieres, for himself and his associates, under the firm and style of Bellot des Minieres, Brothers and Company, of France, of the one part, and Thomas H. Ellis, president of the James river and Kanawha company, for and on behalf of the said company, in pursuance of a resolution adopted by the stockholders of said company, in general meeting, on the thirtieth day of August eighteen hundred and sixty, of the other part, witnesseth:

Preamble to contract

“Whereas, it is a matter of the highest importance to the state of Virginia, that the water line between the Chesapeake bay and the Ohio river, which will open the great west and southwest and its immense trade to the markets of the world by the shortest, cheapest, safest and most certain route, and lead to an incalculable increase of the direct foreign trade of Virginia, should be promptly completed, the parties of the first part desiring not only to secure to themselves and their associates the profits of the line when completed, but to France the primary advantages of the direct trade with her, which the line must establish, have proposed to purchase the line from

* The word “chapter,” as used in this act, applies to the *divisions* of the same.

Richmond to the Ohio river, with the right and obligation to complete the same, and the president and directors of the James river and Kanawha company, and the Board of public works of Virginia, concurring in these views, and sympathizing strongly with the parties of the first part, in their desire to establish direct trade with France, the ancient ally of the United States, the said president and directors of the James river and Kanawha company, have entered into negotiation with the parties of the first part, and have, with the approbation of the Board of public works, entered into a provisional agreement with them, as herein set forth. And since it is necessary to procure the approval of the general assembly to the said agreement, therefore, subject to said approval, the said James river and Kanawha company, do contract and agree with the said parties of the first part as follows—that is to say :

“1. A new company shall be formed by the name and style of Virginia canal company to be formed ‘The Virginia Canal Company,’ with a capital stock of not less than twenty, nor more than thirty-five millions of dollars, in shares of one hundred dollars each; to which shall be transferred all the Property and franchises of James river and Kanawha company transferred thereto property and franchises of the James river and Kanawha company,—the stockholders in the James river and Kanawha company, other than the commonwealth of Virginia, to have one share of stock in the said Virginia canal company for every two shares of stock they now hold; and the state to transfer to the said Virginia canal company, all her rights as a stockholder in the said James river and Kanawha company, upon condition that the new company perform and fulfill the terms and conditions herein after imposed.

“2. The Virginia canal company shall be organized with a charter Of charter similar to the original charter of the James river and Kanawha company, with such modifications and additions, as may be necessary and proper for adapting it to the purposes of the new organization.

“3. The Virginia canal company shall clear out the deposits in Duty of Virginia canal company as to repairs, &c the present line from Richmond to Buchanan, and repair all the Depth of channel, &c present works, that is, the embankments, aqueducts, bridges, culverts, waste weirs, locks, dams, houses and structures of every kind, repairing those wanting repairs only, and building anew the works requiring to be rebuilt, so that the whole line from Richmond to Buchanan shall be of a depth of not less than five feet at any point, and in all respects in a perfect state of repair.

“4. They shall keep on all the line a sufficient number of dredge Dredge boats boats to keep the water way continually free from deposit and obstructions of every kind, and a sufficient number of extra lock gates and wickets ready to be inserted in case of accident. They shall Weigh locks likewise have weigh locks at not less than three points on the line.

“5. They shall complete the water line of improvement from Bu- To complete

- improvement from Buchanan to Ohio river chanan to the Kanawha river, and the improvement of the Kanawha river, so as to make a continuous water line from tide water at Richmond to the Ohio river; constructing the works on the general plan of the part of the improvement that has already been made, but with the following modifications, to wit:
- Locks, size of "The locks from Buchanan to the Greenbrier river shall be not less than one hundred and twenty feet long between the gates, by twenty feet wide in the clear, and on the Greenbrier and New rivers, and on the Kanawha river at and above Lykens' shoals, not less than two hundred feet long between the gates, by forty feet wide in the clear, and the works from Buchanan to the foot of Lykens' shoals on the Kanawha river shall be so constructed as to give a depth of water of not less than seven feet at any point.
- Depth of water "The Kanawha river to be improved from Lykens' shoals to its mouth in such manner as to secure a depth of water of not less than six feet at all seasons of the year; the channel through the shoals to be eighty feet wide at the bottom, and one hundred and four feet wide at the top.
- How Kanawha river to be improved "The capacity of the improvement from Richmond to Buchanan shall be enlarged by increasing the depth of the water to not less than seven feet at any point, and by increasing the dimensions of all the present locks to not less than one hundred and twenty feet long between the gates, by twenty feet wide in the clear, or by doubling the locks, and making the new locks of the dimensions aforesaid. But the increase in the dimensions or the doubling of the locks, need not be made, until the locks require reconstruction or the trade of the canal shall demand it.
- Depth of water between Richmond and Buchanan "The capacity of the Tide water connection and Richmond dock shall be enlarged, so as to afford adequate accommodation to the trade of the line, by opening a second communication with tide water by the route of the Haxall canal, or other suitable route; or instead of that, enlarging or doubling the present locks between the basin and the dock, as well as the present ship lock, in such manner as may be necessary to obtain a proper result; and by constructing all such other works as may be necessary for enlarging the capacity of the dock and Tide water connection for the purpose aforesaid.
- Of Tide water connection and Richmond dock "6. The said Virginia canal company shall issue to the respective stockholders in the James river and Kanawha company, other than the state, certificates of stock at the rate of one share in the new company for every two shares held by them in the James river and Kanawha company, which shall be full satisfaction of all their interest in the last mentioned company; and they shall pay annually to the holders of such certificates, five per centum per annum on the amounts thereof, from the date of the organization of the new company, until the line shall be completed to the Ohio river in the manner before mentioned, and thereafter in lieu of the said five per cent. shall pay them their ratable share of the profits of the company.
- Stock to be issued to stockholders in James river and Kanawha company
- What interest to be paid thereon

“7. The stockholders in the Virginia canal company shall enjoy equal rights, except as provided in the next preceding section. Rights of stockholders

“8. The tolls on the line shall be regulated by the Board of public works, or such other authority as the general assembly may substitute for the control and superintendence of the public works of Virginia: provided, that during the construction of the work the tolls shall not exceed two and a half cents per ton per mile, nor be less than one cent per ton per mile on merchandise and manufactures; shall not exceed one and a half cents per ton per mile, nor be less than five mills per ton per mile on agricultural products; shall not exceed one cent per ton per mile, nor be less than two and a half mills per ton per mile on products of mines and forests; and, after the completion of the improvement to the Ohio river, shall not exceed two cents per ton per mile, nor be less than five mills per ton per mile on merchandise and manufactures; shall not exceed one cent per ton per mile, nor be less than two and a half mills per ton per mile on agricultural products; and shall not exceed five mills per ton per mile, nor be less than two and a half mills per ton per mile on products of mines and forests: provided, that these rates shall apply to the through rates, but the tolls on the way trade may be increased one-third: and provided further, that the toll may be brought below the minimum rate on any article, by the said board or other authority, with the consent of the Virginia canal company. How tolls to be regulated
Proviso as to tolls
How tolls lessened below minimum rate

“9. The board for the management of the company shall consist of a president and seven directors, with the privilege to the company to increase the number of directors to twelve; two of the directors shall be appointed by the state of Virginia in such manner as she may by law provide; the other directors shall be appointed by the stockholders, and the president shall also be appointed by the stockholders, but his appointment shall be subject to the approval of the state in such manner as she may by law provide. Management of company
President and directors, how appointed
How president appointed

“10. The office of the new company shall be at Richmond, Virginia, but a branch may be located at Paris; the dividends and other dues to the American stockholders shall be paid at the office in Richmond. But the dividends and dues of the other stockholders may be paid in Paris or elsewhere, at the pleasure of the new company. Office at Richmond
Office at Paris

“11. A majority of the directors shall always be present to constitute a board. The proceedings of the board shall be recorded in the English language, at the office in Richmond, and be at all times open to the inspection of the stockholders, and the state, by such officer as she may appoint. Who to constitute board
Proceedings to be recorded in English

“12. The said Virginia canal company shall be organized within six months from the passage of the act of the legislature incorporating When company to be organized

When to commence operations

it, and within the same time shall commence bona fide the work of construction at Buchanan and on the Kanawha river, and shall also within the same time commence bona fide the repairs of the line between Richmond and Buchanan; and shall complete the construction of the line to Covington and the repairs of the line from Richmond to Buchanan, within three years from the time of commencement aforesaid, and complete the Kanawha improvement from Loup creek shoals to the mouth of the river within four years from the time of commencement aforesaid; and shall complete the entire line from Richmond to the mouth of the Kanawha river, in all respects, except the enlargement of the capacity of the canal from Richmond to Buchanan, within eight years from the time of commencement aforesaid; and shall complete the enlargement of the capacity of the Richmond dock and Tide water connection, as well as the enlargement of the capacity of the canal from Richmond to Buchanan, by deepening the canal, as herein above provided, within ten years from the said time of commencement.

When to complete improvement

No power to create a lien, nor sell without consent of general assembly

“13. The said company shall not have the power by mortgage, deed of trust, or other contract, to create a lien upon its works and property, except that herein after created in favor of the commonwealth of Virginia, and shall not be competent to sell the same without the assent of the general assembly of Virginia.

Semi-annual payment into the treasury

“14. The said company shall, in consideration of the transfer aforesaid by the state of Virginia of all her rights as a stockholder in the James river and Kanawha company, pay into the treasury of the state, semi-annually forever, the sum of sixty-seven thousand five hundred dollars; and as a guarantee for the faithful compliance with the stipulations of this agreement, they shall deposit with the treasurer of Virginia the sum of one million of dollars in the six per cent. registered stock of the commonwealth of Virginia, to be held by him upon the following terms and conditions, that is to say: The interest upon the said stock, while on deposit, shall be paid to the said company. When the canal shall have been completed to the town of Covington, and the Kanawha improvement completed from Loup creek shoals to the mouth of the river, if within the times prescribed, one-half of the said sum shall be returned to the said company; and when the entire line shall have been completed in the manner before mentioned to the Ohio river, if within the time prescribed, the other half shall be returned to the said company: provided the annuity to the state of Virginia, and the five per centum interest to the private stockholders, herein before provided for, shall have been punctually paid; and if the same shall not have been punctually paid, then so much of the said sum of one million of dollars as may be necessary shall be appropriated to the payment of the same, and the residue returned to the said M. de Bellot des Minieres and his associates, or to the Virginia canal company, as

One million of dollars to be deposited

When deposit to be returned, and on what conditions

may be proper; but if the said company shall fail to complete the construction of the line to Covington, and the repairs of the line from Richmond to Buchanan, within three years from the time of the commencement herein prescribed, or shall fail to complete the Kanawha improvement from Loup creek shoals to the mouth of the river within four years from the time of commencement herein prescribed, or shall fail to complete the entire line from Richmond to the mouth of Kanawha river, in all respects, except the enlargement of the capacity of the canal from Richmond to Buchanan, within eight years from the time of commencement herein prescribed, or shall fail to complete the enlargement of the Richmond dock and Tide water connection, as well as the deepening of the canal to Buchanan, within ten years from the time of commencement herein prescribed, the said sum of one million of dollars shall be retained and paid to the commonwealth of Virginia as stipulated damages in money for such failure; and all the work which may have been done in repair and construction, as well as all the rights which the said Virginia canal company shall have acquired in the property and franchises of the James river and Kanawha company, shall be forfeited, and revert to the latter company as at present organized, which company shall be thereupon reinstated in all its rights, as if this arrangement had never been made. and shall have full right and authority to re-enter upon and resume the control of the whole line of improvement; and for that purpose, the present organization of the James river and Kanawha company shall be continued: provided, however, that if the said Virginia canal company shall be unable to complete the said water line improvement from Richmond to the Ohio river within eight years as aforesaid, or to complete the enlargement of the Richmond dock and Tide water connection, and deepening of the canal from Richmond to Buchanan, within ten years as aforesaid, they may have two years' extension of time in each case, by paying into the treasury of the commonwealth of Virginia, for the said commonwealth, before the expiration of the said period of eight years, a half million of dollars, if they require the extension of time for the completion of the water line as well as for the said enlargement: or by so paying one hundred thousand dollars before the expiration of ten years, if they require the extension of time only as to the enlargement aforesaid; which said sums are agreed upon as liquidated damages to be paid to the said commonwealth in the contingencies aforesaid, for the loss sustained by such delay or delays in the completion of the said works as herein required: provided, however, that if the said Virginia canal company shall have proceeded in good faith to execute the said works, then the general assembly may suspend the said forfeiture, and allow to the said company such further time as to it may seem just and proper, to complete the said works.

When deposit to be paid as damages

What, if company fail to comply with its contract

What to be paid for extension of time

Power of general assembly to remit forfeiture

"15. The said Bellot des Minieres, Brothers and Company shall Bonds issued by

act of 1860 for improvement of Kanawha river, when to be repaid

pay to the commonwealth of Virginia so much of the three hundred thousand dollars of state bonds appropriated by the act of the general assembly of Virginia, passed March twenty-third, eighteen hundred and sixty, for the improvement of the Kanawha river, as shall have been issued and sold, and expended bona fide on the improvement, when they shall become entitled to the property and revenues of the James river and Kanawha company; and upon payment thereof, the said commonwealth shall release the mortgage given by the said James river and Kanawha company on the said Kanawha improvement to secure the payment of the said bonds.

When James river and Kanawha company to convey its property to the Virginia canal company

“16. As soon as the said M. de Bellot des Minieres and his associates shall have been regularly incorporated according to the laws of France and Virginia, and satisfactory authentication of that fact communicated to the president of the James river and Kanawha company and the Board of public works, and shall have deposited with the treasurer of Virginia one million of dollars in the six per cent. registered stock of the commonwealth, and shall have deposited in one or more of the banks of the city of Richmond, to the credit of the president and directors of the James river and Kanawha company, for the purpose of paying the floating debt of the company, the sum of four hundred thousand dollars, to be applied to the payment of the said floating debt as far as necessary, and the balance, if any, to be returned to them; and shall also pay into the treasury of Virginia the amount agreed to be paid by them under the next preceding section—then the James river and Kanawha company shall by proper deeds convey its entire property of every kind, to the said Virginia canal company, subject to the charges before mentioned in favor of the present private stockholders and the commonwealth of Virginia, and subject to any present subsisting contracts for the use of the water of the canal, and subject to all the provisions of this agreement: And until this conveyance shall be made, the James river and Kanawha company shall manage the said property, effects and revenues under the existing laws, the said M. de Bellot des Minieres and his associates furnishing all the means and money that may be necessary to carry on the business of the company, complete Boshers dam, the Joshua falls dam, the dam at Lynchburg, and the North river improvement, and keeping the canal in proper repair—they receiving credit for all the revenues of the company. But the president and directors of the present company shall have no power or authority to charge the property of the company with any debt, except for the purpose of keeping the line in proper repair and working condition, and completing the dams and North river improvement, as herein before mentioned.

How Virginia canal company may discharge itself from annuity

“17. The said Virginia canal company may at any time discharge itself from the annuity to the state of Virginia, by the payment into the treasury of Virginia of the sum of two millions two hundred and

fifty thousand dollars in specie, but until the same shall be paid the annuity of one hundred and thirty-five thousand dollars to the commonwealth shall be forever a charge upon the whole property of the company, and the legislature may provide by law in what manner the payment of the said annuity shall be enforced.

“18. The European parties and stockholders may, as between themselves, determine what their relative rights and obligations shall be. As to European stockholders

“19. The stockholders in the Virginia canal company shall be required by their charter to hold at least one general meeting every year in the city of Richmond. One general meeting annually in Richmond

“20. When this agreement shall be approved by the general assembly and a charter shall be granted as provided in the first and second sections thereof, the said agreement shall be binding upon all the parties thereto, without any further action on the part of the stockholders or directors of the James river and Kanawha company; and the said James river and Kanawha company binds itself to use its best efforts to obtain at the earliest day possible, the approval of this agreement and of the charter as provided for, by the general assembly; and in the mean time the said agreement shall be obligatory upon the said James river and Kanawha company to the full extent that the said company has the legal authority to act without the approval of the general assembly. When agreement binding

“And to prevent delay in the commencement of the works herein before contracted to be executed, the said parties of the first part shall be authorized to proceed forthwith in their said undertakings; and if the general assembly shall fail to approve the said agreement, and to grant said charter, then the James river and Kanawha company binds itself to issue bonds under the act of the twenty-third day of March eighteen hundred and sixty to the said parties of the first part for an amount equal to the principal sum which may have been expended upon its works as contemplated in this agreement, and the interest thereon from the time when the same shall have been expended until the repayment in bonds as aforesaid; and the said James river and Kanawha company shall thereupon be restored to all the rights conferred by its charter, as if this contract had not been made, and the said contract shall thereafter be null and void. How delay prevented in commencement of works

“In testimony whereof, the said Ernest de Bellot des Minieres, acting for himself and the firm of Bellot des Minieres, Brothers & Company, hath hereto subscribed his name and annexed his seal, and the said Thomas H. Ellis, president of the James river and Kanawha company, acting under authority as aforesaid, hath subscribed his name and caused the seal of the company to be affixed, the day and year first above written, at Richmond, Virginia. Attestation

E. DE BELLOT DES MINIERES. [Seal.]
THOMAS H. ELLIS.

And whereas the general assembly of the commonwealth of Virginia approve the objects and views of the contracting parties, and are disposed to give to their contract validity and effect, except so far as it may be modified by this act: Therefore,

Company incorporated; general powers; restrictions thereon.

Company incorporated

1. Be it enacted, that when the Board of public works shall be satisfied that the minimum capital of twenty millions of dollars has been raised as provided for in the next chapter, then, in compliance with the first article of said agreement, the persons constituting the firm and style of Bellot des Minieres, Brothers & Co. and such persons as they may admit into association with them, together with the corporate and individual stockholders of the present James river and Kanawha company (other than the commonwealth of Virginia), and such persons as may become subscribers to the capital stock hereafter authorized, and their successors and assigns, shall be and are hereby incorporated into a company by the name and style of "The Virginia Canal Company;" and by that name, shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, purchase and hold, sell and convey real and personal property; and shall be, to every intent and purpose in law, the successors of the present James river and Kanawha company: provided, that the corporate powers shall not take effect until the minimum stock shall be taken: provided, however, that they shall hold no real estate, except that which by this act, or some other act of the general assembly, may be vested in them, or they may be authorized to acquire for the purpose of the improvements which they are required to make; and that they shall in no wise deal as bankers or merchants, or in buying and selling any produce or commodities whatsoever, except such as it is obviously convenient and proper for them to purchase and sell in the regular performance of the duties required of them by this act; and that they shall not be engaged in the establishment or conduct of manufactures, further than for the supply of their own consumption and that of the persons in their service, and in letting to farm or lease sites for mills and other machinery, and water for their use.

By name of Virginia canal company

Limitation as to real estate

Restrictions as to trading, &c

As to manufactures

By-laws and regulations, how made

2. The stockholders in general meeting shall have power to make all such by-laws, rules and regulations, not inconsistent with the constitution or laws of the land, as they may deem proper, for the well ordering of the affairs of the company; for the protection and preservation of their property, and for the maintenance of good order and good police among their officers, agents, servants and laborers, and among the boatmen and others who use their canal and other works.

Not to subscribe to stock of other companies

3. The said company shall not subscribe to the stock of any other company, unless it be specially allowed by law; but this prohibition

shall not prevent it from receiving stocks or other property in satisfaction of any judgment, order or decree, or as collateral security for or in payment of any debt, or from purchasing stocks or other property at any sale made for its benefit. If it so receive shares of its own stock, it may either extinguish the same, or sell and transfer such shares to a purchaser. While, however, it holds such shares of its own stock, no vote shall be given thereon.

Works and property not to be encumbered or sold.

4. The said company shall not have the power, by mortgage, deed of trust or other contract, to create a lien upon its works and property, except that herein after created in favor of the commonwealth of Virginia, and shall not be competent to sell the same without the assent of the general assembly of Virginia.

Restrictions as to liens

Provision for repayment of money expended on Kanawha improvement.

5. The Kanawha river shall remain subject to all the existing laws in relation thereto, and unaffected by this act, until the completion of the work now under contract and in progress upon said river: provided such work shall be completed before the first day of January eighteen hundred and sixty-three; but when the said Virginia canal company shall be fully organized and vested with the control of the residue of the line other than the Kanawha river, the term of office of the present members of the Kanawha board shall expire, and members of said board shall be appointed, two by the Virginia canal company, and three by the Board of public works, whose term of office shall be the same as now prescribed by law, all of whom shall be citizens of the state, and residents of the Kanawha valley; and the present members of the Kanawha board may be reappointed as members of the new board, and such new Kanawha board shall have control of the Kanawha river until the payment by the Virginia canal company of the money herein after provided to be paid on account of the Kanawha river. Immediately after the completion of the work now in progress on the Kanawha river, or on the first day of January eighteen hundred and sixty-three, if such work shall not be completed before that time, the said Virginia canal company shall pay to the commonwealth of Virginia so much of the appropriation of March twenty-third, eighteen hundred and sixty, for the improvement of the Kanawha river, as may have been bona fide expended in the construction of said improvement; and upon payment of said amount, the said Virginia canal company, by the operation of this act and the conveyance herein after authorized, shall be invested with all the rights, powers, franchises and privileges of the James river and Kanawha company, in and to said Kanawha river: and upon such payment, the said commonwealth shall release the mortgage given by

Kanawha improvement

How directors appointed

How long to continue to have control

When Virginia canal company to be vested with rights of James river and Kanawha company in Kanawha river
When mortgage of state to be released

the said James river and Kanawha company on the said Kanawha improvement, to secure the payment of the said bonds. Such release shall be executed by the Board of public works as soon as satisfactory evidence is submitted to them of the payment aforesaid.

Transfer of works by James river and Kanawha company; precedent conditions.

Precedent conditions of conveyance

6. When the Board of public works shall be satisfied that the minimum capital as provided in the next chapter, has been raised as therein required, and the said M. de Bellot des Minieres and his associates shall have deposited with the treasurer of the state of Virginia, in the manner prescribed by law, one million of dollars in the six per cent. registered stock of the commonwealth, and shall have deposited in one or more of the banks of the city of Richmond, to the credit of the president and directors of the James river and Kanawha company, for the purpose of paying the floating debt of that company, the sum of four hundred thousand dollars, to be applied to the payment of the said floating debt as far as necessary, and the balance, if any, to be returned to the said M. de Bellot des Minieres and his associates, and satisfactory evidence of the performance of said conditions shall have been furnished the Board of public works, then the said James river and Kanawha company shall, by proper deeds, convey its entire property, privileges and franchises of every kind to the said Virginia canal company, subject to the provisions and requirements of the fifth section of this chapter, and to the conditions hereafter required in this act, and also to any present subsisting contracts for the use of the water of the canal, or for any other purpose.

When conveyance to be made

Suits depending; how proceeded with.

Pending suits

7. All causes and matters which shall be depending and undetermined in any court in this commonwealth, in which the James river and Kanawha company are or may be parties, plaintiff or defendant, on the day when the said transfer is made, shall be proceeded in, tried and determined as if the same had been commenced by or against the said Virginia canal company.

Transfer of rights of state of Virginia and release of its securities; conditions.

When state's interest to be transferred

8. When the Board of public works shall be satisfied that the conditions prescribed in the sixth section have been fully complied with, and that the minimum capital, as provided for in the next chapter, shall have been raised as therein required, they shall transfer in like manner to the said Virginia canal company, all the rights which the state of Virginia has as a stockholder in the James river and Kanawha company; and shall furthermore release all mortgages, deeds

When mort-

of trust or other contracts, except the mortgage relative to the Kanawha river, by which any lien has been created to the commonwealth upon the works and property of the said James river and Kanawha company, subject only to the incumbrances, limitations and restrictions by this act imposed.

Rights of new company after transfer.

9. The company hereby incorporated, thenceforward shall be entitled to all the tolls, rents and other emoluments, rights, franchises, privileges and immunities, which are now enjoyed by the said James river and Kanawha company, subject to the provisions and limitations of the fifth section of this chapter. And the president and directors of the new company, their officers and agents, shall take possession of the property and works transferred as aforesaid, for the benefit of the Virginia canal company.

Annuity to the state.

10. The said Virginia canal company shall, in consideration of the transfer aforesaid, by the state of Virginia, pay into the treasury of the state, in the mode prescribed by law, semi-annually forever, the sum of sixty-seven thousand five hundred dollars. But the said company may at any time discharge itself from the said annuity by the payment into the said treasury of the sum of two millions two hundred and fifty thousand dollars in specie; but until the same shall be paid, the said annuity shall be forever a charge upon the whole property and franchises of the company; and the legislature may provide by law in what manner the payment of the said annuity shall be enforced.

Sum to be paid to other stockholders.

11. The Virginia canal company shall furthermore take the said property so to be transferred to them, subject to the payment, to the corporate and individual stockholders mentioned in the second chapter, of five per centum per annum on the amounts of the certificates of stock held by each respectively, to be computed from the date of the organization of the said Virginia canal company, until the water line herein after mentioned shall be completed to the Ohio river, as herein prescribed; and thereafter, in lieu of the said five per cent., shall pay to the said stockholders their ratable share of the profits of the company. And for failure to perform this provision, the company may be proceeded against as provided hereafter in the seventh chapter.

II.—OF THE CAPITAL STOCK; HOW STOCK SUBSCRIBED AND PAID FOR; REMEDY AGAINST DELINQUENT STOCKHOLDERS; TRANSFERS AND ISSUES OF CERTIFICATES OF STOCK.

Capital.

Capital stock

1. The capital stock of the Virginia canal company shall not be less than twenty millions nor more than thirty-five millions of dollars, to be divided into shares of one hundred dollars each, except as herein after provided. The minimum capital shall be provided in the following manner :

Minimum capital, of what composed, and how provided.

Of what composed

2. It shall consist of fifty-two thousand shares of one hundred dollars each, the estimated value of the interest of the state of Virginia in the James river and Kanawha company, which shall be the property of the Virginia canal company : ten thousand shares of one hundred dollars each, the interest of the private stockholders ; and not exceeding seven thousand shares of the same value, on account of the payments, by Bellot des Minieres, Brothers and Company, towards the floating debt of the James river and Kanawha company, and for money expended in the improvement of the Kanawha river, which shall be the property of the said Bellot des Minieres, Brothers and Company, and other stock which may be hereafter subscribed for, sufficient to make up, with the foregoing, the sum of twenty millions of dollars.

How stock to be renewed

3. The certificates of stock now held by individuals or corporations, shall be delivered up by said individuals or corporations to said Virginia canal company, and shall be canceled, and in lieu thereof, certificates of the stock of said Virginia canal company shall be issued to said individuals and corporations, at the rate of one share for every two shares held by each, at the par value of one hundred dollars each. And when any such corporate or individual stockholder shall hold a number of shares which cannot be divided without a fractional part of a share, the said corporation or individual, and their successors or personal representatives, shall be entitled to the same provision therefor as is hereafter made for individual stockholders who have but one share of stock.

Proportion

What, when one share is held

4. In the case of individuals holding one share of said stock only, the said share shall be delivered up to said Virginia canal company and be canceled, and in lieu thereof, a special certificate of said company shall be issued, specifying that the said individual or his assigns is entitled to one-half of one share of the capital stock of said company : or the said Virginia canal company may purchase said half share in each case.

5. The said several component parts of stock heretofore subscribed for, and herein before specified, being estimated to amount in the aggregate to a sum not exceeding six millions nine hundred thousand dollars, shall constitute a part of the said minimum capital. The residue thereof shall be raised by subscriptions, of which the said Bellot des Minieres, Brothers and Company may take any part or the whole; and if they shall not take the whole, the president and directors of the James river and Kanawha company are hereby authorized to appoint commissioners at such places in France, or in this state, or elsewhere, and at such times as they may deem proper, for opening books therefor, and receiving subscriptions for so much as shall not have been so taken, in shares of one hundred dollars each: the amount to be paid by the subscribers in installments, or at one time, according to the terms of subscription prescribed by said president and directors.

What to constitute part of minimum capital

How books of subscription opened

6. When subscriptions, which, with the stock herein before provided for, shall have been obtained to the amount of twenty millions of dollars, and at least one-seventh of said subscriptions shall have been paid to the authorized agents of the said president and directors, they shall certify and establish the fact to the satisfaction of the Board of public works; and shall moreover satisfy said board that the subscribers are solvent and able to pay the residue, or that the same has been properly secured; and thereupon, the said board shall declare and so enter upon their records, that the minimum capital aforesaid has been provided as required by law.

When minimum capital obtained, fact to be certified

Duty of Board of public works

Maximum capital; how provided.

7. If the said company shall deem it necessary to increase their capital to the maximum amount of thirty-five millions of dollars, or to any amount between the minimum and maximum capital, they shall be authorized to raise the amount by subscription in such manner as they may deem expedient and provide by their by-laws.

How capital may be increased

How stock transferred, when stockholders refuse or fail to transfer it.

8. In case any stockholder of the said James river and Kanawha company shall be incapacitated by any cause from receiving, or shall refuse or fail to receive the certificate of stock to which he shall be entitled, for twelve months from the organization of the Virginia canal company, the stock standing in his name on the books of said James river and Kanawha company shall be transferred by said company to the commonwealth of Virginia, as trustee for said stockholder, and the certificate of stock so transferred shall be delivered up by the Board of public works to said Virginia canal company and be canceled, and a new certificate of stock shall be issued by said Virginia canal company to the commonwealth of Virginia, as

How stock transferred

James river and Kanawha company to transfer as trustee for stockholder

If not applied
for in five years,
how applied

trustee for said stockholder, and the same shall be held by the Board of public works in trust for the use and benefit of said stockholder, to be transferred by said board to said stockholder, or his personal representative, whenever he shall demand the same; but if it be not demanded within five years from the issuing of said certificate to the commonwealth, the same shall constitute a part of the Sinking fund of the commonwealth of Virginia, and may be sold, and the proceeds applied, or the profits therefrom may be applied to the redemption of the public debt: provided, that stock so held by the state shall not be represented in the meetings of the stockholders of the company.

Stock; how verified; shares personal estate.

Stock personal
estate

9. The said Virginia canal company shall keep a regular roll of their stockholders, and shall furnish to each, one or more certificates of his stock, as may be required, verified by the seal of the corporation and the signature of the president. The stock shall be deemed personal estate, and as such shall pass to the personal representative or assignee of a stockholder.

Governments not permitted to be stockholders.

Governments
not permitted to
be stockholders

10. No government of any state or country, other than the government of the state of Virginia, shall become subscribers to the stock of said company, nor shall any stockholder at any time assign or transfer his stock to any such government; and such subscription or assignment, if made, shall be void.

Transfers of stock in foreign office to be certified.

Transfers of
stock in foreign
office to be cer-
tified

11. Any transfers of stock which may be made in the foreign office hereby authorized to be opened in Paris, shall be certified by the officer in charge of that office, at the end of every three months, to the company's office in Richmond, there to be transferred and recorded in the general transfer books of said company.

Foreigners to be subject to tribunals of Virginia only.

Foreigners to be
subject to tribu-
nals of Virginia
only

12. All citizens or subjects of any foreign state or country who are or may be hereafter interested in the stock, property or franchises of the Virginia canal company, shall accept and hold the same subject to the distinct stipulation that all questions arising under the legislation of Virginia in regard thereto, shall be submitted to the exclusive and final jurisdiction of the tribunals of Virginia, expressly renouncing and disclaiming all right to the intervention of the governments to which they may be subject, in any manner whatever. But controversies arising between persons residing out of the commonwealth of Virginia, in relation to any interests they may have or claim in said company, or the property or stock thereof, shall not be embraced in the provisions of this section.

III.—MEETINGS OF STOCKHOLDERS; VOTES IN MEETINGS; PRESIDENT AND DIRECTORS; THEIR APPOINTMENT; GENERAL POWERS AND DUTIES; OFFICES OF COMPANY; APPOINTMENT OF OFFICERS AND AGENTS, AND HOW THEIR DUTIES AND COMPENSATION ARE PRESCRIBED.

General meeting of stockholders, how convened.

1. As soon as it shall be ascertained, as herein before provided, that the minimum amount of capital has been raised, and after the conditions precedent herein before set forth shall have been performed, the president and directors of the James river and Kanawha company shall give notice thereof, by publication in a newspaper in the city of Richmond, for not less than two weeks, and call a general meeting of the stockholders, to meet at a certain place in the city of Richmond, not less than fourteen nor more than thirty days from the first day of such publication. The stockholders, their executors, administrators or assigns, shall stand incorporated from the time of such meeting, unless in the said meeting it be determined otherwise. If, on the day appointed for this or any general meeting, a sufficient number of stockholders do not attend to constitute a general meeting, those present may adjourn from time to time till a sufficient number shall attend.

How meeting of stockholders convened

When incorporation to commence

2. Annual meetings of the stockholders shall thereafter be held on such day as they may in general meeting from time to time appoint, and at such place as shall be fixed from time to time by the board of directors, of which notice shall be published for two weeks in some newspaper printed in the city of Richmond; and there shall be at least one general meeting every year in the said city of Richmond, at such time as the by-laws of the said company shall prescribe.

When annual meetings to be held

3. A general meeting of stockholders may be held at any time, upon the call of the board of directors, or of stockholders holding together one-twentieth of the capital stock, upon their giving notice of the time and place for such meeting for thirty days in a newspaper published in or near the place at which the last annual meeting was held.

Called meetings

Meetings how constituted; proxies, when appointed.

4. To constitute a general meeting, there must be present, either in person or by proxy, a number of stockholders having a right to give a majority of all the votes which could be given at a meeting of all the stockholders, exclusive of the fifty-two thousand shares before mentioned, or any portion thereof, while owned by the Virginia canal company. And where the stockholder desires to be represented by

Meetings, how constituted

Proxies, how appointed proxy, such proxy must be appointed within fifteen months of such general meeting. Such meeting may adjourn from time to time until its business is completed.

Proceedings to be kept.

Proceedings to be kept 5. The proceedings of the stockholders at all general meetings shall be regularly kept, be verified by the signature of the presiding officer, and carefully preserved in well bound books; and the names of all the stockholders present, whether in person or by proxy, shall be entered on the minutes.

Votes of stockholders.

Votes 6. In any meeting of stockholders, each stockholder may, in person or by proxy, give the following vote on whatever stock he may hold in the same right, to wit: one vote for each share of stock not exceeding twenty, and one vote for every ten shares exceeding twenty.

How, upon stock transferred within sixty days 7. When a vote is offered to be given at any meeting, upon stock transferred within sixty days before such meeting, if any present object to the vote, it shall not be counted, unless the stockholder or his proxy has made or shall make oath that the stock on which such vote is to be given, is held by such stockholder bona fide, and not by virtue of a transfer made with intent to give more votes than is allowed by the preceding section.

President and board of directors.

President and directors 8. The board for the management of the affairs of the company shall consist of a president and seven directors, with the privilege to the company to increase the number of directors to twelve.

How appointed 9. At the first general meeting and at each stated annual meeting thereafter held in Richmond, the stockholders shall appoint the president and all of the directors of the company, except two, who shall hold their offices for one year, and thereafter until their successors shall be appointed, unless sooner removed by the stockholders in general meeting. Two of the said directors shall be appointed by the Board of public works of Virginia, and shall hold their offices in like manner and be removed at any time by the appointing power. The appointment of the president shall be certified to the governor of the commonwealth of Virginia, for his approval. If disapproved, the said stockholders in general meeting shall appoint some other person to be president; and no person shall be president unless the appointment be approved by the governor.

Appointment of president to be approved by the governor

Vacancies, how filled 10. Vacancies in the office of president or directors shall be filled by the board of directors, except the

directors on the part of the state, whose vacancies shall be filled as provided in the first appointment. A majority of said directors shall be residents of the state of Virginia.

Duties and powers of president and directors.

10. The president and directors of the company, subject to the control of the stockholders in general meeting and of the by-laws, shall be charged with the immediate care and superintendence of the affairs of the company; with making and executing their contracts, either by themselves or by their lawful agents; with constructing and preserving their works; with the custody and preservation of all the property of the company; and with the control and direction of all of their agents. A majority of the board shall constitute a quorum for the transaction of business; and when the president is absent, the directors shall appoint one of their own body president pro tempore. The proceedings of the board shall be recorded in the English language, at the office in Richmond, and be at all times open to the inspection of the stockholders and the state; and in the case of the latter, by such officer as the general assembly, the Board of public works or the governor may appoint.

Duties and powers of president and directors

Quorum

How proceedings recorded

Journals and records; how kept and authenticated.

11. The journal of said proceedings shall be verified by the signature of the presiding officer, and preserved in well bound books, wherein the names of the members present shall be always entered, and the vote of each member recorded when he shall require it. They shall cause regular books of account to be kept of all the receipts and disbursements, and of all the dealings of the company, and shall cause their books to be regularly balanced semi-annually, on such days as the by-laws shall prescribe. All books, papers, correspondence and funds in possession of any officer of the company, shall at all times be subject to the inspection of the board, or a committee thereof.

Journal

Books of accounts

Subject to inspection

Company's office.

12. The office of the company shall be at Richmond, Virginia, but a branch may be located at Paris in France; but the officers under whose control said office and branch may be, shall be subject to such rules and regulations as may be prescribed by the board.

Office at Richmond and branch at Paris

Meetings of board of directors.

13. The board shall hold meetings at such times as they shall see fit, or the president shall require. Questions before it shall be decided viva voce. No member of the board shall vote on a question

Meetings of board of directors

in which he is personally interested otherwise than as a stockholder. The names of those voting each way shall be taken down, if desired at the time by any member.

Officers and agents of company; their compensation.

Officers

14. Subject to the direction and control of the stockholders in general meeting, and the by-laws, the board shall appoint a secretary and such other officers and agents as it may deem proper, and prescribe their duties, liabilities and compensation. They shall require from such of them as they deem proper, bonds payable to the company, with such conditions as the board may require, and with such sureties as it may approve; and the officers shall hold their places during its pleasure. The compensation to the president and directors shall be prescribed by the stockholders in general meeting; and to all other officers, by the board of directors, unless otherwise prescribed by the stockholders.

Bonds

How compensation of president and directors fixed

Remedy against delinquent stockholders.

Stock of delinquents
How payment enforced

15. If the money which any stockholder has to pay upon his shares, be not paid as required by the president and directors, the same, with interest thereon, may be recovered by warrant, action or motion; or such shares may, after notice in a newspaper for one month, of the time and place of sale, be sold at public auction for ready money, and transferred to the purchaser.

How disbursed

16. Out of the proceeds of such sale there shall be paid the charge, and the money which ought to have been paid upon the said shares, with interest thereon. Any surplus shall be paid to the delinquent or his representative.

Remedy if stock sells for less than amount

17. If there be no sale for want of bidders, or if the sale shall not produce enough to pay the charges, and the money which ought to be paid, with interest, the company may recover against such stockholder whatever may remain unpaid, with interest thereon, by warrant, action or motion as aforesaid.

When stock assigned

18. No stock shall be assigned on the books without the consent of the company, until all the money which has become payable thereon shall have been paid; and on any assignment, the assignee and assignor shall each be liable for any installments which may have accrued, or which may thereafter accrue, and may be proceeded against in the manner before provided.

Who owner

19. A person in whose name shares of stock stand on the books of the said company, shall be deemed the owner thereof as it regards the company.

20. The European parties and stockholders may, as between themselves, determine what their relative rights and obligations shall be. European parties

Regulations for transfers of stock.

21. If any such person shall, for valuable consideration, sell, pledge or otherwise dispose of any of his shares of stock to another, and deliver to him the certificate for such shares, with a power of attorney authorizing the transfer of the same on the books, the title of the former (both at law and in equity) shall vest in the latter, so far as may be necessary to effect the purpose of the sale, pledge, or other disposition, not only as between the parties themselves, but also as against the creditors of and subsequent purchasers from the former, subject to the provisions of the preceding nineteenth section. How transfers made.

22. The person to whom any such certificate may be issued, may return the same to the office of the company, and in person, or by an attorney acting under a power from him, assign on the books of the company either the whole number of shares mentioned in such certificate, or a less number. The certificate so returned shall be canceled and filed in the company's office; and thereupon so many new certificates shall be issued, and to such person or persons as may be proper in the case. How new certificates issued

Lost certificates renewed.

23. When a person to whom such a certificate is issued, alleges it to have been lost, he shall file in the office of the company: 1, an affidavit setting forth, as nearly as he can state the same, the time, place and circumstances of the loss; 2, proof of his having advertised the same in a newspaper once a week for two months; and 3, a bond to the company, with one or more sufficient sureties, conditioned to indemnify all persons against any loss in consequence of issuing a new certificate in place of the former: and thereupon the board may direct such new certificate, and the same shall be issued accordingly. How lost certificates renewed

IV.—OF THE POWER OF THE COMPANY TO MAKE SURVEYS AND TO ACQUIRE PROPERTY AND MATERIALS; CHANGES OF LOCATION; CONNECTIONS WITH OTHER WORKS.

Surveys for route of lines.

1. The Virginia canal company may by its officers, agents or servants, enter upon any lands for the purpose of examining the same, and surveying and laying out such as may seem fit for the uses of said company, to any officer or agent authorized by it: provided just compensation be made for any injury done to the owner or possessor Surveys

Restrictions of the land. But the company shall not, under the authority of this section, throw open any fences or enclosures on any land, or injure the property of the owner or possessor, or invade the dwelling house of any free person, or any space with sixty feet thereof, without the consent of the owner.

How much real estate may be acquired.

Real estate 2. The land acquired by the company along its line generally, shall not exceed two hundred feet in width, except in deep cuts and fillings; and then only so much more shall be acquired as may be reasonably necessary therefor. The land which it may acquire for buildings or for an abutment along its line generally, shall not exceed five acres in any one parcel; and the land which it may acquire for buildings or other purposes of the company at the principal termini of its work, or at any place or places where basins may be necessary for the accommodation of the trade, shall not exceed thirty acres in any one parcel.

Amount to be held

Canal to Greenbrier river 3. For the purpose of supplying water to the summit level of the Alleghany mountain, and to the Greenbrier, New and Kanawha rivers, the company may extend a canal to Greenbrier river or to Anthony's creek, or to any other creek deemed necessary, and may acquire land not exceeding two hundred feet on the line of said canal, except in deep cuts and fillings, and then only so much more as may be necessary, and such other lands on the line of said canal, or at the termini thereof, as they may require for abutments for dams on said Greenbrier river or creek, or elsewhere on said canal, or for lots or buildings, not exceeding five acres; and for reservoirs to supply said summit level, or increasing the depth of water in said rivers, they may acquire any lands which may be necessary for that purpose. And the said company may purchase the whole or any part of a tract of land, any part of which tract will be covered by the water of said reservoirs, and may build any dams and construct any works which may be necessary for the formation of such reservoirs. But any land so purchased which shall not be necessary for the convenient use and maintenance of said reservoirs, shall be sold or otherwise disposed of by the said company within five years after the said reservoirs are completed, and if the said company shall fail to sell said lands within the five years, the same shall be forfeited to the commonwealth.

How much land may be held

Reservoirs

When land to be sold

Lands along line 4. The said company may contract with the owners thereof for such lands along their line of improvement as they are authorized to acquire for the purpose of said improvement; and the said company may also purchase from the owners such small parcels of land as, being cut off from the main body of the tract, would be inconvenient for the owner to hold, and burdensome for the company to connect by

bridges with the other lands of the owner, and such other small parcels of land lying convenient to the company's line of improvement, and containing quarries of stone or marble, water proof lime, coal, or other minerals which would be useful to the company in constructing and repairing their works and carrying on their appropriate business: provided, that no one parcel of land so to be purchased shall exceed one hundred acres, and that the whole together shall not exceed four thousand acres. Proviso

5. For the purpose of assessing the damages to the owner from the condemnation of his land for the use of the canal, or any feeder of the canal, or for any abutment of a dam, or for the sites of toll houses, stables or other buildings, or for reservoirs, there shall be appointed by the Board of public works for the line of the improvement extending from tide water to Lynchburg, and for the line extending from Lynchburg to Covington, and for the line extending from Covington to Loup creek shoals, and for the line extending from Loup creek shoals to the Ohio river, five assessors for each of said divisions, being discreet, intelligent and impartial men, neither stockholders of the company nor owners of any land through which the improvements of the company will pass; who, or any three or more of them, shall constitute a board for the assessment of such damages throughout the line of the improvement on the division for which they are respectively appointed. All vacancies in the board of assessors shall be filled by the Board of public works. These assessors shall hold their offices during the pleasure of the Board of public works, and shall receive, as a compensation for their services, five dollars each for every day he shall be engaged in performance of his duties, and twenty cents for every mile he shall necessarily travel to and from the place of performing his duties, to be paid by the company. Assessors
How appointed
Vacancies

6. Before entering upon the duties of his office, each assessor shall take an oath of office before some justice of the peace within this commonwealth, or before the Board of public works, or some member thereof: which being duly certified, shall be preserved among the files of the Board of public works, and shall be to the following effect: "I, A B, do solemnly swear or affirm, that I will impartially and justly, to the best of my ability, perform the duties of my office of assessor to the Virginia canal company; that I will well and truly, according to the best of my judgment, ascertain what will be a just compensation to any proprietor for any land to be condemned for the use of said company, and for damages to the residue of the tract, beyond the peculiar benefits to be derived in respect to such residue, from the work to be constructed, and that I will unite with the other assessors in truly certifying our proceedings to the proper tribunal." Oath of assessor

7. It shall be the duty of the assessors so appointed and qualified, whenever they shall be thereunto required on behalf of the president Duty of assessors

and directors of the company, at such time as the said assessors shall appoint, and without delay, to assemble on the land proposed to be condemned, and after viewing the same, and hearing such proper evidence as either party may offer, they shall ascertain, according to the best of their judgment, and in the true spirit of the oath they have taken, the damages which the proprietor of the land will sustain by the condemnation thereof for the use of the company, regarding such proprietor as the owner of the whole fee simple interest therein. No such proceeding, however, shall be had without consent of parties, unless ten days' previous notice of the time and place shall have been given to the owner of the land, or to his guardian, if the owner be an infant, or to the committee, the owner being non compos mentis, if such owner, guardian or committee, can be found within the county where the land, or any part thereof, may lie; or if he cannot be so found, unless such notice shall have been published at least one month next preceding, in some newspaper printed as convenient as may be to such land. Any one or more of the assessors attending on the day appointed, may adjourn from time to time until their business shall be finished.

Report of
ASSESSORS

8. When the assessors shall have agreed upon the amount of damages, they shall forthwith make a written report of their proceedings, under their hands and seals, in substance as followeth: "We, the undersigned, assessors to the Virginia canal company, for the division from to , do hereby certify, that after due notice of the day and place appointed for our meeting, we, on the day of , that being the day so appointed (or the day to which we were regularly adjourned from the day so appointed), met together upon the lands of C D, in the county of , which the company aforesaid propose to condemn for their use, and after having viewed the premises, and heard such proper evidence as either party offered to us, we proceeded to estimate the quantity and quality of the land aforesaid, the quantity of additional fencing which would probably be occasioned by its condemnation, and the following, which seemed to us all the other inconveniences and damages which were likely to result therefrom to the proprietor of the said land—that is to say: (here the particular inconveniences and damages anticipated shall be plainly set down)—that we combined with these considerations, as far as we could, a just regard to the peculiar advantages which would be derived by the proprietor of the land from the construction of the improvement, for the use of which the said land is to be condemned. That under the influence of these considerations, we have estimated and do hereby assess the damages which will be sustained by the proprietor of the said lands from the condemnation thereof for the use of the company, at the sum of

Given under our hands and seals this day of

A. B. [Seal.]

C. D. [Seal.]

E. F. [Seal.]”

Such report, signed and sealed by at least three of the assessors, together with a copy of the notice of the time and place of their meeting, duly verified, shall be forthwith returned by the assessors to the circuit court for that county in which the land, or the greater part thereof, may lie; and unless good cause be shown against the report, it shall be confirmed by the court, and recorded at the first term to which it shall be returned, or as soon thereafter as may be. If the assessors be unable to agree in their assessment, they shall report their disagreement to the court; and if from any cause they shall fail to make and return to court a report of their proceedings within a reasonable time, they may be compelled by mandamus or other proper process. When the assessors report their disagreement to the court, or when the report of their assessment shall be disaffirmed, the court may in its discretion, as often as may be necessary, remand the case to the assessors for a new report, or may, pro hac vice, supersede them or any of them, and appoint others in their stead: and in so remanding it, may give such instructions on the law as may be proper.

Where report returned
How confirmed

What done in case of disagreement

9. On the confirmation of any such report, and on the payment to the proprietor of the land of the damages so assessed, or the payment of said damages into court, when, for good cause shown, the court shall so have ordered it, the land viewed and assessed as aforesaid shall be vested in the Virginia canal company, in the same manner as if the proprietor had sold and conveyed it to them.

How, when report confirmed

10. While these proceedings are depending for the purpose of ascertaining the damages to the proprietor for the condemnation of his land, and even before they shall have been instituted, the president and directors, if they think that the interest of the company requires it, may by themselves, their officers, agents and servants, enter upon the lands laid out by them as aforesaid, and which they desire to condemn, and apply the same to the use of the company. If, when they so take possession, proceedings to ascertain the damages as aforesaid shall be pending, it shall be their duty diligently to prosecute them to a conclusion; or if none be then pending, they shall without delay institute them, and diligently prosecute them to a conclusion. And when the report of the assessors, ascertaining the damages, shall be returned and confirmed, the court shall render judgment in favor of the proprietor of the land for the amount thereof, and either compel its payment into court, or award process of execution for its recovery, as to the court shall seem right. In the mean time no order shall be made, and no injunction shall be awarded, by any court or judge, to stay the proceedings of the company in the prosecution of their works, unless it is manifest that they, their officers, agents or servants, are transcending the authority given them by this act, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

What may be done pending proceedings

In what case injunction may be awarded

When owner
may apply to
assessors

11. If the president and directors shall have taken possession of any land before the same shall have been purchased by them, or condemned and paid for according to law, and shall for sixty days after so taking possession, and after the board of assessors shall have been appointed and qualified as herein provided, fail to institute proceedings for its condemnation as aforesaid, it shall be lawful for the proprietor of the land to make application to the assessors; and upon such application it shall be the duty of the assessors, upon ten days' previous notice given to the president and directors, or any of them, to proceed to assess the damages to the owner from the condemnation of his land, and to report their proceedings in like manner, in all respects, as if application had been made to them on behalf of the company; and upon such report, the same proceedings shall be had in court as if it had been made on the application of the president and directors, save only that when such report ascertaining the damages shall be confirmed, the court shall render judgment in favor of the proprietor for the damages so assessed and double costs: and shall thereupon either compel the company to pay into court the damages and costs so adjudged, or award process of execution therefor, as to the court shall seem right.

Duty of assess-
ors

Proceedings in
court

Title vested

12. When the judgment rendered for the damages assessed and costs, shall be satisfied by the payment of the money into court or otherwise, the title of the land for which such damages were assessed, shall be vested in the company in the same manner as if the proprietor had sold and conveyed it to them.

Right of appeal

13. When the circuit court shall have pronounced final judgment in any proceeding under this act, it shall be lawful for any party aggrieved by such judgment, to have the same revised and reversed in the court of appeals, upon writ of error or supersedeas, for error apparent on the record, in like manner as other judgments of the circuit courts may be revised and reversed in the court of appeals.

Damages for
unforeseen
injuries

14. The judgment upon the report of the assessors shall be no bar to the recovery of damages for any injury not foreseen and estimated by them, and accruing after the date of their report; and to recover damages for any injury arising from the condemnation of his land, accruing after the date of the report, not foreseen and estimated by the assessors, the proprietor of the land, his heirs and assigns, shall have remedy by proceeding before the assessors and the courts, in like manner as for the original assessment of damages; and if there be no such assessors, by proceeding before such other tribunal, and in such manner as the legislature may hereafter provide; and if there be no such tribunal, then by action on the case.

Damages for
wanton injuries

15. If the said Virginia canal company, in entering upon the land of any person under the authority of this act, for the purpose of lay-

ing out, constructing or enlarging, altering or repairing any of their said works, do any wanton or willful injury to such land or its appurtenances, or to the crops growing or gathered, or to any other property thereon, the said company shall pay to the person so injured double the amount of the damages which shall be assessed by a jury in any proper action therefor.

Company may change location ; proceedings thereupon.

16. Notwithstanding the company may have made a location of lands for its purposes, and proceeded to ascertain the compensation therefor, the company may afterwards change its location from time to time, as often as it see cause; and proceedings may be had to ascertain what will be a just compensation for the lands upon any such new location, and the work may be constructed upon or through the same, and the title to such lands obtained in like manner as if it were the first location. But whenever such change of location shall be made, the title to the lands condemned for the former location shall revert to the original owner, his heirs or assigns; and when such change of location shall be made before the work is constructed, the damages sustained by such owner by the entry of the company upon his lands, shall be ascertained, and the payment thereof enforced as is herein provided when the company condemns lands for its works.

Change of location

Lands condemned, to revert upon change of location

Wagon ways for owners of land.

17. For every person, through whose land the roads or canals of the company pass, it shall provide proper wagon ways across the said roads or canals, from one part of the said land to the other, and keep such ways in good repair. And if the proprietor of the land and the company disagree as to the proper ways, the said assessors shall fix the same, reserving the right to either party to appeal to the circuit court of the county in which the said wagon ways are to be made, which shall decide thereupon, and its decision shall be final.

Wagon ways

Not to occupy streets in a town without consent.

18. The company shall not occupy with its works the streets of any town, until the corporate authority of the town shall have assented to such occupation, unless such assent be dispensed with by special provision of law.

Not to occupy streets in a town without consent

How work may cross or be connected with another.

19. If said company deem it necessary, in the construction of their work, to cross any rail road, turnpike or canal, or any state or county road, it may do so: provided, its work be so constructed as not to impede the passage or transportation of persons or property

Company may cross roads, &c

How alteration
in road may
be made

along the same. If said company desire that the course of any rail road, turnpike, canal or state road should be altered to avoid the necessity of any crossing, or of frequent crossings, or to facilitate the crossing thereof, the alteration may be made in such manner as may be agreed between it and the said rail road, turnpike or canal company, or the Board of public works, in the case of a state road. And if such construction or alteration as is allowed by this section, shall cause damage to any such company, or to the owner of any lands, the said company shall pay such damage. But any county road may be altered by said company for the purpose aforesaid, whenever it shall have made an equally convenient road in lieu thereof.

How other works may cross or be connected with it.

Works of canal
company, how
crossed

20. If any rail road, turnpike or canal company deem it necessary in the construction of its work to cross the works of the Virginia canal company, it may do so: provided, that in crossing the same the navigation shall not be impeded or obstructed, nor shall the constructions and tow path of the company be in any manner interfered with. No such company shall interfere with the route or track for the Virginia canal company's water line as heretofore determined, without the consent of said company.

Reservation for connecting works.

Reservation for
connecting
works

21. The legislature reserves the right to provide for connecting with the works of said Virginia canal company any other work of internal improvement, at such point as may seem to it proper.

How company may take materials from land for their use.

Right to
materials

22. The said company may, by its officers, agents or servants, enter upon any convenient lands for the purpose of obtaining therefrom wood, stone, gravel or earth, to be used in constructing such work, or in repairing, enlarging or altering the same. But the company shall not cut down any fruit tree, or any tree preserved in any field or lot for shade or ornament, or take part of any fence or building; nor take any of the said things from any lot in a town. Before taking any of the said things the company, unless it agree therefor with those having right thereto, shall give to the tenant of the freehold, his guardian or committee, or his tenant for years, such notice, and in such manner as is prescribed in the seventh section of this chapter, that at a certain time and place, to be specified in the notice, application will be made to a justice to appoint commissioners to ascertain what will be a just compensation for the same. At such time and place the justice shall appoint three disinterested freeholders as commissioners, who, after being sworn, shall view the premises, and report in writing the extent to which wood, stone,

Restrictions

Viewers, how
appointed

Their duty

gravel or earth is proposed to be taken; the nature of the injury which may be done in cutting, quarrying, digging or carrying away the same, and what will be a just compensation therefor. The notice in writing, certificate of the commissioners having been sworn, and their report, shall be forthwith returned to the court of the county or corporation. If good cause be shown against the report, or if the commissioners cannot agree, or fail to report within a reasonable time, the court may, as often as seems to it proper, appoint other commissioners, who shall act and report in the manner before prescribed. If the report be confirmed, then upon the payment to the person entitled thereto, or into court, of the sum so ascertained, the company may take and carry away the wood, stone, gravel or earth, for which such compensation may have been allowed; and though the report may not be confirmed, yet upon the payment into court of the sum therein mentioned, it may proceed in like manner as if the report had been confirmed, and payment made of the sum thereby ascertained. Upon the coming in of a new report, after such payment into court, the court, if it affirm the report, shall render judgment in like manner as in cases provided for by the tenth section. From the time of any such judgment against the company, its right so to cut, quarry, dig, take or carry away, shall be suspended until the said judgment shall be satisfied.

Proceedings
in court

23. It shall be the duty of commissioners appointed under the preceding section, if required so to do by the tenant of the freehold, his guardian or committee, or his tenant for years, to enquire in the first place whether, under all the circumstances of the case, it be reasonable and proper that the company should be allowed to take for its uses the timber or other materials which it is proposed to condemn. If the opinion of the commissioners on this point be adverse to the company, they shall report the same, with the reasons on which it is founded, to the court to which the justice appointing them belongs; and unless said report be reversed and annulled, neither the commissioners nor the company shall have power to proceed further under the section aforesaid. If the opinion of the commissioners on such preliminary question be favorable to the company, and the tenant of the freehold, his guardian or committee, and his tenant for years, if there be such, acquiesce therein, they shall proceed to discharge the other duties for which they were appointed. But if there be not such acquiescence, the commissioners shall report their opinion, with their reasons therefor, to the court aforesaid, and shall not proceed further in the discharge of their duties, unless their report shall be confirmed; and either party may appeal from the decision of the said court to the circuit court of the county, in cases arising under this and the next preceding section.

Duty of com.
missioners

Their report

Right of appeal

Sheriff or sergeant to attend and remove force.

Force, how removed

24. In any case in which the company may be entitled under this chapter to enter upon any lands, the sheriff or sergeant, whenever required by the company, shall attend and remove force if necessary.

V.—OF THE GENERAL LINE OF THE IMPROVEMENT; THE SECTIONS AND DIVISIONS OF THE WORK, AND THE MODE OF CONSTRUCTING AND REPAIRING THE SAME; OTHER WORKS NOT TO BE INTERFERED WITH; REGULATIONS FOR ENLARGEMENT; TIME FOR COMMENCING AND COMPLETING WORKS; GUARANTEES FOR COMPLIANCE.

General line of improvement.

Line of improvement

1. The Virginia canal company are charged with the duty of connecting the James river with the navigable waters of the Ohio, so as to make a continuous water line from tide water at Richmond, to Point Pleasant at the mouth of the Kanawha river; constructing the works on the general plan of the improvement which has already been made or designated for the James river and Kanawha company's line, with the modifications herein after prescribed: the whole work to be completed and executed in a substantial, durable and workmanlike manner. Their improvements shall be kept permanently in good repair, free and fit for public use, according to the provisions of this act; and the works which they shall construct, and the property which they shall acquire under the authority of law, shall be vested in them and their successors forever, for their own use and benefit, subject, however, to all the provisions of this act.

How work to be constructed

Divisions of work.

Divisions of work

2. For the better designation of the line, and for ready reference and description, the improvement with which the company is charged shall be divided into divisions or sections, as follows:

Richmond dock.

Richmond dock

First—The Richmond dock and Tide water connection, extending from the tide water to the basin in Richmond. The capacity of the Tide water connection and Richmond dock shall be enlarged, so as to afford adequate accommodation to the trade of the line, by opening a second communication with tide water by the route of the Maxall canal or other suitable route, to be selected by the company, and the right thereto to be acquired as prescribed in the fourth chapter: or, instead of that mode of improvement, by enlarging and doubling the present locks between the basin and the dock, as well as the present ship lock, in such manner as may be necessary; and by constructing all such other works as may be necessary for enlarging the capacity of the dock and Tide water connection for the purpose aforesaid.

Division from Richmond to Lynchburg.

Second—The first division of the canal, extending from the basin in Richmond to Lynchburg, including the South side connections, consisting of a dam and an outlet lock at Cartersville, and three bridges, to wit: one at New Canton, one at Hardwicksville and one at Bent Creek, and the connection on the north side of the river with the improvement of the Rivanna river. And the Virginia canal company may, if they shall deem it expedient, contract with the Rivanna navigation company for the purchase of the works, property and franchises of that company, upon such terms as may be agreed upon by the parties and approved by the Board of public works; and thereupon the works, property and franchises of the said Rivanna navigation company shall be fully vested in the Virginia canal company, and shall constitute a part of the first division of the canal, and be held by the said Virginia canal company as a part of their line of improvement, and subject to the provisions of this act.

Division from Lynchburg to Buchanan.

Third—The second division of the canal, extending from Lynchburg to the town of Buchanan, including the connection with the North river improvement, extending from the mouth of North river to the town of Lexington.

Enlargement of the works from Richmond to Buchanan.

The capacity of the improvement from Richmond to Buchanan shall be enlarged by said company, by increasing the depth of the water to not less than seven feet at any point, and by increasing the dimensions of all the present locks to not less than one hundred and twenty feet long between the gates, by twenty feet wide in the clear, or by doubling the locks, and making the new locks of the dimensions aforesaid. But the increase in the dimensions or the doubling of the locks, need not be made, until the locks require reconstruction or the trade of the canal shall demand it: and the said Virginia canal company may, if they think proper, increase the width of the canal from Richmond to Buchanan, to seventy feet at the water surface, and forty-two feet at the bottom.

Division from Buchanan to Covington.

Fourth—The third division of the canal, extending from Buchanan, following the valley of James and Jackson's rivers, to Covington. And the Virginia canal company, if they shall deem it expedient, may construct a canal from any point on the present line of the improvement between Buchanan and Covington, to the New

river in the county of Giles, or the county of Montgomery; which canal shall constitute a part of the third division of the canal; and in relation thereto, the said company shall be governed by the provisions of this act.

Division from Covington to Greenbrier river.

Division from
Covington to
Greenbrier river

Fifth—The fourth division of the canal, extending from the town of Covington to the Greenbrier river.

Enlarged construction of locks and works from Buchanan west.

Width of canal

The canal from Buchanan to the Greenbrier river shall be at least thirty feet wide at the bottom and fifty-one feet wide at the water surface, and have a depth of water of not less than seven feet at any point; but the width may be increased to forty-two feet at the bottom and seventy feet at the water surface, at the option of the said company, and the locks between the said points shall be not less than one hundred and twenty feet long between the gates, by twenty feet wide in the clear.

Length and
width of locks

Division from Greenbrier river to Loup creek shoals.

Locks and dams

Sixth—The fifth division, being the Greenbrier and New rivers, extending from the intersection of the canal with the Greenbrier river to the foot of Loup creek shoals on the Kanawha river. The improvement on this division shall be of locks and dams adapted to steam boat navigation. The locks shall be not less than two hundred feet long between the gates, by forty feet wide in the clear, and there shall be a depth of water in the locks at all times of at least seven feet, and in the pools of not less than seven feet at any point along a continuous channel, at least one hundred feet wide.

Seventh—The sixth division, composed of the Kanawha river, extending from Loup creek shoals to its mouth on the Ohio river.

Mode of improvement on Kanawha river.

Kanawha river

3. The said company is required to improve the Kanawha river from Lykens' shoals to its mouth, in such manner and upon such plan as they may adopt, so as to secure a depth of water of not less than six feet from the fifteenth of October to the fifteenth of June, and five feet from the fifteenth of June to the fifteenth of October: the channel through the shoals to be not less than eighty feet wide at the bottom, and one hundred and four feet wide at the top. And after the line of improvement of the said company shall be completed, as herein provided, from Richmond to said Lykens' shoals, the depth of water in said river, in channels as aforesaid, shall be increased to not less than six feet throughout the entire year, whenever the general assembly shall so prescribe.

Division embracing Kanawha turnpike.

4. That part of the work heretofore a part of the James river and Kanawha company's work, embracing the Kanawha turnpike road, extending from Covington to the mouth of the Big Sandy river, with the branch thereof from Barboursville to Guyandotte, shall constitute the seventh division.

Division embracing Blue Ridge turnpike and ferry.

5. That part of the same improvement, embracing the Blue Ridge turnpike and ferry; the turnpike extending from the mouth of the North river, over the Blue Ridge, crossing James river by a ferry, and passing down the south side of the river, shall constitute the eighth division.

Repairs and preservation of turnpikes.

6. The said Virginia canal company shall at all times keep open and in good repair both of said roads and keep up said ferry, or substitute a bridge therefor, and shall establish such toll gates thereon as they may deem proper. They may also adopt by-laws and regulations prescribing a system for the repair and preservation thereof, and for the transaction of business connected therewith, in conformity with the powers herein before granted.

Mode of improvement of canal and locks.

7. All that part of the improvement which shall consist of a continuous canal and locks, shall in all its parts, except as herein before prescribed in this chapter, be at least fifty feet wide at top, and thirty feet wide at bottom, with not less than seven feet depth of water at all seasons of the year; shall be provided with a convenient towpath at least twelve feet wide, and adapted throughout its whole extent to the navigation of boats of not less than one hundred tons burden. To avoid very great expense at difficult passes, and to furnish proper accommodation to the trade on both sides of the rivers to be improved as herein provided, the width may be reduced at such places, and the bed of the said rivers shall occasionally be used as part of the line of navigation when the reflux water from the dams will admit the convenient application of horse power. The canal, at its lower termination, shall continue to be connected with the tide water, so as to enable the boats which usually navigate it with their cargoes, at all times conveniently to pass into tide water, and descend the river or return.

Repairs of works from Richmond to Buchanan.

Repairs

8. The Virginia canal company shall clear out the deposits in the present line from Richmond to Buchanan, and repair all the present works; that is, embankments, aqueducts, bridges, culverts, waste weirs, locks, dams, houses and structures of every kind, repairing those wanting repairs only, and building anew the works requiring to be built, so that the whole line from Richmond to Buchanan shall be of a depth of not less than five feet at any point, and in all respects in a perfect state of repair.

*Dredge boats; extra lock gates and weigh locks.*Dredge boats,
&c

9. They shall keep on all the line a sufficient number of dredge boats to keep the water way continually free from deposit and obstructions of every kind, and a sufficient number of extra lock gates and wickets ready to be inserted in case of accident. They shall likewise have weigh locks at not less than three points on the line.

Change of line, how obtained.

Changes of line

10. The line of the improvement and the portions of canal and slack water navigation shall continue according to the present arrangement of the works, where they have been executed, and according to the plan which has been heretofore adopted for the improvement by the James river and Kanawha company; and where the bed of Jackson's river is used, and upon the Kanawha river, the water of these rivers shall not be raised by dams so as to be above their banks, but with the consent of the Board of public works. But if the said company shall desire or find it necessary to change materially the general line of their improvement, or the mode of improvement on either of the divisions not now in use for transportation, they shall report the alteration deemed by them to be necessary, with plans and specifications therefor, to the Board of public works. If the alteration be approved by said board, after a full investigation of all the circumstances connected therewith, the company may proceed with the work, and may obtain the right of way for the new line in the manner prescribed in the preceding chapter for the acquisition of land and materials, upon paying all damages assessed as prescribed. But if the Board of public works shall deem the proposed alteration injurious to the interests of the state, or of such a character as to prove a nuisance to the locality in which the alteration is desired, they shall have authority to prohibit the same; and thereafter the company shall be confined to the route now prescribed, and to the mode of improvement heretofore selected. And the circuit court of the county in which the change is proposed to be made, after the decision of the Board of public works is rendered, may award an injunction to pre-

Alteration to
be reported to
the Board of
public worksPower of Board
of public works

Injunction

vent the said company from executing any work upon the alteration proposed, and not authorized as aforesaid.

Not to interfere with Central rail road.

11. The company shall not, even with the consent of the Board of public works, make any alteration in the location or in the plan of the canal on Jackson's river, by which any injury may result, or any change be rendered necessary in the location of the Central rail road; but if any alteration be proposed, the same may be made with the assent, or by agreement with the said rail road company; and if the two companies cannot agree, the change desired shall be reported to the general assembly, and shall not be made unless authorized by law.

Change of line

How alteration may be made

Or with Covington and Ohio rail road.

12. And in like manner, no alteration shall be made in the location of the company's line on Dunlap's creek, by which any injury may result or any interference be made with the location of the Covington and Ohio rail road; but if any alteration be proposed, and the two companies cannot agree, the change desired shall only be made by authority of the general assembly as aforesaid. And if on the west of the Alleghany mountains the said canal company shall propose to make any change in its line of improvement as heretofore located and the works therein as heretofore planned, or where no such location or plan of improvement has been adopted, and there shall be any interference between the lines of improvement of the company and that of the Covington and Ohio rail road, which cannot be adjusted by the engineers of the respective companies, each company shall select an arbitrator, and said arbitrators shall locate both lines at such points of interference, so as to prevent any unnecessary or unreasonable expense to either company in the construction of its line. And if the said arbitrators cannot agree upon the location of said lines, they shall select an umpire, who shall perform the duty hereby assigned to them.

Change of line

How may be made

How change may be made west of the Alleghany

Navigation not to be interrupted to make enlargement.

13. In the enlargement of the canal, increasing its depth to seven feet, and extending the length of the locks as herein before prescribed, the said company shall proceed in such manner as not to interrupt the navigation on the line of their improvement for a longer period than two months at any time, nor oftener than three times in any one year. And to insure a compliance with this provision, they shall, before obstructing the trade on the canal for any such purpose, make report to the Board of public works of their readiness to make either of the alterations contemplated; and if

Navigation, how long may be interrupted

When notice to be given to the Board of public works

said board are satisfied that ample means have been provided for a speedy execution of the work, and that the company have all the necessary materials for the new locks, aqueducts, culverts, bridges and other works, prepared and ready for use on the locality where wanted, and that all the excavation, embankment and walling that can be done while the water is yet in the canal, has been executed, and that a force adequate to accomplish the work with the expedition necessary for the protection of the interests of the state, has been provided, then they shall authorize the same to be forthwith done. And if the said company shall not complete the same so as to restore the navigation, within the time specified, the said board shall proceed against the said company in the circuit court of the county where the proposed work lies, by motion, on ten days' notice; and if the court be satisfied that the work has not been delayed by unavoidable cause, they shall impose a fine upon said company of not less than one hundred nor more than one thousand dollars for every week's delay beyond the time specified.

Penalties

Time for commencing and completing works.

When works to be commenced

14. The said Virginia canal company shall, within six months from the time of their organization under this act, commence bona fide their works of construction at Buchanan, proceeding westward, and the repairs of the line between Richmond and Buchanan at the same time, and also on the Kanawha river (as soon as they shall obtain possession thereof), and shall complete the construction of the line to Covington, and the repairs of the line from Richmond to Buchanan, within three years from the time of commencement aforesaid, and shall complete the Kanawha improvement from Loup creek shoals to the mouth of the river, within four years from the time of commencement aforesaid; and shall complete the entire line from Richmond to the mouth of the Kanawha river, in all respects, except the enlargement of the capacity of the canal from Richmond to Buchanan, within eight years from the time of commencement aforesaid; and shall complete the enlargement of the capacity of the canal from Richmond to Buchanan, by deepening the canal, as herein before provided, within ten years from the said time of commencement.

When completed

Guarantees for compliance.

Sum to be deposited

15. As a further guarantee for the faithful compliance with the provisions of this act, the said Bellot des Minieres, Brothers and Company shall deposit with the treasurer of this state the sum of one million of dollars in the six per cent. registered stock of the commonwealth, to be held by him upon the following terms and conditions, that is to say: The interest upon the said stock while on deposit shall be paid to the said Bellot des Minieres, Brothers and

Company. When the canal shall have been completed to the mouth of Craig's creek, one-half of the said sum shall be returned to the said company; and when the entire line shall have been completed, in the manner before mentioned, to the Ohio river, if within the time prescribed, the other half shall be returned to the said company: provided the annuity to the state of Virginia, and the five per centum interest to the private stockholders, herein before provided for, shall have been punctually paid; and if the same shall not have been punctually paid, then so much of the said sum of one million of dollars as may be necessary, shall be appropriated to the payment of the same, and the residue returned to the said Bellot des Minieres, Brothers and Company. But if the said company shall fail to complete the construction of the line to Covington, and the repairs of the line from Richmond to Buchanan, within three years from the time of the commencement herein prescribed, or shall fail to complete the Kanawha improvement from Loup creek shoals to the mouth of the river, within four years from the time of commencement, herein prescribed; or shall fail to complete the entire line from Richmond to the mouth of Kanawha river, in all respects, except the enlargement of the capacity of the canal from Richmond to Buchanan, within eight years from the time of commencement, herein prescribed; or shall fail to complete the enlargement of the Richmond dock and Tide water connection, as well as the deepening of the canal to Buchanan, within ten years from the time of commencement, herein prescribed, the said sum of one million of dollars, or so much thereof as shall be in the hands of the treasurer when such failure shall occur, shall be retained and paid to the commonwealth of Virginia, as stipulated damages in money for such failure; and all the work which may have been done in repair and construction, as well as all the rights which the said Virginia canal company shall have acquired in the property and franchises of the James river and Kanawha company, shall be vested in and revert to the latter company, under the laws in force at the time this act takes effect; which company shall be thereupon reinstated in all its rights, and be subject to all the liabilities, as if this arrangement had never been made; and shall have full right and authority to re-enter upon and resume the control of the whole line of improvement, as prescribed in this and in the tenth chapter.

James river and Kanawha company restored to its rights.

16. For the purpose specified in the preceding section, a general meeting of the stockholders of the said James river and Kanawha company, existing at the time this act takes effect, or their successors and assigns, shall be convened by the Board of public works; at which meeting the company shall be organized, as heretofore prescribed by its charter: provided, however, that if the said Virginia canal company shall be unable to complete the said water line im-

When to be returned

Proviso

Failure to complete work

When deposit to be paid as damages

When property to revert to James river and Kanawha company

When meeting of James river and Kanawha company to be convened

Extension
allowed to
Virginia canal
company

provement from Richmond to the Ohio river, within eight years as aforesaid, or to complete the enlargement of the Richmond dock and Tide water connection, and deepening of the canal from Richmond to Buchanan, within ten years as aforesaid, they may have two years' extension of time in each case, by paying into the treasury of the commonwealth of Virginia, for the said commonwealth, before the expiration of the said period of eight years, a half million of dollars, if they require the extension of time for the completion of the water line as well as for the said enlargement; or by paying one hundred thousand dollars before the expiration of ten years, if they require the extension of time only as to the enlargement aforesaid; which said sums shall be as liquidated damages, to be paid to the said commonwealth in the contingencies aforesaid, for the loss sustained by such delay or delays in the completion of the said works, as herein required: provided, however, that if the said Virginia canal company shall have proceeded in good faith to execute the said works, then the general assembly may suspend the effect of the provisions above set forth as to the stipulated damages aforesaid, and the vesting and reverter aforesaid, and allow to the said company such further time as to it may seem just and proper, to complete the said works, providing for the enforcement of the provisions suspended, in case of a second failure of said company to comply with the terms required by law.

General assem-
bly power to
extend time

Commissioner to see whether charter is observed or violated.

Commissioner,
how appointed

17. To insure a compliance with the provisions of this charter, it shall be lawful for the Board of public works or the executive at any time to appoint a commissioner, who shall not be a stockholder nor a creditor, nor debtor of said company, whose duty it shall be to examine the proceedings of the said company, and for that purpose, the books, records and papers of the company shall be open to his inspection, and also to examine the works authorized to be constructed and repaired; and if he shall deem that any of the requirements of the charter have been violated, or omitted to be complied with, he shall report the same to the Board of public works or the executive, who, if they deem it of sufficient importance, shall cause proceedings to be instituted against said company by quo warranto, or information in the nature thereof, in the circuit court of the city of Richmond; and upon complaint on oath by any person navigating the said line of improvement, or any part of it, to the Board of public works, that any part of said line specified in such complaint is so out of repair as materially to injure the navigation in such part of the line, the Board of public works may appoint a commissioner to examine the same, who shall report in writing the condition of said line at the part specified in the complaint. If he shall report that the complaint is not well founded, and his report is approved by the board, the complainant shall pay to said commissioner five

Rights and
privileges

Report of pro-
ceedings, how
instituted

Commissioner
to examine line
Report

dollars per day for every day he was employed in making and reporting upon said examination. But if he shall report that it is well founded, and the report is approved by the board, the company shall pay to said commissioner the per diem compensation aforesaid. And the Board of public works may, upon receiving such report, direct proceedings by motion in the county court of the county in which the obstruction exists, and recover from the said company a fine or fines not exceeding five hundred dollars for every week the company shall fail to make the repairs necessary: and such motion may be repeated at the discretion of the Board of public works, until such repairs are made.

Proceedings
thereon

VI.—OF THE ASSESSMENT AND COLLECTION OF TOLLS; AND REGULATIONS RELATING THERETO.

Use of works on paying tolls.

1. The Virginia canal company, upon all those parts of their line of improvement transferred or acquired in pursuance of this act, shall hold the same, free for the use of all persons whatever, conforming to the rules and regulations of the company, and shall be authorized to demand and receive on such persons and their property, the tolls prescribed herein, in the mode and within the limits hereafter provided.

Work free for
use

2. Whenever a section of ten miles in length, not heretofore in use, shall be completed, and be opened for navigation in the manner prescribed by this act, upon any portion of the canal proposed to be made, the same shall be free for the use of all persons and their property, upon paying the lawful tolls and conforming to the rules and regulations of the company.

Section of ten
miles

3. In like manner, when the improvements in the navigation of the rivers hereby authorized shall have been made, their navigable waters shall be public highways, free for the use of all persons and their property, upon paying the lawful tolls, and conforming to said rules and regulations.

Rivers

4. The said company shall hold, in like manner, the Kanawha turnpike, and the Blue Ridge turnpike and ferry, free for the use of all persons and their property, upon paying the lawful tolls, and conforming to said rules and regulations.

Kanawha turn
pike

5. In like manner, all bridges or ferries heretofore the property of the said James river and Kanawha company, and all rights to construct other bridges or to purchase other ferries, granted to said company before the passage of this act, and which have not yet been constructed or purchased, and which by this charter shall pass to the

Bridges and
ferries

said Virginia canal company, shall be held by them, free for the use of all persons and their property, upon paying the lawful tolls, and conforming to said rules and regulations.

General rates of toll.

Tolls, how regulated

Rate thereof

Company may reduce tolls

Tolls on Kanawha river

6. The tolls on the line may be regulated by the Board of public works, within the limits prescribed by this section. In the mean time, the said Virginia canal company may prescribe such a tariff of tolls as they may deem expedient: provided, that during the construction of the work, the tolls shall not exceed two and a half cents per ton per mile, nor be less than one cent per ton per mile on merchandise and manufactures, except salt and pig iron, on which the tolls shall not be more than seven and a half nor less than two and a half mills per ton per mile; shall not exceed one and a half cent per ton per mile, nor be less than five mills per ton per mile on agricultural products: shall not exceed one cent per ton per mile, nor be less than two mills per ton per mile on products of mines and forests, and after the completion of the improvement to the Ohio river, shall not exceed two cents per ton per mile, nor be less than five mills per ton per mile on merchandise and manufactures, except salt and pig iron; shall not exceed one cent per ton per mile, nor be less than two and a half mills per ton per mile on agricultural products: and shall not exceed five mills per ton per mile, nor be less than one mill per ton per mile on products of mines and forests, and on salt and pig iron: provided, that the Virginia canal company may reduce the tolls on the through freight below the minimums fixed in this act; but when the tolls are so reduced on through freight going east, it shall apply also to freight going east from any point on the Kanawha river, below the mouth of the Gauley river: and provided further, that the toll may be brought below the minimum rate on any article, by the Virginia canal company, with the consent of the said board: and provided moreover, that from the time the works on the Kanawha river are delivered to the Virginia canal company, the tolls on the way tonnage on that river not passing on the line of the improvement east of the Great falls, shall not exceed one cent per ton per mile, nor be less than two and a half mills per ton per mile on merchandise and manufactures, except salt and pig iron; shall not exceed one-half cent per ton per mile, nor be less than one and a quarter mills per ton per mile on agricultural products; and shall not exceed two and a half mills per ton per mile, nor be less than one-half mill per ton per mile on products of mines and forests, and on salt and pig iron.

Tolls on the Kanawha turnpike and the Blue Ridge turnpike, and on bridges and ferries.

Tolls on turnpikes

7. The said Virginia canal company shall have authority to demand and collect on the Kanawha turnpike and on the Blue Ridge

turnpike such tolls as they may assess on each section of ten miles, not exceeding three cents for every animal drawing any vehicle thereon, and six cents for every wheel to any such vehicle; ten cents for every person on horseback; three cents for every horse or mule; one cent per head for neat cattle, and five cents per score of hogs or sheep.

8. They may assess and collect, in like manner, toll upon any bridge herein before transferred to them, upon which toll has heretofore been allowed, except as herein after provided, a maximum toll not exceeding three cents for every animal drawing any vehicle over the same, and six cents for every wheel to any such vehicle; ten cents for every person on horseback; three cents for every horse or mule; one cent per head of neat cattle, and ten cents for every score of sheep or hogs.

Toll on boats and passengers.

9. The said company may also demand and collect, on any part of their water line, such tolls as they may assess, on boats and other water craft, not exceeding five mills per mile, and on passengers conveyed by any person or company for compensation, two mills per mile on each passenger. But if any company or person, in order to carry on a competition with any other company or person, shall carry passengers without compensation, when it is their business to convey passengers, such company or person shall not be exempt from such toll.

Contracts for paying toll quarterly, or commuting tolls.

10. The said company may contract with citizens residing on any section of their water line, or on the line of the Kanawha or Blue Ridge turnpike, for the payment of their tolls quarterly in advance, or by the month or year, also with mail contractors, upon such terms and under such regulations as they may prescribe; or they may commute the tolls with any person, taking of him a certain sum annually in lieu of tolls.

Exemptions from toll.

11. The general assembly, while the said works were in possession of the James river and Kanawha company, having exempted certain persons and things from the payment of toll at sundry places on the line of improvement, the said exemptions are continued as follows, to wit:

12. No toll shall hereafter be taken from persons crossing Greenbrier or Gauley bridges in a public stage coach or other riding carriage, other than the toll imposed by said company on such stage

- coach or riding carriage, and the horses or other team drawing the same. No toll shall be demanded of visitors at the springs, when riding or passing out and in from or to the springs for exercise, except for passing Greenbrier bridge.
- Visitors to the springs**
- Exemption on bridges, &c** 13. The roads and bridges which have been constructed to provide accommodation for the trade of the south side of James river, shall continue, as heretofore required, to be free for the use of all persons and things going to the canal for the purpose of being transported upon it, or going from the canal immediately after having been transported upon it, and conforming to the lawful rules and regulations of the company: but a reasonable toll, within the limit herein before prescribed, may be demanded and collected upon all other persons and things using the same for other purposes.
- Who to pay toll**
- Bridges in Powhatan and Botetourt** 14. If the said company shall erect a bridge between their canal and the county of Powhatan, at or near the town of Jefferson, or at or near the town of Jackson in the county of Botetourt, no toll shall be charged on said bridges against any person going to or coming from their canal, and the tolls charged upon other persons shall be as the said company may prescribe, not exceeding the rates herein before limited on bridges: and if said bridge at Jefferson be constructed, then the company are hereby authorized to purchase the ferry at said town.
- Return wagons and carts** 15. In all cases of tolls on any of the company's roads or bridges, return wagons or carts shall pay one-half tolls only; and no toll shall be demanded or received from persons residing within four miles of any gate on any such road, and who shall not have traveled a distance upon said road exceeding four miles. All persons on whose land any toll gate may stand, shall be exempt from all tolls at such gate; and persons owning plantations on both sides of any gate, not exceeding four miles distant from each other, shall be exempt from all tolls on their stock, implements of husbandry, and persons employed in conveying the same from one plantation to the other.
- Who exempt**
- Exemption** 16. Persons going to or returning from mill, for the purpose of procuring meal for the consumption of families, shall be exempt from the payment of toll on the Kanawha road and the Blue Ridge turnpike and bridges.
- Toll bridges across North river.*
- Bridge across North river** 17. The said company shall have authority to continue to use their bridges across North river in the county of Rockbridge as toll bridges, and may demand and collect thereat such tolls as they may assess, not exceeding the rates prescribed herein for other bridges. But no tolls shall be collected from the citizens of Rockbridge for crossing
- Exemption from tolls**

the bridge near Lexington. And said company shall have power to sell and transfer its interest and franchises in said bridge near Lexington to the Junction Valley turnpike company on such equitable terms as may be agreed on between the companies, and the said Junction Valley turnpike company shall have power on its part to make such contract with said canal company as may be necessary and proper in the premises.

Tolls on stage coaches.

18. The said company is hereby authorized to regulate from time to time the tolls to be demanded and received on stage coaches running hereafter on the Kanawha turnpike or the Blue Ridge turnpike.

Bills of lading.

19. Every master of a boat or float conveying property on the water line of the said company shall, on receiving such property on board, cause to be made out a true bill of lading or manifest of such property; which shall be signed by himself and the consignor. The bill is to contain: 1st—The name of the place or mile stone at which any of the property therein mentioned was shipped, and the name of the place or mile stone to which it is to be cleared: 2d—The number of hogsheads, barrels, boxes, packages, feet of lumber (board measure), bags and bushels of each species of articles: 3d—A specification of the property so shipped by said consignor, and the quantity and gross weight of each species. And the legal tolls shall be demandable and payable to the collector of tolls accordingly.

Statement of passengers.

20. The owner or master of every boat used for carrying passengers, shall cause to be made out a statement of the passengers carried in his boat, verified under oath, which he shall deliver to the toll gatherer at the place of his destination; and it shall be lawful for the toll gatherer to whom such statement is returned, to administer the necessary oath for that purpose: which oath, if taken falsely, shall subject the person taking it to the penalties provided by law against persons convicted of perjury.

Collection of tolls.

21. The said company shall, from time to time, cause a list of its rates of toll to be printed, and have such rates posted where they can be readily seen by persons using its work: and when any material change in the rates of toll shall be made, the same shall be advertised in such newspapers as will be most likely to give information thereof to the public; and reasonable notice of such proposed change shall be given before such new tolls shall take effect.

Tolls to be paid 22. A collector of tolls for said company may refuse to let any person or thing pass on the company's works until the toll be paid. If Any person or thing pass any toll gate or other proper place for payment, without paying or tendering the toll, such person, or the owner or person in possession of such thing, shall forfeit to the company ten dollars. And the like forfeiture shall be incurred where any person or thing subject to toll is passed through any private gate, bars or fence or other place, for the purpose of evading the payment of the toll. Any such collector knowing of a violation of this section, shall immediately make it known to the president or one of the directors. If he fail so to do, he shall forfeit to the company twenty dollars, which may, if so much of his compensation remain unpaid, be deducted therefrom.

Forfeiture,
if not paid

Duty of col-
lector

Penalties on
collector

Penalty for
failing to pay

23. If any collector shall receive for tolls more than is lawful, he shall pay to the party grieved thereby the amount unlawfully received, and two dollars besides. And if said collector shall unreasonably detain any person or thing at his place of receiving toll, he shall forfeit to the party injured five dollars: Either of which penalties, if the said collector be unable to pay, may be recovered of said company.

24. Every collector shall account for and pay to the proper officer, and at the time prescribed, the tolls which he may have received from time to time; and for failing to do so, he shall forfeit to the company fifty dollars.

Fines, how recoverable; payment from collectors enforced.

Fines, how
collected

25. Any fine herein imposed shall be recoverable by warrant before a justice of the county or corporation in which the offence was committed: and the said company may also institute and prosecute any proceedings necessary or proper to enforce payment of what may be due from any collector. Such proceeding may be in the name of the company, in the county or circuit court of the county wherein the collector is employed in the collection of toll, and may be by suit or motion against the collector and his sureties, and his and their personal representatives; and the judgment or decree shall be for the principal sum remaining due, with interest thereon, and fifteen per centum damages.

Damages

Tolls on troops.

Tolls on troops

26. Troops or persons in the military or naval service of this state, with their arms, munitions and baggage, shall have the preference to other persons and property in passing over the line of the company's works, or through or over any of its locks, aqueducts, tunnels or bridges; and the tolls for such troops or persons, and on their arms, munitions and baggage, shall not be more than one-fourth of the rates

on other persons or things of like kind. If there be a failure to give any such person or thing passage over the same, in a reasonable time, the said company shall forfeit for each person or thing not less than two nor more than twenty dollars.

Collection of tolls on Kanawha river.

27. Manifests of the cargoes of all boats or other vessels navigating the Kanawha river, shall be filed with the receiver of tolls, designating the names of the cargoes, of their owners, and the masters of the boats or other vessels in which the said cargoes shall be shipped, and of the said boats or vessels, together with that of the shippers and other agents having the control or direction of the said cargoes; and the legal tolls shall be demandable and payable to the collector of tolls accordingly; and in all cases of failure to comply with the regulations hereby established, and to pay the tolls aforesaid, it shall be the duty of the said collector to seize and hold the boats or other vessels concerned in the neglect or evasion thereof, until the law is fully complied with; and if that be not done within the space of two days from the time of such seizure, it shall be lawful for the collector of tolls, after giving five days' previous notice of his intention, by advertisement at the door of the courthouse of the county of Kanawha, to sell at public auction, for ready money, so much of the said cargoes of such boats or vessels as will be sufficient to pay the tolls due, with the addition of fifty per cent. thereon and the necessary expenses incurred by the said collector in seizing, securing and taking care of the said vessels and cargoes; and the said boats or vessels, with the remaining cargoes, and any balances of money which may remain from the sales aforesaid, shall then be returned to the lawful owners or proprietors thereof, or to their agents; and the Virginia canal company, their collectors or agents, may sue out an attachment before any justice of the peace against boats and cargoes upon the Kanawha river for tolls due and unpaid by the said boats and cargoes, their owners, masters or shippers: which attachment shall be prosecuted as in other cases of attachment for debt.

Tolls on
Kanawha river

Provisions for
enforcing
collection

Attachment
how sued out

28. The receiver of tolls shall be authorized to board and enter all boats or other vessels in the said river, whether in the stream or at anchor, or at the landings on either shore of the Kanawha river, or the bays or inlets thereof, and to demand and receive the legal tolls on all the commodities contained in the said boats or vessels, whether fully or in part loaded; and in case of failure to pay the said tolls when thus demanded, the said boats or vessels, and the cargoes thereof, shall be liable to seizure, sale and disposition in all respects as prescribed in the foregoing section. And all and every person or persons on board of any boat or other vessel in the said river, refusing or neglecting to come to when required by the said collector to do so, shall forfeit and pay twenty dollars to the use of

Power of receiver
of tolls

Penalty

the said company, to be recovered before any justice of the peace; and all persons resisting the said receiver in the execution of any powers given to him by law, shall be deemed guilty of a misdemeanor, and be prosecuted accordingly.

Penalty for
shipping with-
out paying tolls

29. All persons, whether principals or agents, who shall ship off, or authorize to be shipped off, any article subject to the payment of toll, without having first entered the same with the receiver of tolls, as herein prescribed, and paid the tolls due thereon, shall forfeit and pay three times the amount of the tolls on the articles so shipped off, to be recovered for the use of the said company before any justice of the peace.

VII.—OF DIVIDENDS AND LIABILITIES TO STOCKHOLDERS.

Dividends.

Dividends

1. While the works are in progress, and after they are completed, the Virginia canal company may declare and make semi-annual dividends of so much of the surplus profits of their entire work as they may deem it prudent to divide; which shall be paid to the stockholders, or to their order, in such manner as the by-laws may prescribe.

Net profits not
to exceed 15 per
cent

2. The annual net profits of the company proceeding from all sources, shall never exceed fifteen per centum upon their capital stock; and the tolls shall be regulated from time to time so as to restrain the profits within that limit. All reductions of the tolls made for that purpose, shall be made ratably on every division of the company's line of improvement. The dividends declared as aforesaid upon each share of stock hereafter to be subscribed, shall be in proportion to the amount actually paid thereupon by the stockholders. But the corporations and individual stockholders at the time of the organization of the company, to whom certificates of stock, upon which the full amount has been paid, shall have been issued, shall be paid dividends, rating the said certificates at one hundred dollars per share. Those who have not paid in full, shall receive dividends only in proportion to the amount actually paid.

Annuity to state
when to be paid

3. Before any dividend shall be declared to others, the annuity to the state of one hundred and thirty-five thousand dollars, and the five per centum per annum agreed to be paid upon the stock owned by the corporations and individuals at the time of the organization of the company, and their assigns, shall be set aside and provided for, as herein prescribed. And semi-annually, on first day of January and the first day of July, the said company shall pay into the public treasury of the state, in the mode prescribed by law, the sum of sixty-seven thousand five hundred dollars in discharge of said

annuity; and at the same periods shall pay to the private stockholders provided for in the sixth article of said agreement, two and a half per cent. on their capital stock, until the line shall have been completed to the Ohio river, when said interest shall cease, and the said private stockholders shall share with the other stockholders the dividends declared by the company.

Two and a half per cent. to private stockholders

Proceeding to sequester revenues and property.

4. If the said company shall fail at any time to pay any such semi-annual installment of said annuity, then out of the sum of one million of dollars deposited in the treasury of the state by the said Virginia canal company, according to the fourteenth article of the said provisional agreement, as set forth in the first chapter, and the interest which may be due thereon, the auditor of the state shall raise and pay into the public treasury the said sum of sixty-seven thousand five hundred dollars, until the said sum of one million of dollars is exhausted. And if after the said sum of one million of dollars is exhausted, the said company shall fail at any time to pay any such annual installment of said annuity, and it shall remain unpaid for three months after it becomes due, then the auditor of public accounts shall notify the attorney general thereof, who shall immediately proceed, on thirty days' notice to the president, treasurer or any director of the said company, to move in the circuit court of the city of Richmond for judgment against such company. Such motion shall have precedence over all other cases: and upon satisfactory proof that the said installment has not been paid, the said court shall give judgment against said company, and sequester its entire revenues and property; and the Board of public works shall appoint a receiver. The said receiver shall, with the approbation of the Board of public works, appoint all necessary agents to aid him, and shall pay into the treasury such part of the gross receipts of the company as will pay the amount due, with interest thereon; whereupon the sequestration shall wholly cease and determine: but during such sequestration the said receiver and his agents shall, under the direction of the Board of public works, be paid for their services out of such receipts.

When property to be sequestered

Duty of attorney general

Property, how sequestered Receiver appointed

5. If the said company shall fail to pay to any of the said private stockholders the semi-annual interest on their stock for five days after the same is demanded, upon the application of such stockholders, upon ten days' notice, to any officer or director of the company, at the office of the company in Richmond, the auditor of the state shall raise and pay the said interest due, out of the said sum of one million of dollars deposited in the treasury by the said company, and charge the same to the company: or the said stockholders or any of them may, at their option, proceed, by warrant before a justice of the peace, to recover the same, if the justice have jurisdiction of the

How, in case of failure to pay stockholders

amount, or if not, by action of debt in the circuit court of the city of Richmond. And when the said work shall be completed to the Ohio river as aforesaid, the payment of the said five per cent. per annum shall cease.

How dividends
to other parties
paid

6. The dividends which may be payable to the commonwealth of Virginia upon the stock held by the state, in trust for individuals who failed or refused to receive the same, shall be paid, as other public dues to the state are paid, to the treasurer of the state, upon demand.

Dividends, where to be paid.

Dividends,
where to be paid

7. The dividends and other dues to the American stockholders, other than those herein before provided for, shall be paid at the company's office in the city of Richmond. Those of the foreign stockholders may be paid in Paris, or elsewhere, as may be prescribed by the by-laws of the company.

Dividends to be credited against debts.

Dividends to be
credited against
debts

8. If any stockholder be indebted to the company, his dividend, or so much as may be necessary, shall be passed to his credit, in payment of the debt.

When directors liable for illegal dividend.

When directors
liable for illegal
dividend

9. If the board shall declare a dividend of any part of the capital stock of the company, all the members of the board who shall be present, and not dissent therefrom, shall, in their individual capacity, be jointly and severally liable to the company's creditors for the amount of capital so divided, and may be decreed against therefor, on a bill in equity, filed on behalf of such creditors; and moreover, each stockholder who shall participate in such dividend, shall be liable to such creditors to the extent of the capital stock so received by him.

Notice of dividend to be published; uncalled for dividends to be paid into state treasury.

Notice of
dividends

10. Of every dividend declared, and of the time and place appointed for the payment thereof, the board shall cause notice to be published in some newspaper printed in the city of Richmond, and shall also give notice thereof in such manner as they may deem expedient, in the city of Paris. In January eighteen hundred and sixty-five, and once in every five years thereafter, they shall publish in like manner a list of all dividends which have remained unpaid for two years or more, with the names of the persons to whose credit

such dividends stand. All dividends not called for within the term of five years after they have been declared, shall be paid into the public treasury, to be subject to the order of the shareholder or his legal representative, when called for, the shareholder establishing his right thereto, to the satisfaction of the auditor of public accounts.

Uncalled for
dividends

VIII.—REGULATION FOR THE INSPECTION OF BOATS, AND FOR BOATMEN AND OTHERS; HARBOR AND DOCK MASTERS; TO PREVENT THE COMPANY'S WORKMEN OR EMPLOYEES FROM VIOLATING THE PEACE; EXEMPTING THEM FROM WORKING ON OTHER ROADS AND FROM MILITIA DUTY.

Inspectors of boats.

1. The said company may require such of the lock keepers or toll gatherers upon any part of their water line as they may invest with the authority hereby given, to become inspectors of boats, and require from such person bond with good security in such penalty as their by-laws may prescribe, for the true and faithful performance of the duties of his office; and such person shall also take an oath for the same purpose.

Inspectors of
boats

Dock masters and harbor masters.

2. The said Virginia canal company may establish regulations for the preservation of good order at any of their basins, docks or landings, and at wharfs for loading and unloading boats or vessels engaged in navigating their water line, at any point thereon, whether on rivers or canal: provided such regulations be consistent with the laws of the state and the police regulations of any city or corporation authorized by law to prescribe such regulations; and for such purpose may appoint dock masters or other officers, whose duty it shall be to cause such regulations to be obeyed, and to collect the penalties fixed by said regulations for infringements thereof; which penalties shall be recoverable before any tribunal having jurisdiction thereof.

Dock and
harbor masters

Their duties

3. No harbor master shall have any control over any boat or vessel after the same shall have entered the said company's line, as designated in the fifth chapter, nor while entering, remaining in or leaving any of said company's docks, locks or water line, or any channel leading thereto, which have been constructed by them according to law, or by the company whose rights and interests have been transferred to them.

When control of
harbor master
ceases

4. The said dock masters, or other officers appointed to discharge their duties, shall regulate the anchoring and mooring of all lighters, boats, and bay and river craft, steam boats and other vessels which come within any of said docks or basins, or anchor at or are secured at any of such wharfs or landings. He shall also regulate their entrances and departure, so as to prevent confusion and disorder.

Duties of dock
masters

Penalty for
refusing to obey
dock master

5. Any master or head man of any vessel, or boat or other craft, who shall fail or refuse to obey, or comply with the lawful order of any of said dock masters or other officers, after having had a reasonable time for obedience or compliance, shall be liable to a fine of five dollars for every such offence, to be recovered before any justice of the peace having jurisdiction.

To prevent company's employecs from violating the peace.

Peace, how
preserved

6. If at any time, on any part of the company's line, any workman or other employec shall be engaged in a riotous, tumultuous or unlawful assembly, or in any violation of the peace, any judge or justice within his jurisdiction may suppress the same; and for that purpose may command the assistance of all persons present, and of the sheriff or sergeant of the county or corporation, with his posse, if need be, to arrest and secure those engaged in any violation of the peace. And it shall be the duty of any contractor or officer of the said company having knowledge thereof, to give immediate information of any such violation or apprehended violation, to some judge or justice nearest thereto. Any person so arrested shall be proceeded against as prescribed by law in such cases.

Exemption from working on other roads.

Exemptions
from working
on roads

7. The officers, contractors and their agents and laborers, hirelings or hands, while engaged at work upon the line of the company's works, shall be exempt from, and in no wise subject to the provisions of any road law, by which the citizens of any county or corporation along said line may be compelled to perform labor on any road or work within the same, and from any tax or contribution whatever, under any special road law heretofore passed, or that may be hereafter passed for any county or corporation.

Exemption from militia duty.

From militia
duty

8. The following persons shall be exempt from the performance of the ordinary duties of militiamen, but shall be liable to be drafted and detailed for actual service, to wit: All ferrymen employed by said company at any ferry owned by it; all keepers of any toll bridge owned in like manner; two of the clerks in the office of collector of tolls on the Richmond dock and on the lower section of the company's canal; the inspectors of boats, lock gate keepers and overseers employed by them; all their toll gatherers, and the workmen who are non-residents of the county or corporation in which they are at work, and actually engaged in fulfilling any contract for the completion of any work on the company's water line in a specified time.

IX.—FOR THE PREVENTION OF OBSTRUCTIONS; TO FACILITATE NAVIGATION ON THE COMPANY'S LINE, AND TO PUNISH OFFENDERS; SALE OF WATER POWER; RESERVATION OF WATER FOR THE STATE ARMORY.

Rights of navigation preserved; limitation on power of courts to grant leave to erect dams.

1. In any of the rivers or water courses, the right of improving or extending the navigation of which has been given hereby, or may be hereafter given to the Virginia canal company, it shall not be lawful for any court to grant to any other person or company the preference to the use of the water flowing therein for the purposes of such navigation, nor to grant leave to any person to erect a dam or other obstruction across or in such water course, by which the ordinary navigation will be obstructed, nor by which the water used as a feeder to any part of the company's water line may be diverted or lessened, without the consent of said company. Any such dam or obstruction, notwithstanding it may be built under such leave, shall be deemed a nuisance, and may be abated as such.

Penalty for obstructing navigation with fish traps, &c.

2. If any person or company shall hereafter make or cause to be made any hedges, fish traps or other obstructions in any of said rivers composing part of the said company's water line, so as to impede or injure the passage of batteaux, floats or other vessels, such person or company shall forfeit and pay to the said canal company the sum of fifty dollars for each offence.

Buoys, beacons and ring bolts to be placed in rivers.

3. The said company shall cause buoys to be placed in any part of their water line in which they may be necessary, so as readily and clearly to indicate and point out to navigators all the entrances and lines of the sluices, the wing dams and the jetties, and generally the course of the channels. They shall also cause beacons to be placed on the bars, rocks and other obstructions to navigation, not within the sluices or channels, but which, from their positions, or from other causes, are likely to endanger the safety of vessels or boats navigating the said water line; which buoys and beacons shall be so constructed as to be visible, until the water in any of the rivers on the said line in which they may be necessary, shall rise five feet above its ordinary lowest level. For the greater safety and convenience of the trade, it shall be the further duty of the said company to cause large rings to be attached by suitable bolts to rocks or other stable bodies, along the sluices and at the ends of the wing dams and jetties, for the better enabling boats or vessels to overcome the force of the currents by warps and cords.

Water not to be used but for navigation; water power, how sold.

Water, how
used

4. The water, or any part thereof, conveyed through any canal or cut made by the company, except where the land between the canal and the river is entirely the property of the company, shall not be used for any purpose but navigation, unless the consent of the proprietors of the land be first had; but the company may lease or sell to any person or company the water power necessary for propelling any machinery for milling or other purposes, where such person or company may have obtained the necessary site therefor. And where the company is possessed of, or may acquire hereafter, land as herein before provided for, and shall not thereby damage other proprietors of land in a manner not compensated for at the time of acquiring the same, they may establish any such machinery, and work the same with the water from any canal or dam, so as not to impair the navigation by such use of water, and may again sell or lease the same.

Water power,
how sold

Water for armory, &c. reserved.

Water for
armory

5. The commonwealth of Virginia reserves the right to the use of so much of the water in the canal of the company as may be sufficient to propel the machinery necessary for the manufacturing of arms at the public armory in the city of Richmond, and which shall be used for that purpose, free of all charge whatever; and the company shall at no time stop or obstruct the use of said water, except when absolutely necessary for the repair of the canal; and in time of war or apprehended danger, the governor shall be the judge of such necessity. The said company shall not obstruct the use of the water to the extent it is now enjoyed to the lessees of the state on the property adjoining the said armory, they paying the rent for said water heretofore agreed to be paid, or that may be contracted to be paid in case of a renewal of their lease: provided, that the quantity of water taken by the state shall not so reduce the water in the canal as to interfere with the navigation thereof, and the compliance by the company with any contract heretofore made for a supply of water from the canal to mills or other manufactories. This section shall not be construed to waive or impair any right of the commonwealth, by virtue of any law, resolution or contract, to water from the said canal, but such right shall be valid against the said canal company: provided, that the whole quantity of water for the commonwealth shall not exceed that to which the commonwealth may be entitled as aforesaid.

Lessees of state

X.—RETURNS, REPORTS AND TAXATION; DURATION OF CHARTER; RIGHT TO ABOLISH IT; WHEN JAMES RIVER AND KANAWHA COMPANY RESTORED TO THEIR RIGHTS AND FRANCHISES.

Reports required of company.

1. Whenever the general assembly shall call on the Virginia canal company for any information relative to its operations, affairs or condition, the said company shall furnish the same. Whether the general assembly shall do so or not, the Virginia canal company shall make an annual report to the Board of public works of its condition and the state of its affairs on the thirtieth day of September, and of the operations of the company during the year ending on that day; which report shall be verified by the president of the company, and be filed in the office of the said board by the fifteenth day of November in each year. The said report shall be in such form as the Board of public works shall prescribe; and in preparing such form, the said board are hereby directed to require that the said report shall contain as full and minute information in regard to the condition, affairs and operations of the said canal company, as may be required by said board in regard to the condition, affairs and operations of the rail road companies within this commonwealth.

When report to be made

Duty of Board of public works

Penalty for failing to make report.

2. If the said canal company shall fail to make the report herein required, and in the manner required, it shall be liable to a penalty not exceeding two thousand dollars. And the Board of public works, if in session, or its secretary, if it be not in session, shall report such failure immediately to the attorney general; and it shall be his duty, after giving to the said company ten days' notice, to proceed against the same for such failure, by motion in the circuit court of the city of Richmond. Such court shall consider said case a privileged case, and it shall be its duty to enter up a judgment for a fine not exceeding two thousand dollars and the costs, including a fee of twenty dollars for the services of said attorney general. Execution shall be awarded against the said company, to be levied as other executions are levied upon any of its property.

Penalty for failing to make report.

Failure to report, how proceeded for

Taxation.

3. The said company shall be subject to taxation, at a rate not exceeding that imposed on other internal improvement companies in this state.

Taxation

Duration of charter.

4. If the said Virginia canal company be not organized by the appointment of a president and directors as required by this charter.

Company, when to organize

When charter
may be abro-
gated

within ten months from the passage thereof, this act shall be null and void; and if said company shall not bona fide commence its works within six months after its organization, or if, after commencing its works, it shall suspend its operations for one year; or if it shall fail to comply with the provisions of the fifth chapter hereof, so far as the same refers to the fourteenth article of the said provisional agreement, the general assembly may abrogate this charter, and declare that the corporate rights and privileges of the company shall cease; or it may allow said company such further time to complete the said works and to comply with its engagements, as to the legislature may seem just and proper.

Disposition of property when corporation is dissolved.

Disposition of
property when
corporation is
dissolved

5. If the said corporation shall be dissolved as aforesaid, and its corporate rights and privileges shall have ceased, all its works and property, and debts due to it, shall be subject to the payment of debts due by it, in accordance with the provisions of this charter; and it may sue and be sued as before for the purpose of collecting debts due to it, prosecuting rights under previous contracts with it, and enforcing its liabilities and transferring its property and debts to its successor, as hereafter provided.

When James river and Kanawha company restored to its rights.

When James
river and Ka-
nawha company
restored to its
rights

6. If the said Virginia canal company shall fail to comply with its undertaking as herein before set out, so that the general assembly shall proceed to abrogate its charter and to declare that its corporate rights and privileges shall cease, and that its property shall be forfeited according to the provisions of this act and said provisional agreement, then the James river and Kanawha company, as it existed before the passage of this act, shall thereupon be restored to all the rights conferred by its charter and the laws existing at the time of the passage of this act, as fully and effectually as if this act had never passed; and so much of the sum of three hundred thousand dollars appropriated by the act of March twenty-third, eighteen hundred and sixty, for the improvement of the Kanawha river, as shall have been expended thereon, and shall not have been repaid to the state, shall be and remain a lien upon the works, property and franchises of the company in and upon the Kanawha river; and the deed which has been executed for the security of the said sum of three hundred thousand dollars, shall be in full force and effect; and all the rights, interests and liens of the state, in and upon the James river and Kanawha company, and the works, property and franchises thereof, as the same exist at the time this act is passed, shall exist and be in full force and effect: and the said James river and Kanawha company shall be subject to all the restrictions, duties and liabilities that are imposed upon it by the laws in force immediately

Deed of James
river and Ka-
nawha com-
pany, when to
be enforced

before the passage of this act; and said laws so in force at the passage of this act, shall be in all other respects in full force.

7. The stockholders in the Virginia canal company, at the time when its said charter shall cease, and when the rights of the said company shall be transferred to the said James river and Kanawha company, who were stockholders in the James river and Kanawha company, or who derived title to their stock from or under such stockholders, to the extent of the stock so held, shall be considered stockholders in that company, and their stock shall be of the par value at which it was estimated while stockholders of the said James river and Kanawha company; and in all other respects they shall be restored to their rights and liabilities, and be entitled to the profits and remedies granted by the charter of the said James river and Kanawha company before the passage of this act. And the state shall have the same quantity of stock in the said James river and Kanawha company, and the same interest therein as is now held by the state in said company.

Rights of private stockholders

Of state

8. If at any time hereafter the Board of public works shall be abolished or shall cease to exist, the powers and authority vested in it by this act shall be vested in and exercised by such other body as may be authorized by the constitution or laws of the state to control and superintend the public works of Virginia.

How, if Board of public works cease to exist

9. No tax shall be charged for this charter, under the tax bill passed at the present session of the general assembly.

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

Commencement

CHAP. 57.—An ACT for the Relief of the Banks of this Commonwealth.

Passed March 1, 1861.

1. Be it enacted by the general assembly, that so much of all or any acts as now may subject any bank or banking corporation incorporated by the laws of this commonwealth, now in operation, or which may be put in operation whilst this act is in force, to the forfeiture of its charter, or to any other penalty for failing or refusing to pay or redeem its notes or debts in specie, shall be and the same are hereby suspended until the first day of March eighteen hundred and sixty-two; and if any such bank or banking corporation shall have forfeited its charter by failing or refusing to pay in specie any note or other debt due from such bank, the forfeiture thereby incurred shall be remitted; and the charter of such bank, with all the rights and powers thereby conferred, except such portions thereof as

Suspension of specie payments legalized

Limitation as to time

Charters not forfeited

Proviso are herein before suspended, shall be and the same is hereby declared to be in full force and effect, to all intents and purposes, until the date before mentioned: provided, that nothing herein contained shall be so construed as to prevent the recovery of the amount of any note or debt due from any such bank, with legal interest thereon, in the mode prescribed by law.

Bank notes
receivable in
payment of
public dues

2. The notes of the several banks which have been heretofore required to be received in payment of taxes and debts due to the commonwealth, shall continue to be so received, and the deposits of the public revenue shall continue to be made in the banks now authorized by law to receive the same, until the period herein before mentioned, unless the treasurer, with the advice of the executive, shall direct otherwise in respect to such receipts or deposits, or both, in the mode prescribed by law.

When banks
may resume

3. Nothing in this act shall be so construed as to prevent any of the banks of this commonwealth from resuming specie payment at any time prior to the date herein before mentioned, at the discretion of the president and directors thereof.

Redemption law
repealed

4. Be it further enacted, that sections one, two, three and four of the act passed April second, eighteen hundred and fifty-eight, providing for a more uniform currency of the banks of the state, be and the same are hereby repealed.

Banks, when to
furnish specie

5. It shall be the duty of the several banks and branch banks of the state, whenever required by the governor to redeem, in specie or specie funds, such an amount of their notes as may be necessary to meet the specie demands upon the treasury of the commonwealth: provided, that nothing in this section shall be construed to require the banks of this commonwealth to contribute specie beyond the amount necessary to pay the interest upon the public debt; and to this end, the contribution shall be ratable, and according to a uniform per centage upon the aggregate amount of the capital, circulation and deposits of all the banks of this commonwealth on the first day of October next preceeding the requisition.

Proviso

Exchange

6. On the payment of every note, bill or draft drawn by citizens of Virginia, payable at the cities of Baltimore, Philadelphia, New York and Boston, heretofore discounted by, and which is now unpaid and the property of any bank or branch, or which may be hereafter discounted by any bank or branch during the suspension of specie payment by it, such bank or branch shall pay to the party for whom such paper was discounted, the excess of exchange at the time of such payment, over and above the rate between the point where such bank or branch is located and the point where such paper is payable, at the time such bank or branch suspended specie payment;

and on failure of such bank or branch to pay such excess on paper hereafter discounted, the party entitled thereto may recover the same, by warrant before any justice of the peace, or when the amount is over fifty dollars, by motion, on ten days' notice, before any court of the county or corporation where such bank or branch is located; and on the failure of any bank or branch to pay such excess on paper heretofore discounted and unpaid as aforesaid, such bank or branch shall not have the benefit of the provisions of this act releasing any penalty or forfeiture incurred by it by the non-payment of specie. Penalties

7. The sixteenth section of chapter fifty-eight of the Code of Virginia of eighteen hundred and forty-nine shall be amended and re-enacted so as to read as follows: Code amended

"§ 16. Any bank authorized to carry on business as a bank of circulation, deposit and discount, may loan money for a period not exceeding six months, and discount any bill of exchange, promissory note, or other negotiable paper for the payment of money which will be payable within six months from the time of discounting the same. A bank may take interest on its loans and discounts at the rate of one-half of one per centum for thirty days, and the interest may be received in advance. Each bank or branch shall so regulate its loans and discounts that the same shall not exceed twice the amount of capital actually paid into such bank or allotted to such branch. Any president, director or cashier who may be instrumental in violating this section, shall be fined five hundred dollars." Bank may loan money
What interest it may take
Penalty

8. No bank or branch of a bank which may have been heretofore incorporated or authorized to be established by the general assembly, and which shall not at the time that this act takes effect, have actually gone into legal operation, according to the terms of its charter, shall be permitted to do so during the suspension of specie payments by the banks of this commonwealth. But this section shall not be construed to apply to amended charters of banks now in operation: provided, that this section shall not apply to the Bank of the City of Petersburg or the Bank of Pittsylvania, or to the branch bank authorized to be established at Monaskon. New banks, when to go into operation
Exceptions

9. This act shall be in force from its passage. Commencement

CHAP. 52.—An ACT to extend the Charter of the Bank of Virginia.

[Passed March 26, 1861.]

1. Be it enacted by the general assembly of Virginia, that the first section of the act entitled an act to extend the charter of the Act of 1856 amended

Bank of Virginia, passed March the seventeenth, eighteen hundred and fifty-six, be amended and re-enacted so as to read as follows :

Charter extended for twenty years

“ § 1. Be it enacted by the general assembly of Virginia, that the charter of the Bank of Virginia be and is hereby extended from the first day of April eighteen hundred and sixty-three, for twenty years ; and the bank is hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the fifty-sixth, fifty-seventh and fifty-eighth chapters of the Code of Virginia, and the act entitled an act to amend the tenth section of chapter fifty-seven of the Code of Virginia, passed April the ninth, eighteen hundred and fifty-three, so far as the same may be applicable to banks of circulation ; and to all the rights and liabilities which have accrued under an act entitled an act to separate the state from the banks, by a sale of its stock therein, and the application of the proceeds to the redemption of the public debt, passed March eighteenth, eighteen hundred and fifty-six.”

Subject to existing laws

Act of 1856 amended

2. The ninth section of the said act of March the seventeenth, eighteen hundred and fifty-six, shall be and is hereby re-enacted as follows :

When act to take effect

“ § 9. This act shall commence and be in force on and after the first day of April eighteen hundred and sixty-three : provided its provisions shall have been approved by the stockholders in the said bank, convened in general meeting at any time before the first day of February eighteen hundred and sixty-two, and such approval shall have been made and certified by the president and cashier of said bank, under its corporate seal, to the governor of the commonwealth.”

CHAP. 59.—AN ACT to extend the Charter of the Farmers Bank of Virginia.

Passed March 26, 1861.

Section 1 of act 1856 amended

1. Be it enacted by the general assembly of Virginia, that the first section of the act entitled an act to extend the charter of the Farmers Bank of Virginia, passed March seventeenth, eighteen hundred and fifty-six, be amended and re-enacted so as to read as follows :

Charter extended for twenty years

“ § 1. Be it enacted by the general assembly of Virginia, that the charter of the Farmers Bank of Virginia be and is hereby extended from the first day of April eighteen hundred and sixty-three, for twenty years ; and the bank is hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules,

Subject to existing laws

regulations and restrictions imposed by the fifty-sixth, fifty-seventh and fifty-eighth chapters of the Code of Virginia, and the act entitled an act to amend the tenth section of chapter fifty-seven of the Code of Virginia, passed April ninth, eighteen hundred and fifty-three, so far as the same may be applicable to banks of circulation, and to all the rights and liabilities which have accrued under an act entitled an act to separate the state from the banks, by a sale of its stock therein, and the appropriation of the proceeds to the redemption of the public debt, passed March eighteenth, eighteen hundred and fifty-six."

2. The ninth section of the said act of March seventeenth, eighteen hundred and fifty-six, shall be and is hereby re-enacted as follows: Section 9 of act
1856 amended

"§ 9. This act shall commence and be in force on and after the first day of April eighteen hundred and sixty-three: provided its provisions shall have been approved by the stockholders in the said bank, convened in general meeting, at any time before the first day of February eighteen hundred and sixty-two, and such approval shall have been made and certified by the president and cashier of said bank, under its corporate seal, to the governor of this commonwealth." When act to
take effect

CHAP. 60.—An ACT to extend the Charter of the Exchange Bank of Virginia.

Passed March 26, 1861.

1. Be it enacted by the general assembly of Virginia, that the first section of the act entitled an act to extend the charter of the Exchange Bank of Virginia, passed March the seventeenth, eighteen hundred and fifty-six, be amended and re-enacted so as to read as follows: Section 1 of act
1856 amended

"§ 1. Be it enacted by the general assembly of Virginia, that the charter of the Exchange Bank of Virginia be and is hereby extended from the first day of April eighteen hundred and sixty-three, for twenty years; and the bank is hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the fifty-sixth, fifty-seventh and fifty-eighth chapters of the Code of Virginia, and the act entitled an act to amend the tenth section of chapter fifty-seven of the Code of Virginia, passed April ninth, eighteen hundred and fifty-three, so far as the same may be applicable to banks of circulation, and to all the rights and liabilities which have accrued under an act entitled an act to separate the state from the banks, by a sale of its stock therein, and the application of the proceeds to the redemption of the public debt, passed March eighteenth, eighteen hundred and fifty-six." Charter ex-
tended for
twenty years

Subject to
existing laws

Section 9 of act
1856 amended

2. The ninth section of the said act of March seventeenth, eighteen hundred and fifty-six, shall be and is hereby re-enacted as follows:

When act to
take effect

“§ 9. This act shall commence and be in force on and after the first day of April eighteen hundred and sixty-three: provided its provisions shall have been approved by the stockholders in the said bank, convened in general meeting, at any time before the first day of February eighteen hundred and sixty-two, and such approval shall have been made and certified by the president and cashier of said bank, under its corporate seal, to the governor of this commonwealth.”

CHAP. 61.—An ACT to extend the Charter of the Bank of the Valley in Virginia.

Passed March 26, 1861.

Section 1 of act
1856 amended

1. Be it enacted by the general assembly of Virginia, that the first section of the act entitled an act to extend the charter of the Bank of the Valley in Virginia, passed March seventeenth, eighteen hundred and fifty-six, be amended and re-enacted so as to read as follows:

Charter ex-
tended for
twenty years

“§ 1. Be it enacted by the general assembly of Virginia, that the charter of the Bank of the Valley in Virginia be and is hereby extended from the first day of April eighteen hundred and sixty-three, for twenty years; and the bank is hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the fifty-sixth, fifty-seventh and fifty-eighth chapters of the Code of Virginia, and the act entitled an act to amend the tenth section of chapter fifty-seven of the Code of Virginia, passed April ninth, eighteen hundred and fifty-three, so far as the same may be applicable to banks of circulation, and to all the rights and liabilities which have accrued under an act entitled an act to separate the state from the banks, by a sale of its stock therein, and the appropriation of the proceeds to the redemption of the public debt, passed March eighteenth, eighteen hundred and fifty-six.”

Subject to
existing laws

Section 9 of act
1856 amended

2. The ninth section of the said act of March seventeenth, eighteen hundred and fifty-six, shall be and is hereby re-enacted as follows:

When act to
take effect

“§ 9. This act shall commence and be in force on and after the first day of April eighteen hundred and sixty-three: provided its provisions shall have been approved by the stockholders in the said bank, convened in general meeting, at any time before the first day of February eighteen hundred and sixty-two, and such approval shall

have been made and certified by the president and cashier of said bank, under its corporate seal, to the governor of this commonwealth."

CHAP. 62.—AN ACT to extend the Charter of the Northwestern Bank of Virginia.

Passed March 26, 1861.

1. Be it enacted by the general assembly of Virginia, that the first section of the act entitled an act to extend the charter of the Northwestern Bank of Virginia, passed March seventeenth, eighteen hundred and fifty-six, be amended and re-enacted so as to read as follows:

Section 1 of act
1856 amended

"§ 1. Be it enacted by the general assembly of Virginia, that the charter of the Northwestern Bank of Virginia be and is hereby extended from the first day of April, eighteen hundred and sixty-three, for twenty years: and the bank is hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the fifty-sixth, fifty-seventh and fifty-eighth chapters of the Code of Virginia, and the act entitled an act to amend the tenth section of chapter fifty-seven of the Code of Virginia, passed April ninth, eighteen hundred and fifty-three, so far as the same may be applicable to banks of circulation, and to all the rights and liabilities which have accrued under an act entitled an act to separate the state from the banks, by a sale of its stock therein, and the appropriation of the proceeds to the redemption of the public debt, passed March eighteenth, eighteen hundred and fifty-six."

Charter
extended

Subject to
existing laws

2. The ninth section of the said act of March seventeenth, eighteen hundred and fifty-six, shall be and is hereby re-enacted as follows:

Section 9 of act
1856 amended

"§ 9. This act shall commence and be in force on and after the first day of April eighteen hundred and sixty-three: provided its provisions shall have been approved by the stockholders in the said bank, convened in general meeting, at any time before the first day of February eighteen hundred and sixty-two, and such approval shall have been made and certified by the president and cashier of said bank, under its corporate seal, to the governor of this commonwealth."

When act to
take effect

CHAP. 63.—An ACT to extend the Charter of the Merchants and Mechanics Bank of Wheeling.

Passed March 26, 1861.

Section 1 of act
1856 amended

1. Be it enacted by the general assembly of Virginia, that the first section of the act entitled an act to extend the charter of the Merchants and Mechanics Bank of Wheeling, passed March seventeenth, eighteen hundred and fifty-six, be amended and re-enacted so as to read as follows :

Charter ex-
tended for
twenty years

subject to
existing laws

“ § 1. Be it enacted by the general assembly of Virginia, that the charter of the Merchants and Mechanics Bank of Wheeling be and is hereby extended from the first day of April eighteen hundred and sixty-three, for twenty-years : and the bank is hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the fifty-sixth, fifty-seventh and fifty-eighth chapters of the Code of Virginia, and the act entitled an act to amend the tenth section of chapter fifty-seven of the Code of Virginia, passed April ninth, eighteen hundred and fifty-three, so far as the same may be applicable to banks of circulation, and to all the rights and liabilities which have accrued under an act entitled an act to separate the state from the banks, by a sale of its stock therein, and the appropriation of the proceeds to the redemption of the public debt, passed March eighteenth, eighteen hundred and fifty-six.”

Section 9 of act
1856 amended

2. The ninth section of the said act of March seventeenth, eighteen hundred and fifty-six, shall be and is hereby re-enacted as follows :

When act to
take effect

“ § 9. This act shall commence and be in force on and after the first day of April eighteen hundred and sixty-three : provided its provisions shall have been approved by the stockholders in the said bank, convened in general meeting, at any time before the first day of February eighteen hundred and sixty-two, and such approval shall have been made and certified by the president and cashier of said bank, under its corporate seal, to the governor of this commonwealth.”

CHAP. 64.—An ACT amending the 2d section of an act authorizing the Bank of the Valley in Virginia to establish a Branch in the City of Richmond.

Passed March 27, 1861.

Act amended

1. Be it enacted by the general assembly, that the second section of an act authorizing the Bank of the Valley in Virginia to establish a branch in the city of Richmond, passed March thirtieth, eighteen

hundred and sixty, be amended and re-enacted so as to read as follows :

“ § 2. The capital stock of said office shall be furnished by a sale of additional stock, or by a transfer of stock, or by a combination of the two modes : provided, that no sale of new stock shall be for less than its par value.” Mode of raising capital stock

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

CHAP. 65.—An ACT establishing a Branch Bank at the Town of Jeffersonville in the County of Tazewell.

Passed March 30, 1861.

1. Be it enacted by the general assembly, that it shall be lawful for the Bank of Virginia, the Farmers Bank of Virginia, the Bank of the Valley in Virginia and the Exchange Bank of Virginia, or either of them, to establish an office of discount and deposit at Jeffersonville in the county of Tazewell, with a capital of not less than one hundred thousand dollars, nor more than two hundred and fifty thousand dollars ; to be provided by a transfer of the capital stock from the bank electing to establish such branch, or by the creation and sale of new stock to the requisite amount, or by a combination of these modes, as the stockholders in general meeting may determine and direct. What banks may establish branch
Capital stock
How raised

2. The said office, when established, shall be under the directors, to be appointed in like manner, and to have all the powers and privileges, and be subject to all the rules, regulations and restrictions provided by law in respect to other offices of discount and deposit. Management
Subject to existing laws

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

CHAP. 66.—An ACT to extend the Charter of the Central Bank of Virginia.

Passed March 26, 1861.

1. Be it enacted by the general assembly of Virginia, that the second section of the act entitled an act to amend the charter of the Central Bank of Virginia, passed February seventeenth, eighteen hundred and sixty, be amended and re-enacted so as to read as follows :

“ § 2. The charter of the said bank shall continue and be in force until the first day of April one thousand eight hundred and eighty-three.” Duration of charter

2. The bank may establish branch offices at Warrenton in the county of Fauquier, and at Beverley in the county of Randolph, with capitals of not less than one hundred thousand dollars nor more than two hundred and fifty thousand dollars, respectively, at the discretion of said bank: to be provided by a sale of new stock to the requisite amount, or by a transfer of capital from the bank at Staunton, or by a combination of these modes, as the stockholders in general meeting may elect: provided, that no sale of the stock shall be made at less than the par value. The said branches, or either of them, when established, to be under the direction of seven directors, to be appointed, and to have the same powers, and to be subject to the charter provided by law in respect to the said Central Bank of Virginia, and to such other laws as may now be or hereafter passed in respect to said bank.
3. It shall be lawful for the said bank to increase its capital to the amount of one million of dollars, by the sale of stock: provided it shall not be sold at less than its par value.
4. This act shall be in force from its passage.

Authorized to
establish
branches

Capital stock

How raised

Directors

Capital stock
may be in-
creased

Commencement

CHAP. 67.—An ACT to enable the Monticello Bank or the Bank of the Commonwealth to establish an Office of Discount and Deposit at Monaskon in the County of Lancaster.

Passed February 26, 1861.

What bank may
establish branch

1. Be it enacted by the general assembly, that it shall and may be lawful for the Monticello Bank or the Bank of the Commonwealth to establish an office of discount and deposit at Monaskon in the county of Lancaster, with a capital of not less than one hundred thousand dollars nor more than one hundred and fifty thousand dollars, at the discretion of the stockholders of such banks.

Capital stock
how raised

2. The capital stock of said office of discount and deposit shall be provided by a transfer of the capital stock of said banks, to the amount aforesaid, to said office at Monaskon, and not by any increased subscription to the capital stock of said banks.

Management

3. The management of said office shall be under the control of a president and board of directors, consisting of five in all, to be appointed and elected in the same manner, with like qualifications, powers and tenure of office as the directors of the bank of which the said office may be a branch: provided, that the first election of directors of said office shall take place at such time as the directors of the bank of which the said office may be a branch, shall determine, ten days' notice thereof having been first given in some news-

Tenure of office
of directors

paper published in Charlottesville or Richmond. Said directors, thus elected and appointed, shall hold their offices until the next annual meeting of the stockholders, or until their successors shall be chosen and qualified.

4. The said office of discount and deposit shall be subject to the rules, regulations and restrictions prescribed, and invested with all the rights, powers and privileges conferred by the fifty-seventh and fifty-eighth chapters of the Code of Virginia, and all acts amendatory thereof, applicable thereto. Subject to existing laws

5. This act shall be in force from its passage, and subject at all times to modification or repeal, at the pleasure of the general assembly. Commencement

CHAP. 68.—An ACT to authorize the Merchants Bank of Lynchburg and the Monticello Bank to establish Branches at certain places.

Passed March 11, 1861.

1. Be it enacted by the general assembly, that it shall be lawful for the Merchants Bank of Virginia or Monticello Bank to establish branches at Roekymount in Franklin county, Goodson or Abingdon in Washington county, Lebanon in Russell county, and Princeton in Mercer county, or in any one of the said places, with a capital of not less than one hundred thousand dollars nor more than three hundred thousand dollars; to be provided by a sale of new stock to the requisite amount, or by a transfer of capital from the bank that may exercise the privilege conferred by this act, or by a combination of these modes, as the stockholders in general meeting may elect. What banks may establish branches Where Capital

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

CHAP. 69.—An ACT to incorporate the Bank of Parkersburg in the County of Wood.

Passed March 12, 1861.

1. Be it enacted by the general assembly, that it shall be lawful to establish a bank at Parkersburg in the county of Wood, with a capital of one hundred thousand dollars, agreeably to the provisions of the act entitled an act establishing general regulations for the incorporation of banks, passed March the twenty-second in the year of our Lord eighteen hundred and thirty-seven, except as herein after modified; and the subscribers and stockholders therein are hereby incorporated by the name and style of The Bank of Parkers- Bank incorporated Name of bank

burg, agreeably to the true intent and meaning of said recited act; and shall continue until the first day of April in the year eighteen hundred and eighty: and that W. N. Chancellor, William Logan, K. S. Boreman, J. J. Jackson, junior, W. H. Morehead, L. P. Neal, James Dils, J. R. Murdoch, James Cook, T. G. Smith, A. G. Clark and George Hopkins, or any five or more of them, are hereby appointed commissioners to open books of subscription for the stock of said bank, and under the direction of such person or persons, and at such place or places as they may designate.

Commissioners

How subscrip-
tions payable

2. And be it further enacted, that it shall be lawful for the stockholders in the Bank of Parkersburg to pay their respective subscriptions in the following installments, in lieu of those required by the first recited act, to wit: five dollars on each share at the time of subscribing; immediately after the election of the first board of directors, the further sum of twenty dollars on each share subscribed; in sixty days from the election of such directors, the further sum of twenty-five dollars on each share subscribed; and the residue in six months from the election of the first board of directors: and if any stockholder shall fail to pay the amount of the requisitions aforesaid for the space of ten days after the period when the same shall become due, he shall be bound to pay legal interest thereon from the day when the same became payable; to be recovered in the mode now provided by law for the recovery of delinquent subscriptions.

Mode of enforce-
ing paymentSubject to
restrictions, &c

3. Be it further enacted, that the Bank of Parkersburg shall be subject to all restrictions and general provisions and regulations to which the banks of Virginia may hereafter be subjected by the legislature.

Commencement

4. This act shall be in force from and after its passage, and shall be subject to amendment or repeal, at the pleasure of the general assembly.

CHAP. 70.—AN ACT allowing the Northwestern Bank of Virginia and any of its branches to establish an Agency in the City of Richmond for the redemption of its circulating notes.

Passed January 23, 1861.

Agency, how
established

1. Be it enacted by the general assembly, that it shall be lawful for the parent bank or any branch of the Northwestern Bank of Virginia, to establish an agency in the city of Richmond for the redemption of its circulating notes, at a rate of discount not exceeding one-fourth of one per cent. If any such agency be established, the president of the bank or branch shall certify the same to the governor of Virginia with each quarterly report of the bank; and such certificate shall be published with the report. For failure so to certify such

agency, the parent bank or branch establishing the same, shall forfeit to the commonwealth one hundred dollars for the first offence, and five hundred dollars for each separate offence thereafter.

2. It shall be the duty of the bank or branch establishing such agency, to redeem on demand at such agency, at a rate of discount not exceeding one-fourth of one per cent. all its circulating notes which shall be presented at such agency for payment; and for a failure so to redeem the same, the holder thereof may recover the same damages, and in the same mode now provided for by law, for failure to pay in specie at the office or bank where payable.

3. If the notes of the parent bank or branch which shall have established such agency, be presented for redemption at the bank or branch at which they are payable, such parent bank or branch may redeem the same by a specie draft at par upon its agency at Richmond, where it has made provision for the redemption of its notes: provided the aggregate amount of its notes presented and held by the same person, shall exceed five hundred dollars. Any person refusing to accept such draft in redemption of notes presented or held by him, shall not be entitled to proceed against such bank or branch, under the fifteenth section of the fifty-eighth chapter of the Code.

4. If the parent bank or any branch of the Northwestern Bank of Virginia shall establish an agency in the city of Richmond as aforesaid, then, so long as it shall continue to redeem its circulating notes when presented for payment at such agency, at a rate of discount not exceeding one-fourth of one per cent. it shall not be subject to the act passed April second, eighteen hundred and fifty-eight, entitled an act providing for a more uniform currency of the banks of the state.

5. The parent bank or branch establishing such agency, may from time to time thereafter change the same, and appoint a new agency for the purposes specified in this act; but every such appointment shall be forthwith certified as aforesaid to the governor of Virginia.

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

CHAP. 71.—An ACT to amend the Charter of the Bank of the Commonwealth.

Passed January 31, 1861.

1. Be it enacted by the general assembly, that the second, third, fourth, fifth, sixth, seventh and eighth sections of the act passed on the fourteenth day of March eighteen hundred and fifty-three, enti-

tled an act to incorporate the Mineral Bank of Virginia, and the second section of the act passed on the seventh day of April eighteen hundred and fifty-eight, entitled an act to amend an act to incorporate the Mineral Bank of Virginia, and to change the name of said bank to the Bank of the Commonwealth, be and the same are hereby repealed.

Section 2
amended

2. That the ninth section of the same act be and the same is hereby amended and re-enacted so as to read as follows:

Duration of
charter

“§ 9. The charter of the said bank shall continue and be in force until the first day of July eighteen hundred and seventy-eight.”

When treasurer
may transfer
certificates of
securities

3. The treasurer of the state may retransfer to the said bank the certificates of the debt of the state, and the bonds of internal improvement companies guaranteed by the state, now held by him in trust for the purposes of said bank, or any part thereof, upon receiving and canceling an equal amount of the notes of said bank countersigned by him; and if the notes of the said bank, so countersigned by him, have been so far returned and canceled as that the amount outstanding shall not exceed the sum of ten thousand dollars, the said treasurer may retransfer the residue of the said certificates or guaranteed bonds to said banks upon receiving from at least five of the stockholders thereof, with at least five good and sufficient securities, to be approved by him, a joint and several bond, payable to the commonwealth of Virginia, in a penalty equal to at least three times the amount of such outstanding notes, and conditioned to pay the same, on demand, at the place of business of said bank, or either of the obligors therein; which said bond shall be recorded in the manner prescribed in the fourth section of chapter one hundred and eighty-six of the Code of Virginia, and shall have the force of a judgment; and for every breach of the condition thereof, execution may be issued, upon ten days' notice of the application therefor, in the name of the commonwealth, for the benefit of the holder of any such unredeemed notes, for the amount thereof and costs.

When the residue thereof

When bond to
be taken

Bond to have
force of a
judgment
When execution
may issue

Commencement

4. This act shall commence and be in force from and after the time when its provisions have been approved by the stockholders of said bank, convened in general meeting, and such approval shall have been made and certified by the president and cashier of said bank to the governor of the commonwealth.

CHAP. 72.—An ACT to amend the Charter of the Bank of Scottsville.

Passed February 27, 1861.

1. Be it enacted by the general assembly, that the sixth, seventh, eighth, ninth and tenth sections of an act passed May twenty-eighth, eighteen hundred and fifty-two, entitled an act to incorporate the Bank of Scottsville, be and the same are hereby repealed.

Certain sections
of act of 1852
repealed

2. That the fifth section of the same be and is hereby amended and re-enacted so as to read as follows :

Section 5
amended

“§ 5. The treasurer of the state may retransfer to the said bank the certificates of the debt of the state, and the bonds of internal improvement companies guaranteed by the state, now held by him in trust for the purposes of said bank, or any part thereof, upon receiving and canceling an equal amount of the notes of said bank, countersigned by him; and if the notes of the said bank, so countersigned by him, have been so far returned and canceled as that the amount outstanding shall not exceed the sum of five thousand dollars, the said treasurer may retransfer the residue of said certificates or guaranteed bonds to said bank, upon receiving from at least five of the stockholders thereof, with at least five good and sufficient securities, to be approved by him, a joint and several bond, payable to the commonwealth of Virginia, in a penalty equal to at least three times the amount of such outstanding notes, and conditioned to pay the same, on demand, at the place of business of said bank, or of either of the obligors therein; which bond shall be recorded in the manner prescribed in the fourth section of chapter one hundred and eighty-six of the Code of Virginia, and shall have force of a judgment; and for every breach of the conditions thereof, execution may be issued, upon ten days' notice of the application therefor, in the name of the commonwealth, for the benefit of the holder of any such outstanding unredeemed notes, for the amount thereof and costs.”

When treasurer
may retransfer
certificates of
securities

When residue
thereof

When bond
taken

Force of judg-
ment
When execution
may issue

3. The bank shall not issue and pay out any notes for circulation, except of the denomination of five dollars, or some multiple of ten.

Notes

4. Every quarterly statement of this bank shall, in addition to the information which the Code of Virginia requires to be made, also exhibit the aggregate debt due by the bank: the outstanding debts due to the bank; its discount of inland and foreign bills of exchange; its loans to directors; its specie, circulation and deposits, on the first day of each month of the quarter it embraces.

Quarterly
statement

5. The board of directors of this bank shall consist of seven, all of whom shall be elected by the stockholders.

Directors

Commencement 6. This act shall commence and be in force from and after the time when its provisions have been approved by the stockholders in said bank, convened in general meeting, at any time before the first day of September next, and such approval shall have been made and certified by the president and cashier of said bank to the governor of the commonwealth.

Subject to repeal, &c

7. This act shall at all times be subject to modification or repeal, at the pleasure of the general assembly.

CHAP. 73.—An ACT to amend the Charter of the Bank of the Old Dominion.

Passed April 2, 1861.

Certain sections of act of 1851 repealed

1. Be it enacted by the general assembly, that the sixth, seventh, eighth, ninth and tenth sections of the act passed on the twenty-ninth day of March eighteen hundred and fifty-one, entitled an act to incorporate the Bank of the Old Dominion, the Bank of Commerce at Fredericksburg and the Mechanics and Traders Bank of the City of Norfolk, and the second section of the act passed the twelfth day of May eighteen hundred and fifty-two, entitled an act to amend an act passed March twenty-ninth, eighteen hundred and fifty-one, entitled an act to incorporate the Bank of the Old Dominion, the Bank of Commerce at Fredericksburg and the Mechanics and Traders Bank of the City of Norfolk, be and the same are hereby repealed.

Certificates of debt, how retransferred

2. The treasurer of this state may retransfer to the said bank the certificates of the debt of the state and the bonds of internal improvement companies guaranteed by the state, now held by him in trust

Notes to be canceled

for and for the purposes of said bank, or any part thereof, upon receiving and canceling an equal amount of the notes of said bank,

When residue delivered

countersigned by him; and if the notes of the said bank so countersigned by him, have been so far returned and canceled as that the amount outstanding shall not exceed the sum of five thousand dollars, the said treasurer may retransfer the residue of said certificates

Bond to be executed

or guaranteed bonds to said bank, upon receiving from at least five of the stockholders thereof, with at least five good and sufficient securities, to be approved by him, a joint and several bond, payable to the commonwealth of Virginia, in a penalty equal to at least three

Force of a judgment

times the amount of such outstanding notes, and conditioned to pay the same on demand, at the place of business of said bank, or of either of the obligors therein: which bond shall be recorded in the manner prescribed in the fourth section of chapter one hundred and

Execution, how issued

eighty-six of the Code of Virginia, and shall have the force of a judgment; and for every breach of the conditions thereof, execution may be issued, upon ten days' notice of the application therefor, in the

name of the commonwealth, for the benefit of the holder of any such outstanding, unredeemed notes, for the amount thereof and costs.

3. The bank shall not issue or pay out any note for circulation, Notes of circulation except of the denomination of five dollars, ten dollars, or some multiple of ten.

4. Every quarterly statement of this bank shall, in addition to the Quarterly statement information which the Code of Virginia requires to be made, also exhibit the aggregate debt due by the bank; the outstanding debts due to the bank; its discounts of inland and foreign bills of exchange; its loans to directors; its specie, circulation and deposits, on the first day of each month of the quarter it embraces.

5. The board of directors of this bank shall consist of nine, all of Directors whom shall be elected by the stockholders.

6. This act shall commence and be in force from and after the Commencement time when its provisions have been approved by the stockholders in said bank, convened in general meeting, at any time before the first day of January next, and such approval shall have been made and certified by the president and cashier of said bank to the governor of this commonwealth.

CHAP. 74.—An ACT to amend the Charter of the Bank of Commerce at Fredericksburg.

Passed February 27, 1861.

1. Be it enacted by the general assembly, that the sixth, seventh, Certain sections of act of 1851 repealed eighth, ninth and tenth sections of the act passed on the twenty-ninth day of March eighteen hundred and fifty-one, entitled an act to incorporate the Bank of the Old Dominion, the Bank of Commerce at Fredericksburg and the Mechanics and Traders Bank of the City of Norfolk, and the second and third sections of the act passed the twelfth day of May eighteen hundred and fifty-two, entitled an act to amend the act passed the twenty-ninth day of March eighteen hundred and fifty-one, entitled an act to incorporate the Bank of the Old Dominion, the Bank of Commerce at Fredericksburg and the Mechanics and Traders Bank of the City of Norfolk, so far as the same relate to the Bank of Commerce at Fredericksburg, be and the same are hereby repealed.

2. That the fourteenth section of the first named act, so far as it relates to the said Bank of Commerce, be and the same is hereby amended and re-enacted so as to read as follows:

- Duration of charter "§ 14. The charter of the said bank shall continue, and be in force until the first day of April eighteen hundred and seventy-one."
- How certificates of debt of state, &c retransferred 3. The treasurer of the state may retransfer to the said bank the certificates of the debt of the state and the bonds of internal improvement companies guaranteed by the state, now held by him in trust for the purposes of said bank, or any part thereof, upon receiving and canceling an equal amount of the notes of said bank countersigned by him; and if the notes of said bank so countersigned by him, have been so far returned and canceled as that the amount outstanding shall not exceed the sum of five thousand dollars, the said treasurer may retransfer the residue of said certificates or guaranteed bonds to said bank, upon receiving from at least five of the stockholders thereof, with at least five good and sufficient securities, to be approved by him, a joint and several bond, payable to the commonwealth of Virginia, in a penalty equal to at least three times the amount of such outstanding notes, and conditioned to pay the same on demand, at the place of business of said bank, or of either of the obligors therein: which bond shall be recorded in the manner prescribed in the fourth section of chapter one hundred and eighty-six of the Code of Virginia, and shall have the force of a judgment; and for every breach of the conditions thereof, execution may be issued, upon ten days' notice of the application therefor, in the name of the commonwealth, for the benefit of the holder of every such outstanding unredeemed note, for the amount thereof and the costs.
- Residue, how retransferred bond to be executed To have force of judgment When execution may issue
- Denomination of notes 4. The bank shall not issue and pay out any notes for circulation, except of the denomination of five dollars, or some multiple of ten.
- Quarterly statement, &c 5. Every quarterly statement of this bank shall, in addition to the information which the Code of Virginia requires to be made, also exhibit the aggregate debt due by the bank, the outstanding debts due to the bank, its discounts of inland and foreign bills of exchange; its loans to directors; its specie, circulation and deposits, on the first day of each month of the quarter it embraces.
- Number of directors 6. The board of directors of this bank shall consist of seven, all of whom shall be elected by the stockholders.
- Commencement 7. This act shall commence and be in force from and after the time when its provisions have been approved by the stockholders in said bank, convened in general meeting, and such approval shall have been made and certified by the president and cashier of said bank to the governor of the commonwealth.

CHAP. 75.—AN ACT to amend the Charter of the Bank of Philippi.

Passed January 31, 1861.

1. Be it enacted by the general assembly, that the fifth, sixth, seventh, eighth, ninth, tenth, eleventh and thirteenth sections of the act passed on the fourth day of March eighteen hundred and fifty-six, entitled an act establishing an independent bank in the town of Philippi in the county of Barbour, be and the same are hereby repealed.

Certain sections
of act of 1856
repealed

2. The treasurer of the state may retransfer to the said bank the certificates of the debt of the state and the bonds of internal improvement companies guaranteed by the state, now held by him in trust for the purposes of said bank, or any part thereof, upon receiving and canceling an equal amount of the notes of said bank, countersigned by him; and if the notes of the said bank so countersigned by him, have been so far returned and canceled as that the amount outstanding shall not exceed the sum of five thousand dollars, the said treasurer may retransfer the residue of said certificates or guaranteed bonds to said bank, upon receiving from at least five of the stockholders thereof, with at least five good and sufficient securities, to be approved by him, a joint and several bond, payable to the commonwealth of Virginia, in a penalty equal to at least three times the amount of such outstanding notes, and conditioned to pay the same, on demand, at the place of business of said bank, or of either of the obligors therein; which bond shall be recorded in the manner prescribed in the fourth section of chapter one hundred and eighty-six of the Code of Virginia, and shall have the force of a judgment; and for every breach of the conditions thereof, execution may be issued, upon ten days' notice of the application therefor, in the name of the commonwealth, for the benefit of the holder of any such outstanding unredeemed notes, for the amount thereof and the costs.

How certificates
of stock, &c
retransferable

How residue
retransferred
Bond, when
executed

Force of a judgment
When execution
may issue

3. The bank shall not issue and pay out any notes for circulation, except of the denomination of five dollars, ten dollars, or some multiple of ten.

Denomination
of notes

4. Every quarterly statement of this bank shall, in addition to the information which the Code of Virginia requires to be made, also exhibit the aggregate debt due by the bank; the outstanding debts due to the bank; its discount of inland and foreign bills of exchange; its loans to directors; its specie, circulation and deposits, on the first day of each month of the quarter it embraces.

Quarterly
statement

5. The board of directors of this bank shall consist of seven, all of whom shall be elected by the stockholders.

Number of
directors

Commencement 6. This act shall commence and be in force from and after the time when its provisions have been approved by the stockholders in said bank, convened in general meeting, at any time before the first day of September next, and such approval shall have been made and certified by the president and cashier of said bank to the governor of the commonwealth.

CHAP. 76.—An ACT to amend the Charter of the Merchants Bank of Virginia.

Passed February 16, 1861.

Certain sections of act of 1851 repealed 1. Be it enacted by the general assembly, that the sixth, seventh, eighth and ninth sections of the act passed the twenty-sixth day of March eighteen hundred and fifty-one, entitled an act to incorporate the Merchants Bank of Virginia, and the fourth section of the act passed the tenth day of February eighteen hundred and fifty-two, entitled an act to reduce the capital stock of the Merchants Bank of Virginia, be and the same are hereby repealed.

Certificates of stock, &c. how retransferable 2. The treasurer of the state may retransfer to the said bank the certificates of the debt of the state and the bonds of companies guaranteed by the state, now held by him in trust for the purpose of said bank, or any part thereof, upon receiving and canceling an equal amount of the notes of said bank countersigned by him; and when the notes so countersigned by him, outstanding, shall not exceed the sum of ten thousand dollars, the said treasurer may retransfer to said bank the residue of said certificates and bonds, upon receiving, from at least five of the stockholders thereof, with at least five good and sufficient securities, to be approved by him, a joint and several bond, payable to the commonwealth of Virginia, in a penalty equal to at least three times the amount of such outstanding notes, and conditioned to pay the same, on demand, at the place of business of said bank, or of any one of the obligors therein; which bond shall be recorded in the manner prescribed in the fourth section of the one hundred and eighty-sixth chapter of the Code of Virginia, and shall have the force of a judgment; and for every breach of the condition thereof, execution may be issued, upon ten days' notice of the application therefor, in the name of the commonwealth, for the benefit of the holder of such notes, for the amount thereof and costs.

Residue, how retransferred Bond to be executed

Force of judgment Execution, how issued

Denomination of notes

3. Said bank shall not hereafter issue any notes of circulation, except of the denomination of five dollars, or of some multiple thereof.

Commencement 4. This act shall be in force from the time its provisions shall be accepted by the stockholders of said bank, and the governor of the commonwealth notified thereof.

CHAP. 77.—An ACT to amend the Charter of the Southwestern Bank of Virginia.

Passed April 2, 1861.

1. Be it enacted by the general assembly, that the second, third, fifth, sixth, seventh, eighth, ninth and tenth sections of the act passed on the eleventh day of May eighteen hundred and fifty-two, entitled an act to incorporate the Bank of Wytheville, be and the same are hereby repealed.

Certain sections
of act of 1852
repealed

2. That the eleventh section of the said act be and the same is hereby amended and re-enacted so as to read as follows :

“§ 11. The charter of the said bank shall continue and be in force until the first day of July eighteen hundred and seventy-eight.”

Duration of
charter

3. The treasurer of the state may retransfer to the said bank the certificates of the public debt now held by him in trust for the purposes of the said bank, or any part thereof, upon receiving and canceling an equal amount of the notes of said bank countersigned by him; and when the notes of the said bank, so countersigned by him, have been so far returned and canceled, as that the amount outstanding shall not exceed the sum of ten thousand dollars, the said treasurer may retransfer the residue of said certificates to said bank, upon receiving from at least five of the stockholders thereof, with at least five good and sufficient securities, to be approved by him, a joint and several bond, payable to the commonwealth of Virginia, in a penalty equal to at least three times the amount of such outstanding notes, and conditioned to pay the same, on demand, at the place of business of said bank, or either of the obligors therein; which bond shall be recorded in the manner prescribed in the fourth section of chapter one hundred and sixty-six of the Code of Virginia, and shall have the force of a judgment; and for every breach of the conditions thereof, execution may be issued, upon ten days' notice of the application therefor, in the name of the commonwealth, for the benefit of the holder of such unredeemed notes, for the amount thereof and costs.

How certificates
of state
stock, &c
retransferred

Residue, how
retransferred

Bond to be
executed

Force of a
judgment
How execution
may issue

4. This act shall commence and be in force from and after the time when its provisions have been approved by the stockholders of said bank, convened in general meeting, and such approval shall have been certified by the president and cashier of said bank to the governor of the commonwealth.

Commencement

CHAP. 78.—An ACT to amend the Charter of the Bank of Howardsville.

Passed February 11, 1861.

- Certain sections of act of 1856 repealed* 1. Be it enacted by the general assembly, that the seventh, eighth, tenth, twelfth, fourteenth, fifteenth, sixteenth, seventeenth, nineteenth, twentieth, twenty-first, twenty-second and twenty-third sections of the act passed on the eighteenth day of March eighteen hundred and fifty-six, entitled an act to incorporate the Bank of Howardsville in the county of Albemarle, be and the same are hereby repealed.
- How certificates of state stock, &c. retransferred* 2. The treasurer of the state may retransfer to the said bank the certificates of the debt of the state and the bonds of internal improvement companies guaranteed by the state, now held by him in trust for the purposes of said bank, or any part thereof, upon receiving and canceling an equal amount of the notes of said bank countersigned by him; and if the notes of the said bank, so countersigned by him, have been so far returned and canceled, so that the amount
- Notes, how canceled* outstanding shall not exceed the sum of five thousand dollars, the
- Residue thereof* said treasurer may retransfer the residue of said certificates or
- Bond to be executed* guaranteed bonds to said bank, upon receiving from at least five of the stockholders thereof, with at least five good and sufficient securities, to be approved by him, a joint and several bond, payable to the commonwealth of Virginia, in a penalty equal to at least three times the amount of such outstanding notes, and conditioned to pay the same, on demand, at the place of business of said bank, or of either of the obligors therein; which bond shall be recorded in the manner prescribed in the fourth section of chapter one hundred and eighty-six of the Code of Virginia, and shall have the force of a
- Force of a judgment Execution, how issued* judgment; and for every breach of the conditions thereof, execution may be issued, upon ten days' notice of the application therefor, in the name of the commonwealth, for the benefit of the holder of any such outstanding unredeemed notes, for the amount thereof, and the costs.
- Denomination of notes* 3. The bank shall not issue and pay out any notes for circulation, except of the denomination of five dollars, or some multiple of ten.
- Number of directors* 4. The board of directors of this bank shall consist of seven, all of whom shall be elected by the stockholders.
- Commencement* 5. This act shall commence and be in force from and after the time when its provisions have been approved by the stockholders in said bank, convened in general meeting, at any time before the first day of September next, and such approval shall have been made and certified by the president and cashier of said bank to the governor of the commonwealth.

CHAP. 79.—An ACT to amend the Charter of the Bank of Richmond.

Passed March 25, 1861.

1. Be it enacted by the general assembly, that the fifth section of an act passed April second, eighteen hundred and sixty, entitled an act to incorporate the Bank of Richmond, be amended and re-enacted so as to read as follows :

“§ 5. Whenever the said bank shall legally transfer to and deposit with the treasurer of this state, in trust for the purposes of said bank, certificates of the public debt of the state, or the bonds of any company or companies guaranteed by the state, bearing six per centum interest, to the amount of twenty thousand dollars, the said bank shall be authorized to deliver notes of any denomination it may elect, not under five or ten, or any multiple of five or ten dollars, to the treasurer, in the usual form of bank notes intended for circulation, to the full amount of the stock so deposited; upon the face of which shall be printed or expressed the words “secured by the pledge of state securities.” And such bank notes shall be countersigned by the said state treasurer, and numbered and registered in proper books to be provided and kept for that purpose in the office of the said treasurer; and such notes so countersigned, shall be redelivered to the proper officer of the said bank; and the said bank so receiving the same may thereupon issue its notes aforesaid to the full amount of the stock so deposited, and none others whatsoever. And from time to time, upon further deposits of such certificates of the debt of the state of said bank, in sums of not less than five thousand dollars, the said bank shall thereupon in like manner issue notes, countersigned as aforesaid, to the full amount so deposited; but such issues shall not in the aggregate exceed the capital herein provided. And the said treasurer shall, upon the application of the said bank, receive and cancel any of its notes, countersigned as aforesaid, that have become mutilated or defaced, and in lieu thereof shall countersign and redeliver other bank notes of like denomination, or of equal amount; and such notes shall be numbered and registered by the treasurer as “renewed notes:” provided, however, before the treasurer shall countersign any note of the said bank, the governor shall certify to him the fact that the minimum capital of one hundred thousand dollars has been actually subscribed and paid in as provided for in this act: and the further fact, that the said bank holds in its own right, in current coin, one-fifth of the amount of the notes at any time proposed to be issued under the provisions of this section.”

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

Commencement

CHAP. 83.—An ACT to amend the Charter of the Bank of Charleston.

Passed March 26, 1861.

Charter
extended

1. Be it enacted by the general assembly of Virginia, that the charter of the Bank of Charleston be and is hereby extended from the twenty-seventh day of February eighteen hundred and sixty-three, for twenty years; and the said bank is hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the fifty-sixth, fifty-seventh and fifty-eighth chapters of the Code of Virginia, and the act entitled an act to amend the tenth section of chapter fifty-seven of the Code of Virginia, passed April ninth, eighteen hundred and fifty-three, so far as the same are applicable to and not inconsistent with this act.

Loans and
discounts

2. The loans and discounts of the said bank shall be so regulated that they shall not exceed twice the capital of said bank.

Certificates of
deposits, &c

3. The bank shall give no certificate of deposit, draft or other evidence of debt, which is not payable in specie.

Denomination
of notes

4. The bank shall not issue or pay out any note for circulation, except of the denomination of five dollars, ten dollars, or of some multiple of ten.

Quarterly
statements

5. Every quarterly statement of the bank shall, in addition to the information which the Code of Virginia requires, also exhibit the aggregate debt due by the bank; the outstanding debt due to the bank; its discounts of inland and foreign bills of exchange; its loans to directors; its specie, circulation and deposits, on the first day of each month of the quarter it embraces.

Directors,
how chosen

6. All the directors of said bank shall be elected by the stockholders thereof; but the governor may, at any time appoint commissioners, with power to examine the papers and officers of said bank, and to enquire whether the laws applicable to the said bank have been strictly observed.

Commencement

7. This act shall commence and be in force from and after the time when its provisions shall have been approved by the stockholders in general meeting, at any time before the said twenty-seventh day of February eighteen hundred and sixty-three, and such approval shall have been made and certified by the president and cashier of the bank, under its corporate seal, to the governor of this commonwealth.

CHAP. 81.—An ACT to amend the Charter of the Danville Bank, and to authorize Branches for the same.

Passed February 26, 1861.

1. Be it enacted by the general assembly, that the fifth and seventh sections of an act passed on the thirteenth day of February eighteen hundred and fifty-eight, for the purpose of amending an act entitled an act to amend an act passed March eighteenth, eighteen hundred and fifty-six, entitled an act to incorporate the Bank of Danville, be so amended as to read as follows :

Act of 1856
amended

“§ 5. The total amount of paper circulation of said Bank of Danville and its branches, shall at no time exceed five times the amount of coin in possession and actually the property of said bank. If the coin be reduced to less than one-fifth of its paper circulation, the said bank shall thenceforth make no new loans or discounts until its coin shall bear to its circulation the proportion of one to five.”

Amount of
paper circulation

“§ 7. Be it further enacted, that it shall be lawful for the president and directors of said Danville Bank to establish branches of said bank at Patrick courthouse in the county of Patrick, and another branch of said bank at Princeton in the county of Mercer, or one at Jeffersonville in the county of Tazewell, or at either of said places, with a capital not exceeding one hundred and fifty thousand dollars; to be provided by a sale of new stock to the requisite amount, or by a transfer of capital from the bank at Danville, or by a combination of these modes, as the said president and directors may elect: provided, that no sale of stock shall be made at less than par value. Each of said branches, when established, to be under the direction of five directors, to be appointed by the stockholders of said bank; to have the same powers and be subject to the charter provided by law in respect to said Bank of Danville, and such other laws as may now be and hereafter passed, as properly applicable to said bank: provided, that the minimum capital of each of said branch banks shall not be less than one hundred thousand dollars.”

Where branches
may be established

Capital stock,
how provided
for

Minimum
capital

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

Commencement

CHAP. 82.—An ACT to repeal an act passed April 2d, 1858, entitled an act requiring the Banks of the Commonwealth to resume Specie Payments.

Passed March 27, 1861.

1. Be it enacted by the general assembly, that the act passed April second, eighteen hundred and fifty-eight, entitled an act requiring the banks of the commonwealth to resume specie payments, be and the same is hereby repealed.

Act of 1858
repealed

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

Commencement

CHAP. 83.—An ACT to authorize the Treasurer of the State to destroy certain Bank Notes now on deposit in his office, and such as may be received in future.

Passed March 19, 1861.

What notes
treasurer au-
thorized to
destroy

1. Be it enacted by the general assembly, that the treasurer of the commonwealth be authorized and required to destroy the bank notes now on deposit in his office, which have been returned to said office for cancellation or renewal by the several banks of the state; and in future all such bank notes so returned to said office, after the same shall have been canceled or renewed, shall be destroyed by the said treasurer and the agent of such bank so returning their notes.

Commencement

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

CHAP. 84.—An ACT absolving the State and Treasurer from all liability in case of loss of Coupon Bonds deposited as security for Bank Circulation, unless the said Coupons be converted into Registered Stock, and prohibiting Coupon Bonds from being received in future as such security.

Passed March 30, 1861.

When state and
treasurer ab-
solved from
liability

1. Be it enacted by the general assembly, that unless the banks of this state shall, on or before the first day of April next, avail themselves of the authority contained in the seventeenth section of chapter sixty-seven of the Code (edition of eighteen hundred and sixty), to convert the coupon bonds deposited with the treasurer as security for the circulation of such bank, into the registered debt of the state, and do by that day make the conversion, that the treasurer as well as the state shall be absolved from all liability on account of the loss of such coupon bonds: provided, that this act shall not be construed to admit the liability of the state upon such loss to any person other than the lawful holder of such lost bonds.

Proviso

Registered
bonds only to be
taken as secu-
rity for bank
circulation

2. None but registered bonds of the state shall hereafter be received by the treasurer as security for the circulation of any bank incorporated by this state.

Commencement

3. This act shall be in force from the first day of July eighteen hundred and sixty-one.

CHAP. 85.—An ACT to amend the act to amend the Pilot Laws in regard to the Potomac River.

Passed March 27, 1861.

Section 1 of act
of 1860 amended

1. Be it enacted by the general assembly, that the first section of an act to amend the act to amend the pilot laws in regard to the

Potomac river, passed March twentieth, eighteen hundred and sixty, be repealed and re-enacted so as to read as follows :

“§ 1. That the county court of Alexandria county shall appoint Examining commissioners to be appointed five suitable persons to constitute a board of commissioners to examine persons applying for branches as pilots for the river Potomac. The said board, when appointed, shall meet at Alexandria, and shall Where to meet continue in office for three years from the dates of their appointment respectively. Every person applying to said board to be Qualifications licensed as a branch pilot, shall satisfy them of his citizenship and of his good character; and the said board shall not appoint or license any person, unless they are fully satisfied that he is qualified, by service and experience, to act as a pilot for the Potomac river. Said Bond board shall take bond with good and sufficient surety, from every person they may license as such pilot, in the penalty of five hundred dollars, for the faithful discharge of his duty; which they shall return Where returned to the clerk of the county court of Alexandria county, to be by him filed. They shall be allowed a fee of five dollars for each person they Fees shall so license. The said bonds shall be renewed every year, and the board shall from time to time decide how many pilots are necessary.”

2. Be it further enacted, that the third section of said act be Section 2 of act of 1860 amended repealed and re-enacted so as to read as follows :

“§ 3. The said pilots are authorized to receive and collect from Rates of pilotage vessels bound to or from sea, pilotage at the following rates, to wit: On licensed coasting vessels of one hundred and fifty tons or less, nine cents per ton; and more than one hundred and fifty tons measurement, seven cents per ton; and not more than two dollars per foot up, and one dollar and seventy-five cents per foot down the river, on all other vessels for the entire distance between a point bearing southwest from Point Lookout and Alexandria; and every vessel spoken by such a pilot between said point and Ragged point, or at Alexandria, and refusing him, shall pay one dollar and twenty-five cents: provided, that British American vessels owned in the British Provinces provinces, or vessels owned in the United States, bound to the port of Alexandria from any of said provinces, or from Alexandria to the same, shall be subject only to the same charges for pilotage, and shall be on the same footing in regard to pilotage, as vessels belonging to citizens of the United States sailing under coasting license: and provided also, that it shall be lawful for all vessels engaged in the coal trade, to proceed from or to any place in this state, without any charge for pilotage; and should satisfactory evidence be afforded that any vessel is bound to such place in ballast, for the purpose of carrying coal, such vessel shall be free from pilotage, both inward and outward bound: and provided further, that all claims accruing under this act, shall be recoverable, with costs, before any justice of the

peace of Alexandria county, or court of said county having jurisdiction, and not otherwise."

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

CHAP. 86.—AN ACT to amend the 3d and 4th sections of an act passed March 15, 1850, to provide for the Inspection of Guano and Plaster of Paris in the City of Richmond and Town of Petersburg.

Passed March 27, 1861.

Act of 1850
amended

1. Be it enacted by the general assembly, that the third and fourth sections of the act passed March fifteenth, eighteen hundred and fifty, entitled an act to provide for the inspection of guano and plaster of paris in the city of Richmond and town of Petersburg, be amended and re-enacted so as to read as follows :

Guano to be
inspected

" § 3. From and after the passage of this act, it shall not be lawful to sell or expose or offer for sale any guano within the limits of the city of Richmond or city of Petersburg, whether the same be in barrels, bags, kegs or casks, unless the same shall have been first inspected and marked by the inspectors appointed by virtue of this act, or some one of his deputies legally appointed, under the penalty of twenty dollars for each and every violation of this act; to be recovered by action of debt, in the name of the commonwealth of Virginia, before any justice of the peace in and for the city of Richmond or city of Petersburg: the one-half to the use of the informer; the other half to the use of the Literary fund: and that all proceedings before said justice shall be such as are now authorized by law in cases of small debts under his jurisdiction.

Duty of
inspectors

" § 4. It shall be the duty of the inspectors appointed by virtue of this act, to inspect all guano which may hereafter be exposed, or offered for sale or sold within the limits of the city of Richmond and city of Petersburg, whether the same be contained in bags, barrels, kegs or casks, and to put proper marks on the same, denoting the place of inspection and the quality and weight of guano contained in each bag, barrel, keg or cask, making proper allowance for the weight of the bag, barrel, keg or cask in which said guano or plaster of paris may be contained, according to the best of his judgment."

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

CHAP. 87.—An ACT to amend the 1st section of the act passed March 4, 1856, for marking the Boundary Line between Fluvanna and Albemarle Counties.

Passed February 27, 1861.

Be it enacted by the general assembly, that the first section of the act passed March fourth, eighteen hundred and fifty-six, entitled an act to mark and define the boundary line between Fluvanna and Albemarle, be amended and re-enacted so as to read as follows :

“§ 1. B. H. Magruder, James W. Mason, R. W. Wyatt and William A. Rogers of the county of Albemarle, and William G. Clarke, B. J. Haden, J. H. Burgess and John Johns of Fluvanna, be and they are hereby appointed commissioners, any four of whom may act, provided two so acting shall be citizens of each of said counties, whose duty it shall be to examine, ascertain, fully define and mark the line between the said counties of Albemarle and Fluvanna, on the portion of the line from the James river to the Three chopped road: and for that purpose, they shall select their own time; and being first duly sworn, shall proceed to discharge the said duty, and report the result to each of the county courts of Albemarle and Fluvanna.”

PRIVATE OR LOCAL ACTS.

CHAP. 88.—An ACT to amend the Charter of the City of Richmond.

Passed March 18, 1861.

1. Be it enacted by the general assembly, that the territory contained within the limits prescribed by the act now in force, and by any act hereafter passed by the general assembly, shall be deemed and taken as the city of Richmond: and the housekeepers and inhabitants within the said limits, and their successors, shall continue to be a corporation, with perpetual succession, by the name and style of The City of Richmond; and as such, and by that name, may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto; and may purchase, take, receive, hold and use goods and chattels, lands and tenements, and choses in action, or any interest, right or estate therein, either for the proper use of the said city, or in trust for the benefit of any persons or association therein; and the same may grant, sell, convey, transfer and assign, let, pledge, mortgage, charge and encumber in any case, and in any manner in which it would be lawful for a private individual so to do; and may have and use a common seal, and alter and renew the same at pleasure; and generally shall have all the rights, franchises, capacities and powers appertaining to municipal corporations in this commonwealth.

City of Richmond incorporated

2. The corporation of the city of Richmond shall have all the estates, rights, titles and privileges, all the funds, revenues and claims, and all the powers, capacities, franchises and immunities which were vested in, or conferred upon, or belonged, or appertained to the city of Richmond, or to the mayor, aldermen and commonalty of the city of Richmond, by or under any act or acts of the general assembly heretofore passed, and not in conflict with this act.

Rights and powers of corporation

3. For the said corporation there shall be a mayor. There shall be a board called "the council of the city of Richmond;" which shall be composed of fifteen members; of whom, until the council shall otherwise prescribe, five shall be for each ward; and there shall be a court, which shall be called "the court of hustings for the city of Richmond;" and the members of said court shall consist of a judge, the mayor, and fifteen other persons; of which fifteen persons, until the council shall otherwise prescribe, there shall in like manner be five from each ward.

Mayor and council

Court of hustings, of whom to consist

Powers, &c. of
the council

4. All the estates, rights, titles and privileges, and all the funds, revenues and claims of the city shall be under the care, management, control and disposition of the council; and all the corporate powers, capacities, franchises and immunities of the city shall be exercised by the council, or under its authority, unless it be otherwise expressly provided.

Members of
council and
court of hust-
ings, how
elected

5. There shall be an election annually in each ward of the said city, on the first Wednesday in April; or in case of failure to hold the election on that day, then on such day afterwards as the council may direct: which election in a ward shall be for its members of the council and members of the court of hustings, other than the judge thereof, and for persons to fill the following offices for said city, to wit: Mayor, sergeant, high constable, superintendent of the gas works, superintendent of streets, superintendent of water works, assessor, collector of the city taxes, captain of the night watch, manager of the poorhouse, gauger, and measurer of grain. And there shall also be elected, by the qualified voters of the said city, at such time and place as the council of the city shall prescribe, a judge of the court of hustings for said city, who shall hold his office for the term of eight years, and shall receive such compensation as may be allowed by the council: provided, that his election shall not take place within thirty days of any municipal or state election in said city, other than a state election for a judge, and that his compensation shall not be diminished during his term of office. The manner of conducting his election, of making return thereof, of his qualification, of ordering new elections to fill vacancies in his office, and of deciding disputed elections, shall be prescribed by ordinance of the council.

Other officers

Judge of court
of hustings, how
and when
elected; term of
office

6. The term of office of members of the council and of the court of hustings (other than the judge thereof), and of all the other officers mentioned in the next preceding section, except the assessor, shall commence on the Saturday after the election, and the term of office of the assessor shall commence on the first day of July thereafter.

Term of office

7. On the first Wednesday in April next before the expiration of the present term of office of the officers herein after mentioned in this section, or in case of a failure to hold the election on that day, then on such day afterwards as the council may direct, there shall be held an election for the following officers, to wit: A clerk of the hustings court of said city, an attorney for the commonwealth in said court, and a surveyor for said city; and on the same day on every sixth year thereafter, there shall be elected a clerk of said court and a surveyor; and in every fourth year thereafter, there shall be elected an attorney for the commonwealth for said court; and every vacancy occurring in either of the offices enumerated in this section, shall be filled by an election for so much of said term as remains unexpired,

Elections, when
held

What officers to
be elected

8. The term of office of members of the council and of the court of hustings (other than the judge thereof), and of all the other officers mentioned in the next preceding section, except the assessor, shall commence on the Saturday after the election, and the term of office of the assessor shall commence on the first day of July thereafter.

to be held at such time as shall be directed by the council, and in the manner prescribed in this act: and in case the vacancy be in the office of clerk, the judge of the said hustings court may appoint a clerk pro tempore, who shall discharge the duties until a clerk shall be elected and qualified.

How clerk, pro tem. appointed

8. At such election in a ward, any white male citizen of the commonwealth of the age of twenty-one years, who resides in such ward, and is qualified to vote in the city for members of the general assembly, shall have a right to vote, and be eligible as members of the council or of the court of hustings.

Who may vote

9. For such election the city shall continue divided (as at present) into three wards, until the council shall lay it off into wards differently, or alter the wards. The said election shall be held at such place in each ward as shall have been prescribed by the council; the president or clerk of the council publishing, previous to the election, notice of the time and place therefor, in two papers of the city for two weeks, or for such other time as the council may direct.

City divided into wards

10. For superintending said election, the council shall, previous thereto, appoint five persons in each ward as commissioners, any two or more of whom may act, to superintend the election in each ward. They shall admit all persons entitled to vote to do so, and reject the votes of all not entitled, and in all respects have the poll fairly taken, according to the charter and the ordinances of the city. They may swear any person to answer questions in relation to any right to vote which is claimed; and the name of any person offering to vote, but rejected by them, if required by the voter or any candidate, shall be entered in a separate list on the poll, with the names of the persons for whom he wished to vote.

Commissioners of election, how appointed

11. Every such commissioner shall, before he enters upon the discharge of his duties, take an oath faithfully to execute the office of commissioner; which oath may be administered by the mayor, or any justice of the city, or by the person appointed to conduct the election; and a certificate of said oath shall be returned to the clerk of the council, and be preserved in his office.

Oath of commissioner

12. The poll shall not be opened at any election sooner than sunrise, and shall be closed at sunset. But if the electors who appear at the place of voting cannot all be polled before sunset, or if it shall appear to the commissioners that many of those entitled to vote have been prevented from attending by rain, they shall keep the polls open for two days, including the first.

When polls opened and closed
When polls may be kept open

13. An officer to conduct the election in each ward shall be appointed by the council: or if the council fail to do so, or the officer

Conductors, how appointed

appointed by it fail to attend, by the commissioners. And before he commences taking the poll, he shall take an oath or affirmation to the following effect: "I do solemnly swear, that in conducting the election about to be held, I will not attempt to influence the vote of any person, or be guilty of any partiality for any candidate or person voted for, and as far as depends on me, I will make a true return of the result of the election, according to law. So help me God."

Oath of conductor Under the superintendence and control of the commissioners, it shall be the duty of said officer, after taking the oath or affirmation herein prescribed (a certificate whereof shall be returned to the clerk of the council), to cause the polls to be opened publicly for the election in the ward for which he is appointed; to proclaim and see recorded the votes admitted by the commissioners; to preserve order and remove force. The said officer shall employ such writers, and at such rate of compensation as the council may direct; or in the absence of such direction, such writers, and at such rate as he shall think fit; and they shall respectively take an oath, to be administered by said officer, to record the votes faithfully and impartially. He shall deliver to each writer a poll book for those officers as to which such writer is to record the votes. The writers shall enter the name of each voter in a column to be headed with the words "Names of voters;" and opposite the name of the voter, a mark or numeral, under the name of each person for whom he votes for any of said offices. The said votes shall be given as prescribed by the fourth section of the third article of the constitution; but at the time a vote is given, the officer shall receive of each voter a paper or ticket (with his name written on it), which shall specify the names of the persons for whom he votes, and for what office.

Writers, how employed

Poll books to be delivered to writers

14. After the names of all the persons offering to vote before the time for closing the election shall have been thus entered, the officer shall conclude the poll. Immediately on the conclusion thereof, the correctness of the poll shall be certified by the commissioners superintending the election, and by the officer conducting the same.

Poll, how certified

15. If a person vote more than once in the same election, all his votes except one shall be stricken from the poll. This shall be done in an election for members of the council, or of the court of hustings, by the officer conducting the election for the ward in which such election is held, and in the election of other officers, by the officers conducting the elections in the several wards. It shall be done upon an examination of the polls, to be had as soon as practicable after they are closed; and the officer or officers shall at the same time attach to the poll a list of the votes stricken therefrom, and the reasons therefor.

Double voting

16. The officer conducting the election in a ward shall then ascertain

Certificates of

tain, declare and certify what persons are elected in said ward as members of the council; or if an equal number of votes be given for persons of whom one or more, but not all could lawfully be elected, he shall certify the name of each of said persons, and the number of votes given for him. He shall also ascertain and certify the name of each person voted for in such ward as member of the court of hustings, and the number of votes given for him. And the officers conducting the elections in the several wards shall, in respect to each of the other offices for which an election is held, ascertain and certify the name of each person voted for for such office, and the number of votes given for him.

election, how made

17. The certificates of said officers, with the polls and tickets, shall be delivered by them to the clerk of the council; whereupon, persons appearing from said certificates to be elected in a ward as members of the council for such ward, shall be entitled, after taking the proper oath, to sit in the council until the council shall otherwise decide. The council shall ascertain, and upon their journal enter what persons are elected from each ward as members of the court of hustings, and what person is elected to each of the offices for the city that are mentioned in the fifth and seventh sections.

To whom certificates of election delivered

18. The council may decide between two or more persons having an equal number of votes for the same office, which of them is elected: it may pass upon the qualifications of persons voted for: it may prescribe the manner of determining contested elections in cases not specially provided for by this act: it may prescribe the fines to be imposed on persons who vote illegally; and in regard to any other question in respect to which it directs a poll, it may make such rules and regulations as it may deem fit.

Tie votes, who may decide

Powers of council

19. The council shall certify to the court of hustings held by the mayor, recorder and aldermen, the names of the persons elected from each ward as members of said court, and the name of the person elected sergeant, and the name of the person elected high constable; and the said court shall take from said sergeant and constable respectively, a bond in like manner as if it had appointed them. The council shall cause the several persons elected to be notified of their election; and the persons elected members of the court of hustings shall elect from among themselves one person as recorder, and one as senior alderman of the city, and certify such election to said court. The other persons elected members of said court shall be aldermen of the city.

Duty of council to certify election of members of court of hustings, and other officers

Recorder

Senior alderman

20. The members of the council for any ward, who may be in office at the time an election is held for their successors, shall continue in office until said successors, or a majority of them, are qualified. The members of the court of hustings elected from any ward,

Members of council to continue until successors are qualified

Same as to

members of
court of hust-
ings

who may be in office at the time an election is held for their successors, shall also continue in office until said successors, or a majority of them, are qualified: And the mayor, and all other persons holding offices mentioned in the fifth and seventh sections, or appointed under ordinances of the city, shall (unless sooner removed) continue in office, after their terms of service have expired, until their respective successors are qualified.

Vacancies, in
cases of expul-
sion, &c how
filled

21. If the person who shall have received the highest number of votes for an office be adjudged by the council to be ineligible, or if in case of a contested election the council decide that neither of the parties to the contest is entitled to the office for which the election was held, or shall expel a member, it shall, in either of said cases, order a new election to fill the vacancy, and prescribe the time therefor: and unless the council otherwise direct, such new election shall be conducted and superintended by the same officers who conducted and superintended the previous election, and shall be under the like regulations.

Vacancies, in
other cases,
how filled

22. If, during the term for which a person may have been elected to any office herein mentioned, a vacancy occur in said office, otherwise than is mentioned in the preceding and seventh sections, such vacancy may be filled by an appointment for so much of said term as is unexpired. Such appointment shall be by the court of hustings held by the mayor, recorder and aldermen, if the vacancy be in the office of sergeant, high constable, recorder, senior alderman or any other alderman; and shall in other cases be by the council. The appointment, if the vacancy be in the office of recorder or senior alderman, shall be from among the other members of the court; if in the office of any other alderman, or of a member of the council, from among voters in the ward for which such member of the council was elected, or in which the number of aldermen is deficient: and if in any other office, from among those who would be eligible thereto, if an election were held under any preceding section of this act.

Change in mode
of election, how
made

23. If the council shall at any time deem it expedient that a change should be made in the mode of electing any of the officers mentioned in section five, so as to authorize the council or court of hustings to appoint one or more of them, the council may direct a poll to be taken for and against said change, specifying in such resolution the particular office or offices as to which the change is proposed, and whether it is proposed that the appointment thereto shall be by the council or the court. The resolution shall designate a certain time for the poll, not less than one month from its date, and shall be published for one month in at least two newspapers of the city. At the time designated, the poll shall be taken, superintended and conducted by the same officers, at the same places, and

in like manner as the elections herein before mentioned. If a majority of the votes be in favor of the change proposed, the council shall have the fact entered on their journal; and thenceforth there shall be no new election under the fifth section for the particular office or offices specified in the resolution, but at the expiration of the year for which an election shall have been made to said office or offices, the same shall be filled by an appointment to be made by the council or the court, according as the one or the other shall have been proposed and voted for.

24. Neither the members of the council nor any of the officers mentioned in sections five and seven of this act, nor the officers appointed by the council, shall be competent to act until they shall have taken the oaths or affirmations prescribed by the charter or the ordinances of the city, before the mayor or some other justice of the city. And if any person elected as a member of the council, or to any of said offices, shall not have taken such oath or affirmation, and filed a certificate thereof in the proper office within such time as the council shall prescribe, he shall be considered as having vacated his office. Oaths of office

25. The council shall elect one of its members to act as president, who shall preside at its meetings, and continue in office for the year; and when from any cause he shall be absent, they may appoint a president pro tempore, who shall preside during the absence of the president. The president, or the president pro tempore, who shall preside when the proceedings of a previous meeting are read, shall sign the same. The president shall have power at any time to call a meeting of the council: and in case of his absence, sickness, disability or refusal, the council may be convened by the order in writing of any three members of the council. President of council
President pro tempore

26. Eight members of the council shall constitute a quorum for the transaction of business: and no by-law, ordinance or regulation shall be binding, unless the same shall have been passed by the votes of a majority of the members of the council who are present. Quorum of council

27. The council shall be authorized to grant compensation to the mayor, recorder and aldermen of the city: the said compensation to be paid out of the funds of the city. Compensation of the mayor

28. The council shall have authority to adopt such rules and to appoint such officers and clerks as they may deem proper for the regulation of their proceedings, and for the convenient transaction of their business: may fine members of their body for disorderly behavior: and may, with the consent of two-thirds of the council, expel a member. They shall keep a record of their proceedings, which shall at all times be open to the inspection of any voter of said Powers of council
Journal, how kept

city; and at the request of any member present, the ayes and noes on any question put shall be taken and entered on the journal. The clerk of the council shall be the keeper of the seal of the city.

Powers of
council as to
good order, &c
of city

29. The council shall have authority to pass all by-laws, rules and ordinances (not repugnant to the constitution and laws of this state) which shall be necessary for the good ordering and government of such persons as shall from time to time reside or be within the limits of the said city, or shall be concerned in interest therein, for the management of its property and the due and orderly conducting of its affairs, or which shall be necessary or proper to carry into full effect any power, authority, capacity or jurisdiction, which is or shall be granted to or vested in the said city, or in the council, the court of hustings, or any officer of said city, or which they shall deem necessary for the peace, comfort, convenience, good order, good morals, health or safety of said city, or of the people or property therein: and to enforce any or all of their ordinances, by reasonable fines and penalties, not exceeding for any one offence the sums limited in this act.

What officers
council may
appoint

30. The council may appoint such officers as they may deem proper, in addition to those herein before provided for, and define the powers and prescribe the duties and compensation, not only of officers so appointed, but also of the overseers of the poor, the superintendents of the streets and gas works, superintendent of the water works, assessor and collector of the city taxes, captain of the night watch, gauger, measurer of grain, and manager of the poorhouse; and may take from any of said officers bonds with sureties, in such penalty as to the council may seem fit, payable to the city, by its corporate name, and conditioned for the faithful discharge of said duties. Any of said officers may be removed from office by the council for misconduct or neglect of official duty; and the council may declare when the office of any of them shall become vacant by a failure to qualify. All officers appointed by the council may be removed from office at its pleasure; and when from a change in the mode of conducting the business for which any officer is elected or appointed, the office is no longer necessary, the council may abolish it.

When officers
may be removed
When office
abolished

Bonds of
officers, to what
proceedings
subject

31. The parties to bonds taken in pursuance of the preceding section, their heirs, devisees, executors and administrators, shall be subject to the same proceedings on the said bonds for enforcing the conditions and terms thereof, by motion or otherwise, before the circuit court of the city of Richmond, or the hustings court of the city, when held by the judge thereof, or any other courts held in the city, which may succeed to their civil common law jurisdiction, that collectors of the county levy and their securities are or shall be subject to on their bonds for enforcing payment of the county levies.

Wards, how
changed

32. The council may change the boundaries of the wards, and

increase the number thereof; and may alter the names of wards and streets, and may apportion the members of the council and aldermen among the several wards according to their population.

33. The council may (if it shall be deemed expedient) cause to be made a survey and plan of the city, showing each lot, public street and alley, the size and number of the lots, and the width of the streets and alleys, with such explanations and remarks as the council may deem proper. The said plan, upon being approved by two successive councils, shall be entered upon the books of the clerk of the council, and shall afterwards be recorded in the office of the clerk of the court of hustings of the city, and remain in said office. It shall be evidence of said lots, streets and alleys: provided, that the lots laid down shall be only the lots laid down in the plan of the town, and not the divisions thereof since made: provided, that the said survey and plan shall not be approved by either council until they shall have referred the same to a committee, and the accuracy of the said survey and plan is certified by said committee.

Plan of city provided for

34. The council may establish markets in and for said city; appoint clerks and proper officers therefor: prescribe the times and places for holding the same: provide suitable buildings therefor: and they may enforce such regulations as shall be necessary or proper to prevent huckstering, forestalling and regrating.

Markets, how established

35. The council may erect or provide, in or near the city, suitable workhouses, houses of correction, and houses for the reception and maintenance of the poor and destitute. They shall possess and exercise exclusive authority over all persons within the limits of said city, receiving or entitled to the benefit of the poor laws: appoint overseers of the poor, managers and other persons connected with the aforesaid institutions, and regulate pauperism within the limits of the city.

Workhouses how provided for

Overseers of the poor, how appointed

36. The council may restrain and punish drunkards, vagrants, mendicants and street beggars.

Drunkards &

37. The council may take measures to prevent the coming into the city, from beyond the limits of the state, of persons having no ostensible means of support, or of persons who may be dangerous to the peace and safety of the city; and for this purpose may require any rail road company or the captain or master of any vessel bringing such passengers to Richmond, to enter into bond, with satisfactory security, that such persons shall not become chargeable to the city for one year; or may compel such company, captain or master to take them back from whence they came, and compel the persons to leave the city, if they have not been in the city more than thirty days before the order is given.

Ingress of people from beyond the limits of the state, how prevented

- Public buildings** 38. The council may erect and keep in order all public buildings necessary or proper for said city; may provide, in or near the city, lands to be appropriated, improved and kept in order, as places for the interment of the dead, or as places for city grounds, and may charge for the use of ground in said places of interment, and may regulate the same: may prevent the burial of the dead in the city, except in the public burial grounds; may regulate burials in said grounds; and may require the keeping and return of bills of mortality by the keepers or owners of all cemeteries, if the owners live or their office is located in the city; and may provide suitable magazines, in or near said city, for the storage of gunpowder, or other combustible and dangerous articles.
- Burial grounds and bills of mortality**
- City prison** 39. The council may cause to be erected within said city a city prison, and said prison may contain such apartments as shall be necessary for the safe keeping and employment of all persons confined therein.
- Infectious diseases** 40. The council shall have exclusive authority within the said city and the port thereof; to secure the inhabitants thereof from contagious, infectious or other dangerous diseases; to establish, erect and regulate hospitals in or near said city; to provide for and enforce the removal of patients to said hospitals, and for the appointment and organization of a board of health for said city, and invest it with the authority necessary for the prompt and efficient performance of its duties.
- Hospitals**
- Accidents by fire** 41. The council may take such measures as shall be necessary or proper to prevent accidents by fire within the said city, or to secure the inhabitants thereof, and their property, as far as practicable, from injury thereby; and specially to establish, organize, equip and govern fire companies in said city, and to appoint a fire marshal and assistants, with any or all of the powers which have been or may be vested by law in such officers; and to purchase fire engines or other apparatus, and to keep the same in good order.
- Water works and gas works** 42. The council may establish or enlarge water works and gas works within or without the limits of the said city; may contract and agree with the owners of any land for the use or purchase thereof; or may have the same condemned for the location, extension or enlargement of their said works, the pipes connected therewith, or any of the fixtures or appurtenances thereof. They shall have power to protect from injury, by adequate penalties, the said works, pipes, fixtures and land, or any thing connected therewith, within or without the limits of said city, and to prevent the pollution of the water in the river, by prohibiting the throwing of filth or offensive matter therein above the said water works, within one mile above said water works.

43. The council may provide for the appointment, organization, City watch compensation and regulation of a city watch; may prescribe the duties and define the powers of the several officers, members and classes thereof, in such manner as will most effectually preserve the good order and peace of the said city, and secure the inhabitants thereof from personal violence, and their property from loss or injury.

44. The council may establish, construct and keep in order, and Landings, wharves and docks may alter or remove landings, wharves and docks on land belonging to the city; and may lay and collect a reasonable duty on vessels coming to and using the same: and may regulate the manner of using other wharves and landings within the corporate limits; may prevent or remove all obstructions in and upon any landings, wharves or docks. They may also appoint port wardens for the port of said city; prescribe the duties, and fix their fees or compensation.

45. The council may establish a quarantine ground for the city: Quarantine but if said ground shall extend below the eastern boundary of the city, on the river, the assent of the county court of Henrico shall be first obtained.

46. The council shall prescribe the duties of the surveyor of the Duties of surveyor, how prescribed city, and establish and regulate his compensation or fees of office; and all surveys or other acts which shall be made or done by said surveyor, shall be as valid and effectual as if the same were done by a surveyor of a county.

47. The council may open, close or extend, widen or narrow, lay out Streets and alleys and graduate, pave and otherwise improve streets and public alleys in the city, and have them properly lighted and kept in good order: and they shall have over any street or alley in the city, which has been or may be ceded to the city, like authority as over other streets and alleys. They may build bridges in and culverts under said Bridges and culverts streets; and may prevent or remove any structure, obstruction or encroachment over or under or in a street or alley, or any side walk thereof, and may have shade trees planted along the said streets; and no company shall occupy with its works the streets of the city without the consent of the council. In the mean time no order shall When injunction allowed be made and no injunction shall be awarded by any court or judge, to stay the proceedings of the city in the prosecution of their works, unless it be manifest that they, their officers, agents or servants are transcending the authority given them by this act, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

48. The council may authorize the laying down of city railway City railways tracks, and the running of horse cars thereon, in the streets of the city, under such regulations as they may prescribe.

Private property not to be taken without compensation

49. The council shall not take or use any private property for streets or other public purpose, without making to the owner or owners thereof just compensation for the same. But in all cases where the said city cannot by agreement obtain title to the ground necessary for such purposes, it shall be lawful for the said city to apply to and obtain from the court of the county of Henrico, or the circuit court thereof, if the subject proposed to be condemned lies in said county, or to the court of hustings held by the judge thereof, or the circuit court of the city, if the subject lies within the city, for authority to condemn the same; which shall be applied for and proceeded with as provided by law.

Richmond Lancasterian school

50. The council may, from their own body, or from among the citizens, appoint trustees of the Richmond Lancasterian school, and make regulations for the government of the trustees and of the school. They may also establish other schools, and regulate the system of education therein: and may provide or aid in the support of public libraries, to which citizens may resort; and may establish an atheneum or lyceum for the diffusion of knowledge by lectures or otherwise.

Atheneum or lyceum

Prohibition as to building

51. It shall be lawful for the council, on the petition of the owner or owners of not less than one-fourth of the ground included in any square of said city, to prohibit the erection in such square of any building, or of any addition to any building, more than ten feet high, unless the outer walls thereof be made of brick and mortar, or stone and mortar, and to provide for the removal of any building or addition which shall be erected contrary to such prohibition, at the expense of the builder or builders, owner or owners thereof: and may provide for the regular and safe building of houses in the city.

Nuisances, how abated

52. The council may require and compel the abatement and removal of all nuisances within said city, at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same shall be. They may prevent or regulate slaughter houses and soap and candle factories within said city, or the exercise of any dangerous, offensive or unhealthy business, trade or employment therein; and may regulate the transportation of coal and other articles through the streets of the city.

Stagnant water, &c

53. If any ground in the said city shall be subject to be covered by stagnant water, or if the owner or owners, occupier or occupiers thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the council may cause such ground to be filled up, raised or drained, or may cause such substances to be covered, or to be removed therefrom, and may collect the expense of so doing from the said owner or owners, occupier or occupiers, or any of them, by distress and sale, in the same manner in which taxes

levied upon real estate for the benefit of said city, are authorized to be collected: provided, that reasonable notice shall be first given to the said owners or their agents. In case of non-resident owners, who have no agent in said city, such notice may be given by a publication for not less than four weeks in any newspaper printed in said city.

54. The council may prevent hogs, dogs and other animals from running at large in said city, and may subject the same to such regulations and taxes as they may deem proper. And the council may prohibit slaves, free negroes or mulattoes from keeping dogs, and may prohibit the raising or keeping of hogs within said city.

55. The council shall have the power to prevent the practice of flying kites, of firing guns, crackers, or any combination of gunpowder or other combustible and dangerous materials in the city, or the engaging in any employment or sport in the streets or public alleys thereof, dangerous or annoying to passengers; to prevent the riding or driving of horses or other animals, or the running of steam or horse engines or cars at an improper speed within the limits of said city, and wholly to exclude the said engines or cars, if they please: provided no contract be thereby violated.

56. The council may require spirituous liquors, wine, oil, molasses, vinegar and spirits of turpentine, in casks, to be gauged and inspected; and may make such provision for the weighing of hay, fodder, oats, shucks or other long forage, as will not be in conflict with the act passed the twenty-second of March eighteen hundred and forty-seven, to prevent the authorities of said city from laying and collecting a tax upon the bales of hay sent by the farmers of the state to said city. They may also provide for measuring corn, oats, grain, coal, stone, wood, lumber, boards, potatoes and other articles for sale or barter.

57. The council may adopt measures to suppress riots, gaming and tippling houses, and houses of ill fame: and upon persons who unlawfully sell, by retail, wine, beer, ale, porter, ardent spirits, or a mixture thereof, may impose fines in addition to those prescribed by the laws of the state. They may also adopt measures to prevent lewd, indecent and disorderly conduct or exhibitions in the city, and to expel therefrom persons guilty of such conduct, who shall not have resided therein as much as one year.

58. The council may require owners or employers of negroes in said city to provide them with board and lodging, and may impose penalties on said owners and employers for failing to make such provision, or for permitting their slaves to work for themselves, or hire themselves out. They may declare what in said city shall be an un-

lawful assembly of negroes, and may empower their officers of police to enter the place of such assembly and seize such negroes; and may prescribe the punishment of such negroes, and the fine to be imposed on a person permitting such unlawful assembly on his lot or tenement.

Aid to military
companies

59. The council may grant aid to military companies and regiments organized within the city; to societies or associations for the advancement of agriculture and the mechanic arts; to scientific, literary and benevolent societies: provided such societies or associations are located in or near the city, or in the case of agricultural societies, shall hold their fairs in or near the city.

Auctioneers

60. The council may grant or refuse licenses to auctioneers, and require taxes to be paid on their licenses, in addition to any tax paid by them to the state; and may regulate sales at auction within the city, and require a per centum to be paid on such sales (except sales in the city under the judgment or decree of a court or magistrate of this state), and may require bond with security for the payment of such per centum.

Theatrical
performances

61. The council may grant or refuse licenses for theatrical performances in a public theatre, or for any public show, exhibition or performance elsewhere, and may require taxes to be paid on such licenses, and make regulations as to any such show, exhibition or performance.

Wagons,
drays, &c

62. The council may grant or refuse licenses to owners or keepers of wagons, drays, carts, hacks and other wheeled carriages kept or employed in the city for hire; and may require the owners or keepers of wagons, drays and carts, using them in the city, to take out a license therefor; and may require taxes to be paid thereon, and subject the same to such regulations as they may deem proper.

Hawkers and
peddlers

63. The council may grant or refuse licenses to hawkers and peddlers in the city, or persons to sell goods by sample therein, under such regulations as they may deem proper, and may require taxes to be paid on such licenses.

Insurance
companies

64. The council may provide that no agent or sub-agent of any insurance company or office, whose principal office is located out of this city, shall establish or keep any office, or transact the business of his agency within this city, without obtaining a license therefor, and may require payment of a tax on such license, and a per centum on the premiums received by such agent or sub-agent, and bond with security for the payment of such per centum.

Billiard tables,
ten pin alleys,
&c

65. The council may grant or refuse a license for keeping billiard tables, ten pin alleys and pistol galleries, and may impose a tax on

said license: or the council may prohibit or regulate the keeping thereof in the city, under such penalties as the council is authorized to impose.

66. On the petition of one-fourth of the freeholders of the city, the council may by resolution direct a poll to take the sense of the freeholders of the city on the question whether the council, on behalf of the city, shall subscribe to the stock of a company incorporated for a work of internal improvement in this state (which, or any part of which is to be constructed in or near the city, or which connects with a road leading to the city), an amount not exceeding a certain maximum, to be stated in the resolution. The resolution shall designate a certain time for the poll, not less than one month from its date, and shall be published for one month in at least two newspapers of the city. At the time designated, commissioners appointed by the council shall, after taking an oath fairly to take and return the poll, proceed in the city in like manner as commissioners acting under the forty-seventh section of chapter sixty-one of the second edition of the Code, proceed in a county, except that the polls, instead of being of freeholders of the county, and at the courthouse of the county, and at other places, shall be of freeholders of the city, and at the courthouse of the city, and other places at which elections are held in the wards; and instead of being returned to the clerk of the county court, shall be returned to the clerk of the council. If by the poll books it appears that a majority of the freeholders of the city voting upon the question are in favor of the subscription, the council may subscribe, on behalf of the city, for stock in said company to an amount not exceeding the maximum mentioned in said resolution.

How subscriptions to works of internal improvement made by city

67. The council may subject any person or persons who, without having obtained license therefor from the council, shall do any act, or follow any employment or business in said city, for which the council are or shall be authorized to grant licenses, to any fine or punishment which they are authorized to impose or inflict for the enforcement of their ordinances.

Penalty on persons not obtaining license

68. For the execution of its powers or duties, the council may tax real estate in the city; slaves owned, hired or permanently employed in the city, though lodged outside the city limits; all other personal property therein: provided, that this clause shall not apply to the slaves of persons residing out of the city limits, who take their slaves at night to their own homes, and employed by them in their own business: all free persons over sixteen years of age; all corporations located in the city, except banks of circulation and internal improvement companies; all moneys owned by or credits due to any persons living in the city; all capital of persons having a place of business in the city, and doing business therein, and employed in said busi-

On what council may levy tax

Exemption
 ness, though the said business may extend beyond the city: provided, that so much of said capital as is invested in real estate and slaves, or is employed in the production or manufacture of articles outside of the city limits, shall not be taxed as capital; but no capital taxed by the said council under the provisions of this clause, shall be subject to county or corporation taxes elsewhere under the laws of the commonwealth; all stocks in incorporated joint stock companies owned by persons living in the city, not exempt by law from taxation: incomes, interest on money, dividends of banks or other corporations owned by persons living in the city: provided, that no capital, interest, incomes or dividends shall be taxed, when a license or other tax is imposed upon the business in which the capital is employed, or upon the principal money, credits or stock from which the interest, income or dividends is derived: nor shall a tax be imposed at the same time upon a corporation, and upon the stock or dividends thereon of said corporation.

Ordinaries, &c
 may be taxed
 Dealers in
 horses, &c
 Dealers in
 quack medicines
 69. The council may tax every person who keeps in the city an ordinary or house of entertainment, or boarding house, public or private: a public eating house, coffee house, lager beer saloon or cook shop; a private negro jail, wherein slaves are confined and boarded; every person who is an agent to hire or sell slaves for profit, or to rent out houses, or to sell cattle, sheep or hogs; every person who is a dealer in horses or mules, or who keeps a livery stable; every broker, lawyer, physician or dentist; every person who keeps a daguerreian gallery; every person who sells or harters any patent, specific or quack medicine; all sellers of spirituous liquors, beer or ale; all shop keepers, merchants, traders and manufacturers; and the other persons upon whom the state may at the time have imposed a license tax. And as to all persons or employments embraced in this section, the council may lay the tax directly, or may require them to take out a license, under such regulations as may be prescribed by ordinance, and impose a tax thereon. But the taxes herein authorized shall be subject to the provisos stated in the next preceding section.

Who may
 collect taxes
 70. The council may vest in the collector of the city taxes, and of assessments for the use of water and gas, any or all of the powers which are now or may be hereafter vested in a sheriff as collector of the state taxes; may prescribe the mode of his proceeding, and the mode of proceeding against him for the failure to perform his duties; and may authorize him to appoint assistants, under such regulations as they may prescribe.

Deed of trust,
 &c, not to pre-
 vent sale for
 taxes
 71. No deed of trust or mortgage upon goods or chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed, while such goods and chattels remain in the grantor's possession, nor shall any such deed prevent

the goods and chattels conveyed from being distrained and sold for taxes assessed thereon, no matter in whose possession they may be found.

72. A tenant from whom payment shall be obtained by distress or otherwise, of taxes due from a person under whom he holds, shall have credit for the same against such person out of the rents he may owe him; except where the tenant is bound to pay such tax by an express contract with such person.

Taxes obtained from tenant, how as to

73. Where a tax is paid by a fiduciary on the interest or profits of moneys of an estate laid out or invested either under an order of court or otherwise, the tax shall be refunded out of such estate.

Tax paid by fiduciary

74. There shall be a lien on real estate for the city taxes assessed thereon, from the commencement of the year for which they are assessed. The council may require real estate in the city, delinquent for the non-payment of taxes, to be sold for said taxes, with interest thereon, and such per centum as they may prescribe for charges; and they may regulate the terms on which real estate so delinquent may be redeemed.

Lien for taxes on real estate

75. The council may, in the name and for the use of the city, contract loans, or cause to be issued certificates of debt or bonds; but such loans, certificates or bonds shall not be irredeemable for a period greater than thirty-four years.

Loans, how contracted

76. There shall be set apart annually, from the accruing revenues of the city, a sum equal to seven per cent. of the city debt existing at the commencement of this act. The fund thus set apart shall be called the "Sinking fund," and shall be applied to the payment of the interest of the city debt, and the principal of such part as may be redeemable. If no part be redeemable, then the residue of the sinking fund, after the payment of such interest, shall be invested in the bonds or certificates of debt of the city, or of this state, or of the United States, or of some of the states of this Union, and applied to the payment of the city debt as it shall become redeemable.

Sinking fund

77. Whenever, after the commencement of this act, there shall be contracted by the city any debt not payable within the next twelve months, there shall be set apart in like manner annually, for thirty-four years, or until the debt is paid, a sum exceeding by one per cent. the aggregate amount of the annual interest agreed to be paid thereon at the time of its contraction; which sum shall be part of the sinking fund, and shall be applied in the manner before directed.

Future debts sinking fund

78. The council shall not appropriate any part of the sinking fund, or its accruing interest, otherwise than is mentioned in the two preceding sections, except in time of war, insurrection or invasion.

Sinking fund not to be diverted
Proviso

Moneys, how held and paid over

79. All moneys received or collected for the use of the city, shall be paid over, held and disbursed, as the council may order or prescribe.

Court of hustings, how held

80. The court of hustings for the city of Richmond shall be held by the mayor, recorder and aldermen of the said city, or any four of them, except where otherwise provided, and also a judge, to be called the "judge of the court of hustings." A term of said court, not exceeding six days, shall be held by the mayor, recorder and aldermen in every month, at such times and places as the council shall prescribe; at which shall be exercised all the jurisdiction, powers and duties of the court of hustings, except such as are expressly vested and delegated to the said court when held by the judge aforesaid.

Term of the court to be held by the judge

81. A term of the said court, not exceeding twenty days, shall also be held by the said judge in every month, except the month of August, at such time and place as the council of the said city shall prescribe: at which term the said court shall exercise exclusively the jurisdiction now vested in it over all attachments, appeals in civil cases, civil actions, motions and suits at law and in chancery, all matters concerning the probate of wills, the appointment, qualification and removal of fiduciaries, and the settlement of their accounts: and the court so held, or the judge thereof, may appoint commissioners in chancery, commissioners to take depositions, receivers, and any other officers or agents, for the conducting of its business, which a circuit court or judge may appoint in similar cases, and whose appointment is not otherwise provided for by this act or ordinances of the city: and the said court, when held by the judge thereof, may exercise the power which a circuit court may exercise under section thirty-five, chapter one hundred and eighty-four, and sections one, two and three of chapter two hundred and ten of the Code of eighteen hundred and forty-nine.

Civil jurisdiction

Criminal jurisdiction

82. The said court, at the term held by the judge, shall have original jurisdiction of all felonies committed within the territorial limits of its jurisdiction, except of felonies committed by slaves, and by free negroes, where the penalty is not death. And if a prisoner, put on his trial for a felony, shall be found by the jury guilty of only a misdemeanor, the said court held by the judge shall have jurisdiction of the case; and it shall have appellate jurisdiction in cases in which the constitutionality or validity of an ordinance of the city shall be involved.

Quarterly terms

83. The business of the said court, as heretofore vested in it, whether held by the mayor, recorder and aldermen, or by the judge, shall be distributed by law: but the judge may designate which of his terms shall be quarterly terms.

Grand juries

84. A grand jury shall be summoned, as now prescribed by law,

to attend the terms of the said court held by the mayor, recorder and aldermen in February, May, August and November; and a grand jury shall be summoned in like manner, to attend the terms held by the judge immediately succeeding his quarterly terms; which grand jury shall be charged by the judge. All provisions of law concerning grand and petit juries, the taxation of costs and clerks' fees, applicable to circuit courts, shall apply to the said court, when held by the judge thereof.

85. All criminals examined by the said court held by the mayor, recorder and aldermen, if remanded for trial, shall be sent to the said court, at its terms held by the judge, and all depositions and recognizances shall be thereunto returned.

Persons examined for crime, to be tried by judge

86. The said court held by the judge, and the said judge respectively, shall have the same power as a circuit court, or a circuit judge, in suits for partition or for sale of lands of persons under disability, and to award and try writs of injunction, habeas corpus, mandamus and prohibition, and shall exercise the same jurisdiction and powers as a circuit court or circuit judge in such cases, and as to all subjects incident to the matters or cases of which the court or the judge has jurisdiction: and orders awarding injunctions may be directed to the clerk of the court, and injunction bonds taken by him, in all such cases over which the said court has jurisdiction. Appeals, writs of error and writs of supersedeas from and to judgments, decrees and orders of the said court held by the judge, shall be taken and allowed as if they were from or to those of a circuit court or a circuit judge. But if they be from or to the judgments, decrees and orders of the said court, when held by the mayor, recorder and aldermen, they shall be taken to the circuit court of the city aforesaid, as heretofore.

Jurisdiction of the court held by the judge of hustings

Appeals from hustings court

87. The commonwealth's attorney for the circuit court of the city of Richmond shall prosecute in all cases of felony in the said court of hustings held by the judge thereof. During the absence of the said judge, or his inability from any cause to hold terms of his court, the same may be held by any circuit judge, whose compensation shall be fixed and paid by the council of the said city. And the said court, when held by the judge, or the said judge, may remove causes to any circuit court for the same causes, and in the same manner as are prescribed by law for the removal of causes from one circuit court to another.

Commonwealth's attorney of Richmond

What in case of sickness, &c. of judge of the court of hustings

88. The commonwealth's attorney for the circuit court of the city of Richmond shall perform the duties connected with any matter or proceeding in the said hustings court, held by the judge thereof, which are required of the attorney of the commonwealth in circuit courts, and shall receive the same fees or compensation therefor, as

Duties and fees of commonwealth's attorney

is done in a circuit court. The records and proceedings of the said court, held by the judge thereof, shall be kept as the records and proceedings of a circuit court is required to be kept: and the duties, liabilities, compensation of and modes of proceeding against the clerk and other officers and agents of said court, held by the judge thereof, and the attorney's fees taxed, shall be the same as in like cases in the circuit court.

Of the clerk

Jurisdiction of
the court of
hustings

89. The said court of hustings shall continue to have civil and criminal jurisdiction, and the mayor, recorder and aldermen and judge shall each have the powers of a justice of the peace, except as in this act limited, not only within the corporate limits of the said city, but also for the space of one mile on the north side of James river, without and around said city, and every part thereof, including so much of said river to low water mark on the shore of the county of Chesterfield, as shall be between two lines drawn due south from the eastern and western termination of the one mile aforesaid, for matter arising within the same, according to the laws of the commonwealth.

Penalties, how
imposed by
council

90. The council may impose penalties for the violation of this act and any of the ordinances of the city, not exceeding three hundred dollars for one offence. If the penalty be above fifty dollars, it shall be prosecuted in the court of hustings of the city, at the terms held by the mayor, recorder and aldermen: but any claim to a fine or penalty under this act, or under any ordinance or by-law of the city, if it be limited to an amount not exceeding fifty dollars, and any other claim against the city, or a person therein, if it does not exceed fifty dollars (exclusive of interest), shall be cognizable in the mayor's court: and his judgment shall be final on all civil cases where the matter in controversy, exclusive of costs, is not more than twenty dollars.

Mayor's court,
how held

91. The mayor, or when he is absent from the city, or so sick as to be unable to attend to his duties, or his office is vacant, the recorder, or if he be absent from the city, or so sick as to be unable to attend to his duties, or his office is vacant, the senior alderman, shall hold a court, which shall be called "the mayor's court," every day, except Sunday, in such place as the council may designate, and take cognizance of such cases as may be brought before him under the laws of the state and all cases arising under the ordinances or by-laws of the city, and where the jurisdiction is not taken away by the next preceding section of this act. And the recorder and alderman of the city, only the one who is authorized for the time being by this section to hold said court, shall have authority to discharge from custody a person who has been committed to the jail for felony.

Mayor's office

92. The mayor shall keep an office in some convenient part of the city. In addition to his powers as a justice of the peace, his

jurisdiction shall extend to all breaches of the peace committed within the jurisdictional limits of the hustings court; and to all infractions of the city ordinances, shall be final, except in cases in which the constitutionality or validity of such ordinance is involved.

93. The mayor shall be the head of the police of the city, and shall have a general superintendence and control of said police, and over the officers of the city other than the judge, recorder and aldermen, and of the police and the night watch, pursuant to the ordinances of the city. When he is absent from the city, or is so sick as to be unable to attend to his duties, or his office is vacant, the recorder, or if he be absent from the city, or is so sick as to be unable to attend to his duties, or his office is vacant, the senior alderman shall exercise all the powers of the mayor.

Mayor, head of police

94. The police officers of the city, or such of them as the council may designate for the purpose, shall, in criminal cases, have the same powers, duties and fees, and be subject to the same penalties that are prescribed by law as to constables; and in proceedings for violations of this act, or of any ordinance or by-law of the city, said officers shall act to such extent and in such manner as the council may direct.

Powers of police officers

95. No person shall be capable of holding at the same time more than one of the offices mentioned in the fifth and seventh sections of this act.

Limitation as to holding office

96. In all respects, except as to the collection of taxes, the sergeant of the city shall have the powers and authority of, and shall perform the duties and receive the same fees, and be subject to the same liabilities and penalties, and be proceeded against in the same way as sheriffs. The high constable of the city shall in civil cases have the same powers, duties and fees, and be subject to the same penalties as are prescribed by law as to other constables; and no constable of the county of Henrico shall within the corporate limits execute a warrant issued by a justice of the peace in a civil case, or an execution issued on a judgment obtained on such warrant. The said high constable may, with the consent of the court of hustings held by the mayor, recorder and aldermen, appoint one or more deputies, of whom the court shall enter of record that the person so appointed is a man of honesty and good demeanor. Any such deputy may be removed from office by his principal or by the said court. During his continuance in office he may discharge any of the official duties of his principal.

Of the sergeant

High constable

97. This act shall be construed in relation to the powers conferred upon the city, as a remedial statute in favor of the city.

How act construed

98. The printed copies of the ordinances of the city, published

Evidence

under its authority, and transcripts from such ordinances, or from the journal of the council, certified by the clerk thereof, shall be received as evidence for any purpose for which the original ordinances or journal could be received, and with as much effect.

CHAP. 89.—An ACT amending the Charter of the Town of Charleston in the County of Kanawha.

Passed March 21, 1861.

Charter amended

Be it enacted by the general assembly of Virginia, that the charter of the town of Charleston in the county of Kanawha be amended and re-enacted so as to read as follows :

Corporate limits

1. The corporate limits and bounds of the town of Charleston shall be as follows : Beginning at the mouth of the branch emptying into the Kanawha river just above the mouth of Elk river ; thence up the Kanawha river at low water mark, to a stake on the edge of said river, opposite the line between Wilson's graveyard and James B. Noyes' ; thence down the bottom in a line parallel to Front street, to East avenue ; thence out East avenue so as to include the same, to a stake four hundred feet beyond the intersection of Orchard street with East avenue ; thence with a line parallel to Orchard and Third streets, down the bottom, to a stake on the upper side of the lane in which James A. Caldwell now resides ; thence out said lane by the street leading to Elk river ; thence with said street so as to include the same, to the branch above mentioned, and thence down said branch and binding thereon, to the place of beginning.

Municipal authorities

2. The municipal authorities of said town shall be a mayor, recorder and five councilmen, who together shall form a common council.

Town incorporated

3. The mayor, recorder and councilmen, so soon as they have been elected and qualified as herein after provided, shall be a body politic and corporate, by the name of The Town of Charleston ; and shall have perpetual succession and a common seal ; and by that name, may sue and be sued, implead and be impleaded ; may purchase and hold real estate necessary to enable them the better to discharge their duties, and needful for the good order, government and welfare of said town.

Corporate powers, where vested

4. All the corporate powers of said corporation shall be exercised by the said council, or under their authority, except where otherwise provided.

Town sergeant, &c

5. There shall be a town sergeant, a treasurer, a commissioner of the revenue and an overseer of the poor of said town.

6. The mayor, recorder and councilmen shall be elected by the citizens of the said town who may be entitled under this act to vote. By whom officers elected

7. Their term of office shall be (except when elected to fill vacancies) for one year and until their successors shall have been elected and qualified as herein after provided. Term of office

8. The mayor, recorder and councilmen must be freeholders in said town, and entitled to vote for members of its common council. Qualification of mayor, &c

9. The first election under this act shall be held on the first Saturday in May eighteen hundred and sixty-one, at the courthouse of Kanawha county, under the supervision of the sheriff of said county, or any two justices thereof; and annually thereafter, there shall be an election on the same day in each year, at such time and place, and under such supervision, rules and regulations as the council of said town may prescribe. The person or persons conducting the first election shall grant a certificate to the persons elected; which certificate shall be recorded among the by-laws and ordinances of said town. When election held

10. All persons who have had their domicile in said town for twelve months next preceding the day of election, and who shall have paid the town taxes assessed against them for the preceding year, and who shall also be entitled to vote for members of the general assembly of Virginia, shall be entitled to vote for all officers elected by the people under this act. Who may vote

11. Whenever a vacancy shall occur from any cause in the office of mayor or recorder, the council for the time being shall at once order a special election to be held to fill the vacancy; of which election two weeks' notice shall be duly given and published by the council. Vacancies

12. At all elections the vote shall be given viva voce. Viva voce voting

13. Whenever two or more persons for the same office at said election shall receive an equal number of votes, the commissioners of election, or a majority of them, after proclamation made at the front door of the place of voting, that the polls are about to be closed, and after closing the polls, shall decide and say which of the said persons shall be returned as elected. In case of a tie

14. All contested elections shall be heard and decided by the council for the time being. Contested election

15. The mayor, recorder and councilmen shall each, before entering upon the duties of their office, and within two weeks from the Oath of officers

day of their election, make oath or affirmation that they will truly, faithfully and impartially discharge the duties of their said offices, to the best of their abilities, so long as they shall continue therein. The mayor and recorder shall take said oath or affirmation before a justice of the peace, and the councilmen shall take it before the person presiding for the time in the council. Certificates of said oaths or affirmations shall be recorded in the journal of the proceedings of the council.

When former
council super-
seded

16. Whenever any four of the newly elected councilmen shall have been so qualified, they shall enter upon their said office, and supersede the former councilmen.

When mayor,
&c. to enter
on duties

17. The mayor and recorder shall each enter on the duties of his office so soon as qualified.

When new
election held

18. If any one who shall have been duly elected mayor, recorder or councilman, shall not have been eligible as herein prescribed, or shall refuse or fail to take the oath or affirmation required under this act, for two weeks from the day of his election, the council for the time being shall declare his said office vacant, and shall order a new election for mayor, recorder or councilman, as the case may be.

Vacancy in
council

19. Whenever from any cause a vacancy shall occur in the office of councilman, the council for the time being shall, by a vote of a majority present, fill it by choosing a councilman from among the citizens of the town eligible to that office under this act.

Who to preside
over council

20. The council shall be presided over at its meetings by the mayor; or in his absence, by the recorder; or in the absence of both mayor and recorder, by one of the councilmen selected by a majority of the council present.

Quorum

21. The presence of the mayor or recorder and at least three councilmen, or in the absence of both the mayor and recorder, the presence of five councilmen shall be necessary to make a quorum for the transaction of business.

Journal to be
kept

22. The council shall cause to be kept in a journal an accurate record of all its proceedings, by-laws, acts and orders; which shall be fully indexed, and open to the inspection of any one who is entitled to vote for members of the council.

Proceedings to
be read

23. At each meeting of the council the proceedings of the last meeting shall be read to the council, and shall thereupon be corrected, if erroneous, and signed by the person presiding for the time being. Upon the call of any member, the ayes and noes on any question shall be called and recorded in the journal.

24. The mayor and recorder shall have votes as members of the council: and in all cases of a tie, the person at the time presiding at the council shall have the casting vote. Who to vote in council

25. The council so constituted shall have power within said town Powers of council to lay off, open, curb and pave streets, alleys, walks and gutters for the public use, and to alter, improve and light the same, and have them kept in good order, and free from obstructions on or over them; to regulate the width of sidewalks on the streets, and to order the sidewalks, footways and gutters to be curbed and paved and kept in good order, free and clean, by the owners or occupants thereof, or of the real property next adjacent thereto; to lay off public grounds, and to provide, contract for and take care of all public buildings proper to the town: to establish and regulate markets; to prescribe the time for holding the same, and what articles shall be sold only in such markets; to prevent injury or annoyance to the public or individuals, from any thing dangerous, offensive or unwholesome; to protect places of divine worship in and about the premises where held; to abate or cause to be abated any thing which, in the opinion of a majority of the whole council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles; to provide in or near the town, places for the burial of the dead, and to regulate interments in the town; to provide for the regular building of houses or other structures, and for the making of division fences, and for the drainage of lots by proper drains and ditches; to make regulations for guarding against danger or damage from fires; to provide for the poor of the town; to lay off the town into two or more wards, and appoint and publish the places of holding town elections, and the time of holding special elections and polls: to provide a revenue for the town, and appropriate the same to its expenses, and to provide the annual assessment of taxable persons and property in the town: to adopt rules for the transaction of business, and for the government and regulation of its own body; to promote the general welfare of the town, and to protect the property of persons therein, and to preserve peace and good order therein: to keep a town guard: to appoint and order out a patrol for the town in like manner and for like purposes within the same as the patrol may be ordered out by the county court, or a justice within the county: and to appoint such officers as they may deem proper, including a sergeant, commissioner of the revenue, treasurer, and overseer of the poor; to define their powers, prescribe their duties, fix their term of service and compensation, require and take from them bonds, with such sureties, in such penalty as the council may see fit, conditioned for the true and faithful discharge of their duties, and remove them at pleasure (all bonds taken by the council shall be made payable to the town by its corporate name); to permit or prohibit the establishment of new places for the interment of the dead in or near the town, and to regulate the same; to erect, or authorize or prohibit the erection of gas works

or water works in or near the town: to prevent injuries to or pollution of the same, or danger to the water and healthfulness of the town (for all which purposes named in this clause, except that of taxation, the council shall have jurisdiction for one mile beyond the town); to regulate and provide for the weighing and measuring of hay, coal and other articles sold or for sale in said town, and to regulate the transportation thereof through the streets.

Power to pass ordinances, &c

26. To carry into effect these enumerated powers, and all other powers conferred upon the said town or its council, expressly or by implication, in this or any other acts of the general assembly of Virginia, the council shall have power to make and pass all needful orders, by-laws and ordinances, not contrary to the constitution and laws of Virginia; and to prescribe, impose and enact reasonable fines and penalties, or imprisonments in the county jail for a term not exceeding thirty days; and also corporeal punishments by stripes, when other than white persons are the offenders. All which fines, penalties, imprisonments or stripes shall be recovered or enforced under the judgment of the mayor of said town, or the person lawfully exercising his functions. And the authorities of said town may, with the consent of the county court of said county, entered of record, have the right to use the jail of said county of Kanawha for any purposes for which the use of a jail may be needed by them, under the acts of council or of the state.

Power to establish wharves, &c

27. It shall be lawful for the council to establish and construct landings, wharves and docks on any ground which does or shall belong to the said town, and to repair, alter or remove any landing, wharf or dock which has been or shall be so constructed, and to lay and collect a reasonable duty on the vessels coming to or using the same; and they shall have power to pass and enforce such ordinances as shall be proper to keep the same in good order and repair; to preserve peace and good order at the same, and regulate the manner in which they shall be used. They shall have power to appoint as many wharf masters for said town as may appear necessary: to prescribe their duties, fix their fees, and make all regulations in respect to such officers as to them may seem expedient.

Annual estimate of expenses

28. The council shall cause to be annually made up and entered upon its journal, an account and estimate of all sums which are or may become lawfully chargeable on the said town, which ought to be paid within one year; and it shall order a town levy of so much as in its opinion is the amount which may be raised from licenses and other sources.

On whom levy to be assessed

29. The levy so ordered may be upon all free male persons within said town over sixteen years of age, dogs, and on all real estate within said town which is not exempted from state taxation, and all

such other subjects in said town as may at the time be assessed with state taxes: provided, that the tax do not exceed one dollar on every hundred dollars of the value of unimproved lots (or lots upon which there is no building), and seventy-five cents on every hundred dollars of the value of other real and personal property, or two dollars per head on each taxable person.

30. Whenever any thing for which a state license is required, is Town license to be done within the said town, the council may require a town license to be had for doing the same, and may impose a tax thereon for the use of the town: and the council may in any case in which it sees fit, require from the person so licensed, a bond, with sureties, in such penalty and with such condition as it may think proper. Said council may also grant or refuse licenses to owners or keepers of wagons, drays, carts, hacks and other wheeled carriages kept or employed in said town for hire or as carriers for the public; and may require the owners or keepers of such wagons, drays and carts using them in the town, to take out a license therefor; and may require taxes to be paid thereon, and subject the same to such regulations as they may deem proper.

31. The revenue from these and other sources shall be collected, Revenue, how collected and accounted for paid over and accounted for at such times and to such persons as the council shall order.

32. The sergeant shall have power to collect the town taxes, fines Powers of sergeant and levies, and shall have power, one month after he shall have received the books of the commissioner of the revenue of said town, to distrain and sell therefor in like manner as a sheriff may sell and distrain for state taxes, and shall have in all other respects the same powers as a sheriff to enforce the payment and collection thereof. And the said sergeant shall have power to exercise, within the corporate limits of said town, all the duties that a constable can legally exercise in regard to the collection of claims, executing and levying process; and he shall be entitled to the same compensation therefor; and he and his securities shall be liable to all the fines, penalties and forfeitures that a constable is legally liable to for any failure or dereliction in his said office: to be recovered in the same manner and before the same courts that said fines, penalties and forfeitures are now recovered against a constable.

33. There shall be a lien on real estate for the town taxes assessed Lien on real estate thereon, from the commencement of the year for which they are assessed.

34. The council may order and require real estate in the town, Delinquent real estate, how sold delinquent for the non-payment of taxes, to be sold by the sergeant at public auction, for the arrears, with interest thereon, with such

per centum as the council may prescribe, for charges, and the surplus shall be paid the owner; and they may regulate the terms on which real estate so delinquent may be redeemed.

Shows &c may
be prohibited

35. The council may prohibit any theatrical or other performance, show or exhibition, which it may deem injurious to the morals or good order of the town.

Bonds of
officers

36. The council shall have power to require and take from the sergeant and treasurer, bonds, with sureties, satisfactory to the council, in such penalty as they may deem sufficient; except that as to the sergeant, it shall not be for a penalty less than three thousand dollars; and said bond shall be conditioned for the faithful and true performance of his duties as sergeant, and for the collecting and accounting for and payment of the taxes, fines and other moneys of the town which shall come into his hands, or which it shall be his duty to collect, at such times and to such persons as the council may order. The treasurer's bond shall be conditioned for the faithful performance of his duty as treasurer, and that he will faithfully pay over and account for all moneys that shall come into his hands as treasurer, when and as he shall be thereto required by the council.

Duties of mayor

37. The mayor shall be the chief executive officer of the town. He shall take care that the by-laws, ordinances, acts and resolutions of the council, are faithfully executed. He shall be ex-officio a conservator and justice of the peace within the town, and shall within the same exercise all the powers and duties vested in the justices of the peace for the county, except that he shall have no jurisdiction as such in civil causes; nor shall he be a member of the county court. He shall have control of the police of the town, and may appoint special police officers when he deems it necessary. It shall be his duty especially to see that peace and good order are preserved, and that the persons and property are protected in the town. He shall have power to issue executions for all fines and costs imposed by him, or he may require the immediate payment thereof; and in default of such payment, he may commit the party in default to the jail of Kanawha county until the fine and costs shall be paid; but the term of imprisonment in such case shall not exceed thirty days. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished for the term for which he shall have been elected.

His compensa-
tion

Duties of
recorder

38. The duty of the recorder shall be to keep the journal of the proceedings of the council, and have charge of and preserve the records of the town. In the absence from town or sickness of the mayor, or during any vacancy in the office of mayor, he shall per-

form the duties of the mayor, and be invested with all his powers. He shall be a conservator of the peace within the town. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished for the term for which he shall have been elected.

39. In case of the absence from town or sickness of both mayor and recorder, and in case the offices of mayor and recorder are both vacant at the same time, the council shall, by vote of a majority present, appoint one of their own number to fill each office until the mayor or recorder may return or resume their duties, or a new election is had of said officers.

Who to act in
case of absence
of mayor and
recorder

40. It shall be the duty of the town sergeant to collect the taxes, fines and other income and revenue of the town, as specified in his bond, and to account for and pay the same to the treasurer at such time as the council may order. And it shall be his duty, at least once every six months, during his continuance in office, and oftener, if thereto required by the council, to render an account of the taxes, fines and other claims in his hands for collection, and return a list of such as he shall have been unable to collect by reason of insolvency: to which list he shall make oath that he has used due diligence to collect the same, but has been unable to do so. The council shall, if it be satisfied he could not have collected the said claims by use of due diligence, allow them. But if the council shall be of the opinion that by the use of due diligence on the part of the said sergeant, he could have collected any of the said taxes or other claims, then he shall be chargeable with such as he might have collected. The said sergeant shall do and perform all the other acts appertaining to the office of sergeant of a corporation, and of a police officer and constable within said town; and as such, shall have the same powers, duties, fees and liabilities as are by law prescribed to a constable. He shall for his services receive such compensation as shall be fixed by the council.

Duties of
sergeant

His compen-
sation

41. All moneys belonging to the said town shall be paid over to the treasurer; and no money shall be by him paid out except as the same shall have been appropriated and ordered to be paid by the council; and the said treasurer shall pay the same upon the certificate of the recorder, or in his absence, upon the certificate of the mayor.

Moneys, how
paid over

42. If the said treasurer shall fail to account for and pay over all or any moneys that shall come into his hands, when thereto required by the council, it shall be lawful for the council, in the corporate name of the town, by motion before any court of record held for Kanawha county, to recover from the treasurer and his sureties, or their personal representatives, any sum that may be due from said treasurer to said town, on ten days' notice.

How money
recovered from
treasurer on
failure to pay
over

- Oaths of officers 43. Before entering upon the duties of their office, the sergeant, treasurer, overseer of the poor and commissioner of the revenue shall make oath or affirmation before the mayor, or person who for the time being shall preside at the council meeting, that they will truly, faithfully and impartially discharge the duties of their office so long as they shall remain therein.
- Remedy against sergeant for neglect of duty 44. And if the sergeant shall fail to collect, account for and pay over all the taxes, fines and other revenue of the town in his hands for collection, according to the condition of his bond, it shall be lawful for the council to recover the same, by motion, in the corporate name of the town, before any court of record of the said county of Kanawha, against the said sergeant and his sureties in his said bond, or any or either of them, his or their executors or administrators, on giving ten days' notice of the same.
- Town and citizens exempt from poor rates, &c 45. The said town and the taxable persons and property therein shall be exempt and free from the payment of any poor rates or road tax, and from contributing to any county expenses, for any year in which it shall appear that said town shall, at its own expense, provide for its own poor and keep its streets in order.
- Former powers of town continued 46. All the rights, privileges and properties of the said town, heretofore acquired and possessed, owned and enjoyed by any act now in force, shall continue undiminished, and remain vested in said town under this act; and all laws, ordinances, acts and resolutions of council now in force, and not inconsistent with this act, shall be and continue in full force and effect until regularly repealed by a council elected as provided under this act.
47. This act shall at all times be subject to modification or repeal, at the pleasure of the general assembly.
- Commencement 48. This act shall be in force from its passage.

CHAP. 90.—An ACT amending the Charter of the Town of Bath in the County of Morgan.

Passed February 14, 1861.

Act of 1854 amended

1. Be it enacted by the general assembly, that the second section of an act entitled an act amending an act passed February first, eighteen hundred and eight, appointing trustees of the town of Bath in the county of Berkeley, and for other purposes therein mentioned, passed March first, eighteen hundred and fifty-four, be amended and re-enacted so as to read as follows :

“§ 2. On the first Monday in the month of April annually, such of the inhabitants of said town as are at the time they may offer to vote qualified to vote for members of the general assembly, shall elect five persons, who shall constitute the board of trustees of said town, and who shall in all respects be governed, and have the powers conferred by said fifty-fourth chapter of the Code; any three or more of whom shall constitute a quorum for business. They shall hold their office for one year and until their successors are elected and qualified.”

When election to be held

Board of trustees

2. Be it further enacted, that the fourth section of the act aforesaid, passed March the first, eighteen hundred and fifty-four, be amended and re-enacted so as to read as follows :

Act further amended

“§ 4. The president shall not vote except there be a tie. He shall be ex-officio a justice of the peace within the limits of the said town, and as such, upon the certificate of the clerk of the county court, the governor shall commission him. He shall, within the limits of said town, have power, as a justice of the peace, to receive and certify the acknowledgments of deeds, as justices of the county are authorized to do; take and certify depositions; hear and determine causes within the jurisdiction of justices; and generally to do and perform any and all acts within the limits aforesaid, which justices of the county are authorized to do and perform, except that he shall not be a member of the court of said county: And to the end aforesaid, he is hereby clothed with all the powers and authority, and subjected to all the duties within the limits aforesaid, which are conferred and imposed upon justices of the county by the constitution and laws of this commonwealth.”

President of board

Powers of a justice

Not a member of county court

“§ 8. Be it further enacted, that appeals may be taken from the judgment of such justice to the county court, in the mode prescribed by law for taking appeals from the judgment of the justices.

Appeals, how taken

“§ 9. Be it further enacted, that an election for trustees of said town shall be held on the first Monday in April next; and thereupon the present trustees shall go out of office. The next election shall be conducted and superintended by the sheriff of said county, or in his absence, by one of his deputies, or by any constable of said county; and upon the close of the poll, he shall certify such as are duly elected; and all subsequent elections under this act may be conducted and certified in like manner, unless otherwise provided by the board of trustees.”

When first election to be held

How conducted

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

Commencement

CHAP. 91.—An ACT for the better government of the town of Danville.

Passed March 29, 1861.

Who may be
employed on
streets, &c

1. Be it enacted by the general assembly, that all persons committed to the jail of the town of Danville for punishment, or for default of security for the peace or good behavior, may, by order of the court or justice making the commitment, made at the time of commitment, or afterwards, during their confinement, by said court, or any justice of said town, be employed, under the regulations of the council of the said town, at labor upon the streets of the said town, or about such other public work as the council may prescribe; and all vagrants, and idle, dissolute persons, without means of support, found in said town, may, by order of the court of hustings for the town, or of the mayor or other justice thereof, be committed to the said jail for a term not exceeding twelve months at a time; to be supported at the expense of the town, in such manner as the council may prescribe, and to be employed in like manner, for the term of their confinement.

Vagrants

Commencement

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

CHAP. 92.—An ACT amending and re-enacting the Charter of the Town of Guyandotte in the County of Cabell.

Passed March 23, 1861.

Charter
amended

Be it enacted by the general assembly, that the charter of the town of Guyandotte in the county of Cabell be amended and re-enacted so as to read as follows:

Town of
Guyandotte

1. Guyandotte in the county of Cabell shall continue to be a town corporate, under the name of The Town of Guyandotte, within the limits and bounds of said town, according to the plat of said town, on record in the county court clerk's office of Cabell county; and shall have and exercise the powers conferred upon towns by, and be subject to the provisions of the fifty-fourth chapter of the Code of Virginia, so far as the provisions of the said chapter are not in conflict with the provisions of this act.

Municipal
authorities

2. The municipal authorities of said town shall be a mayor, recorder and five councilmen, who together shall form a common council.

Town sergeant

3. There shall be a town sergeant, who shall have the powers and perform the duties of a constable within the limits of said corporation, and shall be the collector of the revenues of the town.

4. The mayor, recorder and councilmen and the town sergeant shall be elected by the persons who have had their domicile in the said town for twelve months preceding the day of election, and who shall also be entitled to vote for members of the general assembly of Virginia. How officers elected

5. Their term of office shall be (except when elected to fill vacancies) for one year, and until their successors shall have been elected and qualified. Term of office

6. The mayor, recorder and councilmen must be freeholders in the town, and entitled to vote for members of its common council. The sergeant must be one who is entitled to vote for members of the common council of said town. Qualification of council, &c

7. Whenever a vacancy shall occur from any cause in the office of mayor, recorder or sergeant, the council for the time being shall at once order a special election to fill the vacancy; of which election ten days' notice shall be publicly given by the council. Vacancies

8. Before every election the council for the time being shall appoint three or more of their own members, whose duty it shall be to superintend said election, record in a poll book the votes given, and make return thereof and of the result of said election to the council. Superintendents of election

9. Whenever two or more persons for the same office at said election shall receive an equal number of votes, the said commissioners, or a majority of them, after proclamation made at the front door of the town hall, that the polls are about to be closed, and after closing the polls, shall decide and say which of said persons shall be returned as elected. In case of tie

10. Contested elections shall be heard and decided by the council for the time being. Contested elections

11. If any one who shall have been duly elected to any office under this charter, shall refuse or fail to qualify according to law, or in the case of sergeant, also to give such bond as the council may have prescribed, for ten days from the day of election, the council for the time being shall declare his said office vacant, and shall order a new election to fill such vacancy. When office to be vacant

12. Whenever from any cause a vacancy shall occur in the office of councilman, the council for the time being shall, by a vote of a majority present, fill it by choosing a councilman from among the citizens of the town eligible to that office under this act. Vacancy in council

13. The presence of the mayor or recorder and at least three Quorum

councilmen, or in the absence of both mayor and recorder, the presence of four councilmen, shall be necessary to constitute a quorum.

Powers of
council

14. It shall be lawful for the council to establish and construct landings, wharves and docks on any ground which does or shall belong to the said town, and to repair and alter or remove any landing, wharf or dock which has been or shall be so constructed, and to lay and collect a reasonable duty on the vessels coming to or using the same; and they shall have power to pass and enforce such ordinances as shall be proper to keep the same in good order and repair; to preserve peace and good order at the same, and regulate the manner in which they shall be used. They shall have power to appoint as many wharf masters for said town as may appear necessary; to prescribe their duties, fix their fees, and make all regulations in respect to such officers as to them may seem expedient.

Mayor, justice
of the peace

15. The mayor, as well as the recorder when he shall act in the place of the mayor, shall be ex-officio a justice of the peace within the town, and shall within the same exercise all the powers and duties vested in the justices of the county, except that he shall not be a member of the county court; and appeals shall lie from his decisions in all cases in which he shall act in the capacity of a justice in said town, in the same manner that appeals lie and may be taken from the decisions of justices in said county of Cabell.

Compensation

16. The mayor and recorder shall each receive a compensation for his services, to be fixed by the council; which shall not be increased or diminished for the term for which each or either shall have been elected.

Former powers,
&c. continued

17. All the rights, privileges and properties of the said town, heretofore acquired and possessed, owned and enjoyed under any act now in force, shall continue undiminished, and remain vested in said town under this act; and all laws, ordinances, acts and resolutions of council now in force, and not inconsistent with this act, shall be and continue in full force and effect until regularly repealed.

Commissioners
of election

18. The council of the town of Guyandotte shall appoint three commissioners (two of whom may act), under whose superintendence, on the third Saturday in April, eighteen hundred and sixty-one, at the town hall in said town, an election shall be held for members of the common council as aforesaid, and for a sergeant. Such election shall be conducted, agreeably to the foregoing provisions in this act, with regard to the mode of conducting elections for the said town: and the election for officers aforesaid shall be annually on the first Monday in June.

Commencement

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

CHAP. 93.—An ACT to incorporate the Town of Asbury.

Passed March 25, 1861.

1. Be it enacted by the general assembly, that the place called ^{Town of Asbury} Asbury camp ground in the county of Wythe, shall be and the same ^{incorporated} is hereby made a town corporate, by the name of Asbury; and by that name, shall have and exercise the powers conferred upon towns by, and be subject to the provisions of, the fifty-fourth chapter of the Code of Virginia, so far as the provisions of said chapter are not in conflict with the provisions of this act.

2. The boundaries of said town shall be as follows, viz: ^{Boundaries} Beginning at a white oak near Asbury church; thence N. 53° E. 22 poles, to two hickory saplings; N. 67° E. 20 poles, to a stake; N. 65° E. 23 poles, to two sugar trees; N. 6° W. 18 poles, to a stake; N. 67° E. 12 poles, to a white oak; N. 54 poles, to a maple; S. 35° W. 57 poles, to a sugar tree; thence 12 poles, to a beech on the bank of a creek; S. 25° W. 54 poles, to the beginning.

3. The officers of said town shall consist of five trustees, three of ^{Officers} whom shall form a quorum to transact business, and a sergeant, who shall hold their office for one year, or until their successors are appointed.

4. William Ward, J. G. Keesling, William B. Buchanan, A. ^{Commissioners} Vaught and Z. Mitchell are hereby appointed trustees of said town, to act as such until others may be elected. and they are authorized to act as commissioners in holding an election at any time, after giving twenty days' notice by advertisement at said town and the courthouse of the county. And the parties thus named are authorized to appoint ^{Sergeant, how} a sergeant to act as such in all matters of police, but not otherwise, in ^{appointed} said town of Asbury, and for the distance of one mile in any direction, until his successor is elected.

5. This act shall be in force from its passage, and shall be subject ^{Commencement} to modification or repeal at any time at the pleasure of the general assembly.

CHAP. 94.—An ACT to amend an act incorporating the Town of Christiansburg, and extending the limits of the same.

Passed March 14, 1861.

1. Be it enacted by the general assembly of Virginia, that the ^{Corporate limits} corporate limits of the town of Christiansburg, as heretofore established by law, shall be and the same are hereby extended and enlarged so as to include within the same so much land as lies and is contained

within the following boundary: Beginning at a rock on the north side of and at the western end of Main street, a corner of the old town land opposite the lot of H. Gardner; thence S. 21° E. 11 poles, crossing said street, to a stake; S. 57° E. 160 poles, to a stake; N. 8° E. 180, to a stake; N. 1° W. 98 poles, to a stake; N. 74° W. $13\frac{1}{2}$ poles, crossing the eastern end of Main street, to a stake; S. 43° E. 10 poles, to a stake; S. 87° W. 40 poles, to a stake; S. 75° W. $22\frac{1}{2}$ poles, to a stake; S. $86\frac{1}{2}^{\circ}$ W. 26 poles, to a rock on the old Methodist church hill; N. 77° W. 8 poles, to a stake; N. 60° W. 30 poles, to a stake; S. 20° W. 50 poles, crossing Franklin street, and along Rail road street, on the north side thereof, to a stake; S. 47° W. 245 poles, along and on the north side of Rail road street, to a stake on the line dividing the lots of B. F. Curtis and the heirs of William Wade; S. 42° E. 114 poles, to a stake in the line of S. M. Hickock's lot; S. 15° E. $70\frac{1}{2}$ poles, to a stake on the line of King's hill lot opposite the point of intersection with Centre street; S. 52° E. $71\frac{3}{4}$ poles, crossing Centre street, and along the line of the lot formerly owned by George Clare, to a stake in the line of H. M. Ghent; and thence an easterly direction along his line to the line of Hamilton Garner; and thence a straight line to the beginning.

Officers

2. The officers of said town shall be a mayor, five councilmen and a sergeant, who shall have the powers, be liable to all the penalties, and perform the duties of a constable within the limits of said corporation. The election of these officers shall take place biennially, and they shall continue in office until their successors are appointed. The sergeant shall, before entering upon the discharge of his duties, take an oath of office, and execute a bond to said corporation, in such penalty and with such security as the council shall require, conditioned for the faithful discharge of the duties of his office during his continuance therein. This bond shall be recorded in the county court of Montgomery county, and the same proceedings shall be had thereon as may be had against a sheriff or constable under the Code of Virginia.

Power of council as to sergeant

3. The council shall have power for good cause to remove the sergeant from office, and to declare the same vacant; and they may order a special election to fill a vacancy in said office for the unexpired term; and until such vacancy is filled, may appoint a sergeant pro tempore.

Quorum

4. A majority of the council shall constitute a quorum for the transaction of business. The mayor shall preside at the meetings of the council, but shall not vote unless there is a tie. In his absence, any member may preside.

Other officers, how appointed

5. The council may appoint a treasurer and such other officers as may be necessary, and fix their duties and compensation: and they

shall have power to pass all by-laws and ordinances deemed by them necessary to suppress crimes forbidden by the laws of this commonwealth: to prevent and suppress disorderly, riotous and indecent conduct, and all violations of public morals; and shall also have power to enforce all such by-laws, and provide the mode and manner of punishing their infraction and violation, by fines not exceeding ten dollars, and by imprisonment in the county jail of Montgomery county.

6. The council may, for the purpose of opening, altering, improv- Powers of council
ing and lighting the streets, alleys, walks and public grounds in the said town, and for the purpose of providing water works, magazines, markets, fire engines and other fire apparatus, and places for the interment of the dead, contract loans and issue certificates of debt and bonds: but the same shall not be irredeemable for a period more than thirty-four years. And the said council shall, by levies or otherwise, provide annually for the payment of the interest and one per cent. of the amount of said bonds or certificates of debt. But no money shall be borrowed or certificates issued by the council under this section, unless a majority of the voters of said town shall have previously authorized the same.

7. The council may prevent hogs, dogs and other animals from Hogs, &c
running at large within the corporate limits, and may subject the same to such regulations and taxes as it may deem proper.

8. An appeal may be taken from the decision of the mayor in all Appeals, how taken
cases and under the same limitations in which it could be taken from a decision of a justice; and the same shall be docketed, heard and tried in the county court of Montgomery county, in the same manner appeals from the judgment of justices are determined.

9. The residents of said town shall not hereafter be liable to work Exempt from working county roads
the roads of the county of Montgomery lying outside the limits of said corporation.

10. All acts and parts of acts inconsistent with this act shall be Inconsistent acts repealed Code, ch. 54
and the same are hereby repealed: and the provisions of the fifty-fourth chapter of the Code of Virginia, so far as the same are not in conflict with this act, shall be held and deemed a part of this act.

CHAP. 35.—An ACT amending the Charter of the Town of Union in the County of Monroe.

Passed March 29, 1861.

1. Be it enacted by the general assembly, that the board of trustees of the town of Union in the county of Monroe, shall annually Sergeant, how appointed
appoint a sergeant of said town, whose duty it shall be to collect all

| | |
|-----------------------------|---|
| Bond to be given | the town taxes, levies and fines. He shall give bond and security, to be approved by the board, in the penalty of two thousand dollars, payable to the commonwealth, conditioned for the faithful performance of his duties as such sergeant, and shall take the several oaths prescribed by law for other officers, to be administered by or in the presence of said board; a minute whereof shall be recorded by the board. And thereupon the said sergeant shall have all the powers and be liable to all the liabilities of a constable: and may act in all civil and criminal cases to the same extent as a constable; and his bond, when approved of as aforesaid, shall be recorded by the board, and filed with the clerk of the county court of Monroe county for safe keeping, and may be put in suit from time to time in the same manner as constables' bonds are put in suit. Upon a failure to collect the taxes or fines of said town, or for failing to pay the same over according to law, the board of trustees or other person aggrieved shall have power and authority to proceed upon said bond in the circuit or county courts of the county of Monroe, by motion or otherwise. All persons and property resident or situated in town on the first day of February, shall be liable to taxation for the current year. |
| Powers of a constable | |
| How proceeded against | |
| Conservators of the peace | 2. That each member of said board shall be a conservator of the peace in the said town, and for one mile around the same. The president of the board shall be mayor of the town, and as such, shall take the oath of office, and the oaths prescribed by law for other officers, before or in the presence of said board; of which a minute shall be made upon the proceedings of the board. The mayor shall have all the jurisdiction of a justice of the peace in both civil and criminal cases, except he shall not sit upon the bench of the county court; reserving to the parties the same right of appeal from his judgment that they have from the judgment of a justice. He shall also be entitled to the same fees for taking depositions, the acknowledgment of deeds, and so forth, which are allowed to justices, and may be allowed a sum for his services by the board not exceeding fifty dollars per annum. |
| Mayor, justice of the peace | |
| His salary | |
| Patrols | 3. The board of trustees, instead of the county court, shall have power to appoint patrols in and for said town, and for one mile around the same. |
| Commencement | 4. This act shall be in force from its passage. |

CHAP. 96.—An ACT amending the third section of an act entitled an act incorporating the Town of Portsmouth as a City, passed March 1, 1858.

Passed March 18, 1861.

Act of 1858 amended

1. Be it enacted by the general assembly, that the third section of an act passed March the first, eighteen hundred and fifty-eight, enti-

tioned an act incorporating the town of Portsmouth as a city, be amended and re-enacted, so as to read as follows:

“§ 3. The said court shall have jurisdiction, and the mayor and aldermen shall each have the powers of a justice of the peace within said corporate limits, and every part thereof, for matters arising within the same, according to the laws of the commonwealth, in the same manner, and to the same extent, and under the same laws, rules and regulations, that the county courts of this commonwealth now have and are now subject to, or as they may hereafter have or be subjected to by law. And the said court shall also have jurisdiction, and the said mayor, recorder and aldermen shall also have the powers of a justice of the peace, not only within the said corporate limits, but for the space of one mile without and around every part of the southern and western boundaries of said city; and also extending on the northern boundary to, and including the waters of the Elizabeth river, for matters arising within the same, according to the laws of the commonwealth. And furthermore, the said court shall have concurrent jurisdiction with the city and county of Norfolk over the waters of the harbor and southern branch of the Elizabeth river: and any presentment made in said court by a grand jury, for an offence against said laws, committed within the jurisdiction thereof, may be prosecuted in said court in like manner, and the like proceedings be had thereon as in the county courts of this commonwealth. The members of the said court of hustings shall consist of twelve other than the mayor, of whom, until the council shall otherwise prescribe, there shall be six for each ward.”

Powers of court of hustings, mayor and aldermen

Jurisdiction of court

Of what number court to consist

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

Commencement

CHAP 97.—An ACT to incorporate the Town of Rathbone in the County of Wirt.

Passed April 2, 1861.

1. Be it enacted by the general assembly, that the town of Rathbone in the county of Wirt, as the same has been and shall be laid off into lots, streets and alleys, as follows: Beginning at the lower end of the tract of land now owned by William P. and J. C. Rathbone, where said tract touches the Little Kanawha river; thence leaving said river with said Rathbones' lines, to their back line; thence with their several back lines, to the intersection of the same with the lands of J. V. Rathbone and others, on Burning spring run, being the tract on which said J. V. Rathbone now resides; thence with the several lines of said last mentioned tract, to the point where it touches said river; thence down said river with its meanders to the beginning—shall be, and the same is hereby made a town corporate,

Rathbone incorporated

Boundaries

by the name and style of The Town of Rathbone; and by that name, shall have and exercise the powers, and be subject to all the provisions of the fifty-fourth chapter of the Code of Virginia, except so far as herein otherwise provided.

Officers

2. The officers of said town shall consist of a mayor, five councilmen and a sergeant; which last mentioned officer shall have the powers and perform the duties of a constable within the limits of said corporation, and within one mile of its boundaries.

How elected

3. The said officers shall be elected by the white male inhabitants of the said town who shall be twenty-one years of age or upwards, who are owners of land, or any interest therein, in fee or for any term, within the boundaries of the said town. The said election shall take place on the third Saturday in April annually; and the mayor and councilmen shall continue in authority until the third Saturday in April in each successive year, and until others shall be qualified in their stead, and no longer.

Mayor, justice of peace

4. The mayor of said town shall be and is hereby constituted ex-officio a justice of the peace within the limits of the said town.

Powers of council

5. The council shall have power to appoint a police, of such number as it may deem proper, for the purpose of preserving order in said town, and to guard against fire, and protect and preserve the property in said town. And for the purpose of enabling the council to carry out the provisions of this act, and particularly to guard against the dangers of fire, and to preserve the good order of the town, the council are hereby authorized and empowered to levy such tax on all the owners of land, or of any interest therein, within the boundaries of said town, as may be sufficient for that purpose; and such levies shall be a lien on the said land or other property to the extent of the interest of the persons assessed with said taxes at the time of such assessment.

Streets and alleys

6. The said council shall not have power to lay off any streets, walks or alleys without the consent of the owners of the lands through which the same pass, and all persons having any interest in such lands; but nothing herein shall impair any right of way existing by the common law, or any contract.

Provisions of Code applicable, adopted

7. The fifty-fourth chapter of the Code of Virginia shall be held and deemed a part of this act, so far as the provisions of the said chapter are not in conflict with the provisions of this act.

Commencement

8. This act shall be in force from its passage, and shall be subject to amendment or repeal, at the pleasure of the general assembly.

CHAP. 98.—An ACT to incorporate the Town of Independence in the County of Grayson.

Passed April 2, 1861.

1. Be it enacted by the general assembly of Virginia, that the village of Independence in the county of Grayson, as the same has heretofore been laid off into lots, streets and alleys, and as the same may hereafter be laid off into lots, streets and alleys, be and the same is hereby made a town corporate, by the name of Independence; and by that name, shall have and exercise the powers conferred upon towns by the fifty-fourth chapter of the Code of Virginia, and be subject to all the provisions of the said chapter of the Code.

Town incorporated

2. The officers of the said town shall consist of five trustees, who shall compose the council (three of whom may act), and a sergeant, who shall hold their offices for one year and until their successors are appointed. The said council shall have power to pass all by-laws and ordinances for the government of the said town that they may deem proper, and also to provide for keeping the streets in order and paving the same, and for other necessary improvements; for which purpose they may levy such tax as they may deem necessary.

Officers

Powers of council

3. The council shall elect from their own number a president, who shall preside at all the meetings of the council, and when they are equally divided, shall, in addition to his individual vote, give the casting vote; and he shall be invested with all the powers of a justice of the peace within the precincts of said town.

President of council

Powers of justice of peace

4. Alexander M. Davis, Granville H. Mathews and Robert H. Hoffman shall be commissioners, whose duty it shall be to hold an election for the trustees and sergeant on the fourth Saturday in June eighteen hundred and sixty-one.

Commissioners

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

Commencement

CHAP. 99.—An ACT extending the corporate limits of the Town of Fredericksburg.

Passed March 15, 1861.

1. Be it enacted by the general assembly, that the corporate limits of the town of Fredericksburg in the county of Spotsylvania, as heretofore established by law, shall be and they are hereby extended and enlarged so as to include within the same so much land belonging to the Fredericksburg water power company as lies within

Corporate limits extended

Boundaries

the following boundaries, viz: Beginning at a point 67 feet N. $64\frac{1}{2}^{\circ}$ E. from the northeast corner stone of the present boundary of said town; and running thence up the Rappahannock river twelve hundred and fifty feet, to a stone; thence S. $58\frac{1}{2}^{\circ}$ W. four hundred and sixty-six feet, to a stone; thence S. $13\frac{1}{2}^{\circ}$ W. three hundred and seventy-seven feet, to a stone; thence S. $35\frac{1}{2}^{\circ}$ E. six hundred and eight feet, to a stone; thence S. $38\frac{1}{2}^{\circ}$ W. two hundred and eighty-five feet, to a stone; thence S. $25\frac{1}{2}^{\circ}$ E. one hundred and forty-four feet, to a stone in a line with the present corporation line; thence with said line N. $64\frac{1}{2}^{\circ}$ E. six hundred and eighty feet, to the point of beginning—and particularly set out and described in a survey and plat made by Carter M. Braxton, dated the twenty-third day of January eighteen hundred and sixty-one, and deposited in the clerk's office of the corporation court of the said town. And the said land, so taken into the limits of the said town, shall be and the same is hereby made a part of the town of Fredericksburg, and subject to the same by-laws, rules and regulations, as if the same had been included within the original limits thereof; and shall be subject to the provisions and enactments of all such acts of the general assembly of Virginia as have from time to time been passed for and concerning the said town and its inhabitants, since the same was established as a town.

Commencement

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

CHAP. 100.—An ACT amending certain acts concerning the Town of Port Royal in the County of Caroline.

Passed February 12, 1861.

Boundaries by
act of 1744

1. Be it enacted by the general assembly, that the boundaries of the town of Port Royal in the county of Caroline, established by an act entitled an act for establishing a town near Roy's warehouse in the county of Caroline, and for other purposes therein mentioned, passed in September seventeen hundred and forty-four, in the eighteenth year of the reign of King George the Second, shall be and the same are hereby defined as follows: Beginning at the water fence on the land belonging to the heirs of John H. Bernard deceased, and extending in a straight line to fifty yards beyond the limits of the vacant lot on the west side of the said town, belonging to Charles E. Gibbs; running thence in a straight line on the south side of the said town to the corner of the vacant lot owned by Dr. Charles Urquhart; thence running in a straight line on the east side of said town, to the Rappahannock river.

Boundaries
definedAct of 1829
amended

2. Be it further enacted, that the first, second, third, fourth, fifth and sixth sections of an act entitled an act to appoint trustees of the

town of Port Royal in the county of Caroline, with certain powers, passed on the twenty-ninth day of January in the year one thousand eight hundred and twenty-nine, be and the same is hereby re-enacted and amended so as to read as follows: That Charles Urquhart, John B. Lightfoot, Thomas C. Burrows, John J. Gravatt, A. J. Kendrick, G. W. Catlett, W. H. Farinholt, J. M. Shaddock and C. B. Page be and they are hereby appointed trustees of the said town of Port Royal, who, before entering upon the duties of their office under the authority of this act, shall respectively take an oath or make solemn affirmation before some justice of the peace of the county of Caroline, well and truly, faithfully and impartially to do, execute and perform the duties of their several offices, as prescribed by this act, to the best of their skill and judgment, and shall, after taking such oath or making such affirmation, proceed to choose of their own body, one person to preside at their meetings, and give the casting vote at any legal meeting of the trustees of the said town, whenever they are equally divided; and in the event of the death, legal disability, resignation or removal out of the said town of any one or more of the said trustees, it shall be lawful for the residents of the said town qualified to vote for all officers elective by the people under the constitution of the commonwealth, to meet at some convenient place therein (to be appointed by one or more of the remaining trustees thereof), and from time to time by their successors (of which place of meeting at least ten days' previous notice shall be given), and then and there elect, by viva voce vote, a suitable person or persons to fill such vacancy or vacancies; and such trustee or trustees so elected shall, after taking an oath or making a solemn affirmation before some justice of the peace of the county of Caroline, well and truly, faithfully and impartially to do, execute and perform the duties of the office of trustee as aforesaid, as prescribed by this act, to the best of his or their skill and judgment, shall be vested with as full and complete authority to exercise the duties of the said office of trustee as aforesaid, as if he or they had been appointed by this act.

Trustees
appointed

Oath of office

President

Vacancies

3. The person so elected president of the board of trustees as aforesaid, shall be and is hereby invested with the powers and authority of a justice of the peace within the said town, and a mile around the corporate limits thereof, to have and to exercise the like jurisdiction in all cases whatsoever, originating within the said limits, as a justice of the county courts now has, but acting upon and under the by-laws and ordinances of the said town, not contrary to the laws of this state or of the United States, but in accordance with the general laws of the land: particularly such as concern the duties of a justice of the peace. And it is hereby made the duty of said president, acting as a justice of the peace as aforesaid, to suppress all disturbances, riots and disorderly conduct within the said limits. He shall also have power to issue process, hear and determine all prose-

President
invested with
power of a
justice

utions, cases and controversies arising under the by-laws and ordinances, impose fines, and issue executions for their collection, and may commit to the jail of the said county till said fines are paid, saving the parties the right of appeal to the county court of Caroline. In all cases whatever wherein the fine or other matter or thing shall exceed the sum of ten dollars, appeals shall be taken in the same time and manner and upon the same terms, that appeals are now taken by law from judgments of a single justice of the peace.

Appeals

County jail

4. For the purpose of carrying into effect the police regulations of said town, the said trustees and their successors in office shall be allowed the use of the county jail of Caroline county for the safe keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of said town.

Meetings, how called

5. The presiding or any two of said trustees shall have power to call a meeting of said trustees so often as occasion may require; which meeting shall be composed of five members at least, including the president, or in his absence, a president pro tempore, elected by any four of said trustees who may be present, and all questions before a meeting of said trustees shall be decided by a majority of the trustees present, each having one vote, except the person who presides, who shall vote only when the others are equally divided.

Subject to existing laws

6. The trustees of the said town shall have and exercise the powers conferred upon towns by, and be subject to the provisions of the fifty-fourth chapter of the Code of Virginia, so far as the provisions of said chapter are not in conflict with the provisions of this act.

Power to levy taxes

7. The said trustees thus constituted shall have power to assess and collect an annual tax within the said town, for the purposes before mentioned, on all such property as is now subjected to taxation by the revenue laws of this commonwealth: provided, that the tax on real estate shall not exceed in any one year fifty cents on every hundred dollars value thereof, and twenty-five cents on all tithables within said town: and provided also, that the tax to be imposed on all other property and inhabitants of said town, subject to taxation as aforesaid, shall not exceed the taxes on the like subjects now imposed by the revenue laws of this commonwealth, unless such excess shall have been authorized by a majority of the inhabitants of the said town, and qualified as aforesaid to vote for the trustees thereof.

Rate of taxation

Constable, how appointed

8. The said trustees shall have power to appoint a constable or town collector, who shall have and possess the like right of distress and powers of collecting the said taxes, service and return of process arising under the authority of this act, and of any by-law made in pursuance thereof, and shall be entitled to the same or like fees

and commissions as are allowed by law to county constables for similar duties and services. The said constable or town collector shall execute bond with approved security, in such penalty as said trustees may deem necessary, payable to them and their successors in office, conditioned for the faithful discharge of his duties and payment over of said taxes and other moneys by him collected or received in virtue of his said office; and he and his securities, his and their executors and administrators, shall be subject to such proceedings, by motion or otherwise, before the county court of Caroline, for enforcing payment of such taxes or other moneys by him collected or received as aforesaid, at the suit or motion of the said president and trustees, or other person entitled, as collectors of county levies are by law subject to for enforcing payment of the levies by them collected.

To execute
bond

9. In case of the misconduct of any officer of the said town appointed by the trustees thereof, under the authority of this act, they the said trustees shall have power to remove the offender, and supply the vacancy thereby occasioned: and in case of vacancy in the office of trustees of said town, such vacancy may be filled within thirty days, by an election, as in the first instance, made by the qualified voters of the said town as aforesaid.

Power to re-
move officers

10. In order the better to determine what persons are liable to taxation in said town, it is hereby declared that all persons liable to taxation as herein before provided, and residing in said town, annually, on the first day of February, shall be subject to taxation the then current year.

Who liable to
taxation

11. All fines, penalties and amercements, and other moneys received or raised by virtue of this act, and not otherwise directed to be applied, shall be at the disposal of the president and trustees, for the use and benefit of the said town.

Fines, &c

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

Commencement

CHAP. 101.—An ACT amending the second section of an act entitled an act incorporating the Town of Bethany, passed April 6, 1853.

Passed February 14, 1861.

1. Be it enacted by the general assembly, that the second section of an act entitled an act incorporating the town of Bethany, passed April the sixth, eighteen hundred and fifty-three, be amended and re-enacted so as to read as follows:

Act amended

“§ 2. The officers of said town shall consist of nine trustees (five of whom can act), who shall compose the council, and shall hold

Officers

their offices for one year and until their successors are appointed, and a sergeant, who shall be elected annually. The said sergeant shall have power to perform the duties of a constable within the limits of Brooke county, and shall be subject to the liabilities and penalties imposed upon a constable by the Code of Virginia, and shall give such bonds as shall be required by the board of trustees of the town of Bethany."

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

CHAP. 102.—An ACT to incorporate the Town of Cameron in the County of Marshall.

Passed February 11, 1861.

Cameron
incorporated

1. Be it enacted by the general assembly, that the town of Cameron in the county of Marshall, as the same has been laid off into lots, streets and alleys, and as the same may be laid off into lots, streets and alleys, shall be and the same is hereby made a town corporate, by the name of The Town of Cameron; and by that name, shall have and exercise the powers conferred upon towns by, and be subject to the provisions of the fifty-fourth chapter of the Code of Virginia.

Officers

2. The officers of said town shall consist of a mayor, five councilmen and a sergeant, who shall have the power and perform the duties of a constable within the limits of said corporation; all of whom shall be elected by the white male inhabitants of said town of the age of twenty-one years and upwards, who shall have been resident of said town six months and of the state one year preceding the election. The said election to take place on the first Tuesday of April annually; and the mayor and councilmen shall continue in authority until the first Tuesday in April of each year, or until others shall be elected and qualified in their stead, and no longer.

Duties of
mayor

3. The mayor shall preside over the meetings of the councilmen, and shall sign all ordinances and by-laws enacted by the same, but shall have no vote except in case of an equal division among the councilmen, when his vote shall decide. He shall have the powers and duties of a justice of the peace within the limits of the corporation, and in respect to all cases arising under the corporation ordinances and by-laws, and before he enters upon his duties shall take the oath prescribed by law.

Powers of
council

4. The councilmen shall have power and authority to appoint an alderman, who may or may not be a member of the board of councilmen, who shall have and exercise all the powers of the mayor in his absence; to establish and lay out streets, lanes and alleys in said

town, by and with the consent of the county court; and the same which may be and are now opened, to name, improve and keep in order, to pave the same, and for other necessary improvements; for which purpose they may levy such tax as they may deem necessary; and in consideration thereof, the citizens of said town are hereby exempted from working on the county roads of Marshall. They shall license and regulate shows and public exhibitions within the limits of said town, and the same to tax in such reasonable manner any amount they may deem expedient: and finally, to make all such ordinances and by-laws, not inconsistent with the laws of the United States or of this state, they may deem necessary and proper for the good government of the said town; for restraining injury to property, streets, lanes and alleys of the town, and for the prevention of riotous and disorderly conduct within the town limits, fines and penalties not exceeding twenty dollars for any offence, to be recovered with costs; which sums, so recovered, shall be paid into the town treasury. They shall have power annually to elect a sergeant, with one or more assistants, and a treasurer, removable at their pleasure for misconduct, who shall respectively execute to the said councilmen bonds with good security, for the faithful performance of their duties. The said sergeant shall execute the lawful mandates of the said councilmen and of the mayor, and shall, to the best of his ability, preserve the peace and good order of the town, and shall receive such compensation as the councilmen may allow. The said treasurer shall also discharge all the duties required of him by the said councilmen in relation to receiving and disbursing all moneys of said corporation. They the councilmen shall also have power to assess and collect an annual tax within the town for the purpose before mentioned, on all such property as is now subject to taxation under the revenue laws of the commonwealth, except such lands as may be included in the corporate limits, not laid off into lots, transferred and numbered: provided, that the tax on real estate shall not exceed in any one year fifty cents on every hundred dollars thereof; and the tax on each taxable inhabitant of said town shall not exceed one dollar: and provided also, that the taxes imposed upon all other property or inhabitants of said town shall not exceed the taxes imposed upon the like subjects by the revenue laws of this commonwealth, unless such excess shall have been authorized in writing by two-thirds of the taxable inhabitants of said town qualified to vote for councilmen. Appeals shall lie from the decision of the mayor in all cases in which he shall act in the capacity of a justice of said town, in the same manner that appeals lie and may be taken from the decisions of justices of said county of Marshall.

Taxation

Order and good government

Officers to be chosen by council

Duties of sergeant

Duties of treasurer

Rate of taxation

5. For the purposes of carrying into effect the police regulations of said town of Cameron, the town shall be allowed the use of the county jail of Marshall county, having previously obtained the consent of the county court, for the safe keeping and confinement of all

County jail

persons who shall be sentenced to imprisonment under the ordinances of said town; and all persons so confined shall be under the charge and custody of the sheriff of said county, who shall receive, keep and discharge in such manner as shall be prescribed by the ordinances of said town, or otherwise be discharged by due course of law.

Commissioners
to superintend
elections

G. S. B. Stidger, John Elliott, James R. Bell, William McCaughey and William T. Head are hereby authorized to hold an election, agreeably to the aforesaid charter, for said officers on the first Tuesday of April next, at the office of James R. Bell, Esquire, in said town; any three of whom may act.

Commencement

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

CHAP. 103.—An ACT to amend the act of 27th March 1858, incorporating the Town of Frankfort in Greenbrier County.

Passed February 12, 1861.

Act of 1858
amended

1. Be it enacted by the general assembly, that the second section of an act passed March twenty-seventh, eighteen hundred and fifty-eight, entitled an act to incorporate the town of Frankfort in the county of Greenbrier, be amended and re-enacted so as to read as follows:

Officers

“§ 2. The officers of the said town shall consist of a mayor, five councilmen and a sergeant, who shall have the powers and perform the duties of a constable within the limits of said county, who shall be elected by the white male inhabitants of the said town of the age of twenty-one years and upwards, who shall have been residents thereof six months and of the state two years preceding the election. The said election shall take place on the first Saturday in June annually, and the mayor and councilmen shall continue in authority until the first Saturday in June in each successive year and until others shall be qualified in their stead, and no longer: provided, however, that said sergeant shall not act as constable until he enter into bond in the penalty of two thousand dollars, conditioned according to law as in other cases of constables, with two or more securities, to be approved of by the county court, and shall have taken the oaths prescribed by law. Thereupon he shall have all the powers and shall be subject to all the responsibilities of a constable.”

How chosen

Sergeant to
give bond

Commencement

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

CHAP. 104.—An ACT to provide for a Special Election in the Town of Marion in the County of Smyth.

Passed March 28, 1861.

1. Be it enacted by the general assembly, that it shall be lawful Commissioners for George S. Venable, James M. Pruner and William Francis, who are hereby appointed commissioners for that purpose, to cause a poll to be opened, and superintend the same, on the fifteenth day of April next, or sixty days thereafter, in the town of Marion in Smyth county, for the election of seven trustees for said town, to be voted for by the inhabitants of said town, who are qualified to vote under the charter of the said town; of which election notice shall be given by the sheriff of said county (who shall conduct the said election) at least fifteen days previous to the holding of said election; and said commissioners shall certify the result to such person as is appointed to receive and preserve the papers and records of said town. The Election provided for trustees so elected shall have all the powers and privileges, and be subject to the same rules and qualifications prescribed for trustees regularly elected under the charter of said town; and thereafter elections for officers of said town of Marion shall be as provided for by the charter of said town, passed March fifteenth, eighteen hundred and forty-nine. Power of trustees

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

CHAP. 105.—An ACT authorizing the City of Portsmouth to issue Coupon Bonds.

Passed March 18, 1861.

1. Be it enacted by the general assembly, that whereas it is represented that the common council of the city of Portsmouth are desirous of issuing coupon bonds for the liquidation of the floating debt of said city, and for other purposes, it shall therefore be lawful for the said common council of the city of Portsmouth to issue her coupon bonds for a sum not exceeding fifty thousand dollars, in sums of not less than one hundred dollars each, and bearing interest at the rate of six per cent. per annum, payable semi-annually, and the principal made payable at such time and place as the said common council of said city of Portsmouth shall prescribe: provided the same shall first be submitted to and approved by the voters, freeholders of City of Portsmouth authorized to issue coupon bonds said city. To be approved by voters

2. The common council of said city of Portsmouth are authorized to levy, assess and collect such taxes as will be necessary for paying the interest and redeeming the principal of any coupon bonds issued and negotiated under the provisions of this act. Taxes, how levied and for what

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

CHAP. 106.—An ACT to incorporate the Preston and Augusta Rail Road Company.

Passed March 30, 1861.

Books, how
opened
Commissioners

1. Be it enacted by the general assembly, that it shall be lawful to open books in the county of Preston, under the direction of William G. Brown, Robert E. Cowan, James C. McGrew, John J. Brown and John A. Dille; in the town of Staunton, under the direction of John D. Imboden, Alexander H. H. Stuart, Alexander F. Kinney, Hugh W. Sheffey and Bolivar Christian; and in such other places, under the direction of such persons as a majority of the aforesaid commissioners may designate, for the purpose of receiving subscriptions to the amount of eighteen hundred thousand dollars, in shares of fifty dollars each, to constitute a joint capital stock not exceeding twenty-five hundred thousand dollars, for the purpose of making a rail road from some convenient point near Portland in Preston county, on the Baltimore and Ohio rail road, by the most eligible route, to connect with the Virginia Central rail road at or near Staunton in Augusta county.

Route of road

When company
incorporated

2. Whenever five hundred thousand dollars shall have been subscribed, the subscribers, their heirs and assigns, shall be a body politic and corporate, under the name and style of The Preston and Augusta Rail Road Company; and shall be subject to and entitled to the benefits of the existing laws regulating incorporated companies and the general rail road law of the commonwealth, so far as the same may be applicable to and not inconsistent with the provisions of this act.

Company may
borrow money,
&c

3. The company, on authority of a majority of the stockholders thereof, may borrow money for the objects of this act, issue certificates or other evidence of such loans, and to make the same convertible into stock of the company at the pleasure of the holder; and on the same authority, to execute such lien or mortgage, or provide such other security for said loans as may seem expedient and legal.

Counties power
to subscribe

4. Any county or corporation along the route of the rail road shall have power, under authority of the county court, or council of the corporation, to subscribe to the stock of such rail road company to the amount which three-fifths of the legal voters of such county or corporation may determine at the polls thereof, respectively.

Commencement

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

CHAP. 107.—An ACT authorizing the Norfolk and Petersburg Rail Road Company to construct a branch of their road to some point on the North Carolina line, and to increase its capital stock.

Passed January 26, 1861.

1. Be it enacted by the general assembly, that the Norfolk and Petersburg rail road company be and are hereby authorized and empowered to enlarge their capital stock by the addition of one hundred thousand dollars thereto, for the purpose of and to be expended in the construction of a branch from their road to some point on the North Carolina line, in order to connect with the proposed Edenton or any other rail road of North Carolina: provided said branch road shall not be constructed until previously authorized by the stockholders in the Norfolk and Petersburg rail road in general meeting: and provided further, that no contracts made or entered into for the construction of said branch road, shall in any manner bind or be chargeable upon the property and assets of whatever kind of the said Norfolk and Petersburg rail road company as now organized and constituted.

Capital stock increased

Proposed road

Stockholders to authorize

Assets of existing company not chargeable

2. The additional capital stock herein authorized shall be raised by private subscription, or the subscription of individuals and corporate bodies other than the state, exclusively.

Subscriptions, how raised

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

Commencement

CHAP. 108.—An ACT authorizing the Petersburg Rail Road Company to increase its Capital Stock.

Passed March 19, 1861.

1. Be it enacted by the general assembly, that it shall be lawful for the stockholders of the Petersburg rail road company, in general meeting, to increase the capital stock of said company, by directing the issue of new stock to the holders of the present stock, to such an amount as the said stockholders in general meeting may think fit: provided the amount of new stock so to be issued shall not exceed one-half the amount of the present stock of said company.

New stock, how issued

Proviso

2. The said company, if the stockholders shall so direct, shall be authorized to issue certificates of stock for half shares, or other fractions of shares.

Fractions of shares

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

Commencement

CHAP. 109.—An ACT to authorize the Virginia Central Rail Road Company to construct a branch of their road to Lexington in the County of Rockbridge.

Passed January 31, 1861.

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| Branch authorized | 1. Be it enacted by the general assembly, that it shall be lawful for the Virginia Central rail road company to construct a branch of their road to Lexington in the county of Rockbridge. |
| Capital stock | 2. That for this purpose, said company shall have power to increase its capital stock by the sum of five hundred thousand dollars, in shares of one hundred dollars each: provided, however, that the Board of public works shall not be authorized to subscribe on behalf of the commonwealth for any part of said increased capital stock: and provided further, that no contracts made or entered into for the construction of said branch road, shall in any manner bind or be chargeable upon the property and assets of whatever kind of the said Central rail road company as now organized and constituted: and provided further, that no part of the earnings or funds of the said company shall be applied to the construction of said branch road, but the same shall be constructed entirely out of the new stock herein authorized. |
| Board of public works not to subscribe | |
| Assets of road not chargeable | |
| Earnings not to be applied | |
| Commencement | 3. This act shall be in force from its passage. |

CHAP. 110.—An ACT incorporating the Norfolk County Railway Company.

Passed February 25, 1861.

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| Company incorporated | 1. Be it enacted by the general assembly of Virginia, that Thomas V. Webb, Logan Hurst, J. Carey Weston, Marshall Parks, Leroy G. Edwards and Arthur Emmerson, and such other persons as may become associated with them, their successors and assigns, are hereby incorporated under the name and style of The Norfolk County Railway Company; for the purpose of constructing and operating a railway from some point on the harbor of Norfolk and Portsmouth, or on the Elizabeth river, or any of its branches, to such point in the county of Norfolk as said company may determine; and books of subscription may be opened, under the direction of the above named persons, or any three of them, for the purpose of receiving subscriptions to an amount not less than fifty thousand dollars nor more than one million of dollars, in shares of one hundred dollars each, to constitute the capital stock of said company. |
| Capital stock | 2. Be it further enacted, that said company may receive subscriptions to the capital stock, payable in lands; and acquire and hold not |
| Subscriptions, how received | |

exceeding twenty thousand acres, in addition to the quantity allowed by the Code, and may mortgage, convey or pledge their lands, franchises and property: and may hold and employ all necessary steam and other boats, vessels, wharves, machinery and apparatus; and in consideration of the expenses of building and maintaining said railway, may demand and receive such compensation for the transportation of passengers and freight and for the use of their property, as now prescribed by law; and such company shall not forfeit or lose any of their corporate rights or privileges: provided the construction of said railway be commenced within ten years from the passage of this act.

Freights, &c

3. Be it further enacted, that the city of Portsmouth and the city of Norfolk may subscribe to the capital stock of said company any amount not exceeding two hundred thousand dollars: provided, before the same is done by the councils of said cities, the question shall be submitted to the real estate holders of said cities; a majority of three-fifths of whom voting at the time in favor of said subscription, shall be deemed sufficient to authorize the same; and the councils shall thereupon make such subscription.

Cities of Norfolk and Portsmouth may subscribe

4. Be it further enacted, that should the said cities, or either of them, subscribe to the capital stock of the said company, the said cities, or either of them, may issue the necessary amount of six per cent. coupon bonds to raise money to pay for the same.

Coupon bonds, how issued

5. Be it further enacted, that the county of Norfolk may subscribe to the capital stock of said company any amount not exceeding two hundred thousand dollars: provided before the same is done, by order of the court of said county, the question shall be submitted to and authorized by three-fifths of the landholders of said county voting.

County of Norfolk may subscribe

6. Be it further enacted, that should the said county of Norfolk subscribe to the capital stock of said company, the said county may issue the necessary amount of six per cent. coupon bonds to raise money to pay for the same.

Coupon bonds, how issued

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

Commencement

CHAP. 111.—An ACT to amend and re-enact the 1st and 3d sections of an act entitled an act to incorporate a Company to construct, on the plan of James S. French, a Rail Road between Alexandria and Washington, passed February 27th, 1854.

Passed February 30, 1861.

1. Be it enacted by the general assembly, that the first and third sections of an act entitled an act to incorporate a company to con-

struct, on the plan of James S. French, a rail road between Alexandria and Washington, passed February twenty-seventh, eighteen hundred and fifty-four, be amended and re-enacted so as to read as follows :

Books of subscription, how opened

“ § 1. It shall be lawful to open books of subscription at the city of Alexandria, under the direction of James S. French, John W. Maury, A. J. Marshall, Cornelius Boyle, George French, Edgar Snowden and R. W. Latham, or any two of them, and at such other places, under the direction of such agents as a majority of the above named commissioners may appoint, for the purpose of receiving subscriptions to an amount not exceeding three hundred thousand dollars, in shares of one hundred dollars each, to constitute a joint capital stock for constructing a rail road from the city of Alexandria in the state of Virginia, to the city of Washington in the district of Columbia, crossing the Potomac at some eligible point between the two cities.”

Rail road from Alexandria to Washington

Proceedings of company declared valid

“ § 3. That all the proceedings of the Alexandria and Washington rail road company, under the provisions of the said act passed February twenty-seventh, eighteen hundred and fifty-four, incorporating the said company, touching the constructing and operating of rail roads on the plan of James S. French, are hereby declared to be legal and valid: provided, that it shall not be lawful for said company to connect with any other rail road terminating within the corporate limits of the city of Alexandria, without the consent of the city councils thereof: and further, that the said company shall not permit the said road to pass into the exclusive possession of any corporation without the limits of the commonwealth of Virginia: and provided further, that the general assembly reserves to itself the power to alter, modify or wholly repeal this act at its pleasure.”

Proviso

Commencement

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

CHAP. 112.—An ACT to incorporate the Burning Springs and Oil Line Rail Road Company.

Passed March 15, 1861.

Commissioners

1. Be it enacted by the general assembly, that it shall be lawful to open books at such times and places as may be deemed expedient, under the direction of J. C. Rathbone, John Brannon, B. W. Byrne, J. N. Camden, W. P. Rathbone, A. J. Boreman and Daniel R. Neal, or any three of them, or under the direction of such agent or agents as the said commissioners or any two of them may appoint, for the purpose of receiving subscriptions to an amount not less than one hundred thousand dollars nor more than five hundred thousand

Capital stock

dollars, to be divided into shares of fifty dollars each, to constitute the capital of a joint stock company, for the purpose of constructing a rail road from Burning springs in Wirt county to Parkersburg, or to some point on the Northwestern Virginia rail road in Wood county, with the right to connect and intersect said Northwestern Virginia rail road at or near Kanawha station in Wood county.

2. Whenever the minimum amount of the said capital stock shall have been taken, the subscribers, their heirs, personal representatives and assigns, shall be and they are hereby incorporated and formed into a body politic and corporate, under the name and style of The Burning Springs and Oil Line Rail Road Company; subject to all the provisions, and entitled to all the benefits and powers conferred by the Code of Virginia upon such incorporated companies, so far as the same are applicable to and not inconsistent with this act.

When company
incorporated

3. The said company shall have power to borrow money for the purpose of carrying out the object of this act, and to issue proper certificates or evidences of such loans, and to pledge the property thereof, by deed or otherwise, for the same, and the interest that may accrue thereon. And the said company may construct only so much of the said road as the amount subscribed will allow, and may commence the work at such point as may be deemed expedient.

Company power
to borrow
money, &c

4. Authority is hereby given to any incorporated company to subscribe to the stock of said company.

Incorporated
company may
subscribe

5. Ten years shall be allowed the said company to complete their organization and begin their road.

When company
may complete
organization,
&c

6. This act shall be in force from its passage, and shall be subject to modification and repeal, at the pleasure of the general assembly.

Commencement

CHAP. 113.—An ACT amending an act passed March 20, 1860, authorizing the Council of Richmond to construct Rail Roads in its Streets.

Passed March 6, 1861.

1. Be it enacted by the general assembly, that the second section of the act passed on the twentieth day of March eighteen hundred and sixty, entitled an act to authorize the common council of Richmond to authorize persons to construct rail roads in the streets of said city, be amended so as to read as follows:

Act of 1860
amended

“§ 2. Any persons or companies authorized by the council of any city or town to construct a rail road or rail roads in the streets of such city or town, may, with the consent of the court of the

Who may con-
struct rail roads

Proviso as to
Richmond

When rail roads
to be completed

Commencement

county in which such town or city is situated, construct rail roads in the said counties, to be used with steam or horse power; or the court of any county may authorize any number of persons, not less than three, to construct such rail roads in the said counties: provided, that the company which has been authorized by the council of Richmond to construct rail roads under the said act, shall be allowed three months after the passage of this act to commence in good faith their roads in the county of Henrico, before the county court of the said county shall grant the privilege to other persons: and provided, that they shall complete the said rail roads within twelve months from their commencing."

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

CHAP. 114.—An ACT granting Rights of Way to Mining and Manufacturing Companies in this Commonwealth.

Passed April 4, 1861.

When mining
companies may
construct rail
roads

Subject to Code

Commencement

1. Be it enacted by the general assembly, that any person or persons or mining and manufacturing company, owning mineral lands in any of the counties of the commonwealth, which they desire and intend to use for the purpose of mining or manufacturing of the minerals therein, may construct, with the consent of the proprietors over whose lands they pass, suitable rail roads from the said lands to any other rail road or navigable stream; and for that purpose, the parties hereby authorized to construct said rail road, shall have all the powers, rights and privileges conferred, and be subject to all the duties and liabilities imposed upon a company incorporated for a work of internal improvement by the fifty-seventh chapter of the Code of Virginia (edition of eighteen hundred and sixty), so far as they may be applicable to the rail road hereby authorized. That the rail roads to be constructed under the preceding section shall not exceed ten miles in length; and if the parties engaged in mining or manufacturing as aforesaid shall cease active operations for a period of five years at any one time, the land condemned for such rail road shall revert to the former owner, his heirs, devisees or alienees.

2. This act shall be in force from its passage, and shall be subject to any modification or repeal, at the pleasure of the general assembly.

CHAP. 115.—An ACT to authorize the Wolf Creek Turnpike Company to reduce the width of their road.

Passed April 2, 1861.

Width of road
may be reduced

1. Be it enacted by the general assembly, that the Wolf creek turupike company shall be and they are hereby authorized to reduce

the width of their road, so that the same shall not be less than fourteen feet wide, and to construct said road at a grade not exceeding five degrees.

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

Commencement

CHAP. 116.—An ACT to incorporate the Burning Spring and Oil Line Turnpike Company.

Passed March 11, 1861.

1. Be it enacted by the general assembly, that for the purpose of constructing a turnpike road from Burning spring in Wirt county, to any point in Wood or Wirt county, as the company hereby incorporated shall determine, it shall be lawful to open books for receiving subscriptions to an amount of not less than four thousand dollars nor more than twenty thousand dollars, to be divided into shares of twenty-five dollars each. The said books shall be opened under the direction of J. C. Rathbone, B. W. Byrne, J. N. Camden, M. Edmiston, W. T. Bland, C. I. Moore, John V. Rathbone, Thomas G. Smith, J. T. Jackson, John J. Jackson and G. J. Butcher, at such times and places as they or any three of them, or any agents appointed by any three of them, may select.

Books, how opened

2. Whenever the minimum capital hereby authorized shall have been subscribed, the subscribers, their executors, administrators and assigns, shall be a body corporate, by the name of The Burning Spring and Oil Line Turnpike Company; in strict conformity to all laws of the state of Virginia regulating such companies; with all the powers, and subject to all the restrictions imposed by said laws, so far as said laws may be compatible with this act: provided, that said company shall not be required to construct any summer or side road, nor to pave nor cover their said road with stone or gravel; and the width of said road may be only sixteen feet, and the maximum grade as much as five degrees.

Company incorporated

Summer or side road

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

Commencement

CHAP. 117.—An ACT amending and re-enacting the 2d section of the Charter of the Mechanicsville Turnpike Company, passed February 21st, 1817.

Passed January 31, 1861.

1. Be it enacted by the general assembly, that the second section of the act passed the twenty-first day of February eighteen hundred and seventeen, entitled an act incorporating a company to establish

Act of 1817 amended

a turnpike road from the city of Richmond, crossing the Chickahominy river between the Meadow and New bridges, until it intersects the Swamp road, on the north side of said river, be amended and re-enacted as follows :

Company
incorporated

“ § 2. When a sufficient number of shares shall have been subscribed, the subscribers, their heirs and assigns, are hereby made a body politic, by the name of The Mechanicsville Turnpike Company; agreeably to the act entitled an act prescribing certain general regulations for the incorporation of turnpike companies: provided, that the said company shall not be required to make any summer or side road, nor to cover the same with gravel, and that the same shall not be maintained less than forty feet wide: and provided further, that the president and directors of the said company shall have authority to divide the capital stock at any time into shares of the par value of not less than ten dollars each: and provided further, that if the unanimous consent of the present stockholders is obtained in general meeting, within six months from the passage of this act, it shall be lawful for the president and directors to require from the stockholders from time to time such advances of money on their respective shares as the wants of the company may demand; and if any stockholder shall fail to pay the sum or quota so required of him by the president and directors, or a majority of them, within one month after written notice of the same shall have been given to such stockholder, or to his legal representative or representatives, it shall and may be lawful for the president and directors, or a majority of them, to sell at public auction and to convey to the purchaser the share or shares of such stockholders, giving one month's notice of the time and place of sale, in one or more of the newspapers published in the city of Richmond; and after retaining the sum or quota due and all charges of sale out of the proceeds thereof, to pay the surplus over to the former owner, or his assignee or legal representative.”

Remedy against
stockholders

Commencement

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

1

CHAP. 118.—AN ACT to amend the Charter of Brown's Gap Turnpike Company.

Passed March 21, 1861.

Act of 1853
amended

1. Be it enacted by the general assembly, that the second section of the act passed March first, eighteen hundred and fifty-three, entitled an act incorporating the Brown's gap turnpike company, be amended and re-enacted so as to read as follows :

Company
incorporated

“ § 2. When one hundred shares of said capital stock shall have been subscribed, the subscribers or their personal representatives

shall be and they are hereby incorporated, by the name of The Brown's Gap Turnpike Company; with power to construct their road not less than eighteen feet in width, and of a grade not exceeding four degrees at any point, with authority to demand and receive of all who are not less than one mile of said road, tolls for the use of the same; and the said company shall be subject to the provisions of the Code of Virginia on the subject of turnpike companies, except so far as the same shall be in conflict with the provisions of this act."

2. The county court of Albemarle is authorized to transfer such sections and portions of the county road now used in connection with the road of said company, to said Brown's gap turnpike company, upon such terms as may be agreed upon between them, to be incorporated into the road of said company: provided the same be first recommended by a report of one or more of the road commissioners of said county, all the justices of the county having been first duly summoned to consider the same, and a majority of those present concurring therein.

Power of county court of Albemarle

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

Commencement

CHAP. 119.—An ACT to incorporate the Newport and Gap Mills Turnpike Company.

Passed March 28, 1861.

1. Be it enacted by the general assembly, that for the purpose of constructing a turnpike road from a point at or near Newport in the county of Giles, to the Gap mills in the county of Monroe, by the way of the Clover bottom, John's creek and William Blarn's on Potts' creek, it shall be lawful to open books for receiving subscriptions to an amount not exceeding fifteen thousand dollars, to constitute a joint capital stock, to be divided into shares of twenty-five dollars each. The said books shall be opened at Newport in the county of Giles, under the direction of David B. Price, William B. Mason, Samuel Kenzie, John Miller and Charles H. Payne, or any three of them: at the Gap mills in the county of Monroe, under the direction of John C. Summers, William S. Riddle, Peter L. Osborne, William L. Rowan and Robert McNutt, or any three of them; and at such other places as they or any three of them may select, under the direction of such agents as they or any three of them may appoint.

Route of road

Capital stock

Commissioners

2. Whenever one hundred shares of such capital stock shall have been subscribed, the subscribers, their executors, administrators and assigns, shall be and are hereby incorporated as a joint stock company, by the name of the Newport and Gap Mills Turnpike Com-

When company incorporated

pany; conformably to the provisions of chapters fifty-seven and sixty-one of the Code of Virginia, and of existing laws of a general nature, applicable to turnpike companies and their roads: provided, that such company shall not be required to construct any summer or side road, nor to pave or cover their said road with stone or gravel, and that the width of said road may not be less than sixteen feet, and the maximum grade not to exceed five degrees.

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

CHAP. 120.—An ACT to incorporate the Leesburg and Aldie Turnpike Company.

Passed March 28, 1861.

Commissioners 1. Be it enacted by the general assembly, that it shall be lawful to open books at Leesburg in the county of Loudoun, under the direction of John M. Orr, Alexander H. Rogers, Robert Bentley, Charles B. Tebbs and George R. Head, or any two of them; at the Oatland mills in the said county, under the direction of John M. Fairfax, Joseph L. Hanling, George Carter, Hugh H. Downs and John B. Lee, or any two of them; and at Aldie in said county, under the direction of John Moore, William Berkeley, Hamilton Rogers, John P. H. Green and Amos T. Skimmer, or any two of them, for receiving subscriptions to the amount of twenty-five thousand dollars, in shares of twenty-five dollars each, for the purpose of constructing a turnpike road from Leesburg to some point on the Little river turnpike at or within one mile of the town of Aldie in the county of Loudoun.

Company incorporated 2. Be it further enacted, that when four hundred shares or ten thousand dollars shall have been subscribed, the subscribers, their executors, administrators and assigns, shall be and are hereby incorporated into a company under the name and style of the The Leesburg and Aldie Turnpike Company; subject to the provisions of the Code of Virginia, except as may be hereafter provided.

Width of road 3. Be it further enacted, that the said road shall be cleared thirty feet wide, and shall be macadamized or graveled so as to present a firm roadway fourteen feet wide.

Toll gates 4. Be it further enacted, that said company shall not erect more than three toll gates between the two termini, and shall not be authorized to charge toll until at least five continuous miles of their road shall be macadamized or graveled, as provided in the third section.

5. Be it further enacted, that the county court of Loudoun county is hereby authorized and empowered to subscribe to the capital stock of said company an amount not exceeding the sum that would produce, at six per centum interest, the average of the amount expended annually for five years past on the present county road between said termini.

County court of Loudoun may subscribe

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

Commencement

CHAP. 121.—An ACT to incorporate the Leesburg and Point of Rocks Turnpike Company.

Passed April 4, 1861.

1. Be it enacted by the general assembly, that it shall be lawful to open books at Leesburg in the county of Loudoun, under the direction of Henry T. Harrison, George T. Rust, John Hoffman, George K. Fox, jr. and Trenton M. Henderson, or any two of them; at Goresville in said county under the direction of Charles Williams, Cephas Hempstone, Tilghman Gore, C. W. Paxson and A. T. M. Rust, or any of them; and at the Furnace near the Point of Rocks in said county, under the direction of J. F. Mason, Nicholas Davison, Wilson C. Saunders, Michael Mullen and Daniel T. Shreve, or any two of them, for receiving subscriptions to the amount of thirty thousand dollars in shares of fifty dollars each, for the purpose of constructing a turnpike road from Leesburg to the southern end of the Potomac bridge in the county of Loudoun.

Commissioners

Capital stock

Route of road

2. Be it further enacted, that when two hundred shares or ten thousand dollars shall have been subscribed, the subscribers, their executors, administrators and assigns shall be and are hereby incorporated into a company by the name and style of The Leesburg and Point of Rocks Turnpike Company; subject to the provisions of the Code of Virginia: provided, that said company shall not occupy with their roadway any other ground than that now occupied by the county road between the two termini, without the consent of the proprietors of lands adjacent thereto, and that they shall not have the right to condemn more than one-half acre for each toll house and its garden.

Company incorporated

3. Be it further enacted, that the width of the road bed shall be twenty-two feet, exclusive of ditches, and that the macadamized part shall be fourteen feet in width, and that the bridges shall have a roadway of fourteen feet.

Width of road

4. Be it further enacted, that the said company shall not erect more than three toll gates, and that they shall not be allowed to

Toll gates

charge toll until at least five continuous miles of their road shall be well macadamized or graveled, so as to present a firm road bed.

County court of Loudoun may subscribe •5. Be it further enacted, that the county court of Loudoun county is hereby authorized and empowered to subscribe to the capital stock of said company an amount not exceeding the sum that would produce, at six per cent. interest, the average of the amount expended annually for five years past on the present county road between the two termini.

Commencement 6. This act shall be in force from its passage.

CHAP. 122.—An ACT to authorize the issue of Preferred Stock by the Alexandria, Mount Vernon and Accotink Turnpike Company.

Passed February 20, 1861.

Preferred stock 1. Be it enacted by the general assembly of Virginia, that it shall be lawful for the stockholders of the Alexandria, Mount Vernon and Accotink turnpike company, in general meeting assembled, to make the stock of said company, to the extent of twelve thousand dollars, a preferred stock, by guaranteeing a dividend of six per centum per annum for a fixed or indefinite period, on each share of stock so preferred, payable out of the net proceeds of said road.

Stock already issued And whereas, it is represented to the general assembly, that the said turnpike company, under a mistaken apprehension of their powers under their charter, have already issued certificates of stock, preferred as aforesaid, amounting to the sum of five thousand dollars, which said certificates are now in the hands of bona fide holders for value :

How amount made up 2. Be it further enacted, that it shall be lawful to make up the amount of preferred stock herein before authorized, as well by confirming and ratifying the preferred issue already made, as by the issue of new certificates; and in the event of such confirmation and ratification, the said certificates, so confirmed and ratified, shall thereupon become legalized as fully and to all intents and purposes as if authorized by law at the date of their issue.

Duty of company to replace stock, &c 3. Be it further enacted, that if the said preferred stock shall be made up by the issue of new certificates, before issuing the same or any portion thereof to any other person, it shall be the duty of the said company to redeem and replace the preferred certificates already issued, by the new certificates to be issued under authority of this act, or to reserve and retain a sufficiency thereof for that purpose.

Commencement 4. This act shall be in force from the date of its passage.

CHAP. 123.—An ACT to incorporate the Staffordsville Toll Bridge Company.

Passed February 26, 1861.

1. Be it enacted by the general assembly, that it shall be lawful Books to be opened to open books for receiving subscriptions to an amount not less than eight hundred dollars nor more than twelve hundred dollars, in shares of ten dollars each, to constitute a joint capital stock for constructing a toll bridge across Walker's creek at the mouth of Whitley's branch and near the town of Staffordshire in the county of Giles.

2. The said books shall be opened at the town of Staffordsville in Commissioners said county, under the superintendence of the following named commissioners, any three of whom may act, to wit: Charles D. Peck, Edward Johnston, Daniel H. Stafford, Ralph K. Stafford and Ralph M. Stafford.

3. When five hundred dollars of the capital stock shall have been Company incorporated subscribed, the subscribers, their executors, administrators and assigns, shall be and are hereby incorporated into a company, by the name and style of The Staffordsville Toll Bridge Company; and are hereby invested with all the rights, powers and privileges conferred, and subject to all the rules, regulations and restrictions imposed upon bodies politic and corporate by the Code of Virginia, so far as the same are applicable to and not inconsistent with this act.

4. As soon as the bridge is completed, the said company may Tolls demand and receive such reasonable tolls as their by-laws prescribe: provided, that the rates of toll shall be submitted to and approved by the county court of Giles county; and that said court may at any time regulate or modify as they may think proper the tolls charged by the said company.

5. This act shall be in force from its passage. Commencement

CHAP. 124.—An ACT to amend an act entitled an act to incorporate the Farmville and Buckingham Plank Road Company, passed May 22, 1852.

Passed February 15, 1861.

1. Be it enacted by the general assembly, that the second section Act of 1852 amended of an act passed May twenty-second, eighteen hundred and fifty-two, entitled an act to incorporate the Farmville and Buckingham plank road company, be amended and re-enacted so as to read as follows:

“§ 2. When five thousand shares of the stock shall have been Company incorporated subscribed, the subscribers, their executors, administrators or assigns, shall be incorporated into a company by the name and style

Width and
grade of road

of The Farmville and Buckingham Plank Road Company; agreeably to the provisions of the fifty-seventh and sixty-first chapters of the Code of Virginia: provided, that the said road shall be graded at least twenty feet wide, and constructed with plank at least eight feet wide, and that its grade shall no where exceed four degrees, and that the same may be repaired when necessary with stone, dirt, gravel or other material, at the discretion of the board of directors."

Commencement

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

CHAP. 125.—An ACT to amend the Road Laws of Brooke and Hancock Counties.

Passed April 3, 1861.

Act of 1858
amended

Be it enacted by the general assembly, that the ninth section of an act to provide for the opening and repairing of public roads, and for repairing and building bridges in the counties of Brooke and Hancock, passed March second, eighteen hundred and fifty-eight, be amended and re-enacted so as to read as follows:

Who to work
on roads

"§ 9. Each male person between the ages of twenty-one and sixty years, excepting ministers of the gospel, shall work on the roads two days in every year, in the precinct in which he resides, when called upon by the surveyor; and every person so required to work under the surveyor so placed over him, who shall fail to attend with proper tools for clearing the road, or shall refuse to work when there, as a hand should do, or to find some other person equally able to work in his room, he shall pay at the rate of one dollar per day for each day or part of a day's failure; to be paid by himself, if a free man; if a slave, by his master. Said sums shall be paid to said surveyor for the use of said precinct; and if not paid, may be recovered by him before any justice, by suit as aforesaid, in the name of the county, for the use of the precinct."

Penalties

CHAP. 126.—An ACT to amend the second, third and sixth sections of an act passed February 28th, 1856, providing for working the County Roads of Loudoun County.

Passed March 21, 1861.

Act of 1856
amended

1. Be it enacted by the general assembly, that the second, third and sixth sections of the act passed February twenty-eighth, eighteen hundred and fifty-six, be amended and re-enacted so as to read as follows:

Wages, &c

"§ 2. The said court may at its April terms fix the rate of wages per diem of the hands, plough teams, carts, wagons or other force

used for the year; and in fixing said wages, shall be governed by the current prices for such labor at the time of fixing thereof; and if it should appear advisable to said court, at its January terms thereafter, to do so, it shall appoint three discreet freeholders, resident in said county, as commissioners, to report to it, at its succeeding April term, upon such matters in relation to its public roads, as to the said court may seem proper, and the commissioners so employed shall be allowed by the court a reasonable compensation for their services. If the said fund for any one year shall prove insufficient to effect the object of this act for such year, then the said court is authorized and required, at its next ensuing June term, to assess and levy upon all subjects of taxation for revenue, a sum sufficient to supply the deficiency; and if the said fund shall be more than sufficient for such year, the surplus shall be employed to lessen the assessment for the next succeeding year.

Commissioners
to be appointed

Assessment

“§ 3. All the public roads in said county shall be laid off into precincts by the commissioners aforesaid, or in such other manner as the court may deem best; and the said court may at its April terms appoint a surveyor to each precinct, who shall hold his office for a term not exceeding two years, unless reappointed, and be subject to a fine of ten dollars, at the discretion of said court, for failing or refusing to accept said appointment: provided no such surveyor shall be compelled to serve two consecutive terms.”

Roads laid off
into precincts

Surveyor

“§ 6. The surveyors aforesaid may, at its April terms of said county, be allowed not less than one dollar nor more than two dollars per diem, to be fixed by said court, as their compensation whilst actually engaged in the road service; to be paid by the sheriff out of the road fund: provided said surveyors shall render to the said court an account of all the labor performed, and of what description and by whom, and all other expenses incurred by them in their precincts respectively, to the same during the year next preceding, and make oath of its correctness before a justice, who shall certify the same; and the said accounts shall be filed in the office of the clerk of the county court of said county; and it shall be the duty of the clerk to have an abstract from the same made out and published in one of the newspapers of said county, showing all the expenses incurred on account of the public roads, by whom expended, and for what purpose; and the said court shall make such allowance as shall seem just to the clerk and publisher for making out and publishing the same; to be paid by the sheriff as aforesaid: and all timber and stone that may be required in making and repairing the public roads aforesaid shall be obtained as heretofore provided by law; and the owners thereof shall be paid for the same by the sheriff out of the road fund aforesaid.”

Compensation
of surveyor

Accounts to be
rendered

Abstract to be
published

Timber and
stone

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

Commencement

CHAP. 127.—AN ACT to incorporate the Farmers and Mechanics Insurance Company of the City of Richmond.

Passed March 28, 1861.

Farmers and
Mechanics insur-
ance company
incorporated

1. Be it enacted by the general assembly of Virginia, that John A. Belvin, Charles C. Ellett, George K. Crutchfield, Richard D. Mitchell, Joseph Hall, Charles Phillips, John B. Glazebrook and James D. Browne, together with such other persons as may be hereafter associated with them, shall be and they are hereby constituted and made a body politic and corporate, by the name and style of The Farmers and Mechanics Insurance Company of the City of Richmond; and by that name and style, are invested with all the rights and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the Code of Virginia, and all acts amendatory thereof, applicable to such corporations, and not inconsistent with the provisions of this act.

Capital stock

2. The capital stock of said corporation shall not be less than one hundred thousand dollars nor more than three hundred thousand dollars, divided into shares of the par value of twenty dollars each.

Upon what in-
surance may be
made

3. The president and directors are authorized to make insurance upon vessels, freights, merchandise, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance connected with marine risks, and risks of transportation and navigation; to make insurance on dwellings, houses, stores, and all other kinds of buildings, and upon household furniture, merchandise and other property, against loss or damage by fire; to make insurance on lives; to grant annuities; to guarantee the payment of notes, bonds, bills of exchange, and to make all kinds of contracts for the insurance of every description of property; to cause themselves to be insured against all risks upon the interests they may have in any property or lives, in their own right, or in virtue of any loans or advances, or of any policy or contract of insurance; to make dividends; to provide for the investment of funds of the company in such manner as may be deemed most beneficial, and to invest the same in any stocks of any kind or loans, or otherwise, as may be judged best for the interests of the company.

Funds, how
invested

Policies, how
binding

4. All policies of insurance and other contracts made by the said company, signed by the president and countersigned by the secretary, shall be obligatory on said company, and have the same effect as if said contracts had been attested by a corporate seal.

Affairs of com-
pany, how
managed

5. The affairs of the company shall be managed by a president and ten directors (a majority of whom shall constitute a quorum for the transaction of business), who shall continue in office one year

from the time of their election, and until others are elected in their stead, to be chosen by ballot, by a majority of the votes of the stockholders present in person or by proxy; and no director shall be eligible, unless he owns in his own right at least five shares of the capital stock of said company. Each stockholder shall be entitled to as many votes at any meeting of the stockholders as he may own shares in said company. The directors to be elected at the first meeting under this act, shall continue in office until the first Monday in February (or until others are chosen in their place); on which said Monday in February, and annually thereafter, there shall be a general meeting of the stockholders, for the election of a president and directors, and such other business as may come before them. In case of death, resignation or disqualification of the president or any of the directors, the remaining directors may elect others to supply their places for the unexpired time.

Elections of officers

6. The president and directors may appoint an agent or agents in any of the cities, towns or counties of this state, or elsewhere, to make insurances, and for the transaction of all other business of the company.

Agents, how appointed

7. The persons named in the first section shall be commissioners to receive the subscriptions to the capital stock of this company, any three of whom may act.

Commissioners

8. Nothing in this act shall be so construed as to authorize the said company to issue or put in circulation any note in the nature of a bank note, or to own more land than is necessary for an office building.

Not to issue note in nature of bank note

9. This act shall be in force from its passage, and be subject to amendment, modification or repeal, at the pleasure of the general assembly.

Commencement

CHAP. 123.—An ACT to amend the 4th section of an act incorporating the Jefferson Insurance Company of Albemarle.

Passed April 3, 1861.

Be it enacted, that the fourth section of the act to incorporate the Jefferson insurance company of Albemarle, passed March seventh, eighteen hundred and sixty, be and the same is hereby amended and re-enacted so as to read as follows :

Act amended

“ § 4. The company shall have power and authority to invest its capital stock and other funds in bank, state or other stocks, in the purchase of bonds issued by this or any other state, or of the United

Funds, how invested

Real and personal estate, how held

States, and of bonds of any incorporated company; to lend money upon personal or real security, and to purchase or otherwise acquire, to have and to hold, and likewise to convey and sell any real or personal estate for the purpose of securing any debt or debts that may be due to them, and for their own use and convenience."

CHAP. 129.—An ACT to incorporate the Western Virginia Insurance Company.

Passed February 18, 1861.

Company incorporated

1. Be it enacted by the general assembly of Virginia, that E. J. Armstrong, B. F. Morton, G. W. Hansborough, G. H. A. Kunst, M. McGee, J. A. Robinson, L. Mallonce, William J. Robinson, W. H. Freeman, M. A. Himan, John Doonan and Henry Compton, together with such other persons as may hereafter be associated with them, and their successors, the holders of the capital stock herein after authorized to be raised, shall be and they are hereby constituted and made a body corporate, under the name and style of The Western Virginia Insurance Company; and by that name and style, are invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the Code of Virginia, and not inconsistent with the provisions of this act.

Capital stock

2. The capital stock of said company shall not be less than thirty thousand dollars nor more than five hundred thousand dollars, to be divided into shares of the par value of fifty dollars each.

Powers of company as to insurance, &c

3. The said company shall have authority and power to make insurance against all marine risks and against any damage or loss by fire, or by any other liability, casualty or hazard upon every kind of property, real, personal or mixed; to guarantee the payment of promissory notes, bills of exchange and other evidence of debt; to lend money on bottomry or respondentia; to cause themselves to be insured against all risks upon the interests they may have in any property in their own right, or by virtue of any loans or advances, or of any policy or contract of insurance.

Investments

4. The company shall have power and authority to invest its capital stock or other funds of the company in any bank or other stocks, in the purchase of bonds issued by this or any other state of the United States, and of the bonds of any incorporated company, and to lend money upon personal or real security.

Secretary competent witness

5. The secretary of said company shall be a competent witness in all suits for or against the said company in all the courts of

this commonwealth: provided his interest in the said company shall not exceed thirty shares.

6. The affairs of the said company shall be managed by a president and seven directors, being stockholders (a majority of whom shall be a quorum), who shall continue in office one year from the time of their election and until others are elected in their stead, to be chosen by ballot by a majority of the stockholders present in person or by proxy.

Affairs of company, how managed

7. Each stockholder shall be entitled to as many votes at any meeting of the stockholders as he may own shares in said company. The directors to be elected at the first meeting under this act shall continue in office until the first Tuesday in October eighteen hundred and sixty-two (or until others are chosen in their place). On which said first Tuesday in October annually thereafter there shall be a general meeting of the stockholders for the election of directors, and for such other business as may come before them. At the first meeting after every election the directors shall choose from among themselves a president, and allow him a reasonable compensation for his services; and in case of death, resignation or disqualification of the president or any of the directors, the remaining directors may elect others to supply their places for the remainder of the term for which they were chosen.

Votes

Meeting of stockholders for elections, &c

8. The president and directors may appoint and dismiss at their pleasure a secretary and such other officers as may be necessary for the transaction of the business of said company, and allow such compensation for their services as they may deem reasonable, and shall require of such secretary or other officers to enter into bond for the faithful performance of their duties.

Officers, how appointed

9. The president and directors may appoint agents in any of the cities, towns or counties of this state or elsewhere, to receive offerings for insurance, and for the transaction of such business of the company as may be confided to them.

Agents, how appointed

10. The persons named in the first section shall open books (whenever they may deem expedient) to receive subscriptions to the capital stock of said company.

Commissioners

11. Nothing in this act shall be so construed as to authorize the said company to issue or put into circulation any note in the nature of a bank note, or to own more land than is necessary for an office building.

Prohibition as to bank notes

12. This act shall be in force from its passage: provided nothing herein contained shall prohibit the general assembly from altering, amending or repealing the same.

Commencement

CHAP. 130.—An ACT to incorporate the Richmond City Insurance Company of Richmond.

Passed February 12, 1861.

Company
incorporated

1. Be it enacted by the general assembly of Virginia, that Richard G. Morriss, Robert A. Lancaster, George W. Yancey, William N. Barret and Robert F. Morriss, together with such other persons as may be hereafter associated with them, shall be and they are hereby constituted and made a body politic and corporate, by the name and style of The Richmond City Insurance Company; and by that name and style, are invested with all the rights and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the Code of Virginia, and all acts amendatory thereof, applicable to such corporations, and not inconsistent with the provisions of this act.

Capital stock

2. The capital stock of said corporation shall not be less than twenty-five thousand dollars nor more than five hundred thousand dollars, divided into shares of fifty dollars each.

Insurance, how
and upon
what made

3. The president and directors are authorized to make insurance upon vessels, freights, merchandise, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance connected with marine risks and risks of transportation and navigation; to make insurance on dwellings, houses, stores and other kinds of buildings, and upon household furniture and other property and merchandise, against loss or damage by fire; to make insurance on lives; to grant annuities; to guarantee the payment of notes, bonds, bills of exchange, and to make all kinds of contracts for the insurance of every description of property; to cause themselves to be insured against all risks upon the interest they may have in any property or lives in their own right, or in virtue of any loans or advances, or of any policy or contract of insurance; to receive money on deposit, and pay interest thereon, as may be advantageous to the stockholders; to provide for the investment of funds of the company in such manner as may be deemed most beneficial, and to invest the same in any stocks of any kind, or loans or otherwise, as may be judged best for the interest of the company; provided, that in no event shall the deposits be liable for the satisfaction of any policy.

Investments,
how made

Policies, how
binding

4. All policies of insurance and other contracts made by the said company, signed by the president and countersigned by the secretary, shall be obligatory on said company, and have the same effect as if said policies and contracts had been attested by a corporate seal.

Commissioners

5. The persons named in the first section shall be the commis-

sioners to receive the subscriptions to the capital stock of this company, any three of whom may act.

6. Nothing in this act shall be so construed as to authorize the said company to issue or put in circulation any note in the nature of a bank note, or own more land than is necessary for its office building, unless for the purpose of securing or obtaining payments of debts contracted with the said corporation in the transaction of its business. Prohibition as to bank notes

7. The president and directors may appoint an agent in any of the cities, towns or counties in this or any of the states, to receive offerings for insurance, and for the transaction of such business of the company as may be confided to him. Agent, how appointed

8. Each stockholder of the company shall be entitled to as many votes at any meeting of the stockholders as he may own shares in said company. Votes

9. The stockholders of the company shall not be liable for any loss, damage or responsibility other than the property they have in the capital stock and funds of the company, to the amount of the shares respectively held by them, and any profits arising thereon not divided. Stockholders, how liable

10. The secretary of said company shall be a competent witness in all suits for or against the said company in all courts of this commonwealth: provided his interest in said company shall not exceed thirty shares. Secretary, witness

11. This act shall be and continue in force from its passage: provided nothing herein contained shall prohibit the general assembly from altering, amending or repealing the same. Commencement

CHAP. 131.—An ACT incorporating the Rockbridge Insurance Company.

Passed March 29, 1861.

1. Be it enacted by the general assembly of Virginia, that John W. Barclay, Robert J. White, William McLaughlin, Joseph G. Steele, Alexander L. Nelson, James W. Massie, David L. Hopkins, James K. Edmundson, Josiah S. McNutt and Edward J. Leyburn, and all others who may be associated with them under this act, not less than twenty, be and they are hereby created and declared to be a body politic and corporate, by the name and style of The Rockbridge Insurance Company; and by that name and style, shall be invested with all the rights, powers and privileges conferred, and Company incorporated

made subject to all the rules, regulations and restrictions imposed by the Code of Virginia applicable to such corporations, and to all other acts amendatory thereof, which have heretofore or may hereafter be passed, so far as the same are not inconsistent with this act.

Insurance, how
and upon what
made

2. To make insurance upon dwellings, houses, stores and all other kind of buildings, either in town or country, and upon household furniture, merchandise and other property, against loss or damage by fire; to make insurance upon lives; to cause themselves to be re-insured, when deemed expedient, against any risk or risks upon which they have made or may make insurance; to grant annuities; to receive endowments; to contract for reversionary payments; to guarantee the payment of promissory notes, bills of exchange or other evidence of debt; to make insurance upon vessels, freights, goods, wares, merchandise, specie, bullion, profits, commissions, bank notes, bottomry and respondentia interests; and to make all and every insurance connected with marine risks of transportation and navigation.

Money received
on deposit

3. To receive money on deposit and grant certificates therefor in accordance with the conditions set forth in sections four and five, chapter fifty-nine of the Code of Virginia; but in no case are such deposits or certificates therefor to be held liable to make good any policy of insurance issued by this company.

Investments,
how made

4. The funds of this company, however derived, may be invested in or loaned on any stock, or real or personal security.

Capital stock

5. The capital stock of said company shall not be less than thirty thousand dollars nor more than four hundred thousand dollars, to be divided into shares of one hundred dollars each. The said capital stock shall be payable by each subscriber, at such time or times as it may be called for by the president and directors, and in such proportion as they may deem necessary; and if any subscriber shall fail to pay the same so called for upon each and every share so held, within twenty days after the same has been so called for and demanded, then the amount so called for may be recovered by motion, upon twenty days' notice in writing, in any court of record in the county or place of residence of the holder of stock.

Affairs of com-
pany, how
managed

6. The affairs of said company shall be managed by a president and board of directors, seven in number, four of whom shall constitute a quorum. Said directors shall be elected from among the stockholders of said company in general meeting assembled, by a majority of the votes of said stockholders present in person or by proxy, according to a scale of voting to be herein after prescribed; and the directors thus chosen, at their first meeting shall choose from among themselves a president, and allow him a reasonable compen-

sation for his services: the said president and directors to continue in office one year, or until their successors shall be appointed. In case of vacancy in the office of president or directors from any cause, the remaining directors may elect others to supply their places for the remainder of the term for which they were elected.

7. The president and directors of said company shall appoint a secretary and such other clerks and officers as they may find necessary for the proper conducting of the business of the company, and shall allow them suitable compensation for their services, and take from them bonds, in such penalties and with such security as they may prescribe, for the faithful discharge of their duties; all of which officers shall hold their places during the pleasure of the board of directors.

Officers, how appointed

8. The president and directors shall have power to appoint agents in any part of this state or elsewhere.

Agents

9. The scale of voting at all the meetings of said company shall be, one vote for each share of stock not exceeding twenty; one vote for every two shares exceeding twenty and not exceeding two hundred; one vote for every four shares exceeding two hundred: and every stockholder not in debt to the company may at pleasure, by power of attorney, or in person, assign and transfer his stock in the company on the books of the same, or any part thereof, not being less than a whole share: but no stockholder indebted to the company shall be permitted to make a transfer or receive a dividend, until such debt is paid or secured, to the satisfaction of the board of directors.

Scale of voting

10. The president and directors shall have power to declare such dividends of the profits of the company as they may deem proper: provided, that no dividend shall be declared when, in the opinion of a majority of the board, the capital stock would be impaired thereby. They shall also make and publish at the end of every year, except that in which the company goes into operation, a report showing the condition of the company in regard to its business for the current year.

Dividends, how declared

11. The members of the company shall not be liable for any loss, damage or responsibility, other than the property they have in the capital and funds of the company, to the amount of the shares respectively held by them, and any profits arising therefrom not divided.

Stockholders, how responsible

12. The persons named in the first section shall be commissioners, whose duty it shall be, within six months after the passage of this act, at some suitable place in the town of Lexington, and at such other places as they may deem proper, to open books to receive sub-

Commissioners

scriptions in the capital stock of said corporation: and five days' notice shall be given by said commissioners of the time and place of opening said books, in the newspapers published in the town of Lexington; which books shall not be closed in less than twenty days from the time of opening. The said commissioners shall give a like notice for a meeting of the stockholders to choose directors. They shall supervise the first election of said officers, and shall deliver over to them, when so elected, any property belonging to the corporation that may have come into their hands.

Prohibition as to
bank notes

13. Nothing in this act shall be so construed as to authorize said company to issue and put into circulation any note in the nature of a bank note.

Commencement

14. This act shall be in force from its passage, and shall be subject to modification or repeal, at the pleasure of the general assembly.

CHAP. 132.—An ACT to amend an act passed January 23d, 1860, entitled an act to incorporate the Virginia Life Insurance Company.

Passed February 1, 1861.

Act amended

1. Be it enacted by the general assembly, that the fifth section of an act passed the twenty-third of January eighteen hundred and sixty, entitled an act to incorporate the Virginia life insurance company, be amended and re-enacted so as to read as follows:

Annual meeting,
how held

“§ 5. There shall be an annual meeting of the company for the election of directors, held in the city of Richmond at such time and place as the directors may appoint. A majority of the guaranteed capital stock, represented in person or by proxy, shall constitute a quorum at such meeting for the transaction of business. In all meetings of the company, every shareholder shall be entitled to one vote for each share of the guarantee capital stock standing in his name on the books of the company; and any free white person, other than a holder of one or more shares of the guarantee capital stock, who holds a policy of insurance on his own life or the life of another white person for the whole term of life, on which a premium of not less than one hundred dollars per annum is paid, or who holds a policy of endowment paying a premium of not less than one hundred dollars per annum, or who is entitled to an annuity from the company of not less than one hundred dollars per annum, shall be in like manner entitled to one vote: and no other person shall be entitled to vote in the meetings of the company.”

Quorum

Voting

Policy for
benefit of mar-

2. That any policy of insurance issued by the said Virginia life insurance company on the life of any person, expressed to be for the

benefit of any married woman, whether the same be effected by herself or her husband, or by any other person, shall enure to her sole and separate use and benefit and that of her or her husband's children, if any, as may be expressed in said policy, and shall be held by her free from the control or claim of her husband or his creditors, or of the person effecting the same, or his creditors.

ried woman,
how to enure

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

Commencement

CHAP. 133.—An ACT to amend the act incorporating the Insurance Company of the State of Virginia of Richmond.

Passed March 16, 1861.

1. Be it enacted by the general assembly, that the first and second sections of the act passed March twenty-ninth, eighteen hundred and fifty-eight, entitled an act to incorporate the Insurance company of the state of Virginia of Richmond, be and the same are hereby amended and re-enacted so as to read as follows :

Act amended

“§ 1. Be it enacted by the general assembly of Virginia, that James Alfred Jones, Wellington Goddin, Daniel Dodson, and such other persons as may be hereafter associated with them, shall be and they are hereby constituted and made a body politic and corporate, by the name and style of The Insurance Company of the State of Virginia; and by that name and style, are invested with all the rights and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the Code of Virginia applicable to such corporations, and not inconsistent with the provisions of this act.

Name of
company
Rights and
privileges

“§ 2. The capital stock of said corporation shall not be less than one hundred thousand dollars nor more than one million dollars, divided into shares of twenty-five dollars each.”

Capital stock

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

Commencement

CHAP. 134.—An ACT incorporating the Staunton Savings Bank.

Passed April 2, 1861.

1. Be it enacted by the general assembly, that Benjamin Crawford, Robert G. Bickle, Hugh W. Sheffey, John D. Imboden, John A. Harman, Davis A. Kayser, Joseph A. Waddell, George E. Pricc, George M. Cochran, and such other persons as may hereafter be

Bank incor-
porated

associated with them, shall be and are hereby constituted a body corporate and politic, by the name and style of The Staunton Savings Bank; and by this name and style, are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the provisions of the fifty-ninth chapter of the Code of Virginia of eighteen hundred and sixty, and all other general laws of the commonwealth applicable to such corporations, and not inconsistent with the provisions and purposes of this act.

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

CHAP. 135.—An ACT to incorporate the Central Savings Bank of the City of Richmond.

Passed April 2, 1861.

Bank incor-
porated

1. Be it enacted by the general assembly, that Joseph Taylor, John W. Garlick, A. B. Clarke, E. S. Turpin, William H. Gwathmey, Oliver B. Hill, L. S. Chandler, Charles J. Baldwin, J. H. Pleasants, William T. King, J. C. Redwood, and such others as may hereafter be associated with them, shall be and they are hereby constituted and made a body politic and corporate, by the name and style of The Central Savings Bank of the City of Richmond; and by this name and style, are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the provisions of chapters fifty-seven and fifty-nine of the Code of Virginia, and all acts amendatory thereof.

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

CHAP. 136.—An ACT to incorporate the Commonwealth Savings Bank of Richmond.

Passed March 15, 1861.

Bank incor-
porated

1. Be it enacted by the general assembly of Virginia, that S. B. Hughes, William Brent, John O. Chiles, J. B. Ferguson, George W. Gretter, Clay Drewry, William M. Allen, R. W. Wyatt and D. T. Williams, together with such other persons as are now or may be hereafter associated with them, shall be and they are hereby constituted and made a body politic and corporate, by the name and style of The Commonwealth Savings Bank of Richmond; and by this name and style, are hereby invested with all the rights, powers and

privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the fifty-ninth chapter of the Code of Virginia, and any and all provisions of said Code applicable to such corporations.

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

Commencement

CHAP. 137.—An ACT to incorporate the Manchester Savings Bank in the Town of Manchester.

Passed February 16, 1861.

1. Be it enacted by the general assembly, that Jeremiah Hobbs, James M. Perdue, William H. Brander, Ajax Gary, William G. Taylor, Frederick W. Redford and Samuel D. Atkinson, or any of the above named persons, and such others as may be associated with them, shall be and they are hereby made and constituted a body politic and corporate, under the name and style of The Manchester Savings Bank; and by this name shall be invested with all the powers, rights, privileges and immunities conferred, and made subject to all the rules, regulations and restrictions imposed by the fifty-ninth chapter of the Code of Virginia, and any other provisions of said Code expressly applicable to savings banks, and the act passed March thirteenth, eighteen hundred and fifty-eight, entitled an act to amend the fourth section of chapter fifty-nine of the Code of Virginia.

Bank incorporated

2. The capital stock of said bank shall not exceed one hundred thousand dollars.

Capital

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

Commencement

CHAP. 138.—An ACT incorporating the Berkeley Springs Savings Bank in the Town of Bath in the County of Morgan.

Passed February 11, 1861.

1. Be it enacted by the general assembly, that John T. Filer, Henry Willard, H. T. Garrison, Charles Green, Jonathan Casler, Lemuel Vanorsdall, Robert C. Gustin, George Mechem and George W. Hunter, together with such other persons as may be hereafter associated with them, shall be and they are hereby incorporated and made a body politic and corporate, by the name and style of The Berkeley Springs Savings Bank, to be located in the town of Bath in the county of Morgan; and by this name and style, are hereby

Bank incorporated

invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the provisions of chapter fifty-nine of the Code of Virginia, and any other provisions of said Code of a general character, applicable to such corporations.

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

CHAP. 139.—An ACT to incorporate the Home Savings Bank of the City of Richmond.

Passed March 30, 1861.

Bank incor-
porated

1. Be it enacted by the general assembly, that T. L. D. Walford, Robert Garthright, J. C. Shields, W. E. Johnson, Thomas J. Bagby, O. H. Chalkley, J. J. Mereer, W. F. Mitchell, W. W. Wells, S. G. Flournoy and John P. Hill, their associates and successors, shall be and they are hereby incorporated and made a body politic and corporate, under the name and style of The Home Savings Bank in the City of Richmond; and by that name and style, shall have all the rights, powers and privileges, and be subject to all the rules, regulations and restrictions imposed by the provisions of existing laws applicable to such a corporation.

Capital stock

2. The capital stock of said bank shall not be more than one hundred thousand dollars.

Commencement
Subject to
repeal, &c

3. This act shall be in force from its passage, and shall be subject to modification or repeal, at the will of the general assembly.

CHAP. 140.—An ACT to incorporate the Merchants Savings Bank of Richmond.

Passed January 23, 1861.

Bank incor-
porated

1. Be it enacted by the general assembly, that John H. Claiborne, Robert T. Brooke, Alexander Garrett, Robert M. Burton, David Currie, James L. Maury, George N. Gwathmey, George J. Sumner, William H. Christian, William G. Paine, John C. Shafer, John Dooley, John J. Wilson, P. C. Warwick, J. L. Apperson, John T. Sublett, John H. Montague, James H. Hackett, Lewis Ginter and Samuel J. Harrison, together with such other persons as may hereafter be associated with them, shall be and they are hereby constituted and made a body politic and corporate, by the name and style of The Merchants Savings Bank of Richmond; and by this name

and style, are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the provisions of the fifty-ninth chapter of the Code of Virginia applicable to such corporations.

2. The capital stock of the said bank shall not exceed one hundred thousand dollars. Capital stock

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

CHAP. 141.—An ACT to incorporate the Tobacco Savings Bank in the City of Richmond.

Passed March 28, 1861.

1. Be it enacted by the general assembly, that A. P. Brown, B. J. Johnson, B. F. Harris and A. D. Chalkley, and their associates and successors, shall be and they are hereby made a body politic and corporate, under the name and style of The Tobacco Savings Bank in the City of Richmond: and by that name and style, shall be invested with all the rights, powers and privileges conferred, and made subject to all the rules applicable to such corporations. Bank incor-
porated

2. The capital stock of said bank shall not be less than five nor more than one hundred thousand dollars. Capital stock

3. This act shall be in force from its passage, and shall be subject to modification or repeal, at the pleasure of the general assembly. Commencement
Subject to
repeal, &c

CHAP. 142.—An ACT to incorporate the Monongahela Savings Bank in the County of Monongalia.

Passed March 27, 1861.

1. Be it enacted by the general assembly of the state of Virginia, that W. A. Hanway, R. B. Carr, A. L. Nye, C. P. Fitch, J. M. Heck, B. F. Smith, J. R. Moore, L. Wilson and Isaac Scott, and such other persons as may hereafter be associated with them, be and they are hereby made a body corporate and politic, by the name and style of The Monongahela Savings Bank; and by that name, are made subject to, and to have the benefit of all the provisions of the fifty-ninth chapter of the Code of Virginia, together with all other parts of the said Code that are applicable to savings banks, except so far as they may be inconsistent with this act. Bank incor-
porated

Capital stock,
how divided
into shares

2. The capital stock of said bank shall be divided into shares of twenty dollars each; and the subscriptions thereto shall be made, received and paid at such times and in such installments as may be prescribed by a majority of the persons named in the first section of this act.

Amount, how
fixed

3. The amount of the capital stock of said bank shall be fixed by a majority of said persons, so that the same be not less than ten thousand dollars nor more than one hundred thousand dollars.

Directors

4. The stockholders shall determine the number of the directors of said bank, so that they be not less than five, and elect the same.

Voting

5. In all elections and all other questions, each member shall be entitled to one vote on every share of stock owned by him or her.

Commencement

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

CHAP. 143.—An ACT to amend an act entitled an act incorporating the Princess Anne Savings Bank, passed February 27th, 1860.

Passed January 28, 1861.

Act amended

1. Be it enacted by the general assembly of Virginia, that the first and second sections of the act incorporating the Princess Anne savings bank, passed February twenty-seventh, eighteen hundred and sixty, be amended and re-enacted so as to read as follows:

Bank incor-
porated

“§ 1. Be it enacted by the general assembly, that John J. Burroughs, Henry B. Styron, Wilson M. Bonney, Henry B. Woodhouse, Walter S. Way, David H. Bright, Jonathan W. Old, John Gornto, Francis Thomson, H. F. Woodhouse, William C. Smith and Edgar Burroughs, and their associates and successors, shall be and they are hereby incorporated and made a body corporate, by the name and style of The Princess Anne Savings Bank in the County of Princess Anne; and by that name and style, are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the provisions of chapter fifty-nine of the Code of Virginia, and all other provisions of law which may be applicable to such corporations.

Capital stock

“§ 2. The capital stock of said bank shall not exceed the sum of one hundred thousand dollars.”

Commencement

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

CHAP. 144.—An ACT incorporating the Independence Male and Female College in the County of Grayson.

Passed February 16, 1861.

1. Be it enacted by the general assembly of Virginia, that James Dickey, Abraham Elliott, Bryson Darnal, Alexander M. Davis, Wiley D. Hale, George W. Cornutt, Fleming S. Thomas, Hasten Fulton, Samuel B. Cox, Doctor R. H. Huffman, F. M. Nelson, Doctor William Bramlett and Ephraim Gentry, and their associates and successors, be and they are hereby constituted a body politic and corporate, under the name and style of The Trustees of the Independence Male and Female College in the town of Independence in the county of Grayson: and by that name, shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded in any court of law or equity. The said trustees of the Independence male and female college shall be capable in law to receive, hold and dispose of real and personal property, in order to carry out the purposes of their corporation: provided, that a majority of said trustees and their successors may at any time hereafter increase the number of trustees to twenty: and provided further, that a majority of said trustees shall be stockholders in said college.

2. The said Independence male and female college shall be under the control and management of the said trustees, and their associates and successors, who shall appoint a principal, professors and a treasurer, and such other officers as they may deem proper, and make and establish from time to time such by-laws, rules and regulations for the government of said college as to them may seem fit, not contrary to the laws of this state or of the United States. A majority of the trustees shall constitute a quorum for the transaction of business; and any vacancy or vacancies in the said board of trustees, occasioned by death, resignation or otherwise, shall be supplied by appointment of the remaining trustees: and they may remove any member of their body, two-thirds of the whole number being present and concurring.

3. The treasurer shall receive all moneys accruing to the said college, and property delivered to his care, and shall pay or deliver the same to the order of the board of trustees. Before entering upon the discharge of his duties, he shall give bond with such security, and in such penalty as the board may direct, made payable to the trustees for the time being, and their successors, and conditioned for the faithful performance of the duties of his office, under such rules and regulations as the board may adopt.

4. The said trustees are hereby authorized to raise by joint stock subscription a sum not less than one thousand dollars nor more than ten thousand dollars, to be divided in shares of ten dollars

Company
incorporated

Control of
college

Duties of
treasurer

Stock, how
raised
Minimum and
maximum

each, and shall declare such dividends annually on the same as the net profits of the said college may justify; and shall also have power to collect subscriptions to said stock in the manner now prescribed by law for the collection of subscriptions to joint stock companies.

Who to have interest

5. Every person holding one or more shares of the stock of said institute, shall have an interest in the whole property of said institute, in proportion to the number of shares subscribed for or held by him, and the payment thereof.

Stock personal estate

6. The stock of the said institute shall be deemed personal estate, and may pass or descend and be disposed of by the holder as any other personal estate.

Commencement

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

CHAP. 145.—An ACT to incorporate the Montgomery Female College.

Passed March 14, 1861.

College incorporated

1. Be it enacted by the general assembly, that Samuel D. Stuart, Rice D. Montague, Joseph S. Edie, Charles A. Miller, Frederick Johnston, William C. Hagan, William P. Hickman, James C. Taylor, John S. Grasty, John B. J. Logan, Madison Pitzer, James M. Rice, Thompson McAllister, Robert Ruper, James N. Lewis, A. L. Hogshead, John J. Wade, Urias Powers, William F. Junkin, Andrew Hart, William M. Montague, James F. Preston, A. G. Mathews and Franklin Grayson, and their successors, be and they are hereby constituted a body politic and corporate, under the name and style of The Montgomery Female College; and by that name, shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded.

Power to hold real and personal property

2. The said trustees shall be capable in law to receive, hold and dispose of real and personal property, in order to carry out the purposes of their incorporation. A majority of said board of trustees shall constitute a quorum for the transaction of business. They shall have power, for good cause, to remove any member of their body, and may supply any vacancy therein occasioned by death, resignation or otherwise.

Annual meeting

3. There shall be an annual meeting of said trustees at such time and place as they may from time to time appoint.

Insurance

4. The said board of trustees shall have power to effect insurances

on their real and personal property; and for the purpose of paying Loans, &c off liabilities already contracted for buildings and lot, and improving and enlarging the same, they may contract loans, or cause to be issued certificates of debt or bonds: but such loans and certificates of debt and bonds shall not at any time exceed ten thousand dollars. and shall not be irredeemable for a period greater than thirty-four years.

5. The trustees of said college shall elect a president of said col- President, &c
how elected lege, and such other instructors as they may deem necessary, and adopt rules and by-laws for the welfare and good government of said college. They shall have power, by themselves or their agents, to take and to receive subscriptions for said college; and in case any person shall fail to pay his or her subscription, to enforce the payment thereof by warrant before a magistrate, or by motion in any court of record in this commonwealth, according to the amount of such subscription, giving ten days' notice of such motion. And the said trustees are authorized to collect and enforce the payment, in the manner herein provided, of all sums subscribed to the Montgomery female collegiate institute, as the same may fall due; and the said trustees may execute mortgages on their property to secure the payment of the debts hereby authorized to be contracted.

6. The said trustees, at their first meeting, and annually there- Board of visi-
tors, how
appointed after, shall have power to appoint a board of visitors for said college, to consist of seven persons, who shall hold their office until others are appointed in their stead, and who shall, in connection with the president of said college, regulate the course and mode of education and instruction to be pursued in said college, and enforce all the rules and regulations adopted by the trustees, and confer diplomas and certificates of scholarship. The board of visitors shall fill any vacancy occurring in the faculty of said college.

7. There shall be appointed by the trustees a treasurer, who shall Treasurer receive and disburse all the money belonging to the college, under the orders and directions of the trustees, and who shall execute a bond to the trustees, in such penalty and with such security as they shall require, conditioned for the faithful discharge of his duties as treasurer.

8. The trustees may appoint such other officers and agents as Other officers
Scholarships they may require; and they may in their discretion sell scholarships in said college, upon such terms as may by the board be deemed advisable.

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

Commencement

CHAP. 146.—An ACT incorporating the Patrick Springs Female College.

Passed March 27, 1861.

College incor-
porated

1. Be it enacted by the general assembly, that George Pamill, H. W. Reynolds, Joseph Kennerly, junior, Samuel G. Staples, Peter B. Penn, L. J. Penn, A. Staples, William C. Staples, Jackson Penn, John R. Cobbs, W. B. McGilroy, B. A. Davis, C. B. Powell, Robert A. Scott, Ransom Powell, Moses G. Boothe, Powell M. Wade, George G. Saunders, A. A. Arnold, T. J. Watson, George W. Hall, S. W. Tunstall, A. H. Moorman, John W. Guerrant, William H. Payne, John Keen, P. W. Archer, Samuel Robertson, B. H. Johnson, William J. Hunter, and their successors in office, be and they are hereby constituted a body politic and corporate, under the name and style of The Trustees of Patrick Springs Female College; and by that name, shall have perpetual succession and a common seal, and may sue and be sued, implead and be impleaded in any court of law or equity, with power to purchase, receive and hold, to them and their successors forever, any lands, tenements, money, goods or chattels, which shall be purchased by or devised or given to them, or contributed and paid to them for the use of said institution: and to lease, rent, sell or otherwise dispose of the same, in such manner as shall be most conducive to the interest and advantage of said institution: provided, that the property acquired by the said trustees for the use of the said institution, shall not exceed in value at any one time one hundred thousand dollars.

Duties of
trustees

2. It shall be the duty of said trustees and their successors to call a general meeting of the stockholders of the said college at some convenient period, biennially or oftener, when a majority of the board of trustees for the time being, or at least twelve of the said stockholders, not members of the board of trustees, shall deem such general meeting necessary, and shall request the same to be called. At all such general meetings of stockholders, a majority of the stock of the said college shall be necessary to constitute a quorum for the transaction of business; and any person holding shares of said stock may vote in such general meetings, either in person or by proxy, made in writing, according to such regulations as shall be prescribed in relation thereto by the board of trustees. The said general meetings shall have power to revise, alter or modify the rules, regulations and by-laws prescribed by the board of trustees for the government of said college, and to control and direct, through the board of trustees, the acquisition and disposition of all property held for the use of said college, as well as the general economy and management of said college. They shall also have power to elect a new board of trustees to succeed those herein appointed, whose terms of office expire on the twenty-fifth day of June eighteen hundred and sixty-three, and to elect in like manner succeeding boards of trustees for said

college biennially thereafter: provided the number shall not exceed thirty. But any member of the present or any succeeding board of trustees shall be re-eligible indefinitely.

3. The said Patrick springs female college shall be under the immediate control and management of the said trustees and their successors, subject to the revisory control of the stockholders in general meeting, as herein above expressed. The said trustees shall remain in office until the twenty-fifth day of June eighteen hundred and sixty-three, and until their successors are elected at a general meeting of the stockholders. They shall appoint a treasurer, and all necessary officers and professors of said college, and make such rules, regulations and by-laws for the government of the institution as to them may seem fit, not inconsistent with the laws of this state or the United States. Seven of the trustees shall constitute a quorum for the transaction of business; and any vacancy in said board of trustees, occasioned by death, resignation or otherwise, shall be filled by appointment of the surviving trustees, until the vacancy is filled, or a new election is held by a general meeting of the stockholders. And they may remove any member of their body, two-thirds of the whole number being present and concurring.

College under control of trustees

Vacancies, how filled

4. The treasurer shall receive all moneys accruing to the college, and all property delivered to his care, and shall pay and deliver the same to the order of the board of trustees. Before entering upon the discharge of his duties, he shall give bond with such security, and in such penalty as the board may direct, made payable to the trustees for the time being, and their successors, and conditioned for the faithful performance of the duties of his office, under such rules and regulations as the board may adopt. And for any delinquency on the part of said treasurer, a recovery may be had against the said treasurer and his securities, his or their executors or administrators, by motion, on ten days' notice, in any court of record in this commonwealth.

Treasurer

Bond of

5. The said board of trustees are hereby authorized to raise by joint stock subscription a sum not less than three thousand dollars nor more than thirty thousand dollars, to be divided into shares of five dollars each, and shall from time to time declare such dividends on the same as the net profits of the institution may justify; and shall also have power to collect the subscriptions to said stock in the manner now provided by law for collections of subscriptions to joint stock companies.

Amount which may be raised

6. All individual stock in said college shall be deemed personal estate, and shall pass to purchasers as such by assignment, and be transferable upon the books of said company upon presentation of the scrip representing the same, and shall also pass to executors and administrators as such in like manner; and whilst the same is dedicated to the purpose of education, shall be exempt from all public taxes.

Stock, personal estate

Responsibility
of stockholders

7. The stockholders of said college shall not be liable pecuniarily for any debts, contracts or engagements made and entered into by the said trustees or stockholders other than the property they have in the capital stock thereof, to the amount of their respective share or shares. The property held by the said trustees for the use of the said college, so long as the same is dedicated to the purpose of education, shall be exempt from all public taxes.

Diplomas

8. The board of trustees, in connection with the president and professors of the college, shall have power to confer such diplomas and literary titles as they may think best calculated to promote the cause of female education.

Commencement

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

CHAP. 147.—An ACT to incorporate the Trustees of the Parkersburg Classical and Scientific Institute.

Passed March 18, 1861.

Company
incorporated

1. Be it enacted by the general assembly, that James Cook, J. R. Murdoch, Beverley Smith, J. M. Jackson, C. J. Neal, A. J. Boreman, Thomas Chancellor, K. B. Stephenson, S. C. Shaw, P. G. Van Winkle and Thomas S. Conley be and they are hereby constituted a body politic and corporate, by the name and style of The Trustees of the Parkersburg Classical and Scientific Institute, for the purpose of establishing male and female seminaries in the town of Parkersburg in Wood county; and by said name, shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded, with power to purchase, receive and hold, to them and to their successors forever, any lands, tenements, rents, goods and chattels of what kind soever, which may be purchased by, or may be devised or given to them for the use of the institute; and to lease, rent, sell or otherwise dispose of the same in such manner as shall seem most conducive to the advantage of said institute: provided, that the lands, goods and chattels so authorized to be held shall not exceed in amount or value the sum of fifty thousand dollars: and provided, that not less than a majority of the trustees for the time being shall be sufficient to authorize the sale or mortgage of any real estate belonging to the said institute.

Property,
amount of

Powers of
trustees

2. The said trustees and their successors shall have power to appoint a president, tutors, treasurer, librarian, and such other officers as they may deem necessary; and to make and establish from time to time such by-laws, rules and regulations, not contrary to the laws of this state or of the United States, as they may judge necessary for the good government of said institute. A majority of the trus-

tees shall constitute a board for the transaction of business; and any vacancy or vacancies amongst the trustees, occasioned by death, resignation or legal disability, shall be supplied by appointment of the board.

3. The treasurer shall receive all moneys accruing to the institute, and property delivered to his care, and shall pay or deliver the same to the order of the board. Before he enters on the discharge of his duties, he shall enter into bond, with the security and in such penalty as the board may direct, made payable to the trustees for the time being, and their successors, and conditioned for the faithful performance of his duty, under such rules and regulations as may be adopted by the board: and it shall be lawful for the trustees to obtain a judgment for the amount thereof, or for any special delinquencies incurred by the said treasurer, on motion in any court of record in this commonwealth, against the said treasurer and his security or securities, his or their executors or administrators, upon giving ten days' notice of such motion.

4. Be it enacted, that the right is hereby reserved to the legislature to modify or repeal this charter at pleasure.

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

CHAP. 148.—An ACT to amend the act incorporating the Lewisburg Female Institute.

Passed February 12, 1861.

1. Be it enacted by the general assembly, that the first section of the act entitled an act to incorporate the Lewisburg female institute, passed April seventh, eighteen hundred and fifty-eight, shall be re-enacted so as to read as follows:

“§ 1. That for the purpose of maintaining, in or near the town of Lewisburg in Greenbrier county, an institution of learning for the education of females, it shall be lawful for Floyd Estill, John Withrow, David J. Ford, James N. Montgomery, Thomas Mathews and Johnson E. Bell, or any two of them, to open books for subscription in the town of Lewisburg, to an amount not exceeding fifty thousand dollars, in shares of twenty dollars each, to constitute a joint capital stock for the purposes aforesaid.”

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

CHAP. 149.—An ACT to amend the act concerning District Free Schools in the County of Jefferson.

Passed March 15, 1861.

Act of 1858
amended

1. Be it enacted by the general assembly, that section fourth of an act passed March twenty-seventh, eighteen hundred and forty-eight, concerning district free schools in the county of Jefferson, be amended and re-enacted to read as follows, viz :

Duty of board
Clerk and
treasurer

“ § 4. That the said board shall at its first meeting after every election elect one of their own number president thereof, and that at every annual meeting the said board shall appoint a clerk, who need not be one of their number, who shall also be the treasurer of the board. to continue in office one year, whose duty it shall be to keep a fair record of the proceedings of said board, and also to receive any money that may be due and payable to the board, and pay all drafts of the board to whom they may be made payable, and keep a true account of all the money which he shall receive, and how applied, and at the end of the year settle his accounts with the board, and pay any balance that may be in his hands to the said board; and the said clerk and treasurer shall perform such other duties as shall be required, and shall be allowed a compensation by said board

Bond of clerk

not exceeding one hundred dollars per annum : provided, that before the said clerk and treasurer shall enter upon the duties of his office, he shall execute a bond with approved security, payable to the said board of school commissioners, in the penalty of ten thousand dollars : such bond to be recorded in the clerk's office of the county court of the county of Jefferson, as the bonds of other public officers are ; and the original to be kept by the president of said board ; and all rights and remedies given by law upon the bonds of sheriffs and other public officers, are hereby given to the said board of school commissioners, upon the said bonds of said clerk and treasurer.”

Penalty

Remedy upon
bond

Commencement

2. This act shall be in force from and after the passage thereof.

CHAP. 150.—An ACT to re-enact the act passed 9th February 1844, authorizing a Loan from the Literary Fund to the Trustees of West Liberty Academy.

Passed March 4, 1861.

Act of 1844
amended

Be it enacted by the general assembly, that the act passed February ninth, eighteen hundred and forty-four, entitled an act authorizing a loan from the Literary fund to the trustees of West Liberty academy, and for other purposes, shall be and the same is hereby revived and re-enacted so as to read as follows :

1. Be it enacted by the general assembly, that the board of the Literary fund be and they are hereby authorized and directed to lend from the capital of said fund (whenever there shall be such an amount at their disposal) to the trustees of West Liberty academy in the county of Ohio, at an interest of six per centum per annum, the sum of five thousand dollars, or any less sum that the said trustees may require: provided, that the said trustees shall secure to the said board the repayment of the principal of the sum so loaned, together with the interest thereon, at the rate aforesaid, to be paid semi-annually, by a lien on the lands and buildings of the said academy: and the said board shall have the right at any time to demand additional security, whenever in their opinion such additional security may be deemed necessary; which said additional security shall not release the first security.

Loan authorized

Security

2. That if the said trustees shall at any time neglect or refuse to give such additional security within a reasonable time, when thereto required by the said board, or shall neglect and fail to pay the interest on the said loan semi-annually, as herein before provided, it shall be the duty of the said board to take the necessary steps to collect the sum so loaned, and all such interest as may be due thereon. And if at the expiration of twenty years from the date of said loan, if the principal of said sum, or any part thereof, remains unpaid, the said board shall proceed, on reasonable notice, to collect the same.

Duty of board of Literary fund in default of payment of interest, &c

3. This act shall be in force from the passage thereof.

Commencement

CHAP. 151.—An ACT amending and re-enacting the act entitled an act to incorporate the Jackson Orphan Asylum of Norfolk, passed February 26, 1856.

Passed January 23, 1861.

Be it enacted by the general assembly, that the act passed February the twenty-sixth, eighteen hundred and fifty-six, entitled an act to incorporate the Jackson orphan asylum of Norfolk, be and the same is hereby amended, so that the same as amended and re-enacted, shall read as follows, viz:

Act of 1-56 amended

1. That James Cornick, James R. Hubbard, Charles H. Shield, William W. Lamb, Thomas C. Tabb, A. L. Seabury, Alexander Bell, Samuel W. Paul, Richard L. Page, John P. Leigh, Richard Dickson, W. H. Smith, John S. Millson, John Southgate, W. T. Harrison, John H. Rowland, H. M. Nash, J. J. Bloodgood, John Williams, W. H. Hunter, James W. Steed, A. T. M. Cooke, Richard Walke and John Hipkins, together with such other persons as may hereafter be associated with them, by the appointment of the said trustees in general meeting, and by subscription to the funds of

Asylum incorporated

the said corporation, shall be and the same are hereby incorporated and made a body politic and corporate, under the name and style of The Jackson Orphan Asylum of Norfolk, for the purpose of maintaining and educating orphan children; subject to the provisions of chapters fifty-six and fifty-seven of the Code of Virginia, so far as they may be applicable, and not inconsistent with this act.

President and
managers

2. The said orphan asylum shall be under the control and direction of a president and seven managers; and any four of said managers shall constitute a quorum for the transaction of business.

How appointed

3. The board of managers shall be elected by the said trustees and subscribers to the funds of the said corporation in general meeting assembled, and shall continue in office until their successors are appointed. Any vacancy or vacancies that may occur, occasioned by death, resignation or otherwise, in the said board, shall be filled by the surviving managers: provided, that the said managers shall at no time be less than seven: and provided also, that the said managers may remove any member of their body, two-thirds of their whole number being present and concurring.

Officers, how
appointed

4. The board of managers shall appoint a president, secretary and treasurer, and such other officers and agents as it may deem proper, a majority of the whole board being present and concurring. The said officers or agents shall hold their places during the pleasure of the board of managers; and the treasurer, if required by the board, shall give bond, payable to the corporation, with such conditions as the board may require, and with such sureties as it may approve.

Books of
accounts

5. The board of managers shall cause regular books of accounts to be kept and balanced annually, or semi-annually, as it may determine. All books, papers, correspondence and funds in the hands of any officers or agents of the corporation, shall at all times be subject to the inspection of the board of managers, or a committee thereof.

Annual meeting

6. There shall be an annual meeting of the trustees and subscribers to the funds of the corporation, at such time and place as the president of the board of managers may direct; at which meeting the managers, if required by the trustees, shall exhibit a statement of their transactions, and of the condition of the finances of the corporation.

Other meetings

7. The board of managers shall hold meetings at such times as they may deem necessary or the president may require; and during the absence of the president, the managers may appoint a president pro tempore.

Power to hold
real estate

8. The said Jackson orphan asylum, or the managers on behalf

thereof, shall have power to hold real estate in the city or county of Norfolk, not exceeding two acres in the city, nor more than twenty-five acres in the county, for the purpose of erecting thereon suitable and necessary buildings for an orphan asylum, and affording sufficient space for the accommodation of such an institution. The said corporation, or the managers in behalf thereof, shall also have power to receive donations, bequests and devises, to be applied to proper uses of the corporation.

9. The said managers shall have power to make rules and regulations for the government and direction of the said orphan asylum, and for the admission and control of the inmates thereof, consistent with the constitution and laws of this state. Rules and regulations

10. The said board of managers shall have power, conformably to their regulations, to bind out such poor orphan children as they may have taken under their care; and also that they may bind such children as may be committed to them by their parents; the indentures of apprenticeship to be executed by the board of managers, or either one of them, on behalf of the Jackson orphan asylum: provided, that the corporation court of the city of Norfolk or the county court of Norfolk county shall have the same superintendence over the conduct of the persons to whom such children shall be bound and over the said apprentices, as is given by law in other cases of apprentices. Orphan children

11. This act shall be in force from its passage. Commencement

CHAP. 152.—An ACT to incorporate the Hebrew Benevolent Society of Alexandria.

Passed February 12, 1861.

1. Be it enacted by the general assembly, that D. Haas, P. Seldner, S. Meyenberg, A. Rosenthal and L. Baar, together with such other persons as now are or hereafter may be associated with them, and their successors, be and they are hereby created a body politic and corporate, by the name and style of The Hebrew Benevolent Society of Alexandria, Virginia; and by that name, shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded, receive and hold, to them and their successors forever, any lands, tenements, rents, goods and chattels of what kind soever, which may be devised or given to them for the use of said benevolent association, or which may by the said benevolent association be purchased for the use of the same; and also to lease, rent, sell or otherwise dispose of the said property, as shall be deemed best for the good of the said benevolent association: provided, that Society incorporated
Property to held

the property to be held by the said association shall not exceed in amount the value of ten thousand dollars.

Rules and regulations

2. The members of the said association, or such number thereof as they shall ordain to be a quorum for such purposes, shall have power to make such by-laws, rules and regulations, not contrary to the laws of this state and the United States, as they shall consider proper for the government of said association and its officers; and to appoint and remove such officers; to provide for the admission and expulsion of members; and to require such fees and contributions from members as they shall think requisite for the purpose of the association.

Act subject to repeal

3. This act shall be modified or repealed, as the general assembly shall think proper.

Commencement

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

CHAP. 153.—An ACT to incorporate St. Paul's Church Home.

Passed February 19, 1861.

Association incorporated

1. Be it enacted by the general assembly, that Charles Minnege-rode, Thomas W. McCance, John A. Cunningham, Thomas P. August, Norman S. Walker, John Thompson Brown and George W. Randolph, and their successors, be and they are hereby incorporated under the name of Saint Paul's Church Home; with the power to hold property, real and personal, not exceeding two hundred thousand dollars in value; to sue and be sued; to make contracts, and to do all other things necessary for the attainment of the objects of this incorporation.

Capital

Power of corporators

2. The said corporators shall have the power to adopt a constitution and to enact by-laws, not in conflict with the constitution and laws of this commonwealth, to associate others with themselves, and to delegate their powers to a board of managers, or such other agents as they may select. Five corporators shall constitute a quorum for the transaction of business, and all questions shall be decided by a majority of voices.

Right to contract with parents for care, &c. of children

3. The said corporators, or the said board of managers, shall have the right to contract with the father; or if there be no father, with the mother; or if there be neither father or mother, with the guardian of any infant child under the age of eighteen years, for the care, maintenance and education of such child until he or she attains the age of eighteen years; and such contracts shall be binding on the parties thereto, and on such child; and shall con-

fer on the said corporation the sole and entire control of such child until he or she attains the age of eighteen: provided, that the said corporation shall furnish proper maintenance, and shall bestow a good English education and proper moral and religious instruction on such child.

4. If such child have neither parent nor guardian, the said corporation may acquire the control aforesaid by exhibiting to the judge of the hustings court, in his court sitting, an indenture sealed with the seal of the corporation, and binding it to do for the said child whatever may be required by this act to be done for the children coming within its purview: and if such indenture be in proper form, the said judge shall order it to be recorded in the clerk's office of his court; and thereupon the power and control of the said corporation over such child shall commence. Orphan children

5. The said corporation may also establish a hospital for the reception and treatment of destitute sick, and may make and enforce such rules as are necessary for its government and good order. Hospital

6. This act shall be in force from its passage. Commencement

CHAP. 154.—An ACT incorporating the Southern Institution for the amelioration of the condition of the Deaf, Dumb and Blind Negroes of the Commonwealth.

Passed March 7, 1861.

1. Be it enacted by the general assembly, that William M. Langhorne, and such other persons as may or shall be hereafter associated with him, be constituted a body politic and corporate, under the name and style of The Southern Institution for the amelioration of the condition of the Deaf, Dumb and Blind Negroes; and by that name, shall have perpetual succession, may sue and be sued, plead and be impleaded, have and use a common seal, and be subject to all the provisions of chapters fifty-six and fifty-seven of the Code of Virginia, so far as they may be applicable to this act. Institution incorporated

2. The said company shall have power to purchase lands for the purposes of said institution, not exceeding in quantity fifty acres, and other property not exceeding in value fifty thousand dollars. Power to purchase real estate

3. The said institution shall be managed by such officers and directors as a majority of those interested may appoint, and shall be governed by such by-laws as may be adopted by them, not inconsistent with the constitution or laws of this state. How managed

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

CHAP. 155.—An ACT to provide for taking the sense of the people of Henrico upon giving authority to the County Court to raise by loan two thousand five hundred dollars for arming the County.

Passed January 22, 1861.

Commissioners
to open polls

1. Be it enacted by the general assembly, that it shall be lawful for the commissioners appointed to conduct the elections in Henrico county in May last, to open polls at each of the places of voting in the said county on any day after five days' notice has been given by advertisement in the Richmond Dispatch, and by posting the same at one or more public places in each magisterial district, to take the sense of the voters of the county as to the propriety of authorizing the county court to raise by loan the sum of two thousand five hundred dollars, to be appropriated to the purchase of arms to be disposed of in arming the militia of said county, under the order of said court.

Result of vote,
how certified

2. The commissioners conducting the election at the courthouse shall certify the result of the vote in the county to the county court; and if a majority of the votes cast in such election are in favor of granting such authority to the court, it shall be the duty of the said county court of Henrico forthwith to raise by loan the sum of two thousand five hundred dollars, and to appoint commissioners, under whose directions the same shall be expended in the purchase of arms.

Duty of court

As to repayment

And the said county court shall hereafter make such provision as to it may seem proper, in regard to the raising of money by levy for the payment of the said loan: provided, that the whole amount shall be paid within the ensuing five years.

Duty of sheriff

3. It shall be the duty of the sheriff of the county of Henrico, on the request of any three justices of the peace for the said county, at the cost of the county, to cause the notice required by this act to be given.

Commencement

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

CHAP. 156.—An ACT to authorize the County Court of Fluvanna County to appropriate certain funds to the uniforming and equipping Volunteer Companies in said County.

Passed March 29, 1861.

Uniforming
volunteer
companies

1. Be it enacted by the general assembly, that it shall be lawful for the county court of Fluvanna, all the justices of said county having been summoned, and a majority of the same being present and voting, to appropriate to the uniforming and equipping of volun-

teer companies such portion as the said court may deem proper, of any money already raised or that may hereafter be raised, by the issue of county bonds, under the provisions of an act entitled an act to authorize the county courts to arm the militia, and to provide means therefor, passed January nineteenth, eighteen hundred and sixty-one.

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

Commencement

CHAP. 157.—An ACT to authorize the County Court of Lunenburg to appropriate certain money to uniform and equip Volunteer Companies.

Passed April 2, 1861.

1. Be it enacted by the general assembly of Virginia, that it shall be lawful for the county court of Lunenburg (all the justices of said county having been summoned, and a majority of them being present and voting) to appropriate for the uniforming and equipping of volunteer companies, such portion as the said court may deem proper, of any money already raised, or that may hereafter be raised by the issue of county bonds, under the provisions of an act entitled an act authorizing the county courts to arm the militia, and to provide means therefor, passed January nineteenth, eighteen hundred and sixty-one.

Uniforming
volunteer
companies

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

Commencement

CHAP. 158.—An ACT to authorize the formation of a Battalion of two Companies in the Towns of Scottsville and Howardsville in the County of Albemarle.

Passed March 30, 1861.

1. Be it enacted by the general assembly, that the governor be and he is hereby empowered to authorize the Scottsville Guard and Howardsville Light Infantry Blues to be organized into a battalion, subject to all the provisions and regulations concerning volunteer battalions, in the act passed March the thirtieth, eighteen hundred and sixty, entitled an act for the better organization of the militia of the commonwealth.

Battalion

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

Commencement

CHAP. 159.—An ACT to organize a Volunteer Battalion in the City of Alexandria.

Passed April 2, 1861.

Battalion
organized

1. Be it enacted by the general assembly, that the governor be and he is hereby authorized to organize a battalion in the city of Alexandria, to be composed of four companies, to wit: three companies of light infantry and one of artillery; the said battalion to have all the powers and privileges, and to be subject to all the duties of battalions organized under existing laws: provided, however, that the officers of the battalion hereby constituted shall be required to train with the officers of the one hundred and seventy-fifth regiment; and the said battalion shall attend and parade at the regimental muster of the one hundred and seventy-fifth regiment.

Proviso

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

CHAP. 160.—An ACT organizing a Volunteer Company of Cavalry in Albemarle county.

Passed March 15, 1861.

Of what number
company to
consist

1. Be it enacted by the general assembly, that the volunteer company of cavalry recently formed in Albemarle county, under the command of James W. Timberlake as captain, belonging to the forty-seventh regiment, third brigade and second division, shall consist of not less than forty nor more than one hundred, rank and file, and shall in all other respects be subject to the provisions and regulations of the act passed March the thirtieth, eighteen hundred and sixty, entitled an act for the better organization of the militia of the commonwealth.

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

CHAP. 161.—An ACT to incorporate the Berkeley Border Guards Armory Company.

Passed March 5, 1861.

Books, how
opened

1. Be it enacted by the general assembly, that it shall be lawful to open books of subscription to an amount not exceeding five thousand dollars, to be divided into shares of five dollars each, to constitute a joint capital stock for the purpose of establishing an armory for the Berkeley Border Guards, a voluntary military company, in the town of Martinsburg. The said books shall be opened at the courthouse of Berkeley county, under the superintendence of J. Q. A.

Nadenbouch, William N. Riddle, Peyton R. Harrison, John Dugan and R. A. Webster, or any three of them.

2. Whenever one hundred shares shall have been subscribed, the subscribers and their successors shall be and they are hereby incorporated and made a body politic, under the name and style of The Berkeley Border Guards Armory Company; subject to the provisions of chapters fifty-six and fifty-seven of the Code of Virginia, except so far as the same are modified by this act. This act shall be subject to amendment or repeal, at the pleasure of the general assembly.

Company
incorporated

3. Upon every subscription there shall be paid to the commissioners one dollar at the time of subscribing, and the residue thereof as required by the president and directors.

Payments on
subscriptions

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

Commencement

CHAP. 162.—An ACT to organize the Metropolitan Guard of Richmond.

Passed April 4, 1861.

Whereas it is represented that a number of citizens of Richmond and its vicinity have formed a company, and are ready and willing to arm, equip and uniform themselves at their own expense, and form a military company not exceeding one hundred persons, to be ready at all times to aid the state and city authorities in defence of the property and homes of Richmond and its vicinity:

Preamble

1. Be it enacted by the general assembly, that the governor be and he is hereby authorized, as soon as he shall receive the certificate of the adjutant general of this state that such a company is duly organized within the city of Richmond, with not less than fifty members, rank and file, and setting forth the names of the officers elected, to issue his commissions accordingly: provided, that no one under forty-five years of age shall become a member of said company, and that no charge shall be imposed on the treasury of the state on account of said company.

Commissions

Proviso

2. That such company shall constitute an independent military organization, and shall be subject to duty under their own officers, and only within the said city and its vicinity. A majority of the members of said company may adopt such by-laws as may be necessary for its government, not in conflict with the constitution.

Independent
organization

3. The right is hereby reserved to the governor, for good cause shown, to withdraw the commissions issued under this act, and to disband said company.

Commissions,
when may be
withdrawn

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

Commencement

CHAP. 163.—An ACT to amend the 1st section of an act entitled an act for the encouragement of certain Volunteer Military Companies in the City of Wheeling, passed March 27, 1858.

Passed February 13, 1861.

Act of 1858
amended

1. Be it enacted by the general assembly, that the first section of an act entitled an act for the encouragement of certain volunteer military companies in the city of Wheeling, be amended and re-enacted so as to read as follows :

Contributing
members

“ § 1. Be it enacted by the general assembly, that for the purpose of encouraging the volunteer military companies in the city of Wheeling, known as the ‘Virginia State Fencibles,’ the ‘Wheeling Riflemen,’ and Company ‘C’ of the fourth regiment, it shall be lawful for each of the said companies to enroll, in addition to the number now required by law, fifty members, to be designated ‘contributing members.’ ”

Commencement

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

CHAP. 164.—An ACT to authorize an issue of Arms to Titus V. Williams of the County of Tazewell, for the use of an Academy.

Passed April 2, 1861.

Preamble

Whereas it is desirable that the youth of Virginia should be trained and educated with a knowledge of military tactics: and whereas Titus V. Williams, a graduate of the Virginia military institute, is now conducting an academy at Jeffersonville in the county of Tazewell, where military training constitutes one of the fundamental branches: and whereas the general assembly of Virginia, by its support, will endeavor to stimulate and encourage such a spirit: Therefore,

When arms to
be issued

1. Be it enacted by the general assembly, that whenever the superintendent of either of the public arsenals shall receive an order from the governor for the issue of arms, accoutrements or equipments, not exceeding the necessary number for fifty men, and shall also receive from the said Titus V. Williams triplicate bonds with surety, as is now provided for by section second of the twenty-seventh chapter of the Code of Virginia, that then the said Williams shall be entitled to the use of such arms for his academy aforesaid, and be liable for their preservation and safety as are the commandants of companies now provided for by law: provided, however, the governor shall not authorize the issue to said party of any arms that in his opinion are suitable for troops in active service.

Proviso

2. The said Williams shall have power to transfer to any other How transferred duly qualified instructor the said arms, accoutrements or equipments: provided his said successor shall execute bond in the same manner as herein before provided.

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

CHAP. 165.—An ACT providing for the voluntary enslavement of George, Shed, Sam and Sukey, persons of color in the County of Buckingham.

Passed February 28, 1861.

1. Be it enacted by the general assembly, that it shall be lawful Negroes to choose owner for George, Shed, Sam and Sukey, negroes who were manumitted by the last will and testament of Archibald T. Gordon deceased, of the county of Buckingham, to select a master for themselves, upon the terms and conditions herein after mentioned.

2. Should the said negroes select a master for themselves, it shall Petition, how filed be lawful for them to file a petition in the circuit court of Buckingham, at any regular term thereof, setting forth their desire to select a master, and the name of the person so desired to be selected as owner; which said petition shall be signed by the petitioners in the presence of two witnesses.

3. The court in which such petition shall have been filed, upon Summons issued the filing of said petition, shall cause to be summoned, to appear before said court, both the petitioners and the person designated in said petition.

4. Upon the appearance of the petitioners and the person designated in the petition, the court shall proceed to examine each party Examination, how made separately, as well as such other persons as said court may see fit. At such examination the attorney for the commonwealth shall be present, and see that the examination is properly conducted, and that no injustice is done the petitioners.

5. If upon such examination the court shall be satisfied that there Duty and power of court is no fraud or collusion between the parties, and that the petitioners, should the prayer of the petition be granted, will be the bona fide slaves of the person designated in the petition. the said court shall cause to be entered upon its records that the petitioners by name have selected as their master the person so designated in said petition; whereupon the absolute property in said negroes, as slaves, shall vest, from the time of such entry, in the person so chosen as master, to all intents and purposes whatsoever: provided, however, Master to enter into bond that the person so selected as master shall enter into bond, with

security approved by said court, in such reasonable penalty as it may prescribe, conditioned that the said negroes, nor any of them, shall not become chargeable to the said county of Buckingham, or to any other county in this commonwealth: provided further, that should any of the said persons so enslaving themselves be at any time hereafter convicted of any crime punishable by death or transportation, the owner or owners of such person shall not receive from the commonwealth of Virginia any compensation for such person.

Provision as to
estate of
negroes

6. Upon the decision of said court that the said negroes shall be the slaves of the person so designated as master in said petition, all the estate to which said negroes are entitled under the will of said Archibald T. Gordon deceased, shall become vested in such person, and he shall have the right to ask, demand, sue for and recover such estate for his own use. And any suit now pending in the names of said negroes for the recovery of said estate, shall not abate, but on the motion of such person so selected as master, he may be entered as plaintiff, and such suit shall be prosecuted in his name to a final decree.

Commencement

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

CHAP. 166.—An ACT to provide for the voluntary enslavement of Thomas Garland and Mary Anderson, persons of color in the County of Hanover.

Passed March 12, 1861.

Negroes to
choose master

1. Be it enacted by the general assembly, that it shall be lawful for Thomas Garland and Mary Anderson, two of the negroes who were manumitted by the last will and testament of Wilson B. Clarke deceased, of the county of Hanover, to select a master or mistress upon the terms and conditions herein after mentioned.

Petition, how
filed

2. Should the said negroes select a master or mistress, it shall be lawful for them to file a petition in the circuit court for Hanover, at any term thereof, setting forth their desire to select a master or mistress, and the name of the person so desired to be selected as an owner; which said petition shall be signed by the petitioners in the presence of two witnesses.

Summons issued

3. The court shall, upon the filing of said petition, caused to be summoned to appear before the said court, on a day designated, both the petitioners and the person so designated in said petition.

4. Upon the appearance of both the petitioners and the person designated in the petition, the court shall proceed to examine each party separately, as well as such other persons as the court may see

fit. At such examination the attorney for the commonwealth shall be present, and see that such examination is properly conducted, and that no injustice is done the petitioners.

5. If upon such examination the court shall be satisfied that there is no fraud nor collusion between the parties, and that the petitioners, should the prayer of the petition be granted, will be the bona fide slaves of the person designated in the petition, the said court shall cause to be entered upon its records that the said petitioners by name have selected, as master or mistress of themselves, the person so designated in said petition; whereupon, the absolute property in said negroes, as slaves, shall vest, from the time of such entry, in the person so chosen as master or mistress, to all intents and purposes, as if such petitioners had never been free: provided, however, that the person so selected as master or mistress shall enter into bond in such penalty as the court may deem sufficient, with good security, that the said petitioners shall not at any time become chargeable on any county of this commonwealth: and provided further, that in the event of the future conviction of either of the said negroes of any crime punishable with death or transportation, the commonwealth shall not be liable to the owner of such negro for a greater sum than is obtained for the said negroes, after deducting the costs of prosecution and transportation.

Examination,
how made

Duty and
powers of court

Master to enter
into bond

In case of con-
viction for crime

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

Commencement

CHAP. 167.—An ACT providing for the voluntary enslavement of Jane Payne, Mary Fletcher and Glives.

Passed March 13, 1861.

1. Be it enacted by the general assembly, that it shall be lawful for Jane Payne, Mary Fletcher and Glives, negroes who were manumitted by the last will and testament of Charles R. Ayres deceased, of the county of Fauquier, to select a master or mistress for themselves, upon the terms and conditions herein after mentioned.

Negroes to
choose master

2. Should the said negroes select a master or mistress for themselves and their children, it shall be lawful for them to file a petition in the circuit court of Fauquier, at any regular term thereof, setting forth their desire to select a master or mistress, and the name of the person so desired to be selected as owner; which said petition shall be signed by the petitioner in the presence of two witnesses.

Petition, how
filed

3. The court in which such petition shall have been filed, upon the filing of said petition, shall cause to be summoned to appear before said court both the petitioner and the person designated in said petition.

Summons issued

Examination,
how made

4. Upon the appearance of the petitioners and the person designated in the petition, the court shall proceed to examine each party separately, as well as such other persons as said court may see fit. At such examination the attorney for the commonwealth shall be present, and see that the examination is properly conducted, and that no injustice is done the petitioners.

Duty and power
of court

5. If upon such examination the court shall be satisfied that there is no fraud or collusion between the parties, and that the petitioners, should the prayer of the petition be granted, will be the bona fide slaves of the person designated in the petition, the said court shall cause to be entered upon its records that the petitioners by name have selected as their master or mistress the person so designated in said petition; whereupon, the absolute property in said negroes, as slaves, shall vest, from the time of such entry, in the person so chosen as master or mistress, to all intents and purposes whatsoever: provided, however, that the person so selected as master or mistress shall enter into bond, with security approved by said court, in such reasonable penalty as it may prescribe, conditioned that the said negroes, nor any of them, shall not become chargeable to the said county of Fauquier, nor any other county of this commonwealth: and provided further, that should any of the said persons so enslaving themselves be at any time hereafter convicted of any crime punishable by death or transportation, the owner or owners of such person shall not receive from the commonwealth of Virginia any compensation for such person.

Master to enter
into bond

In case of con-
viction for crime

Commencement

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

CHAP. 163.—An ACT for the voluntary enslavement of Fanny Matthews, without compensation to the State.

Passed March 13, 1861.

Fanny to choose
master

1. Be it enacted by the general assembly, that it shall be lawful for Fanny Matthews, a free woman of color, now in the county of Page, to appear before the county court of said county, and make application thereto for leave to select a master for herself, and to become a slave.

Duty of court

2. Upon the appearance before said court of said Fanny Matthews, above named, and the person she wishes to select as master, the court shall proceed to examine each party separately, as well as such other persons as the said court may see fit. At such examination the attorney for the commonwealth shall be present, and see that such examination is properly conducted, and that no injustice is done to the applicant.

3. If upon such examination the court shall be satisfied that there is no fraud or collusion between the parties, and that there is no good reason to the contrary, the said court shall have leave to grant the application without any compensation to the commonwealth; but the individual thus chosen master shall enter bond with approved security, in such penalty as the court shall prescribe, with condition that said negro shall not become chargeable to any county or corporation in the commonwealth. Power of court

4. The proceedings in such case shall be entered of record, and the property in said negro as a slave shall, from the time of such entry, vest in the person chosen as master; and his rights and liabilities and the condition of the applicant shall in all respects be the same as though such negro had been born a slave. Proceedings,
how entered
Property vested
in master

5. The costs of the proceedings shall be paid by the master. Costs

6. This act shall be in force from its passage. Commencement

CHAP. 169.—An ACT authorizing the Governor to pardon slaves Jack and Ben, and restore them to their former owner.

Passed March 21, 1861.

1. Be it enacted by the general assembly, that the governor be and he is hereby authorized to pardon and restore to F. N. Fitzhugh, or his authorized agent, two slaves Jack and Ben, condemned by the county court of Caroline for sale and transportation; which slaves were before their conviction the property of said Fitzhugh: provided, that the said F. N. Fitzhugh shall not be entitled to the benefit of this act until he shall pay the costs and expenses incurred by the commonwealth in the prosecution or conviction of said slaves, or in any other manner, nor until he or some one for him shall enter into bond before the governor, payable to the commonwealth, with good and sufficient sureties, and conditioned for the removal of said slaves beyond the limits of the commonwealth within such time as the governor may prescribe. Slaves, how
pardoned
Bond

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

CHAP. 170.—An ACT to authorize the Governor of the Commonwealth to pardon a negro slave Tom, and restore said slave to his owner.

Passed February 16, 1861.

1. Be it enacted by the general assembly, that the governor of the commonwealth be and he is hereby authorized to pardon a negro slave Tom (who before conviction was the property of George W. Governor
authorized
to pardon

- Clift of Alabama), condemned by the county court of Amherst county for sale and transportation beyond the limits of the United States, and to deliver said slave to the said George W. Clift, or his authorized agent: provided, that the costs of trial and all other costs and expenses that have been incurred by the commonwealth to this date, or may result from the execution of the power hereby vested in the executive, shall be paid by the said Clift before this act shall take effect: and provided further, that the said George W. Clift shall not be entitled to the benefit of this act until he or some one for him shall have entered into bond before the governor, with good and sufficient security, payable to the commonwealth, in the penalty of three thousand dollars, and conditioned for the immediate removal of said slave beyond the limits of this state.
- Bond
- Commencement 2. This act shall be in force from its passage.

CHAP. 171.—An ACT authorizing the Governor to pardon slave Bill, and restore him to his former owner.

Passed April 2, 1861.

- Governor authorized to pardon
1. Be it enacted by the general assembly, that the governor be and he is hereby authorized to pardon and restore to Emory Edwards a negro slave Bill, condemned for sale and transportation by the county court of Jefferson county; which slave before conviction was the property of said Edwards: provided, that the said Emory Edwards shall not be entitled to the benefit of this act until he shall have paid the costs and expenses incurred by the commonwealth in the prosecution or conviction of said slave, or in any other manner, nor until he shall have entered into bond before the governor or some court of record of either Maryland or Virginia, in a penalty of fifteen hundred dollars, with good security, to be approved by such court; which bond shall be payable to the commonwealth, and conditioned for the removal of said slave beyond the limits of the commonwealth: which bond shall be entered of record in the clerk's office of the court taking the same; and a copy thereof, properly certified to the governor, shall be sufficient evidence of the execution thereof.
- Bond
Penalty
- Commencement 2. This act shall be in force from its passage.

CHAP. 172.—An ACT to authorize the Governor to pardon a slave John Riicks, and restore him to his former owner.

Passed April 2, 1861.

- Governor authorized to pardon
1. Be it enacted by the general assembly, that the governor be and he is hereby authorized to pardon and restore to Charles W.

Gilham, or his accredited agent, a negro slave John Ricks, condemned by the county court of New Kent county for sale and transportation; which slave was before conviction the property of said Charles W. Gilham: provided, that the said Charles W. Gilham shall not be entitled to the benefit of this act, nor shall it take effect until he shall pay all the costs and expenses incurred by the commonwealth in the prosecution or conviction of said slave, or in any other manner, nor until he, or some one for him, shall enter into bond before the governor, payable to the commonwealth, with good and sufficient security, and conditioned for the removal of said slave beyond the limits of the commonwealth, within such time as the governor may prescribe.

Bond

Conditions

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

Commencement

CHAP. 173.—An ACT for the protection of the Fisheries on the waters of the Chesapeake Bay, and its tributaries below tide water.

Passed February 15, 1861.

1. Be it enacted by the general assembly, that from and after the passage of this act, it shall be unlawful for any person, not a resident of this state, to fish with trawl or trot lines in any of the waters of the Chesapeake bay and its tributaries below tide water within this state.

Certain fishing prohibited

2. That upon complaint being made on oath by any competent person, before any justice of the peace of any county in this state, that any person or persons who do not reside in Virginia, have set trawl or trot lines for fishing in any water lying wholly or partly in such county, contrary to the provisions of this act, it shall be the duty of such justice to issue his warrant, directed to the sheriff or any constable of such county, commanding him to forthwith take possession of such fishing lines, and to summon the owner or owners thereof to appear before him, at some time and place to be designated in such warrant, to answer the charge of such unlawful fishing. The said justice shall examine such witnesses as may be produced either by the party complaining or the party complained of, and if it shall satisfactorily appear to such justice, that the complaint is true, he shall cause the said trawl or trot lines to be destroyed, and adjudge the offending party to pay the cost of such proceeding. If it shall appear that such complaint was improperly made, the party complaining shall be adjudged to pay all costs occasioned thereby, and shall be further liable for damages to any party injured by any such seizure.

Complaint

Duty of justice

Penalty

If complaint is improperly made

Additional
penalties

3. Any party offending against the provisions of this act by such unlawful fishing, shall, in addition to the penalties and forfeitures prescribed by the preceding section, be fined not less than fifty nor more than five hundred dollars.

Commencement

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

CHAP. 174.—An ACT to repeal an act passed 19th March 1860, concerning the mode of catching Fish in certain waters.

Passed March 25, 1861.

Act of 1860
repealed

Be it enacted by the general assembly of Virginia, that an act passed on the nineteenth of March eighteen hundred and sixty, entitled an act to prohibit the catching of fish in certain waters with cod, gill or thrashing nets, by surrounding them, be and the same is hereby repealed.

CHAP. 175.—An ACT to amend an act passed 31st of March 1860, entitled an act to restrict the catching of Oysters in certain months.

Passed March 8, 1861.

Act of 1860
amended

Be it enacted by the general assembly, that the act passed the thirty-first day of March eighteen hundred and sixty, entitled an act to restrict the catching of oysters in certain months, be amended and re-enacted so as to read as follows:

When oysters
may be taken

1. Hereafter it shall not be lawful to take or catch oysters in the waters of this commonwealth in the months of July and August; and any person offending against the provisions of this act shall forfeit and pay for each offence the sum of fifty dollars; to be recovered as other fines, or by judgment of any justice of the peace of the county in whose jurisdiction such offence may be committed: provided, that nothing herein shall be so construed as to prevent any person from catching or taking his own planted oysters in the months aforesaid: provided, however, that nothing contained in this act shall have the effect of amending or repealing the act passed March thirty-first, eighteen hundred and sixty, so far as the waters of Northampton county are concerned.

Proviso as to
Northampton
county

Commencement

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

CHAP. 176.—An ACT to amend the first section of an act to prevent Trespasses, Depredations, &c. along the borders of the Potomac and other tide waters in the Counties of Fairfax, Stafford and King George.

Passed January 29, 1861.

1. Be it enacted by the general assembly, that the first section of an act entitled an act to prevent trespasses, depredations, &c. along the borders of the Potomac river and other tide waters in the counties of Fairfax, Stafford and King George, passed the twenty-eighth of January eighteen hundred and sixty, be amended and re-enacted so as to read as follows :

Act of 1860
amended

“ § 1. Be it enacted by the general assembly of Virginia, that if any person shall shoot, hunt or range, fish or fowl on the lands or in the water courses comprehended within the survey of any proprietor of lands in the county of Fairfax, within five miles of navigable tide water, without license in writing from the owner of said lands, or hunt or shoot along any public road, he shall forfeit to the informer three dollars for the first offence, six dollars for the second, and nine dollars for each succeeding offence : the forfeit in each instance to be double if the offence shall be in the night or on Sunday ; and he shall likewise forfeit to the informer in each instance his boat or other means of conveyance, his guns, dogs, and all his shooting, hunting and fishing apparatus, and be liable in every instance for all costs and expenses incurred in apprehending him and prosecuting for the recovery of said forfeitures.”

Penalty for
hunting,
fishing, &c

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

Commencement

CHAP. 177.—An ACT authorizing the Trustees of the Methodist District Parsonage in Salem (Roanoke County) to borrow money and execute a deed of trust to secure the same.

Passed March 26, 1861.

1. Be it enacted by the general assembly, that Andrew L. Pitzer, Jeremiah Stair, Robert B. Stevens, George Stevens, Joseph Campbell, Zebulon Boon, Eldridge Anderson, Andrew J. Lucas and Harvey Black, trustees named in a deed executed on the eighth day of September eighteen hundred and sixty, by H. E. Blair, commissioner of Roanoke circuit court, to hold a house and lot in the town of Salem for the use of the Methodist congregation in Salem, as a place of residence for the presiding elder of the Methodist Episcopal church in Roanoke district, be authorized to borrow a sum of money not exceeding one thousand dollars, for the purpose of paying a debt due upon said property, and to secure the same by a deed of trust, to be executed by any five or more of the said trustees upon the said

Trustees
authorized
to borrow
money

Sum not to
exceed one
thousand dollars

house and lot, with such covenants as to time and terms of sale as may be agreed on between said trustees and the party loaning them the money. The said trustees or any five of them are also authorized and empowered to execute such a deed of trust as will secure any person or persons who may have advanced or may hereafter advance money to pay for said house and lot.

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

CHAP. 178.—An ACT authorizing the Trustees of the First Presbyterian Church in the City of Portsmouth to execute a deed of trust on said property.

Passed February 13, 1861.

Preamble Whereas, it is represented to the general assembly of Virginia, that the trustees of the First Presbyterian church of the city of Portsmouth, for the purpose of erecting a suitable building, as a residence for their minister, on a lot purchased for that purpose, have contracted a debt for money borrowed by members, and that they are desirous of securing the payment of the same: Therefore,

Trustees authorized to execute deed of trust

1. Be it enacted by the general assembly, that it shall be lawful for the legally constituted trustees of said church to execute a deed of trust upon the lot and improvements so purchased by the said trustees of the said church, situate on the east side of Middle street, between North and Glasgow streets, for the purpose of securing any debts heretofore contracted for money borrowed or advanced to aid in the erection of said building, or of securing any loan made to them for that purpose; which deed shall be subject to the provisions of chapter one hundred and seventeen of the Code of Virginia, and shall be as effectual as if executed by an individual.

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

CHAP. 179.—An ACT to authorize the sale of certain Church Property in the Town of Moorefield.

Passed March 16, 1861.

Preamble Whereas Joseph Vanmeter and seventy-five others, citizens of Hardy county, have petitioned the general assembly to pass an act to authorize the sale of a certain lot of land and brick building thereon, in the town of Moorefield in the county of Hardy, which was conveyed by George Harness, junior, to Edward Williams, James Machir and Samuel McMechen, by deed dated the tenth day of May

eighteen hundred and sixteen, and recorded in the county court of said county, as a place for public worship: and whereas it is represented that said property is no longer desired as a place of worship by any persons entitled to use it as such: Therefore,

1. Be it enacted by the general assembly, that any citizen of the town of Moorefield, upon giving at least four weeks' notice by publication in a newspaper published in Moorefield, may, by petition, apply to the said county or circuit court of Hardy county, to make sale of said lot; which application may be contested by any one opposed to such sale; and the said court, after examining such witnesses as may be produced before it, and hearing all parties, may decree a sale of said property in such manner and on such terms as it may deem just, and direct the proceeds to be appropriated for the benefit of the poor of said county, or for educational purposes therein, as it may think proper.

How property
may be sold

Proceeds,
how applied

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

Commencement

CHAP. 180.—An ACT constituting a part of the Ohio River a lawful fence.

Passed March 27, 1861.

1. Be it enacted by the general assembly, that the Ohio river, from the lower end of David Long's farm, adjoining the town of Point Pleasant in Mason county, up to the mouth of Mill creek in said county, a distance of about seven and a half miles, be and the same is hereby constituted a lawful fence.

Part of Ohio
river a lawful
fence

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

Commencement

CHAP. 181.—An ACT authorizing the Common Council of the City of Petersburg to declare what in said city shall be an unlawful assemblage of negroes, and to prescribe the punishment therefor.

Passed April 2, 1861.

1. Be it enacted by the general assembly, that the common council of the city of Petersburg may declare what in said city shall be an unlawful assemblage of negroes, and may empower the officers of police of said city to enter the place of such assembly and seize such negroes, and may prescribe the punishment of such negroes and the fine to be imposed on a person permitting such an unlawful assembly on his lot or tenement.

Unlawful
assemblage,
how declared

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

Commencement

CHAP. 182.—An ACT to establish an Inspection of Leather for the County of Hampshire.

Passed March 23, 1861.

Inspector, how appointed

1. Be it enacted by the general assembly, that the county court of Hampshire may at its May term in each year appoint an inspector or inspectors of leather for the said county; and the person or persons so appointed shall, before entering upon the duties of his or their office, take before the clerk of said court an oath that he or they will honestly and faithfully discharge the duties of said office; but no person engaged in the manufacturing, trading in or vending leather, individually or as a partner, or as agent, clerk or employee of a manufacturer or vendor of or trader in leather, shall be appointed to such office.

Duties of inspector

2. It shall be the duty of every inspector so appointed to provide himself with such and so many proper scales, weights and stamps as may be required in the performance of the duties of his office; and he shall, upon request, inspect any sole leather, rough harness or rough skirting leather within the county of Hampshire; and the manner of inspection shall be as follows, viz: each side of leather shall be accurately weighed, and the weight thereof shall be branded or stamped thereon in plain, strong and legible figures, expressing the number of pounds and quarter pounds (if any); and the quality of each side shall also be stamped or branded thereon in plain, strong and legible letters, to the following criteria or distinction; that is to say, if the side is of good quality of hide and of the best manufacture, there shall be stamped or branded upon it the word "best;" if the side be of good quality of hide and of good manufacture, the word "good;" if the side be of good quality of hide but of bad manufacture, the word "bad;" and if the side is damaged, the word "damaged." There shall also be stamped or branded on each side inspected the surname of the inspector, and the words "Hampshire county, Virginia;" and any such inspector shall refuse to inspect any leather which is unmerchantably dark.

Brands

Fees

3. Every such inspector shall be entitled to demand and receive for his services two cents for each hide inspected by him, payable by the party who shall employ him; but the passage of this act shall not impose any present or future charge on the treasury of the commonwealth.

Counterfeiting brands, &c

4. Any person who shall counterfeit or fraudulently alter any one of the marks, stamps, brands or impressions of any such inspection, on any side or sides of leather so inspected, shall be deemed guilty of a misdemeanor, and be punishable by fine not exceeding one hundred dollars, or by confinement in the jail of Hampshire county not less than three nor more than six months, at the discretion of the court.

Commencement

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

CHAP. 183.—An ACT to compensate Juries serving on Coroners' Inquests in the Counties of New Kent, Charles City, James City, York, Warwick and Elizabeth City, and also the Cities of Williamsburg and Norfolk.

Passed January 17, 1861.

1. Be it enacted by the general assembly of Virginia, that here-
 after jurors serving on a coroner's inquest shall have for their ser-
 vices, in the counties of New Kent, Charles City, James City, War-
 wick, York and Elizabeth City, the sum of one dollar each in every
 case; and in the cities of Williamsburg and Norfolk, the sum of fifty
 cents each for every inquest held within the limits of each city; to
 be paid out of any unappropriated money in the treasury of the
 county or corporation.

When jurors to
 receive pay

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

Commencement

CHAP. 184.—An ACT to authorize the Circuit Court of Preston County to legalize the conveyance of a tract of land made by Andrew Olyphant as guardian or committee of William Smith, an idiot.

Passed March 15, 1861.

Whereas it is represented to the general assembly, that one Wil-
 liam Smith, a citizen of the state of Pennsylvania, departed this
 life intestate, about the year eighteen hundred and ten, leaving a son
 named William, who was an idiot from his birth, and a daughter
 named Esther, being the only children and heirs at law of the said
 William A. Smith: That the said William A. Smith, at the time of
 his death, was seized and possessed of lands in the said state of
 Pennsylvania, as well as lands in the state of Virginia: that shortly
 after the death of the said William A. Smith, one Andrew Olyphant
 was duly appointed guardian or committee, in the state of Pennsyl-
 vania, of the said idiot, and by an act of the legislature of Pennsyl-
 vania, authorized to sell the lands of said idiot in that state: that
 the said Esther Smith intermarried with one Samuel Griffin: that
 the said Olyphant, supposing that he had the right to convey the land
 descended to his ward aforesaid in Virginia, did join the said Griffin
 and wife in the sale of a tract of land, then in the county of Monon-
 galia, now in the county of Preston, to one David Simpson, contain-
 ing four hundred and fifty acres, and executed a deed, together with
 the said Griffin and wife, to the said Simpson for said four hundred
 and fifty acres, on or about the fourteenth day of March eighteen
 hundred and fifteen, and that said Simpson took possession of said
 land at the date of the deed aforesaid, and he and his alienees have
 held actual possession thereof ever since: that the land is now
 highly improved by the said Simpson and those holding under him. It
 is further represented that the said Simpson, at the time of the pur-
 Preamble

chase aforesaid, paid a full and adequate price for said land, and that a moiety of the purchase money was expended for the maintenance and comfort of the said idiot: that the said idiot is a resident of this state; is very old and infirm, and in the course of nature, must depart this life in a very few years; and that the children of the said Esther Griffin (she and her husband being long since dead) threatened to assert their title to a moiety of said land so sold to the said Simpson, as heirs at law of their said idiot uncle, so soon as he departs this life: Therefore,

How bill filed 1. Be it enacted by the general assembly, that it shall be lawful for the alienees of the said Simpson, or any one or more of them, their heirs or assigns, to file their bill in the circuit court of Preston county, making all proper parties defendants thereto, including those

How suit prosecuted who, on the death of said idiot, would be his heirs, to be prosecuted as other suits in chancery; and upon proof of all the facts above recited and represented, if the said court shall be of opinion, on the hearing of the cause, that the said David Simpson, and those holding under him, ought to have their title confirmed and perfected as to the moiety of the said idiot, so sold and conveyed by the said Andrew Oliphant, it shall be lawful for said court to decree accordingly, and appoint a commissioner to execute a deed conveying to such person or persons as may at the date of said decree, hold the said land or any portion thereof, mediately or immediately from or under the said David Simpson.

Decree

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

CHAP. 185.—An ACT to authorize Joseph Gusman to rebuild his Mill.

Passed April 2, 1861.

Authority to rebuild mill 1. Be it enacted by the general assembly, that Joseph Gusman of the county of Harrison may, at any time within two years from the passage hereof, commence, and at any time within five years from the passage hereof, finish the rebuilding of his water mill for the grinding of grain in the said county, on the West Fork of the Monongahela river, which was destroyed by fire; and that if he shall do so, he shall have any right and protection which he would have had if the said rebuilding had been commenced within two years, and finished within five years from the time of the said destruction.

Limitation as to time

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

CHAP. 186.—An ACT to authorize Thomas Chancellor to erect a Wharf on his lands.

Passed March 15, 1861.

1. Be it enacted by the general assembly of Virginia, that Thomas Chancellor be and he is hereby authorized to erect a wharf in front of his land on the south side of the Little Kanawha river, near its mouth (the banks being owned by him), so as not to obstruct the navigation of said river, and that he be authorized to charge not a greater rate of wharfage than the town of Parkersburg imposes for like accommodation. Wharf may be erected

2. This act shall be in force from and after its passage, and shall be subject to alteration or repeal, at the pleasure of the general assembly. Commencement

CHAP. 187.—An ACT authorizing Henry Potter Burt, William Berry and other subjects of Great Britain to hold certain Land lying in this Commonwealth.

Passed April 3, 1861.

Whereas Henry Potter Burt, William Berry, George Gamble, Major General G. R. Pemberton, Samuel Lees, James Roberts and Charles Whetham, of England, in their own behalf, and of others who may be associated with them in the purchase of the land herein after mentioned of the Reverend Daniel Veech McLean, D. D. of Easton, Pennsylvania, being unwilling to proceed in said purchase without an act authorizing them to accept and hold land within this commonwealth; and their object being to engage in mining and otherwise in the cultivation and development of the lands so designed by them to be purchased: Preamble

1. Be it enacted by the general assembly, that the aforesaid Henry Potter Burt, William Berry, George Gamble, Major General G. R. Pemberton, Samuel Lees, James Roberts and Charles Whetham, or any of them, may take, hold, occupy and use, sell, transfer and convey, free from any disability arising from their not being citizens of this state, lands known as the "Jabel or Hollingsworth or Bruen tract or survey," including any land adjoining thereto commanding river frontage, not exceeding one hundred thousand acres in all, lying in Putnam, Jackson, Mason and Kanawha counties, to be conveyed to them by the said Reverend Daniel Veech McLean, D. D. and others: and said lands, or any part thereof held by them or any of them at their deaths, shall and may pass by descent or devise as if they were citizens of this state. The interest of the aforesaid parties in said lands to be in proportion to the amount paid by them respectively. Who may hold lands
Quantity
How lands may pass

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

CHAP. 188.—An ACT to incorporate the American Agency.

Passed March 29, 1861.

Company
incorporated

1. Be it enacted by the general assembly, that Duff Green, James Lyons, John S. Barbour, Jephtha Fowlkes and J. Robin. McDaniel, and the owners of the shares herein authorized to be issued, be and they are hereby made a body politic and corporate, under the name and style of The American Agency; with power and authority in that name and style, to contract and be contracted with, to sue and be sued, to plead and be impleaded, with all the rights, powers and privileges which may be necessary or proper for them to have, possess and exercise as an incorporated company; and especially to take, have, possess and acquire, by gift, grant or purchase, any property and estate, real or personal, and the same to use, lease, let, mortgage, sell, transfer and convey, in as full and ample manner as any individual may or might do: provided the said company shall not hold in this state, in their own right, more real estate than may be requisite for offices for the convenient transaction of their business, unless it be purchased bona fide in payment of debts due to them; and in case of such purchase, they shall alienate such lands within ten years from the date of such purchase.

Privileges

Amount of
real estate

Whereas one purpose of this act is to organize an incorporated company with the intent and purpose of aiding in the purchase and sale of rail road bonds and shares, and other public and private securities: Therefore,

Purposes and
powers of com-
pany

2. The said company may and they are hereby authorized and empowered to receive and hold on deposit and in trust any property and estate, real and personal, including the shares of rail road and other improvement companies, and the notes, bonds, accounts and obligations of governments, states, cities, towns, counties, corporations, companies and individuals; and the same may purchase, collect, adjust and settle; and they may sell and dispose thereof in any market in the United States or elsewhere, and upon such terms and for such price as may be agreed upon between them and the parties contracting with them; and may deal in exchange, foreign and domestic, and may make advances of money and of credit, and may endorse and guarantee the payment of the notes and bonds and the performance of the obligations of governments and of states, cities, towns, counties, corporations, companies and individuals.

Who may open
books

3. The persons named in section one, or a majority of them, may, in person or by proxy, open books of subscription at such times and places as they may deem expedient; and when three hundred thousand dollars shall be subscribed, the shareholders may organize the company by the election of five or more directors; and the directors for the time being shall have power, in the name and behalf of the

Directors

company, to enact by-laws and regulations for the management of their affairs, and to exercise and enjoy all the rights, powers and privileges herein granted, and which it may be necessary or proper for them, as such, to have, exercise and enjoy; and they may from time to time enlarge the resources of the company, by borrowing money on a pledge of their property and estate, or without such pledge, or by new subscriptions; and any citizen or subject, corporation or company, of any government, state or country, may subscribe for, purchase and hold shares of the said company, subject to no other liability on account thereof, than for the payment to the said company of the sums due, or to become due on the shares subscribed for or held by them.

Resources, how enlarged

4. The by-laws may prescribe the number of, and manner in which the directors, officers and agents of the company shall be selected, and may also define their powers and duties, and fix their term of service and compensation. The company shall have an office in the city of Richmond; and the directors for the time being may from time to time establish such branches and agencies in Europe and elsewhere as they may deem expedient, under such rules and regulations as they may prescribe, and divide the capital of the company into shares, and prescribe the manner in which they shall be transferred on the books of the company. And the said company shall not issue their own notes or bills to be used as bank notes or as currency, nor shall their by-laws or regulations be inconsistent with the laws or constitution of this state.

By-laws

Office

Branch offices

Issue of notes prohibited

5. That no right of property to this franchise shall invest until the minimum amount of capital is subscribed, and sixty thousand dollars actually paid; of which fact it shall be the duty of the company to inform the governor in the same manner that the officers of a bank about to be put in operation are required to do; and when said company shall be organized and ready to go into operation, it shall be the duty of the presiding officer and treasurer to make a statement upon oath to the auditor of public accounts, of the amount of capital paid in, and to make a like statement every six months thereafter, with an additional statement of their profits and gross receipts; and for failing to make such report, they shall forfeit and pay into the public treasury one thousand dollars for each failure; to be recovered by motion, after ten days' notice, in the circuit court of the city of Richmond; and the said officers are also hereby required to furnish to the governor a list of the stockholders of the said corporation.

When act takes effect

Semi-annual reports

6. This act shall be in force from its passage, and shall be subject to amendment, modification or repeal, at the pleasure of the general assembly.

Commencement

CHAP. 189.—An ACT to incorporate the Southern Express Company.

Passed March 22, 1861.

Company
incorporated

1. Be it enacted by the general assembly of the state of Virginia, that S. W. Ficklin, W. W. Finney, J. A. Harman, James B. Ficklin, B. F. Ficklin and M. G. Harman, and their associates, successors and assigns, be and they are hereby declared to be a body corporate and politic, by the name of The Southern Express Company, for the purpose of an express transportation business.

Capital stock

2. The capital stock of said company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and in case the said capital stock be found insufficient for its purposes, such company may increase its capital stock from time to time to such amount as may be deemed necessary for the purpose aforesaid, not exceeding one million of dollars. Such increase must be sanctioned by a vote, in person or by proxy, of two-thirds in amount of all the stockholders of the company present or represented at a meeting of such stockholders.

When to com-
mence businessMeetings, how
called

3. The said company may commence business as soon as its capital stock is fully subscribed, and fifty thousand dollars of the same paid up; and on such subscriptions being made, any five subscribers to said stock may call a general meeting of the stockholders of the said company, by serving a notice, signed by them, of the time and place of such meeting, twenty days at least before the time of holding the same, on each stockholder personally, or by leaving it at his residence, or by putting the same in the post office at Richmond, directed to him at his usual or reported place of residence, and paying the postage thereon: provided, however, that any other mode or time of calling said meeting shall be lawful, if all the stockholders consent thereto in writing, or are represented thereat. At the meeting convened as aforesaid, the said company shall elect, by a majority of votes there present or represented, not less than five nor more than nine persons, being stockholders of the said company, to act as directors of the said corporation, who shall represent the said company, and manage the business thereof. Vacancies in the board of directors shall be filled in such manner as shall be prescribed by the by-laws of the corporation.

Directors, how
elected

President

4. At the first meeting of the said board of directors after their election, they shall elect one of their number as president of the said corporation, and may elect a vice-president and such other officers as they may deem advisable. The directors of this company shall hold their offices for one year, and until others are chosen.

In case of fail-
ure to elect

5. In case it shall at any time happen that an election of directors be not made at the time designated, or on the days when by the

by-laws of said company it ought to be done, it shall and may be lawful on any other day to hold an election for directors in such manner as above provided for, or as shall be directed by the by-laws of such company: and in case any annual meeting of stockholders shall not be held by reason of neglect of the directors, it shall be in the power of any stockholders holding one hundred shares of the capital stock, to call such meeting for the purpose of electing directors and other purposes, by giving the notice as herein after prescribed; and for that purpose they shall have access to the stock list and transfer books of said company, and all information necessary to the giving of such notice.

In case of failure to hold annual meetings

6. And be it further enacted, that the directors of such company shall have power to make and prescribe such by-laws and regulations as they shall deem proper, respecting the management and disposition of the property and estate of such company, the duties of the officers, agents, artificers and servants by them to be employed; to appoint such and so many officers, clerks and servants for carrying on the business of said company, and with such salaries or wages as to them shall seem reasonable: provided, however, that such by-laws be not inconsistent with any existing law.

By-laws and regulations

7. The said company shall have power to do an express transportation business by land or by water, for the conveyance of persons and property of every kind, from, to and between any place in Virginia and any place in or beyond the limits of Virginia, in their own conveyances, or in those of other persons: and to create and organize branch agencies for the same purpose, and to build, hire, establish and maintain storehouses, warehouses and other buildings for the safe keeping of any thing intrusted to them for conveyance; and shall have power to indemnify themselves by insurance against any loss or damage by fire or the risk of navigation and transportation, on any goods, wares, merchandise or other property in their custody, received by them for transportation, or held by them as their property: provided that this act shall not be so construed as to give the said Southern express company any right or authority to build, purchase, occupy or establish any rail road or steam boat line, or other like means of transportation: nor shall the same be so construed as to suggest or require any rail road or steam boat line established in part or in whole within the limits of Virginia, to do or perform transportation service as herein contemplated, for or on account of the said Southern express company.

Powers of company

Right to establish rail roads prohibited

8. The principal office of said company shall be kept at Richmond, unless the same be changed by a vote of two-thirds of the directors, at a meeting called for that purpose, to any other place in the state: and the said company may establish as many branch or local offices as their business may require, or may be deemed necessary.

Office, where kept
Local offices

Where regular meetings to be held

9. The regular meeting of the board of directors of said company shall be held at the principal office of said company, or at such other places in the state as the by-laws or the board of directors may designate; but the said company may hold special meetings of its directors for the transaction of business, at any place which the by-laws of said company may designate, or which a majority of the directors, with the approval of the president, may appoint.

Unclaimed freight

10. If the said company shall have had unclaimed freight or baggage, not perishable, in its possession for the period of at least one year, it may proceed and sell the same at public auction, after giving notice to that effect in one or more newspapers published in Richmond, or at the place where such goods are to be sold, once a week for not less than four weeks; and shall also keep a notice of such sale posted for the same time in a conspicuous place in the principal office of the said company. In case such unclaimed freight or baggage shall, in its own nature or condition, be perishable, then the same may be sold as soon as it can be, on the best terms that can be obtained therefor. Said notice shall contain, as near as practicable, a description of such freight or baggage, the place and time when and where left, together with the name and residence of the owner of the freight or baggage, or person to whom it is consigned, if the same be known.

Moneys arising from sale, how disposed of

11. All moneys arising from the sale of freight or baggage as aforesaid, after deducting therefrom charges and expenses for the transportation, storage, advertising, commissions for selling the property, and any amount previously paid for advances on such freight and baggage, shall be paid by the company to the persons entitled to receive the same: And the said company shall keep books of record of all such sales as aforesaid, containing copies of such notices, proofs of advertisements and posting, affidavit of sale, with the amount for which each parcel was sold, the total amount of charges against such parcel, and the amount held in trust for the owner; which books shall be open for inspection by claimants, at the principal office of the said company, and at the office where the sale was made.

Stockholders, how responsible

12. The stockholders in said company shall be personally responsible for an amount equal to the amount of stock held by each, for any loss of, or damage on goods, moneys or other property intrusted to the said company for transportation, and for any contract made or liability incurred by them: provided, that nothing in this act contained shall be construed to diminish the common law liability of said company as common carriers; and the said company shall be subject to chapters fifty-six and fifty-seven of the Code, so far as the same may be applicable thereto, and not inconsistent with the provisions of this act.

Common carriers

13. That no right of property to this franchise shall invest until the minimum amount of capital is subscribed and fifty thousand dollars actually paid; of which fact it shall be the duty of the company to inform the governor in the same manner that the officers of a bank about to be put in operation are required to do; and when said company shall be organized and ready to go into operation, it shall be the duty of the presiding officer and treasurer to make a statement upon oath to the auditor of public accounts of the amount of capital paid in, and to make a like statement every six months thereafter, with an additional statement of their profits and gross receipts; and for failing to make such report, they shall forfeit and pay into the public treasury one thousand dollars for each failure; to be recovered by motion, after ten days' notice, in the circuit court of the city of Richmond.

When right of property is vested

Semi-annual report

14. This act shall be in force from its passage, and shall be subject to modification or repeal, at the pleasure of the general assembly.

Commencement

CHAP. 190.—An ACT to incorporate the Sweet Chalybeate Springs Company.

Passed February 15, 1861.

1. Be it enacted, that any persons who may unite to purchase the Sweet chalybeate springs in the county of Alleghany (commonly known as the Red sweet springs), and shall purchase the same with the intent to avail themselves of the powers of this act, shall and may become a body corporate and politic, under the name of The Sweet Chalybeate Springs Company; and as such, shall have continued succession, sue and be sued, contract and be contracted with, and may have and use a common seal. The corporation may acquire and hold lands not exceeding three thousand acres, and other property not exceeding the value of two thousand dollars; with the power to sell and lease any of its lands; to improve the same by buildings and farming; to enter into contract of insurance against fire; to erect and conduct corn, wheat and saw mills, and other mills for the manufacture of wool and cotton fabrics; and to deal in the products thereof; to deal in the transportation and sale of mineral waters, and to manufacture glass and other vessels for holding the same; and to provide for the accommodation of visitors and others, and demand and receive compensation therefor. The corporation shall be deemed to be constituted as soon as the said persons shall assemble in general meeting and organize by causing the said springs, and the lands purchased by them therewith, to be conveyed to the corporation, fixing its capital, dividing it in shares, ordaining by-laws, so the same be not inconsistent with the laws and the constitution of

Company incorporated

Powers of company

General meetings

- the state, and the appointment of a president and four directors. To constitute said meeting and all general meetings of the corporation, there must be present those who can give a majority of all the votes entitled to be given according to the scale prescribed in the tenth section of chapter fifty-seven of the Code. The capital of the corporation shall not exceed the sum of three hundred thousand dollars, and the shares and certificates of stock shall be deemed and considered personal property.
- Capital stock
- Commencement 2. This act shall be in force from its passage, and shall at all times be subject to amendment or repeal, at the pleasure of the general assembly.

CHAP. 191.—An ACT to incorporate the Rockbridge White Sulphur Springs Company.

Passed March 12, 1861.

- Company incorporated 1. Be it enacted by the general assembly, that George A. Baker, Henry M. Estill, James W. McClung, Robert M. McDowell, Robert G. White, and such other persons as may be associated with them, be and they are hereby incorporated and made a body politic and corporate, by the name and style of The Rockbridge White Sulphur Springs Company; and as such, shall have continual succession, sue and be sued, contract and be contracted with, and ordain by-laws and regulations not inconsistent with the laws of this state, and be invested with all the rights and privileges conferred by the Code of Virginia, and made subject to all the rules, regulations and restrictions imposed by the said Code of Virginia, applicable to such corporations.
- Capital stock 2. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of one hundred dollars each; with power to increase said capital stock to the sum of fifty thousand dollars. The said company may acquire and hold not exceeding five hundred acres of land, and have power to erect buildings for the accommodation of visitors and others; to provide for their entertainment, and receive compensation therefor; to enter into contracts of sale and lease, and of insurance against fire; and to erect manufacturing, machinery, and operate the same.
- Quantity of land, &c. Powers of company
- Commencement 3. This act shall be in force from its passage, and be subject to amendment, alteration or repeal, at the pleasure of the general assembly.

CHAP. 192.—An ACT to incorporate the Capper Springs Company.

Passed February 27, 1861.

1. Be it enacted by the general assembly, that David Pugh, F. J. Duulap, R. Bruce Muse, Charles E. Graves, Otway McCormick, William G. Russell, William F. Marker, W. Zirkle, and such persons as may hereafter be associated with them, shall be and are hereby incorporated and made a body politic, under the name and style of The Capper Springs Company, Frederick County, Virginia; and as such, shall have continued succession, sue and be sued, contract and be contracted with, and be invested with all the rights and privileges conferred by the Code of Virginia, and subject to all the rules, regulations and restrictions imposed by said Code of Virginia, applicable to such corporations, so far as the same be not inconsistent with the provisions of this act.

Company
incorporated

2. The corporation may acquire and hold lands not exceeding four thousand acres, and other property not exceeding the value of fifty thousand dollars, with power to sell and lease any of its lands, and to make improvements thereon. It may make any arrangements for the accommodation of invalids and visitors, and demand and receive compensation therefor. It may engage in any mining, milling or manufacturing operations, and deal in the products thereof.

Lands and
property

3. The capital of the company shall be not less than ten nor more than one hundred thousand dollars, in shares of twenty-five dollars each. The shares or certificates of stock shall be considered personal property, transferable by the endorsement of the holder.

Capital stock

Stock, personal
estate

4. The corporation shall be deemed to be constituted so soon as ten thousand dollars shall have been subscribed. It shall appoint its own officers; ordain by-laws not inconsistent with the constitution and laws of the state, and perform such other acts as may be necessary for its complete organization.

Officers

5. This act shall be in force from its passage, and shall be subject to alteration, modification and repeal, at the pleasure of the general assembly.

Commencement

CHAP. 193.—An ACT to incorporate the Virginia Arms Manufacturing Company.

Passed January 23, 1861.

1. Be it enacted by the general assembly, that Joseph R. Anderson, James H. Burton, Charles Campbell, Roscoe B. Heath, Thomas W. McCance, John Purcell, Robert Archer, J. Marshall McCue,

Company
incorporated

Objects thereof John D. Imboden, and such other persons as may be hereafter associated with them, shall be and they are hereby incorporated into a body corporate and politic, under the name and style of The Virginia Arms Manufacturing Company; for the purpose of manufacturing and selling fire arms and all other implements of war in or near the city of Richmond, and they are hereby invested with all the rights, powers and privileges, and subject to all the rules, regulations and restrictions provided and prescribed in the Code of Virginia, and any laws amendatory thereof, in regard to such bodies politic and corporate, so far as the same are applicable, and not inconsistent with the rights herein granted.

Capital 2. The capital stock of the said company shall not be less than fifty thousand dollars nor more than five hundred thousand dollars, to be divided into shares of one hundred dollars each; and the individuals above named may open books of subscription to the capital stock at such time and place as they or a majority of them shall deem expedient.

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

CHAP. 194.—An ACT to incorporate the Lynchburg Arms and Engine Manufacturing Company.

Passed February 12, 1861.

Company incorporated 1. Be it enacted by the general assembly, that F. B. Deane, sen., John R. McDaniel, F. Brown Deane, A. B. Rucker, Thomas J. Kirkpatrick, John G. Meem, Charles Blackford, William S. Morriss, Charles Scott and John C. Deane, and such other persons as may be hereafter associated with them, shall be and they are hereby incorporated into a body corporate and politic, under the name and style of

Objects thereof The Lynchburg Arms and Engine Manufacturing Company; for the purpose of manufacturing and selling fire arms and all other implements of war, locomotives, steam engines, and all descriptions of machinery, composed in whole or in part of iron or steel, in or near the city of Lynchburg; and they are hereby invested with all the rights, powers and privileges, and subject to all the rules, regulations and restrictions provided and prescribed in the Code of Virginia, and any laws amendatory thereof, in regard to such bodies politic and corporate, so far as the same are applicable, and not inconsistent with the rights herein granted.

Capital stock 2. The capital stock of the said company shall not be less than fifty thousand dollars nor more than five hundred thousand dollars, to be divided into shares of one hundred dollars each, with the right hereby given to corporations to subscribe for and hold stock therein;

and the individuals above named may open books of subscription to the capital stock at such time and place as they or a majority of them shall deem expedient.

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

Commencement

CHAP. 195.—An ACT to incorporate the Staunton Arms and Ordnance Company.

Passed March 1, 1861.

1. Be it enacted by the general assembly, that John M. McCue, ^{Company} John D. Imboden, Lorenzo Sibert, M. G. Harman, ^{incorporated} Richard-son, E. M. Taylor, and such other persons as shall be associated with them under the provisions of this act, shall be and they are hereby incorporated and made a body politic and corporate, by the name and style of The Staunton Arms and Ordnance Manufacturing Company; for the purpose of manufacturing fire arms and ordnance ^{Objects thereof} of every description in the county of Augusta; and they are hereby invested with all the rights, powers and privileges conferred on such bodies politic and corporate, by the act entitled an act prescribing general regulations for the incorporation of manufacturing and mining companies, passed February thirteenth, eighteen hundred and thirty-seven, and are made subject to all the regulations and restrictions prescribed in said act.

2. The capital stock of the said company shall not be less than ^{Capital stock} fifty thousand dollars nor more than three hundred thousand dollars, to be divided into shares of one hundred dollars each; and they may purchase and hold in fee simple, let or use in one or more tracts, lands in the said county of Augusta, not exceeding however at any one time five hundred acres.

3. The parties and persons named in the first section hereof, or ^{Commissioners} any three of them, are hereby appointed commissioners to carry out the provisions of this act.

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

Commencement

CHAP. 196.—An ACT to incorporate the Baltimore and Fredericksburg Steam Boat Company.

Passed February 20, 1861.

1. Be it enacted by the general assembly, that Joseph White, ^{Company} Robert W. Adams, Seth B. French, Samuel J. Pentz, John W. D. ^{incorporated} Pentz and Charles R. Cannon, and their associates, and all other

persons who may hereafter be holders of the stock herein after mentioned, are hereby constituted a body corporate, by the name of The Baltimore and Fredericksburg Steam Boat Company; and may so remain and continue for thirty years next ensuing, for the purpose of building, purchasing, equipping, furnishing, chartering and owning one or more vessels, to be propelled by steam or other motive power, to be run between the city of Baltimore and Fredericksburg, and used in navigating the Chesapeake bay and Rappahannock river, and their tributaries, and carrying freight and passengers between the aforesaid cities, and such other points on the Chesapeake bay and Rappahannock river, and their tributaries, as may hereafter be chosen by the said company.

- Capital stock** 2. The capital stock of said company shall not be less than twenty thousand dollars nor more than one hundred thousand dollars, to be divided into shares of twenty-five dollars each.
- When meeting to be held
Directors** 3. As soon as twenty thousand dollars shall have been subscribed, a meeting of the stockholders shall be called; and said stockholders shall elect at such meeting, or at any subsequent general meeting, five directors, being stockholders, to hold their office for one year, to manage and conduct the affairs, concerns and business of the company. Each stockholder at such election shall be entitled to one vote for each share he shall hold at the time of such election; and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and the directors of the said company, except for the first year, shall be annually elected at such time and place as shall be directed by the by-laws of said company.
- Quorum** 4. Any three directors of the said company shall form a quorum for the transaction of all the business of the company.
- Common seal** 5. The said company may have and use a common seal, and its stock shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of said company.
- Real estate** 6. The said company may purchase, hold and convey such real estate as may be convenient for its uses, not exceeding in a city or town three acres, and elsewhere ten acres.
- President, how appointed** 7. The directors of the said company who may from time to time be duly elected, may appoint one of their number to be president, and such other officers and agents, and establish such by-laws and regulations as they may think proper and expedient for the government of the company and the management of its business, so that such by-laws and regulations shall not conflict with, nor in any manner violate the constitution and laws of this state or of the United States.
- By-laws, &c**

8. The said corporation shall possess the general powers and privileges, and be subject to the general restrictions and liabilities prescribed in the fifty-sixth and fifty-seventh chapters of the Code of Virginia, so far as the same are applicable, and not in conflict with any provision contained in this act. General provisions

9. This act shall take effect immediately from and after its passage, and shall be subject to any amendment, alteration, modification or repeal, at the pleasure of the general assembly. Commencement

CHAP. 197.—An ACT to incorporate the Virginia Lumber Company in the Counties of Augusta and Rockbridge.

Passed March 23, 1861.

1. Be it enacted by the general assembly, that John B. Coles, Marcus Durrett, W. M. Morris, James Goodloe, Addison Goodloe, R. T. W. Duke, C. L. Fowler, Garrett M. White, R. M. Durrett, Garrett W. Martin, John D. Carr, John A. Martin, Hudson Martin, John W. Dickenson, W. Smith, T. M. Fleming, James Harris, D. B. Townley, W. B. Smith, David Kemple, J. W. Woods, A. J. Brown, J. H. Heath, Seaton Bridgewater and W. A. Hamner, and their associates, are hereby incorporated and made a body politic and corporate, under the name and style of The Virginia Lumber Company; for the purpose of procuring lumber in the counties of Augusta and Rockbridge; and by the name of the Virginia lumber company, they shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, and make such by-laws, rules and regulations for the management of their affairs as they may deem fit: provided the same be not inconsistent with the laws of the state or of the United States; and may purchase, lease, hold, sell and convey real and personal estate: provided such real estate shall not exceed twenty thousand acres. Company incorporated

2. The capital stock of said company shall not be less than five thousand dollars nor more than one hundred thousand dollars, to be divided into shares of twenty-five dollars each; and the parties named in the first section, any three of whom may act, are hereby appointed commissioners to carry out the provisions of this act. Capital stock

3. The stock of said company, including the real estate owned by the same, shall be deemed personal estate, and pass as such to the personal representatives of each stockholder, and may be transferred, and certificates thereof be issued in such manner and form as the stockholders in general meeting or the president and directors may decide upon. Stock, personal estate

General provisions 4. The said company shall be subject to the provisions of the fifty-seventh chapter of the Code of Virginia, and every act amendatory thereof, so far as the same are applicable to and not inconsistent with this act.

Commencement 5. This act shall be in force from its passage, and shall be subject to modification and repeal, at the pleasure of the general assembly.

CHAP. 198.—An ACT to incorporate the Richmond and Liverpool Packet Company.

Passed March 13, 1861.

Company incorporated 1. Be it enacted by the general assembly of Virginia, that Dunlop, Moncre and Company, Joseph R. Anderson and Company, Kent, Paine and Company, Warwick and Barksdale, David J. Burr, Purcell, Ladd and Company, and such other persons and firms as may be associated with them, their successors and assigns, be and they are hereby made a body corporate, by the name and style of The Richmond and Liverpool Packet Company; for the purpose of owning, navigating and freighting ships or other sailing vessels engaged in foreign or domestic commerce, trading from the city of Richmond. The capital of said company shall not be less than fifty thousand dollars nor more than five hundred thousand dollars, and shall be held in shares of five hundred dollars each: provided, however, that nothing in this act shall change or affect the rights, obligations, exemptions and immunities of the said company under the provisions of the laws of the United States applicable to owners of vessels.

Objects

Executive committee 2. In lieu of a president and board of directors, the affairs of this company shall be administered by an executive committee, the number of which committee and term of office of its members shall be regulated by a by-law of the company: provided the said company shall be subject to such general laws as now affect corporations of this character.

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

CHAP. 199.—An ACT incorporating the Piedmont Land and Improvement Company.

Passed March 27, 1861.

Company incorporated 1. Be it enacted by the general assembly of Virginia, that W. A. Reed, Charles Scott, Adam Dinwood and John Robin. McDaniel,

together with such other persons as may hereafter be associated with them, shall be and they are hereby made a body politic and corporate, by the name and style of The Piedmont Land and Improvement Company; and by that name, shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded in all courts and places; have a common seal, and the same to alter at pleasure; may make all necessary by-laws and regulations for the government of said company, not inconsistent with the constitution and laws of the state of Virginia, or of the United States.

2. The object of the above named company shall be the encouragement of manufacturing establishments and the improvement of lands in the counties of Campbell and Bedford near the city of Lynchburg; and for that purpose shall have power to hold by purchase or otherwise lands in said counties, not exceeding five hundred acres at any time; and shall have authority to sell, lease, rent or mortgage such lands, with the appurtenances, as they may hold, and to erect buildings thereon for dwelling or manufacturing purposes, for sale, lease or rent.

Objects of company

Powers of company

3. Said company shall have power to acquire from the James river and Kanawha company water privileges for the use and purposes of the said company hereby incorporated, or by them may in part or whole be relet for the use and purposes of such manufacturing companies or establishments as may be erected on the lands of said company.

Water privileges

4. It shall be lawful for said company to construct rail roads from any point or points on their lands to any other rail road that may consent to such construction: provided they do not invade the lands of others, but have authority to contract for the right of way.

Rail roads

5. The capital stock of said company shall not be less than ten thousand dollars nor more than five hundred thousand dollars, to be divided in shares of one hundred dollars each; and the said stock shall be deemed personal property, and transferable on the books of the company by the shareholder in person or by proxy.

Capital stock

6. The company shall have power to appoint or elect a president and board of directors, and such other officers and agents as may be deemed necessary for the transaction of the business of said company, and all elections or appointees made agreeably to the by-laws and regulations of the company, shall be legal.

President and directors

7. This act shall be in force from and after the passage thereof, and shall be subject to modification, alteration or repeal, at the pleasure of the general assembly.

Commencement

CHAP. 200.—An ACT to incorporate the Jackson County Agricultural Society.

Passed March 12, 1861.

Company
incorporated

1. Be it enacted by the general assembly, that F. P. Turner, E. H. Rader, J. L. Armstrong, William McCoy, S. J. C. Davenport, Reuben Douglas, . F. Scott, T. B. Fitzhugh, William B. McMahon, Daniel Frost and Jonathan Hyde, and such other persons as are now or may hereafter be associated with them, shall be and are hereby made and constituted a body politic and corporate, by the name and style of The Jackson County Agricultural Society; with a capital not exceeding twenty-five thousand dollars, in shares of one dollar each; to be used to promote the purposes of said society, and not otherwise; and by the said name, shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded; and may make such by-laws, rules and regulations for its government as they may deem fit, not inconsistent with the constitution and laws of this state or of the United States: and the said society shall be invested with all the powers and privileges conferred, and be subject to all the regulations and restrictions imposed by the fifty-sixth and fifty-seventh chapters of the Code of Virginia, so far as the same are applicable, and are not inconsistent with the provisions of this act.

Powers of
company

2. The said society shall have power and authority to purchase, receive and hold, to them and their successors forever, or to rent or lease for a term of years, such lands, tenements, goods and chattels as may be necessary or proper for the use of said society, and to borrow money to make such purchases, and to sell, lease or otherwise dispose of the same: provided, that the quantity of land thus to be held and enjoyed shall not exceed one hundred acres.

Directors, how
appointed, their
number, &c

3. And the said society shall have power to elect a board of directors, to consist of not less than nine nor more than twenty-five members; to provide by its constitution or by-laws for the appointment of a president and such other officers as may be necessary, and to require from any of them bond with security, in such penalty as may be deemed proper and sufficient to secure the faithful discharge of their duties.

Commencement

4. This act shall be in force from its passage, and shall be subject to modification or repeal, at the pleasure of the general assembly.

CHAP. 201.—An ACT to incorporate the Industrial Society of Wood County.

Passed March 20, 1861.

Company
incorporated

1. Be it enacted by the general assembly, that James M. Stephen, Hugh P. Dils, Benjamin R. Pennybacker, John Hanna-

man, Benjamin Toothman, Jacob B. Blair, John Kincheloe, Jacob Cork, Barnet H. Foley, Jerome McMullen, Paul Cook, Samuel S. Spencer and James Cooper, and such other persons as are now or may hereafter be associated with them, shall be and they are hereby constituted a body politic and corporate, by the name and style of The Industrial Society of Wood County; with a capital not exceeding thirty thousand dollars, in shares of one dollar each, to be used to promote the purposes of said society, and not otherwise; and by the said name, shall have perpetual succession and a common seal; and may sue and be sued; and may make such by-laws, rules and regulations for its government as they may deem fit, not inconsistent with the constitution and laws of this state or of the United States: and the said society shall be invested with all the powers and privileges conferred, and be subject to all the restrictions imposed by the fifty-sixth and fifty-seventh chapters of the Code of Virginia, so far as the same are applicable, and not inconsistent with the provisions of this act.

2. The said society may purchase, receive and hold, to them and their successors forever, or rent or lease for a term of years, such lands, tenements, goods and chattels as may be necessary or proper for the use of said society; and may borrow money to make such purchases; and may sell, lease or otherwise dispose of the same; but the quantity of land thus to be held and enjoyed shall not exceed one hundred acres.

3. The said society may elect a board of directors, to consist of not less than nine nor more than fifteen members; and may provide by its constitution or by-laws for the appointment of a president and such other officers as may be necessary, and require from any of them bond with security in such penalty as may be deemed sufficient to secure the faithful discharge of their duties.

4. This act shall be in force from its passage, and shall be subject to modification or repeal, at the pleasure of the general assembly.

CHAP. 202.—An ACT to incorporate the Virginia Boot and Shoe Manufacturing Company.

Passed January 25, 1861.

1. Be it enacted by the general assembly, that James G. Minor, W. S. Shepard, Hugh L. Gallaher, William G. Payne, Lewis D. Crenshaw and D. T. Bisbie, and such other persons (not less than five) as may hereafter be associated with them, their successors and assigns, are hereby incorporated, under the name of The Virginia Boot and Shoe Manufacturing Company; for the purpose of manu-

facturing and dealing in boots and shoes, and materials and appliances connected with the same, under such rights, patents or licenses as said company may own or acquire.

Books of
subscription

In what stock
may be paid

Powers of
company

Place of
business to be
made known

2. Be it further enacted, that books of subscription may be opened at such times and places, and in such manner as the persons named in the preceding section, or any three of them, may designate, for the purpose of receiving subscriptions from individuals or corporations to an amount not exceeding five hundred thousand dollars; and the said company may be organized as soon as the sum of twenty-five thousand dollars is subscribed. The whole or any part of the capital stock may be paid in lands, buildings, materials, patent rights, licenses or other property necessary or proper for the business of the company: and said company may borrow money or acquire property, upon the issue of their notes, bonds, bills, or other evidences of debt; and may take, accept or endorse such notes, bills of exchange or other evidences of debt as may be necessary or proper in the transaction of their business; and may mortgage, convey or pledge their lands, franchises or other property; and shall be subject to chapter fifty-six of the Code, and also to chapter fifty-seven, with the exception of section thirty-five thereof, so far as the said chapters are applicable to and not inconsistent with any provisions of this act, and also to any other act of the general assembly applicable to the same: provided, that the said company shall, before exercising any of the privileges of this act, determine upon their place of doing business in this commonwealth, and make known the same by publication in at least two newspapers published in the city of Richmond, for two months: and provided farther, that ten thousand dollars in money shall first be subscribed and paid.

Commencement

3. This act shall be in force from its passage, and shall be subject to repeal or modification, at the pleasure of the general assembly.

CHAP. 203.—An ACT to incorporate the James River Boot, Shoe and Leather Manufacturing Company.

Passed March 27, 1861.

Company
incorporated

1. Be it enacted by the general assembly, that Henry C. Cabell, Charles W. Purcell, Johnson H. Sands, and such other persons as may be hereafter associated with them, shall be and they are hereby constituted a body politic and corporate, by the name and style of The James River Boot, Shoe and Leather Manufacturing Company; and by that name and style, are invested with all the rights and privileges conferred, and made subject to all the regulations and restrictions imposed by the Code of Virginia, applicable to such corporate bodies, and not inconsistent with this act. The persons above

named shall be commissioners, any two of whom may receive subscriptions to the stock of this company.

2. The capital stock of said company shall not be less than twenty thousand nor more than one hundred thousand dollars, in shares of fifty dollars each, in par value. Capital stock

3. The company shall have power to establish such tanyards, shops, storehouses and other buildings and facilities as may be requisite for the manufacture of boots and shoes, and of leather and of leather manufactures of every variety, and to conduct such businesses in all their branches. Powers of company

4. The company shall have power and authority to appoint one or more persons to manage the business of the said company. The said company shall have power to hold real estate in the county of Chesterfield and the county of Henrico, not exceeding seventy acres, and in the city of Richmond not exceeding one acre, and one acre in the town of Manchester, at any one time, by lease, purchase or otherwise, with power to sell and convey, or to mortgage any real and personal effects of which it may be in possession, at pleasure. The company shall have power and authority to invest its capital stock or its other funds in stocks of this state, or in the bonds or stock of any incorporation within this state. Agents, how appointed
Real estate
Funds, how invested

5. This act shall be in force from and after the passage thereof. Commencement

CHAP. 204.—An ACT to incorporate the Amherst and Nelson Woolen Manufacturing Company in the County of Nelson.

Passed February 16, 1861.

1. Be it enacted by the general assembly, that James M. Dillard, Peter H. Dillard, and such others as may associate with them, shall be and they are hereby incorporated and made a body politic and corporate, under the name and style of The Amherst and Nelson Woolen Manufacturing Company; for the purpose of manufacturing wool, cotton, iron and leather at Tye river depot on the Orange and Alexandria rail road in the county of Nelson; and they are hereby invested with the powers and rights conferred on such corporate bodies, and made subject to the regulations and duties prescribed by chapter fifty-seven of the Code of Virginia. Company incorporated

* 2. The capital stock of said company shall not be less than ten thousand dollars nor more than fifty thousand dollars, to be divided into shares of fifty dollars each. The company shall have the right to purchase and hold land not exceeding seventy-five acres. Capital stock

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

CHAP. 205.—An ACT to incorporate the Oxford Cotton and Woolen Company.

Passed March 16, 1861.

Company
incorporated

1. Be it enacted by the general assembly, that Thomas Doswell, William A. Moncre, Thomas H. Fox, senior, Thomas H. Fox, junior, John T. Anderson, James M. Taylor, Chastain White, Buckner T. Trevilian and Doctor W. H. Fox, with such other persons as may be hereafter associated with them, shall be and they are hereby incorporated and made a body politic, under the style and name of The Oxford Cotton and Woolen Company; for the purpose of manufacturing and selling goods made of silk, hemp, wool or cotton, at Oxford in the county of Caroline: and the said company is hereby invested with all the rights, privileges and powers, and subject to all the limitations and restrictions conferred and imposed upon such bodies politic and corporate by the fifty-sixth and fifty-seventh chapters of the Code, so far as they are applicable to and not inconsistent with the powers herewith granted and contained.

Real estate

2. That the said company shall have power to purchase and hold real estate and water privileges in the county of Caroline, which may be necessary for their business, and may sell and convey, lease, rent or otherwise dispose of the same.

Capital

3. That the capital stock of the company shall not be less than ten thousand dollars nor more than one hundred thousand dollars, divided into shares of fifty dollars each.

Commencement

4. This act shall be in force from its passage, and shall be subject to amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 206.—An ACT to incorporate the Rocky Point Lime and Marble Manufacturing Company in the County of Botetourt.

Passed April 2, 1861.

Company
incorporated

1. Be it enacted by the general assembly, that John S. Wilson, John W. Jones, T. Henry Johnston, John H. Wilson, Walter G. Turpin, and such other persons as they may associate with them, shall be and they are hereby incorporated and made a body politic, under the name and style of The Rocky Point Lime and Marble Manufacturing Company, in the county of Botetourt; for the purpose of manufacturing lime, and carrying on a marble business in the said county; and are hereby invested with all the rights, powers and privileges conferred upon such bodies corporate, and subject to

all the restrictions and limitations contained in the Code of Virginia, and all acts amendatory of the same, so far as the same are applicable to and not inconsistent with the rights and powers hereby conferred.

2. The capital stock shall not be less than fifty thousand dollars ^{Capital stock} nor more than one hundred thousand dollars, to be divided into shares of fifty dollars each; and the said company shall have power to purchase, hold and possess land not exceeding two hundred and three acres at any one time.

3. This act shall be in force from its passage, and shall be subject ^{Commencement} to amendment, modification or repeal, at the pleasure of the general assembly.

CHAP. 207.—AN ACT to amend the Charter of the Virginia Car Spring Company.

Passed March 15, 1861.

1. Be it enacted by the general assembly, that the first section of ^{Act of 1860} the act incorporating the Virginia car spring company, passed March ^{amended} the nineteenth, eighteen hundred and sixty, is hereby amended so as to read as follows:

“§ 1. Be it enacted by the general assembly, that Addison M. ^{Company} Burt, John J. Fields, James S. L. Cummins, D. T. Bisbie, George ^{incorporated} W. Grice, Samuel Watts, and such other persons as may hereafter be associated with them, their successors and assigns, are hereby incorporated under the name of The Virginia Car Spring Company; for the purpose of manufacturing and dealing in India rubber or metallic springs, and other articles composed in whole or in part of India rubber or other material, under the several patents of Henry W. Joslin, Asahel K. Eaton, John J. Fields, and such other patents, rights or licenses as said company may acquire.”

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

CHAP. 208.—AN ACT to incorporate the Chesterfield Car, Locomotive and Agricultural Implement Manufacturing Company.

Passed March 20, 1861.

1. Be it enacted by the general assembly, that Henry C. Cabell, ^{Company} Wellington Goddin and Johnson H. Sands, and such other persons ^{incorporated} as may be hereafter associated with them, shall be and they are

- hereby constituted a body politic and corporate, by the name and style of The Chesterfield Locomotive, Car and Agricultural Implement Manufacturing Company; and by that name and style, are invested with all the rights and privileges conferred, and be subject to all the restrictions, rules and regulations prescribed by the fifty-sixth and fifty-seventh chapters of the Code of Virginia, so far as they are applicable to and not inconsistent with the powers and privileges herein contained and granted. The persons above named shall be commissioners, any two of whom may receive subscriptions to the stock of this company.
- Commissioners**
- Capital** 2. The capital stock of said company shall not be less than twenty thousand nor more than two hundred thousand dollars, in shares of fifty dollars each, par value.
- Power of company** 3. The company shall have power to establish such shops, storerooms and other buildings and facilities as may be requisite for the manufacture of agricultural implements, furniture, cars, locomotives, stationary engines, and all other kinds of machinery, and to conduct such businesses in all their branches.
- Agents, &c**
Real estate 4. The company shall have power and authority to appoint one or more persons to manage the business of said company. The said company shall have power to hold real estate in the county of Chesterfield not exceeding twenty acres, and in the city of Richmond not exceeding one acre, by lease, purchase or otherwise, with power to sell and convey the same, or to mortgage any real and personal effects of which it may be in possession, at pleasure. The company shall have power and authority to invest its capital stock or its other funds in stocks of this state or in the bonds or stock of any incorporation within this state.
- Funds, how invested**
- Commencement** 5. This act shall be in force from and after the passage thereof.

CHAP. 209.—An ACT to incorporate the Southern Manufacturing Company.

Passed February 16, 1861.

Company incorporated

1. Be it enacted by the general assembly of Virginia, that Samuel C. Robinson, Henry K. Ellyson, Thomas Dodamead, Woodson P. Harwood, George W. Smith, and such other persons as may be hereafter associated with them under the provisions of this act, and their successors, shall be and they are hereby incorporated and made a body politic and corporate, under the name and style of The Southern Manufacturing Company; and by that name, may contract and be contracted with, sue and be sued, plead and be pleaded in all

courts and places; have a common seal, and alter the same at pleasure; and may make all necessary by-laws and regulations for the government of the said company, not inconsistent with the constitution and laws of the state of Virginia.

2. Said company shall have power to purchase and hold such real estate in the city of Richmond, town of Manchester, or in the counties of Henrico or Chesterfield, not exceeding twenty-five acres, and such personal property as they may deem necessary and proper for carrying on the manufacture of all kinds of small arms, ordnance, shot, shell, castings, machinery, and other manufactures composed wholly or in part of iron; and shall also have power to sell or exchange and convey their real estate and personal property at their pleasure; and they shall have power to contract with the James river and Kanawha canal company or with any other parties for the use of water power, if desired, for the purpose of driving the machinery for their manufactory.

3. The capital stock of the company shall not be less than ten thousand dollars or more than five hundred thousand dollars, to be divided into shares of one hundred dollars each; which may be subscribed and paid for in such manner as may be prescribed by said company in their by-laws; and said shares may be transferred in such manner as said company by its by-laws may direct.

4. The company shall have power in the case of purchasing any real estate not exceeding the amount herein before named, or personal property necessary for the conducting and carrying on their business, to issue stock, to the extent of the cost of the same, to the parties from whom it may be purchased; the same to form a part of the capital stock as above provided for.

5. The said company shall have power and authority to appoint one or more of its members or other person or persons to manage and control and direct the business of said company, according to the by-laws, rules and regulations which may from time to time be adopted by said company for its government and the transaction of its business; and shall have all the rights and privileges conferred, and be subject to all the restrictions and regulations prescribed by an act passed the thirteenth day of February eighteen hundred and thirty-seven, prescribing general regulations for the incorporation of manufacturing and mining companies, and laws amendatory thereof, so far as not inconsistent with the provisions hereof.

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

Commencement

CHAP. 210.—An ACT to incorporate the Virginia Steam Sugar Refining Company.

Passed January 28, 1861.

Company
incorporated

1. Be it enacted by the general assembly of Virginia, that Charles Y. Morris, together with such other persons as may hereafter be associated with him, shall be and are hereby incorporated and made a body corporate and politic, by the name and style of The Virginia Steam Sugar Refining Company; for the purpose of refining and manufacturing loaf, cut and refined coffee sugars, at Rocketts, near James river in the county of Henrico; and are hereby invested with all the rights and privileges conferred upon such bodies politic and corporate, and subject to all the restrictions and limitations contained in the Code of Virginia, so far as the same are applicable, and not inconsistent with the rights and powers hereby conferred.

Capital stock

2. The capital stock shall not be less than two hundred thousand dollars and not more than three hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each: and it shall be lawful for the commissioners herein after appointed to open books of subscription for raising the said capital stock at such times and places as they may designate.

Real estate

3. The said company shall have power to purchase, hold and possess land not exceeding ten acres at any one time.

Commissioners

4. Edward Wortham, Richard G. Morris, Robert A. Lancaster, Charles E. Wortham, Isaac Davenport, jr. and Robert F. Morris, or any three of them, are hereby appointed commissioners to carry out the provisions of this act.

Votes of
stockholders

5. Each stockholder shall be entitled to as many votes at any meeting of the stockholders as he may own shares in said company.

Commencement

6. This act shall be in force from its passage, and shall be subject to amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 211.—An ACT for the incorporation of the Kanawha Salt Company.

Passed March 30, 1861.

Company
incorporated

1. Be it enacted by the general assembly of Virginia, that John D. Lewis, James M. Laidley, Benjamin H. Smith, John N. Clarkson, James H. Fry, William R. Cox, William D. Shrewsbury, Henry Chappell, or any or either of them, and such other persons as may

be associated with them, be and they are hereby constituted a body politic and corporate, by the name and style of The Kanawha Salt Company; the capital stock of which shall not be less than two hundred thousand dollars nor more than one and a half millions of dollars, for the purpose of manufacturing, buying and selling salt: and said company is hereby invested with all the rights, privileges and powers conferred, and subject to all the duties and liabilities imposed by chapters fifty-six and fifty-seven of the Code of Virginia, so far as the same are consistent with the provisions hereof. Capital stock

2. The stock of said company shall consist of salt property and coal property, or in part of cash and in part of such salt and coal property. Such part of said capital stock, if any, as shall be subscribed in cash, shall be paid in such sums and at such periods as shall be prescribed by the president and directors of said company after the same shall be organized: provided, that of the cash capital, ten per centum thereof shall be paid at the time of subscribing. Of what stock shall consist

3. Books of subscription to said capital stock may be opened at Charleston in said county, under the superintendence of Alexander T. Laidley, John M. Doddridge, William J. Rand, George M. Morrison, William A. Whittaker and Thomas L. Broun, or any two of them, at the office of the first named commissioner, and shall remain open until the maximum capital stock shall be subscribed, or until the same shall be closed by order of said president and directors, and after the minimum capital stock, as aforesaid, shall be subscribed. Books of subscription, how opened

4. When subscriptions to said capital stock shall be made in salt or coal property, the subscriber shall so indicate the same in general descriptive terms; and when such stock shall be subscribed in cash, such subscription shall be so indicated in shares of one hundred dollars each. The subscribers and their legal representatives shall stand incorporated when two hundred thousand dollars shall be subscribed in cash, or when salt property in good working order, capable of manufacturing not less than five hundred thousand bushels of salt per annum, combined with necessary coal lands, shall be subscribed by the owners thereof. And as soon thereafter as the stockholders may think proper, a general meeting may be called at the town of Charleston for the organization of said company, for the adoption of a code of by-laws, and for the election of a president and as many directors, officers and agents as said stockholders may think proper. When company shall be incorporated
General meeting

5. Said company shall have power to purchase in fee and to lease for a term of years, and hold any such real estate in the county of Kanawha and in neighboring counties in Western Virginia, as may be regarded as salt property, together with such adjacent coal lands as may be deemed necessary and convenient for carrying on the Power of company

manufacture of salt; and in payment for such salt and coal property, whether the same be purchased or leased by said company, or received on subscription as part of the capital stock thereof, may issue certificates of stock in said company for the agreed value thereof, or may execute the promissory notes of said company, and secure the payment thereof by mortgage or deed of trust upon all or any portion of their salt and coal property. Said company may also borrow money not exceeding two hundred thousand dollars, and may secure the payment thereof by mortgage or trust as aforesaid upon any of their real estate.

Commencement 6. This act shall be in force from its passage, and shall be subject to repeal or modification, at the pleasure of the general assembly.

CHAP. 212.—An ACT to amend an act passed March 13, 1856, entitled an act to amend an act passed February 25, 1856, to amend the Charter of the New Creek Company of Hampshire County.

Passed March 15, 1861.

Act of 1856
amended

1. Be it enacted by the general assembly, that the first section of the act passed March the thirteenth, eighteen hundred and fifty-six, entitled an act to amend an act passed February the twenty-fifth, eighteen hundred and fifty-six, to amend the charter of the New creek company of Hampshire county, be amended and re-enacted so as to read as follows :

Company
incorporated

“ § 1. That Duff Green, Benjamin E. Green, James H. Hamilton and Robert Lyon, or any three of them, may, at such time and place as they may deem expedient, open books of subscription for a new company: and whenever four hundred shares, at the rate of fifty dollars each, shall be subscribed, the shareholders may proceed to organize said company by the election of as many directors as they may deem necessary, not exceeding seven in number, one of whom shall be president; and when so organized, the said company shall be and is hereby made a body politic and corporate, under the name and style of The New Creek Company; and shall have and possess the same rights, powers and privileges as were heretofore granted to the Union Potomac company; and the president and directors may receive additional subscription until the capital stock shall be made up: and the said company is hereby authorized to increase the par value of their present shares from ten to fifty dollars each, by converting five shares of the present stock of ten dollars into one share.”

Certain sections
of act of 1856
repealed

2. Be it further enacted, that the second section of the said act of March the thirteenth, eighteen hundred and fifty-six, be and the same is hereby repealed.

Commencement

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

CHAP. 213.—An ACT incorporating the Gilmer Oil Mining and Manufacturing Company in the County of Gilmer.

Passed February 12, 1861.

1. Be it enacted by the general assembly, that Minter Jackson, Thomas M. Harris, and such other persons as they may associate with them, shall be and are hereby incorporated and made a body politic and corporate, by the name of The Gilmer Oil and Manufacturing Company; for the purpose of mining for or manufacturing coal oil or rock oil, oil, coal and other minerals: and they are hereby invested with the rights, powers and privileges, and subject to all the rules, regulations and restrictions provided and prescribed in the Code of Virginia, and any laws amendatory thereof, so far as the same are applicable to and not inconsistent with the powers and rights herein granted.

2. The capital stock of the said company shall not be less than fifty nor more than one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each: and the said Minter Jackson and Thomas M. Harris, and those whom they may associate with them, may open books of subscription to the capital stock at such time and place as they shall deem expedient; and they are hereby authorized to receive subscriptions in land and personal property, at such value as may be agreed upon, and to fix and direct the amount to be paid by each subscriber for stock, at the time of making his subscription. In all general meetings of the stockholders of said company, each stockholder shall have as many votes as he has shares.

3. The stockholders may elect not less than three nor more than nine directors, who of their number may elect a president. The president and directors shall have power to make by-laws for the management of the company: to alter and amend the same; to appoint agents and clerks, and discharge the same at pleasure; to borrow money, not exceeding at any one time one hundred thousand dollars, by the issue of coupon or other bonds, notes or bills of exchange, and may secure the same by mortgage of the real or personal property of the company.

4. The said company shall have the right to purchase, hold, sell and convey lands in the counties of Gilmer, Calhoun, and the adjoining counties, not exceeding twenty thousand acres at any one time.

5. It shall be lawful for said company to construct rail roads or other roads, to be used for such purposes as the company direct, from any point or points on their own lands, held by lease or otherwise, to any rail road or work of improvement heretofore or hereafter to be constructed in the counties of Gilmer, Calhoun, or any of the adjoining counties, with the consent of such rail road or internal improve-

ment companies; and shall have power to construct such road or roads upon the lands of persons other than those of the said company, with the consent of the owners of such land, or by contract with such owner; and in case such consent cannot be obtained, then the land so acquired for the right of way may be condemned in the manner prescribed in the fifty-sixth chapter of the Code of Virginia.

Stock, how transferred

6. The stock of the said company shall be transferable under such regulations and restrictions as the president and directors may establish from time to time.

Commencement

7. This act shall be in force from the time of its passage, and shall be subject to amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 214.—An ACT to incorporate the Hughes' Creek Oil and Coal Company.

Passed January 31, 1861.

Company incorporated

1. Be it enacted by the general assembly of Virginia, that James G. Paxton, Robert C. Steele, Samuel Steele, Jacob Fuller and John D. Sterret, and their successors, are hereby created a body politic and corporate, under the name and style of The Hughes' Creek Oil and Coal Company; and by that name, shall have perpetual succession; may contract and be contracted with; sue and be sued, plead and be impleaded, in all courts and places: have a common seal, and alter the same at pleasure; may make all necessary by-laws and regulations for the government of the said company, not inconsistent with the constitution and laws of the state of Virginia or of the United States, except as herein after provided.

Agents, how appointed

2. That said company shall have power and authority to appoint one or more of its members, or other person or persons, to manage, control and direct the business of said company, according to the by-laws, rules and regulations which may from time to time be adopted by said company for its government and the transaction of its business; and shall have all the rights and privileges conferred, and be subject to all the restrictions, rules and regulations prescribed by the fifty-sixth, and fifty-seventh chapters of the Code of Virginia, except the thirty-fifth section of chapter fifty-seven, and the laws amendatory thereof, so far as not inconsistent with the provisions hereof.

Capital stock

3. The capital stock of said company shall be two hundred and fifty thousand dollars, with power to increase it seven hundred and fifty thousand dollars more, to be divided into shares of one hundred dollars each; which may be subscribed and paid for in such manner

as may be prescribed by said company in their by-laws; and said shares may be transferred in such manner as the said company by its by-laws may direct.

4. Said company shall have power to purchase and hold such real estate in the counties of Kanawha and Fayette, or either of them, not exceeding ten thousand acres in quantity, and such personal property as they may deem necessary and proper for carrying on the mining of coal and transporting the same to market, and for the manufacture of oil, iron or other minerals, the product of such real estate. Said company shall have power to mine and transport to market coal, iron or other minerals, the products of their lands; to manufacture oil, iron or other minerals, and also to manufacture lumber; and shall have power to sell and convey their real estate at their pleasure; and to the purposes aforesaid the business of said company shall be confined.

5. Said company are hereby authorized to construct one or more rail roads, not exceeding ten miles in length, from any point on their said lands to the Kanawha river; and to enable the said company to carry out the provisions in this section contained, they are hereby invested with all the rights, privileges and powers, and subjected to all the limitations and restrictions contained in the Code of Virginia, and the acts amendatory thereof, in relation to rail road companies, so far as the same are applicable to, and not inconsistent with the provisions of this act: provided the said company shall not have power to invade or occupy the lands of others in the construction of their said rail road, without the consent of the owners of said lands.

6. This act shall be in force from its passage, and shall be subject to modification, alteration or repeal, at the pleasure of the general assembly.

CHAP. 215.—An ACT to incorporate the Little Kanawha Mining and Manufacturing Company.

Passed March 26, 1861.

1. Be it enacted by the general assembly, that Jonathan M. Bennett, G. J. Butcher, C. S. Hurley, William W. Parker and Stafford H. Parker, and such other persons as they may associate with them, shall be a corporation, the name whereof shall be The Little Kanawha Mining and Manufacturing Company; for the purpose of mining and procuring coal and oil, and cutting timber in the counties of Gilmer, Calhoun and Wirt, and manufacturing, transporting and selling the same. The said persons may make, and the said company receive, subscriptions in money, land and other property, in shares of one

Capital stock hundred dollars each, to an amount not exceeding one hundred thousand dollars; which shall constitute a joint stock for the purpose aforesaid. The said company may hold lands to an amount not exceeding ten thousand dollars.

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

CHAP. 216.—An ACT to incorporate the Silver Run Mining and Manufacturing Company.

Passed March 15, 1861.

Company incorporated 1. Be it enacted by the general assembly, that Cyrus Hall, Andrew J. Core, William Patton, David McGregor and William H. Douglas, and such other persons as they may associate with them, be a corporation, the name whereof shall be The Silver Run Mining and Manufacturing Company; for the purpose of mining coal, procuring oil and cutting timber in the county of Ritchie, and manufacturing, transporting and selling the same. The said persons may make, and the said company receive, subscriptions in money, land and other property, in shares of one hundred dollars each, to an amount not exceeding one hundred thousand dollars; which shall constitute a joint stock for the purpose aforesaid. The said company may hold land to an amount not exceeding ten thousand acres.

Capital stock

Commencement 2. This act shall commence and be in force from and after its passage.

CHAP. 217.—An ACT to incorporate the Coal and Oil Company of Braxton County, Virginia.

Passed March 15, 1861.

Company incorporated 1. Be it enacted by the general assembly, that William Bayne, George W. Showaere, Charles Bayne, John S. Fisher and Patterson Bayne, and such other persons as may be hereafter associated with them, shall be and they are hereby made a body politic and corporate, under the name and style of The Coal and Oil Company of Braxton County, Virginia; for the purpose of mining for coal, manufacturing oil, iron and other minerals, metals and lumber; and they are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the Code of Virginia, and any laws amendatory thereof, so far as the same may be applicable to and not inconsistent with the powers and rights herein granted.

Capital stock

2. The capital stock of said company shall not be less than fifty thousand dollars, to be divided into shares of ten dollars each; and the said company may purchase and hold land in the county of Braxton, not exceeding at any one time nine hundred and twenty-five acres. Capital stock

3. The said company may construct on its lands one or more rail roads for the purpose of transmitting its products to market: provided, that they shall not have power to construct such road or roads through the land of any person without his consent, and that they shall not be entitled to charge freight or passage money for the transportation of tonnage or passengers. Company may construct rail roads

4. This act shall be in force from its passage, and shall be subject to alteration, modification or repeal, at the pleasure of the general assembly. Commencement

CHAP. 218.—An ACT to incorporate the Old Dominion Mining and Manufacturing Company.

Passed April 2, 1861.

1. Be it enacted by the general assembly, that George A. Hamill, Israel Robinson, and such others as may be hereafter associated with them, shall be and they are hereby incorporated and made a body politic and corporate, under the name and style of The Old Dominion Mining and Manufacturing Company; for the purpose of mining coal and iron ore, and for manufacturing iron, coal oil, candles, &c. in the county of Preston; and are hereby invested with all the privileges and powers conferred upon such bodies politic and corporate, and subject to all the restrictions and limitations contained in the Code of Virginia, in relation to such joint stock companies. Company incorporated

2. George A. Hamill, Israel Robinson, Magnus T. Snodgrass, Francis H. Grupy and William B. Hill are hereby appointed commissioners, any three of whom may act, to open books of subscription for the capital stock of the said company, at such time and places as they may appoint. Commissioners

3. The capital stock of the said company shall not be less than ten thousand dollars nor more than three hundred thousand dollars, to be divided into shares of one hundred dollars or five hundred dollars each, as may be deemed most expedient by the said commissioners, or a majority of them; and the said company shall have the right to purchase and hold land not exceeding one thousand acres. Capital stock

4. The stockholders may elect not less than five nor more than nine directors, who of their number may elect a president. The President and directors

president and directors shall have power to make by-laws for the management of the company; to alter and amend the same; to appoint agents and clerks, and discharge the same at pleasure. In all general or annual meetings of the company, each stockholder shall have as many votes as he has shares.

Commencement 5. This act shall be in force from its passage.

CHAP. 219.—An ACT to incorporate the Springfield and Deep Run Coal Mining and Manufacturing Company.

Passed February 12, 1861.

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| Company incorporated | 1. Be it enacted by the general assembly of Virginia, that Meredith Howland, Mark Downey, Benjamin Loder, George W. Smith and P. P. Dickenson, and such other persons as may be hereafter associated with them, be and they are hereby created and incorporated and made a body politic and corporate, under the name and style of The Springfield and Deep Run Coal Mining and Manufacturing Company of the County of Henrico; for the purpose of mining for coal, iron and other ores, and manufacturing the same, and transporting the same to market from the said county of Henrico; and they are hereby invested with all the rights and privileges and powers conferred on such bodies politic and corporate by the fifty-seventh chapter of the Code of Virginia. |
| Capital stock | 2. Be it further enacted, that the capital stock of said company shall not be less than one hundred thousand dollars nor more than one million of dollars, to be divided into shares of one hundred dollars each; and the said company shall have authority to purchase and hold lands not exceeding three thousand acres at any one time in the county of Henrico, and may sell and convey the same, or lease or encumber the same. |
| Powers of company Right to build saw mills, &c Rail roads | 3. Be it further enacted, that the said company shall have authority to clear all timber from their lands, and transport the same to market; to build saw mills, boats, barges, steamers and sail vessels, and use the same in connection with their mining business, and the transportation of coal and other minerals and materials to market; to construct a tram or rail road with the necessary cars and engines for the same upon their lands, and from thence to the city of Richmond, or any other port within the state of Virginia, or to connect their said rail road with any other rail road or canal in the state of Virginia, first having obtained the consent of the proper authorities of said rail road or canal to make the said connection, for the purpose of such transportation, and for the use of the said company; and in general |
| General powers | to do and perform all acts and business of the company aforesaid, |

which as an incorporated company by the laws of this state they may do and perform; and that the said company shall have five years from and after the passage of this act to organize under its provisions.

4. This act shall be in force from its passage, and shall be subject to amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 220.—An ACT incorporating the Coleraine Mining and Manufacturing Company.

Passed March 20, 1861.

Be it enacted by the general assembly as follows:

1. That Thomas L. Broun, Abraham Bininger, David Wagstaff and J. Eugene Flandin, and such other persons as may hereafter be associated with them, shall be and they are hereby made a body politic and corporate, by the name of The Coleraine Company; for the purpose of mining and shipping coal and other minerals, and manufacturing and sending to market the mineral, vegetable and other substances, products of their lands; and as such, shall be entitled to all the rights, powers and privileges, and be subject to all the restrictions and regulations in relation to mining and manufacturing companies, contained in the Code of Virginia of eighteen hundred and forty-nine, and any laws amendatory thereof, excepting where the same may be inconsistent with this act.

2. The said company shall have the power to purchase and hold lands in the counties of Boone and Kanawha, or in any new county or counties hereafter created out of the same, not exceeding altogether ten thousand acres at any one time; and they shall have power to lease, sell, mortgage and dispose of the same, or any part thereof, when deemed necessary for the purposes of the company; and it shall be lawful for the said company to construct upon their own lands such rail roads as may be necessary, and to own such steam boats, tow boats, barges and flat boats as may be required for transporting to market the products of their mines and factories.

3. That the capital stock of said company shall be two hundred and fifty thousand dollars, to be divided into shares of such denomination as the corporators may deem expedient, not however less than twenty-five dollars each: and when the sum of fifty thousand dollars shall be subscribed on the books, and actually paid in, or properly secured to be paid, the company may commence operations. The president and board of directors may from time to time offer for sale or subscription such remaining portion of the capital stock as shall not have been previously subscribed, upon the terms and conditions

they may deem advisable. But no certificate of stock shall be issued until the same is fully paid for, according to the terms of subscription.

How books
opened

4. Any three of the corporators named in this act shall be authorized to open books of subscription in the city of New York and in the town of Charleston, Kanawha county, Virginia; and said books of subscription shall continue open so long as the said commissioners may elect; due notice to be given for two weeks in one or more newspapers published in the city of New York and in Kanawha county. And the said commissioners shall have power to fix and regulate the terms and manner in which the payments to said subscription shall be made. The president and board of directors are hereby authorized to receive in payments for subscriptions to the stock of this company, such lands, buildings and other property as they or a majority of them may deem necessary for the purposes of the company; and such lands and other property shall be converted into and become part of the stock of said company, at the value agreed upon when the same shall be thus taken and received.

What may be
received in pay-
ment of sub-
scriptions

When and
where general
meeting to
be held

President and
directors

5. When the sum of fifty thousand dollars shall have been subscribed and paid for, or secured according to the terms of subscription, the said commissioners shall designate the time and place for the meeting of the said subscribers; at which meeting the said subscribers, represented in person or by proxy, shall elect a president and four directors, to constitute a board for the management of the company's affairs, to continue in office for one year, or until their successors are elected and qualified. The board of directors shall form a code of by-laws for the government of the affairs of the company, and alter and amend the same in such manner as therein provided. The president and two directors, or any three directors, in the absence of the president, shall constitute a quorum for the transaction of business. There shall be an annual election of president and directors at such time and place as the by-laws of said company may ordain.

Annual meet-
ings

6. An annual meeting of the stockholders of the company shall be held in Kanawha county or Boone county on the second Monday of June of each and every year; at which time the president and board of directors shall make a full report of the affairs of the company. Special meetings of stockholders, to be held in the state of Virginia, may be called by the board of directors. At all elections and all meetings of stockholders, each share shall entitle the holder thereof to one vote, either in person or by proxy.

Office in New
York

7. The company may have an office in the city of New York as well as in Boone and Kanawha counties, and may hold meetings of directors, and keep transfer books and other books at any of said places, as decided by their by-laws. Agencies for the sale of the

products of the company may be established at such points as the board of directors or the by-laws may determine.

8. This act shall be in force from its passage, and shall be subject to any amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 221.—An ACT incorporating the Maryland and Virginia Coal Oil Company in the County of Taylor.

Passed March 5, 1861.

1. Be it enacted by the general assembly of Virginia, that Thomas D. Sargent and any person or persons he may associate with him, shall be and are hereby incorporated and made a body politic and corporate, by the name of The Maryland and Virginia Coal Oil Company; for the purpose of mining for coal, manufacturing oil, iron and other minerals, metals and lumber; and they are hereby invested with the rights, powers and privileges, and subject to all the rules, regulations and restrictions provided and prescribed in the Code of Virginia, and any laws amendatory thereof, so far as the same are applicable to and not inconsistent with the powers and rights herein granted.

2. The capital stock of said company shall not be less than fifty thousand dollars nor more than one million of dollars, to be divided into shares of one hundred dollars each; and the said Sargent and those associated with him may open books of subscription to the capital stock at such time and place or places as they shall deem expedient; and they are hereby authorized to receive subscriptions in land and personal property, at such value as may be agreed upon, and to fix and direct the amount to be paid by each subscriber for stock at the time of making his subscription. In all general meetings of the stockholders of said company, each stockholder shall have as many votes as he has shares.

3. The stockholders may elect not less than five nor more than nine directors, who of their number may elect their president. The president and directors shall have power to make by-laws for the management of the company; to alter and amend the same; to appoint agents and clerks, and discharge the same at pleasure; to borrow money, not exceeding at any one time one hundred thousand dollars, by the issue of coupon or other bonds, notes or bills of exchange; and may secure the same by mortgage of the real or personal property of the company.

4. The said company shall have the right to purchase, hold, sell and convey lands in the county of Taylor and adjoining counties, not exceeding four thousand acres at any one time.

- Rail roads** 5. It shall be lawful for said company to construct rail roads, or other roads, strictly for the purposes of the company, from any point or points on their own lands to any rail road or other work or improvement heretofore constructed or hereafter to be constructed in the county of Taylor or the adjoining counties, with the consent of such rail road or improvement company, and shall have power to construct such road or roads upon the lands of persons other than those of said company, with the consent of the owner or owners of such lands, or by contract with such owner or owners.
- How stock transferred** 6. The stock of the company shall be transferred under such regulations and restrictions as the president and directors may establish from time to time.
- Commencement** 7. This act shall be in force from the time of its passage, and shall be subject to amendment, modification or alteration, at the pleasure of the general assembly.

CHAP. 222.—An ACT to incorporate the Laurel Valley Coal and Oil Company in the County of Mason.

Passed March 15, 1861.

- Company incorporated** 1. Be it enacted by the general assembly, that A. L. Knight, George H. Patrick, W. W. Newman, Thomas Bale, and such other persons as may hereafter be associated with them, shall be and they are hereby made a body politic and corporate, under the name and style of The Laurel Valley Coal and Oil Company of the County of Mason; for the purpose of mining for coal, manufacturing or boring for oil, iron and other minerals and lumber; and they are hereby invested with all the rights and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the Code of Virginia, and any laws amendatory thereof, so far as the same may be applicable to, and not inconsistent with the powers and rights herein granted.
- Capital stock** 2. The capital stock of said company shall not be less than thirty thousand dollars nor more than five hundred thousand dollars, to be divided into shares of one hundred dollars each; and the said company may purchase and hold lands in the county of Mason, not exceeding four thousand acres.
- Real estate**
- Rail roads** 3. The said company may construct on their lands one or more rail road or rail roads for the purpose of transporting its products to market: provided, that they shall not have power to construct such road or roads through the lands of any person without his consent:

and provided further, that they shall not be entitled to charge freight or passage money for the transportation of tonnage or passengers.

4. This act shall be in force from its passage, and shall be subject Commencement to alteration, modification or repeal, at the pleasure of the general assembly.

CHAP. 223.—An ACT to incorporate the Virginia Mineral Oil and Coal Company in the County of Mason.

Passed March 12, 1861.

1. Be it enacted by the general assembly of Virginia, that R. C. Company incorporated M. Lovell, W. C. Starr, G. W. Moredock, and such other persons as may be hereafter associated with them, and their successors, are hereby created a body politic and corporate, under the name and style of The Virginia Mineral Oil and Coal Company; and by that name, shall have perpetual succession; and may contract and be contracted with; sue and be sued, plead and be impleaded in all courts and places; have a common seal, and alter the same at pleasure; may make all necessary by-laws and regulations for the government of the company, not inconsistent with the constitution and laws of the state of Virginia.

2. That said company shall have power and authority to appoint one Powers of company or more of its members, or other person or persons, to manage, control and direct the business of said company, according to the by-laws, rules and regulations which may from time to time be adopted by said company for its government and the transaction of its business; and shall have all the rights and privileges conferred, and be subject to all the restrictions, rules and regulations prescribed by the fifty-sixth and fifty-seventh chapters of the Code of Virginia, and the laws amendatory thereof, so far as not inconsistent with the provisions hereof.

3. The capital stock of said company shall be not less than two Capital stock hundred thousand dollars nor more than one million of dollars, to be divided into shares of one thousand dollars each; which may be subscribed and paid for in such manner as may be prescribed by said company in their by-laws; and said shares may be transferred in such manner as the said company by its by-laws may direct.

4. That said company shall have power to hold such real estate Real estate in the county of Mason, not exceeding five thousand acres, by lease, purchase or otherwise, and such personal property as may be deemed by them necessary and proper for the boring, pumping, collecting, refining, vending and shipping of said oil, and the mining, trans-

- Rail roads porting and vending of said coal, with the privilege of erecting all buildings, and constructing all roads, rail roads and other means of transportation, upon their own lands, and such adjoining lands as they may obtain the privilege of.
- Time to perfect organization 5. The said company shall have five years to perfect their organization.
- Commencement 6. This act shall be in force from its passage, and shall be subject to any alterations, modifications or amendments, at the pleasure of the general assembly.

CHAP. 224.—An ACT to amend an act entitled an act to incorporate the Mason City Mining and Manufacturing Company in the County of Mason, passed February 22d, 1860.

Passed March 12, 1861.

- Act of 1860 amended 1. Be it enacted by the general assembly, that in the first section of the act passed February twenty-second, eighteen hundred and sixty, entitled an act to incorporate the Mason city mining and manufacturing company in the county of Mason, the names of James H. Payne and R. C. M. Lovell be stricken therefrom, and the names of Elisha Mack and Samuel Congdon be inserted therefor; and the name and style of said company shall be changed to that of Mason City Coal Company.
- Capital 2. Be it further enacted, that the maximum of said capital stock shall be changed so as to read not more than six hundred thousand, to be divided into shares of twenty-five dollars each; and the said company shall have the right to purchase and hold lands not exceeding four thousand acres at any one time in said county, or more than one thousand acres in any other county or state.
- Real estate
- Commencement 3. This act shall be in force from its passage.

CHAP. 225.—An ACT to incorporate the Ambler Oil and Coal Company.

Passed January 31, 1861.

- Company incorporated 1. Be it enacted by the general assembly of Virginia, that Edward C. Marshall, James K. Marshall, James F. Jones, James G. Paxton and Raleigh Colston, and their successors, are hereby created a body politic and corporate, under the name and style of The Ambler Oil

and Coal Company; and by that name, shall have perpetual succession; may contract and be contracted with; sue and be sued, plead and be impleaded in all courts and places; have a common seal, and alter the same at pleasure; may make all necessary by-laws and regulations for the government of said company, not inconsistent with the constitution and laws of the state of Virginia or of the United States, except as herein after provided.

2. That said company shall have power and authority to appoint ^{Power to} one or more of its members or other person or persons to manage, ^{appoint agents} control and direct the business of said company according to the by-laws, rules and regulations which may from time to time be adopted by said company for its government and the transaction of its business, and shall have all the rights and privileges conferred, and be subject to all the restrictions, rules and regulations prescribed by the fifty-sixth and fifty-seventh chapters of the Code of Virginia, except the thirty-fifth section of chapter fifty-seven, and the laws amendatory thereof, so far as not inconsistent with the provisions hereof.

3. The capital stock of said company shall be two hundred and ^{Capital stock} fifty thousand dollars, with power to increase it seven hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each; which may be subscribed and paid for in such manner as may be prescribed by said company in their by-laws; and said shares may be transferred in such manner as the said company by its by-laws may direct.

4. Said company shall have power to purchase and hold such real ^{Real estate} estate in the county of Kanawha, not exceeding five thousand acres in quantity, and such personal property as they may deem necessary and proper for carrying on the mining of coal and transporting the same to market, and for the manufacture of oil, iron or other minerals, the products of such real estate. Said company shall have ^{Power of} power to mine and transport to market coal, iron or other minerals, ^{company} the products of their lands; to manufacture oil, iron or other minerals, and also to manufacture lumber; and shall have power to sell and convey their real estate at their pleasure; and to the purposes aforesaid the business of said company shall be confined.

5. Said company are hereby authorized to construct one or more ^{Rail roads} rail roads, not exceeding five miles in length, from any point on their said lands to the Kanawha river; but the said company shall not have the right to construct a rail road through the lands of others without their consent.

6. This act shall take effect from its passage, subject to repeal or ^{Commencement} modification, at the pleasure of the general assembly.

CHAP. 226.—An ACT to amend the 1st section of an act entitled an act to incorporate the Springfield and Deep Run Coal Mining and Manufacturing Company, passed the 12th of February 1861.

Passed March 16, 1861.

Act of 1861
amended

1. Be it enacted by the general assembly, that the first section of the act entitled an act to incorporate the Springfield and Deep run coal mining and manufacturing company, passed the twelfth day of February eighteen hundred and sixty-one, be amended and re-enacted so as to read as follows :

Company
incorporated

“§ 1. Be it enacted by the general assembly of Virginia, that Meredith Howland, Mark Downey, Benjamin Loder, George W. Smith and P. P. Dickenson, and such other persons as may be hereafter associated with them, be and they are hereby created and incorporated and made a body politic and corporate, under the name and style of The Springfield and Deep Run Coal Mining and Manufacturing Company of the County of Henrico; for the purpose of mining for coal, iron and other ores, and manufacturing the same, and transporting the same to market from the said county of Henrico; and they are hereby invested with all the rights and privileges and powers conferred on such bodies politic and corporate by the fifty-sixth and fifty-seventh chapters of the Code of Virginia, and all general laws of the commonwealth relating to incorporated companies, now in force.”

Commencement

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

CHAP. 227.—An ACT to incorporate the Fayette Oil and Coal Company.

Passed January 31, 1861.

Company
incorporated

1. Be it enacted by the general assembly of Virginia, that Jacob Fuller, James G. Paxton, William McLaughlin, James R. Jordan and John D. Sterret, and their successors, are hereby created a body politic and corporate, under the name and style of The Fayette Oil and Coal Company; and by that name, shall have perpetual succession; may contract and be contracted with; sue and be sued, plead and be impleaded in all courts and places; have a common seal, and alter the same at pleasure; may make all necessary by-laws and regulations for the government of said company, not inconsistent with the constitution and laws of the state of Virginia or of the United States, except as herein after provided.

Powers of
company

2. That said company shall have power and authority to appoint one or more of its members or other person or persons to manage,

control and direct the business of said company, according to the by-laws, rules and regulations which may from time to time be adopted by said company for its government and the transaction of its business; and shall have all the rights and privileges conferred, and be subject to all the restrictions, rules and regulations prescribed by the fifty-sixth and fifty-seventh chapters of the Code of Virginia, except the thirty-fifth section of chapter fifty-seven, and the laws amendatory thereof, so far as not inconsistent with the provisions hereof.

3. The capital stock of said company shall be two hundred and fifty thousand dollars, with power to increase it five hundred thousand dollars more, to be divided into shares of one hundred dollars each; which may be subscribed and paid for in such manner as may be prescribed by said company in their by-laws; and said shares may be transferred in such manner as the said company by its by-laws may direct. Capital stock

4. Said company shall have power to purchase and hold such real estate in the counties of Fayette and Kanawha, or either of them, not exceeding five thousand acres in quantity, and such personal property as they may deem necessary and proper for carrying on the mining of coal, and transporting the same to market, and for the manufacture of oil, iron and other minerals, the product of such real estate. Said company shall have power to mine and transport to market coal, iron and other minerals, the products of their lands; to manufacture oil, iron or other minerals, and also to manufacture lumber; and shall have power to sell and convey their real estate at their pleasure: and to the purposes aforesaid the business of said company shall be confined. Real estate
General powers

5. Said company is hereby authorized to construct one or more rail roads, not exceeding five miles in length, from any point on their said lands to the Kanawha river; and to enable the said company to carry out the provisions in this section contained, they are hereby invested with all the rights, privileges and powers, and subjected to all the limitations and restrictions contained in the Code of Virginia, and the acts amendatory thereof, in relation to rail road companies, so far as the same are applicable to and not inconsistent with the provisions of this act: provided the said company shall not have power to invade or occupy the lands of others in the construction of their said rail road, without the consent of the owners of such lands. Rail roads

6. This act shall be in force from its passage, and shall be subject to alteration, modification or repeal, at the pleasure of the general assembly. Commencement

CHAP. 228.—An ACT for the incorporation of the Home Mining and Manufacturing Company.

Passed March 16, 1861.

Company
incorporated

1. Be it enacted by the general assembly, that Ethelbert J. Hudson, William D. Pate, Madison Price, James W. McSherry and Joseph H. Barker, and such other persons as may hereafter be associated with them, be and they are hereby incorporated and made a body politic, under the name and style of The Home Mining and Manufacturing Company; and by that name, may sue and be sued, and shall have perpetual succession and a common seal.

Powers of
company
Real estate

2. Be it further enacted, that for the purpose of mining coal, salt and other minerals, boring for oil, and manufacturing salt and other minerals, it shall be lawful for the said Home mining and manufacturing company to hold, by lease or in fee simple, lands in the counties of Boone and Kanawha, not exceeding in the aggregate six thousand acres; and may convey the same by way of lease, mortgage, or by deed in fee simple. The said company may acquire and hold personal property, and may dispose of the same by assignment in trust to secure payment of the debts of the company, or absolutely.

Personal
property

Capital stock

3. The capital stock of the said company shall not be less than thirty-five thousand dollars nor more than two hundred and fifty thousand dollars, to be divided into shares of fifty dollars each.

Subject to
existing laws

4. The said company shall be subject to all the laws, rules and regulations imposed, and entitled to all benefits conferred by the fifty-sixth and fifty-seventh chapters of the Code of Virginia, and all laws amendatory thereof.

Commencement

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

CHAP. 229.—An ACT to incorporate the Marion Magnetic Iron Company.

Passed February 27, 1861.

Company
incorporated

1. Be it enacted by the general assembly, that Abijah Thomas, W. F. Hurst, W. A. Jones and Legrand Jeston, and such other persons as may be hereafter associated with them, shall be and they are hereby made a body politic and corporate, under the name and style of The Marion Magnetic Iron Company; for the purpose of mining and manufacturing coal, iron and other minerals in the county of Smyth; and they are hereby invested with all the rights and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the Code of Virginia, and laws amendatory

thereof, so far as the same are applicable to, and not inconsistent with the powers and rights herein granted.

2. That the capital stock of said company shall not be less than Capital stock ten thousand dollars nor more than two hundred thousand dollars, to be divided into shares of one hundred dollars each; and the said Real estate company shall have the right to purchase and hold lands not exceeding twenty thousand acres at any one time.

3. That the said company shall have power and authority to ap- Powers of company point one or more of its members or other person or persons to manage, control and direct the business of said company, according to the by-laws, rules and regulations which may from time to time be adopted by said company for its government and the transaction of its business.

4. The said company may construct upon its own lands such rail Rail roads road or rail roads as may be necessary to transport to market the products of its mines and manufactures: provided the said company shall not have the power to construct such road or roads through the land of any person without his consent: and provided further, that said company shall not be entitled to charge freight or passage money on the transportation of tonnage or passengers.

5. This act shall be in force from its passage, and shall be subject Commencement to amendment, alteration or modification, at the pleasure of the general assembly.

CHAP. 230.—An ACT to incorporate the Carroll Mining and Manufacturing Company.

Passed April 2, 1861.

1. Be it enacted by the general assembly of Virginia, that John Company incorporated Hopkins, J. Hanson Thomas, William Crichton, Adam Denmead, Henry R. Willson, and such other persons as with them or in their place shall become stockholders in said company, their successors and assigns, be and they are hereby created a corporate and body politic, by the name and style of The Carroll Mining and Manufacturing Company; for the purpose of mining and manufacturing copper and other mineral substances in the counties of Carroll, Grayson and Floyd; and by that name, may sue and be sued, answer and defend in any court of law or of equity; and may ordain and establish such by-laws, rules and regulations as shall appear necessary for conducting the concerns of said corporation, not contrary to the laws of this state or of the United States; and the same to change, alter and amend as may appear proper; and may make, have and use, and at

pleasure change or renew a common seal; and generally may do any act or thing necessary to carry into effect the provisions of this act, and to promote the design of the corporation: and said company shall be entitled to all the rights and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the Code of Virginia, and laws amendatory thereof, in relation to mining and manufacturing companies, except where inconsistent with the provisions of this act.

Powers of
company

2. And be it enacted, that said corporation be and is hereby empowered to procure, by mining therefor, or otherwise, copper and other metallic ores, and to smelt and prepare the same for manufacture; and to manufacture the products of said copper and other ores; and to vend said ores and products and manufactures at any place or places, or transport and export the same for sale or otherwise, and to have and hold, and improve for the purposes aforesaid of the corporation, and to acquire, and to sell and dispose of any real estate in said counties, not exceeding in all twenty thousand acres, or personal property from time to time, as may be judged expedient. The powers hereby granted to the company shall be construed to extend to any operations and transactions, whether the same be undertaken and carried on in any part of the state of Virginia or in any other state.

Real estate

Capital stock

3. And be it enacted, that the capital stock of said corporation shall not exceed one million and a half of dollars, to be divided into shares of twenty-five dollars each, and to be subscribed for under direction of the persons named in this act; and any person or persons may subscribe lands or mines, or mining rights, or privileges or patent rights, or any other kind of property, in place of a money subscription to said stock; to be received in subscription as aforesaid at such valuation as a majority of all the subscribers shall fix such subscriptions; subject however to become void, if satisfactory letters or conveyances to the corporation be not made by such a period as said corporation may direct after its organization, and that said corporation may be organized and go into its operations aforesaid on having fifty thousand dollars thus subscribed and paid to its capital stock, including the amount already paid in.

Affairs of
company, how
managed

4. And be it enacted, that the affairs of the corporation shall be managed and all its powers aforesaid be exercised by a president and six directors, to be chosen by the stockholders on a day to be fixed, and on notice given by the persons, or a majority of them, under whose direction subscriptions of stock shall be made as aforesaid; which president and directors shall serve for one year from their said election, or until others shall be chosen; the president and directors of the corporation being hereby empowered to pass by-laws fixing the periods of elections, and to make all regulations in regard to

them, and for any omission to elect at the period appointed; and no omission of that kind to operate as a dissolution of said corporation.

5. And be it enacted, that said president and directors, or a majority of them, may do all acts necessary for the conducting of the business and carrying out the objects of the corporation; and may appoint and employ any agents or other persons by them deemed necessary for accomplishing said objects; and may declare annual or semi-annual dividends of profits, as ascertained by them.

Authority of
president and
directors

6. And be it enacted, that this act shall not be construed to confer on said corporation any banking powers, nor the right to issue any bill or note in the form or style of a bank note.

7. The office of the company may be kept and its general business transacted at such place, either within or without the limits of the state of Virginia, as may from time to time be appointed or prescribed by the by-laws, rules and regulations of the company; and any and all meetings, either of the stockholders or of the president and directors of the company, for the transaction of business of any kind, may be held in like manner at any place, either within or without the limits of the said state, which may be so appointed or prescribed from time to time.

Office, where
held

8. This act shall be in force from and after its passage, and subject to any alteration, modification or repeal, at the pleasure of the legislature.

Commencement

CHAP. 231.—An ACT to incorporate the Cove Creek Lead, Copper and Iron Manufacturing Company in the County of Tazewell.

Passed March 15, 1861.

1. Be it enacted by the general assembly, that A. J. Nye, N. B. French, E. G. Boothe, H. W. Dills, William O. Yost, William P. Cecil, and such persons as may hereafter be associated with them, shall be and are hereby incorporated and made a body politic, under the name and style of The Cove Creek Lead, Copper and Iron Manufacturing Company, for the purpose of manufacturing lead, iron and copper. And they are hereby invested with all the rights, powers and privileges conferred on such bodies politic and corporate by the act entitled an act prescribing general regulations for the incorporation of mining and manufacturing companies, passed February thirteenth, eighteen hundred and thirty-seven; and is made subject to all the regulations and restrictions prescribed by said act.

Company
incorporated

2. The capital stock of said company shall not be less than one hundred thousand dollars, to be divided into shares of one hundred

Capital stock

- dollars each, and not more than two hundred and fifty thousand dollars; and hold in fee, enjoy and use or let lands in the county of Tazewell, in one or more parcels, not exceeding four thousand acres.
- Real estate
- Commencement 3. This act shall be in force from its passage.

CHAP. 232.—An ACT to incorporate the Cabell County Petroleum Company.

Passed April 2, 1861.

- Company incorporated 1. Be it enacted by the general assembly of Virginia, that H. J. Samuels, W. C. Miller, Albert Laidley, W. C. Rogers, H. H. Miller, H. C. Everett, Jerome Shelton, and such other persons as may hereafter be associated with them, be and they are hereby incorporated and made a body politic and corporate, under the name and style of The Cabell Petroleum Company; for the purpose of mining, boring, pumping and extracting from the earth carbon and rock oil, salt water and other volatile substances, in the counties of Cabell, Logan and Wayne; and they are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by the Code of Virginia, in relation to joint stock companies.
- Capital stock 2. The capital stock of the said company shall not be less than twenty-five thousand dollars nor more than one hundred thousand dollars, to be divided into shares of one hundred dollars each; and the said company shall have power to hold land in the counties aforesaid not exceeding in all ten thousand acres.
- Real estate
- Rail roads, &c 3. It shall be lawful for the said company to construct such rail roads on their lands as may be necessary for the transportation of the produce thereof to market: provided they do not invade the lands of others without the consent of the owners thereof: and provided further, that the said company shall not be entitled to charge freight or passage money on the transportation of tonnage or passengers.
- Commencement 4. This act shall be in force from its passage, and shall be subject to alteration, modification or repeal, at the pleasure of the general assembly.

CHAP. 233.—An ACT for the relief of Enoch Adkins of the County of Giles.

Passed March 25, 1861.

- Amount of forfeited recognizance remitted 1. Be it enacted by the general assembly, that the second auditor be and he is hereby authorized and required to issue his warrant on

the treasury, payable out of any funds therein to the credit of the Literary fund, and not otherwise appropriated, in favor of Enoch Adkins, or his legal representative, for the sum of fifty dollars; amount of a forfeited recognizance paid by him into the treasury.

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

Commencement

CHAP. 234.—An ACT for the payment of a sum of money to James W. Jones, Jailor of Frederick County.

Passed April 3, 1861.

1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby directed to issue his warrant on the treasury in favor of James W. Jones, jailor of Frederick county, or his legal representative, for the sum of one hundred and twenty-three dollars and five cents, payable out of any money therein not otherwise appropriated; the same being the amount of his account for the maintenance of Lewis Pritchard, a lunatic.

Amount appropriated

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

Commencement

CHAP. 235.—An ACT for the relief of Reverend J. Packard.

Passed February 27, 1861.

1. Be it enacted by the general assembly, that the auditor of public accounts be and is hereby authorized and directed to issue his warrant on the treasury, payable out of any money not otherwise appropriated, in favor of the Reverend J. Packard, for fifteen dollars, being the amount of tax improperly paid by him for the year eighteen hundred and fifty-eight, upon his salary as one of the professors at the Theological seminary of Virginia.

Amount of tax refunded

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

Commencement

CHAP. 236.—An ACT for the relief of Hopkins and Campbell of Rockbridge County.

Passed March 5, 1861.

1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby authorized and directed to issue his warrant on the treasury, payable out of any money therein not

Amount appropriated

otherwise appropriated, for the sum of thirteen hundred dollars, in favor of David L. Hopkins and Samuel J. Campbell of Rockbridge county, or their legal representatives; said sum being the amount of tax on collateral inheritance erroneously assessed and paid by them into the treasury.

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

CHAP. 237.—An ACT refunding a License Tax to Paul A. Farley of the County of Lunenburg.

Passed February 27, 1861.

Amount
appropriated

1. Be it enacted by the general assembly, that the auditor of public accounts is hereby authorized to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of Paul A. Farley of the county of Lunenburg, or his legal representative, for the sum of ninety-six dollars; being amount of license tax paid by said Farley, which license was never used on account of his continued sickness.

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

CHAP. 238.—An ACT refunding to Matthew Wamsley, jr. of the County of Randolph a certain amount of Money erroneously paid by him.

Passed February 27, 1861.

Amount
appropriated

1. Be it enacted by the general assembly, that the auditor of public accounts is hereby authorized to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of Matthew Wamsley, jr. of the county of Randolph, or his legal representative, for the sum of sixteen dollars; being amount of taxes erroneously paid on a tract of land for the years eighteen hundred and fifty-seven and eighteen hundred and fifty-eight.

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

CHAP. 239.—An ACT for the relief of Nathaniel B. Harvey.

Passed March 30, 1861.

Amount
appropriated

1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby authorized to issue his warrant

upon the treasury in favor of Nathaniel B. Harvey, or his legal representatives, for sixteen dollars and thirty-two cents; on account of land tax which had been improperly assessed to him in the county of Franklin.

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

Commencement

CHAP. 240.—An ACT for the relief of James Scott of Greenbrier County.

Passed February 27, 1861.

1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby required to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of James Scott of Greenbrier county, or his legal representative, for the sum of seventy-one dollars and four cents; being the amount of taxes improperly paid by him into the treasury.

Amount appropriated

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

Commencement

CHAP. 241.—An ACT for the relief of James J. Spaulding.

Passed April 1, 1861.

1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby authorized and required to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of James J. Spaulding, or his legal representatives, for the sum of fifty-four dollars: that being the amount paid by said Spaulding for a license tax, which license was not used.

Amount appropriated

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

Commencement

CHAP. 242.—An ACT for the relief of Angus M. Wood.

Passed March 4, 1861.

1. Be it enacted by the general assembly, that the auditor of public accounts be required to issue his warrant on the treasury in favor of Angus M. Wood, for the sum of sixty dollars and seventy-eight cents; being the amount of taxes erroneously paid by him to the sheriff of Hardy county.

Amount appropriated

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

Commencement

CHAP. 243.—An ACT refunding to W. H. Morton, sen. a sum of money paid on an erroneous assessment of land.

Passed April 3, 1861.

Amount
appropriated

1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby authorized and directed to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of William H. Morton, senior, of the county of Mecklenburg, or his legal representative, for the sum of forty dollars and one cent; being amount paid by said Morton on erroneous assessment of land.

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

CHAP. 244.—An ACT for the relief of E. N. Eubank, Commissioner of the Revenue for the City of Lynchburg.

Passed April 1, 1861.

Amount
appropriated

1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby directed to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of E. N. Eubank, commissioner of the revenue for the city of Lynchburg, or his legal representative, for the sum of four hundred and twelve dollars and forty-eight cents; that sum being the amount of compensation withheld from the said Eubank on account of his failure to return his commissioner's books to the proper officers in the time prescribed by law.

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

CHAP. 245.—An ACT for the relief of George W. Tucker of Halifax County.

Passed March 11, 1861.

Amount
appropriated

1. Be it enacted by the general assembly, that the auditor of public accounts be and is hereby required to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of George W. Tucker of Halifax county, for the sum of sixty dollars and thirty-seven cents; amount of taxes erroneously paid by him into the treasury.

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

CHAP. 246.—An ACT for the relief of Edward Johnson of the County of Giles.

Passed March 18, 1861.

1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby authorized and directed to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of Edward Johnson, a citizen of Giles county, or his legal representatives, for the sum of thirty dollars and fifty-one cents; being the amount of land tax erroneously paid by him. Amount appropriated

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

CHAP. 247.—An ACT to release John W. Murrell from the payment of a judgment rendered by the Circuit Court of Lynchburg against him.

Passed March 20, 1861.

1. Be it enacted by the general assembly, that the judgment recovered against John W. Murrell, in favor of the commonwealth of Virginia, in the circuit court for the corporation of Lynchburg, at the June term of said court, in the year eighteen hundred and fifty-eight, for the sum of twenty-five hundred dollars, be and the same is hereby released, less the costs incurred by the commonwealth in said court and the court of appeals. Fines released

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

CHAP. 248.—An ACT for the relief of Joseph W. Harper.

Passed March 18, 1861.

1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby authorized and directed to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of Joseph W. Harper, for the sum of sixty-one dollars, the amount of tax paid by said Joseph W. Harper in the year eighteen hundred and sixty, on a merchant's license in the county of Brunswick, which license was not used by the said Joseph W. Harper: provided the said sum has been paid into the treasury; or if the sheriff of Brunswick county has not paid the same into the treasury, he is authorized to refund the same to the said Joseph W. Harper. Amount refunded, if paid into treasury

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

CHAP. 249.—An ACT directing the payment of certain interest to Emmet J. O'Brien.

Passed March 30, 1861.

Amount to be paid out of internal improvement fund 1. Be it enacted by the general assembly, that the second auditor is hereby directed to issue his warrant on the treasury, payable out of any money therein to the credit of the Fund for internal improvement, in favor of Emmet J. O'Brien, or his legal assignee, for one hundred and fifty-five dollars and twenty-one cents; being the amount of interest due on a sum of money due to said O'Brien, and omitted to be paid to him.

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

CHAP. 250.—An ACT refunding to Lynn and Compton a license tax improperly collected of them.

Passed March 18, 1861.

Amount appropriated 1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby authorized and directed to issue his warrant on the treasury, payable out of any money not otherwise appropriated, in favor of L. F. Lynn and Compton of the county of Prince William, or their legal representatives, for the sum of forty dollars; being the amount of tax improperly assessed against and paid by them, the said Lynn and Compton: provided, however, that the amount aforesaid shall not be paid until the said amount shall be paid into the treasury by the said sheriff or his sureties.

Proviso

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

CHAP. 251.—An ACT for the relief of Benjamin S. Reynolds of Harrison County.

Passed March 13, 1861.

Amount appropriated 1. Be it enacted by the general assembly, that the auditor of public accounts is hereby directed to issue his warrant upon the treasury, payable out of any money therein not otherwise appropriated, in favor of Benjamin S. Reynolds, or his legal assignee, for the sum of seventeen dollars and forty-five cents; the same being the amount of tax erroneously assessed upon and paid by him for the year eighteen hundred and fifty-eight.

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

CHAP. 252.—An ACT refunding to Mrs. Lucy Holland a sum of money paid on erroneous assessment.

Passed March 9, 1851.

1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby required to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of Lucy Holland of Fluvanna county, or her legal representative, for the sum of thirty-three dollars and seven cents; being the amount of taxes improperly paid by her into the public treasury.

Amount refunded

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

Commencement

CHAP. 253.—An ACT for the relief of Charles A. Hoge and James Musgrave.

Passed March 16, 1861.

1. Be it enacted by the general assembly, that it shall be lawful for Charles A. Hoge and James Musgrave, assessed with a tract of five thousand acres of land in the county of Wetzel, to apply to the court of said county, within six months from the passage of this act, to have the assessment of said land corrected: provided, that before making such application, they give notice to the assessor and the attorney of the commonwealth for said county, and that they shall be subject to all the restrictions, and be governed by all the provisions of the act passed the tenth of March, eighteen hundred and fifty-six, except so far as the same may be inconsistent with the provisions of this act, and shall also incur and pay all legal costs attending such application or correction: and provided also, that the action of said court, in considering the subject, or granting any relief herein provided for, shall be based upon and governed by what in the opinion of the court, was the true value of the land at the time the assessment of such land was made.

Reassessment of lands authorized

Reassessment to be according to present value

2. The correction of the assessment made under the provisions of this act shall, by the commissioner of the revenue of said county, be entered upon the land book of said county for the year eighteen hundred and sixty-one; and such assessment, so made, shall be certified by the clerk of said county to the auditor of public accounts; and such certificate shall serve as a voucher for the sheriff of said county, in his settlement with the auditor.

How reassessment entered upon commissioner's books

How certified to the auditor

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

Commencement

CHAP. 254.—An ACT to refund to James S. Connell and Daniel Polesley a sum of money improperly paid by them into the Treasury as tax on land in Roane County.

Passed March 28, 1861.

Amount appropriated

1. Be it enacted by the general assembly, that the auditor of public accounts be and is hereby authorized and directed to issue his warrant on the treasury, in favor of James S. Connell of Kanawha county and Daniel Polesley of Mason county, jointly, for the sum of two hundred and ninety dollars and forty cents, payable out of any money in the treasury not otherwise appropriated; the said sum being the amount of tax on a tract of land in Roane county for the years eighteen hundred and fifty-seven, eighteen hundred and fifty-eight and eighteen hundred and fifty-nine, erroneously assessed against the said James S. Connell and Daniel Polesley, and by them paid into the treasury.

Erroneous assessment, for what years

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

CHAP. 255.—An ACT allowing compensation to Parsha A. Fowlkes and Joseph C. Fowlkes, for the arrest of three Convicts escaped from the Jail of Lunenburg County.

Passed March 16, 1861.

Amount appropriated

1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby authorized to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of Parsha A. Fowlkes and Joseph C. Fowlkes of the county of Nottoway, or their legal representatives, for the sum of one hundred dollars; the said sum being compensation for the arrest of three slaves, Dick, John and Collin, who were condemned to be hung by the county court of Lunenburg county, and who had escaped from the jail of said county.

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

CHAP. 256.—An ACT authorizing the Circuit Court of Amelia County to make allowance to certain children of William H. Wilson, a lunatic.

Passed April 1, 1861.

Circuit court power to make allowance

1. Be it enacted by the general assembly, that the circuit court of the county of Amelia, on the petition of the adult children of William H. Wilson of Amelia county, or any of them (which said Wilson is a lunatic, and confined in one of the lunatic asylums of the state).

may make a reasonable allowance for the maintenance of such petitioner or petitioners, and order the amount to be paid by the committee of said lunatic out of such portion of his estate, or the profits thereof, as may be legally applied thereto: provided, that ten days' notice of such intended application shall be given to George H. Matthews, the committee of said lunatic, and that no allowance shall be made whereby the wife and minor children of the said lunatic shall be deprived of a maintenance: and provided further, that this act shall not be construed as an interpretation of the forty-fifth section of chapter eighty-five of the Code.

Notice to committee

As to wife and minor children Not to interpret section forty five of chapter eighty-five of Code Commencement

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

CHAP. 257.—An ACT authorizing the payment to Scott and Adams of a sum of money for work done on the Southwestern Turnpike.

Passed February 12, 1861.

1. Be it enacted by the general assembly, that the second auditor be and he is hereby authorized and directed to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, to the credit of the Board of public works, in favor of Scott and Adams, for the sum of three thousand nine hundred and sixty-seven dollars and fifty-eight cents, with interest thereon from the first day of January eighteen hundred and fifty-six; the same being for work done by them on the Southwestern turnpike, under a contract with the Board of public works, and for which a judgment has been recovered.

Amount appropriated

Interest thereon

Judgment had

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

Commencement

CHAP. 258.—An ACT for the relief of Robert Y. Overby of the County of Mecklenburg, on account of Taxes improperly paid.

Passed January 26, 1861.

1. Be it enacted by the general assembly, that the auditor of public accounts be directed to issue his warrant on the treasury of this commonwealth, payable out of any moneys therein not otherwise appropriated, in favor of Robert Y. Overby, or his legal representatives, for the sum of seventy-five dollars and fifty-eight cents; being the amount said Robert Y. Overby improperly paid as tax on land in the county of Mecklenburg, in eighteen hundred and fifty-eight, when he had paid a tax on the same land in the county of Halifax.

Amount appropriated

Where tax paid

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

Commencement

CHAP. 259.—An ACT for the relief of John W. G. Smith of Rockingham County.

Passed January 29, 1861.

- Amount refunded** 1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby authorized and directed to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of John W. G. Smith of Rockingham county, for the sum of twenty-nine dollars and forty cents; the same being the amount of tax on bonds for the year eighteen hundred and fifty-eight, erroneously assessed on said Smith, and paid by him into the treasury.
- Erroneous tax**
- Commencement** 2. This act shall be in force from its passage.
-

CHAP. 260.—An ACT for the relief of Patrick H. Scott of Halifax County.

Passed January 23, 1861.

- Amount appropriated** 1. Be it enacted by the general assembly, that the auditor of public accounts be authorized and directed to issue his warrant on the treasury, payable out of any money in the treasury not otherwise appropriated, in favor of Patrick H. Scott, or his legal representative, for the sum of nine dollars; the same being the amount erroneously assessed on the ferry of said Scott, and paid by him into the treasury.
- Commencement** 2. This act shall be in force from its passage.
-

CHAP. 261.—An ACT for the relief of Thomas Javins of Fairfax County.

Passed January 25, 1861.

- Amount appropriated** 1. Be it enacted by the general assembly, that the second auditor be and he is hereby required to pay out of any money of the Literary fund not otherwise appropriated, to Thomas Javins, or his assigns, the sum of three hundred and forty dollars, with legal interest thereon from the third of June eighteen hundred and fifty-four, and fifteen dollars and eleven cents costs of suit; that being the amount paid by the said Javins for a lot of land sold by the commonwealth as escheated land, which lot of land was recovered of the said Javins by Hannah Butler, in a suit in the circuit court of Alexandria county.
- How due**
- Commencement** 2. This act shall be in force from its passage.

CHAP. 262.—An ACT for the relief of Benjamin and Isaac Deford of Morgan County.

Passed January 23, 1861.

1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby authorized to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of Benjamin and Isaac Deford, or their legal representatives, for the sum of thirty-three dollars and sixty cents; being the amount of the tax paid on an erroneous assessment of lot numbered one hundred and seven in the town of Bath in the county of Morgan. The county court of Morgan county is hereby authorized to correct the erroneous assessment aforesaid.

Amount appropriated

Erroneous assessment

County court to correct assessment

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

Commencement

CHAP. 263.—An ACT authorizing the payment of the amount of a lost Coupon to James C. McGuire & Co.

Passed March 19, 1861.

1. Be it enacted by the general assembly, that upon due and satisfactory evidence being given to the second auditor of the loss of a coupon numbered eleven thousand five hundred and twenty of the bonds of the state, payable in eighteen hundred and ninety-three, the property of James C. McGuire & Co., the said auditor shall issue his warrant on the treasury, payable out of any money therein to the credit of the Sinking fund, for the sum of thirty dollars: provided, that before the said warrant shall be issued, the said James C. McGuire & Co. shall file in the office of the second auditor a bond, payable to the commonwealth, with one or more sufficient securities resident in the commonwealth, conditioned to indemnify the commonwealth and all persons against loss in consequence of issuing said warrant.

Auditor to issue warrant

Amount

Security to be taken

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

Commencement

CHAP. 264 —An ACT to provide for the payment to the Richmond Branch of the Exchange Bank, of lost Coupons for Interest on the Bonds of the State of Virginia.

Passed April 3, 1861

Whereas it is represented that the Exchange Bank of Virginia, Preamble by its branch at Richmond, on the third day of August eighteen hun-

dred and fifty-five, transmitted through the mail to the city of New York coupons for semi-annual interest of bonds of this commonwealth, payable on the first day of July eighteen hundred and fifty-five, for the sum of one thousand and twenty dollars, numbered as follows: 4122, 4159, 4237, 4982, 5174, 7279, 7360, 8125, 8053, 8362, 8442, 8443, 8647, 9027, 9053, 9070, 9343, 9344, 9345, 9356, 9357, 9358, 9359, 9360, 9361, 9365, 9605 and 1002; and one hundred and ninety-five dollars, of which no record of number was preserved; that the letter containing said coupons was lost, and that said coupons have not been paid:

Amount appropriated

1. Be it therefore enacted by the general assembly, that upon satisfactory evidence of the loss of said coupons being given to the second auditor, he is hereby authorized and required to pay the said sum of one thousand and twenty dollars, the amount of said coupons, as above stated, to the said bank: but before paying the same, the said bank shall, by resolution, agree to indemnify the state against all losses which she may incur on account of the payment of said coupons.

Security

Commencement

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

CHAP. 265.—An ACTⁿ authorizing the payment to William G. Jackson of certain Coupons.

Passed April 3, 1861.

Preamble

Whereas it is represented that there were deposited, on the second day of January eighteen hundred and fifty-eight, for collection, with the cashier of the Merchants Bank of Baltimore, for account of the Rev. William G. Jackson, eighteen coupons taken from the bonds of the Chesapeake and Ohio canal company, guaranteed by the state of Virginia, numbers 639, 640, 641, 642, 643, 644, 645, 646, 647 and 658, of fifteen dollars each; and from numbers 45, 46, 47, 52, 53, 57, 95 and 572, of thirty dollars each, amounting to three hundred and ninety dollars; and the said coupons were enclosed on the same day in a letter to the cashier of the Bank of Virginia; and while the letter aforesaid was duly acknowledged, the said coupons were not contained therein, and none of them have been paid by the second auditor:

2d Auditor authorized to issue his warrant

1. Be it therefore enacted by the general assembly of Virginia, that upon due and satisfactory evidence of the loss of said coupons being given to the second auditor, he is hereby authorized and required to pay the amount of the said coupons as above stated, to the Rev. William G. Jackson, his attorney in fact, his personal repre-

sentatives or assigns: provided, that before paying the same, the said William G. Jackson shall file with the said auditor proof of advertisement of the loss of said coupons, and a bond with approved security resident in the state of Virginia, indemnifying the said state against all losses which she may in any manner be liable for on account of the payment of the said coupons.

Security to
be taken

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

Commencement

CHAP. 266.—An ACT releasing to the personal representative of A. C. Layne the rent due under his lease for a portion of the Public Armory.

Passed March 30, 1861. *

Whereas the general assembly of Virginia, by a joint resolution passed on the eleventh of March eighteen hundred and fifty-six, authorized the governor to lease out to A. C. Layne the west wing of the armory, to be used for milling purposes, upon such terms and for such time as he might prescribe; and in pursuance of said resolution, the governor did, on the eighteenth day of June eighteen hundred and fifty-six, lease the said west wing to the said A. C. Layne for said purpose, for the term of ten years, for and in consideration of the annual sum of four hundred and sixty dollars, to be paid semi-annually by the lessee, on the first day of January and July; and it was stipulated in said lease that either the governor or the general assembly might terminate said lease whenever the public interest in their judgments might require: And whereas, by an act passed on the twenty-first January eighteen hundred and sixty, entitled an act making an appropriation for the purchase and manufacture of arms and munitions of war, the governor was authorized to cause the buildings of the public armory to be forthwith placed in condition for the introduction of machinery and for the manufacture and repair of arms; and in consequence of the passage of said act, the lessee discontinued the use of said mill from the first day of January eighteen hundred and sixty until the day of his death, which took place on the twenty-second of August last; and it being reasonable that the rent of said property should cease from the discontinuance aforesaid: Therefore,

Preamble

1. Be it enacted by the general assembly, that the lease so as aforesaid made by the governor with the said A. C. Layne, shall be construed to terminate and cease from and after the said first day of January eighteen hundred and sixty; and all right which the commonwealth of Virginia hath or may have to any rent for the said premises under said lease, from that time, shall be and the same is hereby relinquished.

Common-
wealth's rights
under lease
remitted

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

Commencement

CHAP. 267.—An ACT authorizing the Board of Public Works to appoint Commissioners to estimate and report Losses sustained by William W. King in the construction of the 14th section of the Ohio and Maryland Turnpike Road.

Passed March 28, 1861.

Board of public
works to appoint
commissioners
Report

1. Be it enacted by the general assembly, that the Board of public works be instructed to appoint three disinterested persons, to examine, enquire into, estimate, measure and report to the present legislature, if in session, and if not in session, to the next legislature, the losses sustained by William W. King in the construction and repair of the fourteenth section of the Ohio river and Maryland turnpike road, distinguishing the losses sustained in its construction, from those caused by repairs and extra work: provided, that all expenses connected with the said commission appointed as aforesaid, shall be borne by the said King.

Oath of com-
missioners

2. The commissioners aforesaid shall, before entering upon their duties, take an oath before a justice of the peace, faithfully and impartially to discharge the same.

Commencement

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

CHAP. 268.—An ACT authorizing the Board of Public Works to appoint Commissioners to estimate and report upon Losses sustained by John Conaway in the construction of the Fairmount and Wheeling Turnpike Road.

Passed March 21, 1861.

Board of public
works to ap-
point com-
missioners

1. Be it enacted by the general assembly, that it shall be the duty of the Board of public works to appoint three discreet freeholders, to enter upon the lands of John Conaway, and assess the damages, if any, done to John Conaway's land in the county of Marion, by the construction of the Wheeling and Fairmount road, and report their proceedings to the next general assembly.

Their report

Commencement

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

CHAP. 269.—An ACT to release the title to 556} acres of Land in the County
of Hanover to John H. Taliaferro.

Passed March 27, 1861.

Interest of com-
monwealth
released

1. Be it enacted by the general assembly, that all right, title and interest of the commonwealth of Virginia in a certain tract of land

lying in the county of Hanover, and containing five hundred and fifty-six and one-fourth acres, adjoining the lands of Lucien B. Price and others, which may have accrued in virtue of the delinquency of Richard Anderson for the year eighteen hundred and forty-six, the taxes for that year having been paid, is hereby released to John H. Taliaferro of said county.

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

Commencement

CHAP. 270.—An ACT releasing the Commonwealth's Claim to a certain Island in Chesapeake Bay to Edmund J. Poulson.

Passed February 23, 1861.

1. Be it enacted by the general assembly, that the right and claim of the commonwealth of Virginia to an island or shoal lying south of Tangier island in the county of Accomack, known as Tangier Cod, he and the same is hereby released to Edmund J. Poulson, his heirs and assigns, forever.

Commonwealth's interest released

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

Commencement

CHAP. 271.—An ACT granting the Commonwealth's right to Real Estate of John Kelly deceased, to Owen Shee.

Passed February 27, 1861.

Whereas it is represented to the general assembly, that John Kelly deceased, by will, which was admitted to record in Ohio county court, at the March term eighteen hundred and thirty-four, devised his real estate to his executors, in trust for Owen Shee, now residing in said county, during his life, with other limitations in said will expressed, but which it is probable can never become effectual to dispose of such estate, away from the said Owen Shee: And whereas it is also represented, that no heir or kindred of said Kelly is known to exist, and that if any exist, they are aliens, not residing in this country, and that some interest or right in said estate is or may become liable to escheat:

Preamble

1. Be it enacted by the general assembly, that all right, title, interest and claim which has accrued or shall accrue to the commonwealth in or to said real estate, and particularly to lot No. 121, on the east side of Market street in the city of Wheeling, being part or all of said real estate, be and is hereby released and granted to the said Owen Shee, in fee simple: saving, however, the rights of all persons who may claim by virtue of said will.

Interest released

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

Commencement

CHAP. 272.—An ACT authorizing the sale of real estate belonging to Ebenezer Academy.

Passed March 4, 1861.

Trustees authorized to sell

1. Be it enacted by the general assembly, that the trustees of Ebenezer academy in the county of Brunswick be authorized to sell the real estate belonging to their corporation, upon such terms as they may deem most advantageous, and pay the money arising therefrom to the superintendent of schools for indigent children in said county, to be loaned out upon good personal security, and the interest and one-fourth part of the principal thereof annually for four years to be disposed of in the same manner as the quota of the Literary fund allotted to said county.

Money, how appropriated

Commencement

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

CHAP. 273.—An ACT to suspend the levying of Taxes by the State on the Wheeling and Belmont Bridge Company for six years.

Passed March 28, 1861.

Preamble

Whereas it is represented to this general assembly, that the owners of the Wheeling and Belmont bridge have suffered great loss in defending a suit carried on against said company to abate said bridge as a nuisance; and in the prosecution of said suit the sovereignty of Virginia was called in question, and the whole expense of said suit was met and paid by the said bridge company:

Taxes suspended

1. Be it therefore enacted, that the levying of taxes by the state on said bridge shall be suspended for six years from the first day of February eighteen hundred and sixty.

Commencement

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

CHAP. 274.—An ACT releasing the State's Claim to the fine imposed on the Schooner Virginia for an alleged violation of the Inspection Laws.

Passed March 25, 1861.

Claim of commonwealth remitted

1. Be it enacted by the general assembly, that all claim of the commonwealth to any portion of a fine imposed on the schooner Virginia for an alleged violation of the inspection laws of this state, be and the same is hereby released and discharged: and if the state's portion of the said fine or any part thereof has been paid into the treasury, the auditor of public accounts is hereby authorized and required to issue his warrant on the treasury, payable out of any

Duty of auditor

money therein not otherwise appropriated, in favor of William H. Fowle and Son (owners of said schooner), for the amount of said fine so paid into the treasury.

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

Commencement

CHAP. 275.—An ACT releasing the Schooner Pauline from the payment of Commonwealth's claim to any fine imposed for an alleged violation of the Inspection Laws.

Passed April 3, 1861.

Whereas, it is represented to the general assembly, that the schooner Pauline, owned and commanded by residents of the town of Newbern in the state of North Carolina, and hailing from said town, is now in charge of the chief inspector at Norfolk for an alleged violation of the inspection laws of the state of Virginia; and it appearing that the captain of said schooner tendered the said inspector a draft on the owners or their agents in New York, for the amount of the inspection fee due from said vessel, thus conclusively showing that no fraud was intended in the premises: Therefore,

1. Be it enacted by the general assembly, that the claim of the commonwealth to any fine imposed on said schooner Pauline by reason of said violation of the inspection laws as above recited, be and the same is hereby released and discharged.

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

Commencement

CHAP. 276.—An ACT for the relief of Thomas M. Hunley, Commissioner of the Revenue for the County of Matthews.

Passed March 25, 1861.

1. Be it enacted by the general assembly, that the qualification of Thomas M. Hunley as commissioner of the revenue before the county court of Matthews, at its November term eighteen hundred and sixty, he and the same is hereby made legal and valid, and that the bond executed by said Hunley be and the same is hereby declared to be valid to all intents and purposes.

2. The office of the said Hunley, as commissioner of the revenue for the county of Matthews, shall not be made vacant in consequence of said bond not having been executed within sixty days, as required by the act passed March the thirtieth, eighteen hundred and sixty.

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

Commencement

CHAP. 277.—An ACT refunding to James A. Russell excess of Taxes paid by him, and authorizing the County Court of Frederick County to correct erroneous assessment.

Passed April 2, 1861.

Amount
refunded

1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby directed to issue his warrant on the treasury of the commonwealth in favor of James A. Russell, or his legal representative, for the sum of eighty-seven dollars and eighty-four cents, that being the excess of taxes charged against and paid by the said James A. Russell for the years eighteen hundred and fifty-seven, eighteen hundred and fifty-eight, eighteen hundred and fifty-nine and eighteen hundred and sixty, on account of an error committed by the assessor of the lands of the said Russell lying in Frederick county.

Commissioner
to correct erro-
neous assess-
ment

2. Be it further enacted, that the county court of Frederick county is hereby authorized to correct the error aforesaid, and to require the commissioner of the revenue for the said county to make the land book conform thereto.

Commencement

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

CHAP. 278.—An ACT for the relief of the Personal Representative of William S. Croxton, deceased.

Passed April 2, 1861.

Amount
refunded

1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby authorized and required to draw his warrant upon the treasury, payable out of any money not otherwise appropriated, in favor of the personal representative of William S. Croxton deceased, late of Essex county, for the sum of fifty-five dollars and twelve cents; which amount was erroneously paid by him into the treasury.

Commencement

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

CHAP. 279.—An ACT for the relief of Thomas Nichols.

Passed April 2, 1861.

Preamble

Whereas a tract of one hundred and thirty acres of land owned by Thomas Nichols, situate in Marion county, has been charged to him in two commissioners' districts of said county, and has been

returned delinquent for the non-payment of the taxes thereon for the years eighteen hundred and fifty-three, eighteen hundred and fifty-four, eighteen hundred and fifty-five and eighteen hundred and fifty-six, although the taxes had been regularly paid thereon for said years: And whereas also in the year eighteen hundred and sixty said land was sold by the sheriff of said county for said delinquency, and purchased by him on behalf of the commonwealth for the taxes thereon, interest and expenses, according to the form of the statute in such cases made and provided, by reason whereof relief in the premises is due to said owner:

1. Be it therefore enacted by the general assembly, that all the right, title and interest of the commonwealth in and to the said tract of land, so vested in the commonwealth, be and the same are hereby vested in the said Thomas Nichols, his heirs or grantees. And the auditor shall omit said land from the list of real estate purchased for the commonwealth at sales for taxes, which remain unredeemed.

Commonwealth's interest released

2. The said tract of land shall be replaced in the book of the proper commissioner of said county, in the name of the said Thomas Nichols, or his grantee.

Land to be replaced on commissioner's books

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

Commencement

CHAP. 280.—An ACT for the relief of Hugh Crolley and Patrick McCune.

Passed January 23, 1861.

Whereas, by an act of the last session of this legislature, it was directed that a suit formerly pending in the circuit court of the city of Richmond and county of Henrico, in the name of Hugh Crolley and Patrick McCune, against the president and directors of the Northwestern turnpike company, which had been stricken from the docket under the seven years law, should be restored to the docket of the circuit court for the county of Henrico: And whereas it was designed that said case should be tried on its merits in said court, unembarrassed by technical points; but doubts may exist whether the language of the act was sufficiently comprehensive to effect that design:

Preamble

1. Be it therefore enacted by the general assembly, that said case shall be so proceeded in by said court, that the merits of said controversy may be adjusted between the parties, so as to effect justice between them without regard to any objections in respect to the form of the action, variance or otherwise.

Suit, how proceeded in

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

Commencement

CHAP. 281.—An ACT for the relief of Charity Casey.

Passed January 26, 1861.

Common-wealth's right to estate of Lewis Casey transferred

1. Be it enacted by the general assembly of Virginia, that all the right, title and interest which has in any manner accrued to the commonwealth in and to the estate of Lewis Casey, a free colored man, late of the county of Fairfax, deceased, be and the same is hereby granted, transferred and released unto his daughter Charity Casey; to be paid by the administrator of said estate to her guardian legally appointed and qualified: provided, however, that there shall first be paid, besides expenses of administration, and such other charges as the county court of said county may deem proper, all expenses attending the sickness and burial of Elizabeth Casey, the mother of the said Charity; which said payments shall be allowed as proper credits to the said administrator in the settlement of his accounts.

Proviso as to costs of administration, &c

Commencement

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

CHAP. 282.—An ACT for the relief of Celia Edmonds.

Passed April 2, 1861.

Preamble

Whereas it has been made to appear to this general assembly, upon the petition of Celia Edmonds, that in a suit heard and finally decided in the supreme court of appeals of this state on the twenty-third day of November eighteen hundred and fifty-seven, upon an appeal from a decree of the circuit court of the county of Fauquier, which appeal was in the name of Kimble G. Hicks, administrator de bonis non with the will annexed of Celia Shearman deceased, and Kimble G. Hicks, junior, by said Kimble G. Hicks, his father and next friend, appellants, against Thomas K. Hicks and others, appellees, in which appeal were involved only "the questions of the legal competency of Celia Shearman, a married lady, to make an olograph will; and if she had such competency, whether or not the will was in legal form;" in virtue of which will the petitioner, a niece of said testatrix, was entitled to an annuity of one hundred and fifty dollars for the petitioner's life; which questions were both decided in the affirmative, and the decree of the court below reversed; and the court of appeals proceeded to render such judgment as the court below should have rendered; in rendering which an accidental mistake occurred as follows: In the manuscript record sent up from the court below was contained a true copy of the said will; but in printing copies of the record for the use of the counsel and court, the printer committed an error in punctuation, which wholly changed the sense of the will, and made so much thereof as provided a benefit

for petitioner wholly unintelligible; by reason whereof, the court of appeals, in its said final decree, disregarded that part of the will, and established only a portion of the paper as the will of said testatrix; which accidental error was not discovered until after the adjournment of the term of the said court of appeals: that application was made to the said court at its next term for a rehearing and correction of the error; but the said court were of opinion that it had no power to correct the error, although manifest upon the face of the record of the said court, after the adjournment of the term at which such final decree was rendered. The said petitioner praying this general assembly for relief in the premises, and it being considered uncertain whether the law as it now stands, affords her any mode of relief in the premises: For remedy whereof,

1. Be it enacted by the general assembly, that the circuit court of the county of Fauquier have power and jurisdiction (if it does not already possess it, which is thought to be doubtful), notwithstanding the said final decree of the said supreme court of appeals, upon an original bill in equity filed in said circuit court by said Celia Edmonds, making all persons interested parties, to hear and determine her complaint touching the premises, and grant her such relief therein as it shall deem just and equitable, and the provisions of the said will may entitle her to: provided, however, that the right of appeal from any decree rendered upon such bill be reserved and had as in other cases, and also that no such decree shall in any manner or to any extent affect, modify or change the said final decree of the said court of appeals further or otherwise than relieving against the consequences of the accident or mistake aforesaid.

Jurisdiction of circuit court of Fauquier

How decree changed

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

Commencement

CHAP. 283.—An ACT fixing the mode of settlement with the Sheriff of the County of Jefferson.

Passed March 4. 1861.

1. Be it enacted by the general assembly, that if James W. Campbell, late sheriff of the county of Jefferson, shall pay into the public treasury the balance of revenue due from said county to the commonwealth, and other official dues of which he stands charged for the year eighteen hundred and fifty-nine, before the expiration of thirty days after the passage of this act, the auditor of public accounts is hereby authorized to allow the said James W. Campbell such commission as would be allowed for punctual payment.

Settlement, how made

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

Commencement

CHAP. 284.—An ACT for the relief of Thomas W. Scott, Sheriff of Dinwiddie County.

Passed April 1, 1861.

Commissions for
1859 allowed

1. Be it enacted by the general assembly, that the auditor of public accounts be authorized to allow and pay to Thomas W. Scott, sheriff of Dinwiddie county, the premium of two and a half per centum allowed by law for prompt payment of the revenue into the treasury, upon any amount of the revenue of the said county for the year eighteen hundred and fifty-nine, paid by said Scott into the treasury, for which the said premium has not been allowed.

Commencement

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

CHAP. 285.—An ACT for the relief of John M. Jones, late Sheriff of Pendleton County.

Passed March 26, 1861.

Amount
appropriated

1. Be it enacted by the general assembly, that the auditor of public accounts be and he is hereby directed to issue his warrant on the public treasury in favor of John M. Jones, late sheriff of Pendleton county, for one hundred and seventy-three dollars and eighty-two cents, on account of two and one-half per cent. commission on the revenue of said county for the year eighteen hundred and fifty-six, withheld by the auditor of public accounts for the failure of the said sheriff to pay his said revenue within the time prescribed by law.

Commencement

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

CHAP. 286.—An ACT for the relief of M. C. Hall, late Sheriff of Lewis County, and his Securities.

Passed March 5, 1861.

Judgment
released

1. Be it enacted by the general assembly, that the judgment rendered by the circuit court of Richmond city, for the benefit of the commonwealth, against Minor C. Hall, late sheriff of Lewis county, and his sureties, on the twelfth day of June eighteen hundred and fifty-eight, for five hundred and seventy-six dollars and twenty-one cents, and for damages and costs, be and the same is hereby released, the same having been improperly entered.

Judgment, how
settled

2. And be it further enacted, that the auditor of public accounts be and he is hereby authorized and directed to adjust and settle another judgment of the commonwealth against the same parties, for two hundred and forty-eight dollars and forty-nine cents, in the same

manner that the same should be settled if such judgment had not been rendered; and that he allow any credits paid by said parties, which were not allowed upon the claim before such judgment.

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

Commencement

CHAP. 287.—An ACT refunding to Moses G. Booth, damages paid by him as surety of Samuel S. Turner, late Sheriff of Franklin County.

Passed March 19, 1861.

1. Be it enacted by the general assembly, that Moses G. Booth, security of Samuel S. Turner, late sheriff of Franklin county, is hereby released from the payment of the damages on judgment in favor of the commonwealth against him as such security, rendered by the circuit court of the city of Richmond. But the said security shall not have the benefit of this act, unless he pay into the treasury, within sixty days from the passage hereof, all that remains unpaid of the principal, interest, costs and actual expenses of collection of said judgment, and all other dues to the commonwealth, for which said security may be liable: provided, that this act shall not be construed as releasing the said Samuel S. Turner, late sheriff of Franklin county, from the payment of any damages adjudged against him.

Security released

Conditions

Sheriff not released

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

Commencement

CHAP. 288.—An ACT for the relief of the Securities of James R. Courtney of Westmoreland County.

Passed February 20, 1861.

1. Be it enacted by the general assembly, that the auditor of public accounts is hereby authorized and directed to issue his warrant on the treasury of the commonwealth, to be paid out of any money in the treasury not otherwise appropriated, in favor of John T. Rice and John Critcher, for the damages by them paid into the treasury of the commonwealth as sureties of James R. Courtney, late sheriff of Westmoreland county, after deducting the actual expenses of collection: But the said securities shall not have the benefit of this act, unless within sixty days from the passage hereof, they pay into the treasury all that remains of the principal unpaid, interest, damages, costs and other dues to the commonwealth, for which the said securities may be liable: provided, however, that nothing herein contained shall be so construed as to release the said James R. Courtney from the payment of said damages.

Securities released from damages

Sheriff not released

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

Commencement

CHAP. 289.—An ACT for the relief of the Sureties of Thomas K. Davis, late Sheriff of Prince William County.

Passed March 18, 1861.

Securities
released from
damages

1. Be it enacted by the general assembly, that the sureties of Thomas K. Davis, late sheriff of Prince William county, for the years eighteen hundred and fifty-seven and eighteen hundred and fifty-eight, are hereby released from the payment of the damages on judgments in favor of the commonwealth against them as sureties, rendered by the circuit court of the city of Richmond. But the sureties shall not have the benefit of this act, unless they pay into the treasury, on or before the first day of December eighteen hundred and sixty-one, or sooner, if required by the auditor of public accounts, all that remains unpaid of the principal, interest, cost and actual expenses of collection of said judgments: provided, that this act shall not be construed as in any way releasing the said Thomas K. Davis, late sheriff of Prince William county, from the payment of any damages adjudged against him.

Conditions

Sheriff not
released

Commencement

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

CHAP. 290.—An ACT for the relief the Securities of Eugenius Tibbs, late Sheriff of the County of Ritchie.

Passed March 13, 1861.

Sureties
released from
damages

1. Be it enacted by the general assembly, that the securities of Eugenius Tibbs, late sheriff of Ritchie county, are hereby released from the payment of the damages on the judgment in favor of the commonwealth against them as such securities, heretofore rendered by the circuit court of the city of Richmond. But the said securities shall not have the benefit of this act, unless they pay into the treasury, within sixty days from the passage of this act, all that remains of the principal, interest, costs and actual expenses of collection of said judgment, and all other dues to the commonwealth for which said securities are liable: provided, that this act shall not be construed as releasing the said Tibbs, late sheriff of Ritchie county, from the payment of any damages adjudged against him.

Conditions

Sheriff not
released

Commencement

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

CHAP. 291.—An ACT for the relief of the Securities of Reese Browning, late Sheriff of Logan County.

Passed March 18, 1861.

Securities
released from
damages

1. Be it enacted by the general assembly, that the securities of Reese Browning, late sheriff of Logan county, be and they are

hereby released from the payment of the damages recovered against said Browning and his securities, by judgments of the circuit court of Richmond city in favor of the commonwealth: provided, however, that they pay or cause to be paid into the treasury of the state whatever balances are due to the state from said Browning as sheriff as aforesaid, within ninety days from the passage of this act. Nothing herein contained shall be so construed as to release the said securities from the payment of expenses incurred by the commonwealth in obtaining said judgments, or to release said Browning from the payment of the whole amount of said damages. Condition:

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

Commencement

CHAP. 292.—An ACT for the relief of the Sureties of Robert Chambers, Sheriff of Boone County.

Passed March 15, 1861.

1. Be it enacted by the general assembly, that the securities of Robert Chambers, late sheriff of Boone county, be and they are hereby released from the payment of any damages obtained against them or the said Chambers, late sheriff as aforesaid, in the circuit court of Richmond city, by reason of the failure of said Chambers, sheriff as aforesaid, to pay into the treasury of the state, portions of the revenue of said county for the year eighteen hundred and fifty-eight, in the time prescribed by law. The amount of damages thus released to be lessened by any expenses paid by the state in prosecuting or collecting the claim or claims of the state against said securities or said sheriff: provided, that any balance due from said sheriff shall be paid into the treasury within sixty days from the passage of this act. Securities released from damages

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

Commencement

CHAP. 293.—An ACT refunding to the Securities of William H. Blanch, late Sheriff of the County of Mecklenburg, certain damages paid by them.

Passed February 27, 1861.

1. Be it enacted by the general assembly, that the auditor of public accounts be and is hereby authorized to refund to the securities of William H. Blanch, late sheriff of Mecklenburg county, the damages on judgments in favor of the commonwealth against them as such securities, rendered by the circuit court of the city of Richmond for the years eighteen hundred and fifty-nine and eighteen Damages refunded

- Conditions hundred and sixty. But the said securities shall not have the benefit of this act, unless within sixty days from the passage hereof, they pay into the treasury all that remains unpaid of the principal, interest, costs and damages and actual expenses of collection of said judgments; and all other dues to the commonwealth, for which said securities are liable: provided, that this act shall not be construed as releasing the said William H. Blanch, late sheriff of Mecklenburg county, from the payment of any damages adjudged against him.
- Sheriff not released
- Commencement 2. This act shall be in force from its passage.

CHAP. 294.—An ACT for the relief of the Securities of Joshua H. Staats deceased, late Sheriff of the County of Jackson.

Passed March 1, 1861.

- Mode of settlement 1. Be it enacted by the general assembly, that the auditor of public accounts is hereby directed, in his settlement with the securities of Joshua H. Staats deceased, late sheriff of the county of Jackson, to remit to said securities all damages adjudged against them as such, deducting therefrom the costs and actual expenses of collection.
- Commencement 2. This act shall be in force from its passage.

CHAP. 295.—An ACT authorizing the payment of Forfeited Commissions and Damages to the Executor of Charles Holden deceased, late Sheriff of the County of Harrison.

Passed January 23, 1861.

- Commissions and damages to be refunded 1. Be it enacted by the general assembly, that the auditor of public accounts be and is hereby directed to issue his warrant on the treasury, payable out of any money therein not otherwise appropriated, in favor of Cruger W. Smith, executor of Charles Holden deceased, late sheriff of Harrison county, for the amount of forfeited commissions for failure to pay promptly the taxes assessed in the county of Harrison, in the years eighteen hundred and fifty-eight, eighteen hundred and fifty-nine and eighteen hundred and sixty, and for the amount of damages recovered in the year eighteen hundred and sixty by the commonwealth against the said Charles Holden and his sureties, which have been paid, less the costs and actual expenses of collection of said judgments.
- Commencement 2. This act shall be in force from its passage.

RESOLUTIONS.

No. 1.—Resolutions upon the subject of the Coercion of a State.

Adopted January 8, 1861.

1. Resolved by the general assembly of Virginia, that the Union How Union formed being formed by the assent of the sovereign states respectively, and being consistent only with freedom and the republican institutions guaranteed to each, cannot and ought not to be maintained by force.
2. That the government of the Union has no power to declare or make war against any of the states which have been its constituent members. No power to make or declare war
3. Resolved, that when any one or more of the states has determined, or shall determine, under existing circumstances, to withdraw from the Union, we are unalterably opposed to any attempt on the part of the federal government to coerce the same into reunion or submission, and that we will resist the same by all the means in our power. State will resist coercion

No. 2.—Joint Resolution concerning the position of Virginia in the event of the Dissolution of the Union.

Adopted January 21, 1861.

Resolved by the general assembly of Virginia, that if all efforts to reconcile the unhappy differences existing between the two sections of the country shall prove to be abortive, then, in the opinion of the general assembly, every consideration of honor and interest demands that Virginia shall unite her destiny with the slaveholding states of the south. Position of Virginia

No. 3.—Joint Resolutions inviting the other States to send Commissioners to meet Commissioners on the part of Virginia, and providing for the appointment of the same.

Adopted January 19, 1861.

Whereas it is the deliberate opinion of the general assembly of Virginia, that unless the unhappy controversy, which now divides Preamble

the states of this confederacy, shall be satisfactorily adjusted, a permanent dissolution of the Union is inevitable; and the general assembly, representing the wishes of the people of the commonwealth, is desirous of employing every reasonable means to avert so dire a calamity, and determined to make a final effort to restore the Union and the constitution, in the spirit in which they were established by the fathers of the republic: Therefore,

Invitation
extended to
other states

1. Resolved, that on behalf of the commonwealth of Virginia, an invitation is hereby extended to all such states, whether slaveholding or non-slaveholding, as are willing to unite with Virginia in an earnest effort to adjust the present unhappy controversies, in the spirit in which the constitution was originally formed, and consistently with its principles, so as to afford to the people of the slaveholding states adequate guarantees for the security of their rights, to appoint commissioners to meet on the fourth day of February next, in the city of Washington, similar commissioners appointed by Virginia, to consider, and if practicable, agree upon some suitable adjustment.

Commissioners
appointed

2. Resolved, that Ex-president John Tyler, William C. Rives, Judge John W. Brockenbrough, George W. Summers and James A. Seddon are hereby appointed commissioners, whose duty it shall be to repair to the city of Washington, on the day designated in the foregoing resolution, to meet such commissioners as may be appointed by any of the said states, in accordance with the foregoing resolution.

Amendments to
be submitted to
congress

3. Resolved, that if said commissioners, after full and free conference, shall agree upon any plan of adjustment requiring amendments of the federal constitution, for the further security of the rights of the people of the slaveholding states, they be requested to communicate the proposed amendments to congress, for the purpose of having the same submitted by that body, according to the forms of the constitution, to the several states for ratification.

Commissioners
to communicate
their proceed-
ings

4. Resolved, that if said commissioners cannot agree on such adjustment, or if agreeing, congress shall refuse to submit for ratification such amendments as may be proposed, then the commissioners of this state shall immediately communicate the result to the executive of this commonwealth, to be by him laid before the convention of the people of Virginia and the general assembly: provided, that the said commissioners be subject at all times to the control of the general assembly, or if in session, to that of the state convention.

Crittenden's
amendment

5. Resolved, that in the opinion of the general assembly of Virginia, the propositions embraced in the resolutions presented to the senate of the United States by the Hon. John J. Crittenden, so modified as that the first article proposed as an amendment to the constitution of the United States shall apply to all the territory of the

United States now held or hereafter acquired south of latitude thirty-six degrees and thirty minutes, and provide that slavery of the African race shall be effectually protected as property therein during the continuance of the territorial government, and the fourth article shall secure to the owners of slaves the right of transit with their slaves between and through the non-slaveholding states and territories, constitute the basis of such an adjustment of the unhappy controversy which now divides the states of this confederacy, as would be accepted by the people of this commonwealth.

6. Resolved, that Ex-president John Tyler is hereby appointed Commissioner to president To seceded states by the concurrent vote of each branch of the general assembly, a commissioner to the president of the United States, and Judge John Robertson is hereby appointed, by a like vote, a commissioner to the state of South Carolina, and the other states that have seceded, or shall secede, with instructions respectfully to request the president of the United States and the authorities of such states to agree to abstain, pending the proceedings contemplated by the action of this general assembly, from any and all acts calculated to produce a collision of arms between the states and the government of the United States.

7. Resolved, that copies of the foregoing resolutions be forthwith telegraphed to the executives of the several states, and also to the president of the United States, and that the governor be requested to inform, without delay, the commissioners of their appointment by the foregoing resolutions. Governor to inform commissioners. &c

No. 4.—Joint Resolution in regard to the movement of Troops and Arms within the limits of this Commonwealth, by the General Government.

Adopted April 1, 1861.

Whereas the people of Virginia, in convention assembled, are now Preamble deliberating as to their future relations with the government at Washington, D. C., and the non-slaveholding states of the confederacy, known as the United States of North America: And whereas the general assembly of Virginia (at present sitting), and the governor of this commonwealth have declared their opposition to the exercise of force against the slaveholding seceding states, and to the organization in, or the marching through our territory of military expeditions for that purpose: And whereas, in the present unsettled condition of our inter-state and federal relations, it is the highest obligation of duty on all public functionaries to watch vigilantly, and prevent or thwart every hostile movement either against the seceded states or those that may be supposed to sympathize with them: And whereas it has come to the knowledge of this legislature that a large number

of heavy guns manufactured at Bellona foundry near the capital of Virginia, under an order of the ordnance department at Washington. D. C., have been ordered to Fortress Monroe, where they can only be needed for the purpose of intimidation and menace to Virginia at present, and of actual hostilities in a certain contingency that may change her future relations to the federal government, and the anti-slavery sentiment it represents :

Governor to
seize and detain
guns

1. Be it resolved by the general assembly, that the governor of this commonwealth be authorized and he is hereby directed, in case of the actual attempt of the federal authorities to transport said guns over the soil of Virginia, to seize and detain said guns for the use of this commonwealth; and to that end to order out the Public Guard to arrest the contemplated removal of the guns beyond the reach and control of the government of this state.

Resolution as to
guns

2. Resolved further, that the governor be and he is hereby authorized and required, out of the money appropriated for the purchase of arms, at the present session of the general assembly, by an act passed on the twenty-ninth day of January eighteen hundred and sixty-one, entitled an act appropriating one million of dollars for the defence of the commonwealth, to pay to Dr. Junius L. Archer the amount due him, viz: seven thousand eight hundred and seventy-two dollars and forty-seven cents, on his contract for the manufacture of said guns, and to the government at Washington the sum of thirteen thousand and twenty-four dollars, which said government has paid to said Archer on account of his said contract: and the governor shall require the superintendent of the armory at Richmond to take possession of said guns, and deposit them therein for safe keeping.

No. 5.—Resolution for the correction of a discrepancy between the body and title of an act incorporating the Petersburg Savings and Insurance Company.

Adopted March 11, 1861.

Discrepancy
corrected

1. Be it resolved by the general assembly of Virginia, that wherever discrepancy occurs between the body and title of an act incorporating the Petersburg savings and insurance company, passed March sixteenth, eighteen hundred and sixty, the same is ordered to be corrected by the committees on enrolled bills, so as to make the name of the said company in the body of the act conform to the title of the same.

Acts, &c. valid

2. And be it further resolved, that all acts and contracts made and entered into by the said company be and are hereby declared to be as valid and binding upon the said company and between the said

company and other parties, as if the same had been entered into under the name and style of the Petersburg southern insurance company.

No. 6.—Resolution authorizing pay to Commissioners appointed to audit and pay expenses incurred by the Invasion at Harpers Ferry, for services rendered by them.

Adopted April 4, 1861.

Resolved by the general assembly, that the auditor of public accounts shall be and he is hereby authorized to pay out of the appropriation heretofore made, for the expenses incurred by the invasion of the state at Harpers Ferry, the sum of two hundred and fifty dollars to each of the commissioners appointed to audit and settle claims for said expenses, as compensation for their services.

Amount appropriated

No. 7.—Resolution to grant to Angus W. McDonald exclusive right of publishing certain Manuscripts obtained by him from England.

Adopted March 28, 1861.

Resolved by the general assembly of Virginia, that Colonel Angus W. McDonald shall have the exclusive right and privilege of printing and publishing such portion of the manuscripts obtained by him from England, and mentioned in his report to the governor of this commonwealth, of date the third day of February eighteen hundred and sixty-one, and communicated by the governor to this general assembly, as he may deem proper: but this resolution may be rescinded, and the authority hereby given revoked, at the pleasure of the general assembly.

Exclusive right to A. W. McDonald

No. 8.—Joint Resolution for the relief of the Contractors on the Covington and Ohio Rail Road.

Adopted April 3, 1861.

Whereas the present state of affairs has occasioned embarrassment to the contractors on the Covington and Ohio rail road, that will prevent many if not all of them from executing their contracts, unless some relief is afforded: And whereas the failure on the part of said contractors to execute their work will occasion great loss to the state: And whereas all the existing embarrassments were not contemplated by either of the parties to said contracts when the same were entered into:

Preamble

Amount con-
tract price may
be increased

Be it resolved by the general assembly, that in consideration of the said embarrassments, the Board of public works, in its character as the Covington and Ohio rail road company, be and are hereby authorized to increase the prices of the aforesaid contractors, for all work to be done prior to the first day of January eighteen hundred and sixty-two, and subsequent to the passage of this resolution, to such extent as the said board shall consider just and equitable: provided, however, that such increase upon the said work to any contractor shall not exceed ten per cent. upon the amount payable therefor at the contract prices: and provided also, that the said increase shall constitute a part of, and be paid out of existing appropriations to the Covington and Ohio rail road.

Provisoes

No. 9.—Joint Resolution relative to the Sale of Muskets.

Adopted April 4, 1861.

Duty of
attorney general

As to contract
with J. R. An-
derson & Co

Resolved by the general assembly, that the attorney general be and he is hereby instructed to enquire into the authority under which the contract was made with Joseph R. Anderson & Co. for the sale of arms, on the twenty-third day of August, eighteen hundred and sixty, and the validity thereof; and that he report to the general assembly, at the next session, and to the governor as soon as practicable; and if such opinion shall be against the authority to have made such contract, the governor shall not make any further or other delivery of the arms to said Anderson.

No. 10.—Resolutions in relation to a Line of Steamers.

Adopted March 30, 1861.

Preamble

Whereas the general assembly of Virginia has learned with great satisfaction, interest and solicitude, that M. Periere & Brothers, bankers of Paris, France, have in contemplation the establishment of a line of first class steamers between Paris, France, and some port in the United States: And whereas the government of France has agreed to subsidize the proposed line by the sum of nine hundred thousand dollars per annum, thereby manifesting its interest in the success of the same: And whereas the commercial independence and proper development of the resources of Virginia and of her sister southern states, especially North Carolina, Tennessee, Mississippi, Kentucky and Maryland, who have at the cost of millions, perfected systems of railway and canal connecting those states, the

valley of the Ohio and the Mississippi with the Chesapeake, are materially dependent upon direct trade: Therefore,

1. Resolved as the sense of the general assembly of Virginia, Duty of state that it is the duty of this state, as we believe will likewise appear to be the duty of our sister states herein before referred to, to welcome and encourage M. Periere & Brothers with their proposed line of steamers to the waters of Virginia.

2. That it behooves our internal improvement companies and Internal im-
provement com-
panies and cities cities of Virginia to employ their best efforts jointly in securing the line of steamers at Norfolk, or some other terminal point in the waters of the Chesapeake.

3. That these resolutions shall be sent to the respective legisla- Resolutions
to be sent tures of North Carolina, Tennessee, Kentucky, Mississippi and Maryland, asking their respective consideration of the same, and also to the house of M. Periere & Brothers, bankers, Paris, France.

No. 11.—Joint Resolution concerning Delinquent Taxes of the year 1860.

Adopted March 11, 1861.

Whereas it is apparent to the general assembly, that it is difficult, Preamble even with the use of all due diligence, to meet the requirements of the law as to the payment of the revenue into the treasury; and with the view only of affording the relief which seems to be justified by the present extraordinary occasion:

Resolved by the general assembly, that the sheriffs of this com- Revenue, when
payable monwealth who pay all the revenue now due for the assessments of revenue of eighteen hundred and sixty, and that portion to become due the fifteenth of the present month, by the first of April next, shall be entitled to be allowed full commissions of five per cent. by the auditor of public accounts: provided, that interest shall be charged on that part of the revenue due the fifteenth of December last until paid. In any settlement with sheriffs against whom judgments have Damages, how
released been rendered for the taxes of eighteen hundred and sixty, the said auditor shall remit all damages, except so much only as may be necessary to pay expenses of the collection of said judgments: provided, that said taxes are paid prior to the first day of April next. Sheriffs shall have the number of days now allowed them for traveling, after the first of April, to make such payment.

No. 12.—Resolution authorizing the Governor to employ the Convicts in the Penitentiary in improving its Buildings.

Adopted April 4, 1861.

Convicts, how
to be employed
on buildings

Resolved by the general assembly, that the governor be and he is hereby authorized and directed to cause the inmates of the penitentiary to be employed in improving the penitentiary buildings, by enlargement or otherwise, so far as the same can be done consistently with the manufacturing interest of the institution; and that the governor also be requested to apply the proceeds of the labor of convicts to aid in conducting operations of the penitentiary.

SEPARATE ELECTION PRECINCTS.

Accomack—Court-house; Chingoteague; New Church; Corbin and Fletcher's; Mapp's; Guilford; Newstown; Onancock; Pungoteague.

Albemarle—Court-house; Lindsay's Turnout; Everett'sville; Stony Point; Earleysville; Blackwell's; Free Union; Whitehall; Woodville; Batesville; Hillsborough; Crossroads; Covesville; Porter's; Warren; Wingfield's; Milton; Scottsville; Monticello House; Howardsville.

Alexandria—Five districts—identical with magisterial districts.

Alleghany—Court-house; Robert Sken's Hotel; John O. Taylor's; George Stull's; Clifton Forge; Jabez Johnston's; Griffith's Mill; Fork Run.

Amelia—At the same place as magisterial elections.

Amherst—New Glasgow; New Hope; Oronoco; Chestnut Grove; Folly; Temperance; Pedlar Mills; Elon; Court-house; Buffalo Springs.

Appomattox—Court-house; Union Academy; Wesley Chapel; Hammer's; Spout Spring; Oakville.

Augusta—Court-house; Waynesborough; Middlebrook; Spring Hill; Mt. Meridian; Greensville; District No. 2, Staunton; Mt. Sidney; Stuart's Draft; Fishersville; Churchville; New Hope; Craigs ville; Deerfield; Mt. Solon; Swoop's Mill; Midway; Newport.

Barbour—Court-house; Burner's; Nutter's; Bartlett's; Mitchell's; Yeager's; Gladly Creek; Holtsberry's; Coal Precinct.

Bath—Court-house; Cedar Creek; Hamilton's; Cleek's Mill; Williamsville; Milton; Green Valley.

Berkeley—Court-house; Billings' Hotel; Mill Creek; Hedgesville; Falling Waters; Robinson's Mill; Gerrardstown; Oak Grove; Glen Spring; Crossroads.

Boone—Court-house; Adkins' on Mud river; Adkins' on Big Coal; Lawrence's; Curtiss'; Daniel Laurel's; Thompson's Mill; Miller's.

Botetourt—Court-house; Mountain Union; Carver's; Buchanan; Rocky Point Mills; Jackson; Junction Store; Dibrell's Spring; Amsterdam.

Braxton—Court-house; Triplett's; Rilney's; Cool's; John Crite's former Residence; Christian Moda's former Residence; Haymond's Mill; Cunningham's; Saulsberry; Stencstreet; Jacob P. Conrad's.

Brooke—At same places as magisterial elections; Goodwill School-house.

Brunswick—Court-house; Benton Precinct; Trotty's Store; Oak Grove; Lucy's Store; Smoky Ordinary; Nicholson's Precinct.

Buckingham—Court-house; Stanton's Shop; New Store; Wright's; Curdsville; Allen's

Cabell—Court-house; Guyandotte; Laidley's Store; Spurlock's; Doolittle's Mill; Barrett's Precinct; McComas'; Falls of Guyandotte; Killgore's Precinct; Peter Buffington's.

Campbell—Places the same as for magisterial elections.

Caroline—Court-house; Reedy Church; Oakley's; Needwood; Sparta; Pitts'; Port Royal; Sycamore; Golansville; Madison's.

Carroll—Court-house; Polly Quesenberry's; Thomas Quesenberry's; Laurel Fork; Kinney's; Easter's; Newman's; Sulphur Springs; Richard Haynes'; Nathaniel Haynes'.

Charles City—Court-house; Delarue's; Ladd's; Waddell's; Apperson's; Vaiden's.

Charlotte—Court-house; Keysville; Smith's Tavern; Clement's; Wyliesburg; Roby's Shop; Hawrey's Store; Matthews & Smith's Store.

Chesterfield—Court-house; Britton's Shop; Shell's Tavern; Manchester; Robinson's Store; Clover Hill.

Clarke—Court-house; Russell's Tavern; White Post; Millwood; Royston's Tavern; Collier's Toll-gate.

Craig—Court-house; Carper's Tavern; Walker's Store; Scott's Tavern; Martin Huffman's; George Sarver's.

Culpeper—Court-house; Rixyville; Colvin's; Stevensburg; Pottsville; Gathright's; Wellsborough; Griffinsburg.

Cumberland—Court-house; Tavern Precinct; Oak Forest; Irwin's.

Dimeiddic—Court-house; Billups'; Goodwynsville; Williams' Shop; Darvill's; Williams'; Sutherland's.

Doddridge—Court-house; Allen's; Bond's; Key's; Davis'.

Elizabeth City—Court-house; Liveley's Ordinary; Fox Hill.

Essex—Court-house; Occupation; Lloyd's; Miller's; Bestland; Centre Cross.

Fairfax—Court-house; Crossroads; Arundel's; Sangster; Ross'; Dranesville; Anandale; West End; Accotink; Centreville; Falls Church; Fars; Bayless; Pulman's.

Fauquier—Court-house; Plains; Salem; White Ridge; Farrowville; Orleans; Liberty; Morrisville; Paris; New Baltimore; Rectortown; Weaversville; Upperville.

Fayette—Court-house; Blake's; Gauley Bridge; Fleshman's; Lewis'; Keeney's; Terry's; Coleman's.

Fluranna—Court-house; Howard's Store; Columbia; Morris' Store; Kent's Store; Haden's Store; Bashun and Sneed's; Bledsoe's; Union Grove.

Franklin—Court-house; Allen's; Union Hall; Booth's Store; McVey's Tanyard; Helm's; Dickerson's; Kinsey's; Richland Grove; Bush's Store; Sydnersville; Snow Creek; Aldridge's Store.

Frederick—Court-house; Engine-house; Gwinn's Tavern; Hoover's Tavern; Newtown; Middletown; Russell's; Anderson's; Bructown; Swhier's; Cole's School-house; Pugh-town.

Giles—At the same places as magisterial elections; Howe's Hotel.

Gilmer—Court-house; Jerklund; Burke's; Widow Stumps; De Kalb's; Peregrine Hays'; Knott's; Hewett's; Troy.

Goochland—Court-house; Little Store; Perkinsville; Smith's Shop; Mills'; Holland's; Poor's; Jennings'.

Gloucester—Places the same as for magisterial elections.

Greenbrier—Court-house; Blue Sulphur Springs; Lick Creek; Anthony's Creek; Spring Creek; Southside; Lewisburg; White Sulphur; Miller's; Irish Corner; Williamsburg; Frankfort.

Greene—Court-house; Ruckersville; Terrill Shiflett's; McMullansville.

Greensville—Court-house; Ryland's Depot; Blunt's Mill; Poplar Mount.

Halifax—Court-house; Meadesville; Mount Carmel; Halifax Springs; High Hill; Hudson's; Garrett's Store; Whiteville; Republican Grove; Brooklyn.

Hampshire—Court-house; John Liller's; Miers'; Burlington; Taylor's; Doyles'; Thompson's; Lupton's; Kisner's; Lovett's; Mrs. Offutt's; Stump's; Fority; Sherrard's School-house; Hash's; Blair's; Arnold's; Piedmont.

Hancock—Court-house; Holliday's Cove; New Manchester; Aton's School-house.

Hanover—Court-house; Hughes'; Jones' Crossroads; Negrofoot; Dentonsville; Cold Harbor; Ashland.

Harrison—Court-house; Shinnston; Union Meeting-house; West Milford; Lumberport; Bridgeport; Davis'; Lynch's; Sardis; Swisher's Mills.

Henrico—Court-house; Kidd's; Sweeney's; Alley's; Lovingsteine's; Dickman's; Hughes'; Walkerton; Hungary.

Henry—Court-house; Rough and Ready; Irisburg; Oak Level; Leatherwood; Ridgeway; Horse Pasture.

Highland—Monterey; Ruckmansville; Wiley's; Crab Bottom; Doe Hill; McDowell; Pullins' School-house; Gwin's.

Jackson—Ripley; Click's; Jones'; Range's; California; Depue's; Three forks of Reedy; Trumansville; Ravenswood; Squire Slaven's; Murrayville; Moor's Mill; McGrew's Mill.

James City—Court-house; Burnt Ordinary; York River.

Jefferson—Eight districts—Places the same as for magisterial elections.

Kanawha—Court-house; Fleetwood's; Richards'; Bradley Low's; Atkinson's Mill; Altz's; Couts' Mouth; Dog Creek; Givens'; Malden; Fork Coal; Harper's; Gatewood's; Mouth Sandy; Brooks' Store.

King George—Court-house; Hampstead; Clifton; Shiloh.

King & Queen—Court-house; Clark's Store; Stevensville; Newtown; Centreville.

King William—Court-house; Plain Dealing; Aylett's; Lanesville.

Lancaster—Court-house; Litwalton; Kilmanock; White Stone.

Lewis—Court-house; McLaughlin's Store; Jane Lew; Freeman's Creek; Skin Creek; Hall's Store; Leading Creek; Collins' Settlement.

Logan—Same places as for magisterial elections.

Loudoun—Court-house; Waterford; Lovettsville; Hillsborough; Waters'; Purcell's Store; Snickersville; Union; Middleburg; Mt. Gilead; Gum Spring; Whaley's; Goresville.

Louisa—Court-house; Free Union; Hopkins' Mill; Trevilian's; Bell's Crossroads; Walton's Tavern; Terrell's Store; Parrish's Store; Frederickshall; Bumpass' Turnout; Thompson's Crossroads; Isbell's Store; Hope's Tavern; Gentry's Store; Cosby's Tavern.

Lunenburg—Court-house; Brown's Store; Pleasant Grove; Knight and Oliver's Mill; Lochlomond; Bagley's Store; Jordan's Store.

Madison—Court-house; Stony Hill; Criglersville; Huffman's Mill; Graves' Mill; Rapidan Meeting-house; Fleshman's Shop; Locust Dale.

Marion—Places the same as those for magisterial elections, and at Glover's Gap.

Marshall—Court-house; Pleasant Hill; Jones' Hotel; Bleak's School-house; Parsons' Precinct; Mouth of Fish Creek; Sand Hill; Crossroads; Smart's School-house; Burley's; Terrill's School-house; Big Run; Fair View; Linn Camp.

Mason—Court-house; Berrige Precinct; Love Precinct; Barnett Precinct; West Columbia; Nesso Precinct; Eighteen Mile Precinct; Grigg's; Sixteen Mile Precinct; Thirteen Mile Precinct.

Mathews—Same places as for magisterial elections.

Mecklenburg—Court-house; Jones'; Edmundson's; Clurkesville; Recke's; Overby's; Wright's; Harwell's; Christiansville; Gillespie's.

Middlesex—Jamaica; Saludo; Sandy Bottom.

Monongalia—Court-house; Guseman's; Jones'; Osburn's; Ross'; Lofter's; Cassville; Cristiman's; Laurel Point; Cox's; Moore's River; Tenant's; Dowall's; Warren.

Monroe—Court-house; Dickson's; Miller's Store; Rollinsburg; Mrs. Peck's; Red Sulphur; Haynes'; Centreville.

Montgomery—Court-house; Guerrant's; Peterman's; Price's Forks; Keister's; Crumpacker's; Lafayette; Kent and McConkey's; Rough and Ready; Lovely Mount.

Morgan—Court-house; Lowe's; Baker's; Unger's; Hume's; Swann's; Miller's.

Nansemond—Court-house; Hargrove's Tavern; Harrison's Shop; Holyneck; Chuckatuck; Somerton; Darden's Store; Cypress Chapel.

Nelson—Fortune's; New Market; Faber's Mill; Greenfield; Massie's Mill; Roberts'.

New Kent—Court-house; Burhamsville; Chandler's Store; Ratcliff's Tavern.

Nicholas—Court-house; Taylor's; Brown's; Neil's; Dunbar's; Nutter's; Sawyer's; Pierson's.

Norfolk City—Four Wards.

Norfolk County—Court-house; Glebe School-house; Syeamore's; Deep Creek; School-house District No. 2; School-house in Providence; Pleasant Grove School-house; Butts' Road School-house.

Northampton—Court-house; Bay View; Franktown; Johnsontown; Capeville.

Northumberland—Court-house; Lottsburg; Burgess' Store; Wicomico.

Nottoway—Court-house; Jennings' Ordinary; Wilson and Jones'; Blackfare.

Orange—Court-house; Barboursville; Thomas Smith's; Thomas Rhoades'; Locust Grove.

Page—Court-house; Honeyville; Oakham; George Price's Mill; Springfield; Mohler's Mill; Rileysville; Prunty's Mill.

Patrick—Court-house; Robertson's; Aldridge's and Lee's; Penn's Store; Carter's Store; Hancock's; Elamsville; Slusher's; Connor's; Shilor's; Gates'; Mankin's.

Pendleton—Franklin; Harper's; Kiser's; Vint's; Cowyer's Mill; Mallow's; Seneca; Cireleville.

Petersburg—Centre Ward; East Ward; South Ward; West Ward.

Pittsylvania—Court-house; Danville; Spring Garden; Whitmell; Cascade; Smith's; Beaver's; Riceville; Rorer's; Strail's Store; White's; Laurel Grove; Chalk Level; Mooman's.

Plasants—Court-house; Spring Run; Sugar Creek; Pine Grove; Hale's Mill.

Pocahontas—Four districts—Places of election the same as for magistrates.

Powhatan—Court-house; Clarke's Mill; Macon; Sublett's.

Preston—Brandonville; Miller's; Burnel's; Feather's; Summit School-house; Germany; Graham's; Huddlesin's; Kingwood; Martin's; Independence; Evansville; Nine's; Funk's.

Princess Anne—Court-house; Kempsville; London Bridge; Capp's Shop; Creed's Bridge; Blackwater.

Prince Edward—Court-house; Marble Hill; Spring Creek; Prospect; Farnville; Sandy River.

Prince George—Court-house; City Point; Lilley's School-house; Tuttle's Precinct; Harrison's Store; Templeton.

Prince William—Dumfries; Cole's; Ocoquan; Reeve's; Brentsville; Kinchelton's; Haymarket; Ludley.

Pulaski—Court-house; Brown's; Galbreath's; Ruper's; Thorn Spring Camp.

Putnam—Court-house; Bailey's; Pocatlico; Alexander's; Red House; Jones'; Hurricane Bridge; Wheeler's; Buffalo; Eighteen Mile Precinct.

Raleigh—Same places as magisterial elections.

Randolph—Court-house; Pennington's; Minear's; Taylor's; Kemp's; Lee.

Rappahannock—Washington; Sperryville; Yates'; Amissville; Catherine Deatheridge.

Richmond City—Jefferson Ward; Madison Ward; Monroe Ward.

Richmond County—Court-house; Stony Hill; Tavern-house; Farnham Church; Lyell's Store.

Ritchie—Harrisville; Skelton's; Leedan's; Ireland's; Deems'; Rawson's; Tebbs'; Murphy's.

Roanoke—Court-house; Big Lick; Cave Spring; Barnett's.

Rockbridge—Court-house; Brownsburg; Fairfield; Natural Bridge; Colliertown; Kerr's Creek; Trevey's; Hamilton's School-house; Paxton's School-house; Wilson's Shop; Broad Creek; Goshen.

Rockingham—Harrisonburg; Keezletown; McGaheysville; Conrad's Store; Spartapolis; Henton's Mills; Gordon's Store; Bowman's Mill; Timberville; Menonite School-house; Bridgewater; Ottobine; Wittig's Store; Sprinkle's Store; Taliaferro's Store; Port Republic; Mount Crawford; Samuel Coots'.

Russell—Court-house; Grizzle's; Pound; Holly Creek; Guest's Mountain; Castlewood's; Fugate's; Hanson's; Aston's Store; Cook's Mills; Dorton's; Baylor's Store; Gibson's; Hendrick's Store.

Scott—Court-house; Wineger's; Hart's; Smith's; Pulleng's; Nickelsville; Alley's; Osborne's Ford; Stony Creek; Peters'; Rye Cove; Carter's; Neil's; Roller's.

Shenandoah—Court-house; Strasburg; Crossroads Meeting-house; Conner's Church; Town Hall; Keller's School-house; Edinburg; Columbia Furnace; Mount Jackson; Crossroads School-house; New Market; Forrestville.

Smyth—Court-house; Broad Ford; Hays'; Sanders'; St. Clair's Bottom; Burton's Store; Ashlin's; Atkins'.

Spotsylvania—Court-house; Fredericksburg; Mount Pleasant; Andrews'; Chancellor's.

Stafford—Court-house; White Oak; Master's; Tackett's Mill; Falmouth; Coakley's; Harwood's; Acquia.

Southampton—Court-house; Drewrysville; Crosskeys; Joyner's; Murfee's; Black Creek Church; Berlin; Faison's Store.

Surry—Four districts—At the same places as for election of magistrates.

Sussex—Court-house; Comann's Mill; Henry; Stony Creek; Newville; Owen's Store.

Taylor—Court-house; Mahaney; Reed's; Claysville; Knottsville; Haymond's; Fetterman; Grafton.

Tazewell—Court-house; Repass; Tiffany's; Mouth of Slate; Gibson's; Crabtree's; Litzeville; Liberty Hill; Tugg.

Tyler—Court-house; Centreville; David John's; Hammond's; Underwood's; Dancer's; Sistersville; Pleasant Mills.

Upshur—Court-house; Reedy Mills; Simpson's Mill; Posty; Marples; Marshall's; Chesney's.

Warren—Court-house; Boyd's Mill; Bentonville; Leary's School-house; Cedarville; Howellsville.

Warwick—Three precincts—The same as for election of magistrates.

Washington—Court-house; Clark's; Davis'; Waterman's; Merchant's; Gobble's; Mills'; Worley's; Williams'; Morell's; Fullen's School-house; Clark's; Kelly's School-house; Delusko Mills; Ons'; Miller's; Good Hope; Green Spring.

Wayne—William Crum's. (No other returned.)

Westmoreland—Court-house; Hagne; Warrensville; Oak Grove.

Wetzel—Court-house; Forks of Proctor; Knob Fork; Church's; Cohorn's; Ice's Willey's School-house.

Williamsburg—Court-house.

Wirt—Court-house; Foster's; Petty's.

Wood—Precincts at the same place as election for magistrates.

Wyoming—Court-house; Gad's; Rhineheart's; McKinney's; Bailey's; Lester's.

Wythe—Eight districts—Precincts at same places as for election of magistrates.

York—Three districts—Precincts at the same places as for election of magistrates.

RECEIPTS AND DISBURSEMENTS.

| | | | | |
|---|---|---|---------------------|---------------------|
| Balance in the treasury Oct. 1, 1859, | ✓ | - | | 222,883 00 |
| To the credit of the commonwealth, | - | - | 104,013 36 | |
| " " Literary fund, | - | - | 42,519 69 | |
| " " Board of public works, | - | - | 9,217 23 | |
| " " Sinking fund, | - | - | <u>67,137 72</u> | |
| | | | | 222,883 00 |
| Received from Oct. 1, 1859, to Sept. 30, 1860: | | | | |
| On account of the commonwealth, | - | - | 4,182,510 27 | |
| " " Literary fund, | - | - | 405,518 06 | |
| " " Board of public works, | - | - | 1,890,417 13 | |
| " " Sinking fund, | - | - | <u>2,232,409 99</u> | |
| | | | | 8,710,855 45 |
| | | | | <u>8,933,743 45</u> |
| Disbursed from Oct. 1, 1859, to Sept. 30, 1860: | | | | |
| On account of the commonwealth, | - | - | 4,147,218 45 | |
| " " Literary fund, | - | - | 382,577 82 | |
| " " Board of public works, | - | - | 1,835,002 23 | |
| " " Sinking fund, | - | - | <u>2,248,636 29</u> | |
| | | | | 8,679,434 79 |
| Balance on hand Oct. 1, 1860, | - | - | | 254,308 66 |
| To the credit of the commonwealth, | - | - | 139,305 18 | |
| " " Literary fund, | - | - | 59,459 93 | |
| " " Board of public works, | - | - | 4,632 13 | |
| " " Sinking fund, | - | - | <u>50,911 42</u> | |
| | | | | <u>\$254,308 66</u> |

TABLE

Showing the Times for the Commencement of the Regular Terms of each Circuit, County and Corporation Court.

| Counties and corporations. | Circuit courts. When terms commence. | County and corporation courts. Monthly terms. | County and corporation courts. Quarterly terms. |
|----------------------------|--|--|---|
| | <i>Circuits.</i> | | |
| Accomack, | 5. 1st Monday in May and 1st day of November, | Last Monday, | March, May, August, Novem. |
| Albemarle, | 10. 2d Monday in May and Oct. | First Monday, | Do. June, do. do. |
| Alexandria, | 9. 3d Monday in May and 2d Monday in November, | Fourth Monday, | Feb'y, May, do. do. |
| Alleghany, | 14. 9th of April and September, | Third Monday, | March, June, do. do. |
| Amelia, | 2. 25th April and 20th October, | Fourth Thursday, | Do. May, do. do. |
| Amherst, | 10. 29d of March and August, | Third Monday, | Do. June, do. do. |
| Appomattox, | 3. 21st April and September, | Thursday after 1st Monday, | Do. May, do. do. |
| Angusta, | 11. 1st June and 1st November, | Fourth Monday, | Do. do. do. October. |
| Barbour, | 21. 8th May and October, | First Monday, | Do. June, do. Novem. |
| Bath, | 11. 15th May and October, | Second Monday, | Do. do. do. do. |
| Bedford, | 4. 25th April and September, | Fourth Monday, | Feb'y, May, July, do. |
| Berkeley, | 13. 24th April and September, | Second Monday, | March, June, August, do. |
| Boone, | 15. 2d Monday after 4th Monday in April and September, | Wednesday after 2d Monday, | Do. do. do. do. |
| Botetourt, | 14. 26th May and October, | Second Monday, | Do. do. do. do. |
| Braxton, | 19. 27th April and September, | First Tuesday, | Do. do. do. do. |
| Brooke, | 20. 18th March and August, | Last Monday, | Feb'y, May, July, do. |
| Brunswick, | 2. 27th March and 2d of Oct. | Fourth Monday, | March, do. August, do. |
| Buckingham, | 3. 5th April and September, | Second Monday, | Do. do. do. do. |
| Cabell, | 18. 27th March and August, | Fourth Monday, | Do. June, do. do. |
| Calhoun, | 19. 12th April and September, | First Tuesday after 4th Monday, | Do. do. do. do. |
| Campbell, | 3. 18th May and October, | Second Monday, | Do. do. do. do. |
| Caroline, | 8. 1st March and 18th Sept. | Second Monday, | Feb'y, May, do. do. |
| Carroll, | 16. Monday before last Monday in March and August, | First Monday, | (To take effect June 1, 1861.) |
| Charles City, | 6. 18th May and November, | Third Thursday, | March, June, Aug't, Novem. |
| Charlotte, | 3. 25th March and August, | First Monday, | Do. May, do. do. |
| Chesterfield, | 2. 7th May and 12th Novem'r, | Second Monday, | Do. June, do. do. |
| Clarke, | 13. 12th May and October, | Second Monday in June and 4th in other months, | Do. do. do. do. |
| Clay, | 15. 1st April and September, | Second Monday, | Feb'y, May, July, October. |
| Craig, | 14. Tuesday after 1st Monday in March and August, | Fourth Monday, | March, June, Aug't, Novem. |
| Culpeper, | 10. 1st Monday June and Nov. | Third Monday, | Do. do. do. do. |
| Cumberland, | 3. 5th March and August, | Fourth Monday, | Do. May, do. do. |
| Danville, | 3. 22d March and August, | Thursday after 2d Monday, | Feb'y, do. July, October. |
| Dinwiddie, | 2. 20th March 26th September, | Third Monday, | March, June, Aug't, Novem. |
| Doddridge, | 19. 22d May and October, | Fourth Monday, | Do. May, do. do. |
| Elizabeth City, | 6. 15th March and September, | Fourth Thursday, | Do. June, do. do. |
| Essex, | 8. 25th April and 12th Nov. | Third Monday, | Do. May, do. do. |
| Fairfax, | 9. 1st Monday June and Nov. | Third Monday, | Do. do. do. do. |
| Fauquier, | 9. Tuesday after 1st Monday in April and September, | Third Monday, | Do. June, do. do. |
| Fayette, | 15. 7th June and November, | Fourth Monday, | Do. May, do. do. |
| Floyd, | 16. 1st Monday April and Sept. | Thursday after 2d Tuesday, | Do. do. do. do. |
| Fluvanna, | 10. 10th April and September, | Thursday after 3d Monday, | Do. do. do. do. |
| Franklin, | 4. 15th May and October, | Fourth Monday, | Do. May, do. do. |
| Frederick, | 13. 10th June and November, | First Monday, | Do. June, do. do. |
| Fredericksburg, | - - - | Monday before 1st Tuesday, | Do. do. do. do. |
| Giles, | 15. 20th May and October, | Second Thursday, | Do. do. Oct'r, Decem. |
| Gilmer, | 19. 19th April and September, | Second Monday, | Do. do. Aug't, Novem. |
| Gloucester, | 6. 13th April and October, | Tuesday after 3d Monday, | Feb'y, do. do. do. |
| Goocland, | 10. 1st April and September, | First Monday, | March, May, do. do. |
| Grayson, | 16. 4th Monday April and Sept. | Third Monday, | Do. do. do. do. |
| Greenbrier, | 14. 8th May and October | Fourth Monday, | Feb'y, do. July, do. |
| Greene, | 10. 3d Monday June and Nov. | Fourth Monday, | March, June, Aug't, Novem. |
| | | Wednesday after 2d Monday, | Do. do. do. do. |

| Counties and corporations. | Circuit courts. When terms commence. | County and corporation courts. Monthly terms. | County and corporation courts. Quarterly terms. |
|---|---|---|--|
| | <i>Circuits.</i> | | |
| Greensville, Hullfax, Hampshire, Hancock, | 1. 28th April and 2d Nov'r, 3. 1st day of May and Oct. 13. 1st April and September, 20. 10th March and August, | First Monday, Fourth Monday, Fourth Monday, Tuesday after 2d Monday, | March, May, Aug't, October. Do. June, do. Novem. Do. do. do. do. |
| Hanover, Harrison, Hardy, | 8. 10th March and 26th Sept. 21. 15th April and September, 12. 20th April and September, | Fourth Tuesday, First Monday, Monday before 1st Tuesday, | Jan'y, April, June, October. Feb'y, do. July, Novem. March, June, Aug't, do. |
| Henrico, Henry, Highland, | 6. 23d April and October, 4. 1st April and September, 12. 2d May and October, | First Monday, Second Monday, Thursday after 3d Monday, | Do. do. do. do. Do. May, do. do. Do. June, do. do. |
| Isle of Wight, Jackson, James City and Williamsburg, Jefferson, | 1. 16th May and 18th October, 18. 2d May and October, 6. 25th May and November, 13. 20th May and October, | First Monday, Second Monday, Second Monday, Second Monday in June and October, 3d in other months, | Do. May, do. October. Do. June, do. Novem. Feb'y, do. do. do. |
| Kanawha, King George, King & Queen, King William, Lancaster, Lee, | 18. 27th May and October, 8. 23d March and 12th Sept. 8. 2d May and 19th of Nov'r, 8. 13th May and 25th Nov'r, 8. 15th April and 2d Nov'r, 17. 2d Monday after 4th Mon- day in April and Sept. | Third Monday, First Thursday, First Thursday, Fourth Monday, Third Monday, - - | Do. do. do. do. Feb'y, do. do. Novem. March, do. do. do. Do. May, do. do. Do. do. do. do. Do. do. do. do. |
| Lewis, Logan, | 19. 8th May and October, 15. 1st Monday after 4th Mon- day in April and Sept. | Second Monday, Third Monday, | Do. June, do. do. April, do. do. Septem. |
| Loudoun, | 9. 4th Monday in April and 3d Monday in October, | Second Monday, Second Monday, Second Monday, | Do. do. do. do. Do. do. do. do. Do. May, do. do. |
| Louisa, Lunenburg, Lynchburg, Madison, Marion, Marshall, Matthews, Mason, Mecklenburg, Mercer, | 10. 20th April and September, 2. 13th April and 8th October, 3. 3d of June and 3d Nov'r, 10. 1st Monday Mar. and Aug. 21. 10th June and November, 20. 1st May and 1st October, 6. 6th April and September, 18. 18th April and 18th Sept. 2. 2d of April and 15th Sept. 15. 27th May and October, | First Monday, Fourth Thursday, First Monday, Third Monday, Second Monday, First Monday, Third Monday, Second Monday, First Monday, Third Monday, Thursday after 2d Monday, | Do. do. do. do. Do. do. do. do. Do. June, do. October. Feb'y, do. do. do. March, do. do. Novem. Do. do. do. do. Do. May, do. do. Feb'y, June, do. do. Do. May, do. do. |
| McDowell, Middlesex, Monongalia, Monroe, Montgomery, Morgan, Nansemond, Nelson, New Kent, Nicholas, | 17. 1st Monday Mar. and Aug. 6. 1st April and October, 20. 1st of April and September, 14. 25th April and September, 16. 2d Monday in Apr. and Sep. 13. 6th May and October, 15. 16th April and 12th Oct'r, 10. 27th day of April and Sept. 6. 10th May and November, 15. 6th April and September, | Second Monday, Fourth Wednesday, Fourth Monday, Third Monday, First Monday, Fourth Monday, Second Monday, Fourth Monday, Second Thursday, Monday before 2d Tuesday, | March, June, do. do. Do. do. do. do. Do. May, do. do. Do. June, do. do. Do. do. do. do. Do. do. do. do. Do. do. Sept. do. Do. do. Aug't, do. Feb'y, May, July, do. March, do. Aug't, do. |
| Norfolk city, Norfolk county, Northampton, Northumberland, Nottoway, Ohio, Orange, Page, Patrick, Pendleton, | 1. 1st June and 15th Nov'r, 1. 1st April and 28th Sept. 5. 3d Monday in Apr. and Sep. 8. 9th April and 28th Oct'r, 2. 20th April and 15th Oct'r, 20. 10th May and October, 10. 1st May and October, 12. 11th April and September, 4. 12th April and September, 12. 27th April and September, | Fourth Monday, Third Monday, Second Monday, Second Monday, First Thursday, First Monday, Fourth Monday, Fourth Monday, Fourth Monday, Thursday after 1st Tuesday, Third Thursday, Third Monday, Thursday after 2d Monday, | Do. June, do. do. Feb'y, April, July, October. March, June, Aug't, Novem. Do. do. Sept. do. Do. May, Aug't, do. Do. do. do. do. Feb'y July, Sept. Decem. March, May, Aug't, Novem. Feb'y, do. July, do. Do. do. do. do. |
| Petersburg, Pittsylvania, Pleasants, | 2. 22d May, 16th November, 4. 28th May and October, 19. 30th May and October, | Third Thursday, Third Monday, Thursday after 2d Monday, | March, June, Sept. do. Do. do. do. Decem. Do. do. Aug't, Novem. |
| Pocahontas, Powhatan, Preston, Princess Anne, Prince Edward, Prince George, Prince William, Pulaski, | 14. 16th April and September, 2. 2d May and 27th October, 21. 18th March and August, 1. 25th May and 22d Sept'r, 3. 15th March and August, 2. 17th May and 12th Nov. 9. 2d Monday in May and Oct. 16. 3d Monday April and Sept. | First Tuesday, First Wednesday, Second Monday, First Monday, Third Monday, Second Thursday, First Monday, Thursday after 1st Monday, | Feb'y, May, July, October. March, June, Aug't, Novem. Do. do. do. do. Feb'y, May, July, Novem. March, June, Aug. do. Feb'y, May, July, do. March, do. Aug. do. Do. June, do. do. |
| Putnam, Raleigh, Randolph, | 18. 3d April and September, 15. 8d Monday April and Sept. 21. 26th May and October, | Fourth Monday, First Monday, Fourth Monday, | Do. do. do. do. Do. do. do. do. Do. do. do. do. |

| Counties and corporations. | Circuit courts. When terms commence. | County and corporation courts. Monthly terms. | County and corporation courts. Quarterly terms. |
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| | <i>Circuits.</i> | | |
| Rappahannock, | 9. 3d Monday in March and 1st Monday in October, | Second Monday, | March, May, August, Novem. |
| Richmond city, | 7. 1st of Nov. and 1st May, | Second Monday, | Jan'y, April, July, Octo'r. |
| Richmond co. | 8. 3d April and 23d October, | First Monday, | March, May, August, Novem. |
| Ritchie, | 19. 15th April and September, | Tuesday after 1st Monday, | Feb'y, June, do. do. |
| Ronne, | 18. 17th May and October, | First Monday, | Jan'y, April, July, Sept'r. |
| Roanoke, | 14. Wednesday after 4th Monday in March and August, | Third Monday, | March, June, August, Novem. |
| Rockbridge, | 11. 12th April and September, | Monday before 1st Tuesday, | Do. do. do. do. |
| Rockingham, | 12. 11th May and October, | Third Monday, | Feb'y, May, do. do. |
| Russell, | 17. 4th Monday April and Sept. | Tuesday after 1st Monday, | March, June, do. do. |
| Scott, | 17. 3d Monday after 4th Monday April and September, | Tuesday after 2d Monday, | Do. do. do. do. |
| Shenandoah, | 12. 30th March and August, | Monday before 2d Tuesday, | Do. do. do. do. |
| Smyth, | 17. 1st Monday April and Sept. | Tuesday after 1st Monday, | Do. do. do. do. |
| Southampton, | 1. 2d May and 7th October, | Third Monday, | Do. do. do. do. |
| Spotsylvania, | 8. 20th May and 6th October, | First Monday, | Do. do. do. do. |
| Stafford, | 9. 4th Monday March and Sept. | Third Wednesday, | Do. do. do. do. |
| Staunton, | - - - | Wednesday after 1st Monday, | Feb'y, May, July, Octo'r. |
| Surry, | 1. 10th May and 25th October, | Fourth Monday, | March, do. August, Novem. |
| Sussex, | 1. 24th April and 29th October, | First Thursday, | Do. do. do. Octo'r. |
| Taylor, | 21. 4th March and August, | Fourth Monday, | Do. June, do. Novem. |
| Tazewell, | 17. Last Monday March and Aug | Wednesday after 1st Monday, | Feb'y, May, July, Octo'r. |
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| Tyler, | 20. 22d April and September, | Second Monday, | Do. do. do. do. |
| Upshur, | 21. 4th April and September, | Third Monday, | Do. do. do. do. |
| Warren, | 12. 25th March and August, | Third Monday, | Do. May, do. do. |
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| Wirt, | 19. 3d April and September, | Tuesday after 4th Monday, | Feb'y, June, do. do. |
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A P P E N D I X .

ORDINANCES

ADOPTED BY

THE CONVENTION OF VIRGINIA,

IN

SECRET SESSION,

IN

APRIL AND MAY 1861.



ORDINANCES.

No. 1.—An ORDINANCE to repeal the ratification of the Constitution of the United States of America, by the State of Virginia, and to resume all the rights and powers granted under said Constitution.

The people of Virginia, in their ratification of the constitution of Preamble the United States of America, adopted by them in convention on the twenty-fifth day of June in the year of our Lord one thousand seven hundred and eighty-eight, having declared that the powers granted under the said constitution were derived from the people of the United States, and might be resumed whensoever the same should be perverted to their injury and oppression; and the federal government having perverted said powers, not only to the injury of the people of Virginia, but to the oppression of the southern slaveholding states:

Now, therefore, we the people of Virginia do declare and ordain, that the ordinance adopted by the people of this state in convention on the twenty-fifth day of June in the year of our Lord one thousand seven hundred and eighty-eight, whereby the constitution of the United States of America was ratified, and all acts of the general assembly of this state ratifying or adopting amendments to said constitution, are hereby repealed and abrogated; that the union between the state of Virginia and the other states under the constitution aforesaid is hereby dissolved, and that the state of Virginia is in the full possession and exercise of all the rights of sovereignty which belong and appertain to a free and independent state. Repeal of ordinance of 17th June 1788, and of subsequent acts of assembly

And they do further declare, that said constitution of the United States of America is no longer binding on any of the citizens of this state. Union between Virginia and other states dissolved

This ordinance shall take effect and be an act of this day, when ratified by a majority of the votes of the people of this state, cast at a poll to be taken thereon on the fourth Thursday in May next, in pursuance of a schedule hereafter to be enacted. Constitution of United States not binding

Done in convention, in the city of Richmond, on the seventeenth day of April in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the commonwealth of Virginia. When ordinance shall take effect

Schedule.

- Duty of officers conducting elections** 1. It shall be the duty of the officers conducting the elections directed by law to be held on the fourth Thursday in May next, at the places appointed for holding the same, to open a poll to take the sense of the qualified voters of this commonwealth upon the ratification or rejection of "An ordinance to repeal the ratification of the constitution of the United States of America by the state of Virginia, and to resume all the rights and powers granted under said constitution," adopted in convention at the city of Richmond on the seventeenth day of April one thousand eight hundred and sixty-one.
- How poll book to be headed** 2. The poll book shall be headed "The Ordinance of Secession," and shall contain two columns, one headed "For Ratification," and the other "For Rejection;" and the names of those who vote for the ratification of the said ordinance shall be written under the former heading, and the names of those who vote for its rejection shall be written under the latter heading.
- How officers to make return** 3. The said officers shall make return of the number of persons voting for each proposition, at the time and in the manner provided by law in the case of other elections, and shall forthwith deliver the returns, together with the poll books, to the clerks of their respective counties and corporations; and it shall be the duty of such clerks, respectively, to transmit immediately to the governor of the commonwealth copies of the said returns so delivered to them.
- Delivery of returns to clerk**
- Clerk to transmit to governor**
- Governor to make proclamation of result of vote** 4. The governor shall, without delay, make proclamation of the result, stating therein the aggregate vote for and against the ratification; to be published in such newspapers in the state as may be deemed requisite for general information: and if a majority of said votes be cast for the ratification of the said ordinance, he shall annex to his proclamation a copy thereof, together with this schedule.
- Secretary of commonwealth to send ordinance and schedule to clerks** 5. The secretary of the commonwealth shall cause to be sent to the clerks of each county and corporation as many copies of this schedule and ordinance aforesaid as there are places of voting therein, and three copies to each of the military commanders herein after referred to, using special messengers for that purpose when necessary. And it shall be the duty of the said clerks to deliver the same to the sheriffs for distribution, whose duty it shall be forthwith to post the said copies at some public place in each election district.
- Clerks to deliver to sheriffs for distribution**
- How expense of poll books defrayed** 6. The expenses incurred in providing poll books and in procuring writers to enter the names of the voters therein, shall be defrayed as in the case of the election of members to the general assembly.

7. The qualified voters of the commonwealth who may be absent from the counties or corporations of their residence on the day of election, in the military service of the state, may vote for the ratification or rejection of the said ordinance, at such place or places within their encampments, or as the commander at such encampment shall designate, whether the said encampment shall be within the limits of the state or not. For each place of voting he shall appoint a superintendent, three commissioners, and as many clerks as shall be necessary, who, after having been first duly sworn by him, shall perform the duties required of, and be liable to the penalties imposed upon such officers under the election laws of this state.

Persons in the military service of the state allowed to vote

How election to be conducted

8. The officers conducting the said election shall, on the day after the election, or as soon thereafter as may be, deliver the poll books to their said commander, who shall forthwith forward the same to the governor of this commonwealth, who shall count the said votes in ascertaining the result of the said election in the state.

To whom poll books to be delivered

9. That the election for members of congress for this state to the house of representatives of the congress of the United States, required by law to be held on the fourth Thursday in May next, is hereby suspended and prohibited, until otherwise ordained by this convention.

Election for members of congress suspended

Done in convention, in the city of Richmond, on the twenty-fourth day of April eighteen hundred and sixty-one, and in the eighty-fifth year of the commonwealth of Virginia.

No. 2.—An ORDINANCE ratifying and confirming the Convention entered into between the Commissioner of the Confederate States, and the Commissioners of the State of Virginia.

Passed April 25, 1861.

Be it ordained by this convention, that the convention entered into on the twenty-fourth April, eighteen hundred and sixty-one, between Alexander H. Stephens, commissioner of the Confederate States, and John Tyler, William Ballard Preston, S. McD. Moore, James P. Holcombe, James C. Bruce and Lewis E. Harvie, commissioners of Virginia, for a temporary union of Virginia with said Confederate States, under the provisional government adopted by said Confederate States, be and the same is hereby ratified and confirmed, on the terms agreed upon by said commissioners.

Ratification of convention between commissioner of Confederate States and commissioners of Virginia

No. 3.—An ORDINANCE for the adoption of the Constitution of the Provisional Government of the Confederate States of America.

Passed April 25, 1861.

Ratification of constitution of Confederate States

We, the delegates of the people of Virginia, in convention assembled, solemnly impressed with the perils which surround the commonwealth, and appealing to the searcher of hearts for the rectitude of our intentions in assuming the grave responsibility of this act, do, by this ordinance, adopt and ratify the constitution of the provisional government of the Confederate States of America, ordained and established at Montgomery, Alabama, on the eighth day of February eighteen hundred and sixty-one: provided, that this ordinance shall cease to have any legal operation or effect, if the people of this commonwealth, upon the vote directed to be taken on the ordinance of secession passed by this convention on the seventeenth day of April eighteen hundred and sixty-one, shall reject the same.

Ordinance to have no legal operation if rejected by people

No. 4.—An ORDINANCE to authorize the appointment of an Advisory Council.

Passed April 20, 1861.

How many to compose the council

Be it ordained, that a council of three be appointed by the convention, upon the nomination of the governor, to aid, counsel and advise him in the exercise of his executive authority in the present emergency; the said council to continue in office at the discretion of this body: provided, that the fifteenth section of the sixth article of the constitution of this state shall not apply to the office hereby created.

How long to continue 15th section, article 6th of the constitution not to apply to this office

No. 5.—An ORDINANCE defining the duties of the Advisory Council.

Passed April 23, 1861 (but subsequently amended and re-enacted).

Council not to control the exercise of executive functions by the governor

1. Be it ordained, that in the appointment of a council of three by the convention, upon the nomination of the governor, to aid, counsel and advise him in the exercise of his executive authority in the present emergency, it was not the purpose or intention of the convention to confer on the council the power to control the governor in the exercise of his executive functions; but it was their purpose to impose upon the governor the obligation to consult the council in regard to all executive acts.

Journal of executive proceedings to be kept; votes, &c. to be recorded

2. That a regular journal of the executive proceedings and acts should be kept, in which should be recorded all appointments and proceedings of the executive, and the votes of the several councilors thereupon.

No. 6.—An ORDINANCE to increase the Advisory Council.

Passed April 29, 1861.

Be it ordained, that the advisory council of the governor of this commonwealth be and the same is hereby increased to five, and that the lieutenant governor shall be ex-officio one of the said five members.

Lieutenant governor added to council

No. 7.—An ORDINANCE amending and re-enacting the Ordinance prescribing the duties of the Advisory Council.

Passed May 1, 1861.

Be it ordained, that the ordinance adopted on the twenty-third April, eighteen hundred and sixty-one, prescribing the duties of the advisory council, be amended and re-enacted so as to read as follows:

1. That in the appointment of a council of five by the convention, upon the nomination of the governor, to aid, counsel and advise him in the exercise of his executive authority in the present emergency, it was not the purpose or intention of the convention to confer on the council the power to control the governor in the exercise of his executive functions; but it was their purpose to impose upon the governor the obligation to consult the council in regard to all executive acts growing out of the said emergency.

Council not to control the exercise of executive functions by the governor

2. That a regular journal of the acts of the council shall be kept, in which shall be recorded all appointments, and the votes of the several councilors thereupon.

Journal of executive proceedings to be kept; votes, &c. to be recorded

No. 8.—An ORDINANCE prescribing the Compensation of Members of the Executive Council.

Passed May 1, 1861.

Be it ordained, that the members of the executive council who receive a salary from the state, shall receive four dollars per day during actual service, and those members who receive no salary from the state, shall receive eight dollars per day of such service: provided, however, that this ordinance shall not be so construed as to preclude the lieutenant governor from receiving eight dollars per day for his services when acting as a member of the executive council.

No. 9.—An ORDINANCE to call the Volunteers into the service of the State, and for other purposes.

Passed April 17, 1861.

Governor authorized to call volunteers into service

Be it ordained, that the governor of the commonwealth be and he is hereby authorized and required to call into the service of the state as many volunteers as may be necessary to repel invasion, and protect the citizens of the state in the present emergency; which volunteers he will receive in companies, and organize into regiments, brigades and divisions, according to the force required; and the governor shall appoint and commission the general, field and staff officers of said volunteers, and proceed to have them organized and instructed: And that he shall immediately invite all efficient and worthy Virginians and residents of Virginia in the army and navy of the United States to retire therefrom, and to enter the service of Virginia, assigning to them such rank as will not reverse the relative rank held by them in the United States service, and will at least be equivalent thereto.

Governor to appoint and commission the officers

Governor to invite Virginians in the army and navy of the United States to enter the service of Virginia

Governor to repel invasion

2. Be it further ordained, that the governor shall repel invasion, and see that in all things the commonwealth take no detriment; and shall exercise for this purpose the powers conferred upon him by the constitution and laws of the state.

\$ 100 000 appropriated

3. Be it further ordained, that to enable him to carry out the resolution aforesaid, the sum of one hundred thousand dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated.

No. 10.—An ORDINANCE concerning Officers in the Revenue and Coast Survey Service of the United States.

Passed April 30, 1861.

Invitation to enter the service of Virginia extended to officers in the revenue and coast survey service of the United States

Be it ordained, that the ordinance passed on the seventeenth day of April eighteen hundred and sixty-one by the convention, which directs the governor of the commonwealth to invite all efficient and worthy Virginians and residents of Virginia in the army and navy of the United States, to retire therefrom, and to enter the service of Virginia, be and the same is hereby extended to all such officers in the revenue service and coast survey service of the United States: And the governor is authorized to make such provision for them as may be proper, and will not interfere with the rank conferred upon officers of the navy.

No. 11.—An ORDINANCE to provide for the appointment of a Commander of the Military and Naval Forces of the State, in subordination to the Governor.

Passed April 19, 1861.

Be it ordained, that the office of commander of the military and naval forces of the state, with the rank of major general, be and the same is hereby created. The said commander shall be appointed by the governor of the commonwealth, by and with the advice and consent of this convention, and in subordination to the governor, shall take charge of the organization and operations of all the military and naval forces which may be called into the service of the state.

Office of major general created

How appointed

Be it further ordained, that the said commander shall take rank and precedence over all other military and naval officers of the state, without regard to date of commission.

Rank and precedence over other officers

No. 12.—An ORDINANCE to authorize the appointment of Aids by the Governor.

Passed April 19, 1861.

Be it ordained, that the governor of the commonwealth be authorized to appoint as many aids, with the rank of lieutenant of cavalry, as the necessity of the service may require.

No. 13.—An ORDINANCE to provide for the organization of a Provisional Army for the State of Virginia.

Passed April 27, 1861.

Be it ordained, that there shall be organized a provisional army for the state of Virginia, as the exigencies of the service may require; which army shall consist, in addition to the major general commanding the military and naval forces of the state, of four brigadier generals, two regiments of artillery, eight regiments of infantry, one regiment of riflemen, and one regiment of cavalry. Each regiment of artillery shall consist of one colonel, one lieutenant colonel, one major, one sergeant major, one quartermaster sergeant, and ten companies; and each company shall consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two artificers, two musicians and seventy-two privates. Each regiment of infantry shall consist of one colonel, one lieutenant colonel, one major, one sergeant major, one quartermaster sergeant, two principal musicians and ten companies; and each company shall consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two musicians and seventy-two privates.

To consist of what

Of what each regiment of artillery shall consist

Of what each regiment of infantry shall consist

Of what each
regiment of ca-
valry shall
consist

The regiment of cavalry shall consist of one colonel, one lieutenant colonel, one major, one adjutant, who shall be a lieutenant, one sergeant major, one quartermaster sergeant, one chief musician, two chief buglers, and ten companies; and each company shall consist of one captain, one first lieutenant, one second lieutenant, exclusive of the lieutenant who is to be the adjutant of the regiment, four sergeants, one of whom shall act as quartermaster sergeant to the company, four corporals, two buglers, one farrier and blacksmith and seventy-two privates.

Of what each
regiment of rifle-
men shall consist

The regiment of riflemen shall consist of one colonel, one lieutenant colonel, one major, one sergeant major, one quartermaster sergeant, two principal musicians, and ten companies; and each company shall consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two musicians and seventy-two privates.

How the officers
to be appointed

The brigadier generals and field officers of the said provisional army shall be appointed by the governor, by and with the advice and consent of this convention, and the captains and lieutenants shall be appointed by the governor, by and with the advice and consent of his advisory council, and the governor shall commission the same; but in the recess of the convention, the governor may appoint the general and field officers, by and with the advice and consent of his advisory council, if the said officers cannot be sooner appointed; but the appointment of such officers shall be subject to ratification or rejection by the convention at its adjourned session, and their commissions shall expire upon the adjournment of the convention, unless confirmed. In making all the appointments for the provisional army, preference shall be given to all worthy and efficient citizens and residents of Virginia, who have held or now hold commissions in the army of the United States, and have resigned or shall resign the same with a view to offer their services to this state.

Preference to be
given to Virgi-
nians in the
United States
army

Major general to
appoint two aids
de camp and a
secretary

The major general commanding the military and naval forces of the state shall be entitled to two aids de camp, who may be taken from the line without regard to rank; and he may appoint a military secretary either from private citizens or from the subalterns of the army, who, for the time being, shall have the pay and emoluments of a captain of cavalry. Each brigadier general shall be entitled to one aid, to be taken from the subalterns of the line; and to each regiment there shall be an adjutant, to be appointed from among the subalterns by the commanding officer of the regiment.

Pay of secretary

Term of enlist-
ment

The non-commissioned officers, musicians, artificers, farriers and blacksmiths and privates of the provisional army, shall be enlisted for three years, unless sooner discharged, and the regulations for their enlistment shall be prescribed by the major general command-

ing the military and naval forces, subject, however, to the approval of the governor and his advisory council.

The officers of the provisional army shall take rank and precedence over all officers of the same grade of the volunteers and militia, without regard to date of commission; and the governor may proceed at once to appoint, in the mode prescribed, the general and field officers of the provisional army, and they may be assigned to duty with their respective rank with the volunteers which have been or may be called into service.

Rank of officers of provisional army to take precedence

General regulations for the provisional army and all the departments of the military and naval forces, may be prescribed by the commander of the military and naval forces, subject to the ratification of the governor and his advisory council.

General regulations, how prescribed

This ordinance shall be in force from the time of its adoption, and be subject to amendment, modification or repeal by this convention, or by the general assembly.

Commencement

No. 14.—An ORDINANCE establishing the Navy of Virginia.

Passed April 27, 1861.

Be it ordained, that the navy of Virginia shall consist of two thousand seamen and marines, in such proportions as the governor shall deem expedient, and of such officers as have availed themselves or may hereafter avail themselves of the invitation of this commonwealth to worthy and efficient Virginians and residents of Virginia in the navy of the United States to retire therefrom and to enter the service of this state. The rank of such officers shall not be reversed, and they shall have at least a rank equal to that held in the United States navy.

Of what the navy shall consist

Rank not to be reversed

2. The organization of the navy shall be prescribed by the governor, and the pay, rations and allowances shall be the same with those of the United States navy at this present time.

Organization, pay, rations, &c

3. Virginians and residents of Virginia on the reserved list of the United States navy, who resigned and desire to enter the service of the state, may be provided for by the governor, by allowing them the same pay they received in the United States navy, and requiring from them such duties as they are competent to discharge.

Virginians on the reserved list in United States navy to be provided for by the governor

4. The rules for the government of the United States navy at this present time shall be revised by a board of officers ordered by the

Rules of the United States navy to be re-

vised and promulgated

governor, and made applicable to the navy of Virginia, and shall then be promulgated as the rules governing the said navy.

Term of enlistment

5. The term of enlistment in the navy shall be three years for seamen and five for the marines; and boys not under thirteen may be enlisted with the consent of their parents or guardians. Proper regulations for enlistment shall be prescribed by the governor.

Medical department; who to be appointed thereto

6. A medical department shall be organized by the governor; but no person shall be appointed thereto who has not been a surgeon or assistant surgeon in the navy of the United States, or been examined and approved by a board of surgeons designated for the purpose.

No. 15.—An ORDINANCE to provide for the organization of Staff Departments for the Military Forces of the State (but subsequently amended and re-enacted).

Passed April 21, 1861.

How the staff departments divided and how composed

Be it ordained, that the governor of Virginia is empowered and directed to organize, as the exigencies of the service may require:

1. A subsistence department, to be composed of one colonel, one lieutenant colonel, two majors, and four captains.

2. A quartermaster's department, of one colonel, one lieutenant colonel, two majors, and four captains.

3. A pay department, to be composed of four paymasters, with the rank of major of cavalry.

4. A medical department, to be composed of one surgeon general, with the rank of colonel of cavalry, ten surgeons, and ten assistant surgeons.

5. An adjutant general's department, to be composed of one adjutant general, of the rank of colonel of cavalry, with authority to the commander in chief to detail as many officers as assistant adjutant generals as the service may require.

This ordinance shall be in force from its passage.

No. 16.—An ORDINANCE amending and re-enacting the Ordinance adopted on the twenty-first instant, for the organization of Staff Departments for the Military Forces of the State.

Passed April 24, 1861.

Be it ordained, that the governor of the commonwealth be and he is hereby authorized and required to organize, as the exigencies of the service may require :

An adjutant general's department, with one adjutant general of the rank of colonel, two assistant adjutant generals of the rank of major, and four assistant adjutant generals of the rank of captain.

A quartermaster's department, with one quartermaster general of the rank of colonel, one assistant quartermaster general with the rank of lieutenant colonel, two quartermasters with the rank of major, and four assistant quartermasters, with the rank of captain.

A subsistence department, with a commissary general of the rank of colonel, an assistant commissary general of the rank of lieutenant colonel, two commissaries of the rank of major, and four assistant commissaries of the rank of captain.

A medical department, with a surgeon general of the rank of colonel, ten surgeons of the rank of majors, and ten assistant surgeons of the rank of captain.

A pay department, with a paymaster general of the rank of colonel, and three paymasters with the rank of major.

An engineer corps, with one colonel, one lieutenant colonel, two majors, six captains, two first lieutenants, and two second lieutenants.

To this corps shall be attached two companies of sappers and miners, to each of which shall be assigned one captain, one first lieutenant, and one second lieutenant of engineers.

The adjutant general's department above provided for, shall be the adjutant general's department for all the military forces which shall be called into service in the field, camp or garrison, and shall be entirely separate and independent of the adjutant general's department of the militia, and the quartermaster's department, the subsistence department, the medical department, and the pay department shall take charge of all the operations of their respective departments for all branches of the military service.

The governor shall appoint the officers of the several departments above named, including the engineer corps, by and with the advice

Number of staff departments; how composed

Sappers and miners

Adjutant general's department provided for by this ordinance independent of adjutant general's department of the militia

Governor to appoint officers

and consent of the advisory council, established under an ordinance of this convention, and he shall commission the same.

Commencement This ordinance shall be in force from its passage, and shall be in the lieu and stead of the ordinance adopted on the twenty-first instant.

No. 17.—An ORDINANCE in respect to Confirmations by the Convention.

Passed April 27, 1861.

Convention to confirm appointments above lieutenant colonel Exception Be it ordained, that no appointment of officers of volunteers above the rank of lieutenant colonel shall be valid until confirmed by the convention, unless made during the recess of the convention: and in such case the appointment, unless subsequently confirmed, shall be deemed vacated on the adjournment or recess of the convention: And all such appointments heretofore made, shall be sent into the convention for confirmation or rejection.

No. 18.—An ORDINANCE concerning the Quartermaster's Department.

Passed April 27, 1861 (but subsequently repealed).*

Duty of quartermaster general To account to first auditor Oath to be taken Penalty of bond Be it ordained by the convention as follows, to wit: That in addition to their duties in the field, it shall be the duty of the quartermaster general, his deputies and assistant deputies, when thereto directed by the governor, to purchase military stores, camp equipage and other articles requisite for the troops, and generally to procure and provide means of transport for the army, its stores, artillery and camp equipage: that the quartermaster general shall account as often as may be required, and at least once in three months, with the first auditor, in such manner as shall be prescribed, for all property which may pass through his hands or the hands of the subordinate officers of his department, or that may be in his or their care or possession, and for all moneys which he or they expend in discharging their respective duties; that he shall be responsible for the regularity and correctness of all returns in his department; and that he, his deputies and assistant deputies, before they enter on the execution of their respective offices, shall severally take an oath faithfully to perform the duties thereof; the penalty of said bonds to be prescribed by the governor, and said bonds to be filed with the first auditor; that the quartermaster general shall be responsible for the regularity and correctness of all returns in his department.

* This ordinance was repealed on the 30th of April 1861, by § 18 of No. 25, and is published only because certain rights and liabilities may have accrued under it before its repeal.

Neither the quartermaster general, the commissary general, nor any or either of their deputies or assistant deputies, shall be concerned, directly or indirectly, in the purchase or sale, for commercial purposes, of any article intended for, making a part of, or appertaining to their respective departments, except for and on account of the state of Virginia; nor shall they or either of them take or supply to his or their use any gain or emolument for negotiating or transacting any business in their respective departments, other than what is or may be allowed by law.

Quartermaster general and his deputies prohibited from buying or selling

That the quartermaster general be and he is hereby empowered to appoint one principal barrackmaster, and as many deputy barrackmasters as may from time to time be necessary, not exceeding one to each separate barrack or cantonment.

Barrackmaster and deputies to be appointed

That the governor of the state of Virginia be and he is hereby empowered, as he may deem it expedient, either to appoint, for the time being, a special commissary or commissaries for the purpose of supplying, by purchase or contract, and of issuing, or to authorize any officer or officers in the quartermaster general's department to supply and issue as aforesaid, the whole or any part of the subsistence of the army in all cases where, either from the want of contractors, or from any deficiency on their part, or from any other contingency, such measure may be proper and necessary in order to insure the subsistence of the army or of any part thereof; and such special commissaries shall each, whilst employed, be entitled to the pay and emoluments of a deputy quartermaster general.

Special commissary to be appointed by governor

Compensation

The quartermaster general shall be authorized, with the approbation and under the direction of the governor, to appoint as many forage, wagon and barrackmasters, and to employ as many artificers, mechanics and laborers as the public service may require.

All officers of the navy, commissary and quartermaster's department shall, previous to their entering on the duties of their respective offices, give bonds with sufficient security, to be approved of by the first auditor, conditioned for the faithful expenditure of all public moneys, and accounting for all public property which may come to their hands, respectively; and the quartermaster general and commissary general shall neither be liable for any money or property that may come into the hands of the subordinate officers of his department, who are required by this ordinance to give bond. And all paymasters, commissaries and storekeepers shall be subject to the rules and articles of war in the same manner as commissioned officers.

Commissary and all officers of the navy to give bond

It shall be the duty of the quartermaster's department, in addition to its duties above prescribed, to receive from the purchasing department

Quartermaster's department to distribute

clothing, &c. to the army

ment, and distribute to the army, all clothing and camp and garrison equipage required for the use of the troops, and that it shall be the duty of the quartermaster general, under the direction of the governor, to prescribe and enforce, under the provisions of this ordinance, a system of accountability for all clothing and equipage issued to the army.

Quarterly returns to be made by captains to quartermaster general

Every captain or commander of a company, detachment or recruiting station, or other officer who shall have received clothing or camp equipage for the use of his command or for issue to the troops, shall render to the quartermaster general, at the expiration of each regular quarter of the year, quarterly returns of such supplies according to the forms which may be prescribed, accompanied by the requisite vouchers for any issue that shall have been made; which returns and vouchers, after due examination by the quartermaster general, shall be transmitted for settlement to the first auditor. It shall be the duty of all officers charged with the issue of clothing or other supplies, carefully to preserve the same from waste or damage; and in case of deficiency in final settlement of any article of supplies, the value thereof shall be charged against the delinquent, and deducted from his monthly pay, unless he shall show to the satisfaction of the first auditor, by one or more depositions setting forth the circumstances of the case, that the said deficiency was occasioned by unavoidable accident, or was lost in actual service without any fault on his part; and in case of damage, he shall also be subject to charge for the damage actually sustained, unless he shall show, in like manner, to the satisfaction of the first auditor, that due care and attention were given to the preservation of said supplies, and that the damage did not result from neglect.

Officers charged with the issue of clothing, &c. to be charged with deficiency or damage

In case of absence, governor to appoint temporary officer

That during the absence of the quartermaster general, or the chief of any other bureau or department of the military department, the governor be authorized to empower some officer of the department or corps whose chief is absent, to take charge thereof, and to perform the duties of quartermaster general or chief of the department or corps, as the case may be, during such absence: provided, that no additional compensation be allowed therefor.

Military storekeepers to be appointed

There shall be added to the quartermaster's department not exceeding three military storekeepers; and such storekeepers shall be appointed in the same manner as the quartermaster general, and shall, before entering upon the performance of their duties, give bond with sufficient security, to be approved by the governor, in such penalty as the governor may direct, with condition for the faithful performance of their duties: said bonds to be filed with the first auditor.

Bond to be given

All bonds required to be given by this ordinance shall be made payable to the state of Virginia.

This ordinance shall be in force from its adoption, subject to Commencement amendment, modification or repeal by this convention, or by the general assembly of Virginia.

No. 19.—An ORDINANCE concerning the Commissary Department.

Passed April 27, 1861.

Be it ordained by the convention as follows, to wit: The commis- ^{Bonds of commis-}
sary general, assistant commissary general, commissaries and as-
sistant commissaries, before entering on the duties of their offices,
shall give bonds with approved security, in such penalties as the
governor may direct; and as many acting assistant commissaries
may be detailed from the subalterns of the line as may be necessary,
who shall likewise give bond and security as above directed. The
bonds hereby required to be given shall be made payable to the state
of Virginia, and shall be filed with the first auditor. The commis- ^{Duties}
sary general and his assistants shall perform such duties in pur-
chasing and issuing of rations to the army of the state of Virginia
as the governor may direct.

Supplies for the army, unless in particular and urgent cases the ^{How supplies}
governor should otherwise direct, shall be purchased by contract, to ^{purchased}
be made by the commissary general, on public notice, to be delivered
on inspection in the bulk, and at such places as shall be stipulated;
which contract shall be made under such regulations as the governor
may direct.

This ordinance shall be in force from the time of its adoption, sub-
ject to amendment, modification or repeal by this convention, or by
the general assembly of Virginia.

No. 20 —An ORDINANCE prescribing the Duties of the Paymaster
General.

Passed April 27, 1861.

The paymaster general shall receive from the treasury of the state
all moneys entrusted to him to pay the troops or purchase subsistence
or forage. He shall receive the pay abstracts of the paymasters of
the several regiments or corps, and shall compare them with the
rations or muster rolls accompanying the said abstracts. He shall
certify to the commanding officer the sums due to the respective ^{To certify the}
corps, who shall thereupon issue his warrant on the said paymaster ^{amounts due}
general for payment accordingly. Copies of all reports to the com- ^{each corps to the}
^{commanding}
^{officer}
^{Reports and war-}

rants to be trans-
mitted to first
auditor

manding officer and the warrants thereon shall be duly transmitted to the office of the first auditor, to be examined and finally adjusted at the treasury.

This ordinance shall be in force from its adoption, and be subject to amendment, modification or repeal by this convention, or by the general assembly.

No. 21.—An ORDINANCE to provide a Board, to whom shall be referred all Claims for Expenditures arising from the organization, equipment and support of the Land and Naval Forces called or to be called out for the defence of the Commonwealth under the present emergency.

Passed April 27, 1861 (but subsequently repealed).*

Members of
board, and their
powers and
duties

Be it ordained by the convention of the commonwealth of Virginia, that George W. Munford, John R. Tucker and Jonathan M. Bennett, any two of whom may act, shall be a board of commissioners, with authority to audit and settle, upon principles of law and justice, all accounts for expenses incurred in the assembling, arming, equipping and maintaining troops, and for transporting munitions of war, and every thing connected therewith; for officering, equipping and maintaining the navy of the state, and for the pay of officers, seamen and marines and employees at navy or dock yards, including transportation of ordnance, ammunition and stores of every description, the purchase of vessels, and for damages arising for seizure and detention of vessels, or from injury or use of cargo or property of any description either by the land or naval forces, and for all other incidental expenses incurred in the defence of the state, including expenses incident to the guarding, supporting and transportation of prisoners or others. And for this purpose the said commissioners are authorized to administer oaths or to require affidavits to be made where necessary. The said commissioners shall be authorized to place in the hands of proper disbursing officers, under regulations to be prescribed by them for the security of the money to be disbursed, such sums of money as may be required to give efficiency to the raising and subsistence of the army and navy ordered into service from time to time under competent authority. All accounts shall be sustained by proper vouchers, and when allowed shall be kept in a general account under proper heads for future settlement. And when said accounts are so sustained and allowed, or when advances are made as aforesaid, the said commissioners are hereby authorized to direct the auditor of public accounts to issue his warrants for the several amounts thereof, to be paid out of any money in the treasury not otherwise appropriated.

Oath to be ad-
ministered

Auditor to issue
his warrants

* This ordinance was repealed on the 30th of April 1861, by § 18 of ordinance No. 25, and is published only because certain rights and liabilities may have accrued under it before its repeal.

The said accounts so allowed and paid, shall be certified by said commissioners quarterly, for payment, to the government of the Confederate States, to be paid according to the convention between this state and the said Confederate States, adopted on the twenty-fifth April eighteen hundred and sixty-one; and upon payment thereof, the sum so received shall be paid into the public treasury of this commonwealth.

How accounts to be certified

The said commissioners shall have power to appoint a clerk or clerks.

The commissioners hereby appointed, for their services shall be allowed each the sum of three dollars per day of actual service, and they may allow to their clerk or clerks such sum as may be reasonable.

Pay of commissioners and their clerk

No. 22.—An ORDINANCE providing for Enlistment in the Provisional Army.

Passed April 27, 1861.

1. All free, able-bodied, effective men, between the ages of eighteen and forty-five years, may be enlisted, and the enlistment shall be binding on minors, provided they are allowed four days, including the day of enlistment, to reconsider and retract their enlistment. During these four days, they shall receive no pay, bounty or clothing, and shall not be restrained of their liberty. After the expiration of that period, without retraction, the enlistment shall be binding.

Who to be enlisted

Provision as to minors

2. Minors enlisting without the knowledge of their parent or guardian, shall be discharged on the application of such parent or guardian.

3. No person convicted of an infamous offence shall be enlisted.

Who not to be enlisted

No. 23.—An ORDINANCE regulating the Term of Service, Pay and Manner of Enlistment of Volunteers.

Passed April 30, 1861.

Be it ordained, that the term of service of the volunteers called into service under the ordinance passed on the 17th of April 1861, shall be twelve months from the time they were mustered into service, unless they be sooner discharged, except where their term of enlistment, under existing laws, expires before the end of the said period; in which case, they shall be discharged on the expiration of such enlistment.

Term of service

Exception

2. Enlistment for the volunteer corps, after they are mustered into service, shall be made in conformity with such regulations as the commander in chief shall prescribe.

When pay commences

3. The pay of the volunteers shall commence from the time they were organized at any rendezvous under proper authority.

No. 24.—An ORDINANCE prescribing the Pay of the Provisional Army and of the Volunteer Forces of the State of Virginia.

Passed May 1, 1861.

Be it ordained, that the major general and commander of the military and naval forces of the state of Virginia shall be entitled to receive the same pay, allowances and emoluments which are given to a major general in the army of the United States.

Grade

2. That the general and field officers of the volunteers shall not exceed in grade the general and field officers of the provisional army.

Pay, emoluments, &c

3. The pay, emoluments and subsistence of the provisional army, and of the volunteers and militia in actual service, shall be the same with those of the army of the Confederate States. If there be any grade in the provisional army or the volunteers and militia herein before provided for, the governor, by and with the advice of his council, may prescribe the pay for such grade until further provision be made therefor.

4. This ordinance shall be in force from its adoption, and be subject to amendment, modification or repeal by this convention, or by the general assembly.

No. 25.—An ORDINANCE for the better regulation of the Departments of the Army and Navy of Virginia, and for the audit and settlement of Accounts and Claims arising in the present emergency for the defence of the Commonwealth.

Passed April 30, 1861.

Members of the board; powers, duties, &c

1. Be it ordained by the convention of the commonwealth of Virginia, that George W. Munford, J. R. Tucker and J. M. Bennett (any two of whom may act), shall constitute a board of commissioners, with authority to audit and settle, upon principles of law and justice, all accounts for expenses heretofore or hereafter to be incurred in the assembling, arming, equipping and maintaining troops, in the transportation of the same, of munitions of war, provisions, and sup-

plies of every kind, and for any other purpose connected therewith: also, all expenses for officering, equipping and maintaining the navy of the state, and for the pay of officers, seamen and marines therein, and all employees at navy and dock yards, including herein the expense of transportation of ordnance, ammunition and stores of every description, the purchase of vessels, and damages arising from seizure and detention of vessels, or from injury to or use of cargo or property of any kind by land or naval forces, or under the order of the authorities of the state: also, for all other incidental expenses incurred or to be incurred in the defence of the commonwealth, including herein the guarding, support and transportation of prisoners, and all claims for arms, and for machinery for the manufacture of arms in the public armory, or others authorized by existing or future contracts. The said board are further authorized to administer oaths or to require affidavits or other evidence necessary to the proof of all such claims. The governor shall have power to supply any vacancy occurring in the said board. In all cases arising under this section, the claimant shall have a right of appeal from the decision of the board to the governor of the commonwealth.

Vacancy, how supplied

2. The said board shall be authorized to require of the several heads of the departments established by this convention, an estimate of the sums necessary to be disbursed by them for the public service: and upon the same being furnished, to place from time to time, under the control of the proper disbursing officers in said departments, such sums of money as may be required, and as may be properly applicable thereto, for the raising and support of the army and navy ordered into service from time to time under legal authority.

Board to require from heads of departments estimates of necessary disbursements

3. All accounts presented to the said board under the first section shall be sustained by proper vouchers, and when allowed, shall be kept in a general account, under proper heads, for future settlement. When said accounts are so allowed, and when moneys are ordered to be disbursed by the board under the second section, the said board is hereby authorized to direct the auditor of public accounts to issue his warrants for the several amounts so allowed, to be paid out of any money in the treasury not otherwise appropriated.

How accounts to be sustained

How paid

4. The board shall adopt such regulations as it may approve, for the security of the money to be disbursed under its direction under the second section; and for this end, may require the heads of the several departments to submit such a system of regulations for that purpose as may be right and proper.

5. The accounts allowed under the first section, except claims for arms, and machinery for the manufacture of arms authorized by existing laws, and the disbursements ordered under the second section, shall be certified in proper form, at the end of every quarter of a

Accounts to be certified quarterly to the government of Confederate States

year, for payment, to the government of the Confederate States of America, according to the convention between this commonwealth and the said Confederate States, adopted on the twenty-fifth day of April eighteen hundred and sixty-one; and when the same shall be received, it shall be paid into the treasury of this commonwealth.

Pay of members
and their clerks

6. The said board shall for their services receive the sum of three dollars per day of actual service, to be paid to each of them; and shall have power to appoint a clerk or clerks, and to allow to them such compensation as may be reasonable.

Additional duties of quartermaster department

7. And for the better regulation of the quartermaster's department, it is ordained, that in addition to field duties, it shall be the duty of the quartermaster general, and the subordinates in his department, when thereto directed by the governor, to purchase military stores, camp equipage, and other articles required for the troops, and to procure and provide means of transport for the army, its stores, artillery and camp equipage; and in order thereto, to report such an estimate as may be proper to the said board, constituted by the first section, of the cost thereof; and to disburse the sums under their control, by the said board, to the best advantage. It shall be the duty of the quartermaster general to report to and account with said board, and in three months, or oftener, if required, in such manner as it shall prescribe, for all money and property which may pass through his hands or those of his subordinates, or may be disbursed by them as aforesaid, or may be in his or their care or possession. The quartermaster general shall be responsible for the regularity and correctness of all the returns of his subordinates in his department.

Quartermaster to report to board; when and how

Quartermaster to appoint forage wagonmasters, &c

8. The quartermaster general is authorized to appoint, with the approbation and under the direction of the governor, as many forage wagonmasters, and employ as many artificers, mechanics and laborers as the public service may require.

To distribute clothing, &c

9. It shall be the duty of the quartermaster's department to distribute to the army all clothing, camp and garrison equipage and other articles required for the army; and to prescribe and enforce, according to such regulations as shall be approved by the said board, a proper accountability for such clothing, equipage and other articles so distributed to the army.

Captain of a company to report returns quarterly to quartermaster general

Every captain or commander of a company, detachment or recruiting station, or other officer, so receiving clothing, equipage, or other articles for the use of his command, or for issue to the troops, shall render to the quartermaster general quarterly returns thereof, according to the requisite forms, and accompanied by the proper vouchers; which returns and vouchers shall be included by the said quartermaster general in his report and account with the board hereby constituted.

It shall be the duty of all officers charged with the duty of issuing clothing, equipage or other articles, to secure the same from waste and damage. In case of the loss of any such articles, or damage thereto, the value thereof on final settlement with the officer, shall be charged against him and be deducted from his pay, unless he shall show to the satisfaction of the quartermaster general, and to the said board, in passing on his accounts, by proper evidence, that such loss or damage occurred from unavoidable accident, or in actual service, without fault on his part, and was not the result of neglect on his part, and that he used due care and attention for the preservation of such articles.

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Clothing, &c. to be secured from waste and damage. Officer receiving clothing, &c. to be responsible therefor

10. There shall be added to the quartermaster's department military storekeepers, not exceeding three in number, who shall be appointed in the same manner as the quartermaster general.

Military storekeepers to be appointed

11. The other departments of the army and navy of this commonwealth shall be subject, in like manner, as the quartermaster's department, to the provisions of the second, third, fourth, fifth and seventh sections of this ordinance, in so far as their respective duties under existing or future laws, may make them applicable.

12. Whenever the quartermaster general, or the chief of any department of the army or navy of the commonwealth shall be absent or unable to attend to his duty, the governor is hereby authorized to empower some officer of such department to take charge thereof, and to perform the duty of said quartermaster general or chief during said absence or inability: provided, that no additional compensation be allowed therefor.

In case of absence or vacancy, governor to appoint

13. The governor is hereby authorized to appoint, for the time being, one or more special commissaries, for the purpose of supplying by purchase or contract, and of issuing, or to authorize one or more officers in the quartermaster's department to supply and issue the whole or any part of the subsistence of the army, in all cases, when from the want of contractors, or a deficiency on their part, or any other cause, such measure may be necessary and proper to secure the subsistence of the army; and such special commissaries shall, whilst so employed, be entitled to the pay and emoluments of a deputy quartermaster general.

Special commissaries to be appointed by governor

The governor shall have authority to appoint any additional officers, subject to the control of the legislature, whenever the chief of any department of the army and navy shall report that they are required for the public service, and the board hereby constituted shall concur in such report, and request the governor to make such appointments.

Any additional officers, how appointed

14. No officer of the army or navy of Virginia, nor quartermaster, paymaster or commissary, nor any member of the board hereby con-

Who excluded from buying,

selling, manufacturing, &c

stituted, shall be concerned, directly or indirectly, for himself, or as agent, or as partner in any contract, sale, purchase, manufacturing or supply of any article intended for or appertaining to any of said departments, except for and on behalf of Virginia; nor shall any of said officers take or receive to his use and benefit any gain, commission or emolument for any negotiation or transaction of any business in any of said departments, other than may be allowed by law. If any disbursing officer mentioned in this ordinance shall be found delinquent in his accounts, the board are hereby required to report the fact to the governor, who shall thereupon strike the name of said officer from the roll of the army and navy.

Delinquencies

Officers to take oath

15. Each and all of the officers named in this ordinance and connected with the departments of the army and navy, shall take the oaths prescribed by the Code of Virginia, chapter thirteen, sections one and three.

Bond to be executed by storekeepers, &c

16. The board hereby constituted shall require every storekeeper, paymaster and purser under this ordinance, to execute bond, with sufficient surety, in a penalty to be fixed by the board, conditioned according to law. The said board, in their discretion, may require similar bonds of any officers of the army and navy, referred to in this ordinance. Neither the quartermaster general, nor the commissary general, nor any other head of a department, shall be responsible for any loss which may accrue by the act or neglect of any subordinate officer in such department, who has been lawfully put in possession of money or other property under this ordinance, or any law of this commonwealth.

Responsibility for loss or neglect

All bonds hereby required shall be payable to the commonwealth of Virginia.

All paymasters, commissaries and storekeepers shall be subject to the rules and articles of war, in the same manner as commissioned officers.

Duties of officers in different departments, how determined

17. The duties of the officers of departments in the army and navy shall, in so far as they may not be inconsistent with this or other ordinances of this convention, be determined by the laws of this state and of the United States, which were in force within this commonwealth on the seventeenth day of April eighteen hundred and sixty-one.

Ordinances repealed

18. The ordinance passed by this convention on the twenty-seventh day of April eighteen hundred and sixty-one, entitled "a general ordinance to provide a board," &c., and an ordinance passed the same day, entitled "an ordinance concerning the quartermaster's department," are hereby repealed.

19. This ordinance shall be in force from its adoption, subject to the right of this convention or of the general assembly to amend, alter or repeal the same.

No. 26.—An ORDINANCE relating to the Medical Department, the Adjutant General's Department and the Ordnance Department.

Passed May 1, 1861.

Be it ordained, that regulations prescribing the duties of the surgeon general, the surgeons, assistant surgeons, and all employees in the medical department, and for the efficient organization and government of said department, including the mode of making purchases and providing stores, shall be adopted by the governor and his advisory council; and the governor, by and with the advice and consent of the said council, may appoint as many additional assistant surgeons in the said department as may be necessary; and whenever it is proper, physicians may be temporarily employed, under such rules as may be prescribed by the governor and his advisory council.

Regulations as to duties to be adopted by governor

Assistant surgeons to be appointed

Be it further ordained, that all orders for calling out volunteers and the militia for active service, and for arming the same, shall be issued through the office of the adjutant general for the troops in active service.

Orders for calling out volunteers; how issued

Be it further ordained, that the ordnance department organized under the provision of an act of the general assembly, heretofore passed, be and the same is hereby placed under the control of the major general commanding the military and naval forces, subject, however, to the constitutional powers of the governor.

Ordnance department to be under the control of the major general

This ordinance shall be in force from its passage.

No. 27.—An ORDINANCE providing Chaplains for the Provisional Army.

Passed April 27, 1861.

Be it ordained, that the governor shall appoint one chaplain for each brigade, who shall be entitled to the same pay and emoluments as a major of infantry.

Rank and pay

This ordinance shall be in force from the time of its adoption, and be subject to amendment, modification, or repeal by this convention, or by the general assembly.

No. 28.—An ORDINANCE providing Chaplains for the Volunteers.

Passed April 30, 1861.

Be it ordained, that the governor shall appoint one chaplain for each regiment of volunteers, who shall be entitled to the same pay and emoluments as captains of cavalry.

Rank and pay

This ordinance shall be in force from the time of its adoption, and be subject to amendment, modification, or repeal by this convention, or by the general assembly.

No. 29.—An ORDINANCE establishing Rules and Articles for the Government of the Armies of the State of Virginia.

Passed May 1, 1861.

Rules of govern-
ment

Be it ordained by the convention of Virginia, that from and after the passing of this ordinance, the volunteers in actual service and the provisional army shall be governed by the rules and articles of war now in force in the army of the United States, amended as follows:

Insert "the State of Virginia," instead of "the United States of America or the United States;" "the Governor of Virginia," instead of "the President of the United States;" "the Commander in Chief," instead of "the Secretary of War;" "the office of the Adjutant General," instead of "Department of War," or "Office of the Department of War," wherever the latter phrases occur.

In Article V, strike out "the President of the United States, the Vice-President thereof, against the Congress of the United States, or against the Chief Magistrate, or Legislature of any of the United States in which he may be quartered," and insert "the Governor, Lieutenant Governor, Convention and Legislature of Virginia."

In Article X, strike out "them," in the phrase "I will serve them," and insert "the State of Virginia." Strike out "their," in the phrase "their enemies," and insert "her."

In Article XXXIV, strike out "in the State or Territory where such regiment shall be stationed."

In Article LI, strike out "employed in any ports out of the United States."

No punishment
by stripes

In Article LXXXVII, strike out "nor shall more than fifty lashes be inflicted on any offender, at the discretion of a court martial," and insert "no corporeal punishment by stripes or lashes shall be inflicted."

In Article XCVII, strike out the phrase beginning "save only," and all that follows.

Article XCVIII, to be omitted, and the numbers of the articles following to be reduced accordingly.

In Article CI, omit 3d, 4th, 6th, 8th and 9th paragraphs, and add to the article the following paragraph: "The governor, by and with the advice of his council, may appoint from the army a suitable person as judge advocate of the army, who shall have the brevet rank, pay and emoluments of a major of cavalry."

No. 30.—An ORDINANCE to authorize the Governor to exempt certain persons from Military Duty.

Passed April 24, 1861.

Be it ordained, that the governor be and is hereby authorized to excuse from military service such number of the employees of each rail road company as may be necessary to operate the road, and to organize and arm them for the defence of the line of such road and of its termini.

No. 31.—An ORDINANCE concerning persons exempt from Military Duty.

Passed May 1, 1861.

Be it ordained, that all persons necessarily and personally employed in any factory for the manufacture of arms, munitions of war, shoes, leather, cotton or woollen goods, or any other thing deemed necessary for the defence of the state, shall be exempt from the performance of military duty, unless drafted and detailed for actual service by order of the governor, until otherwise provided by law.

No. 32.—An ORDINANCE concerning the Distribution of Arms.

Passed April 30, 1861.

Be it ordained, that Major General Lee be and he is hereby empowered to issue arms to such parties as in his discretion the public defence requires, and as the condition of the state will in his judgment allow, under such terms and restrictions as he may deem proper for the preservation and return of the arms when required.

No. 33.—An ORDINANCE to establish a Flag for this Commonwealth.

Passed April 30, 1861.

Be it ordained by the convention of the commonwealth of Virginia, that the flag of this commonwealth shall hereafter be made of bunting,

which shall be a deep blue field with a circle of white in the centre, upon which shall be painted or embroidered, to show on both sides alike, the coat of arms of the state, as described by the convention of seventeen hundred and seventy-six, for one side of the seal of state, to wit :

Devices "Virtus, the genius of the commonwealth, dressed like an Amazon, resting on a spear with one hand, and holding a sword in the other, and treading on tyranny, represented by a man prostrate, a crown fallen from his head, a broken chain in his left hand and a scourge in his right. In the exergon the word Virginia over the head of Virtus, and underneath the words "Sic Semper Tyrannis."

This flag shall be known and respected as the flag of Virginia.

Flags for forts, arsenals, &c

The governor shall regulate the size and dimensions of the flag proper for forts, arsenals and public buildings, for ships of war and merchant marine, for troops in the field, respectively, and for any other purpose, according to his discretion; which regulations shall be published and proclaimed by him as occasion may require.

This ordinance shall take effect from its passage.

No. 34.—An ORDINANCE providing for Deficiencies in the Civil and Military Contingent Funds.

Passed April 27, 1861.

How supplied

Be it ordained, that the auditor of public accounts place to the credit of the civil and military contingent funds, on the order of the governor of the commonwealth, out of any money in the treasury not otherwise appropriated, such sum or sums of money as will provide for deficiencies now existing or hereafter to arise in said funds, or either of them.

This ordinance shall be in force until ten days after the commencement of the next session of the general assembly.

No. 35.—An ORDINANCE to authorize the issue of Treasury Notes.

Passed April 30, 1861.

Of what denomination

1. Be it ordained, that the governor, for the purpose of raising money for the defence of the state, is hereby authorized to direct the auditor of public accounts to borrow for the commonwealth of Virginia, from time to time, an amount, not exceeding in the aggregate two millions of dollars; and for that purpose the said auditor, on the

order of the governor, shall issue treasury notes for the amount so directed to be borrowed, in sums not less than twenty dollars.

2. The said treasury notes shall be prepared under the direction of the governor, and shall be signed by the treasurer, and countersigned by the auditor of public accounts, but shall not be delivered by the said auditor, except upon the receipt of the treasurer that the par value thereof has been paid into the treasury. The said notes shall be made payable to bearer, and be made payable at the treasury of the state one year after their respective dates. They shall bear interest at a rate not exceeding six per centum per annum from the date of their issue until redeemable. For the payment of the interest and redemption of the principal, as set out in said notes, the faith of the commonwealth of Virginia is hereby pledged.

3. The auditor of public accounts is hereby directed to cause to be redeemed all treasury notes, principal and interest, at the time when the same are redeemable and presented for payment, to be paid out of any money in the treasury not otherwise appropriated. And if the said notes be not presented within twelve months after the same are redeemable, the said auditor, if there be funds in the treasury sufficient to pay the said notes, shall advertise for the same to be brought in on a given day, and after such day the interest thereon shall cease.

4. Whenever any of said notes shall be redeemed by the auditor, as herein provided, the same shall be canceled by him and be delivered to the treasurer, to be preserved in his office; and from time to time an amount equal to the sum so canceled may, by order of the governor, be again issued, subject to all the provisions herein prescribed.

5. The auditor of public accounts and the treasurer shall each keep a full and accurate account of the number, date, denomination and amount of all the notes signed by them respectively, and in like manner of all the said notes redeemed and canceled.

6. For defraying the expenses of preparing, engraving and printing the said treasury notes, a sum not exceeding two thousand dollars is hereby appropriated, to be paid by order of the governor, out of any money in the treasury not otherwise appropriated; and the plate or plates shall be deposited for safe keeping in one of the banks of this city, until otherwise provided by law.

7. All the provisions of the third, fourth and sixth sections of chapter one hundred and ninety-three of the Code, applicable to bank notes, shall be held to apply and relate, in their effect, to the treasury notes directed to be issued by this ordinance.

Banks may purchase, discount, &c

8. It shall be lawful for the banks of this commonwealth to discount or purchase any note or notes issued under this ordinance, to receive the same on deposit, and pay them out at their counters.

To be received in payment of taxes

9. The treasury notes to be issued under the provisions of this ordinance shall be received in payment of all taxes or other dues to the commonwealth. Authority is hereby reserved to the general assembly to arrest and suspend the issue of treasury notes herein provided for.

No. 36.—An ORDINANCE respecting Treasury Notes.

Adopted May 1, 1861.

Officer receiving for taxes to endorse as paid

Be it ordained, that any officer receiving treasury notes in payment of taxes or other public dues, shall endorse thereon that the same is paid, and the date of such payment, and thereafter the interest thereon shall cease; and that the ordinance authorizing the issue of treasury notes, passed the thirtieth of April eighteen hundred and sixty-one, shall be held and construed to authorize interest to be paid thereon until the said notes are actually redeemed, or to such time after the same be redeemable on their face, as may be fixed by the advertisement authorized by said ordinance.

Interest paid only to time of redemption

No. 37.—An ORDINANCE authorizing the Banks of the Commonwealth to issue notes of the denomination of one and two dollars.

Passed April 26, 1861.

Denomination

Be it ordained, that the several banks of this commonwealth be authorized to issue notes of the denomination of one and two dollars, to an amount not exceeding five per cent. of their respective capitals; which notes may be signed by such officer or officers of said banks respectively, as may be designated for that purpose by the board of directors; and any of said banks which may have preserved the notes of the denomination of one and two dollars, heretofore issued under authority of law, be at liberty to circulate the same, so that their issue shall not exceed the amount authorized by this ordinance.

Notes heretofore preserved

How issued by state stock banks

2. The banks whose issues are based upon a pledge of state stock, may dispense with the signatures of the treasurer, and issue such small notes in the same way as the other banks; but no such banks shall be hereby authorized to issue an amount of circulation larger than is now allowed by law.

Laws prohibit:

3. That all laws now in force prohibiting the receiving or passing

of bank notes under the denomination of five dollars, are hereby suspended as to notes issued by the banks of Virginia under this ordinance, during the time this ordinance shall remain in force. ing small notes suspended

This ordinance shall expire at the end of thirty days from the next meeting of the general assembly.

No. 38.—An ORDINANCE to provide for paying for Machinery contracted for the manufacturing of Arms in the Public Armory.

Passed April 27, 1861.

Be it ordained, that the commissioners appointed by an ordinance of convention adopted on this day, for auditing military and naval claims, shall be authorized, in the manner prescribed by said ordinance, to audit, settle and certify for payment any claims for arms and machinery authorized by existing contracts for the manufacture of arms in the public armory.

No. 39.—An ORDINANCE to amend the Constitution of this Commonwealth, so as to strike out the twenty-second and twenty-third sections of the fourth article of the present Constitution, and insert the following in lieu thereof.

Taxation shall be equal and uniform throughout the commonwealth; and all property shall be taxed in proportion to its value, which shall be ascertained in such manner as may be prescribed by law; but any property may be exempted from taxation by the vote of a majority of the whole number of members elected to each house of the general assembly. Taxation to be uniform
What may be exempted, and how

This ordinance shall take effect on the first day of July next, when ratified by a majority of the votes of the people of this commonwealth, cast at a poll to be taken thereon, on the fourth Thursday in May next, in pursuance of a schedule hereafter to be enacted. When to take effect

Done in convention, in the city of Richmond, on the twenty-sixth day of April in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the commonwealth of Virginia.

Schedule.

1. It shall be the duty of the officers conducting the elections directed by law to be held on the fourth Thursday in May next, at the places appointed for holding the same, to open a poll to take the Duty of officers conducting elections

sense of the qualified voters of this commonwealth upon the ratification or rejection of "An ordinance to amend the constitution of this commonwealth, so as to strike out the twenty-second and twenty-third sections of the fourth article of the present constitution," adopted in convention, at the city of Richmond, on the twenty-sixth day of April one thousand eight hundred and sixty-one.

Poll books

2. The poll book shall be headed, "Amendment to the Constitution of Virginia," and shall contain two columns, one headed, "For the Amendment," and the other, "Against the Amendment;" and the names of those who vote for the amendment shall be written under the former heading, and the names of those who vote against the amendment shall be written under the latter heading.

Officers to make return of persons voting

3. The said officers shall make return of the number of persons voting for each proposition, at the time and in the manner provided by law, as in the case of other elections; and shall forthwith deliver the returns, together with the poll books, to the clerks of their respective counties and corporations; and it shall be the duty of such clerks respectively to transmit immediately to the governor of the commonwealth, copies of the said returns so delivered to them.

Proclamation of result by governor

4. The governor shall, without delay, make proclamation of the result, stating therein the aggregate vote for and against the amendment, to be published in such newspapers in the state as may be deemed requisite for general information; and if a majority of said votes be cast for the ratification of the said ordinance, he shall annex to his proclamation a copy thereof, together with this schedule.

Secretary of commonwealth to send ordinance and schedule to clerks

5. The secretary of the commonwealth shall cause to be sent to the clerks of each county and corporation as many copies of this schedule and ordinance aforesaid as there are places of voting therein, and three copies to each of the military commanders herein after referred to, using special messengers for that purpose when necessary. And it shall be the duty of the said clerks to deliver the same to the sheriffs for distribution, whose duty it shall be forthwith to post the said copies at some public place in each election district.

How expense of poll books defrayed

6. The expenses incurred in providing poll books, and in procuring writers to enter the names of the voters therein, shall be defrayed as in the case of the election of members to the general assembly.

Persons in military service of the state allowed to vote

7. The qualified voters of the commonwealth who may be absent from the counties or corporations of their residence on the day of election, in the military service of the state, may vote for the ratification or rejection of the said ordinance, at such place or places within their encampment, or, as the commander at such encampment shall designate, whether the said encampment shall be within the limits of this

state or not. For each place of voting he shall appoint a superintendent, three commissioners, and as many clerks as shall be necessary, who, after having been first duly sworn by him, shall perform the duties required of, and be liable to the penalties imposed upon such officers under the election laws of this state.

How election
conducted

8. The officers conducting the said election shall, on the day after the election, or as soon thereafter as may be, deliver the poll books to their said commander, who shall forthwith forward the same to the governor of this commonwealth, who shall count the said votes in ascertaining the result of the said election in the state.

To whom poll
books to be de-
livered

No. 40.—An ORDINANCE concerning Qualifications for Office.

Passed April 29, 1861.

Be it ordained by the people of Virginia, in convention assembled, that the acceptance of any appointment or public trust created by this convention, shall not vacate any office under the constitution and laws of the state now held by any person on whom such appointment or public trust may be conferred.

No. 41.—An ORDINANCE to release the Officers, civil and military, and the Citizens generally of the State of Virginia, from all obligation to support the Constitution of the late Confederacy, known as the United States of America.

Passed May 1, 1861.

Be it ordained, that all officers, civil and military, and the people generally of this state, be and they are hereby released from any and all oaths which they may have taken to support the constitution of the late confederacy, known as the United States of America; and that the said oaths and the said constitution are inoperative and void, and of no effect, and that the eleventh section of chapter thirteen of the Code of Virginia of eighteen hundred and sixty, be and is hereby repealed.

Oath to support
the constitution
of the United
States inopera-
tive

No. 42.—An ORDINANCE to provide against the sacrifice of Property and to suspend proceedings in certain cases.

Passed April 30, 1861.

1. Be it ordained, that no execution of fieri facias or venditioni exponas, other than in favor of the commonwealth and against non-

No fieri facias or
venditioni expo-
nas to be issued

Sales under deeds of trust prohibited

residents, shall be issued from the date hereof by any court of record or magistrate for the sale of property, until otherwise provided by law: nor shall there be any sales under deeds of trust or decrees, unless by the consent of parties interested, until otherwise provided by law.

Of executions now issued

2. Where such executions have issued and are now in the hands of officers, whether levied or not, if the debtor offer bond and security for the payment of the debt, interest and costs when the operation of this ordinance ceases, the property shall be restored, and the bond so taken shall be returned as in case of a forthcoming bond, and shall constitute a lien on the realty of the obligors, to the same extent and in the same manner as forfeited forthcoming bonds returned to the clerk's office now do; and judgment may be had on said bond in the same manner and by the same proceedings as judgments may be obtained on forthcoming bonds under existing laws.

How property to be valued

3. If the debtor offers no such bond, it shall be the duty of the officer to convene three freeholders from the vicinage, who, after being sworn, shall proceed to value the property according to what would have been its value on the sixth day of November eighteen hundred and sixty; and unless the said property shall sell for the full amount of such valuation, it shall be restored to the debtor without lien.

Jury trials, &c

4. Except in criminal cases or commonwealth's prosecutions, there shall be no trial of any cause requiring the intervention of a jury, nor upon warrants for small claims before a justice.

How trials for misdemeanor to be had

5. In cases of misdemeanor, juries shall be summoned from the bystanders or vicinage, and not under the law as it now stands; and with the consent of the party prosecuted, the cause may be tried by the court.

Liabilities of public officers

6. This ordinance shall not apply to liabilities upon the part of public officers, either to the state, counties, corporations, or individuals, nor to debts hereafter contracted, nor to debts due the commonwealth: provided, that no note, bill, acceptance or other obligation, the consideration of which is any debt or obligation at present existing, shall be held or considered as a debt hereafter contracted.

Proviso

Statutes of limitations

7. The time during which this ordinance is in force shall not be computed in any case where the statute of limitation comes in question.

When ordinance may expire

8. This ordinance shall remain in force until repealed or changed by this convention, or the general assembly of the state; and if not so repealed or changed, shall expire at the end of thirty days after the first day of the next general assembly.

No. 43.—An ORDINANCE for the prevention and punishment of Offences against the Commonwealth.

Passed May 1, 1861.

1. Be it ordained, by the convention of Virginia, that in addition to the powers now vested in the county courts, they shall have power to establish a regular police force, who, being first qualified by taking the oaths of fidelity to this commonwealth, and to discharge the duties devolved upon them under this ordinance, shall be authorized to apprehend, and carry forthwith before a justice of the peace for the county, any person whom they shall have just cause to suspect has violated any law of the state in regard to tampering with slaves, inciting them to rebel or make insurrection, or to escape from their owners, or has attempted to commit any such offence, or any person whom they shall have just to suspect is concerned in any manner in counseling, aiding or abetting the government of the United States, or any officer or agent thereof, in any invasion or hostile action against this commonwealth, or any of its citizens, acting under the proper authorities thereof, or against the Confederate States of America, or any of them, or of any slaveholding state in amity with them; or any person who shall, by letter or otherwise, communicate to the said government of the United States, or any officer or agent thereof, directly or indirectly, any information touching the action of this commonwealth or its authorities, other than as the same may be authorized by them, or any of them; and to bring all such persons before a justice of the peace of the county, to be dealt with according to law, and the provisions of this ordinance.

Additional powers granted to the county courts

Tampering with slaves

Aiding invasion of the state

Conveying information to United States government

2. Any person who shall commit any offence for which a person may be apprehended under the first section of this ordinance, shall be deemed guilty of felony, and shall be punished in such manner as the laws now in force prescribe: provided, that any imprisonment prescribed by existing laws in such cases shall be in the penitentiary house.

Any offence under 1st section a felony

In those cases mentioned in the first section, for which no punishment is fixed by existing laws, the person convicted thereof shall be punished by fine not less than one hundred, nor more than ten thousand dollars, and by imprisonment in the penitentiary house for not less than five nor more than twenty years.

Fine and imprisonment in certain cases

3. The powers vested by this ordinance in the county courts, and all the provisions of the first and second sections thereof, shall be vested in like manner, and be applicable to the corporation courts, and to the police force legally appointed by such corporations, under their respective charters.

Powers herein conferred to extend to corporation courts, &c

4. No person so apprehended shall be admitted to bail, except by a judge of a circuit court in this commonwealth, or of the supreme

Who can grant bail

court of appeals; but the party, if so released on bail, shall not be permitted to leave the commonwealth before trial; and the order of release shall require the officer to take care that the party does not leave the commonwealth.

5. This ordinance shall be in force from its passage, and be subject to amendment and repeal by the general assembly of Virginia.

No. 44.—An ORDINANCE concerning the Arming of the Militia.

Passed May 1, 1861.

All the acting
justices to be
summoned

Be it ordained, That the presiding justice of any county in this state be and he is hereby authorized and required, on the application of three or more justices of such county, to cause all the acting justices thereof to be summoned to meet at the courthouse of such county on the next succeeding court day, or on some intermediate day, not less than five days from the date of the summons, to take into consideration and carry into effect the provisions of the act of the general assembly, entitled "an act to authorize the county courts and any incorporated city or town to arm the militia of their respective counties, cities and towns, and to provide means therefor," passed January nineteenth, eighteen hundred and sixty-one.

Definition of the
term "militia"

And whereas there may be a doubt whether the term "militia," in said act of assembly, includes the volunteer force as a part of the militia:

Be it further ordained, That the said statute be so construed as to embrace the volunteer force as a part of the militia of the several counties, cities and towns of the commonwealth.

No. 45.—An ORDINANCE to authorize a Line of Telegraph from Alexandria to Winchester, and an Express Line from Richmond to Baltimore.

Passed April 20, 1861.

Telegraph and
express lines

Be it ordained, That the governor is hereby authorized to contract for a line of telegraph from the city of Alexandria, by way of Strasburg, to the town of Winchester, and for an express line from the city of Richmond to Baltimore, and to defray the expense thereof from the appropriation heretofore made, or from such loan as may be authorized by this convention.

No. 46.—An ORDINANCE to authorize the construction of a Line of Telegraph.

Passed April 24, 1861.

Be it ordained, that the governor be authorized to have constructed ^{Telegraph line} a line of telegraph from the city of Richmond to such point on York river as he may select, and to defray the cost of the same from such moneys as may be raised for military purposes.

No. 47.—An ORDINANCE concerning Telegraphic Lines.

Passed May 1, 1861.

Be it ordained, that the governor be and he is hereby authorized ^{Telegraph lines} and empowered to take possession and control of all or any telegraphic lines operating in this commonwealth, whenever in his opinion the public interest may require it.

No. 48.—An ORDINANCE in regard to the Exportation of Breadstuffs, &c.

Passed May 1, 1861.

Be it ordained by the convention, that the governor, by and with the advice of the council, may, whenever in his opinion the exigencies of the public service may require, prohibit the exportation of breadstuffs and provisions of every character from all or any of the ports and places in this state. ^{Exportation of breadstuffs prohibited}



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of Virginia passed in 1861-1865
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CONVENTION
BETWEEN THE
COMMONWEALTH OF VIRGINIA
AND THE
CONFEDERATE STATES OF AMERICA.

The commonwealth of Virginia, looking to a speedy union of said commonwealth and the other slave states, with the Confederate States of America, according to the provisions of the constitution for the provisional government of said states, enters into the following temporary convention and agreement with said states for the purpose of meeting pressing exigencies affecting the common rights, interests and safety of said commonwealth and said confederacy :

1st. Until the union of said commonwealth with said confederacy shall be perfected, and said commonwealth shall become a member of said confederacy according to the constitutions of both powers, the whole military force and military operations, offensive and defensive, of said commonwealth, in the impending conflict with the United States, shall be under the chief control and direction of the president of said Confederate States, upon the same principles, basis and footing as if said commonwealth were now, and during the interval, a member of said confederacy.

2d. The commonwealth of Virginia will, after the consummation of the union contemplated in this convention, and her adoption of the constitution for a permanent government of said Confederate States, and she shall become a member of said confederacy, under said permanent constitution, if the same occur, turn over to said Confederate States all the public property, naval stores and munitions of war, etc. she may then be in possession of, acquired from the United States, on the same terms and in like manner as the other states of said confederacy have done in like cases.

3d. Whatever expenditures of money, if any, said commonwealth of Virginia shall make before the union under the provisional government, as above contemplated, shall be consummated, shall be met and provided for by said Confederate States.

This convention, entered into and agreed to, in the city of Richmond, Virginia, on the twenty-fourth day of April, eighteen hundred and sixty-one, by Alexander

H. Stephens, the duly authorized commissioner to act in the matter for the said Confederate States, and John Tyler, William Ballard Preston, Samuel McD. Moore, James P. Holcombe, James C. Bruce and Lewis E. Harvie, parties duly authorized to act in like manner for said commonwealth of Virginia—the whole subject to the approval and ratification of the proper authorities of both governments respectively.

In testimony whereof, the parties aforesaid have hereto set their hands and seals, the day and year aforesaid, and at the place aforesaid, in duplicate originals.

| | |
|----------------------|---------|
| JOHN TYLER, | [Seal.] |
| WM. BALLARD PRESTON, | [Seal.] |
| S. McD. MOORE, | [Seal.] |
| JAMES P. HOLCOMBE, | [Seal.] |
| JAMES C. BRUCE, | [Seal.] |
| LEWIS E. HARVIE, | [Seal.] |

Committee of the Convention.

ALEXANDER H. STEPHENS, [Seal.]
Commissioner for Confederate States.

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ORDINANCES

ADOPTED BY

THE CONVENTION OF VIRGINIA,

AT THE

ADJOURNED SESSION

IN

JUNE AND JULY 1861.



ORDINANCES.

No. 50.—An ORDINANCE authorizing and directing Improvements and Repairs to be made on the Staunton and Parkersburg Turnpike Road.

Passed June 14, 1861.

1. Be it ordained, that the governor is hereby authorized and directed to cause such bridges to be rebuilt and such other repairs to be made on the Staunton and Parkersburg turnpike road east of Beverley in the county of Randolph, as are or may become necessary in the use of said road for military purposes and operations; and a sufficient amount for the purpose is hereby appropriated out of the treasury, upon the order or orders of the governor; to be paid out of any funds that have been or may be set apart or appropriated for the defence of the state.

Bridges to be rebuilt and other repairs made

2. This ordinance shall be in force from its passage, subject to amendment by the convention or general assembly.

No. 51.—An ORDINANCE concerning Suspicious Persons.

Passed June 17, 1861.

Be it ordained, that the governor may cause to be apprehended and secured, or may compel to depart from this state, all suspicious subjects or citizens of any foreign state or power at war with the Confederate States of America, or from which hostile designs against the Confederate States of America are apprehended by the president thereof; and the governor may send for the person or papers of any foreigner within this state, in order to obtain information to enable him to act in such cases.

Suspicious persons may be apprehended and secured

No. 52.—An ORDINANCE providing for the speedy completion of Rail Road Connections between Richmond and Harpers Ferry.

Passed June 18, 1861.

Be it ordained, that the Manassas Gap rail road company be and are hereby authorized to extend their road from some point at or near Strasburg, to connect with the rail road at or near Winchester.

Rail road company authorized to extend their road

If the major general in command of the confederate forces in this commonwealth regards the construction of this road at this time necessary for the military defence of the state, the governor of the commonwealth is hereby authorized to loan said company, out of the funds appropriated for the defence of the state, a sum not exceeding the sum of one hundred and twenty-five thousand dollars, including the sum already advanced by the state to pay the duties on the iron purchased by said road, taking a mortgage on the said road for the repayment of the sum so loaned.

Governor authorized to loan money

No. 53.—An ORDINANCE to authorize the County Courts to make provision for the maintenance of the Families of Soldiers in the actual service of the State or the Confederate States, and for other purposes.

Passed June 18, 1861.

Be it ordained by the people of Virginia, in convention assembled, that in addition to the purposes specified in the act of the general assembly of this commonwealth, entitled an act to authorize the county courts and any incorporated city or town to arm the militia of their respective counties, cities and towns, and to provide means therefor, passed January nineteenth, eighteen hundred and sixty-one, the county courts and corporations accepting the provisions of said act, may furnish uniforms, equipments and any necessary relief to such volunteers and to such portions of the militia in their respective jurisdictions as they may deem expedient; may likewise make provision for the maintenance of the families of soldiers in the actual service of the state or of the Confederate States; and for such other purposes as the public exigencies may require: and they shall have power to provide the means necessary for these purposes, in the manner set forth in said act: And all orders and acts of county courts and corporations heretofore done and made for the purposes aforesaid, and any bonds heretofore issued for such purposes, are made legal and valid. And the several banks of this commonwealth are hereby authorized to purchase bonds issued by the counties of this state for the purposes aforesaid; and where such bonds have already been purchased by any such bank, the same is hereby legalized.

County courts and corporations may furnish uniforms, &c

Acts of county courts legalized

Banks authorized to purchase bonds

This ordinance shall be in force from its passage.

No. 54.—An ORDINANCE to legalize the Election of certain Members elected to the next General Assembly.

Passed June 19, 1861.

Whereas doubts have arisen as to the legality of the election to the general assembly of Virginia of persons holding military commissions or receiving pay or emolument in the military service:

Be it therefore ordained, that no person elected to either house of the general assembly of Virginia, at the election held on the twenty-third day of May eighteen hundred and sixty-one, shall be disqualified from taking or holding his seat by reason of his holding a military commission, or receiving pay or emolument in the military service of Virginia or the Confederate States of America at the time of his election, or afterwards.

Elections to
general assem-
bly legalized

No. 55.—An ORDINANCE to Repeal the Ordinances concerning the Advisory Council.

Passed June 19, 1861.

Be it ordained, that the several ordinances of the convention to authorize the appointment of an advisory council, to define its authority, to increase its number, and to prescribe the compensation of its members, be and the same are hereby repealed.

Ordinances au-
thorizing council
repealed

No. 56.—An ORDINANCE adopting the Constitution of the Confederate States.

Passed June 19, 1861.

We, the delegates of the people of Virginia, in convention assembled, do, in their name and behalf, assent to, ratify and ordain the constitution of the Confederate States of America, adopted by the congress of the Confederate States of America on the eleventh of March eighteen hundred and sixty-one: and we do hereby make known to all whom it may concern, that the said constitution is binding upon the people of this commonwealth. But this constitution is ratified and adopted by Virginia, with the distinct understanding on her part, that she expressly reserves to herself the right, through a convention representing her people, in their sovereign character, to repeal and annul this ordinance, and to resume all the powers hereby granted to the confederate government, whenever they shall, in her judgment, have been perverted to her injury or oppression.

Constitution of
Confederate
States adopted

Right to repeal
and annul re-
served

No. 57.—An ORDINANCE in relation to the Huttonsville and Marlin's Bottom Turnpike Road.

Passed June 22, 1861.

1. Be it ordained, that the sum of twelve hundred dollars is hereby appropriated for the purpose of making repairs for military purposes on the Huttonsville and Marlin's bottom turnpike road, to be paid out

Money appro-
priated and paid
upon the order
of the governor

of any money now or hereafter to be appropriated for the defence of the state. The amount hereby appropriated is directed to be expended in preparing said road for the transportation of troops and provisions; and the governor is hereby directed to cause said repairs to be made with all possible dispatch; and the money appropriated shall be paid upon the order or orders of the governor.

2. This ordinance shall be in force from its passage, subject to amendment or modification by the convention or general assembly.

No. 58.—An ORDINANCE concerning the Cadets of the Virginia Military Institute.

Passed June 22, 1861.

Army and naval
auditing board
authorized to
pay

Be it ordained, that the board for auditing the army and naval expenditures do pay to such of the cadets of the Virginia military institute who have performed services as drill masters at the camp of instruction or other place, the sum of twenty dollars per month whilst so engaged.

No. 59.—An ORDINANCE for the protection of property in Counties of the State not actually invaded.

Passed June 24, 1861.

The officer com-
manding autho-
rized to draft
militia

1. Be it ordained, that in such counties of this state as are not actually invaded, but in which, from the proximity of the enemy of the state, or other cause, danger exists of a loss of property to the citizens thereof, the colonel commanding the militia of said county, or, in his absence or inability to act, the next highest officer of such militia shall, whenever in his opinion it shall be necessary to protect the property of the citizens of such counties, have power, and he is hereby authorized and required to draft from the militia of such county so many men, from time to time, as he shall deem sufficient to prevent any loss of property from his county as aforesaid. He shall appoint some inferior officer of the regiment from which said men may be drafted to command the same, under the authority and direction of the officer who shall order out the same; the said men, so drafted, shall remain in the service of the state for as long as, in the opinion of the officer calling them out, their services are necessary for the purposes above specified.

What officer
shall command

Time of service

How supplied
with arms and
ammunition

2. Be it further ordained, that any guns or ammunition which have heretofore been sent to such counties as it may be found necessary to call out any portion of the militia thereof, and which have not

been used, shall be appropriated by those who have the care and custody of the same (or so much thereof as may be necessary) to the use of the men so called out, for the purposes of the service to which they are called; and in such counties as have not now on hand any arms or ammunition from the state, the executive of the state shall cause a sufficient quantity of ammunition to be furnished the officer calling out the said militiamen, for their use; and such officer shall give his receipt therefor, and shall return to or account for all such ammunition furnished him under this ordinance as may not be used in the service.

3. The officer calling out said men shall report, from time to time, to the executive of this commonwealth, the number of men so called out by him; the time of their service; and the executive shall cause to be paid to such men so called out, and the officer commanding the same, such pay per month, including rations, as the same men would be entitled to if the entire regiment to which they belong were called into the service of the state to repel invasion: provided, that nothing in this ordinance shall exempt any militiaman from the service of the state or the government of the Southern Confederacy, should it become necessary to require the same.

The amount of pay and how received

4. This ordinance shall take effect from its passage.

No. 60.—An ORDINANCE to authorize a Connection between the Richmond, Fredericksburg and Potomac and Richmond and Petersburg Rail Roads in Richmond, and between the Richmond and Petersburg and Petersburg Rail Roads in Petersburg.

Passed June 24, 1861.

1. Be it ordained, that the Richmond, Fredericksburg and Potomac rail road company and the Richmond and Petersburg company, or either of them, is hereby authorized to extend their roads, or either of them, through the city of Richmond, so as to connect with each other; and that the Richmond and Petersburg rail road company and the Petersburg rail road company, or either of them, is hereby authorized to extend their roads, or either of them, through the city of Petersburg, so as to connect with each other.

Either company authorized to extend road

2. Should said companies fail to take immediate steps to make either of said connections, and the commander in chief of the confederate forces in this state deem said connections, or either of them necessary for the defence of the state, the Confederate States may cause temporary connections to be constructed between the roads above mentioned, to continue during the present war; or the governor of the state, on the requisition of the authorities of said Con-

Confederate States or governor may cause temporary connections to be made

federate States, may cause such temporary connections to be made, and defray the expense thereof out of the funds appropriated for the defence of the state; to be refunded by the Confederate States, under the convention of the twenty-fourth day of April eighteen hundred and sixty-one. And in case the temporary connections aforesaid are made, then the authority given by this ordinance to the companies aforesaid to connect said roads, is hereby revoked.

No. 61.—An ORDINANCE to repeal the 5th section of an act entitled an act for the Relief of the Banks of this Commonwealth.

Passed June 24, 1861.

Relief of the
banks

Be it ordained, that the fifth section of the act entitled an act for the relief of the banks of this commonwealth, passed March first, eighteen hundred and sixty-one, is hereby repealed.

No. 62.—An ORDINANCE concerning Ordinances of a General Legislative Character, and providing for their Publication and Distribution.

Passed June 24, 1861.

Same footing as
acts of legisla-
ture

Be it ordained, that all ordinances of a general legislative character, adopted by this convention, shall stand on the footing of ordinary acts of legislation, and be subject to be repealed or modified hereafter, at the pleasure of the general assembly; and that the said ordinances be published and distributed for general information, in the manner provided for the publication and distribution of the Acts of Assembly.

No. 63.—An ORDINANCE authorizing Banks to change their Places of Business.

Passed June 24, 1861.

Banks can
change places of
business in cer-
tain cases

Be it ordained, that whenever the president and directors of any bank, or of the branch of any bank, shall consider the domicile of the bank unsafe, or that access thereto is interrupted, by reason of the public enemy, and shall so enter on their minutes, and appoint some other place for the custody of its books and effects, and the transaction of its business, it shall be lawful for the board to remove thereto, and thereat to exercise its corporate rights, until the danger be over, when it shall return to its original domicile; and bills of exchange, checks and negotiable notes, payable at the domicile of such bank, shall be held and treated as payable at the bank in the place to

which it is removed. The president and directors shall cause notice to be given of the removal of such bank, by advertisement, and other means likely to make the fact public. Notice of removal to be given

Be it further ordained, that when any city or town, wherein a bank is located, shall be occupied, invested, or access thereto interrupted by the enemy, or when there is no mail therefrom to the place or places to which notice should be addressed, the parties to negotiable notes, bills and checks, payable in such city or town, shall remain bound after the maturity of such notes, bills and checks, without demand, protest or notice, as if the requirements of law in that behalf had been complied with. Parties to negotiable notes, bills, &c. to remain bound

No. 64.—An ORDINANCE to amend and re-enact an ordinance entitled an ordinance to authorize a Connection between the Richmond, Fredericksburg and Potomac Rail Road and the Richmond and Petersburg Rail Road in Richmond, and between the Richmond and Petersburg Rail Road and Petersburg Rail Road in Petersburg, passed June 24th, 1861.

Passed June 26, 1861.

Be it ordained, that the ordinance entitled an ordinance to authorize a connection between the Richmond, Fredericksburg and Potomac rail road and the Richmond and Petersburg rail road in Richmond, and between the Richmond and Petersburg rail road and Petersburg rail road in Petersburg, passed on the twenty-fourth day of June eighteen hundred and sixty-one, be amended and re-enacted so as to read as follows: Ordinance passed 24th June 1861 amended

1. Be it ordained, that the Richmond, Fredericksburg and Potomac rail road company and the Richmond and Petersburg rail road company, or either of them, is hereby authorized to extend their roads, or either of them, through the city of Richmond, so as to connect with each other; and that the Richmond and Petersburg rail road company and the Petersburg rail road company, or either of them, is hereby authorized to extend their roads, or either of them, through the city of Petersburg, so as to connect with each other; and that the trains of locomotives and cars of all of the said companies and of southern rail roads connected with them, may be used upon the said extensions, should said companies, or either of them, fail to take immediate steps to make either of said connections, and the commander in chief of the confederate forces in this state should deem said connections, or either of them, necessary for the defence of the state, the government of the Confederate States may cause temporary connections to be constructed between the roads above mentioned, to continue during the present war: or the governor of this state, on the requisition of the authorities of said Confederate States, may cause such temporary connections to be made, and de- Either company authorized to extend road
Confederate States or govern nor may cause temporary connections to be made

fray the expense thereof out of the funds appropriated for the defence of the state, to be refunded by the Confederate States, under the convention between this state and the Confederate States, of the twenty-fourth day of April eighteen hundred and sixty-one. And in case the temporary connections aforesaid are made, then the authority given by this ordinance to the companies aforesaid to connect the said roads, is hereby revoked.

Public or private property may be condemned

2. Be it further ordained, that in order to enable the said companies to make the extensions of their roads herein provided for, they are hereby authorized immediately to enter upon and occupy any real property, public or private, which may be needed to make said extensions, any enactment of the general assembly heretofore passed to the contrary notwithstanding, and to have the same condemned; the amount of any damages for entering upon and occupying any real property, to be ascertained as now provided for by law, with regard to corporations generally: provided, however, that no dwelling house shall be taken for the purposes aforesaid, without the consent of the owner thereof.

Dwelling houses not to be condemned without consent of owner

3. This ordinance shall be in force from the passage thereof.

No. 65.—An ORDINANCE providing for the appointment of Commissioners of the Revenue and Collectors of Taxes in certain cases, and providing for the absence of the Auditor of Public Accounts.

Passed June 26, 1861.

Auditor may authorize clerk to perform duties

1. Be it ordained, that whenever it is necessary for the auditor of public accounts to be absent from his office, when he is employed in the performance of the duties of any board of which he is ex-officio a member, or when engaged in any special or important duty appertaining to his office, he may thereupon authorize the duties of the said officer to be performed for such time by any clerk in his office, of which authority, information shall be given to the treasurer and second auditor. The auditor of public accounts and his securities shall be liable for any default or breach of duty while so acting. No additional compensation, beyond the annual salary, shall be allowed to any clerk for his services while so acting.

Commissioners of the revenue may be appointed

2. It shall be lawful for the auditor of public accounts to appoint one or more commissioners of the revenue for each district in this commonwealth to fill any vacancy therein, or to perform any duty which the incumbent has failed or refused to perform. The commissioner so appointed shall continue in office until his successor is elected and qualified (if appointed to fill a vacancy), and afterwards until he shall have completed his assessments of all licenses, persons

and property which may have been commenced by him, and the delivery of the certificates of licenses and books of his assessments of persons and property to the proper collecting officers, in the mode prescribed by law. The time for the assessments and delivery of the certificates and books thereof, as aforesaid, shall be prescribed by the auditor at the time of the appointment. For good cause, the said auditor, with the approbation of the governor, may allow such commissioner an additional fee for each certificate of license, to be issued by him, not exceeding one dollar, to be included in the license tax. Fees of commissioners may be increased

3. Whenever the office of any sheriff or collector of taxes shall become vacant, or when the security of any sheriff or collector is manifestly insufficient, the auditor of public accounts may appoint a collector of the taxes, militia fines, and other public dues, in any county or corporation, to collect the same, and may allow him a reasonable compensation, to be agreed upon (before the service is commenced), and approved by the executive. How vacancies by sheriffs or other collectors may be supplied

4. Such collector shall have a reasonable time allowed him by the auditor to make such collections and pay the same into the treasury; and shall, before he acts, execute a bond with sureties approved by the said auditor, conditioned that he will faithfully collect the said taxes, militia fines and other public dues, and account for and pay the same into the treasury within the time so allowed. The said bond shall remain filed in the auditor's office. In all cases of default in the payment of taxes collected by any officer, where the auditor of public accounts is required to take judgment against such defaulting officer within a given time without notice, the said auditor may in his discretion, within said time, take such judgment or not. In cases of default, auditor may take judgment at his discretion

5. This ordinance shall be in force from its passage, and continue in force until repealed by the general assembly; the right to do which is hereby vested in the said general assembly.

No. 66.—An ORDINANCE respecting the Revenue of the Literary Fund.

Passed June 26, 1861.

Be it ordained, that, excepting the appropriations to the university of Virginia and the Virginia military institute, the whole revenues accruing to the Literary fund, until otherwise provided by law, be and the same are hereby appropriated to the purpose of the military defence of the state, and the future operation of all laws appropriating such revenue is hereby suspended; but such portion of said revenue already accrued as may be lawfully bound, up to the first day of July next, shall be paid accordingly. Literary fund appropriated for military defences

No. 67.—An ORDINANCE extending the Jurisdiction of the County Courts in certain cases.

Passed June 26, 1861.

Court of the county next thereto shall have jurisdiction

Be it ordained, that when the court of any county shall fail to meet for the transaction of business, or the people thereof, or any of them, shall be prevented from attending thereupon by reason of the public enemy, the court of the county next thereto, where such obstruction does not exist, and the clerk thereof, shall have jurisdiction of all matters and authority to do and perform all acts which, as the law now is, are referable to the court or to the clerk of the county so obstructed.

No. 68.—An ORDINANCE to amend an Ordinance passed May 1st, 1861, concerning Persons exempt from Military Duty.

Passed June 26, 1861.

1. Be it ordained, that the ordinance passed the first day of May eighteen hundred and sixty-one be and the same is hereby amended and re-enacted so as to read as follows :

Who exempt from military duty

That all persons actually and personally employed in any factory for the manufacture of arms, munitions of war, shoes, leather, cotton or woolen goods, or in mining for coal, iron, lead, saltpetre, salt and other minerals deemed necessary for the defence of the state, shall be exempt from the performance of military duty, unless drafted and detailed for actual service by order of the governor, until otherwise provided by law.

2. This ordinance shall be in force from the passage thereof.

No. 69.—An ORDINANCE in relation to the Interest of the State Bonds.

Passed June 26, 1861.

Interest suspended during the war

Be it ordained, that the payment of the interest upon the bonds of the state, now the property of the government of the United States, or held by it in trust, or which are now the property of a citizen or corporation of said government, or of any state adhering thereto, be suspended during the existing war; and for the purpose of ascertaining the bonds which are so owned, the commissioners of the Sinking fund shall cause such interrogatories as they may prescribe, to be answered under oath. The interest on said bonds, except those held as aforesaid, and the sterling bonds payable in London, shall be paid at the treasury, and not elsewhere, in currency.

Interest payable at the treasury Exception

No. 70.—An ORDINANCE to prohibit Citizens of Virginia from holding Office under the United States Government.

Passed June 27, 1861.

1. Be it ordained, that any citizen of Virginia holding office under the government of the United States after the first of August, shall be forever banished from this state, and is declared an alien enemy, and shall be so considered in all the courts of Virginia.

Banished from the state and declared an alien

2. Any citizen of Virginia, who may hereafter undertake to represent the state of Virginia in the congress of the United States, shall, in addition to the penalties of the preceding section, be deemed guilty of treason, and his property shall, upon information by the attorney general, in any court of this commonwealth, be confiscated to the use of the state.

Shall be deemed guilty of treason

3. The first section shall not be deemed applicable to any officer of the United States now out of the limits of the United States or of the Confederate States, until after the first day of July eighteen hundred and sixty-two.

No. 71.—An ORDINANCE authorizing Treasury Notes, and concerning the Banks.

Passed June 28, 1861.

1. Be it ordained, that the twelfth and thirteenth sections, and the last clause of the sixteenth section of chapter fifty-eight of the Code, be and the same are hereby suspended, in respect to the banks which, since the seventeenth day of April last, have made, or may hereafter make loans to this commonwealth and the government of the Confederate States, or to either of them. The "loans and discounts" and the "circulation" of the banks so lending, may exceed the restrictions thereon by the amount of their loans to the commonwealth and the government of the Confederate States, until the same be repaid. The banks are severally authorized to loan to the commonwealth and to the government of the Confederate States thirty per centum on their respective capitals, in the ratio of twenty per centum to the commonwealth, and of ten per centum to the government of the Confederate States; and a loan to either shall impose an obligation to loan to the other in the ratio aforesaid: provided, that upon the certificate of the auditor, that the wants of the commonwealth will be supplied by loans by the banks of less than the twenty per centum aforesaid, they shall severally be at liberty to increase their loans to the government of the Confederate States by such deficiency. The banks shall be at liberty to receive and circulate the treasury notes of the commonwealth and the government of the Confederate States.

When suspended

Loans and discounts may exceed restrictions

Bank may loan to the commonwealth and Confederate States

Auditor of public accounts may issue treasury notes

2. For the purpose of raising money for the defence of the state, and the payment of the interest on the public debt and of the expenses of the convention, the governor is hereby authorized to direct the auditor of public accounts to issue treasury notes, to an amount not exceeding in the aggregate four millions of dollars, in addition to the sum authorized to be borrowed under the ordinance passed the thirtieth day of April eighteen hundred and sixty-one, entitled an ordinance to authorize the issue of treasury notes. The notes hereby authorized to be issued, to the amount of two millions of dollars, shall bear no interest, be payable on demand to bearer, and in sums not less than five dollars. The residue thereof shall bear interest at the rate of six per centum per annum, and be payable to bearer, one year after the date thereof, in sums not less than twenty dollars. All of these notes shall be receivable in payment of all taxes and other dues to the commonwealth, and may be reissued until otherwise provided by law. They may also, when presented at the treasury in sums of five hundred dollars, or any multiple of one hundred above that sum, be converted into registered bonds of the state, bearing six per centum interest per annum. All the provisions of the ordinance passed the thirtieth day of April eighteen hundred and sixty-one shall be held to apply to the notes authorized to be issued by this ordinance, except so far as they may be inconsistent therewith.

Notes so issued to bear interest

May be converted into registered bonds

Banks entitled to have notes countersigned by the treasurer

3. The banks, or any of them, entitled to have their notes countersigned by the treasurer, may have them countersigned in like manner, to the extent of their loans under this ordinance, by depositing with the treasurer the bonds of the government of the Confederate States, subject to all the provisions of section forty-nine of chapter fifty-eight of the Code, edition of eighteen hundred and sixty.

Treasurer and auditor allowed additional pay

4. Inasmuch as the preparation of the notes hereby authorized is an addition to the general duties of the treasurer and auditor, and because it will involve a large amount of labor not contemplated as part of their official duties, the said treasurer and auditor shall each be allowed at the rate of three dollars for each thousand notes so prepared and signed by them.

No. 72.—An ORDINANCE for the relief of Sheriffs of certain Counties.

Passed June 28, 1861.

Whereas some of the counties of this state have been, and others may be invaded and occupied by the army of the United States, and other counties so held by disloyal citizens, as that the sheriffs of such counties may be hindered and delayed, without their fault, in the collection of the state revenue :

Be it therefore ordained, that in all such cases the auditor of public accounts shall be and he is hereby authorized and required to settle with all such sheriffs, accounting for the revenue of their respective counties, upon just and equitable principles, allowing full commissions upon the sums paid over, prescribing such forms for returns, and omitting such oaths as he may think proper, and providing for the subsequent collection of such public dues. And the said auditor is required in his future reports to state the special circumstances of such cases, and the condition and amount of the several claims.

How auditor
may settle with
sheriff

No. 73.—An ORDINANCE concerning the Northwestern Lunatic Asylum, and the West Liberty Academy in Ohio County.

Passed June 28, 1861.

1. Be it ordained, that the prosecution of the work upon the Northwestern lunatic asylum be suspended until the general assembly shall otherwise provide; that no further moneys be drawn from the treasury on that account; and that any surplus of the moneys hitherto drawn, after paying for work done, be returned into the treasury.

Work suspended

2. Be it further ordained, that the act of the last general assembly authorizing a loan from the Literary fund of five thousand dollars to West Liberty academy in Ohio county, be and the same is hereby repealed.

Act authorizing
loan repealed

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

No. 74.—An ORDINANCE for the apportionment of Representation in the Congress of the Confederate States.

Passed June 28, 1861.

Be it ordained, that the number of members to which this state is entitled in the house of representatives of the Confederate States, shall continue to be apportioned amongst the several counties and corporations of the state, arranged into sixteen districts as follows:

State appor-
tioned into
sixteen districts

Middlesex, Accomack, Northampton, King William, Gloucester, Matthews, Lancaster, Westmoreland, Richmond, Essex, King & Queen and Northumberland shall be the first district.

Norfolk city, Norfolk county, Princess Anne, Nansemond, Isle of Wight, Southampton, Sussex, Surry and Greenville shall be the second district.

City of Richmond, Henrico, Hanover, Charles City, New Kent,

Elizabeth City, Warwick, James City, Williamsburg and York shall be the third district.

City of Petersburg, Dinwiddie, Chesterfield, Powhatan, Amelia, Nottoway, Cumberland, Goochland and Prince George shall be the fourth district.

Prince Edward, Brunswick, Mecklenburg, Lunenburg, Charlotte, Halifax and Appomattox shall be the fifth district.

Pittsylvania, Patrick, Henry, Franklin, Bedford and Carroll shall be the sixth district.

Albemarle, Campbell and Lynchburg, Amherst, Nelson, Fluvanna and Buckingham shall be the seventh district.

Spotsylvania, Louisa, Orange, Madison, Culpeper, Caroline, King George, Stafford and Greene shall be the eighth district.

Fauquier, Rappahannock, Prince William, Fairfax, Alexandria, Loudoun, Warren and Page shall be the ninth district.

Frederick, Berkeley, Morgan, Hampshire, Clarke, Jefferson, Shenandoah and Hardy shall constitute the tenth district.

Augusta, Rockingham, Rockbridge, Pendleton, Highland, Bath, Pocahontas and Alleghany shall constitute the eleventh district.

Botetourt, Roanoke, Montgomery, Floyd, Pulaski, Giles, Craig, Mercer, Monroe, Greenbrier, Raleigh and Fayette shall constitute the twelfth district.

Wythe, Smyth, Grayson, Washington, Scott, Lee, Wise, Buchanan, McDowell, Tazewell, Bland and Russell shall constitute the thirteenth district.

Kanawha, Logan, Boone, Wayne, Cabell, Putnam, Mason, Jackson, Roane, Clay, Nicholas, Braxton, Wirt and Wyoming shall constitute the fourteenth district.

Lewis, Wood, Pleasants, Tyler, Ritchie, Doddridge, Upshur, Randolph, Webster, Tucker, Barbour, Harrison, Taylor, Gilmer and Calhoun shall constitute the fifteenth district.

Ohio, Hancock, Brooke, Marshall, Wetzel, Marion, Monongalia and Preston shall constitute the sixteenth district.

Each of said districts shall choose one representative in the congress of the Confederate States.

No. 75.—An ORDINANCE concerning the Office of Adjutant.

Passed June 28, 1861.

Commandant
may appoint
adjutant

1. Be it ordained by the people of Virginia in convention assembled, that the commandant of a regiment of volunteers may appoint any person belonging to such regiment to act as adjutant, with the rank, pay and emoluments of captain—any thing in any law or ordinance to the contrary notwithstanding.

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

No. 76.—An ORDINANCE concerning the Appointment of Aids by the Governor of the Commonwealth.

Passed June 29, 1861.

Whereas the conduct and expenses of the present war have been transferred to the authorities of the Confederate States, so as render unnecessary and inexpedient any extraordinary expense, separately, by this commonwealth, in conducting the same :

Be it therefore ordained, that the eighth section of chapter sixth of the Code of Virginia, authorizing the governor to appoint seven aids, and the ordinance passed April nineteenth, eighteen hundred and sixty-one, entitled an ordinance to authorize the appointment of aids by the governor, be and the same are hereby amended, so as to read as follows : Former ordinances repealed

“The governor of the commonwealth is authorized to appoint, during the war, as many aids as he may deem proper ; each with the rank of lieutenant colonel of cavalry, but only three of such aids, to be designated by the governor, shall receive any pay, emolument, or perquisites for his services, during the same year ; and the three aids receiving pay shall receive the pay only of captain of cavalry.” How many shall receive pay

No. 77.—An ORDINANCE providing for the election of Electors of President and Vice-President of the Confederate States.

Passed June 29, 1861.

1. Be it ordained by this convention, that until otherwise ordered by the general assembly, eighteen electors of president and vice-president of the Confederate States of America shall be chosen by the legally qualified voters of this state, by general ticket, as follows, to wit : One elector from each congressional district established by this convention, and two from the state at large ; the election to be held on the first Wednesday in November eighteen hundred and sixty-one, and to be conducted in all respects in accordance with the statutes regulating the election of electors of president and vice-president of the United States of America, as contained in the Code of eighteen hundred and sixty. Eighteen electors shall be chosen
Election, when held

2. The persons chosen as electors of president and vice-president shall meet at the capitol in the city of Richmond on the day designated by the congress of the provisional government of the Confederate States, and shall then and there give their votes, and make, certify and transmit lists thereof, in the manner prescribed by the constitution and laws of the Confederate States. If any of the When and where electors shall meet

electors so chosen shall fail to attend by ten o'clock in the morning of the said day, the electors present shall supply the vacancy by appointing an elector in the place of each one so failing to attend; and every elector so appointed shall be entitled to vote in the same manner as if he had been originally chosen by the people.

Vacancies how filled

Pay and mileage of electors

3. Each elector shall be allowed the same pay and mileage that may at the time be allowed by law to members of the general assembly. But no elector who may be at the capitol at the same time as a member of the general assembly, shall receive any thing in addition to his pay and mileage as such member.

No. 78.—An ORDINANCE to authorize the administration of Oaths by the Second Auditor and others.

Passed July 1, 1861.

Who shall administer oaths

Be it ordained, that the second auditor and the secretary of the commissioners of the Sinking fund are severally authorized to administer oaths in executing the provisions of the ordinance entitled an ordinance in relation to the interest of the state bonds, passed the twenty-sixth day of June eighteen hundred and sixty-one: That the coupon bonds, the payment of the interest on which is suspended by the ordinance above referred to, shall not be converted into registered stock during the period the payment of the interest thereon is suspended.

Bonds not convertible

No. 79.—An ORDINANCE to authorize the qualified voters of the Commonwealth, who may be absent from home in the military service, to vote at the places of their encampment for Electors for President and Vice-President, and for members of Congress.

Passed July 1, 1861.

May vote at their encampments

Be it ordained, that the qualified voters of the commonwealth who may be absent from the counties or corporations of their residence in the military service of the state on the day of election for electors of president and vice-president and for members of the house of representatives of the Confederate States, may vote in said elections at such place or places within their encampment as the commander at such encampment shall designate, whether the said encampment shall be within the limits of the state or not. For each place of voting the commander of the encampment shall appoint a superintendent, three commissioners, and as many clerks as shall be necessary, who after having been first duly sworn by him, shall perform the duties required of, and be liable to the penalties imposed upon

How clerks may be appointed

such officers under the election laws of the state. The said commissioners shall cause separate polls to be opened for the electors of president and vice-president of the Confederate States, and for the election of a member of congress. In the election of electors for president and vice-president of the Confederate States so held at any such encampment, the commissioners, after performing the duties required of them by law, shall make out a return in the following form: "We, A B, commissioners for holding the election for electors of president and vice-president of the Confederate States for the encampment at _____ commanded by _____ do hereby certify that an election was held on _____ day of _____ for said encampment, and that the number of votes herein specified, opposite to the names of the several persons following, was given for such persons as electors for the state of Virginia, of a president and vice-president of the Confederate States, namely: (Here the list of the names of the electors and votes is to follow.) Given under our hands this _____ day of _____ in the _____ year _____." Which return, written in words and not in figures, shall be signed by the commissioners. The said return, together with the poll book and the tickets given in by the voters, shall be forthwith dispatched by a special messenger to be appointed by the commandant of the encampment, to the governor. And it shall be the duty of the governor, in ascertaining what persons are elected, to count the votes so returned to him. In the election of members of the house of representatives of this state in the congress of the Confederate States, the said commissioners shall open polls for each district in the state entitled to representation in the congress, if there be voters in said encampment for such district desiring to vote; and the qualified voters who present themselves to exercise the right of suffrage, shall be asked by said commissioners from what district they come, and each voter shall vote for the member to represent the district from which he comes, and his name shall be recorded on the poll book opened for that district. And when the polls as aforesaid taken shall be closed, the commissioners holding the said election, shall make out a certified statement of the result of the election in such encampment for the several congressional districts for which votes were received, and the said commissioners shall deliver the poll books and the statement so made out to the commandant of the encampment, who shall appoint some person whose duty it shall be to take the poll taken for each district, and the statement of the result so made, to the courthouse of the county first named in the law describing such districts, and shall be present there to meet the officers conducting the election at the courthouses of the several counties, on the fifteenth day after the commencement of said election. The subsequent proceeding shall be the same as prescribed by law for the action of the officers required to meet for deciding an election.

How returns are to be made out

Returns sent to the governor

How to proceed in elections for members of house of representatives

Commissioners shall make out certified copies

No. 80.—An ORDINANCE concerning the Confederate States Bonds.

Passed July 1, 1861.

Commissioners
to collect sub-
scriptions, how
appointed

Be it ordained, that the county and corporation courts in the commonwealth be authorized to appoint commissioners in their several counties, boroughs, towns and cities, to collect subscriptions to the loans authorized to be made to the Confederate States bonds, and that subscriptions made to said bonds in writing be binding on the parties so subscribing.

No. 81.—An ORDINANCE to substitute certain words for the words “United States” in the Laws of this Commonwealth.

Passed July 1, 1861.

Be it ordained, that wherever the words “United States” occur in the Constitution, Code and other laws of Virginia, the words “Confederate States” shall be and are hereby substituted therefor, where applicable.

No. 82.—An ORDINANCE concerning Trials for Treason.

Passed July 1, 1861.

General assem-
bly may provide
for trial of
treason

Be it ordained, that nothing contained in the eighth section of the declaration of rights prefixed to the constitution, shall prohibit the general assembly from providing by law for the trial of criminal cases by juries of a vicinage other than that in which the offence is charged to have been committed, when a trial in such vicinage cannot be conveniently had by reason of the presence of the public enemy, or the prevalence among the people therein of sentiments unfriendly to the enforcement of public justice.

No. 83.—An ORDINANCE respecting the late Paymaster at Harpers Ferry.

Passed July 1, 1861.

Money to be
paid into the
treasury

Be it ordained, that D. Murphy, late paymaster of the United States at Harpers Ferry be, and he is hereby required to pay into the treasury any balance of public money remaining in his hands; and the treasurer is directed to ascertain such balance, and to require the payment thereof as aforesaid.

No. 84.—An ORDINANCE to provide for the enrollment and employment of Free Negroes in the public service.

Passed July 1, 1861.

1. Be it ordained, that the county and corporation courts are hereby authorized, when deemed expedient, to cause to be enrolled all able bodied male free negroes, between the ages of eighteen and fifty, residing within their respective jurisdictions at the date of this ordinance; which said enrollment shall be deposited in the clerks' offices of the counties and corporations aforesaid. How enrolled
2. That upon the requisition of the commanding officer of any post, or department of our forces, for labor in erecting batteries, entrenchments, or other necessities of the military service, addressed to the presiding justice of any county, or mayor or senior alderman of any corporation, as aforesaid, he shall proceed forthwith to summon two other justices to assemble at the clerk's office as aforesaid; and any three justices shall constitute a board to carry out the purposes of this ordinance. Commanding officer to make requisition
3. That said board, or a majority thereof, shall proceed to select from said list or enrollment such number of laborers as in their judgment may be proper and expedient, having reference to the condition and circumstances of the parties; and shall require the sheriff or sergeant to notify the free negroes thus selected to assemble at such time and place as may be agreed upon between said board and the military authorities as aforesaid. How to be selected
4. That all free negroes thus detailed, and appearing at the place of rendezvous, shall be received into public service (under such officers as may be detailed by the commandant as aforesaid to receive them) as laborers, on condition that they be entitled to such compensation, rations, quarters and medical attendance as may be allowed other labor of a similar character employed in the public service; and that they shall not be detained, at any one time, for a longer period than sixty days, without their consent. What compensation, &c. to be allowed, and time of service required
5. That any free negro duly detailed and notified as aforesaid, who shall fail or refuse to obey the requisition as aforesaid, shall be subject to the penalties provided by law for persons drafted from the militia, and failing or refusing to obey such draft. Penalties when service refused
6. Such free negroes shall, whilst engaged in the public service as aforesaid, be subject to the rules and articles of war.
7. The county and corporation courts are authorized to accept and enroll as volunteers all such able bodied free negroes as may offer themselves for such service as is herein before provided for: and, in Courts authorized to accept services

case of any requisition for labor from any county or corporation, no draft shall be made until the list of volunteers shall be exhausted.

8. This ordinance shall be in force from and after its passage.

No. 85.—An ORDINANCE requiring the Banks to receive the Treasury Notes of this Commonwealth.

Passed July 1, 1861.

Banks required
to receive treas-
ury notes
under certain
conditions

Be it ordained, that whenever any bank in this commonwealth shall fail or refuse to receive on deposit, or in payment of debts due to it, the treasury notes issued in pursuance of an ordinance passed the thirtieth day of April eighteen hundred and sixty-one, entitled an ordinance to authorize the issue of treasury notes, and of an ordinance passed the twenty-eighth day of June eighteen hundred and sixty-one, entitled an ordinance authorizing treasury notes, and concerning the banks, that it shall be the duty of the governor to prohibit, by proclamation, the notes of such bank from being received in payment of taxes and other public dues: provided, however, the said banks shall not be required to pay any interest that may have accrued on said notes at the time when they are received.

No. 86.—An ORDINANCE to provide for changing the places for certifying Elections in certain contingencies.

Passed July 1, 1861.

Commissioners
may change
place of meeting
to compare polls

Be it ordained, that in all elections hereafter held in this commonwealth, the general election laws now in force shall be re-enacted in all respects, except that the commissioners superintending or the officers conducting elections, or those whose duty it may be to compare polls or certify elections, if prevented from meeting at the places now prescribed by law, by reason of danger from the public enemy, shall be allowed to meet for such purposes at such other place within this state as the said commissioners, officers or others certifying elections may designate.

No. 87.—An ORDINANCE to provide for the Laborers at Harpers Ferry.

Passed July 1, 1861.

Auditing board
for army and

1. Be it ordained, that the board for auditing army and naval expenditures be authorized to pay to the laborers at the Harpers Ferry

armory, who, in the struggle now pending, have united themselves with the Confederate States, the sums to which they are severally entitled for labor by them performed from the twentieth day of February eighteen hundred and sixty-one to the nineteenth day of April of the same year.

naval expenditures authorized to pay

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

No. 88.—An ORDINANCE to provide for drafting the Militia of the State.

Passed July 1, 1861.

1. Be it ordained, that whenever, in the progress of the existing war, this state shall be called upon to contribute her proportion of troops to the army of the Confederate States, the governor may accept volunteers to the extent of the requisition; and if there be any deficiency in the number of volunteers, the same may be supplied by a draft from the militia.

Governor may make draft

2. In making any such draft, it shall, as far as practicable, be apportioned among the counties and cities of the state, so as to give to each fair credit for the number of volunteers theretofore furnished; and the same principle shall, as far as may be, be extended to the apportionment among company districts in any county or city.

How draft to be apportioned

3. The governor shall have authority to prescribe such regulations, in addition to or in lieu of those now established by law, as will enable him to carry into full effect the principle above declared.

Regulations to be prescribed by governor

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RESOLUTIONS

Adopted by the Virginia State Convention, July 1, 1861.

Mr. Barbour of Culpeper, from the committee "to confer with the authorities of the confederate relations," presented the following report :

The committee on confederate relations having, according to order, considered the communication from the executive in relation to certain United States officers, have come to the following resolution, which they recommend for adoption by the convention :

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| <p>Resolved, that the governor of the commonwealth be requested to take the necessary measures to ascertain to what citizens of the commonwealth and in what amounts the government of the United States is indebted on account of services rendered said government prior to the secession of Virginia, and to report the facts to the convention at its adjourned session.</p> | <p>Governor to ascertain indebtedness by U. S. for services rendered</p> <p>Report to be made to convention</p> |
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Mr. Barbour of Culpeper, from the same committee, presented the following resolutions, which were adopted :

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| <p>Resolved, that the governor be requested, in accepting tenders of troops under any requisition of the confederate government, to give preference to companies which may elect officers heretofore commissioned in the provisional army of Virginia.</p> | <p>In receiving troops, preference to be given to those commanded by officers of provisional army</p> |
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| <p>Resolved, that no officers in the provisional army of Virginia shall hereafter receive pay, except those who may be in actual service: provided, that nothing herein contained shall be construed so as to interfere with the obligation of the state to officers resigning from the army of the United States, who have accepted commissions in the provisional army of Virginia.</p> | <p>What officers to have pay Exception</p> |
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by 1875

