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A bill to suspe
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BILL No. 9.

A BILL

To suspend sales and legal proceedings in certain cases, and to repeal an ordinance entitled an ordinance to provide against the sacrifice of property, and to suspend proceedings in certain cases, passed on the 30th day of April 1861, by the convention of Virginia.

Dec. 12, 1861—Read first, to be read second time.

1. Be it enacted by the general assembly, that except in the
2 cases herein after provided, no writ of elegit, fieri facias or vendi-
3 tioni exponas other than in favor of the commonwealth, or against
4 persons not residing in the commonwealth, shall hereafter be
5 issued, until otherwise provided by law; nor shall there be any
6 sales under deeds of trust executed prior to the thirtieth day of
7 April 1861, or decrees, until otherwise provided by law, except
8 in cases in which the parties interested consent thereto; and in
9 cases in which any of said parties, being incompetent, by reason
10 of infancy or other disability, to give such consent, a court of
11 competent jurisdiction shall determine that the interests of the
12 parties would be promoted by such sale: provided, that this sec-
13 tion shall not be construed to require the consent of persons not
14 residing in this state, as necessary to any such sales: and pro-
15 vided further, that this section shall not apply to any attachment
16 or proceedings thereupon, authorized by chapter 151 of the Code
17 of Virginia.

2. On affidavit filed with the clerk of the court in which a judgment or decree for money has been rendered, setting forth the amount due thereupon, and the affiant's belief that the person against whom such judgment or decree has been rendered, is removing or intends to remove his own estate, or the proceeds of the sale of his property, or a material part of such estate or proceeds, out of this state, the clerk of such court shall issue an execution of fieri facias upon such judgment or decree, for the amount thereof, endorsing such credits thereon as by the said affidavit may be admitted. The said court, upon the motion of the defendant in such execution, may quash the same, upon proof that it was issued on false suggestions, or without sufficient cause: provided the plaintiff in such execution has had at least ten days' previous notice of such motion; and such notice, when given to the said plaintiff, and to the officer in whose hands the execution is, shall stay any sale under said execution until the said motion is determined.

3. Except in prosecutions on behalf of the commonwealth, actions of detinue, unlawful entry and detainer, ejectment, and suits wherein attachments shall be sued out under the provisions of chapter 151 of the Code of Virginia (in which said prosecutions, actions, suits and attachments, trials may be had as heretofore), there shall be no trial of any cause requiring the intervention of a jury, nor of warrants upon small claims before a justice of the peace or other officer: provided, however, that

9 issues may be ordered by courts of equity, and tried; and writs
10 of ad quod damnum awarded and executed as now authorized
11 by law.

4. In cases of misdemeanor, juries may be summoned from
2 the bystanders or vicinage; and with the consent of the party
3 prosecuted, he may be tried by the court.

5. The time during which this act is in force shall not be
2 computed in any case where an action is required to be brought,
3 or other proceedings to be had, or acts to be done within a certain
4 time now prescribed by law.

6. This act shall not apply to liabilities on the part of public
2 officers, or their sureties, or to causes of action which have arisen
3 since the 30th day of April 1861, or which may hereafter arise,
4 or to debts or liabilities to the commonwealth; and no bond,
5 note, bill, acceptance, obligation or undertaking, the consideration
6 of which, in whole or in part, is a debt, obligation or under-
7 taking which existed on the 30th day of April 1861, shall be
8 held or considered as a cause of action thereafter arising. And
9 this act shall not apply to cases of purchasers of the real estate
10 of infants or widows sold under decrees of courts, or by virtue
11 of power to sell conferred by the will of a testator or otherwise,
12 wherein such purchasers shall fail to pay all interest due on the
13 purchase money for days from the first day of January
14 1862, and shall thereafter fail to make annual payments of accru-

15 ing interest within days from each succeeding first
16 day of January.

7. Be it further enacted, that the ordinance entitled an ordi-
2 nance to provide against the sacrifice of property, and to suspend
3 proceedings in certain cases, passed by the convention of Virginia
4 on the 30th day of April 1861, be and the same is hereby
5 repealed; but such repeal shall not affect any right established,
6 accrued or accruing under, or remedy or relief provided by the
7 second, third and seventh sections of said ordinance.

8. This act shall commence and be in force upon and after
2 the 31st day of December 1861.

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